

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, August 8, 2023
8:00 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
- JONATHAN PAPIETRO
- JAMIE FOX (**Absent**)
- MICHAEL PICKHOLZ (**Absent**)

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ALSO PRESENT:

McDONNELL & WHITAKER, LLC
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: MARK J. SEMERARO, ESQ.
Attorney for the Applicant, LES Dann, LLC

ROBERT J. INGLIMA, JR., ESQ.
Attorney for Religious Society of Friends,
Ridgewood Friends Meeting, Friends Nursery School

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1 CHAIRMAN BROWN: Use variance approval and
2 use variance approval for the construction of an
3 auto body shop which will serve as the principal
4 use at 246 through 264 South Broad Street, Block
5 3905, Lots 12, 13, and 14 in an R-3 Zone.

6 This was continued from May 23rd, 2023,
7 and was carried from June 13th, 2023.

8 Good evening. We certainly have a good
9 number of people here and the acoustics in this
10 building are not the greatest, so I would just ask
11 everyone to be diligent about speaking directly
12 into your mic because that's the only way it gets
13 picked up and everyone can hear.

14 Thank you. Good evening.

15 MR. SEMERARO: Good evening, Mr. Chairman.
16 How are you?

17 CHAIRMAN BROWN: Good, thank you.

18 MR. SEMERARO: As I understand it at the
19 last hearing we left off with Mr. Daniel being
20 cross-examined and we're prepared to resume with
21 that.

22 I guess just for basic housekeeping. I
23 have been in communication with the Board attorney
24 as well as the objector's attorney. We are of the
25 mind that after Mr. Daniels' testimony we would

1 break and then resume at the next hearing with
2 evidence regarding preexisting nonconforming use
3 on the property -- the properties, I should say.

4 Part of our proofs will involve an
5 individual flying in from Montana, so I would ask
6 for the Board's indulgence with allowing this
7 process to proceed that way so that we're not
8 faced with at the next hearing with loose ends. I
9 would like to have, since we have to fly him in, a
10 certainty associated with the commencement of that
11 witness's testimony and that's how we were
12 envisioning proceeding and I hope that meets with
13 the Board's approval.

14 MR. WHITAKER: Just to supplement that,
15 I've been in communication with both attorneys and
16 have reviewed the information that's been received
17 since the last hearing. The applicant is seeking
18 to and has amended their application for purposes
19 of requesting a Certificate of Nonconformity,
20 which is Section 68 of the Municipal Land Use Law
21 in which they're going to ask the Board at a
22 future date to make a determination as to whether
23 there has been a use at this property that
24 predates the zoning code and on the basis of that,
25 a Certificate of Nonconformity through a

1 resolution can be issued. A zoning officer cannot
2 issue that, only a zoning board.

3 You had this, if you'll recall, a few
4 years back in another application that was before
5 you, but we're not dealing with that tonight.
6 Tonight Mr. Daniel is just going to continue.
7 There's cross-examination and then there can be
8 some rebuttal perhaps, but when Mr. Daniel is done
9 tonight it's my understanding that Counsel are
10 going to conclude for this evening and then, as
11 you said, pick a date that will work with the
12 witness you are having come in.

13 Do you have dates now in mind for that?

14 MR. SEMERARO: We were at the Board's
15 indulgence with respect to what the next available
16 date.

17 MR. WHITAKER: So let's see if we can
18 resolve that.

19 I want a meeting, Jane, that will be just
20 for this.

21 CHAIRMAN BROWN: So, Mr. Whitaker, we'll
22 be looking at October 10th, October 24th, or
23 November 14th.

24 Again, that's October 10th, October 24th,
25 November 14th.

1 MR. SEMERARO: If the 26th of September is
2 not available and the 10th is the first available
3 date, Mr. Chairman, I think we can certainly live
4 with that. I ask that it be set down at that date
5 for the commencement of Carl Montick's testimony.

6 CHAIRMAN BROWN: Okay. Mr. Whitaker, does
7 that date work for you?

8 MR. WHITAKER: Yes, that can work, but it
9 has to be with the understanding that that's a
10 firm date for this witness because we're not going
11 to put anything else on. Our agendas are very
12 full, so it has to be that night and if there is a
13 problem with that, we need to know by September
14 the 12th.

15 MR. SEMERARO: Absolutely, no problem.
16 And I suppose at the conclusion of this hearing
17 we'll end up noting the carry date.

18 MR. WHITAKER: We'll make that
19 announcement at the end.

20 MR. SEMERARO: Okay. Thank you.

21 MR. WHITAKER: Counsel, we can proceed.

22 MR. INGLIMA: Yes. Thank you, Mr.
23 Chairman, Mr. Whitaker.

24 I had previously issued two letters to Mr.
25 Whitaker by email. I provided him hard copies

1 tonight. I've already provided emails and hard
2 copies to Mr. Semeraro. The first letter was
3 pretty straightforward. It was in response to a
4 request for the names of the officers, trustees,
5 and members of the Board of my clients.

6 For the record, I forgot to put my
7 appearance on the record. Robert Inghima, Junior,
8 representing Religious Society of Friends,
9 Ridgewood Friends Meeting, and the Friends Nursery
10 School. The property's located at 224 Highwood
11 Avenue, Block 3908, Lot 2. My apologies.

12 In any event, I had presented those two
13 letters. I copied the letter with respect to the
14 trustees' officers and Board members to Miss
15 Wundergem and I sent a second letter to Mr.
16 Whitaker in which I asked for guidance with
17 respect to how we were going to conduct the
18 meeting and, particularly, the hearing on the
19 issue of the proposed Certification of
20 Nonconforming uses.

21 There were, and I understand from Mr.
22 Whitaker's response to that in his discussion
23 tonight that that's going to be put off to
24 October 10th and I appreciate that. However,
25 there were two other things that were in my letter

1 that were more or less directed to Mr. Semeraro
2 and his client and I just wanted to gain some
3 confirmation on the record of these proceedings
4 that the application has been amended to reflect
5 all of the variances and other approvals that are
6 requested in the most recent notice of the
7 application notwithstanding the fact that there
8 have not been amended application forms filed by
9 the Board secretary and with respect to the
10 procedure that would be followed with regard to
11 the nonconforming uses which has been answered
12 tonight.

13 So if I could just ask Mr. Semeraro,
14 respectfully, has the application been deemed
15 amended by the applicant to include all of those
16 elements that are set forth in the notice? I just
17 want to make sure of that.

18 MR. SEMERARO: Yes, yes. The relief that
19 was recited in the most recent notice is the
20 relief that is being sought by way of this
21 application and I will submit a letter of
22 clarification to confirm that to the Board.

23 MR. WHITAKER: I believe we have a letter
24 that was sent over confirming you were seeking a
25 Certificate of Nonconformity, but we need that to

1 be attached to the application.

2 MR. SEMERARO: Yes, we did submit that.

3 MR. WHITAKER: That's right.

4 MR. SEMERARO: But I think Mr. Inglima is
5 discussing the fact that in his initial objection
6 letter he had recited other relief that he thought
7 was applicable to the hearing and for the sake of
8 comprehensiveness, we noticed that.

9 MR. WHITAKER: Yes.

10 MR. SEMERARO: And we would ask the Board
11 to, obviously it will be confirmed by letter, but
12 to acknowledge the fact that we have amended our
13 application to reflect the same.

14 MR. WHITAKER: The objective on October
15 the 10th is to have a hearing just for the purpose
16 of determining if a Certificate of Nonconformity
17 under Section 68 of the Municipal Land Use Law can
18 be granted and that all the proofs on that
19 hopefully are going be done that night with
20 Counsel raising any questions they have in
21 connection with the witnesses presented and a
22 determination has to be made by the Board in
23 regards to that issue before we can proceed with
24 anything else.

25 MR. SEMERARO: We agree, because the

1 notice, and as I had indicated in communication
2 with the Board and in conversation with Mr.
3 Whitaker, we have noticed in our last notice
4 alternative relief. In other words, we're seeking
5 an expansion of a preexisting nonconforming use on
6 Lots 12 and 14 and in the alternative, in the
7 event the Board does not deem that to be the case
8 and denies our request for a certification of
9 pre-existing nonconforming use, then we would
10 proceed with the use variance for operations on
11 those two sites.

12 MR. WHITAKER: Understood.

13 MR. INGLIMA: May I just ask?

14 Thank you, Mr. Semeraro.

15 May I just ask, are my letters deemed part
16 of the Board's file?

17 MR. WHITAKER: Yes.

18 MR. INGLIMA: Or would you wish for them
19 to be separately marked?

20 MR. WHITAKER: No, the letter that lists
21 the trustees of each of the organizations is made
22 part of the file.

23 Your letter of August 3rd pertaining to
24 procedure is made part of the file also.

25 MR. INGLIMA: Okay, thank you.

1 MR. WHITAKER: In connection with the,
2 I'll put this on the record now, in connection
3 with the letter of August the 3rd pertaining to
4 the trustees that were listed, I disseminated that
5 to all Board members. Does anyone have a conflict
6 in connection with those people that are listed
7 there?

8 None, okay. So we'll put that on the
9 record also. There are no conflicts.

10 We can now proceed.

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 previously sworn, testified as follows:

15

16 CROSS-EXAMINATION BY MR. INGLIMA: (Continued)

17 Q Okay. Mr. Daniel, you've been previously
18 sworn.

19 MR. INGLIMA: Is it necessary for him to
20 have an instruction?

21 MR. WHITAKER: No, he's under oath.

22 MR. INGLIMA: Thank you.

23 Q At the time we last met -- I'm going to
24 begin with something else.

25 Your company has a website at

1 wwwmtviewautobody.com. Is that correct?

2 A Yes.

3 Q Are you familiar with the content
4 generally of your website?

5 A More or less.

6 Q So if a person having an interest in the
7 application reviewed the website or a Board member or
8 anyone else who is interested in your application, does
9 it contain accurate information regarding the activities
10 of your business?

11 A Yes.

12 Q And there are photos and other information
13 set forth on your website, some of them relating to the
14 Ridgewood site. Isn't that correct?

15 A Last time I checked I believe it's a location. I
16 don't know what the photos you're referring to. They're
17 before or after photos.

18 Q Um hm. Would you say that those
19 photographs that are contained in your website are also
20 accurate and reliable?

21 A I would say.

22 Q In terms of depicting conditions at the
23 site?

24 A Yes.

25 Q Okay. At the last hearing I questioned

1 you whether there were any easements, licenses, or other
2 agreements that involved the owners or tenants of any of
3 the property that your company now owns and you had
4 indicated at the time, I'm just generalizing...

5 MR. INGLIMA: I don't want to put words in
6 the witness's mouth.

7 Q You indicated that you were unaware of any
8 but that you might want to check. Did you check to see
9 if there are any easements, licenses, or other
10 agreements?

11 MR. SEMERARO: I'm going to have to just
12 pose an objection to that question.

13 Mr. Chairman, I could represent to the
14 Board as Applicant's counsel that I reviewed the
15 title binders and there are no recorded easements
16 with respect to that particular question.

17 My understanding also is at the time of
18 the last hearing that Mr. Whitaker reviewed the
19 tax map at the same time and confirmed that there
20 were no recorded easements. There are no recorded
21 easements with respect to the survey and documents
22 that were also submitted as part of this
23 application, so there is no evidence of any
24 easements.

25 MR. WHITAKER: So let's get the record

1 clear. Besides easements, licenses sometimes are
2 not recorded. Are there any license on the
3 property?

4 MR. SEMERARO: I'm not sure that this
5 witness is qualified to answer that because that
6 is a legal terminology, but I could represent to
7 you that I reviewed the closing file and I didn't
8 see any licenses in the closing file, so if there
9 was a license that was entered into between the
10 predecessor and title and anyone else, it
11 certainly isn't binding upon my client. I could
12 represent that my client did not execute any
13 licenses with third parties.

14 MR. WHITAKER: And to your knowledge,
15 there's no licenses that carry over to this
16 property from a prior owner that's unrecorded.

17 MR. SEMERARO: Certainly my knowledge and
18 I could represent to this Board that I reviewed
19 the closing files since the time of the last
20 hearing.

21 MR. WHITAKER: Are there any tenancies
22 currently there other than the applicant's maybe
23 altered ego LLC?

24 MR. SEMERARO: I think that he could
25 testify to a third party.

1 MR. WHITAKER: There's three things Mr.
2 Inglima asked: Easements, licenses, and tenancies
3 in my notes.

4 MR. DANIEL: Yes, there is an existing
5 original tenant from when we purchased. M & K
6 Landscaping.

7 MR. WHITAKER: M & K?

8 MR. DANIEL: Yes.

9 MR. WHITAKER: Thank you.
10 Mr. Inglima.

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

12 Q What property is the subject of the leased
13 M & K Landscaping?

14 A He resides on 246 South Broad Street.

15 Q You said 246. I think 246 is the location
16 of the auto body shop that your company operates. Are
17 you saying the middle lot? The one with the house? Lot
18 13?

19 A Yeah, well, prior photos will show that he moved
20 around the lot. But currently we placed him in the back
21 of the lot, that's Lot 12, 246 South Broad Street. Yes,
22 he's on the same lot right now as the body shop.

23 Q Okay. Thank you.

24 And what is the purpose of his lease?

25 A He just has outside storage.

1 Q So he stores landscaping equipment and
2 materials that he uses in his business there?

3 A Yes.

4 Q Does he occupy any interior space at the
5 building or the buildings on any of the others lots that
6 you own?

7 A He does not.

8 Q So if I went out there and I saw a backhoe
9 in the rear of the auto body shop area, that would be his
10 backhoe. Is that correct?

11 A No, it would not.

12 Q Well, whose would it be?

13 A We have our own equipment to handle trash and
14 moving vehicles. And, again, we're not moving widgets,
15 we're moving vehicles. So on occasion when a vehicle is
16 not drivable, you know, we have to move that; snow
17 removal, et cetera.

18 Q Do you know how long the lease arrangement
19 with M & K endures when it does terminate?

20 A It's month to month.

21 Q This was a tenant that existed before you
22 bought the property?

23 A It is.

24 Q So you just continued their month-to-month
25 tenancy?

1 A Correct.

2 Q When you bought the properties from Mr.
3 Montick, I'm going to call him "Carl Montick, Jr."
4 although I don't think he uses that title or suffix all
5 the time, but just to distinguish from his father. This
6 is the gentleman I believe lives in Bozeman, Montana.
7 When you bought the properties from Mr. Montick, did he
8 provide any information to you regarding prior or
9 existing uses of the three lots that you now own?

10 A Other than the fact of him providing us with a
11 list of tenants on the property as well as his own body
12 shop facility and licenses, no.

13 Q Okay. And you testified at the last
14 meeting that Barry's Auto Body or Auto Shop was one of
15 those tenants and they left?

16 A Correct.

17 Q And that I believe, was it E & G, the
18 mechanical occupant of the garage at the rear of Lot 14,
19 they were a tenant and they left?

20 A Correct.

21 Q Okay. Was S. Shuart ever a tenant of Mr.
22 Montick, to your knowledge?

23 A No, it was not.

24 Q So that was a tenant that came to the
25 property after you acquired title. Correct?

1 A Correct.

2 Q Okay. Did Mr. Montick give you or your
3 company any information about any prior permits,
4 variances, site plan approvals or certificates of
5 occupancy that were issued by the Village of Ridgewood?

6 A Not that I'm aware of.

7 Q Did you or your attorneys make any OPRA
8 requests?

9 Do you know what I'm talking about when I say
10 OPRA? Open Public Records Act?

11 A I know.

12 Q Yeah, now you do.

13 Did you or your attorneys make any OPRA requests
14 to the Village of Ridgewood with respect to the issues
15 that I've been describing and asking you questions about
16 at these hearings?

17 A I don't know if I would be the one to answer
18 because I think at this point there's probably upwards of
19 hundreds of OPRA requests it feels like, but I know a few
20 OPRA requests were answered in the negative in the fact
21 that certain items were lost on the previous flood.

22 Q Okay. When your company, forgive me for
23 using the pronoun "you", but when I'm referring to "you",
24 I'm not indicating you personally, I'm referring to you
25 as the representative of LES Dann, LLC.

1 When LES Dann, LLC acquired the property, were
2 there multiple transactions that took place over a period
3 of time or was there just one contract conveyance and
4 closing of the three lots?

5 A All completed in one closing.

6 Q Do you know why there were three deeds
7 used to convey each of the three lots, Lots 12, 13, and
8 14 from Mr. Montick to LES Dann, LLC?

9 A I don't know.

10 Q You don't have any idea why that was done?

11 MR. WHITAKER: He just said he didn't
12 know.

13 MR. INGLIMA: Thank you.

14 Q After you bought the properties, I believe
15 I asked you before whether or not you had performed any
16 improvements to those lots, Lots 12, 13, or 14. What was
17 the nature of work that you performed on Lot 12?

18 A Just to confirm the numbers. That's 246, correct?

19 Q Sure.

20 A Okay. So --

21 Q It's from north to south. Lot 12 is the
22 farthest north; 13 is the one with the house; 14 is the
23 farthest south.

24 A So Carl was a handshake guy. So as of April, he
25 allowed us to enter the building because we had a down

1 payment and stuff at that time. So we entered the
2 building. He allowed us to start cleaning it up to meet
3 our culture.

4 As you know and as you stated on the record, we
5 closed on June 16th, 2021. In that time, again, strictly
6 related to Lot 12, we didn't do any other cleanup on the
7 properties because we didn't have access. We didn't own
8 it at that time. But from April to June of closing, we
9 did go in and we were allowed to paint the property,
10 clean up some weeds and stuff like that and get it
11 prepared for a hopeful closing in the near future, which
12 turned out to be June 16th.

13 Q Did you change the sign on the outside of
14 the building or the monuments sign that's out in front
15 before you took title or after?

16 A I believe it was before.

17 Q Let me ask you about the work you just
18 described on Lot 12. Did you obtain building permits for
19 that work?

20 A Not for painting the building. We didn't add
21 structures or anything like that.

22 Q Did you perform any work on Lot 13?
23 That's the lot in the middle that has the house on it?

24 A 13, no.

25 Q No work at all?

1 MR. SEMERARO: We're talking about before
2 closing, Counsel?

3 MR. INGLIMA: At any time.

4 A There was a falling down fence. I think we have
5 photographs of that. It was removed.

6 Q At a prior hearing you indicated that
7 there were roll off containers or similar types of --

8 A Shipping containers.

9 Q Shipping containers?

10 A Yeah.

11 Q You indicated that those were located on
12 Lot 13. Is that a correct statement?

13 A Correct.

14 Q Okay. And you removed those also?

15 A Some of them were removed, yes.

16 Q There's still some there?

17 A Correct.

18 Q And you performed no other work with
19 respect to the building itself?

20 A The work on --

21 MR. SEMERARO: Objection. Just for
22 clarification, I'm not sure which building.

23 MR. INGLIMA: On Lot 13. The house, I'll
24 call it the dwelling or the residence.

25 A There was a tenant at the time up until... I want

1 to say he moved out maybe five, six months ago, four
2 months ago. So up until then, he did all the work.

3 Q What was the name of that tenant?

4 A George, I forgot his last name. It was very long.

5 Q What was the purpose of his tenancy of the
6 dwelling?

7 A To live there.

8 Q So he actually resided in the building?

9 A Yeah, he was an existing tenant from Carl, Jr.

10 Q Did he conduct a business on the property,
11 on Lot 13?

12 A Not that I'm aware of.

13 Q Apart from the dwelling residence that is
14 on Lot 13, did you do any work with respect to any other
15 structures that are located between that dwelling and the
16 railroad tracks?

17 A No, there was no other dwelling on there except a
18 shed that was there, again, when we purchased it.

19 Q Do you know at the time you bought the
20 property what the shed was being used for?

21 A Parts, which is what we use for it now and I
22 believe he had a Jeep in there that he used for
23 snowplowing.

24 Q Who is "he"?

25 A Carl, Jr.

1 Q Okay. Let's talk about Lot 14. This is
2 the lot that's farthest to the south that you previously
3 described as having Barry's Auto and is it E & G
4 Mechanical? Am I getting that right?

5 A Correct.

6 Q Okay. What work did you do on any
7 structures on Lot 14?

8 A Lot 14 was permitted by the zoning officer, the
9 Building Department and there was a spray booth used from
10 Barry's Auto Body that we cleaned up and now repurposed
11 for our facility.

12 Q When you described the building on Lot 14,
13 which building would be where the spray booth is located?

14 A It's the tallest barn looking building, I would
15 say, closest to the E & G building.

16 Q And what did you do with the spray booth
17 building?

18 A We repurposed it for the body shop purposes. It's
19 no longer a spray booth.

20 Q What is it now used for, if anything?

21 A Mechanical; mechanical, disassemblies. Body shop
22 related activities, just not painting.

23 Q And this is mechanical body shop
24 activities for Mountainside?

25 A Mountain View, yes.

1 Q Mountain View, I'm sorry. Okay.

2 This is not the building that is currently
3 occupied by Shuart?

4 A No, he actually has paid his last month rent and
5 has since moved out.

6 Q When did he move out?

7 A I think he's got a couple of trucks there. But
8 his last month payment was as of the 31st, but he's going
9 through some stuff. His wife has cancer. She's going
10 through chemo. I'm not completely kicking him out right
11 now.

12 Q So when you say the 31st, you mean July
13 31st, 2023?

14 A Correct, yes.

15 Q Okay. Isn't it true that you did work
16 with respect to the building that Shuart has occupied?

17 A Yes, we repainted it.

18 Q That's it?

19 A Yes.

20 MR. INGLIMA: I'd like to show you a
21 couple of photographs, if I may? I believe this
22 would be O-2. I think the only other exhibit that
23 I had marked were O-1A and O-1B.

24 MR. WHITAKER: Correct.

25 MR. INGLIMA: Thank you.

1 For the record, I'm showing to the witness
2 a photograph that I downloaded from the internet
3 from a story about a fire at the former Barry's
4 Ridgewood Auto Body. It was a photograph
5 attributed to Boyd Loving, L-o-v-i-n-g, and it was
6 posted on I believe ridgewood.net, which is a blog
7 that a number of individuals contribute material
8 to in an informal news gathering method.

9 I downloaded it on March 17th, 2023 and I
10 will represent to the Board and to Counsel that
11 the photograph had not been altered in any way.
12 It has not been cropped, adjusted. It's simply a
13 photograph that was downloaded and I would be
14 happy to make the original electronic document
15 available on a flash drive or a disc, if
16 necessary, and I would ask to be able to hand
17 these out to the Board.

18 Are there any objections?

19 MR. SEMERARO: I have to post an objection
20 only to the extent that you can't authenticate it.
21 You just got it offline. But, you know, the Board
22 will do what it wants with respect to it.

23 MR. WHITAKER: Is there any authentication
24 as to the date the photo was taken?

25 MR. SEMERARO: I do have to object. I

1 don't understand what its relevancy is,
2 particularly since we don't even know what date it
3 is. We don't know who owned the property at the
4 time of the photograph because we don't know the
5 date of the photograph.

6 MR. WHITAKER: Mr. Inglima, this evidently
7 pertains to a fire that occurred on the site?

8 MR. INGLIMA: Yes. There's an automobile
9 shown in the photograph that apparently caught
10 fire and I believe that representatives of the
11 Village of Ridgewood Fire Department were deployed
12 at the site to extinguish the blaze.

13 MR. WHITAKER: Can you proffer when this
14 fire occurred by other documentation you obtained
15 or have you done any other research?

16 MR. INGLIMA: I can obtain a full copy of
17 the web page on which this photograph appears.

18 MR. WHITAKER: The police report?

19 MR. INGLIMA: I don't have that.

20 MR. SEMERARO: I have to continue my
21 objection based upon the site.

22 MR. INGLIMA: If I may? The purpose of
23 the photograph is simply to show the appearance of
24 the building.

25 MR. SEMERARO: Again, I'm not sure what

1 relevance that is since we don't know what date it
2 is.

3 MR. WHITAKER: We certainly can see
4 there's a building here, but we cannot
5 authenticate the timing of when this building was
6 depicted in this photo. That's the only issue.

7 MR. INGLIMA: That's fine. I'll withdraw
8 the photograph.

9 I don't know if we're going to go through
10 the same issue here, but I will show them to
11 Counsel and see how far we get.

12 Showing to Mr. Semeraro and his client two
13 photographs that appear on a website that is
14 maintained by S. Shuart Contracting. These were
15 downloaded from the S. Shuart Contracting website
16 on March 16, 2023. My previous comments with
17 respect to the condition of the photographs is
18 equally applicable to these.

19 MR. WHITAKER: Again, we have no date as
20 to when the photos were taken.

21 MR. INGLIMA: They were taken some time
22 after the property was acquired by Mr. Daniel's
23 company and after S. Shuart had taken possession.

24 MR. WHITAKER: How do we know that?

25 MR. INGLIMA: From what's shown in the

1 photographs.

2 MR. WHITAKER: Well, there's a truck
3 parked in front of the building. I don't know
4 that that tells me, in essence, that he took
5 occupancy.

6 MR. SEMERARO: I don't want to belabor the
7 point or waste the Board's time. My client has
8 acknowledged that that is his building. He also
9 previously acknowledged that at some point in time
10 Mr. Shuart's business was a tenant on his
11 property. Beyond that, I'm not really sure what
12 Counsel's question is.

13 MR. WHITAKER: So perhaps to get this
14 expedited a bit, can we put on the record when he
15 took occupancy of the building and when this
16 occurred if that's what we're trying to accomplish
17 here.

18 MR. DANIEL: That's what we want.

19 MR. WHITAKER: I'm sorry?

20 MR. DANIEL: If that's what we need.
21 That's what they're looking for.

22 MR. SEMERARO: Approximately, when was
23 this?

24 MR. DANIEL: I would say maybe nineish
25 months he took occupancy.

1 MR. SEMERARO: Ending in July of '23?

2 MR. DANIEL: Correct.

3 MR. WHITAKER: The end of July '23?

4 MR. DANIEL: Yeah, July 31st, '23.

5 MR. WHITAKER: Was he an occupant at the
6 time he took title?

7 MR. DANIEL: No.

8 MR. WHITAKER: So it's an entity that was
9 rented by you after you took title?

10 MR. DANIEL: Correct.

11 MR. WHITAKER: Maybe that clarifies this
12 so we can move on.

13 MR. INGLIMA: Well, I would like to direct
14 a couple of brief questions to the witness about
15 these photographs.

16 MR. WHITAKER: Certainly.

17 MR. INGLIMA: May I have them marked and
18 show the Board?

19 MR. WHITAKER: O-3 and O-4. The one with
20 the three garages directly --

21 MR. SEMERARO: Well, I thought O-2 was
22 withdrawn, correct, Counsel?

23 MR. WHITAKER: This would be O-2, I'm
24 sorry.

25 MR. INGLIMA: O-2 was withdrawn.

1 MR. WHITAKER: O-2 is this photo here with
2 direct, the garage. And this is the side view,
3 O-3.

4
5 (Photo of garage was received and marked
6 Exhibit O-2 for identification.)

7
8 (Photo of side view and full van was
9 received and marked Exhibit O-3 for
10 identification.)

11
12 MR. SEMERARO: The one with the van was
13 O-3, correct, Counsel? The full van.

14 MR. WHITAKER: The full van is O-3.

15 MR. SEMERARO: Okay, thank you.

16
17 BY MR. INGLIMA:

18 Q Excuse me, Mr. Daniel, does the photograph
19 that's been marked as O-2, which I'm holding up right now
20 for you, does that photograph show the building that was
21 leased or occupied by Shuart?

22 A Yes.

23 Q And that's a building that's located on
24 your property, Lot 14?

25 A It is.

1 Q With respect to O-3, the photograph that
2 I'm holding up now which shows a full side view of the
3 Shuart vehicle, does that show more or less the southeast
4 exposure of that building?

5 A Yes.

6 Q Was the building that is shown in O-2 and
7 O-3 renovated by your company?

8 A No, I believe I answered that it was painted.

9 Q Is the building that you talked about a
10 few minutes ago as being the subject of building permits
11 or approvals to repurpose it, is it shown to the left of
12 O-3?

13 A It is.

14 Q So you're saying that the building that
15 appears at the far left of O-3 is a building that you did
16 work on?

17 A I did.

18 Q And that the building that is centered in
19 O-3, you did not do any work?

20 MR. WHITAKER: He testified that he
21 painted it.

22 MR. INGLIMA: I'm sorry, when I say "work"
23 I meant improvements, structural or otherwise.

24 MR. WHITAKER: Well, you have to clarify,
25 Counsel, because painting is work.

1 MR. INGLIMA: Thank you.

2 A For the record, I painted the building.

3 Q And that's the building that's in the
4 center of O-3?

5 A Yes.

6 Q Did your company receive a Notice of
7 Violation, a \$500 fine, and a requirement to obtain
8 building permits with respect to any structures that were
9 being modified on Lot 14?

10 A The left facing building that you pointed out a
11 minute ago on O-3.

12 MR. SEMERARO: For the record, can we get
13 the color of this?

14 MR. DANIEL: Light gray.

15 Q By virtue of having received a Notice of
16 Violation, did you then have to seek building permits for
17 the work on the building that you've identified as being
18 in the far left of O-3?

19 A We did.

20 Q How large a structure is that?

21 A I couldn't tell you. Off the top of my head, it's
22 600 square feet. I think that building by itself is
23 2,600 square because it's got a little coop that you
24 can't -- you see about a quarter inch of.

25 Q Is that building located entirely on Lot

1 14, the one that the Shuart building is on or is it also
2 on part of Lot 13?

3 A I believe it's on 14 from the site plan.

4 Q What was the type of work that you
5 performed on the, I'm going to call it the gray building,
6 the repurposed building?

7 A We fixed the roof. It was falling down. And
8 there was a pit in the middle of the floor that we filled
9 in for the spray booth.

10 Q Does the Notice of Violation document
11 indicate and the building permit document that you
12 subsequently filed indicate that you put in a new
13 concrete slab with rebar?

14 A I believe it does. I think it was a year and a
15 half ago, but it does ring a bell.

16 Q Did you also replace overhead garage
17 doors?

18 A I don't believe so. I think we repurposed the old
19 one.

20 Q Did you replace rotted entry doors?

21 A Yes.

22 Q Did you put a new roof on the building?

23 A I believe a section was a new roof in the back.

24 Q Did you repair or replace other rotted
25 wood throughout the structure?

1 A Wherever it was deemed unsafe, yes.

2 Q Did you put new siding on the building?

3 A I believe we just painted.

4 Q Did you put new electrical lighting
5 fixtures and outlets inside the building?

6 A We upgraded the lighting.

7 Q Did you make any application to this
8 Board, when I say "this Board", I mean the Board of
9 Adjustment of the Village of Ridgewood or any other land
10 use agency of the Village of Ridgewood in connection with
11 the improvements that were made to what we've been
12 commonly calling the gray building on Lot 14?

13 A We weren't asked to. We just went to the Building
14 Department and got the permits. They were approved.

15 Q The Notice of Violation indicates that you
16 were required to pay a fine of \$500. Do you know whether
17 or not the fine was paid?

18 MR. SEMERARO: Objection as to relevancy.

19 MR. WHITAKER: Yeah, what --

20 Q Did you file an appeal to the Construction
21 of Board of Appeals of the County of Bergen with respect
22 to the issuance of a Notice of Violation for the work
23 that you performed in the gray building on Lot 14?

24 A Not that I'm aware of. We just continued on and
25 we got the proper documentation to the town and they

1 approved it.

2 Q When you say the town approved it, who in
3 the town approved it? Do you know?

4 A The Building Department.

5 Q With respect to the work that you
6 performed, you previously described at the first hearing
7 that it consisted of not only work on the buildings that
8 we've been talking about, but also cleaning up the site.
9 Is that a fair way of characterizing your testimony?

10 A Correct.

11 Q Okay. When did you complete all of that
12 improvement; the cleaning up of the site and the other
13 work that you've been describing in your testimony?

14 A It's hard to give an exact date. It's ongoing.
15 Maybe if I had to put a date on it, six months after we
16 officially closed. I think we took out maybe five, six,
17 seven Dumpster loads of various parts and dirt and
18 garbage from one lot.

19 Q So six months after approximately June
20 of 2021?

21 A If I had to put a date. But like I said, it's
22 ongoing.

23 MR. SEMERARO: Don't guess. You indicated
24 it was continuing, so.

25 Q Well, on that note, what is continuing?

1 A Cutting the grass, taming bushes, fixing chipped
2 paint on buildings. We don't like to keep unkept
3 facilities.

4 Q Well, I'm just addressing my question to
5 non-routine maintenance. Everybody does those things
6 regardless of what type of property they have. But when
7 I'm talking about "improvements", I mean the changes to
8 structures or the cleaning up of the site generally that
9 you described in your prior testimony. Is it a fair
10 statement that that was completed some time in late 2021
11 or early 2022?

12 A I honestly wouldn't be able to put a date on it.
13 I have 65 employees.

14 Q But it's complete as of this date. Right?

15 A I would say.

16 MR. INGLIMA: Okay. Thank you. I have no
17 further questions other than to reserve the right
18 to cross-examine the witness if he gives redirect
19 testimony or appears at a later date in these
20 proceedings.

21 Thank you.

22 MR. SEMERARO: Thank you.

23 Mr. Chairman, we have a number of
24 documents. We have collated sets that we'd like
25 to distribute before I start asking the questions.

1 CHAIRMAN BROWN: Okay.

2

3 REDIRECT EXAMINATION BY MR. SEMERARO:

4 Q Mr. Daniel, when you purchased the three
5 properties in question, you had indicated that Lot 12,
6 which is 264 and the location of Ridgewood Vehicle, was a
7 functioning and operating auto body shop. Correct?

8 A Lot 12 is 246.

9 Q 246, I'm sorry.

10 A So Lot 12, 246 was Ridgewood Vehicle.

11 Q Okay. And you purchased not only the
12 property, but you purchased that business?

13 A Correct.

14 Q Okay. And at the same time there was
15 another body shop on Lot 14, Barry's Auto Body Shop at
16 Ridgewood, that was also functioning. Correct?

17 A Correct.

18 Q And through the due diligence process your
19 attorneys verified that both of those facilities were
20 licensed by the Village of Ridgewood. Correct?

21 A Correct.

22 Q Okay. Now, you have some operative
23 knowledge about licensure that is due or required from or
24 for auto body facilities. Correct?

25 A Correct.

1 Q And there's also licenses that are
2 required or approvals that are required by the State of
3 New Jersey?

4 A Correct.

5 Q Particularly the DMV?

6 A Correct.

7 Q And the DMV requires certificates from the
8 municipality, the hosting municipality, verifying that
9 the facilities are lawfully operating on the or at the
10 locations which the site is asked to permit. Correct?

11 A Yes.

12 Q Okay. And at that point in time, you
13 ended up having an attorney and the attorney obtained all
14 the documents associated with verifying that these
15 businesses were lawfully operating at their respective
16 locations. Correct?

17 A Correct.

18 Q Through the process you've had various
19 conversations with the individual that we have agreed to
20 identify as Carl Montick, Jr. Correct?

21 A Correct.

22 Q And Mr. Montick, Jr. had informed you that
23 the location of Barry's Auto Body Shop was preceded by a
24 body shop that was owned by his father. Correct?

25 A Correct.

1 MR. INGLIMA: I'm going to object to, I
2 understand they had conversations, but if it's
3 being offered as fact when in fact it's hearsay,

4 MR. SEMERARO: Everything that we're
5 testifying here today I'm representing to the
6 Board we will have Mr. Montick provide testimony
7 to that effect. I'm just offering at this point
8 in time to place it in context.

9 CHAIRMAN BROWN: Mr. Inglima, can you make
10 sure your mic's on.

11 MR. INGLIMA: I don't have any objection
12 if he states it's his understanding, but I don't
13 want the record to have additional conclusions
14 that are offered in lieu of testimony.

15 MR. SEMERARO: I don't necessarily
16 disagree with that and I recognize the fact that
17 it is hearsay, but the Rules of Evidence are in
18 fact relaxed and I think that it will put into
19 context subsequent testimony that this Board
20 receives on that particular issue.

21 MR. WHITAKER: So it's been established
22 and we'll obviously have a verified professional
23 witness you're bringing in for the next hearing.
24 Correct?

25 MR. SEMERARO: That's the intent and we've

1 had communication with him and that's what I'm
2 representing to the Board.

3 Q After you had purchased the property, the
4 three properties in question, you had requested the
5 various tenants execute lease agreements. Is that
6 correct?

7 A Correct.

8 Q And some tenants left without agreeing to
9 sign a lease agreement and others remained. Correct?

10 A Correct.

11 Q Now, shortly after you had closed on the
12 property, Barry's Auto Body shop had left. Correct?

13 A Correct.

14 Q At the time that you had acquired the
15 property, was it your intent that the property that was
16 occupied by Barry's Auto Body continue as an auto body
17 shop?

18 A Yes.

19 Q And was it also in the plans or the realm
20 of consideration that if Barry's ever left that you would
21 eventually take that property over and use that portion
22 of the property for your body shop as well?

23 A Yes.

24 Q Okay. And in fact, after Barry's did
25 leave, did you utilize a portion of the property that was

1 previously occupied by Barry's for the operation of your
2 facility?

3 A Yeah, we actually had the full intention to take
4 on the entire building.

5 Q Okay. Now, I understand that there was a
6 short period of time that Shuart Contracting may have
7 rented a portion of the property that was previously
8 utilized by Barry's. Is that correct?

9 A Correct.

10 Q And was that your intent at that point in
11 time to discontinue the body shop to the portion of space
12 that Shuart was renting or was that only a short-term
13 endeavor?

14 MR. INGLIMA: I have an objection. I
15 kind of had let this go for awhile, but it's
16 getting to the point of the witness being an
17 attorney and he's asking the witness who's
18 supposed to be testifying to simply affirm or
19 acknowledge the statements that he is making on
20 the record. I prefer, for the record, and I
21 object if it's not done, but I prefer for the
22 record to reflect testimony from the witness
23 himself.

24 MR. WHITAKER: Why don't we have him
25 rephrase the question. What was his intent.

1 MR. SEMERARO: I actually gave
2 alternatives. It wasn't a leading question at all
3 and Counsel's certainly able to take whatever
4 testimony he wishes, but I'm not going to have him
5 dictate to me the manner in which --

6 MR. WHITAKER: He's not dictating.
7 There's an easier way to rephrase the question,
8 that is, after you acquired the property, what
9 were your intentions with the property.

10 MR. SEMERARO: Yeah, well, there is
11 intervening. But point well taken, Bruce, and
12 I'll rephrase it.

13 Q What was your intent with respect to the
14 property at the time that you entered into that agreement
15 with Shuart Contracting?

16 A To backtrack a little bit. The O-3 and O-2
17 reference buildings, the gray building, they're separate
18 but they're basically the same building. So at the time
19 when Barry moved out seemingly overnight because the
20 tenant refused to sign a contract to help the property --
21 excuse me -- the lease, to ensure that our property is
22 kept safe after our phase 1 and phase 2. He didn't like
23 the terms. So once he moved out we had every intention
24 of entering those buildings and operating them as our
25 facility.

1 Once we got in there and we realized that they
2 didn't meet our culture and our, you know, the way we
3 wanted to appear to our consumers, so we went in, as Mr.
4 Inglima put on the record, we did reconstruct,
5 reconfigure the background building in O-3. We had every
6 intention of doing that to the main building that we
7 continue to point out on O-2, but at the time we were
8 also in the midst of finishing up construction at 96
9 Newark Pompton Turnpike.

10 At the time Mr. Shuart actually did some of the
11 work at 96 Newark Pompton Turnpike. Did concrete acid
12 edging and designs on concrete. I became friendly with
13 him and things like that and I said, listen, you know, at
14 the time right now the photograph in O-2 doesn't really
15 meet our, you know, our appearance, so we're going to
16 paint the building and clean up the surrounding area and,
17 you know, you're growing, so as you're growing and stuff,
18 he needed space quickly.

19 So he had every intention of only being in there
20 for a few months while I cleaned up the building and then
21 he was moving out. During that interim period of him
22 growing and things like that, like I said, his wife got
23 sick. She has cancer. Human nature, it's kind of hard
24 to kick somebody out when they're going through that. So
25 we continued to do a month to month thing with him.

1 He's now, like I stated on the record, officially
2 out as of the 31st. It was always our intention to
3 remove him as we grew into that space and cleaned it up
4 so it fit our appearance.

5 Q Okay. And what has happened with the
6 space since he has left, if anything?

7 A Now we're able to use that space for things such
8 as glass removal, glass installations, things like that.
9 Body shop activities.

10 Q So at this point in time is the entire
11 space that was formally occupied by Barry's now fully
12 occupied by Mountain View?

13 A Yeah, we have the keys. We are able to use it.
14 Like I said, if you go there right this second, he does
15 have a few facilities there right now. I'm not going to
16 not tell you that. But we're able to use it and it's
17 ours.

18 Q Okay. You testified previously that you
19 occupied the Ridgewood Vehicle building and began to
20 spruce it up to meet the culture of Mountain View Auto
21 between the time period of April 1 and closing. Is that
22 correct?

23 A Correct.

24 Q And during that period of time, did you
25 also engage in the typical due diligence that a purchaser

1 would engage on a given piece of property?

2 A Yes.

3 Q Okay. And you had the property surveyed?

4 A Yes.

5 Q And did you end up having your surveyor
6 take photographs of the property as it existed prior to
7 your purchase to document the conditions on all three
8 lots?

9 A We did.

10 Q Okay. And in fact, we end up having
11 photographs that we put before the Board relative to the
12 photographs that were taken by your surveyor. Correct?

13 A Correct.

14 Q Were you present when these photographs
15 were taken?

16 A I was.

17 Q And do all of these photographs that are
18 marked A-27 through A-49, which we'll go through, do they
19 accurately reflect the condition of the properties at the
20 time of the date stamp on these photographs?

21 A Yes, they do.

22 Q Okay. And the date stamp on those
23 photographs or at least on most of them is May 25, 2021?

24 A Yes.

25 Q Okay. Now, I'm going to go through these

1 photographs.

2 Q The first photograph marked A-27...

3 MR. SEMERARO: Just continuing from the
4 last hearing, Members of the Board.

5
6 (Photo of drums on top of a pallet was
7 received and marked Exhibit A-27 for
8 identification.)

9
10 Q That ends up having some drums on top of a
11 pallet. Can you explain what that is?

12 A There is an unknown liquid handled on Lot 14 that
13 we tied up safely, you know, and we called the company
14 that we use for our body shop sludge called Safety-Kleen.

15 Q Okay. The next photograph, please?

16 MR. INGLIMA: May I ask? I don't want to
17 jump in and out of each picture, but the pictures
18 don't have a date on them.

19 MR. WHITAKER: I was going to ask that.
20 The two that I have doesn't have a date. This one
21 and this one.

22 Q Was that photograph taken the same date of
23 the photographs that were date stamped later on May 25th,
24 2021?

25 A These were taken by me.

1 Q Oh, okay. Were they taken the same day?

2 A Yes.

3 Q Okay. So A-27 was a photograph that was
4 actually taken by you, not the surveyor.

5

6 (Photo of the building that has written on
7 the side *Ridgewood Vehicle* was received and marked
8 Exhibit A-28 for identification.)

9

10 Q A-28 is a photograph of the building that
11 has written on the side *Ridgewood Vehicle*. Could you
12 explain what that photograph shows?

13 A That's just the facility, again, what it looked
14 like prior to us purchasing it.

15 Q Okay. And in that photograph there's a
16 chain link fence that's seen. Correct?

17 A Correct.

18 Q And behind that chain link fence is a
19 parking area and then various garage doors apparently in
20 an L shape?

21 A Yes.

22 Q And do you know what typically was parked
23 in that parking lot at that time?

24 A He had his work in process cars there, cars that
25 were just recently dropped off.

1 Q And you took that photograph yourself
2 again?

3 A Yes.

4 Q And it was approximately May 25, 2021?

5 A It might have been before that I took that
6 photograph.

7 Q And that accurately reflects the way that
8 lot looked prior to your purchase?

9 A Yes.

10 (Photo of shipping container, landscaping
11 truck, some snowplows was received and marked
12 Exhibit A-29 for identification.)

13 Q The next photograph is A-29 and that one
14 does have a date stamp on it from May 25, 2021. Correct?

15 A Correct.

16 Q And could you explain to the Board what
17 that photograph depicts. It looks like there's snowplows
18 to the left of that photograph. Just to make sure we're
19 keeping in sync with one another.

20 A Yeah, there's a photograph of a CONEX box or
21 shipping container, a landscaping truck to the right, a
22 box truck to the left and some snowplows and things like
23 that all of which were part of tenants that were on the
24 property.

25 Q Okay. And what lot was that?

1 A That would be in the back of Lot 13.

2 Q Okay. That was the residential property.
3 Correct?

4 A Correct.

5
6 (Photo of vehicle in the lower left-hand
7 corner with the words *Fully Insured* over the
8 passenger wheel well was received and marked
9 Exhibit A-30 for identification.)
10

11 Q Next photograph is 30. And just for
12 reference, that's date stamped May 25, 2021, and it ends
13 up having a vehicle in the lower left-hand corner with
14 the words *Fully Insured* over the passenger wheel well.
15 Correct?

16 A Correct.

17 Q And what does that show?

18 A Also to the left, I'll note there's a *K* in there
19 and that's the M & K Landscaping truck, as I just said,
20 did move various times. So at the time of purchase, it
21 was on Lot 13 and that is the landscaping tenant that
22 still resides today.

23 Q Okay. And in the rear of that photograph
24 or the background it looks to be a bucket truck and a
25 backhoe. Is that correct?

1 A Correct.

2 Q And whose are those?

3 A The backhoe, like I said, is ours. Because it was
4 May 25th, we started to clean up on that side prior to
5 and the bucket truck was for our tenant.

6 Q Okay. So, again, at this point in time,
7 you did not yet acquire this property, but you were in
8 the process of cleaning it?

9 A Correct.

10

11 (Photo of trailer with a red tinge on the
12 short side as well as a pickup truck with *MK* on it
13 was received and marked Exhibit A-31 for
14 identification.)

15

16 Q The next photograph, A-31. That has some
17 type of trailer with a red tinge on the short side as
18 well as a pickup truck I believe with *MK* on it. Is that
19 correct?

20 A Yes.

21 Q Date stamped May 25, 2021.

22 Can you please explain to the Board what lot that
23 is a picture of?

24 A The surveyor just from his depiction is standing
25 on Lot 13 pointing at 246 or Lot 12. That's an orange

1 CONEX box and M & K Landscaping and as well as red
2 shipping container that he used from my understanding for
3 more inside - quote/unquote - storage inside the
4 container.

5 Q And for the record, at that point in time
6 what business operation was engaged in that large room?

7 A That would have been us at the time.

8 Q That would have been Mountain View Auto?

9 A Correct.

10 Q Okay. So that's the rear of the building,
11 that photograph?

12 A Yes.

13 (Photo of a white pickup truck in the
14 lower right-hand corner and a boat was received
15 and marked Exhibit A-32 for identification.)

16
17 Q A-32, again, date stamped May 25, 2021,
18 and it has a white pickup truck in the lower right-hand
19 corner and a boat around the middle of the photograph.
20 Can you please explain to the Board what that is a
21 photograph of?

22 A Again, as previously testified, there was boats in
23 various rentals. It's hard to see, we'll see it in
24 additional evidence, that there's a little *Rick* on the
25 white pickup truck. So that's Rick's Pool. So that was

1 presumably from a pool dig out of some sort and, you
2 know, the boat was a separate tenant.

3 Q Okay. And to the left of the photograph

4 --

5 UNIDENTIFIED MALE VOICE: Can the use the
6 microphone?

7 Q To the left of photograph, there appears
8 to be some loose tires and other pieces of equipment?

9 A Yes.

10 Q Okay. And that was Lot 13?

11 A If you're standing in Lot 13, you can see the shed
12 to the left. That's probably part of Lot 12.

13 (Photo of a van with the words *Rick's Pool*
14 *Service* was received and marked Exhibit A-33 for
15 identification.)

16
17 Q A-33. Again, date stamped May 25, 2021,
18 with a van with the words *Rick's Pool Service* in the
19 middle. Can you please advise where that photograph was
20 taken?

21 UNIDENTIFIED MALE VOICE: No better.

22 A This is a more clear photo of another tenant,
23 Rick's Pool Service.

24 Q Okay. And that photograph depicts the
25 same pickup truck that was in A-32?

1 A Correct.

2 Q Okay. So that's Lot 13. Is the building
3 that's situated to the right of that photograph, is that
4 the same gray shed that was in Mr. Inglima's exhibit, the
5 back of it?

6 A It is.

7 Q Okay. So that's Lot 14 there. Correct?

8 A Correct.

9

10 (Photo of overview of how many tenants
11 residing on the property was received and marked
12 Exhibit A-34 for identification.)

13 Q Okay. A-34, again, photograph that's date
14 stamped May 25, 2021, with a green, I believe that's a
15 charger in the lower left-hand portion of the photograph.
16 Can you please explain where that photograph was taken
17 of?

18 A Yes, so right now standing on the edge of 14 and
19 13, so right presumably behind that gray building Mr.
20 Inglima brought up and facing towards the majority of 13
21 and 12, just a brief overview of the scope of how many
22 different tenants and everything residing on that
23 property at the time of -- before closing.

24 Q Is there equipment and trailers in the
25 form of storage outside across the span of these lots?

1 A Yeah, it would appear there is a dump truck, some
2 plows, a low board trailer, an additional shipping
3 container, and a landscape trailer.

4 Q Okay. And does that photograph depict the
5 rear of Lots 13 and 12 or is some of it Lot 14 as well?

6 A I would say to the left of that charger, you're
7 probably looking a little bit at 14. But primarily that
8 is 13 and 12.

9

10 (Photo of the side of the gray building
11 and siding used for vents was received and marked
12 Exhibit A-35 for identification.)

13 Q Okay. A-35, another photograph that's
14 date stamped 5/25/2021. That shows a telephone pole in
15 the foreground. Can you advise us what that photograph
16 depicts?

17 A That is the side of infamous gray building and
18 some of the siding I believe was used at the time for
19 vents for the spray booth that Barry's Auto Body operated
20 out of.

21 Q Okay. So towards the bottom of that
22 photograph, is that showing the rear of the property that
23 formally housed Barry's Auto Body Shop?

24 A Yes.

25 Q And then it also shows the rear of the

1 residential lot and then the rear of the lot that housed
2 Mountain View Auto?

3 A Yes.

4 Q Okay. And there's a Dumpster that's in
5 that photograph?

6 A Yes.

7 Q Do you know what that Dumpster was used
8 for at that point in time?

9 A That would have been ours to continue to clear
10 garbage and things like that before closing.

11 Q And there's a van that's tucked behind
12 that gray building on Barry's former lot. Correct?

13 A Correct.

14 Q And is that an M & K Landscaping truck to
15 the left?

16 A It is.

17 Q Okay. So that was equipment that was
18 being stored on those lots by the tenants at that point
19 in time. Is that correct?

20 A Correct.

21

22 (Photo of disassembled cars from Barry's
23 Auto Body was received and marked Exhibit A-36 for
24 identification.)

25

1 Q A-36 is another photograph that is date
2 stamped May 25, 2021, and it shows a garbage Dumpster
3 approximately the middle of the lot and I guess a
4 mini-van in the lower right-hand corner. Can you please
5 describe to the Board what that photograph shows?

6 A Yep, so the car most closely to the foreground to
7 your right that's going to be part of E & G. As you move
8 your eyes to the left, you're going to start seeing a
9 bunch of cars disassembled not properly blocked by a
10 fence that body shops really should have for appearances
11 and those would all be part of Barry's Auto Body at the
12 time.

13 Q Okay. So the vehicles that are to the
14 right-hand side of that parking lot backed up I guess
15 against that fence are in various stages of disrepair?

16 A Correct.

17 Q And that was the work product of the body
18 shop that was on that particular lot?

19 A Yes.

20 Q Okay. Were those Barry's cars or
21 Ridgewood Auto's cars?

22 A That would have been Barry's Auto Body.

23 Q Okay. And those vehicles were stored
24 outside on the same lot that Barry's was located?

25 A Yes.

1 Q Were any of those vehicles also stored on
2 the rear of the residential property, Lot 13?

3 A No, there were tenants there.

4
5 (Photo of red and green Dumpster that E &
6 G and Barry's Auto Body shared and tools and parts
7 was received and marked Exhibit A-37 for
8 identification.)

9
10 Q Okay. A-37's another photograph dated
11 5/25/2021 and in that lot there is a red Dumpster and
12 looks like a green Dumpster in the lower left-hand
13 corner. Can you please advise what that photograph
14 shows?

15 A Those are just Dumpsters that E & G and Barry's
16 both shared. Just depicts the state of the lot at the
17 time pre-closing with different parts and tools, et
18 cetera, that just kind of sitting outside.

19 Q Okay. And if you actually look between
20 the buildings, you see a stack of what, three tires and
21 then up further a stack of additional tires. Is that
22 correct?

23 A Correct.

24 Q Are there other car parts strewn on the
25 ground in between there?

1 A Also I see a blue 55 gallon open drum.

2 Q Okay. And what about from the garage
3 door. Is that some other mechanical parts?

4 A There's a horse used for holding painted parts as
5 well as ramps.

6 Q Okay. And that's all on which lot?

7 A Lot 14.

8 Q Thank you.

9 And that was Barry's operations. Correct?

10 A Correct.

11

12 (Photo of beige building with two tall
13 garage doors with some vehicles and a Dumpster in
14 front of those doors, E & G Mechanical, the back
15 of Lot 14, was received and marked Exhibit A-38
16 for identification.)

17

18 Q A-38 date stamped May 25, 2021, shows a
19 beige building with two tall garage doors with some
20 vehicles and a Dumpster in front of those doors. Can you
21 please explain what that depict?

22 A That is what Mr. Inglima was referring to as E & G
23 Mechanical and that's the back of Lot 14, 264 South
24 Broad.

25 Q Okay. Were any --

1 UNIDENTIFIED MALE VOICE: We're all here
2 because we're concerned about what's going there,
3 Not what's there right now. What's the point of
4 all these questions?

5 MR. WHITAKER: You can't speak out like
6 that. The applicant is presenting --

7 UNIDENTIFIED MALE VOICE: A lot of people
8 came from the community because we're concerned,
9 we want to voice concerns, so I think it would be
10 great --

11 MR. WHITAKER: That's not the procedure
12 that's used for a land use board. The applicant
13 has to present their case. When their case is
14 completed and each witness is completed you can
15 ask questions of that witness. That's the
16 procedure that's used in all land use boards
17 throughout the state.

18 MR. SEMERARO: Thank you.

19 Q Do you know if any of the vehicles that
20 are depicted in that photograph are work product of E & G
21 or visitors or employees?

22 MR. INGLIMA: I don't know how he can
23 answer that question.

24 MR. SEMERARO: Well, he testified
25 previously he was at the site at the time of the

1 corner was received and marked Exhibit A-40 for
2 identification.)

3

4 Q Okay. Photograph A-40 dated May 25, 2021,
5 can you show what that photograph shows. It's got a rim
6 in the lower right-hand corner just for identification
7 purposes.

8 A So again, it's a rim. It's a used, what I would
9 call a car stall for parts. It's attached to a fence
10 that blocks, divides Lot 13 and 14 I presume used by
11 Barry to hold parts back there.

12 Q Okay. Are there parts on top of the wood?

13 A There is.

14 Q Are there parts leaning against the wood?

15 A There is bumpers and fenders.

16 Q And there's stacks of tires towards the
17 rear as well?

18 A Correct.

19 Q Are those tires on plain ground?

20 A They are.

21 Q And what lot was that?

22 A Lot 14.

23 Q Thank you.

24

25 (Photo of Lot 14 with parts, an oil tank,

1 hoods and tires was received and marked Exhibit
2 A-41 for identification.)

3

4 Q I'm going to show you what's been marked
5 as A-41 dated May 25, 2021. Is that also Lot 14?

6 A It is.

7 Q Is that showing additional parts?

8 A Yes. That shows a quarter panel. Additional
9 metal squares on the left bottom corner. Another oil
10 tank outside. More hoods and tires in the foreground.

11 Q Or the background. Right?

12 A Or the background, sorry.

13 Q And this is indicative of the storage that
14 was outside on the Barry's site before you purchased the
15 property. Correct?

16 A Correct.

17

18 (Photo of Lot 14 showing outdoor storage
19 by Barry's Auto Body was received and marked
20 Exhibit A-42 for identification.)

21

22 Q A-42. Is that also Lot 14 again?

23 A Again Lot 14, broader view further back towards
24 South Broad Street just showing the greater appearance of
25 outdoor storage that was used by Barry's Auto Body.

1 Bumpers on racks, totes, fenders, another rim, rocker
2 panels. You name it, the parts are outside.

3 Q And against the building on the left, is
4 that a compressor or what's that tank?

5 A That was an old oil tank.

6 Q Okay. Is that still present?

7 A No.

8 Q Did you remove it?

9 A Yeah, I believe there should've been a permit.

10

11 (Photo of building that has the words
12 *Barry's Ridgewood Auto Body* sign on the side was
13 received and marked Exhibit A-43 for
14 identification.)

15

16 Q Okay. A-43, it's a building that has the
17 words *Barry's Ridgewood Auto Body* sign on the side of the
18 building so I take it that that is Lot 14?

19 A Correct.

20

21 (Photo of enclosed canvas structure was
22 received and marked Exhibit A-44 for
23 identification.)

24

25 Q Okay. A-44, it's got some type of

1 enclosed canvas type structure. Can you please explain
2 what that picture depicts?

3 A Yeah, that was a tenant and his boat, two boats
4 inside, sorry, and various other personal storage that he
5 kept inside the tent.

6 Q And who is "he"?

7 A Sorry, Barry.

8 Q That was on Lot 14?

9 A Yes.

10

11 (Photo of a vehicle under a green tarp was
12 received and marked Exhibit A-45 for
13 identification.)

14

15 Q Okay. A-45, date stamped May 25, 2021.
16 It has some type of vehicle under a green tarp that's on
17 some type of trailer in the middle. Can you please let
18 us know what that photograph depicts?

19 A It just shows additional storage on this
20 particular corner. From our understanding at the time of
21 the survey was also used by E & G Mechanical. He was a
22 Range Rover specialist. He had Range Rovers all over the
23 property at any given time. So it just show's tandem
24 parking on this property up in front of Lot 14 just as
25 well as other storage, like you said, a low board trailer

1 with a vehicle on it tarped.

2 Q Okay. And given your familiarity with E &
3 G's operations and the property in question, had you seen
4 vehicles that were under repair stored outside on the
5 property, that Lot 14?

6 A All the time.

7 Q Okay. And are two of those vehicles
8 depicted in this photograph, A-45, on the right-hand
9 side?

10 A Yes.

11

12 (Photo of a white pickup truck was
13 received and marked Exhibit A-46 for
14 identification.)

15

16 Q A-46 has a white pickup truck on the
17 right-hand side of the photograph towards the bottom.
18 Can you please advise what that photograph depicts?

19 A That is the side of Lot 14 furthest to the left
20 going towards Glen Rock. Again, it's a landscaping
21 trailer. Landscaper, to the left of it. You can see
22 part of the dump trailer, a dually that was used for some
23 kind of storage, and some trees, debris on the trailer.

24 Q Okay. And were those pieces of equipment
25 regularly stored on the property?

1 A All the time.

2 Q And what lot was that?

3 A Lot 14.

4

5 (Photo of a blue Land Rover was received
6 and marked Exhibit A-47 for identification.)

7

8 Q Okay. A-47, dated 5/25/2021 has a picture
9 of a blue Land Rover that looks pretty beat up towards
10 the left-hand side of that photograph. Is that also Lot
11 14?

12 A Yeah, that's in front of Lot 14. Crosses South
13 Broad. Again, it shows E & G's storage of his vehicles.
14 He's a Range Rover specialist. Shows a retaining wall
15 that was presumably put in at some time with looks like
16 an overgrown tree.

17 Q Okay. And was that Land Rover vehicle
18 there for an extended period of time?

19 A Most of them, yes.

20 MR. INGLIMA: I'd object if it made a
21 difference. How does he know how long it's been
22 there? This is getting a little silly. That's
23 speculation.

24 Q Had you seen that truck there for an
25 extended period of time other than that the day that

1 photograph was taken?

2 A Again, nobody was happy with the leases that we
3 presented them with at the time of closing. These Range
4 Rovers were there for awhile. It took us, like I said in
5 the previous testimony, almost nine months to get George
6 to move out and to find space for the amount of Range
7 Rovers that were on his lot.

8 Q For how long a period of time did you
9 observe these Range Rovers stagnant in the same position?

10 A They never moved.

11 Q For how long a period of time?

12 A Months.

13 Q Okay.

14 A From the time we closed up until the date that he
15 moved.

16

17 (Photo of red truck off to the left-hand
18 side a little bit further past a pickup truck with
19 the tailgate open was received and marked Exhibit
20 A-48 for identification.)

21

22 Q A-48, another photograph that's date
23 stamped 5/25/21. It's got a red truck off to the
24 left-hand side a little bit further past a pickup truck
25 with the tailgate open. Can you please advise what lot

1 that is and what that depicts?

2 A That's Lot 14. Again, that red truck actually I
3 believe is owned by Michael Dunegan (Phonetic) and also
4 there was another company that he was partners with that
5 was related to that bucket truck that was in the back
6 corner of Lot 12, an SKD. It's really just a nice
7 picture showing how many vehicles were truly on this lot.

8 As you showed from previous exhibits, the three
9 vehicles on the right-hand side behind the trees, those
10 are all double parked so you can count two vehicles for
11 every three that you see there and all down the side. At
12 any given point in time there was 40, 50 vehicles on
13 that side of the lot at any given time.

14 Q And that was all observable from South
15 Broad Street?

16 A Yes, very clearly.

17 Q Okay. And the red truck that you said was
18 Mr., did you say Dunegan?

19 A Dungegan.

20 Q Was that a truck that was regularly parked
21 and stored on the property?

22 A Yes.

23

24 (Photo of a retaining wall with a Barry's

25 Auto Body sign above it was received and marked

1 Exhibit A-49 for identification.)

2

3 Q A-49. This is the last photograph.
4 Finally got there. It shows a retaining wall with some
5 type of sign for Barry's Auto Body above it. Can you
6 please explain what that photograph depicts?

7 A Yep. That's just a photo from across the street I
8 believe in front of the Zion church. I believe that's
9 approximately where he's at. So, again, very clearly you
10 see the billboard sign *Barry's Auto Body* about ten feet
11 off the street, both ways, both side traffic
12 understanding that there's a body shop back there.

13 Q Okay. And right from that same location
14 you could still see the red, looks like it's a type of
15 dump truck that was Dunegan's truck. Correct?

16 A Correct. That would be the same dump truck as
17 well as a portion of the back of the dually, the same
18 landscaping garbage can that you can see there.

19 Q Okay. And that red dump truck looks like
20 it's sandwiched between two white pickup trucks.
21 Correct?

22 A Correct.

23 Q Were those pickup trucks also stored on
24 the property?

25 A Big white pickup truck, yeah. I believe that

1 white pickup truck towards the foreground is actually the
2 surveyor.

3 Q Okay. So looking back onto the site, you
4 have a white pickup truck with an open tailgate. That
5 was the surveyor?

6 A Correct.

7 Q And then you have the red dump truck which
8 was a truck that was regularly stored on the site?

9 A Correct.

10 Q Then you have a white pickup truck. Was
11 that regularly stored on the site?

12 A Yes.

13 Q And then what's that afterwards? Is that
14 a trailer or some type of truck?

15 A We call that the ice cream truck, but that was
16 George, the tenant of E & G. He just left that there
17 forever and he used that as additional storage. He was a
18 bit of a hoarder.

19 Q So we just went through all of these
20 photographs. Do these photographs accurately depict the
21 manner in which the properties were maintained before and
22 up to the time that you purchased it?

23 A They did.

24 Q And you had previously testified as to the
25 efforts that you had expended to dress up the buildings

1 and to clean up these conditions on the property; the
2 storage of equipment, debris, et cetera?

3 A Correct.

4 Q Okay. When you originally purchased the
5 property, was it your intent to keep the same tenants
6 that were on the property as a landlord or to have them
7 move?

8 A No, at the time of purchase, and I believe the
9 next person that comes up here can testify, but we
10 purchased this property part as an investment due to the
11 various tenants that were on the property as well as
12 obviously buying the auto body shop. So we had every
13 intention of leaving that property status quo.

14 Q Okay. But if you were to have this
15 application approved, would you abandon all the other
16 uses on the property except the auto body shop?

17 A Strictly on the basis of approval, yes.

18 Q Okay. Now, at the time of the last
19 hearing, you were asked a series of questions regarding
20 the operations of your Wayne facilities. Is that
21 correct?

22 A Yes.

23 Q Could you please, for the record, state
24 the addresses of Mountain View Auto Body's operation in
25 the Township of Wayne?

1 A 76 Mountain View Boulevard, Wayne, New Jersey; 96
2 Newark Pompton Turnpike, Wayne, New Jersey.

3 Q Okay. You were asked a series of
4 questions about some conditions that were identified by
5 Mr. Inglima on Route 23. Did at any point in time
6 Mountain View Auto Body have a body shop on Route 23 in
7 the Township of Wayne?

8 A No.

9 Q Okay. Now, there is a building on
10 Route 23, however, that does bear the name Mountain View
11 Auto Body. Is that correct?

12 A Correct.

13 Q Could you please explain to the Board how
14 the name Mountain View Auto Body got placed on that
15 building or why?

16 A Yeah, so when the opportunity presented itself to
17 be able to put our name on the highway, we kind of
18 utilized it as a billboard. Not many people wanted to
19 see a body shop, they kind of have to see a body shop.
20 So any kind of advertising we can do, we saw to it and
21 got it done. So we were able to rent space where I
22 previously testified to put our sign on the highway.

23 Q Okay. Now, that particular building is
24 owned by an entity. Is that correct?

25 A Correct.

1 Q But that entity at least in part is owned
2 by your father. Correct?

3 A Correct.

4 Q Okay. And your father does own Mountain
5 View Auto Body?

6 A Correct.

7 Q Did you maintain any type of offices in
8 that building on Route 23 and if so, for what duration?

9 A We had an office there for about eight or nine
10 months. At the time we had, again, the construction at
11 96 Newark Pompton Turnpike going on. The office was in
12 shambles, so we just moved there for the office. So
13 strictly for drop off and delivery and then everything
14 got moved back to 96. No longer did Mountain View
15 operate in that facility.

16 Q Okay. So at this point in time, does
17 Mountain View Auto Body store any of its vehicles that
18 are being worked on on the Route 23 property?

19 A No, there's other tenants in that facility. No.

20 Q Who are the tenants of that facility?

21 A Lighting Expo and Ceramic Pro of Wayne.

22 Q Okay. Now, Ceramic Pro of Wayne does do
23 some type of work on motor vehicles. Correct?

24 A Correct.

25 Q And does Ceramic Pro of Wayne work on some

1 of the same customers' cars that Mountain View
2 occasionally works on?

3 A Yeah. As Mr. Inglima said at our last hearing, we
4 do put on our website that we provide ceramic coatings
5 and things of that nature from Mountain View Auto.
6 Similar to a general contractor building your house, not
7 necessarily does he do the framing and the plumbing and
8 things of that nature, but he does get the up sale. So I
9 already had the vehicle out in the facility. I offer an
10 up sale for ceramic coating. They are my neighbors.
11 They're in the building right adjacent to me. So while I
12 have the vehicle there for repair, I'm able to have the
13 additional cash flow in offering ceramic coating, paint
14 protection film, window tinting, et cetera. So though
15 it's not our core business at a time, you know, Mountain
16 View Vehicle based on subletting contract may go to
17 Ceramic Pro.

18 Q Okay. Has ever there been a time where
19 there was a shortage of space at the Mountain View Auto
20 Body Shop to store vehicles that were work in progress so
21 there was an overflow of those vehicles onto the Route 23
22 property?

23 A Never, no cars.

24 Q Okay. And the Mountain View Auto Body
25 shop that's closest to this, as you had indicated next

1 door, is the 96 Newark Pompton Turnpike location that's
2 behind it. Is that correct?

3 A Correct.

4 Q Okay. And with respect to referencing
5 Mountain View Auto Body Shop's properties in Wayne, we
6 only referenced the Newark Pompton Turnpike location for
7 some comparative purposes. Is that correct?

8 A Yeah, we were hoping to show light to the town, to
9 the Board, that, you know, that this is how we operate,
10 this our culture, this is how we keep our facilities, and
11 no light was to be taken any more than that.

12 Q And there's no property on Route 23 that
13 has any relevance to that, is there?

14 A Correct, it's no longer our location.

15 Q Now, with regard to your operations here
16 in Ridgewood since you took over Ridgewood Vehicle's
17 location and part of Barry's Auto Body Shop location, had
18 you received any complaints from anyone regarding noise?

19 A Never.

20 Q Has anyone contacted you complaining about
21 traffic?

22 A No.

23 Q Has anyone complained to you about odors?

24 A No.

25 Q Has anyone complained to you about

1 unsightly conditions?

2 A Never.

3 Q Okay. With respect to the proposed
4 project here today, we're going to have some testimony
5 from the architect eventually in this application about
6 the nature of the proposed building, but are you familiar
7 with the ventilation system that would be installed
8 relative to the painting booth?

9 A Yes.

10 Q And is there any filtration with respect
11 to any of the air that is vented from the painting booth?

12 A Yes.

13 Q Could you explain that?

14 A Yep. There would be a prefilter for the air
15 coming in and an on-the-floor filter that would capture
16 most of the paint. And there would be an escape filter
17 for any of the air that comes down through the downdraft
18 and out. So there's three levels of filtration.

19 Q Okay. And what's the current state of the
20 filtration on the painting booth that's there?

21 A It's got a floor filter.

22 Q Just one?

23 A Yep.

24 Q And what about the spray booth that was
25 formally at the Barry's site?

1 A It didn't have any filters.

2 Q Okay. Is there any odor to the paints
3 that you use?

4 A No. We moved about five or six years ago to a
5 water based paint, so it you could almost be inside the
6 paint booth with no mask on, not that I recommend it, but
7 it had no odor.

8 Q Okay. And with respect, have you had the
9 opportunity to walk outside of the vented air that's
10 exhausted from the paint system, from the painting booth,
11 the spray booth at other locations using this type of
12 paint?

13 A Yeah, from our Wayne facility we were able to know
14 that there's no odor.

15 From the Ridgewood facility, it is an oil burned,
16 oil fired booth so it's not very modern. Most booths now
17 are gas burning, so that's an added environmental hazard
18 for this current spray booth.

19 Q And we are aware that there was some
20 concern that was articulated perhaps by some Board
21 members or members of the public at one of the prior
22 hearings. We have no problem venting out to the rear as
23 opposed to the adjacent neighborhood. Correct?

24 A Not at all.

25 Q Okay. With respect to noise, you had

1 indicated that you had no complaints of noise from
2 operations on the site --

3 UNIDENTIFIED MALE VOICE: Microphone.

4 Q -- but are you familiar with whether or
5 not the building that's constructed is going to be more
6 soundproof or more sound buffering than what's currently
7 there?

8 MR. INGLIMA: I'm going to have to object
9 to this. I mean, if he has an expert witness who
10 he intends to call who will speak to questions of
11 how much sound is going to emanate from the
12 building, he's welcome to do that. But this
13 witness is not qualified to make comparisons
14 between existing conditions or preexisting
15 conditions of what is there now and possibly what
16 will be there in the future.

17 MR. WHITAKER: If you have an architect
18 who is going to testify as to specifications and
19 know what the current standards are of decibel
20 levels in the State of New Jersey, that would be
21 sufficient.

22 MR. SEMERARO: We're certainly going to
23 stipulate to satisfy all codes. However, there's
24 a certain level of common sense that attaches
25 itself to this.

1 If I may, Mr. Whitaker. If you end up
2 having an old rickety wooden garage door where
3 there's gaps and it's not sealed, I think that all
4 the members on this Board could take notice of the
5 fact that a garage door that would create a seal,
6 a more modern metal garage door would have greater
7 soundproofing.

8 MR. WHITAKER: So to move it along, the
9 architect can testify from before and after.

10 MR. SEMERARO: Okay.

11 MR. INGLIMA: Just so I don't waive any
12 potential objections here, I don't think that
13 there's any standard that would be applicable to
14 this proposal that would involve the applicant
15 showing that his application or his construction
16 or his building is less bad than something that's
17 there today. It's going to come down to whether
18 or not the applicant can satisfy the negative
19 criteria for granting variance relief and that is
20 going to be subject to standards that are well
21 defined by the courts and the state legislature of
22 New Jersey and not subject to this type of loose
23 interpretation. I think that we're going down a
24 very slippery slope if this applicant is going to
25 be permitted to put in evidence about what they

1 think existed at the site previously that hasn't
2 been measured apparently and what this applicant
3 will propose for the site in the future. It's
4 going to come down to what their building does or
5 doesn't do in terms of any adverse impact on the
6 environment.

7 MR. WHITAKER: Your comment is so noted.
8 Move on.

9 Q You had gone through a series of
10 approximately 20 photographs showing outdoor storage of
11 various contractors and repair facilities that rented
12 property on all three lots. Is that correct?

13 A Correct.

14 Q If this application was approved, would
15 you be using any part of the property for the storage of
16 any type of parts?

17 A We would not.

18 Q You are going to store outside within the
19 fenced in area, however, vehicles that are disassembled
20 before they're brought in. Is that correct?

21 A Correct.

22 Q Okay. Will there be any work done on
23 those vehicles outside or will all work be done inside?

24 A All work will be done inside.

25 Q Okay. I'm going to bring your attention

1 to Exhibit A-28. That was the picture with the red brick
2 building before you painted it bearing the name *Ridgewood*
3 *Vehicle* in it. Is that correct?

4 A Yes.

5 Q In that particular building, the fence is
6 how far approximately from the sidewalk?

7 A About 22 feet.

8 Q Okay. And is that the current
9 configuration of the property?

10 A As it stands today, yes.

11 Q And there's nothing that actually
12 obstructs or shields an individual's line of sight from
13 the roadway into that parking lot. Correct?

14 A Correct.

15 Q And at this point in time if there are
16 vehicles outside in that parking lot even beyond the
17 fence, you could see them from South Broad Street. Is
18 that correct?

19 A Very clearly.

20 Q With respect to your proposed project, are
21 you suggesting or proposing to change the manner in which
22 vehicles that are worked on are stored on the property?

23 A Yeah, the work-in-process vehicles are set back at
24 least a hundred or so feet behind a fence that would
25 either be slatted or PVC, whatever the Board's amenable

1 to, as well as covered by different barriers, such as
2 evergreens or shade trees, et cetera.

3 Q Okay. So in the post-approval operation,
4 if we're fortunate to get that far, people will not be
5 able to see the vehicles in any disassembled manner from
6 South Broad Street. Is that fair to say?

7 A Correct.

8 Q Okay. I know you testified at the last
9 hearing as to how vehicles are taken into the site and
10 processed. Could you just briefly run through that for
11 the Board again?

12 A Yeah. So generally speaking, we hear from the
13 insurance company that a vehicle was in an accident.
14 They provide a few dates for us. We then can kind of
15 control the flow based on how many cars we desire on the
16 parking lot at any given time.

17 Once the vehicle comes in, it's checked in; it's
18 photographed; it's washed; it then gets disassembled.
19 Parts go on one of those red carts that we showed in the
20 last meeting. They in theory then go upstairs or in
21 storage. That vehicle then in a disassembled state goes
22 outside behind that fence that we just discussed.

23 Once the departure there and the vehicle's able to
24 be worked on and brought back inside for either body work
25 or structural work, mechanical work, then goes down

1 through the paint booth and then so on so forth. Gets
2 assembled, buffed, detailed, shined up, and delivered.

3 Q Okay. And is that the process that you're
4 proposing for vehicles if this application is approved or
5 is that the process that vehicles are undergoing now?

6 A That's if we get approved.

7 Q Okay. What about now, what's happening to
8 vehicles when they come to the facility for repair?

9 A So assuming they're drivable, they get dropped
10 off. We generally want to wash the vehicle so we can see
11 the extent of the damage, so we have drive it down
12 towards Glen Rock to Ridgewood Car Wash. They wash it
13 for us and then we bring it back.

14 It gets checked in. From there it follows the
15 same exact approach except I don't have lovely parts
16 carts to use that are clean and neat, I have to put parts
17 outside in boxes in the sheds. Bumpers, because they're
18 large, they go outside on racks, so on and so forth.

19 But generally speaking once all the parts are
20 there it follows the same routine, except at the end
21 again to wash the car, we have to drive it back towards
22 Glen Rock to Ridgewood Car Wash. They then wash it for
23 us, clean it for us, and bring it back.

24 Q When a vehicle is disassembled, I take it
25 that you're removing those parts that are damaged from a

1 collision?

2 A Correct.

3 Q Is that done inside or outside in the
4 current operations?

5 A We try to do it inside.

6 Q Is it ever done outside?

7 A On occasion.

8 Q Okay. Will that be the case if this
9 application gets approved?

10 A It would not.

11 Q Okay. And that's because you'll have the
12 space to disassemble interior?

13 A Correct.

14 Q And is that also because you'll be able to
15 store the parts inside as well?

16 A Correct.

17 Q You had indicated that as it stands now
18 sometimes parts are stored outside when they're
19 disassembled?

20 A Yes.

21 Q And will that be the case if this
22 application gets approved or will the disassembled parts
23 be maintained inside?

24 A Everything would be confined to a parts cart kept
25 inside.

1 Q And explain to the Board why those things
2 have to be kept on a parts cart inside and just not
3 thrown in the garbage right away.

4 A That's to be kept because on occasion, we're all
5 human, if I order a left headlight, for example, you
6 might get a box it might be the opposite side headlight
7 or it might be broken. It could be as simple as the
8 inside of the headlight is black and we needed a chrome
9 one. So we keep all the old parts so we can what we call
10 mirror match, you know, one thing looks like the other
11 thing and at that point we're able to throw out the
12 damaged part.

13 Q Okay. So if this approval was granted, we
14 already understand that you'll be saving some trips by
15 not having to drive to and from a car wash on multiple
16 occasions per car. Is that correct?

17 A Correct.

18 Q We also know that you won't be doing any
19 disassembly or work outside that you occasionally do now.
20 Is that correct?

21 A Correct.

22 Q And we also know that you won't be storing
23 damaged parts taken off of a car that you occasionally do
24 now. Correct?

25 A Correct.

1 Q Now, we know that you're seeking more bays
2 in this facility than currently exist on the property.
3 Correct?

4 A Correct.

5 Q And there clearly is a concern on behalf
6 of the public that because you have more bays you're
7 going to be having a significantly higher production out
8 of this facility than currently. Is that an accurate
9 conclusion to reach with regard to this facility?

10 A It's not.

11 Q Could you please explain why?

12 A So I mean, you could have 100 auto body bays, for
13 example, but, unfortunately, we've all either witnessed
14 or been a part of an accident and the exterior of a car
15 is painted, so whenever there's an accident that vehicle
16 has to be painted. So that is the funnel. So we can
17 bring in a hundred cars, we can store a hundred cars, so
18 on and so forth, but at the end of the day it has to be
19 painted.

20 That spray booth, which on our application we're
21 only showing and requesting one spray booth, can only
22 spray a vehicle every two hours or so. That's industry
23 standard. That can be looked up. So generally speaking,
24 on an eight-hour workday or from eight to five with an
25 hour lunch, you're only able to paint four, if you're

1 lucky five, vehicles. If we crack the whip and my
2 painter's feeling great and he doesn't want to take a
3 lunch and there's no humidity, he might be able to
4 squeeze out six cars. So at most, on a 22-day work
5 month, you're looking at 120 cars painted on a perfect,
6 nothing goes wrong month.

7 Q Okay. And in preparation for this
8 hearing, did you do any calculation as to how many
9 vehicles per month your facility has been processing here
10 in Ridgewood for the past two years?

11 A About four and a half cars per day.

12 Q So it's presently producing four and a
13 half vehicles per day complete and with the proposed
14 project, the most that you're looking at is six if you
15 "crack the whip", as you say?

16 A Correct.

17 Q Now, the paint booth that you're proposing
18 is a little bit more efficient than what is there
19 currently. Correct?

20 A Correct.

21 Q And is that what gets you up to the six
22 cars per day?

23 A Yeah. But, you know, the efficiency also comes on
24 the after matter. Like I explained earlier, the current
25 spray booth is driven via heat by oil. The oil

1 negatively affects water. As some of you may know, you
2 put oil and water together and they separate. So,
3 unfortunately, when you're painting a vehicle at times
4 you may get what's called fish eyes. So on a wet piece
5 of paint, if you were to drop a water bead on it, for
6 example, you would see almost like a volcanic divot in
7 that paint. So we would gain additional efficiencies by
8 not having to then dry that paint, wet sand it, and
9 repolish it in order to remove those imperfections.

10 Q Okay. So to the ordinary person they
11 would be looking at this application and saying, okay,
12 you're producing four and a half cars a day now, if you
13 get approved you're going to produce six cars a day. Why
14 go through all of this to produce an extra car and a half
15 a day?

16 A I think what we have to look at when you ask that
17 question is Ridgewood Vehicle, the building shown in
18 A-28, that building has almost 11 bays. The E & G
19 Mechanical has five bays. The building that Mr. Inglema
20 shows as of O-2, that's got three bays. And the building
21 in the background of O-3 you can fit four cars. So, you
22 know, between that we're at almost 22 bays as the lot
23 sits currently. We're asking, I believe, on the
24 application for 28. So, overall, you know, the
25 efficiencies are similar in the terms of the amount of

1 bays, but when you look at the land from as a bird flies,
2 the buildings are all over the place. So I have an
3 additional hour in the morning and an hour at night for
4 employees just to move cars and jockey them around
5 throughout the property to gain the production that we
6 require to pay the bills. So those efficiencies by being
7 able to move this facility to one location allows less
8 man hours, less maneuverability on cars, less risk for
9 employees getting injured, backing up cars into certain
10 things and hitting each other, you know, the list goes
11 on. And that's where the efficiencies are gained and
12 lost parts, of course, they're not outside.

13 Q Okay. Right now, if you need parts and
14 you need to do the mirroring, like you suggested,
15 sometimes your employees have to go outside and pick them
16 up and carry them back in. Correct?

17 A Correct.

18 Q And they're not in wheeled carts to do so.
19 Correct?

20 A Not at all time.

21 Q So your efficiency will enhance if you
22 were to get this approval?

23 A Yes.

24 Q But that efficiency does not manifest
25 itself in a significant increase in productivity, does

1 it?

2 A It's not gained in volume, it's gained in cost
3 reduction.

4 Q Okay.

5 A Like I said, the volume is already there based on
6 almost the number of bays that are preexisting.

7 MR. SEMERARO: Mr. Chairman, I don't think
8 I have any other questions at this time.

9 CHAIRMAN BROWN: Thank you.

10 We're going to take a five minute break at
11 this point in time just to give the court reporter
12 a little bit of a rest. She's been going for
13 almost two hours. So we'll take five minutes and
14 then we'll come back.

15 Thank you.

16

17 (Recess)

18

19 CHAIRMAN BROWN: 9:39 and we're going to go
20 ahead and go back on the record, so if everybody
21 could just take their seats real quick.

22 Mr. Inglima, before you start, can we just
23 have one minute?

24 MR. INGLIMA: Absolutely.

25 CHAIRMAN BROWN: Just because we have a

1 bunch of the members of the public that are here
2 that it might be the first time that they come to
3 a zoning board meeting I would just ask Mr.
4 Whitaker to give you a two minute on how it works
5 and when you might be able to speak and you know
6 when you might be able to make comments and then
7 ask questions.

8 Mr. Whitaker.

9 MR. WHITAKER: So the applicant presents a
10 witness and then anyone can ask questions of that
11 witness, but only on the information of the
12 testimony that that witness testified to.

13 Mr. Inglima is representing certain
14 objectors, but that does not forestall or afford
15 you from asking questions after Mr. Inglima's
16 finished with his questions of this witness. So,
17 hopefully, you'll have an opportunity to ask
18 questions of this witness this evening.

19 As far as rendering an opinion, when the
20 applicant's case is done, then it's time for the
21 public to present their objections. They're
22 required by law to be sworn under oath and then
23 provide their objections or their comments or
24 their concerns. Time wise, I can't predict when
25 that's going to occur because we don't how long

1 it's going to take for the applicant to present
2 their entire case.

3 Tonight we're going to try to get through
4 the questioning of Mr. Daniel. Mr. Inqlima is
5 going to start. If there's enough time, members
6 of the public can ask questions also. The Board
7 always asks that they not be repetitive questions.
8 If it's been asked and answered, don't ask it a
9 second time. If we cannot get through all the
10 public questions tonight, we're going to carry it
11 over to the next meeting to keep Mr. Daniel here
12 for questions that have to be asked.

13 Let's move ahead and see how well we can
14 do.

15 Mr. Chairman, you told me we're going to
16 stop at 10:30. Correct?

17 CHAIRMAN BROWN: Yes, correct.

18 MR. WHITAKER: So Let's proceed.

19 MR. SEMERARO: May I ask for one more
20 cautionary instruction? That Mr. Inqlima's
21 clients know not to ask questions since Mr.
22 Inqlima is representing them and asking them on
23 their behalf, that's all.

24 MR. WHITAKER: Yes, that was stated in the
25 past. I think Mr. Inqlima properly instructed his

1 clients.

2 MR. INGLIMA: Yes, and I referenced that
3 at the first hearing.

4 MR. WHITAKER: Mr. Inglima, please
5 proceed.

6 MR. INGLIMA: Thank you.

7

8

9 RE-CROSS-EXAMINATION BY MR. INGLIMA:

10 Q Mr. Daniel, you showed a number of
11 photographs, quite a few photographs of conditions that
12 you indicated were present at the site on or around
13 May 25th of 2021. Correct?

14 A Correct.

15 Q Do you have any photographs with you that
16 show the conditions of the site today in any of the areas
17 that are the subject of the photographs you introduced
18 this evening?

19 A I do not.

20 Q Do I understand your testimony from before
21 correctly that you indicated that you had eliminated many
22 of the conditions that are shown in the photographs you
23 introduced tonight shortly after your company took title
24 of the property?

25 A Conditions related to like Exhibit A-27, 55 gallon

1 drums and unsightly objects. But parts and et cetera,
2 like I testified, still remain outside related to
3 disassembled vehicles.

4 Q On what property?

5 A Barry's, because now I operate through Lot 14, Lot
6 12, and the back of 13.

7 Q Well, are you telling me or the Board that
8 the material that is shown in all these photographs that
9 you described at length; materials, debris, tanks, tires,
10 vehicles, tents, storage containers, Dumpsters, all these
11 things are still there today?

12 A No, I cleaned them up.

13 Q So they're gone?

14 A Correct.

15 Q Okay. Well, that was what I was asking if
16 I was not clear.

17 As far as the Barry's building, it's occupied by
18 Shuart. Right?

19 A Not as of the 31st, as I testified.

20 Q You said his wife has cancer. You were
21 being nice to him. He's still there. He's got to move
22 some stuff out, that type of thing?

23 A Correct, I needed to use that building.

24 Q Are you using that building?

25 A Yes, I need it.

1 Q For what?

2 A Glass removal, glass replacement. Like I said,
3 when a car can't be in the elements, I'm able to park it
4 in there.

5 Q And when did you start doing that?

6 A August 1st.

7 Q You're referring to August 1st of 2023?

8 A Correct.

9 Q Okay. Did your company buy the Barry's
10 Auto Shop business?

11 A No.

12 Q You referred to a number of leases or a
13 lease arrangements with the individual parties that you
14 described by reference to their vehicles --

15 A Lack thereof. They wouldn't sign the lease.

16 MR. SEMERARO: Wait until he completes his
17 question before you answer it.

18 MR. DANIEL: Sorry.

19 Q Well you called them tenants of the prior
20 owner. Rick's Pool Service, M & K Landscaping. Right?

21 A Correct.

22 Q E & G?

23 A Correct.

24 Q Barry's. A few others I think you
25 referred to also. But anybody that you referred to

1 previously as being a tenant of the property, did you see
2 a lease that was entered into between any of those
3 parties and the prior owners of the properties that you
4 now own?

5 A Other than what was written to me by Carl. Carl
6 let me know who all the tenants were.

7 Q Carl let you know. How did Carl let you
8 know?

9 A It was handshake. He has a paper in my documents.
10 He just wrote it down. All his tenants from what I
11 gather were month to month.

12 Q So he gave you a list?

13 A Correct.

14 Q And he said they were month to month
15 tenants, so they had nothing as formal as a written
16 lease. Correct?

17 A Correct.

18 Q Okay. You testified on May 23rd, 2023,
19 that your company had no prior relationship with Shuart.
20 If I can refer you to pages 59 and 60 of the transcript
21 of May 23. That's what you said then. Tonight you had
22 different testimony about a relationship that you had
23 with Shuart. Isn't that correct?

24 A I don't know the exact statement, but I believe
25 when asked that question you said did Shuart ever do work

1 at Ridgewood.

2 MR. INGLIMA: I'll read from the
3 transcript to make it easier for everyone.

4 Q This is line 14 on page 60 of the
5 transcript.

6 "QUESTION: Okay. Have they ever done work for
7 any of your businesses --

8 "ANSWER: They have not."

9 MR. INGLIMA: In other words, I was
10 continuing my question when Mr. Daniel answered.

11 Q "QUESTION: -- to any of the buildings that
12 your company occupies over the past ten years?

13 "ANSWER: They have not."

14 So that's the end of the site passage at line 19.

15 So would it be fair to say that in fact they have
16 done work for your businesses or in buildings that your
17 company occupies over the past ten years?

18 A Yeah. I misspoke on that time, yes. They had
19 done work at 96 Newark.

20 Q Just to recap your testimony. Barry's
21 Auto Body is gone. Right?

22 A Yes.

23 Q E & G is gone. Right?

24 A Yes.

25 Q That's George. Correct?

1 A Correct.

2 Q Mr. Donohue (sic) is gone?

3 A Dunegan, correct.

4 Q Dunegan?

5 A Yeah. I don't know the exact spelling, but it's
6 D-u-n as in Nancy.

7 Q Dunegan, thank you.

8 What is currently in the E & G building?

9 A My operations.

10 So, again, as long as it's not painting, I can --
11 there's two lifts in there, so I can take tires off. I
12 can do mechanical work. I can take fenders off, you name
13 it.

14 Q When did you start using that building?

15 A Immediately after E & G moved out. I think I said
16 in the notes, you can probably read there, I believe it
17 was nine months it took them to move out.

18 Q Does your company or anyone affiliated
19 with your company occupy the dwelling on Lot 13?

20 A No, it's empty.

21 Q You had indicated in your testimony
22 previously that you used water based paint at Mountain
23 View Auto?

24 A Correct.

25 Q That's the paint you're using at the

1 existing Ridgewood Mountain View Vehicle site. Correct?

2 A Correct.

3 Q So you wouldn't be changing the type of
4 paint you're using by virtue of the development of the
5 site as proposed by this application?

6 A No.

7 Q You indicated in your testimony that you
8 have to take cars to Ridgewood Car Wash on South Broad
9 Street to get them washed?

10 A Correct.

11 Q Aren't there any facilities, any areas of
12 the existing site where you could wash cars?

13 A Not environmentally friendly. There's not an oil
14 separator or anything like that.

15 Q So you're saying you don't have a building
16 where you could do that?

17 A I don't have the piping.

18 Q The renovations that were made to the gray
19 building, what do they permit you to do in terms of
20 business in that building now?

21 A It has a lift in it, so similar. I can take
22 fenders off, bumpers, mechanical, change control lines,
23 tires.

24 Q And that was a building that was
25 previously used by Barry's?

1 A Correct.

2 Q And when did you start doing business
3 activities for Mountain View Vehicle in the gray building
4 on Lot 14?

5 A I don't know the exact date, but once we were able
6 to rectify the application and permitting issues.

7 Q So you're saying that after you had
8 completed the construction that was the subject of the
9 Notice of Violation and the late filed permits. Correct?

10 A Correct.

11 Q Have you obtained any certificates of
12 occupancy from the Village of Ridgewood with respect to
13 any of your business activities for any of your
14 properties that are part of the site?

15 A Honestly, I don't generally handle that. I'd have
16 to get back to you.

17 MR. INGLIMA: I have no further further
18 questions at this time.

19 Thank you.

20 CHAIRMAN BROWN: Thank you. Do you have
21 any?

22 MR. SEMERARO: No further redirect.

23 MR. WHITAKER: So this is the time that
24 any members of the public can come up to the
25 podium to ask specific questions on the testimony

1 that this applicant provided.

2 You first have to identify yourself, name
3 and address.

4 MR. FRANK MORTIMER: Frank Mortimer, 426
5 Van Buren Street, Ridgewood, New Jersey 07450.

6 Do you replace sunroofs when they get
7 smashed?

8 MR. DANIEL: If it's related to the
9 accident.

10 MR. FRANK MORTIMER: And like if a tire is
11 broken?

12 MR. DANIEL: Anything related to an
13 accident.

14 MR. FRANK MORTIMER: Okay. Sunroofs and
15 tires don't need paint job, do they?

16 MR. DANIEL: No.

17 MR. FRANK MORTIMER: So earlier you said
18 that the paint bay limits it to six cars a day,
19 but now you're saying you do work that doesn't
20 require paint jobs. So when you take that into
21 consideration, it will be more than six. Correct?

22 MR. DANIEL: The percentage of a vehicle
23 coming through a body shop not needing paint is
24 under five percent.

25 MR. FRANK MORTIMER: Okay. But that's

1 still more than six. I'm not a mechanic and I
2 just identified two things that wouldn't require
3 paint.

4 MR. DANIEL: So I think the question for
5 your concern is the number of cars that I could
6 potentially do. So just to backtrack a little bit
7 is, in 2022, we were operating at that facility
8 for the entire year, right, because we closed in
9 '21. So the first full year was '22. We did
10 about 1,200 vehicles through that facility.
11 That's on average of about four and a half
12 vehicles per day.

13 MR. FRANK MORTIMER: I just --

14 MR. DANIEL: So I can answer the question.
15 So if you look at a 22-day month, four and a half,
16 22 is almost 90 vehicles. So through that whole
17 year I would agree with you within those 1,200
18 vehicles, there would be cars that don't require
19 paint, but that's not the norm, that's the
20 outlier. So the law of averages doesn't lie. I
21 can only do four and a half cars per day, which is
22 90 cars.

23 Like I just testified before, with the new
24 efficiency, because like I said, this current
25 spray booth is old. It doesn't have the proper

1 seals. It's oil. I may be able to get up to six
2 cars per day. So we're talking from 99, 4.5 times
3 22, up to maybe say 120ish maximum on a perfect
4 day.

5 So I can sympathize with the neighborhood
6 in thinking that they see a 30,000-square foot
7 building and that I'm going to do a thousand
8 vehicles a day. But in Wayne, for example, I do
9 200 vehicles a month out of that location. That
10 has two sprays booths. So divide that by two.
11 That's a hundred. That's four and a half per day.
12 I do about nine to ten vehicles per day in Wayne
13 that has two spray booths.

14 So at the end of the day, I would agree
15 with you, but Wayne's no different than Ridgewood.
16 So I'm still seeing those same amount of vehicles,
17 whether it needs paint, to your point, just has a
18 sunroof. Maybe it's a Jeep Wrangler and it's got
19 a textured bumper, so to your point, I'm not
20 painting that. But at the end of the day, I'm
21 still limited by the booth.

22 And I'm also limited by my radius with my
23 contractors for, whether it be Progressive or
24 GEICO. I only can get to a 15-mile radius.
25 That's all they give me. So whatever occurs in

1 that 15-mile radius, that's what I capture.
2 That's only if the customer wants to come to me on
3 top of that.

4 So even though there's this 30,000-square
5 foot building that we're all seeing and, you know,
6 maybe a little bit afraid of, we need to
7 understand that when I take a bumper off of a car,
8 it's a little bit smaller than this table. Like I
9 said, I'm not dealing with a piece of paper or a
10 pen. I need about 4,000 square feet just to house
11 car parts. If 90 cars are disassembled, they each
12 get a car part. So that all goes upstairs. So a
13 large part of that square footage is done already.
14 Now we're talking about say, 18 to 20,000 square
15 feet just on the first floor. 6,000 square feet's
16 office space. Now we're down to what, 16ish,
17 17,000 square feet. I already have that now.
18 Like I said, there's seven to eight, nineish
19 thousand in Ridgewood Vehicle; four to 5,000 E &
20 G; and 4,000 in Barry's Auto Body and that was
21 spray booth, that little chicken coop we call it.
22 So all of that square footage is similar, if not
23 the same the as the square footage that I'm
24 requesting to the Board on the production space.

25 So if, for example, I took one of my bays

1 today and I added a spray booth and I never
2 transitioned Barry's out of the spray booth and I
3 had two spray booths, I can do 200 cars a month
4 out of the location I got now. It's not
5 environmentally friendly. It's nothing that you
6 as neighbors would want to see, but it could be
7 done. It's not right. But we can go back. I can
8 be assembling cars outside. The EPA allows me to
9 paint three ounces of paint outside, so,
10 technically, I can spray a bumper outside right
11 now. I don't want to do that. That's not how we
12 operate. That's not quality.

13 So I understand everybody's concerns and
14 to your question, but the law of averages doesn't
15 work like that. When a tree falls and breaks your
16 sunroof, you're getting damage to your roof.

17 MR. FRANK MORTIMER: You had testified
18 that the paint booth limits how many cars per day.

19 MR. DANIEL: Correct.

20 MR. FRANK MORTIMER: And then you said you
21 could work that doesn't require painting,
22 therefore, the paint booth does not limit the
23 number of cars you can do per day.

24 MR. DANIEL: That's the unicorn, that's
25 not the norm.

1 MR. FRANK MORTIMER: I'm just...

2 MR. DANIEL: I can appreciate it.

3 MR. FRANK MORTIMER: So you kept talking
4 about fitting your culture. So it sounds like you
5 have a set way you like to do things. Is that
6 correct?

7 MR. DANIEL: Correct.

8 MR. FRANK MORTIMER: And you testified too
9 that there were tenants that were there and that
10 your goal was to have a status quo, yet you said
11 nobody was happy with the terms of leases. Is
12 that correct?

13 MR. DANIEL: Yes.

14 MR. FRANK MORTIMER: So if you wanted it
15 to be status quo, why wouldn't you work more with
16 the tenants to find a middle ground so they can
17 stay and you can have the status quo that you said
18 that you wanted?

19 MR. DANIEL: So when we purchased the
20 property, it wasn't a small sum of money. So when
21 we purchased it, we did environmental. We did a
22 phase 1; we did a phase 2. We made sure there was
23 no oil tanks in the ground. If there were oil
24 tanks in the ground, they were properly removed,
25 et cetera, et cetera.

1 Now, as I testified, and you guys saw the
2 photos, we were dealing with landscapers, we were
3 dealing with old landscape trailers, who knows
4 what was leaking out of those things. I needed to
5 protect myself and my investment, my father's
6 investment and that that land wasn't going to be
7 disturbed after we already verified that it was
8 clean. So what they weren't happy with is the
9 fact that I put in my lease that they needed to
10 require renter's insurance and environmental
11 hazard insurance in case they spilled gasoline,
12 for example, as a landscaper. None of them wanted
13 to pay that. So it's not like I went in there and
14 said, oh, I'm the big, bad new guy. I'm going to
15 raise your rent 200 percent. That wasn't the
16 case. It was the fact that they didn't want to
17 carry insurance and I couldn't have somebody on my
18 property, God forbid something happened.

19 MR. FRANK MORTIMER: But when you
20 testified earlier you said it didn't fit your
21 culture. So it just seems like you say that and
22 you just say status quo --

23 MR. DANIEL: Our culture --

24 MR. FRANK MORTIMER: Let me finish, please.
25 That nobody was happy with the terms of the lease.

1 So from hearing your testimony, it sounds like you
2 said you like to do things your way and if it's
3 not your way, you're not going to bend.

4 MR. WHITAKER: You need to ask a question,
5 please.

6 MR. FRANK MORTIMER: So with all those
7 photos that you showed, that was to show what the
8 properties are like now and how they're being
9 used. Correct?

10 MR. DANIEL: No, that was to show what was
11 allowed before I purchased it.

12 MR. FRANK MORTIMER: Okay. And it seemed
13 like there was an abundance, if not entirely,
14 photos of Lots 12 and 14. What is one of the uses
15 on Lot 13 right now?

16 MR. DANIEL: A residence.

17 MR. FRANK MORTIMER: How come you didn't
18 include any pictures of the residence in those
19 list of photos you just showed?

20 MR. DANIEL: Well, I believe I showed the
21 back side of the parts shed, because beyond the
22 fence, I'm not going to, the Board and everybody
23 here knows, if you take Lot 13 and you cut it in
24 half, roughly on the site plan, there's a wall and
25 a rickety fence I believe that was shown in the

1 photos. Beyond that, there's a shed that was used
2 by the prior owner for parts and his Jeep storage,
3 which I testified to and I also showed a photo in
4 the back side of that along the train tracks of
5 the CONEX box and the shipping container. So all
6 we were --

7 MR. FRANK MORTIMER: What was the
8 residence use in Lot 13? And I'm asking why
9 didn't you show any photographs of residence use
10 of Lot 13?

11 MR. DANIEL: We showed that in the previous
12 meeting. There was a picture of the house.

13 MR. FRANK MORTIMER: And there's, like if
14 you're going to show stuff that's related to
15 businesses when you bought it, why not show things
16 related to a residence, people live there?

17 MR. DANIEL: Correct. But none of the
18 previous photos, again, showing the use so close
19 to the road, it was never an issue and the fact
20 that we showed the residence in the last meeting,
21 I didn't feel the need to belabor the point.
22 Prior photos --

23 MR. FRANK MORTIMER: You belabored other
24 points, why not belabor that there's a residence
25 and that's why you're going for a variance?

1 MR. WHITAKER: Asked and answered.

2 MR. FRANK MORTIMER: My next question is,
3 you had mentioned or was asked by your attorney
4 about complaints and not receiving any. So my
5 question to you is, what if one of these neighbors
6 had complained to you about the noise or the
7 potential chemicals from the paint, what would you
8 have done?

9 MR. DANIEL: Honestly, to this day, I
10 welcome a conversation. I told my own attorney, I
11 want to have a conversation with neighbors.

12 In Wayne, we have that open conversation
13 with everybody. We've been in business since
14 1957. To me I would love to be a member of the
15 community. We are in Wayne. We donate to the
16 ambulance, the fire trucks, fire stations. We're
17 a part of Memorial Day parades and stuff when we
18 can be and I'd like for that same culture to be
19 here.

20 I hate to meet like this, but here we are.
21 So if anybody did have that concern, please voice
22 it to us. But I think any of the noise that we
23 make pales into comparison the NJ Transit that
24 goes by every 15 minutes.

25 MR. FRANK MORTIMER: Well, with noise, you

1 also testified that you have a backhoe on your
2 property to handle moving cars and snow removal.
3 What about the decibels, I'm assuming, of a diesel
4 backhoe when you're moving around? Did you give
5 any consideration to the noise of that to the
6 neighbors?

7 MR. DANIEL: I'm not an expert on
8 decibels, as we already previously discussed.

9 MR. FRANK MORTIMER: Okay, thank you.

10 CHAIRMAN BROWN: Thank you. Again, if you
11 can please state your name and spell your name and
12 give us your address.

13 MR. RICHARD HRVATIN: Hi, Richard Hrvatin.
14 Last name's spelled H-r-v-a-t-i-n. Address is 217
15 Woodside Avenue.

16 I want to ask questions about the spray
17 paint booth that's come up several times. I want
18 to make sure I understand and everyone here does.

19 The booth is enclosed or semi-enclosed,
20 the car or parts of the car in there and there's a
21 person spraying as it's --

22 MR. DANIEL: Yeah, the booth for
23 argument's sake is its own structure. I can put
24 one right here if I wanted to.

25 MR. RICHARD HRVATIN: Okay. There's a

1 person spraying. There was a series of fans and
2 filters that suck the over spray that get caught
3 in the filter?

4 MR. DANIEL: So there's, they call them
5 stacks. So you'll have two stacks, an intake and
6 an exhaust. The intake pulls in fresh air and it
7 comes up and over to the top and goes through the
8 intake, hits filters, a pre-filter and then comes
9 back up and down through the roof of the spray
10 booth.

11 Before going through the roof, it has a
12 layer of sealing filters, so the air is then
13 filtered again before it can then come down and
14 around the car.

15 There's then about a three-foot pit, a
16 27-inch pit underneath the vehicle and that air
17 from the roof comes down and around the car and
18 then gets sucked out.

19 MR. RICHARD HRVATIN: So there's over
20 sprayed paint in that sucking out process?

21 MR. DANIEL: About 94 percent of the paint
22 goes on the car.

23 MR. RICHARD HRVATIN: Goes on the car. So
24 there is six percent gets filtered and that gets
25 sucked out and that vents through that the roof,

1 there's a chimney on the roof?

2 MR. DANIEL: It goes through the floor
3 vent and then it will hit an exhaust vent, so it
4 goes through another two. As the painter's
5 spraying, most of it's on the car, whatever
6 remains goes through the floor filters, gets
7 captured. Whatever doesn't get captured will then
8 get captured in the exhaust filter. Nothing
9 should be escaping.

10 MR. RICHARD HRVATIN: But that goes
11 through the roof. I see some chimneys or
12 something in the roof in the back.

13 MR. DANIEL: Correct. The way we designed
14 the building, hopefully nobody will see that and
15 again --

16 MR. RICHARD HRVATIN: But it does
17 eventually go out. It's got to go out eventually?

18 MR. DANIEL: Yes.

19 MR. RICHARD HRVATIN: Then explain
20 the bake, do you have to bake it? You said
21 something about oil and gas I didn't understand.
22 Does the paint have to be baked to dry or to cure?

23 MR. DANIEL: Some paints don't, but some
24 do. Yeah, so in short, yes, it will, it's a fire
25 burn, so gas or oil.

1 MR. RICHARD HRVATIN: So it kind of
2 doubles as an oven as well?

3 MR. DANIEL: Correct.

4 MR. RICHARD HRVATIN: How hot does it get
5 and how do long do you have you heat it?

6 MR. DANIEL: 140ish degrees it gets. The
7 metal panel will get about 115, but the air around
8 it is about 140 and then it has to go for 30
9 minutes. That's where I was saying, any car that
10 gets painted, by the time the painter -- because
11 it's similar to a wall. If you have a fresh piece
12 of Sheetrock, you got to prime it -- sorry -- you
13 got to seal it, prime it, and actually paint it
14 and then you clear coat it. So once you prime it,
15 it has to bake and dry. That's about a 15 to 20
16 minute process. Then you got to put a base coat
17 on for the color. That's about a 15, 20 minute.
18 And then once you clear it, it's about say 15, 20
19 minutes. And, excuse me, I backtracked. I forgot
20 about the sealer. After you prime it, you seal
21 it. Another 15, 20 minutes. So all that process
22 in there is about an hour 15ish minutes. Then by
23 the time you bake it, once it's cleared, you got
24 to bake it for about 30 minutes. So there's your
25 about two hours. By the time you transition the

1 booth to the next car and unwrap it, because not
2 the whole car's going to be painted every time,
3 right, so half the car may get covered. If you're
4 painting just the fender and a bumper and a door,
5 only those panels are exposed. The rest of the
6 car has a car cover on it, so we don't want --

7 MR. RICHARD HRVATIN: So with the baking
8 itself, how do you heat? Because you said
9 something about oil versus gas. How do you heat
10 it?

11 MR. DANIEL: Our new building will generate
12 flames via gas.

13 MR. RICHARD HRVATIN: Natural gas?

14 MR. DANIEL: Natural gas, because the
15 current booth generates flames via oil.

16 MR. RICHARD HRVATIN: Via oil?

17 MR. DANIEL: So you're burning oil.

18 MR. RICHARD HRVATIN: So there is oil
19 something burning, like an oil burner or
20 something?

21 MR. DANIEL: Yeah, in the current booth,
22 yeah.

23 MR. RICHARD HRVATIN: I smell something in
24 the air when I'm in the area.

25 MR. DANIEL: I would agree. It's not

1 great.

2 MR. RICHARD HRVATIN: All right. Thank
3 you.

4 MR. DANIEL: You're welcome.

5 CHAIRMAN BROWN: Thank you.

6 Good evening. Again, if you can please
7 state your name, spell your name, and give us your
8 address.

9 MR. CHRISTIAN CLARK: Sure. It's Christian
10 Clark, C-h-r-i-s-t-i-a-n Clark, C-l-a-r-k, 269
11 Woodside Avenue in Ridgewood.

12 Mr. Daniel, two other locations, your two
13 other locations in Wayne, they're in the vicinity
14 of Route 23. Right?

15 MR. DANIEL: The one not really, but I
16 don't know what a vicinity is. But it's close to
17 it. You can access to it.

18 MR. CHRISTIAN CLARK: How many feet are
19 they from Route 23?

20 MR. DANIEL: I'd have to go on the site
21 plan. I'd have to get back to you.

22 MR. CHRISTIAN CLARK: So the one, 96. We
23 talked a lot about that. It's not on Route 23,
24 not on Route 23. Don't think Route 23. Newark
25 Pompton Turnpike, right?

1 MR. DANIEL: Um hm.

2 MR. CHRISTIAN CLARK: So the building, we
3 can look at the Google Maps, is that building that
4 it operates out of, 96, is it closer to Route 23
5 or is it closer to Newark Pompton, no matter what
6 the address is?

7 MR. DANIEL: Well, you got -- there's no
8 access to Route 23.

9 MR. CHRISTIAN CLARK: Is it closer to
10 Route 23 or is it closer to the turnpike?

11 MR. DANIEL: I'm not sure -- I can answer.
12 I'm not sure of the relevance because, again, when
13 I brought up Wayne, it was show the town our
14 appearances.

15 MR. CHRISTIAN CLARK: You took an oath to
16 tell the truth. Is it closer to Route 23 or --

17 MR. DANIEL: As the bird flies, I would
18 say --

19 MR. SEMERARO: Mr. Chairman and Mr.
20 Whitaker --

21 MR. WHITAKER: He took an oath to tell the
22 truth, but if he doesn't know the answer, he
23 doesn't know the answer.

24 MR. SEMERARO: Also, if I may, Mr.
25 Chairman.

1 MR. CHRISTIAN CLARK: It's incredible. He
2 works there every day. You can see it on Google
3 Maps.

4 MR. WHITAKER: Mr. Clark, you're asking
5 questions, you're not making comments.

6 MR. SEMERARO: I would also state, for the
7 record, that I do not believe that that's relevant
8 to the criteria upon which the application --

9 UNIDENTIFIED VOICE: Can't hear you.

10 MR. SEMERARO: It also is not relevant to
11 the criteria with which the Board must evaluate
12 this application.

13 MR. CHRISTIAN CLARK: The 96 Newark
14 Pompton Turnpike, it's adjacent to the Route 23
15 property that you also own. Right?

16 MR. SEMERARO: Same objection.

17 MR. WHITAKER: What's the relevancy?

18 MR. CHRISTIAN CLARK: The relevance is
19 that, I copied it down earlier, we were told,
20 everyone here was told that no property on
21 Route 23 has any relevance to this discussion and
22 I'm sort of interested in that claim.

23 MR. WHITAKER: The witness talked about
24 the Wayne location operations. That was the
25 relevancy of the testimony. It wasn't the

1 proximity to roadways.

2 MR. CHRISTIAN CLARK: We had several
3 comments about its proximity to Route 23 or its
4 lack of proximity to Route 23 and I think we all
5 understand the game that's going on, which is we
6 all know what Route 23 looks like. We all know
7 what Broad Street looks like.

8 CHAIRMAN BROWN: Sorry, you have to ask a
9 question at this point in time and you have to
10 direct it to the witness. There definitely will
11 be a time later where can make a comment.

12 MR. CHRISTIAN CLARK: I will pose a
13 question. I'll continue.

14 How would you describe the neighborhood
15 for the two Wayne locations?

16 MR. SEMERARO: Again, same objection. The
17 criteria with which the Board needs to evaluate
18 this application is a use variance. It does not
19 matter what other locations are adjacent to or
20 not, it is the particular suitability of this
21 site, which is the standard for a "D"(1) or it's
22 the Coventry standard with respect to an expansion
23 of a nonconforming use. In either event, there's
24 no relevancy as to where other body shops are
25 positioned.

1 MR. WHITAKER: Counsel is correct. The
2 Board's review based on state law promulgating
3 case law, which was just referenced, would not
4 have the Board take into consideration the
5 relevancy of other locations the applicant has.
6 As I stated, you have to look at whether the site
7 is particularly suited for the use as being
8 proposed or as it pertains to the Coventry case,
9 the expansion of a nonconforming use.

10 MR. CHRISTIAN CLARK: Thanks.

11 In terms of the suitability of this
12 property, is the Ridgewood neighborhood similar or
13 different from the Wayne neighborhood?

14 MR. SEMERARO: Same objection. This
15 particular individual also did not provide any
16 testimony for suitability. He was providing
17 testimony with respect to operations.

18 MR. WHITAKER: I think it would be wise to
19 hold that question to the time that their planner
20 comes to testify who is the one that usually in
21 front of this Board, a planner proffers testimony
22 about a particular suitability of the property.

23 MR. CHRISTIAN CLARK: Okay. I think I
24 recall from the first testimony you said you
25 wanted to bring up, one of your goals was to bring

1 up the level of the neighborhood. Another thing I
2 think you said was you want to essentially
3 replicate one of the Wayne facilities in
4 Ridgewood. Is that right?

5 MR. DANIEL: Again, similar to what Mr.
6 Whitaker just suggested is that I do want to bring
7 Ridgewood up. As the photo suggested, as
8 suggested, it has looked a certain way for years
9 and has been -- everybody has been okay with that.
10 All I'm saying is I showed pictures of the Wayne
11 facility at the last meeting, well lit, clean, the
12 building's a little bit more modern. I understand
13 that the character of Ridgewood is different,
14 which is why I designed a Tudor style facility,
15 probably the only one in the country and that's
16 what I mean when I want to say, bring the facility
17 up from the riffraff that's currently there from
18 the photos to now a more appealing building.

19 MR. CHRISTIAN CLARK: So you do want to
20 replicate the Wayne facility in Ridgewood?

21 MR. DANIEL: The operations and the
22 facility are what we want to replicate. The
23 volume, as I just answered in the previous
24 testimony with the other gentleman, I cannot do
25 thousands of cars out of this location. It's

1 impossible.

2 MR. CHRISTIAN CLARK: What keeps you from
3 adding a second spray booth --

4 MR. DANIEL: The conditions of this
5 approval.

6 MR. CHRISTIAN CLARK: -- in three years,
7 four years, when we've all forgotten. Different
8 people on the zoning board.

9 MR. WHITAKER: Okay. I'll answer the
10 question for you.

11 State law says that if a zoning board
12 grants an approval, it's based upon the exact site
13 plan with the exact improvements shown on the
14 plan, no deviation. So I can allay your concern
15 there.

16 Boards don't forget; construction code
17 officials don't forget. A resolution is prepared
18 if the decision in the affirmative is made, it
19 specifies what can be done, what cannot be done.

20 MR. CHRISTIAN CLARK: I wish I shared your
21 optimism.

22 Are you aware that your shop operates in
23 between two historic districts in Ridgewood?

24 MR. SEMERARO: Again, that's outside the
25 scope of his testimony. I think it's

1 inappropriate.

2 MR. WHITAKER: He is a property owner. If
3 he has the knowledge, he can say yes or no. It's
4 a simple question.

5 MR. DANIEL: No.

6 MR. CHRISTIAN CLARK: So you're not aware
7 of that? For example, Woodside Avenue is a
8 Historic District --

9 MR. WHITAKER: He asked and answered it
10 already. He said no.

11 MR. CHRISTIAN CLARK: You mentioned body
12 shop sludge. Is that being produced and will that
13 be produced at Broad Street?

14 MR. DANIEL: For lack of a better word, it
15 would be excess paint. About ten to 15 percent of
16 the paint that we mix would be left over. That
17 then, again, I believe in the last meeting I
18 showed photos of a spillproof container all of
19 which is EPA applicable and things of that nature.
20 A company call Safety-Kleen will come when said
21 containers are full. They then come pick it up
22 and do with it what they do and it's all certified
23 and can get traced back to a certification that
24 it's properly handled and cleaned up.

25 MR. CHRISTIAN CLARK: So if this is

1 approved, will we have more body, what's the term?
2 Body shop sludge, coming from your property?

3 MR. DANIEL: I wouldn't say any more or
4 less, because again, asked and answered with the
5 previous gentleman, we do four and a half cars,
6 maybe I get to six on a perfection, so we're
7 talking one and a half, so we're talking a minimal
8 increase.

9 MR. CHRISTIAN CLARK: That's an increase.
10 Okay. Can you think of another commercial
11 establishment in Ridgewood of the proposed size
12 that you --

13 MR. SEMERARO: Objection.

14 MR. CHRISTIAN CLARK: -- have?

15 MR. SEMERARO: This is beyond the scope of
16 his testimony.

17 MR. WHITAKER: It is.

18 MR. CHRISTIAN CLARK: How do most of the
19 cars get to the facility?

20 MR. DANIEL: They're dropped off by the
21 customer at the time of their appointment.

22 MR. CHRISTIAN CLARK: And I'm unclear, do
23 flatbeds bring them to?

24 MR. DANIEL: On occasion, when the
25 insurance company makes that determination. But I

1 think we stipulated, I can't tell because we did
2 have a previous first meeting, but it's only
3 during business hours. It's no different than
4 what's currently going on. So if there's been no
5 complaints of body shop movement in terms of
6 flatbeds, there won't be any in the future.

7 MR. CHRISTIAN CLARK: But there probably
8 will be an increase of flatbeds too. Right?
9 You're increasing production. Right.

10 MR DANIEL: I can't say. We're dealing --
11 it's like saying a heart surgeon's going to do ten
12 surgeries everyday on a heart. Not everybody's
13 going to have a heart attack. I can't say what
14 percentage of vehicles will need a tow truck. I
15 don't have a crystal ball.

16 MR. CHRISTIAN CLARK: But you're familiar
17 with the law of averages. It sounds like you know
18 the analytics of your company better than anyone
19 else. Will it lead to an increase in flatbed
20 traffic?

21 MR. DANIEL: On some months, yes; on some
22 months no. So it's similar to today's world.

23 MR. CHRISTIAN CLARK: How many stories is
24 the proposed facility?

25 MR. DANIEL: Two.

1 MR. CHRISTIAN CLARK: Two. And how many
2 feet tall?

3 MR. SEMERARO: That's beyond the scope of
4 his testimony.

5 MR. WHITAKER: The architect is going to
6 testify to that.

7 MR. CHRISTIAN CLARK: Okay. You mentioned
8 you're not going to vent towards the street. I
9 was curious why not?

10 MR. DANIEL: Well, I don't think the
11 neighborhood likes the fence that's there now.
12 For vehicles that are say fixed already and
13 presentable, there's no need to cover those.

14 It's the ordinance for body shops that we
15 have to cover and lock and protect disassembled
16 vehicles. So we're moving them now from the front
17 of the lot to the rear of the lot. I think it's
18 over a hundred feet. And, again, it will be
19 either PVC or a slatted chain link fence so nobody
20 has to see it.

21 MR. CHRISTIAN CLARK: What's being vented?

22 MR. SEMERARO: He's talking about venting.

23 MR. WHITAKER: He's talking about venting.

24 MR. DANIEL: Oh, I'm sorry, I thought you
25 said *fencing*. You're talking about the booth

1 venting?

2 MR. CHRISTIAN CLARK: Whatever venting's
3 going on?

4 MR. DANIEL: The only vents that are
5 required are, again, I previously answered is
6 through the paint booth. Nothing else will escape
7 from the building.

8 MR. CHRISTIAN CLARK: You're aware that
9 even if you vent to the back just beyond the
10 railroad tracks is another residential
11 neighborhood?

12 MR. DANIEL: Right, but there's been two
13 body shops there now and there hasn't been any
14 complaints with two spray booths.

15 MR. CHRISTIAN CLARK: Right, again --

16 MR. DANIEL: I think they've been in
17 existence since 1940 in that lot, specifically,
18 Lot 14 has a body shop since 1940, so almost a
19 hundred years.

20 MR. CHRISTIAN CLARK: I'm a little unclear.
21 You've cleaned up everything. You've done such a
22 nice job. Why not just operate as is?

23 MR. DANIEL: Due to photos that we show,
24 is that what the --

25 MR. CHRISTIAN CLARK: This is from 2020.

1 Right?

2 MR. DANIEL: -- is that what the
3 neighborhood wants? We can operate like that. We
4 can continue and that's what we don't want to do.
5 We can continue as shown.

6 MR. CHRISTIAN CLARK: Do Citywide tow
7 trucks come to your place?

8 MR. DANIEL: I can't name the tow truck
9 provider at any given time. I know who Citywide
10 is, but, again, I don't dispatch tow trucks.
11 That's on the carrier's side.

12 MR. CHRISTIAN CLARK: And just in terms of
13 acquiring this property. It's just a mysterious
14 probably to most of us, why not Route 4? Why not
15 Route 17?

16 MR. SEMERARO: Objection, that's not
17 relevant to this application.

18 MR. WHITAKER: It's not relevant to what
19 the Board has to determine and decide. The Board
20 has to look to see if the site is particularly
21 suited and it meets the criteria for an expansion
22 of nonconforming use. The idea of why someone
23 acquires the property is not in the realm of the
24 Board's decision in rendering a decision from a
25 zoning perspective.

1 MR. CHRISTIAN CLARK: Are you aware that
2 the Ridgewood Planning Board has accepted a
3 comprehensive Master Plan?

4 MR. SEMERARO: Same objection. He's not
5 the planner.

6 MR. WHITAKER: That would be for the
7 planner's testimony.

8 MR. CHRISTIAN CLARK: Okay. You never
9 operated a body shop near a historic district
10 before, have you?

11 MR. SEMERARO: Same objection.

12 MR. WHITAKER: Well, it's a yes or no
13 question.

14 Have you?

15 MR. DANIEL: Not that I'm aware of.

16 MR. CHRISTIAN CLARK: You'd agree you're
17 probably less than a five-minute walk from the
18 heart of Ridgewood's downtown?

19 MR. DANIEL: If you say so.

20 MR. CHRISTIAN CLARK: Less than a
21 one-minute drive from the historic downtown?

22 MR. DANIEL: I would say, yes.

23 MR. CHRISTIAN CLARK: And you'd be the
24 biggest commercial building that close. Is that
25 right?

1 MR. SEMERARO: Objection. Again, that,
2 goes to planning. That's outside the scope of his
3 testimony.

4 MR. WHITAKER: It's goes beyond the scope
5 of what he's testified to.

6 MR. CHRISTIAN CLARK: Okay. This might be
7 beyond the scope again.

8 How do you compare the pedestrian traffic
9 in Wayne versus Ridgewood?

10 MR. SEMERARO: Same objection.

11 MR. WHITAKER: Beyond what this Board has
12 to consider.

13 MR. CHRISTIAN CLARK: Okay. Let me see if
14 I have anything else within the scope.

15 Can you just remind us. So currently, you
16 say there's 22 bays and then your proposal is 28
17 bays. Is that right?

18 MR. DANIEL: Yes.

19 MR. CHRISTIAN CLARK: No further the
20 questions.

21 CHAIRMAN BROWN: Thank you.

22 Good evening, if can you please state
23 your, name spell your name, and give us your
24 address for the record.

25 MS. DARLENE JOHNSON: I sure will.

1 CHAIRMAN BROWN: Just put your mic down a
2 little bit.

3 MS. DARLENE JOHNSON: My name Darlene
4 D-a-r-l-e-n-e. My last name is J-o-h-n-s-o-n. I
5 do want to say that I am a member of the Planning
6 Board. However, I'm coming as a tax paying
7 citizen of Ridgewood.

8 CHAIRMAN BROWN: Can you just give us your
9 address?

10 MS. DARLENE JOHNSON: Sure. 218 South
11 Broad Street, number 9, Ridgewood, NJ 07450.

12 CHAIRMAN BROWN: Thank you.

13 MS. DARLENE JOHNSON: No problem.

14 I'd like to first ask you, you made the
15 statement recently of what the neighborhood wants.
16 Did you ever take a moment to ask the people in
17 that neighborhood what they wanted?

18 MR. DANIEL: Unfortunately, no.

19 MS. DARLENE JOHNSON: I recall from the
20 last testimony you said I think you live in
21 Pompton Lakes or in --

22 MR. DANIEL: In Wayne.

23 MS. DARLENE JOHNSON: In Wayne. Okay. Do
24 you have a 30,000-square foot building in your
25 neighborhood?

1 MR. SEMERARO: I have to respectfully
2 object to the question.

3 MS. DARLENE JOHNSON: Well, you can't
4 object to the question because he made the
5 statement that's where he lives, so I'm
6 asking does he have one in his neighborhood and he
7 wants to put one in ours.

8 MR. SEMERARO: I'm making an objection.
9 It's not relevant.

10 MR. WHITAKER: It's not relevant for what
11 the Board has to render for a decision.

12 MS. DARLENE JOHNSON: Okay. Well, yes or
13 no -- okay. Let me rephrase the question.

14 Do you live near a 30,000 square feet?

15 MR. SEMERARO: Same objection.

16 MS. DARLENE JOHNSON: Okay. The next
17 question is, you made several references to the
18 property, the condition of the property and the
19 condition of the neighborhood. Is this the first
20 property that you ever purchased?

21 MR. DANIEL: No.

22 MS. DARLENE JOHNSON: Okay. So did you go
23 to the property and take a walk around and view
24 the property?

25 MR. DANIEL: Yeah, I think the photos

1 indicated that.

2 MS. DARLENE JOHNSON: We never saw the
3 photos so I can't attest to the photos. We
4 weren't shared the photos over here.

5 MR. DANIEL: Okay.

6 MS. DARLENE JOHNSON: So my next question
7 is, did you buy the property as is?

8 MR. DANIEL: Yes, we bought it. We closed
9 on it.

10 MS. DARLENE JOHNSON: Okay. So I'm just
11 trying to understand why there's so much reference
12 to the condition of the property and that you
13 think you're going to revitalize the neighborhood
14 when you purchased it as is and that's something
15 you knew that you would have to do.

16 My next question is, are your employees
17 parking on Highwood Avenue?

18 MR. DANIEL: No.

19 MS. DARLENE JOHNSON: Okay. None of them
20 are parking over by the church?

21 MR. DANIEL: They can't because in the
22 morning all the people get dropped off in the
23 middle of the street. There's no parking there
24 and the apartment building uses all that road
25 frontage.

1 MS. DARLENE JOHNSON: What apartment
2 building?

3 MR. DANIEL: The brown apartment building.
4 But my employees can't park on Highwood
5 Ave. because all the nursery school kids get
6 dropped off there.

7 MS. DARLENE JOHNSON: No --

8 MR. DANIEL: Yes.

9 MS. DARLENE JOHNSON: No, that's not where
10 I'm talking about. From the corner where the
11 church is to the end of the church property there
12 are a lot of cars. Are your employees parked --

13 MR. SEMERARO: Just answer if any of your
14 employees park there.

15 MR. DANIEL: I said no.

16 MS. DARLENE JOHNSON: Okay. Another
17 question I have for you.

18 I talked about the parking. Just a
19 second.

20 You made a lot of reference to culture.
21 Do you feel that that building is fitting in the
22 culture of this neighborhood?

23 Because that's his words. He said he has
24 a culture. He established he made that statement
25 several times.

1 Do you truly feel that that building is
2 going to be an asset to the culture of that
3 neighborhood?

4 MR. SEMERARO: Same objection. The
5 question is taken out of context the meaning of
6 the word culture within the meaning intended.

7 MS. DARLENE JOHNSON: Well then let me
8 rephrase it. What do you mean by the statement
9 "culture"?

10 MR. SEMERARO: In his testimony you mean,
11 obviously.

12 You can answer.

13 MR. DANIEL: The culture of our company.
14 Meaning, that when a customer pulls up to one of
15 our facilities, we don't want them to see tires
16 strewn about, parts strewn about. That's what I
17 mean about "culture". Just a well kept, clean,
18 maintained property.

19 MS. DARLENE JOHNSON: Okay. When was the
20 last time you were at that property?

21 MR. DANIEL: The other day actually.

22 MS. DARLENE JOHNSON: What's the other day
23 because that could've been last year?

24 MR. DANIEL: I was there every day last
25 week actually.

1 MS. DARLENE JOHNSON: Okay. You made a
2 testimony that the bays would be closed. Have the
3 bays been closed?

4 MR. DANIEL: That's a condition on this
5 approval.

6 MS. DARLENE JOHNSON: No, you made a
7 testimony here and I'm asking you again, I heard
8 the testimony that you said that the bays would
9 always be closed. So I'm going to ask again.
10 Have the bays always been closed during hours of
11 operation?

12 MR. DANIEL: I agree with you, I did say
13 that, but it was on the basis that this gets
14 approved going forward the doors will be kept
15 closed.

16 MS. DARLENE JOHNSON: So are you telling
17 this community now that because you haven't been
18 approved it's okay for you to operate with the
19 bays open? What's the difference?

20 MR. DANIEL: I don't know if this is
21 appropriate and the Board can say, but the
22 previous owner had kept the doors open all the
23 time.

24 MS. DARLENE JOHNSON: We're not talking
25 about the previous owner. We're talking about

1 what you testified to.

2 MR. DANIEL: But the point of what we're
3 trying to portray is that we're not here to be the
4 bad guys. I understand your perspective, but we
5 do in our hearts of heart believe that this is
6 better.

7 This property I believe is zoned for two
8 three families, so that's six residences, maybe
9 eight, I'm not entirely sure. But our moving in
10 this property is going to far, not exceed what
11 those residents -- you're talking about additional
12 cops, additional firefighters, garbage, Amazon
13 trucks, movement of parents in and out. So from
14 that we're going to be adding a facility that
15 raises property taxes far more than what currently
16 is and that to me is a benefit to the town.

17 MS. DARLENE JOHNSON: Let me ask --

18 MR. WHITAKER: Counsel, that's irrelevant.

19 MS. DARLENE JOHNSON: Exactly.

20 So let me ask this question. Are you
21 aware that this is a walking community?

22 MR. DANIEL: I was not.

23 MR. SEMERARO: Again, it's the same
24 objection.

25 MS. DARLENE JOHNSON: How could it be?

1 Are you aware, again, because it's part of the
2 culture of Ridgewood, are you aware that this is a
3 walking community?

4 MR. WHITAKER: It has no relevancy to the
5 decision the board has to make.

6 MS. DARLENE JOHNSON: Okay. Let me ask
7 another question. Are you aware of the hours that
8 tow trucks and flatbeds are bringing cars to your
9 facility?

10 MR. DANIEL: Again, conditional approval,
11 I believe it was said in the last meeting, they
12 will be forced to be dropped off, delivered, or
13 entering our property during business hours Monday
14 through Friday.

15 MS. DARLENE JOHNSON: Okay. So I have a
16 question. What is the difference of towing cars
17 now at all hours of the day and night compared to
18 whether or not you get approval? What's the
19 difference, because it's still a disturbance to
20 the community?

21 MR. DANIEL: It's been accepted all these
22 years that's really all --

23 MS. DARLENE JOHNSON: That's not a true
24 statement, sir. That's not a true statement.
25 That's why sometimes we have to talk to the people

1 in the community before we want to build 30,000
2 feet buildings in a residential neighborhood.

3 I'm finished.

4 CHAIRMAN BROWN: Thank you.

5 State your name, spell your name, and give
6 us your address, for the record.

7 MS. LISA GLIDEWELL: Okay. Lisa Glidewell,
8 G-l-i-d-e-w-e-l-l. I live at 222 South Broad
9 Street.

10 My question is around the storage of the
11 disabled vehicles. You testified that once you
12 wash the vehicles and you disassemble them you're
13 going to move them outside in a lot. Can you
14 please clarify that for me, please?

15 MR. DANIEL: Yeah, as the application sits
16 now, the building basically is on Lot 14, which is
17 the one closest towards Glen Rock, 264. The
18 parking lot as it's currently shown is on 246 and
19 it's set back, I don't know exact footage, but I
20 know it's at least a hundred feet. So all the
21 disassembled vehicles will be back towards the
22 train tracks with a fence closed, either slatted
23 or PVC so nobody has to see the disassembled
24 vehicles like they do now.

25 MS. LISA GLIDEWELL: So is the fence going

1 to be just along the Broad Street side or are you
2 going to have fencing around the whole parking
3 area, the railroad tracks and everything?

4 MR. DANIEL: It will go from that corner
5 about a hundred feet back, down towards the train
6 tracks back around and up towards Lot 14 stopping
7 again at that same intersection by the building.
8 It's not going to come past the building, so you
9 shouldn't see the fence like you do now.

10 MS. LISA GLIDEWELL: And my followup
11 question to that is, are car parts still valuable
12 even though the car is disassembled and it doesn't
13 run?

14 MR. DANIEL: Like a damaged headlight or
15 something you're saying?

16 MS. LISA GLIDEWELL: The parts on a car.

17 MR. DANIEL: The damaged parts?

18 MS. LISA GLIDEWELL: Any parts, any parts
19 of the vehicle, are they still valuable?

20 MR. DANIEL: Yes.

21 MS. LISA GLIDEWELL: Do you think that
22 having all these disassembled cars has unintended
23 consequences of attracting crime to the
24 neighborhood and making the neighborhood unsafe?

25 MR. DANIEL: I mean, as it stands now, the

1 previous owner didn't have any fence and --

2 MS. LISA GLIDEWELL: I'm not --

3 MR. DANIEL: Well, even now there's --

4 MS. LISA GLIDEWELL: You kept saying
5 you're going to have these luxury vehicles and et
6 cetera.

7 MR. DANIEL: Yeah, I'll answer.

8 MS. LISA GLIDEWELL: So I'm just trying to
9 understand whether or not there will be unintended
10 consequences as to increased crime.

11 MR. DANIEL: In short, I don't believe it
12 will increase crime.

13 MS. LISA GLIDEWELL: I'm sorry, say that
14 again.

15 MR. DANIEL: It will not increase crime.

16 MS. LISA GLIDEWELL: Are you aware recently
17 in Ramsey on Route 17 that they have theft of
18 vehicles in Ramsey as well so that's attracting
19 crime?

20 MR. DANIEL: It hasn't yet. I don't think
21 there's been an increase. I'd have to look at
22 police reports. But, again, this body shop, the
23 one on Lot 12 has been there since 1960, which,
24 again, we'll get the testimony on. The one on Lot
25 14 has been there since 1940 and since then, ma'am

1 --

2 MS. LISA GLIDEWELL: I mean, I can
3 appreciate that.

4 MR. DANIEL: -- since then there hasn't
5 been --

6 MS. LISA GLIDEWELL: Excuse me, you're
7 portraying --

8 MR. SEMERARO: He was trying to answer the
9 question. He was interrupted.

10 MR. WHITAKER: He's answering the question
11 you had asked.

12 MS. LISA GLIDEWELL: Okay.

13 MR. DANIEL: So over the last 60 to 80
14 years, there's been no complaints of crime or
15 increase in crime, so I don't see why there would
16 be now or going forward if this got approved.

17 MS. LISA GLIDEWELL: But I'm trying to
18 understand --

19 MR. WHITAKER: That's his answer.

20 MS. LISA GLIDEWELL: Okay. Okay. You did
21 state that your business model was to have more
22 upscale luxury vehicles. Correct?

23 MR. DANIEL: Correct.

24 MS. LISA GLIDEWELL: Okay. So to compare
25 what was done in 1940 versus your projected vision

1 is not actually a fair comparison.

2 MR. WHITAKER: That's not a question.

3 That's an observation.

4 MS. LISA GLIDEWELL: Let me state the
5 question. Is it fair to say that if your future
6 business model is to deal with more upscale
7 vehicles, then it's unfair to kind of -- is it
8 unfair to compare it to old vehicles from the
9 1940s?

10 MR. DANIEL: I mean, I think that's a
11 fair --

12 MS. LISA GLIDEWELL: Yes or no?

13 MS. LISA GLIDEWELL: I think it's a fair
14 concern, but we've operated there now for about a
15 year and a half or two years and those vehicles
16 have been going through that facility since the
17 beginning. So, I mean, I trust the neighborhood.
18 I don't see an increase in crime and I've never
19 had an issue with it, so I don't foresee it being
20 an issue going forward.

21 MS. LISA GLIDEWELL: Are you aware that
22 there have been shop raids where people are
23 breaking into luxury vehicles? There's been an
24 increase in that in the neighborhoods?

25 MR. SEMERARO: I'm going to have to just

1 object because it is beyond the scope of his
2 testimony.

3 MR. WHITAKER: Are you aware?

4 MS. LISA GLIDEWELL: Are you aware?

5 MR. DANIEL: I'm aware of an increased
6 crime all over the country, to be honest.

7 MR. WHITAKER: That's your answer.

8 MS. LISA GLIDEWELL: Specifically for
9 vehicles, specifically vehicles, not just crime in
10 general, to take luxury vehicles --

11 MR. DANIEL: That's my answer.

12 MS. LISA GLIDEWELL: -- are you aware
13 there's an increase in that?

14 MR. DANIEL: I haven't seen the
15 statistics. All I know is there's an increase in
16 crime.

17 MS. LISA GLIDEWELL: There's an article
18 that there's been an increase in --

19 MR. WHITAKER: You can't --

20 CHAIRMAN BROWN: Questions only.

21 MR. SEMERARO: This is the testimony.

22 MS. LISA GLIDEWELL: I can't do that?

23 My final closing question, I know the
24 hour's getting late. You mentioned the parking
25 lot and I think the previous meeting you said how

1 many disassembled vehicles can you store in the
2 parking lot?

3 MR. DANIEL: I believe that's probably for
4 the site engineer, but I'd be lying if I knew the
5 exact number, but it's over 50 spots.

6 MS. LISA GLIDEWELL: Okay. I know you had
7 mentioned something about moving the vehicles
8 around frequently during your last testimony. I
9 just want to understand a little bit more about
10 that.

11 MR. DANIEL: So we move them a lot now
12 because of the limited space. The buildings are
13 all over. So we have to move them from one area
14 to another. If this gets approved, we won't have
15 to move them as often.

16 MS. LISA GLIDEWELL: But I thought there
17 was something about you were asking for a variance
18 for a specific type of parking lot? What was
19 that?

20 MR. SEMERARO: That's not in his
21 testimony.

22 MS. LISA GLIDEWELL: That's not his
23 question? That was a different question?

24 MR. WHITAKER: The planner or engineer
25 will testify to that.

1 MS. LISA GLIDEWELL: Okay. I thought I
2 had read that somewhere. Okay. Thank you very
3 much for your time.

4 CHAIRMAN BROWN: Thank you.

5 MR. MITCHELL SCHUHMAN: Do I still have
6 time?

7 CHAIRMAN BROWN: Go ahead, you can go.

8 Please state your name and spell your name
9 and give us your address, please.

10 MR. MITCHELL SCHUHMAN: Sure. Mitchell
11 Schuhman, S-c-h-u-h-m-a-n. I'm at 110 Linden
12 Street, Ridgewood, New Jersey 07450.

13 So you own a for profit business.
14 Correct?

15 MR. DANIEL: Correct.

16 MR. MITCHELL SCHUHMAN: So in order to
17 succeed and continue to grow, you have to increase
18 profits. Correct?

19 MR. DANIEL: Correct.

20 MR. MITCHELL SCHUHMAN: So this renovation
21 or not really renovation because you did a
22 renovation, this new building you're going build,
23 is this a cheap thing you're going to do or very
24 expensive thing you're going to do?

25 MR. DANIEL: I hope to make it cheap.

1 MR. DANIEL: Do you have an approximate of
2 how much you're going to spend in costs --

3 MR. INGLIMA: I have to ask that this
4 gentleman not be permitted to ask questions. I
5 understand he's on the board of the nursery
6 school.

7 MR. WHITAKER: I wasn't aware of that.

8 MR. INGLIMA: It was just reminded of me.

9 MR. SCHUHMAN: Okay. I didn't know if I
10 was a resident I was still...

11 MR. WHITAKER: You're being represented by
12 Counsel.

13 MR. SCHUHMAN: Okay. I'm sorry.

14 MR. INGLIMA: He's being represented
15 through me.

16 MR. WHITAKER: That's understood.

17 CHAIRMAN BROWN: Okay. Do any members of
18 the public have any additional questions?

19 Okay. Seeing none...

20 MR. SEMERARO: Okay. I'd like to close
21 his testimony but reserve the right to call him if
22 need be for any type of rebuttal testimony further
23 down the road.

24 At this juncture, I also believe we are at
25 the point where we would be scheduling the hearing

1 for October 10th and Mr. Montick's arrival to
2 provide testimony.

3 CHAIRMAN BROWN: Mr. Whitaker, I guess the
4 question is the members of the Board haven't
5 gotten a chance to ask questions and our
6 professionals if they have any haven't gotten any.

7 MR. SEMERARO: Oh, correct.

8 CHAIRMAN BROWN: I would probably say I
9 don't really want to entertain that right now.
10 It's late in the evening. I apologize to the
11 Board members, but I would probably suggest that
12 when we carry this on the 10th of October that he
13 be available for Board members to ask questions
14 first.

15 MR. SEMERARO: Mr. Chairman, I apologize,
16 that I was an oversight on my behalf as well.
17 Certainly, the Board's entitled to do that and we
18 would not have any issue with that. It was just
19 oversight.

20 We have a little bit of a, I guess an
21 issue to address with Mr. Montick's testimony
22 then. I don't know what the agenda is for the
23 September 26th meeting, but if we are closing to
24 the public at this point in time and Objector's
25 Counsel and it's just the Board, perhaps we could

1 resume, if there's room on the 26th agenda for the
2 Board to cross-examine Mr. Daniel that way we can
3 keep on track with Mr. Montick for October 10th.
4 I would hate to have this carried to October 10th
5 and then not be in a position to with confidence
6 arrange for Mr. Montick to fly in and then provide
7 testimony.

8 CHAIRMAN BROWN: I believe we do have some
9 time reserved on the 26th where we might be able
10 to give you an hour. It would probably be at the
11 end because we have residential applications at
12 that point in time.

13 MR. SEMERARO: That would be wonderful.

14 BOARD MEMBER RUHL: I have questions. I
15 will not be here the 26th.

16 CHAIRMAN BROWN: So does the Board want to
17 stay for another couple of minutes and ask
18 questions quickly?

19 BOARD MEMBER BANDELT: I'm fine staying
20 until 11:00, which is what the notice says. I'd
21 rather close this witness out.

22 BOARD MEMBER RUHL: And it's not fair to
23 the residential applications we have that we're
24 just going to push them down the pike.

25 CHAIRMAN BROWN: Well, let's then see

1 where we get, where we go.

2 Who wants to start?

3 MR. SEMERARO: We really appreciate the
4 indulgence on this.

5 BOARD MEMBER BANDELT: I have no
6 questions.

7 CHAIRMAN BROWN: No questions.

8 Harold, do you have any questions?

9 BOARD MEMBER MAXWELL: I do not.

10 CHAIRMAN BROWN: Gary?

11 BOARD MEMBER NECRYCZ: Just one.

12 You said you used primarily water based
13 paint.

14 MR. DANIEL: Yes.

15 BOARD MEMBER NECRYCZ: Some of the more
16 exotic cars that you deal with are still doing
17 things like multiple lacquer coats and things like
18 that.

19 MR. DANIEL: No, sir.

20 BOARD MEMBER NECRYCZ: No? It's all just
21 clear coat over the top now?

22 MR. DANIEL: Yes, sir.

23 BOARD MEMBER NECRYCZ: So there wouldn't
24 be an exception?

25 MR. DANIEL: No.

1 BOARD MEMBER NECRYCZ: I'll ask it
2 slightly different. If there were an exception,
3 would your filtering system in the paint shop deal
4 with it?

5 MR. DANIEL: Yeah, the filtering's the
6 same, but we don't use any lacquer.

7 BOARD MEMBER NECRYCZ: All right. So it
8 wouldn't make a difference if you had to?

9 MR. DANIEL: Yes.

10 BOARD MEMBER NECRYCZ: Okay. Thank you.
11 That's all I have.

12 CHAIRMAN BROWN: Thank you, Gary.
13 Diana?

14 BOARD MEMBER RUHL: You testified on
15 May 23rd.

16 MR. DANIEL: Yes.

17 BOARD MEMBER RUHL: Okay. In that
18 testimony there was a question why do you need a
19 larger facility. I'm reading now from the
20 transcript page 46 and your answer is: "So having
21 a bigger facility doesn't mean we'll do more
22 volume and increase traffic, but it will allow us
23 to bring some of the vehicles and the very nature
24 of the business that's outside inside that
25 building."

1 So what changed between May 23rd and
2 today? Because there you said it doesn't mean
3 we'll do more volume and increased traffic and now
4 it sounds like we're going to have a 33 percent
5 increase in traffic. If we're going from 21 bays
6 to 28 and four and a half to six potentially, it's
7 got a 33 percent increase.

8 MR. DANIEL: Yeah.

9 BOARD MEMBER RUHL: So I'm just curious,
10 what changed since May and today that you said we
11 weren't going to do anymore?

12 MR. DANIEL: So that increase, like I
13 stated earlier, is on a perfect day. Like I said,
14 the painter not eating lunch. The humidity not
15 being in effect, because if it's too humid the
16 paint won't dry as fast. So now you're going from
17 a two hour bake cycle maybe to a tow and a half to
18 three hour bake cycle.

19 In terms of the bays increasing that
20 30 percent. For example, we're doing an ambulance
21 in our Wayne facility. And, again, I'm sorry for
22 bringing up Wayne again, but just so everybody can
23 get the picture. We have a frame machine which is
24 labeled *Mechanic* on our site plan. That vehicle
25 gets clamped on the machine for structural damage.

1 So your vehicle sits on frame rails similar to put
2 your arms straight up. The motor sits in front of
3 that. In order to replace that frame rail, that
4 motor has to come out. Now that motor, like I
5 said, is, you know, half this table by this high.
6 That motor in this facility as it sits now would
7 go outside. In reality, a motor not covered by a
8 hood and unprotected from the elements should
9 never go outside. So the bay to car ratio is not
10 1 to 1. So in order to replace that set frame
11 rail, we have to take that motor out and it goes
12 to the bay next to it. Just because we have the
13 28 bays doesn't necessarily mean --

14 BOARD MEMBER RUHL: Could it not go into
15 the building, the storage, the 30,000-square foot
16 space. It doesn't have to go into the bay next
17 door.

18 MR. DANIEL: No, the elevator and the
19 floor upstairs would have to be, you know,
20 reinforced to hold a... You're talking a motor.

21 BOARD MEMBER RUHL: Okay. That's the one
22 off ambulance that you get. So the rest of the
23 year, let's say you get five ambulances, let's say
24 you get 12, so now that goes from 21 to 22. How
25 are we getting to 28 and if the volume -- I'm

1 trying to understand why you need seven more bays
2 if the volume is essentially really not going to
3 change.

4 MR. DANIEL: Well, two more bays come into
5 effect on something I forgot to touch upon, so
6 thank you for asking the question, is ADAS
7 calibration. So that's Advanced Driver Assisted
8 Systems.

9 Currently, right now, say we replace the
10 front bumper in I'll say a Tesla, because
11 everybody knows what one of those are. They drive
12 themselves. They have an autopilot in the front.
13 Right now a third-party vendor has to come on our
14 property, increasing traffic and mobility around
15 the neighborhood to come and calibrate that
16 vehicle. In this facility, we're proposing an
17 ADAS bay on the site plan. So one of those bays
18 is related to that. So that takes away a
19 third-party vendor, everything done inhouse.

20 Another aspect of additional bays is after
21 those two hours, and like I testified to the
22 gentleman who asked about the paint booth. It
23 gets baked for 30 minutes. It comes out, like I
24 said, about 115 degrees. That paint will still be
25 soft to the touch. Like, you can't just start

1 putting it together. So rather than put that car
2 outside and potentially get pollen or something
3 stuck on it to like what I testified to earlier
4 with the paint and imperfections that we deal with
5 now, it will just sit inside in a bay for what we
6 call cool down, so you need a bay for that.

7 So there's more than just that ambulance
8 aspect. Like I said, the car might have a door
9 off --

10 BOARD MEMBER RUHL: No, it's 30 percent.
11 So it's a 30 percent increase. This is not seven
12 bays, it's seven out of 21. It's a 33 percent
13 increase.

14 MR. DANIEL: Yes, two bays are for the car
15 washing that I described going back and forth to
16 Ridgewood Car Wash. Like I said, those
17 imperfections that are occurring now, Ridgewood
18 Car Wash is, fortunate enough for us that they
19 help us take care of those, so two of those bays
20 are dedicated to detail. So you got two for
21 detail, you got one for ADAS calibrations, and one
22 for a cool down bay. So we're really only talking
23 about two to three additional bays, which factors
24 in that additional car that I'll be doing.

25 I'm not going to sit here and placate or

1 try to deny that I'm going to increase volume a
2 little bit. As the previous neighbor suggested,
3 we are here to make money. But in the grand
4 scheme of things, like I said, I can potentially
5 do that out of the facility right now. Like the
6 neighbor said, there's nothing stopping me other
7 than getting the proper permits to be putting in
8 another spray booth on the property where Barry's
9 had one originally. So I can do -- it's the booth
10 really that limits the volume.

11 BOARD MEMBER RUHL: So there was a spray
12 booth on the Barry's property?

13 MR. DANIEL: Yeah.

14 BOARD MEMBER RUHL: I just want to confirm
15 I understand --

16 MR. DANIEL: Yeah, prior to us purchasing
17 it, Barry's had a contract with Mahwah GMC and he
18 did all their work. So he probably did say two to
19 three vehicles a day and similar to Chem
20 (Phonetic). So what we all kind of forget is
21 there was already six vehicles a day coming out of
22 that lot as is, let alone the movement from the
23 tenants and everything.

24 BOARD MEMBER RUHL: Another quick
25 question. You guys mentioned the phase 1 and

1 phase 2 that you were going to supply the copies.

2 MR. SEMERARO: We did.

3 BOARD MEMBER RUHL: I didn't see a copy,
4 if anybody else saw.

5 MR. SEMERARO: We did submit it. We
6 submitted it to the village engineer. I copied --
7 Bruce, I think I copied you on it and your
8 engineer, Chris, had asked for some followup and I
9 had forwarded those requests out to our engineer
10 and we're in the process of answering it.

11 BOARD MEMBER RUHL: Okay. Thank you.

12 CHAIRMAN BROWN: Thanks, Diana. Are you?

13 BOARD MEMBER RUHL: I think I am, but go
14 ahead.

15 CHAIRMAN BROWN: Go ahead, Jonathan, and
16 just keep in mind that we're a little -- or Chris,
17 I'm sorry, do you want to, I'm sorry. Did you
18 want to answer that?

19 MR. RUTISHAUSER: Just further comment. I
20 don't consider what was submitted a phase 1 or
21 phase 2. That's the driving reason for those
22 questions I posed to you that I'm looking for an
23 answer to then present to the Board.

24 MR. SEMERARO: I understand that letter
25 in -- we can have this conversation offline. I'll

1 certainly provide to you whatever it is that you
2 need.

3 MR. RUTISHAUSER: We'll continue our email
4 I sent you tonight or this afternoon, my comments.
5 I'm not expecting a response a back.

6 MR. SEMERARO: Exactly.

7 MR. RUTISHAUSER: We'll work through it
8 and at some point in time we'll have a finished
9 packet that we can present to the Board members to
10 address their concerns.

11 MR. SEMERARO: Exactly.

12 BOARD MEMBER RUHL: Thank you.

13 CHAIRMAN BROWN: Jonathan.

14 BOARD MEMBER PAPIETRO: Mr. Daniel, during
15 your evaluation and your review of this property
16 and prior to the purchase and then after your
17 purchase, did you acquire or collect any
18 information that suggested there was a deficit of
19 collision repair shops in and around the Village
20 of Ridgewood.

21 MR. DANIEL: Our paint company does maps
22 to determine what makes, models, and vehicles and
23 also our insurance carriers portray to us what
24 areas they're lacking in, so they kind of let us
25 know what areas to look for.

1 BOARD MEMBER PAPIETRO: What did that tell
2 you about the Village of Ridgewood and the
3 surrounding areas? Was there a deficit of access
4 to collision repair shops?

5 MR. DANIEL: Yes. In short, yes. Quality
6 body shops according to a particular carrier.

7 BOARD MEMBER PAPIETRO: Okay. And are you
8 aware of approximately how many collision repair
9 shops are in and around the Village of Ridgewood?

10 MR. WHITAKER: It is really an irrelevant
11 question. We have to focus on whether this site
12 is particularly suited for the use proposed. It
13 would be irrelevant as to how many others are in
14 the municipality.

15 BOARD MEMBER PAPIETRO: Understood. Thank
16 you. No more questions.

17 BOARD MEMBER RUHL: I have one more quick
18 question.

19 Again, back to your testimony in May. The
20 question is, "Is the building that you're
21 proposing here in Ridgewood smaller than the
22 building that you operate in Wayne?"

23 I thought you said that one was larger.
24 Back then you said, no, they're similar in size.
25 If they're similar in size, how is that one

1 putting out 200 cars, and I understand there's the
2 booth, but there's 200 cars of storage of parts
3 versus only a hundred or 120 storage of parts. So
4 why is the building the same size if you're not
5 storing as much?

6 MR. DANIEL: I think the similar comment,
7 I think they're about four or 5,000 square feet
8 difference. I want to say Wayne is 35 or 36,
9 something around there. And, again, the primary
10 driver is the fact that there's two booths and
11 over 30 bays. I think there's 32, 33, something
12 around there. There's bays on top of having the
13 two booths and there's additional things called
14 prep stations, which, you know, we can get into,
15 but they're operational as paint booths.

16 BOARD MEMBER RUHL: They're not the same.
17 They're similar in the size. Let's say 5,000
18 square feet compared out of 30,000, that's, I
19 don't know, do the math. It's what, 20 percent --

20 MR. DANIEL: Yes.

21 BOARD MEMBER RUHL: -- bigger, yet, you're
22 putting, you have parts for a hundred percent more
23 cars coming through.

24 MR. DANIEL: Yes.

25 BOARD MEMBER RUHL: Just... So it is a

1 little bit bigger.

2 MR. DANIEL: Correct.

3 BOARD MEMBER RUHL: Thank you.

4 MR. DANIEL: You're welcome.

5 CHAIRMAN BROWN: Thank you, Diana.

6 Mr. Barree, do you have any questions?

7 MR. BARREE: I don't have anything at this
8 time. Thank you.

9 CHAIRMAN BROWN: All right. So Mr.
10 Whitaker, does that mean we can conclude his
11 testimony but reserve?

12 MR. WHITAKER: Reserve the right to call
13 him back and Counsel already reserved that right
14 to October the 10th, 7:30. No other items on that
15 evening. There will be no further public notice
16 given to the public. We're announcing it tonight.
17 The meeting will be continued to October the 10th
18 in this room at 7:30 p.m.

19 MR. SEMERARO: Thank you so much for doing
20 this this evening.

21

22 (Whereupon, the proceedings concluded at
23 10:51 p.m.)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XI01388, 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.

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