

Special Public Meeting of the Englewood Cliffs
Planning Board Minutes March 15, 2016

The Special Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Mr. Villari
Mr. Kilmartin
Mr. Trovato
Mrs. O'Shea – Borough Rep
Mr. Kim – 1st Alternate
Mr. Porrino – 3rd Alternate
Mr. Lee – 4th Alternate
Councilman Park
Ms. Eastwood – Mayor Designee

Absent:

Mr. Duffy – 2nd Alternate
Mario Kranjac

Also Present:

Michael O'Krepky, P.E., of Maser Consulting, the Borough's consulting engineer.
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this special meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Northern Valley Press, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Flag salute led by Mr. Chinman

Mr. Kates addressed the letter from Huntington Bailey L.L.P. representing Mr. Jeffery Chinman dated February 16, 2016 in the matter of Conopco, Inc. Parking Deck Application #254K. Mr. Kates stated that negotiations between the two parties have ended with an agreement so they have dropped the request to have the application reheard.

Old Business:

Application #257K - Site Plan Approval w/Variations
FCA Realty, LLC – 100 Sylvan Ave. – Block 130 – Lot 23

Application #258K - Site Plan Approval w/Variations
FCA Realty, LLC – 120 Sylvan Ave. – Block 130 – Lot 24

See attached transcripts.

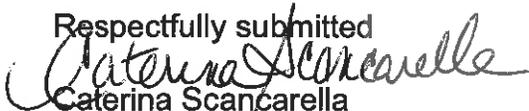
New Business:

Application #260K - Minor Subdivision
Senatore III Development, Inc.
577 Floyd Street – Block 802 – Lot 7

See attached transcripts.

Chairman Fehre asked for a motion to close the public portion and adjourn the meeting at 10:51 pm. Motion was made by Mr. Kim, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella

Planning Board Administrative Secretary

ENGLEWOOD CLIFFS PLANNING BOARD
SPECIAL MEETING – March 15, 2016 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

"OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and Northern Valley Press posting of notice on the Borough Hall bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES:

OLD BUSINESS:

- Application #257K - Site Plan Approval w/Variations
FCA Realty, LLC – 100 Sylvan Avenue – Block 130 – Lot 23
- Application #258K - Site Plan Approval w/Variations
FCA Realty, LLC – 120 Sylvan Avenue – Block 130 – Lot 24

NEW BUSINESS:

- Application #260K - Minor Subdivision
Senatore III Development, Inc. – 577 Floyd Street – Block 802 – Lot 7

COMMUNICATIONS

Letter from Huntington Bailey L.L.P. representing Jeffery Chinman dated February 16, 2016 in the matter of Conopco, Inc. Parking Deck Application #254K

COMMITTEE REPORTS

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

1 BOROUGH OF ENGLEWOOD CLIFFS
2 PLANNING BOARD
3 REGULAR MEETING
4 10 Kahn Terrace
5 Englewood Cliffs, New Jersey
6 Tuesday, March 15, 2016
7 Commencing at 7:33 p.m.

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

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- - - - -X
IN RE: :
APPLICATION NO. 260K :
SENATORE III DEVELOPMENT, INC., :
Applicant. :
Minor Subdivision :
Block 802, Lot 7, :
577 Floyd Street :
- - - - -X

B E F O R E:

- EDWIN FEHRE, CHAIRMAN
- AUREL VILLARI, VICE CHAIRMAN
- LAUREN EASTWOOD
- JEFFERSON CHINMAN
- RONALD KILMARTIN
- MATTHEW TROVATO
- KIKY KIM
- RUSSELL PORRINO
- JILL ROSENBERG
- J.P. LEE
- COUNCILMAN MARK PARK
- MARY O'SHEA
- Michael B. Kates, Esquire, Board Attorney
- Andrew r. Hipolit, PE, Board Engineer
- Cathy Scancarella, Board Secretary

TRANSCRIBED BY AND BEFORE:
ToniAnn Acquaro, Professional Court Reporter, and Notary
Public of the State of New Jersey.

Job No. 2266062

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

2

3 MARK SOKOLICH LAW OFFICE

4 Counsel for Applicant

5 Senatore III Development, Inc.

6 1223 Anderson Avenue

7 Fort Lee, New Jersey 07024

8 BY: MARK SOKOLICH, ESQUIRE

9 (201) 224-4000

10 sokolichsq@hotmail.com

11 I N D E X:

| | |
|----------------------------|------|
| 12 APPLICANT'S EXPERTS: | PAGE |
| 13 Mark Martins, PE | 4 |
| 14 MEMBERS OF THE PUBLIC: | |
| 15 None | |
| 16 | |
| 17 | |
| 18 E X H I B I T S: | |
| 19 APPLICANT'S DESCRIPTION | PAGE |
| 20 Exhibit-1 Site plan | 3 |
| 21 | |
| 22 | |
| 23 | |
| 24 | |
| 25 (Exhibits retained.) | |

Page 4

1 subdivision. Were the board to act favorably on the

2 application, we would like to split it by way of two

3 lots.

4 I have one witness tonight, my engineer, Mr. Mark

5 Martins. Also the sole shareholder and owner of the

6 property, Mr. Senatore, is here in case the board has

7 any questions of him, as well. With that, I ask that

8 Mr. Martins be sworn in.

9 M A R K M A R T I N S, after having been duly

10 sworn, was examined and testified as follows:

11 MR. KATES: Identify yourself for the record,

12 spell your last name and your address.

13 THE WITNESS: Mark Martins, M-a-r-t-i-n-s, 55

14 Walnut Street, Norwood, New Jersey.

15 MR. KATES: Your witness.

16 MR. SOKOLICH: Thank you. This is a special

17 night; I have never gone before Mr. Schepisi on an

18 application before any board in my 27 years of doing

19 this. So it's a special moment.

20 Having said that, I have taken the liberty of

21 pre-marking this.

22 MR. KATES: It's been pre-filed.

23 EXAMINATION BY MR. SOKOLICH:

24 Q. Mark, you're a licensed -- if you can briefly

25 describe your credentials?

Page 3

1 CHAIRMAN FEHRE: Okay. Then we will begin

2 this evening with Application 260K, a minor subdivision,

3 Senatore III Development, Inc.; 577 Floyd Street; Block

4 802, Lot 7.

5 (Applicant's Exhibit 1 marked for

6 identification.)

7 MR. SOKOLICH: Good evening, Mark Sokolich on

8 behalf of the applicant Senatore III Development, Inc.,

9 a New Jersey Corporation. We had presented the

10 affidavit of service with the appropriate exhibit and

11 the appropriate tax certification and all other

12 documents, which I trust met the jurisdiction of this

13 board.

14 As you point out, this is a minor subdivision and

15 I dare say this is minor. At this time, we do not seek

16 any variance relief. Under the terms of the statutes of

17 the state, for the record, notice has been effectuated

18 so everybody has been provided with service.

19 By way of background, my client is a New Jersey

20 Corporation and the contract purchaser of this property,

21 which is 577 Floyd Street, known as Block 802, Lot 7.

22 It consists of 52,999 square feet in the RA zone, where

23 a minimum lot size of 10,000 square feet is required.

24 This is an application for a minor subdivision, going

25 from one lot to two lots as it would suit a minor

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1 A. Yes. I'm a licensed architect and engineer

2 in the State of New Jersey. I graduated from NJIT. I

3 have been licensed since 1983, been practicing since as

4 an engineer and a surveyor and have appeared before this

5 board and many other boards in New Jersey.

6 Q. And your credentials as an engineer have been

7 accepted by this board in the past?

8 A. Yes.

9 Q. And you performed engineering services before

10 other boards in the State of New Jersey where your

11 credentials have been accepted as an expert?

12 A. Yes.

13 Q. Have you had an opportunity to perform zoning

14 plats, in particular minor subdivision's plats for our

15 client's property?

16 A. Yes.

17 Q. Are you providing testimony for this client,

18 as well?

19 A. Yes.

20 MR. SOKOLICH: Mr. Chairman, I would offer

21 Mr. Martin as an expert in his field.

22 CHAIRMAN FEHRE: We accept him.

23 Q. I premarked A-1 just for its entitled minor

24 subdivision plat, 557 Floyd Street, so you have a date

25 of December 12, 2015 with no last revised date, correct?

Page 6

1 A. Correct.

2 Q. You identified the property at the beginning

3 of the plat as 557 Floyd Street; is that correct?

4 A. Yes, it is.

5 Q. If you would, just explain to the board

6 briefly what is the scope of your engagement, the

7 purpose of your appearance here?

8 A. The scope of my appearance was to prepare a

9 survey of the existing lot and, number two, to prepare a

10 minor subdivision that has to divide the one lot into

11 two conforming lots.

12 Q. In fact, to the best of your expertise, you

13 established both of those things?

14 A. Yes.

15 Q. And I would ask Mark, if you would, describe

16 in detail for the benefit of the board the property as

17 it stands now, the size, dimensions, the exceptions on

18 the property, how it drops. And just before we get into

19 the improvements, everything that is on the property now

20 is proposed to be ultimately demolished?

21 A. That's correct. The subject lot is 557 Floyd

22 Street, Block 802, Lot 7 on the tax map. It's located

23 on the easterly side of Floyd Street. Just to describe

24 it, it's 52,999 square feet; 208 feet along Floyd, 55.55

25 feet on the northerly side. We have a length at the

Page 7

1 rear of the property of approximately 205 feet, and the

2 southerly boundary is 270.56.

3 The property itself is a single-family dwelling

4 with an attached driveway with a in-ground pool. All

5 the existing improvements will be removed from the

6 property pending approval.

7 Our subdivision map lots 7.01, which will be the

8 southerly lot, and 7.02, which will be the northerly

9 lot. Both lots will be in the RA zone, which is the

10 a-family zone, which requires a lot area of 10,000

11 square feet. We are proposing Lot 7.01 to be a lot area

12 of 26,797 square feet with a lot width of 100.43. And

13 Lot 7.02 to be a lot area of 26,202 square feet with a

14 lot width of 100.85.

15 Q. Mark, are there any special circumstances on

16 the property that we need to bring to the board's

17 attention? What I mean by that is major rock-out

18 cropping, wetlands, environmentally sensitive

19 circumstances on the property?

20 A. None that I'm aware of.

21 Q. You indicated the lot which we proposed to

22 subdivide will be 7.01 and 7.02, correct?

23 A. Correct.

24 Q. And just to confirm they both meet the

25 minimum 26,000 square feet that you indicated for these

Page 8

1 lots as proposed?

2 A. Correct.

3 Q. On your zoning schedule the balance of the

4 bulk requirements, everything from front yard setback,

5 rear yard setback, side area building, covered heights,

6 everything where it says to comply, you said it could

7 comply with the site?

8 A. What we mean that is any future building that

9 will be constructed on these properties will fully

10 comply with the building requirements regarding

11 setbacks, height, et cetera.

12 Q. Do you expect an approved building setback

13 for the building?

14 A. Yes, we indicate the setback lines on each

15 particular lot and are conforming with the zoning

16 requirements in the RA zone.

17 Q. To be clear, we are suggesting that the

18 footprint would be that dotted line, we are only

19 suggesting that the dotted line, suggesting those

20 setbacks, the 30 foot front yard and 25 foot required

21 rear?

22 A. Correct.

23 Q. On either one of those proposed lots and

24 let's just say they wanted to build a house 29 feet as

25 opposed to the required minimum of 30 feet, what would

Page 9

1 they have to do?

2 A. They would have to come back to the board for

3 a variance.

4 Q. In fact, for this oversized lot in the zone

5 RA, no variances are being sought?

6 A. Correct.

7 Q. You heard in the beginning just our brief

8 testimony that the deed that would be the document to

9 file if the board would act favorably on this

10 application, that today it meets boundaries that have

11 been established on the record and that these two lots

12 can be created, correct?

13 A. Yes.

14 Q. Is there anything else that you would like to

15 add?

16 A. No.

17 Q. The only street that boundaries this property

18 is Floyd Street, correct?

19 A. Correct.

20 Q. I notice you do have a key map on the upper

21 left-hand corner of A-1.

22 A. Yes.

23 Q. Mark, the lot size is proposed at roughly

24 26,000 square feet. Is that more in common with the lot

25 sizes that exist in that neighborhood?

Page 10

1 A. Our existing lot is well oversized. The new
 2 lots are larger lots, but we have more than twice the
 3 minimum area that is required in the zone.
 4 Q. Just eyeballing the size of Floyd Street, if
 5 you humor me, going into the south, were the board to
 6 act favorably on this application, would the lots be
 7 more consistent with the lot sizes that exist now?
 8 A. Yes.
 9 Q. Is there anything you else you want to add?
 10 A. No.
 11 MR. SOKOLICH: Mr. Chairman?
 12 CHAIRMAN FEHRE: Are there any questions from
 13 board members?
 14 MR. PORRINO: I have a question. Can you
 15 help us understand where sanitary sewer connections
 16 would be made to the two lots?
 17 THE WITNESS: It would be in the front on the
 18 adjoining lot to the rear of us. We haven't worked out
 19 any site planning at this point, but presumably we go
 20 out to Floyd with it.
 21 MR. PORRINO: Do you know if there is a
 22 sanitary sewer in that aisle or you're not sure?
 23 THE WITNESS: I believe there is.
 24 MR. PORRINO: Is it located in a place that
 25 you can access?

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1 THE WITNESS: It is possible. We have to
 2 investigate that a little bit further.
 3 MR. PORRINO: That was my only question.
 4 MS. O'SHEA: Mr. Martin, the sanitary sewer,
 5 is that on the title?
 6 THE WITNESS: It is on the adjacent property.
 7 MS. O'SHEA: Not on the site.
 8 MR. KATES: Can I ask, is there county
 9 planning board review here or is this not a county road?
 10 THE WITNESS: It's not a county road.
 11 CHAIRMAN FEHRE: Any other questions?
 12 Is this your only witness?
 13 MR. SOKOLICH: That's it.
 14 CHAIRMAN FEHRE: Can I have a motion to open
 15 the application to the public?
 16 MR. KIM: Open.
 17 MR. CHINMAN: Second.
 18 CHAIRMAN FEHRE: All in favor?
 19 ALL BOARD MEMBERS: Aye.
 20 CHAIRMAN FEHRE: Anyone from the public that
 21 would like to ask any questions or make any comments?
 22 (No one comes forward.)
 23 Can I have a motion to close?
 24 MS. O'SHEA: So moved.
 25 MR. KILMARTIN: Second.

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1 CHAIRMAN FEHRE: All in favor?
 2 ALL BOARD MEMBERS: Aye.
 3 MS. ROSENBERG: I will make a motion to
 4 approve this application.
 5 BOARD MEMBER: Second.
 6 CHAIRMAN FEHRE: Roll call.
 7 MS. SCANCARELLA: Is this the full board?
 8 CHAIRMAN FEHRE: Yes.
 9 MS. SCANCARELLA: Mr. Villari?
 10 MR. VILLARI: Yes.
 11 MS. SCANCARELLA: Mr. Trovato?
 12 MR. TROVATO: Yes.
 13 MS. SCANCARELLA: Mr. Kilmartin?
 14 MR. KILMARTIN: Yes.
 15 MS. SCANCARELLA: Ms. Rosenberg?
 16 MS. ROSENBERG: Yes.
 17 MS. SCANCARELLA: Mr. Chinman?
 18 MR. CHINMAN: Yes.
 19 MS. SCANCARELLA: Mr. Kiky Kim?
 20 MR. KIM: Yes.
 21 MS. SCANCARELLA: Mr. Porrino?
 22 MR. PORRINO: Yes.
 23 MS. SCANCARELLA: Mr. Lee?
 24 MR. LEE: Yes.
 25 MS. SCANCARELLA: Ms. O'Shea?

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1 MS. O'SHEA: Yes.
 2 MS. SCANCARELLA: Councilman Park?
 3 COUNCILMAN PARK: Yes.
 4 MS. SCANCARELLA: Ms. Eastwood?
 5 MS. EASTWOOD: Yes.
 6 MS. SCANCARELLA: Motion passes.
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1 CERTIFICATION

2
3 STATE OF NEW JERSEY)

4 : ss:
5 COUNTY OF BERGEN)

6 I, TONIANN ACQUARO, a Notary Public for
7 and within the State of New Jersey, do hereby certify
8 that the foregoing is a true and accurate transcript
9 of the proceedings as taken stenographically by and
10 before me at the time, place and on the date
11 hereinbefore set forth.

12 I further certify that I am not related
13 to any of the parties to this action by blood or by
14 marriage and that I am in no way interested in the
15 outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 15th day of March, 2016.

18

19

20

ToniAnn Acquaro

21

ToniAnn Acquaro,
Professional Court Reporter
and New Jersey State Notary, 01AC6200255
My Commission Expires January 26, 2017

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23

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(The foregoing certification of this transcript does not
apply to any reproduction of the same by any means,
unless under the direct control and/or supervision of
the certifying reporter.)

| | | | |
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| <p>county 11:8,9,10 14:4 court 1:22 14:21 covered 8:5 created 9:12 credentials 4:25 5:6 5:11 cropping 7:18</p> | <p>engineer 1:19 4:4 5:1,4,6 engineering 5:9 englewood 1:1,3 entitled 5:23 environmentally 7:18 esquire 1:19 2:7 established 6:13 9:11 et 8:11 evening 3:2,7 everybody 3:18 examination 4:23 examined 4:10 exceptions 6:17 exhibit 2:20 3:5,10 exhibits 2:25 exist 9:25 10:7 existing 6:9 7:5 10:1 expect 8:12 expert 5:11,21 expertise 6:12 experts 2:12 expires 14:22 explain 6:5 eyeballing 10:4</p> | <p>floyd 1:9 3:3,21 5:24 6:3,21,23,24 9:18 10:4,20 follows 4:10 foot 8:20,20 footprint 8:18 foregoing 14:8,23 fort 2:6 forth 14:11 forward 11:22 front 8:4,20 10:17 full 12:7 fully 8:9 further 11:2 14:12 future 8:8</p> | <p>indicated 7:21,25 interested 14:14 investigate 11:2</p> |
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| <p>d 2:11 dare 3:15 date 5:24,25 14:10 day 14:17 december 5:25 deed 9:8 demolished 6:20 describe 4:25 6:15 6:23 description 2:19 detail 6:16 development 1:7 2:5 3:3,8 dimensions 6:17 direct 14:24 divide 6:10 document 9:8 documents 3:12 doing 4:18 dotted 8:18,19 driveway 7:4 drops 6:18 duly 4:9 dwelling 7:3</p> | <p>f 1:11 14:1 fact 6:12 9:4 family 7:3,10 favor 11:18 12:1 favorably 4:1 9:9 10:6 feet 3:22,23 6:24,24 6:25 7:1,11,12,13 7:25 8:24,25 9:24 fehre 1:12 3:1 5:22 10:12 11:11,14,18 11:20 12:1,6,8 field 5:21 file 9:9 filed 4:22</p> | <p>go 10:19 going 3:24 10:5 good 3:7 graduated 5:2 ground 7:4</p> | <p>j.p. 1:17 january 14:22 jefferson 1:14 jersey 1:3,23 2:6 3:9 3:19 4:14 5:2,5,10 14:3,7,22 jill 1:16 job 1:25 jurisdiction 3:12</p> |
| <p>e</p> | <p>h</p> | <p>h</p> | <p>k</p> |
| <p>e 1:11,11 2:1,1,11,18 14:1 easterly 6:23 eastwood 1:13 13:4 13:5 edwin 1:12 effectuated 3:17 either 8:23 engagement 6:6</p> | <p>h 2:18 hand 9:21 14:17 heard 9:7 height 8:11 heights 8:5 help 10:15 hereinbefore 14:11 hereunto 14:16 hipolit 1:19 hotmail.com 2:8 house 8:24 humor 10:5</p> | <p>identify 3:6 identified 6:2 identify 4:11 iii 1:7 2:5 3:3,8 improvements 6:19 7:5 indicate 8:14</p> | <p>k 4:9 kahn 1:2 kates 1:19 4:11,15 4:22 11:8 key 9:20 kiky 1:15 12:19 kilmartin 1:14 11:25 12:13,14 kim 1:15 11:16 12:19,20 know 10:21 known 3:21</p> |
| <p>i</p> | <p>i</p> | <p>i</p> | <p>l</p> |
| <p>i 1:11,11 2:1,1,11,18 14:1 easterly 6:23 eastwood 1:13 13:4 13:5 edwin 1:12 effectuated 3:17 either 8:23 engagement 6:6</p> | <p>i 1:11,11 2:1,1,11,18 14:1 easterly 6:23 eastwood 1:13 13:4 13:5 edwin 1:12 effectuated 3:17 either 8:23 engagement 6:6</p> | <p>i 1:11,11 2:1,1,11,18 14:1 easterly 6:23 eastwood 1:13 13:4 13:5 edwin 1:12 effectuated 3:17 either 8:23 engagement 6:6</p> | <p>larger 10:2 lauren 1:13 law 2:3 lee 1:17 2:6 12:23,24 left 9:21 length 6:25 liberty 4:20 licensed 4:24 5:1,3 line 8:18,19 lines 8:14 little 11:2 located 6:22 10:24 lot 1:9 3:4,21,23,25 6:9,10,21,22 7:8,9 7:10,11,11,12,13,13 7:14,21 8:15 9:4,23</p> |

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1 BOROUGH OF ENGLEWOOD CLIFFS
2 PLANNING BOARD
3 REGULAR MEETING
4 10 Kahn Terrace
5 Englewood Cliffs, New Jersey
6 Tuesday, March 15, 2016
7 Commencing at 7:51 p.m.

STENOGRAPHIC.
TRANSCRIPT OF
PROCEEDINGS
VOLUME II

8 - - - - -X
9 IN RE: :
10 APPLICATION NO. 259K :
11 FCA REALTY, LLC, :
12 Applicant. :
13 :
14 Site Plan Approval with Variances :
15 Block 130, Lot 23, :
16 100 Sylvan Avenue :
17 - - - - -X

18 B E F O R E:

- 19 EDWIN FEHRE, CHAIRMAN
- 20 AUREL VILLARI, VICE CHAIRMAN
- 21 LAUREN EASTWOOD
- 22 JEFFERSON CHINMAN
- 23 RONALD KILMARTIN
- 24 MATTHEW TROVATO
- 25 KIKY KIM
- RUSSELL PORRINO
- JILL ROSENBERG
- J.P. LEE
- COUNCILMAN MARK PARK
- MARY O'SHEA

Michael B. Kates, Esquire, Board Attorney
Michael Kreckie, PE, Acting Board Engineer
Cathy Scancarella, Board Secretary

TRANSCRIBED BY AND BEFORE:
ToniAnn Acquaro, Professional Court Reporter, and Notary
Public of the State of New Jersey.

Job No. NJ2268613

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5
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1 **CHAIRMAN FEHRE:** This is a continuation of
2 Application #257K, site plan approval with variances,
3 FCA Realty, LLC, 100 Sylvan Avenue, Block 130, Lot 23.
4 **MR. PORRINO:** Mr. Chairman, before they
5 begin. We are not planners. So I think it's
6 appropriate that we appoint a planner. So that we are
7 protected. The applicant, I believe, has to pay for the
8 planner's fees anyway, so that we are prepared, not just
9 for this application, but for any other applications
10 that come up. The question that I have, and let's say
11 for the LD application, and I am recused [sic.] from
12 that, but is there a planner on board for that?
13 **MR. KATES:** We do have a planner on board for
14 that.
15 **MR. PORRINO:** So I'm going to make a motion
16 that we appoint Maser Consulting as the planner for the
17 planning board for the balance of calendar year 2016.
18 **MS. ROSENBERG:** Is Mr. Phillips from that
19 firm?
20 **MR. PORRINO:** No, Mr. --
21 **CHAIRMAN FEHRE:** At this point --
22 **MR. PORRINO:** If I can just finish my motion
23 and then we can go from there? Andy Hipolit the
24 gentleman, who is our everyday borough engineer also has
25 a planner's license and there are other people in his

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1 firm who that are also qualified planners. So it's my
2 sense that we should be able to get them up to speed
3 quickly on this application, for instance, so that their
4 testimony can also be entered into the record.
5 So my motion is that we appoint Maser Consulting,
6 as said, for the balance of the calendar year. And also
7 the conflict engineer would be Phillips Engineering so
8 that going forward with the LG application being
9 heard --
10 MR. KATES: Carroll.
11 MR. PORRINO: I'm sorry, it would be Carroll
12 Engineering. This way the board has acted. And in case
13 of an appeal down the road, even on the LG application,
14 I think the planner of record should be recorded by this
15 board as being hired. That's my motion.
16 CHAIRMAN FEHRE: At this point, though, we
17 have no proposals for this type of thing. So how can we
18 vote on it? First, we have to have a proposal. And
19 then we have to be able to look at the proposal. We
20 have to go out for bids if we do it for the whole year.
21 If we do it just for one particular application, the
22 fees are paid by the applicant, then I would agree with
23 you, yes, we can do that, but we can't just give a
24 blanket approval without going out advertising, getting
25 the --

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1 MR. PORRINO: I understand the process. And
2 I'm all right with that. If it's the consensus decision
3 of the board, it's not mine, that you wish to do it on
4 an ad hoc basis and this application only. That's okay
5 with me. Then we have to go out with a RFQ and get it
6 right, not just for this matter, but LG and anything
7 else that is coming up for the rest of the year.
8 CHAIRMAN FEHRE: I think we should discuss
9 this also in committee, the next committee meeting.
10 MS. O'SHEA: I would like to second what Mr.
11 Porrino said. If Maser Consulting is also a planner,
12 the engineering firm is here, to also acknowledge the
13 fact that they are a planner and being the planner of
14 record would protect the board.
15 I know when we all went to the class out in
16 Hackettstown last week, the instructor had stated that
17 the board should have a planner present to take their
18 side of the matter and give them advice on it.
19 So if our engineering firm is also a planner, a
20 licensed planner, I think that we should appoint them as
21 the planner so that we are covered, especially with this
22 application where a planner is going to be presented by
23 the applicant, that our engineer is also qualified and
24 recognized by us as being our planner. So I second Mr.
25 Porrino's motion.

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1 CHAIRMAN FEHRE: This is only for this
2 application.
3 MR. PORRINO: Should we do it as until --
4 MS. O'SHEA: Until we have advertised.
5 MR. PORRINO: -- we have the opportunity to
6 complete the RFQs and get the --
7 MS. O'SHEA: Until we should get somebody,
8 you know, get it done all the way.
9 CHAIRMAN FEHRE: I think we should keep it
10 just we can vote on it again if it is necessary. We
11 wouldn't have a planner, for example, with a small
12 application they we just heard. We normally wouldn't
13 have a planner for that --
14 MS. O'SHEA: Right.
15 CHAIRMAN FEHRE: -- I wouldn't want to burden
16 a small applicant with a planner.
17 MS. O'SHEA: Right, but if the engineer is
18 also the planner, it's just basically our
19 acknowledgement that he is our planner.
20 CHAIRMAN FEHRE: Like I said, I don't think we
21 can do it without an RFQ.
22 MS. O'SHEA: For the long term. But I think
23 we should do it tonight for the short term.
24 CHAIRMAN FEHRE: Yeah, just for this
25 application. So you seconded it, correct?

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1 MS. O'SHEA: Yeah.
2 MS. SCANCARELLA: That's first a motion by
3 Mr. Porrino, second by...
4 MS. O'SHEA: And amended by Ms. O'Shea.
5 MS. SCANCARELLA: And this is for a planner
6 for this particular application. And it's going to be
7 Maser.
8 MR. KILMARTIN: Before we do that, so what
9 different hat does Maser have to wear? And what
10 preparation would they have had to do for tonight's
11 meeting? They may not be prepared for this meeting.
12 Are you a professional planner?
13 MR. KRECKIE: No, but to answer your --
14 MR. KATES: Identify yourself.
15 MR. KRECKIE: Michael Kreckie, from Maser
16 Consulting. There would have to be a review of the
17 application individually. The testimony tonight could
18 be reviewed by a professional planner. And that could
19 be incorporated into the review of the application, but
20 it would be my suggestion that each application is
21 reviewed, as required. You know, some of the things
22 that were brought up tonight -- I hear what you are
23 saying that some of these small applications do not
24 require a planner. Especially, specifically, if an
25 application is 100 percent conforming to the zone and

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1 requires no variances. In that case, it wouldn't
2 require much planning testimony. But a more complicated
3 application that requires variances both in C and D, in
4 my suggestion, should have professional testimony and
5 review from both sides regarding planning.
6 CHAIRMAN FEHRE: So then we have the motion
7 and a second. Roll call then.
8 MR. KILMARTIN: I'm sorry, one more. So we
9 are appointing Maser in the capacity of planner for this
10 application only.
11 CHAIRMAN FEHRE: Correct.
12 MR. KILMARTIN: And the understanding is that
13 the planning fees are being passed along to the
14 applicant?
15 CHAIRMAN FEHRE: Right.
16 MS. ROSENBERG: And tonight, if it gets
17 approved, does that mean until they read the transcript,
18 we can't make any decisions on it?
19 MR. KATES: I think what is assumed here is
20 that it can't be approved tonight until the planner that
21 we have retained reviews the planning testimony.
22 MS. ROSENBERG: Right.
23 MR. KATES: And there is a clock running, but
24 we are still not at the point where we have to worry
25 about it. Mr. Schepisi is listening intently.

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1 MR. KILMARTIN: Would it possible to defer
2 this vote until after we have heard their planner's
3 testimony and decide whether or not we need a planner?
4 MR. KATES: I think that is appropriate. In
5 fact, the only comment I would have is that it's a
6 little premature until you hear the testimony to know
7 whether you need a planner's response to it.
8 MR. PORRINO: My only feeling is that if a
9 plan is being presented to the board and if a variances
10 is being considered here, and specifically a potential
11 abandonment of the use, that I think is a pretty strong
12 indication that we should have a planner on board. This
13 is not a run-of-the-mill application where I think we
14 can just sort of not address it.
15 MR. KATES: It should be on record, too, that
16 in the pipeline, we only have an LG application. And we
17 have a planner in place for that. So continuing the
18 idea of hiring a planner for the future, we don't need
19 to address that tonight.
20 MR. PORRINO: We would request, though, that
21 part of the motion should be that the secretary is able
22 to advertise an RFQ as of tonight and this way at least
23 the process can be started and we are not dealing with a
24 month or two.
25 MR. CHINMAN: So, basically, you are saying

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1 that you will not voting on it, even if there is no
2 question that we don't need a planner, if we vote yes
3 for the motion?
4 MR. KATES: Well, that's Mr. Porrino's
5 opinion.
6 MR. CHINMAN: I am just asking whether we are
7 all going to vote whether or not the planner is needed.
8 MR. KATES: You can vote to retain a planner
9 on this application. The question is whether you use it
10 after you hear the planner's testimony.
11 But I think you are committing yourself to the
12 concept of not voting tonight, frankly.
13 MS. ROSENBERG: Mr. Kates, if we were not
14 here last week, can we vote on this motion? We can vote
15 on this motion, correct?
16 MR. KATES: I think its within the confines
17 of the hearing that we started. And that I would
18 suggest that we go with the nine that started the
19 application.
20 MR. SCHEPISI: I would like to voice
21 something for the record, just so the record is replete
22 when you are done with this.
23 MR. KATES: The persons that were qualified
24 to begin the application by the chair are: Mr. Fehre,
25 Mr. Villari, Ms. Eastwood, Mr. Kilmartin, Mr. Trovato,

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1 Mr. Kim, Mr. Porrino, Councilman Park and Ms. O'Shea.
2 And they are all here tonight. If there was an absentee
3 then we would have that issue. That's the way our
4 bylaws read and I will read that into the record.
5 2.11.1, Qualification to Act. Says the following:
6 Whenever a hearing is continued over two or more
7 sessions and when the board has reserved
8 decision on any matter, any member of the board
9 even though he or she did not sit upon the
10 hearing of the action may nevertheless participate in
11 the decision of the case, if and only if he or she
12 has read or listened to a recording of the entire
13 record of the proceedings and has certified in
14 writing that he or she has done so. But this
15 provision shall not apply if an alternate member has
16 been assigned by the chairperson to sit upon the
17 hearing of the application and fully qualifies to
18 vote.
19 The concept here was that although the statute
20 sanctions, recognizes an absentee reading the transcript
21 or listening to the tape as being certified to vote,
22 essentially that doesn't preclude the concept of being a
23 witness to the testimony as having giving better insight
24 as to what transpired, and the bylaws recognizes that
25 quality as being an original participant.

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1 So that's basically why the planning board
2 adopted the bylaws. It's existed for many years.
3 I don't believe that the statute provision, which
4 was the first part of what I read to you, is in conflict
5 with that. I think the board has the right to add this
6 proviso. On that basis we will proceed.
7 So in that case, the names that I read will be
8 the people who will vote on this.
9 CHAIRMAN FEHRE: We have a motion and a
10 second. This will be roll call to approve Maser as
11 planner for this particular application.
12 MS. SCANCARELLA: Mr. Villari?
13 MR. VILLARI: Yes.
14 MS. SCANCARELLA: Mr. Trovato?
15 MR. TROVATO: Yeah, just one clarification,
16 should that motion be approved that would be at the cost
17 and expense of the applicant?
18 CHAIRMAN FEHRE: The escrow would be used for
19 that purpose.
20 MR. TROVATO: Then my answer is yes.
21 MS. SCANCARELLA: Mr. Kilmartin?
22 MR. KILMARTIN: I think it's premature. No.
23 MS. SCANCARELLA: Mr. Kim?
24 MR. KIM: No.
25 MS. SCANCARELLA: Mr. Porrino?

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1 MR. PORRINO: Yes.
2 MS. SCANCARELLA: Ms. O'Shea?
3 MS. O'SHEA: Yes.
4 MS. SCANCARELLA: Councilman Park?
5 COUNCILMAN PARK: Yes.
6 MS. SCANCARELLA: Ms. Eastwood?
7 MS. EASTWOOD: Yes.
8 MS. SCANCARELLA: Chairman Fehre?
9 CHAIRMAN FEHRE: Yes.
10 MS. SCANCARELLA: Motion passes. Seven
11 yeses, two noes.
12 MS. O'SHEA: What was it?
13 MS. SCANCARELLA: Seven to two.
14 CHAIRMAN FEHRE: Okay. I think you can
15 begin.
16 MR. SCHEPISI: If it please the board, John
17 Schepisi again. Once again I'm sitting, hopefully in
18 two weeks I can get that shot and maybe my knee will be
19 better.
20 CHAIRMAN FEHRE: Mr. Schepisi, I would only
21 ask -- I had a couple of complaints from some of the
22 people coming up that maybe you were intimidating them
23 somewhat by sitting in close proximity to where they are
24 at.
25 MR. KATES: If we get to that point, John,

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1 you have to slide over.
2 MR. SCHEPISI: I have no problem sliding
3 over. But there is all this room here. One of the
4 witnesses came up and stood right behind me and that was
5 not my fault.
6 What I wanted to start the meeting with is I
7 wanted to apologize to the board and to any member of
8 the public who thinks that I offended last week. But
9 you have to remember one thing: I am here advocating a
10 cause, I'm trying my darnedest to do the best that I can
11 for my client. And I am not trying to offend anybody.
12 I objected last week when one woman stood up here and
13 said she was representing a group. I have to do that to
14 enforce my client's right not to permit an individual to
15 present testimony on behalf of a group because under
16 case law that is not permitted, and Mr. Kates knows
17 that.
18 So I'm going to have to during the course of the
19 proceeding object. I am going to have to during the
20 course of the proceeding take certain action. And this
21 is a planning board, this is not a court of law, so
22 there is leading of witnesses. I know Mr. Kilmartin
23 requested that I pull back on that last week and, in
24 fact, I did. And I appreciate it. I was trying to move
25 through those items that I didn't think were important.

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1 When I say "important," I mean moved through quickly.
2 I will try not to lead the witness. I apologize
3 to anyone I offended out here. I apologize to anyone I
4 offended up there. It was not done intentional.
5 And I am probably going to offend somebody right
6 now because I am going to object to what the procedure
7 is that you've established. And the reason I am
8 objecting is I don't want to have these proceedings,
9 which are very important to my client, very important to
10 the property owner, very important to you, to be tainted
11 because of a bad ruling.
12 Your bylaws cannot supplant what is in the state
13 statute. You can't supplement it. The state statute
14 specifically sets forth who votes and when they vote.
15 Your bylaws come up with a different procedure, and with
16 all due deference to Mr. Kates, I disagree with him on
17 that. You cannot by bylaws surpass a New Jersey
18 Statute. And the statute is clear. The statute sets
19 forth that any member of the board has the right to vote
20 whether he or she missed a meeting or did not miss a
21 meeting as long as they certify that they read the
22 transcript or listened to the tapes.
23 You can't have a provision that says because an
24 alternate sits in at the beginning, the member is
25 precluded his or her right to vote. That is my

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1 position. I request a vote on that by the board. And I
2 want it preserved that in the event there is an appeal.
3 MR. KATES: You present your right.
4 MR. SCHEPISI: And you are not going to call
5 for a vote of the members after you heard me?
6 MR. KATES: Unless one of members wants to
7 react to it, I read the bylaw and that is my position.
8 MR. SCHEPISI: Mr. Kates, did you draft the
9 bylaws?
10 MR. KATES: I did.
11 MR. SCHEPISI: Well, that's your position, of
12 course, because you drafted it. I disagree with that.
13 Mr. Chair?
14 CHAIRMAN FEHRE: If somebody would care to
15 make a motion? If nobody wants to make a motion, then
16 we won't vote on it.
17 MR. SCHEPISI: Okay. I did what I had to do.
18 CHAIRMAN FEHRE: Okay.
19 MR. SCHEPISI: An issue has come up in these
20 proceedings that things are taking place outside of
21 these chambers. And, Mr. Kates, I am sure will agree
22 with me on this one. Nothing can occur outside of these
23 chambers that is not brought to the attention of the
24 entire board, and to the applicant.
25 And it's been brought to my attention from

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1 looking at certain communications, OPRA requests, et
2 cetera, that board members are acting not as board
3 members, but are acting as members of the public. And
4 board members can not act as members of the public. If
5 a board member wants to step down and oppose an
6 application, he or she can do that. But a board member
7 sitting on this board can not go out and conduct their
8 own investigation; cannot go out and do their own
9 inspections of the properties; cannot go out and take
10 photos of the property; cannot get information, gather
11 information. Because what it does is it takes away the
12 process.
13 The process is this is the open public meeting as
14 provided by statute. You are all trying to be
15 transparent. And I'm not accusing anyone of doing
16 something not transparent. But I think with being
17 overzealous, you may be jeopardizing the entire
18 procedure. And I request that the board poll its
19 members to see if anyone has done anything such as make
20 OPRA requests, such as obtain information, such as
21 inspect the property, such as spoken to anyone outside
22 of these chambers relating to this application, and put
23 it on the table. And that may cure it.
24 That is our request.
25 MR. KATES: Well, I don't disagree with you

Page 20

1 that we sit as judges. And as such, they are -- they
2 cannot bring to the -- they cannot introduce something
3 without first having a basis for it sitting here. In
4 other words, you present something that a member of the
5 board considers insufficient or inaccurate. At that
6 point, in this chamber, at this forum, a request is made
7 of the chair of the board to request information,
8 whether it's public information or the hiring of an
9 expert, it's done publicly. I don't disagree with you
10 there.
11 Now, to the extent that it has already taken
12 place with respect to your application, I counselled one
13 individual that it should stop. I think it was done
14 without knowledge of the process. It was a new member.
15 And it took place. That now will not happen. In other
16 words, anything that is going to be introduced is going
17 to be introduced here and not on the basis of a judge, a
18 quasi judge, seeking that information in advance of
19 making the presentation here as the information is
20 required.
21 So it was a learning experience for one member
22 who is new, but it will not happen again.
23 MR. SCHEPISI: The other issue I have is I
24 believe members of this board are discussing this
25 application outside of these chambers with each other.

Page 21

1 And that shouldn't happen because that's a violation of
2 the Sunshine Law and it deprives us the right, the
3 applicant, of knowing what is being discussed, and to
4 give input, to question. And I think this board should
5 be instructed not to do it going forward. And we should
6 find out whether it has happened in the past in this
7 application.
8 MR. KATES: Well, we are sitting -- I mean,
9 an effective majority getting together is absolutely in
10 violation of the Sunshine Law. The discussions between
11 individuals that do not relate to an effective majority,
12 I wouldn't necessary preclude, because whenever -- the
13 vote is public and the information gathering is public.
14 And the fact that two people are discussing this outside
15 of these chambers does not yet, to my knowledge, violate
16 the law. So I wouldn't preclude that.
17 But I would caution, again, the board members to
18 remember who they are and what they do. And to sit here
19 as judges and not outside of this chamber.
20 MR. SCHEPISI: In certain matters, four
21 members of this board can vote as a majority.
22 Am I correct, Mr. Kates?
23 MR. KATES: Well, we have a nine member board
24 and a seven member board. As a zoning board, four
25 members may be an effective majority certainly for a use

Page 22

1 variance.

2 MR. SCHEPISI: Correct. But what I am trying

3 to point out, if you have four -- you used the example

4 of two members talking. You could have four that are

5 discussing. Now that violates the Sunshine. Why even

6 put in board in that position?

7 MR. KATES: I would counsel them not to do

8 it.

9 MR. SCHEPISI: But I have to find out now on

10 this application has it already taken place.

11 MR. KATES: Well, it may not yet be an

12 effective majority if we are talking about a D variance.

13 MR. SCHEPISI: But it may be an effective

14 majority if we were talking about a C variance and

15 that's why a determination should be made up front, not

16 after the fact.

17 MR. KATES: All I can do is counsel the board

18 not to convene privately, whether it's two people or

19 four people, not to discuss this application outside

20 these chambers.

21 MR. SCHEPISI: And you will not find out

22 whether it has already happened?

23 MR. KATES: I will not find out if it has

24 already happened.

25 MR. SCHEPISI: Mr. Chair, will you?

Page 23

1 CHAIRMAN FEHRE: I will say if anybody wants

2 to come forth voluntarily, they can do so.

3 MR. SCHEPISI: Hearing nothing further. I

4 put my objection record. Thank you.

5 When we left off last time, there were certain

6 open issues. I want to put the witnesses on to address

7 those issues and hopefully answer every question that

8 the board has. And we can move this along, I think very

9 quickly.

10 The first witness I am going to -- let me just

11 make a profer of what is going to happen in the next

12 half hour. We are going to address the MSI tenancy.

13 There was a question raised, I believe, by Ms. Eastwood

14 about that. And we have an answer about that, and

15 that's a very simple answer.

16 Signs on the property. I personally want to

17 address that. Mr. Hipolit had said he went over to the

18 property and there were no signs up. And I said I knew

19 I saw them. So we went and we took photos. There are

20 signs. Not that it is any big point. We just want to

21 make certain that I didn't make a misrepresentation to

22 the board. The Parkway Toyota is a small Parkway Toyota

23 sign that is still there and two other signs. There are

24 photos that we have. Not a big thing.

25 The next one is the tenancies. I believe there

Page 24

1 was certain requests made of Mr. Kates. We will address

2 all the tenancies.

3 There was a request about tax appeals. I don't

4 believe that has any relevancy to these proceedings, but

5 we have the answer to that.

6 All the real estate taxes are current. Again, no

7 relevancy. But we will tell you and have testimony that

8 the taxes have been current since the beginning.

9 Permits. There was a question about what

10 permits we have taken out, what permits there are. We

11 have that answer for you and we will present that.

12 There was a question about the ability of having

13 water and gas and electric. We have testimony that

14 shows in September of 2013 the water to the building was

15 terminated, gas and electric in May of 2012, and the

16 elevator was decommissioned in 2014.

17 There will be testimony as to the dealerships

18 that have been using the property from 2004 forward.

19 And we will go through that with Mr. Veraldo and

20 independent witnesses who will testify to that and the

21 types of use.

22 Mr. Veraldo will also testify as to the brokers

23 who he has engaged to find a new tenant in the

24 dealership business and the additional witnesses.

25 We will have Peter Solis, an individual who

Page 25

1 happens to be a customer of Parkway Toyota who was taken

2 to these properties and shown Parkway Toyota vehicles as

3 part of the sales during the years.

4 We also will have Mr. Cioffi who will be

5 testifying, in addition to Mr. Veraldo, who the MSI

6 company is from personal knowledge.

7 You also have testimony from Dennis Acosta from

8 the Giordano Group, which is the Nissan Volkswagon

9 dealer and he will testify as to what use the property

10 has been put to.

11 And there will also be Mr. McDonough and/or

12 Mr. Kovack who are tenants.

13 At this time, if the board is ready, I am ready

14 to proceed with bringing back my first witness, Mr.

15 Veraldo.

16 JOSEPH VERALDO, after having been

17 reminded he as previously sworn, was examined and

18 testified as follows:

19 EXAMINATION BY MR. SCHEPISI:

20 Q. Mr. Veraldo, the last time we were here, a

21 question was raised by one of the board members relating

22 to the tenant MSI whose sign was on the building at one

23 point. Do you know who MSI is?

24 A. It's a tenant that has been in our building

25 at 120 Sylvan Avenue since January of 2004.

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1 Q. That's 120 Sylvan Avenue, not 100?
2 A. Correct.
3 Q. During the period that you owned 100 Sylvan
4 Avenue, has MSI been a tenant in that building?
5 A. No.
6 Q. Wasn't MSI the marking company employed by
7 Mr. Lauzon at the Parkway Toyota dealership who
8 subleased a portion of his space from Mr. Lauzon?
9 A. To the best of my understanding.
10 MR. KATES: How do you know that?
11 THE WITNESS: I know the manager of MCI and I
12 know we moved it from 100 to 120.
13 MR. KATES: You know the connection based
14 upon your knowledge of that manager?
15 THE WITNESS: All based on the knowledge of
16 that manager.
17 Q. And also based upon your own knowledge as the
18 owner of the building, MSI has never been --
19 A. Right.
20 Q. Let me finish my question -- has never been a
21 tenant in 100 Sylvan Avenue since you owned it; is that
22 correct?
23 A. That's correct.
24 MR. SCHEPISI: Hopefully that answers that
25 question. If the board has any other questions? Do you

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1 want to do it on an item-by-item basis so it's fresh in
2 everybody's mind or do you want me to finish with
3 everything?
4 CHAIRMAN FEHRE: You can finish.
5 MR. SCHEPISI: Okay. Now, in relation to the
6 signs on the property, I would like to make a profer
7 right now. Just to correct something. Danny will be
8 putting out Applicant's Exhibit A-8, which is a picture
9 of the sign taken this afternoon by my office staff.
10 (Applicant's Exhibit 8 marked for
11 identification.)
12 MR. SCHEPISI: And as you can see this was
13 just driving up to the front of the building. That's
14 one of the signs on the building. It says "Parkway
15 Toyota." That's the sign I saw that I referred to. And
16 that was just to refresh your recollection and it is for
17 no other purpose than that.
18 The next item, in relation to the tenancies,
19 there was a question raised as to the tenancies, who the
20 tenants are in 100, on the 100 property and who were the
21 tenants since Mr. Veraldo took over the property.
22 Q. Mr. Veraldo, since you purchased 100 Sylvan
23 Avenue, who have your tenants been in that building and
24 the property?
25 A. The Toyota and the Toyota automobile, Nissan,

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1 Volkswagen, and Honda.
2 Q. Have you had any other tenants in the
3 building?
4 A. The Cadillac.
5 MS. O'SHEA: What was a last word?
6 THE WITNESS: Cadillac.
7 MR. KATES: In the building or on the site or
8 both?
9 MR. SCHEPISI: Both.
10 Q. Now, in relation to the tax appeals on the
11 building. There was a question raised on tax appeals.
12 We object to the relevance of that. If somebody presses
13 that question, I would be happy to have him answer it.
14 But I don't want to belabor the point. I don't know
15 what relevance the tax appeals have. Mr. Kates, I will
16 await your ruling or the chair and direction from the
17 chair.
18 MR. KATES: The question was asked. Your
19 opposition or your note that it is not relevant is
20 noted. I think you should just answer the question.
21 MR. SCHEPISI: So over my objection you are
22 directing that the answer be given?
23 MR. KATES: If can do that, yes.
24 MR. SCHEPISI: The taxes have been paid. The
25 tax appeal, the building was originally assessed at

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1 \$9,650,000. A tax appeal was filed in 2005, '06, and
2 '07. A settlement was entered into between the borough
3 and the property owner and the property owner's attorney
4 whereby a settlement was reached and the assessment was
5 brought down -- excuse me, my arms are not long enough
6 anymore -- to \$5,500,000.
7 MR. TROVATO: Was that because it was vacant?
8 MR. SCHEPISI: No. That was because of the
9 fact that the appraiser for the applicant had one value.
10 The appraiser for the applicant said that the property
11 could only be evaluated as a replacement cost basis
12 because an income approach would not work and neither
13 would a cost approach -- there are three methods to
14 evaluate real property -- the applicant went in, his
15 expert presented testimony that the building was worth X
16 based upon a cost approach; the borough's expert said Y.
17 They came up with a compromise and that was the
18 settlement.
19 MR. KILMARTIN: I think maybe the issue on
20 the tax appeals and why it was raised was whether the
21 owner represented a proposed use in the context of a tax
22 appeal.
23 MR. SCHEPISI: 100 percent use in the tax
24 appeal was as an automobile dealership. The only use.
25 If you want, I can give you a copy of the appraisals.

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1 We have them.
2 Do you have one of them?
3 They are that thick. And I didn't want Danielle
4 carrying them over here. I can represent if anybody
5 wants, I can e-mail them to you tomorrow.
6 MR. VILLARI: If you could e-mail a copy of
7 appraisals, we appreciate that.
8 MR. SCHEPISI: The appraisal is setting forth
9 it is an automobile dealership. They use comparable
10 dealerships throughout Bergen County.
11 MR. VILLARI: Also, Mr. Schepisi, if I may
12 ask for the lease for Marketing Information Systems,
13 which the testimony has been never occupied 100 Sylvan.
14 MR. SCHEPISI: As long as he owned it.
15 MR. VILLARI: Do you have a copy of that
16 lease?
17 MR. SCHEPISI: There is no lease because they
18 occupied it as long as he owned it.
19 MR. VILLARI: I thought there was testimony
20 that that Marking Information Systems occupied an
21 adjoining property?
22 MR. SCHEPISI: 120.
23 MR. VILLARI: Right.
24 MR. SCHEPISI: Right before the Parkway Toyota
25 vacated, MSI vacated and went over to 120.

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1 MR. VILLARI: Could we have a copy of that
2 lease, as well? Even though it's not directly relevant
3 to that, I would like to see that lease.
4 THE WITNESS: We have the lease from...
5 MR. SCHEPISI: I would have to see it.
6 Again, subject to relevancy, I don't know how a lease at
7 120 Sylvan Avenue has any relevance, but I would be
8 happy to present it.
9 MR. KATES: When it's e-mailed to you, Mr.
10 Villari, you can e-mail it to the board.
11 MR. SCHEPISI: I will e-mail it to Ms.
12 Scancarella and she will send it out.
13 MR. VILLARI: Thank you very much.
14 Q. Again, in relation to the water and electric
15 to the building, was there a time that you no longer
16 wanted to continue paying water to an empty building?
17 A. That's correct.
18 Q. Do you know when that took place?
19 A. The water I think was in 2013, if I'm not
20 wrong.
21 MR. SCHEPISI: Can I lead the witness at this
22 point?
23 MS. O'SHEA: 2013, he said? I can't hear
24 him.
25 MR. SCHEPISI: I will repeat it.

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1 Q. On September 1, 2013 the water was shut off,
2 terminated, but there is still water service to the
3 property. All the water wasn't shut. There is still
4 water service that you are still paying each month. A
5 minimal amount for main service.
6 Gas and electric was terminated on May 1, 2012;
7 is that correct, sir?
8 A. Yes, it is.
9 MR. SCHEPISI: Any other questions on that?
10 Q. Okay. Now, the dealerships that have worked
11 on the property over the years. During the course of
12 the time that you've owned the building, I'm going to
13 name certain people and you tell me if they were tenants
14 in your building at 100 Sylvan Avenue.
15 Toyota?
16 A. Yes, they were.
17 Q. And that was brought in by Legacy Properties,
18 the broker on that; am I correct?
19 A. That's correct.
20 Q. East Coast Automotive? That's a direct lease
21 with Brandon Giordano; is that correct?
22 A. That's correct.
23 Q. East Coast Automotive, what type of vehicles
24 do they sell?
25 A. Volkswagon and Nissan and Honda at one time.

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1 Q. Do they have other places in Englewood Cliffs
2 besides the 100 Sylvan Avenue property that they were
3 leasing from you?
4 A. Yes, not the too far away on Sylvan Avenue.
5 Q. Maserati Alfa Romeo, were they every brought
6 in as a potential tenant?
7 A. Yes.
8 Q. You never leased to them, though, is that
9 correct?
10 A. The lease never went through. We tried to
11 put the lease together, but we were never able to put it
12 together.
13 Q. And the Cadillac dealership, did have you a
14 month-to-month tenancy with them?
15 A. I think we have a three-month tenancy with
16 them.
17 Q. Land Rover New York, were they brought in by
18 a broker?
19 A. Yes, they were.
20 Q. And who were they brought in by; do you
21 remember? May I refresh your recollection? Was it
22 Tommy LaZusta (phonetic).
23 A. Tommy, yeah.
24 Q. And going back to Maserati Alfa Romeo, they
25 were brought in by Weiss, Jamie Weiss' company; is that

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1 correct?

2 A. That's correct.

3 Q. And the Tesla Automobile Company, were they a
4 prospective tenant in the building?

5 A. Yes. They were brought in by Mr. Legman.

6 Q. Legacy Properties again?

7 A. That's correct.

8 Q. Were you able to enter into a lease with them
9 or did those negotiations fall apart?

10 A. No, they fell apart because apparently they
11 could not get into the New Jersey market.

12 Q. At the time?

13 A. At that time.

14 Q. The Fiat Group, you have been negotiating
15 over the years with Fiat; isn't that correct, sir?

16 A. That's correct.

17 Q. And Fiat subsequently ended up merging and/or
18 buying Chrysler and that's when we got FGA; is that
19 correct?

20 A. That's correct.

21 Q. When did you first start your negotiations
22 with Fiat?

23 A. In 2007.

24 Q. Assalone, JBCBRE; do you know who that is?
25 Assalone, A-s-s-a-l-o-n-e?

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1 A. Assalone represents Prestige Motor Company
2 plus some other companies, he's a broker.

3 Q. And they were coming in, they wanted to come
4 into the Englewood Cliffs market?

5 A. That's correct.

6 Q. And negotiations fell apart with them also?

7 A. We could not put the deal together.

8 Q. And Experience Auto, what was that; do you
9 remember?

10 A. A company that was looking for rental space,
11 but they were the secondary marketing company, like used
12 cars. And we did not like them as a possible tenant.

13 Q. The fact is they were not going to put money
14 into the building and fix it up the way it should be?

15 A. Right.

16 MR. KATES: John, can we assign time frames
17 to these? You mentioned 2007 as the start of the Fiat
18 Group negotiation.

19 MR. SCHEPISI: That one I know because he is
20 here in person.

21 THE WITNESS: If I can answer, if I can
22 clarify? It is all through since the day I brought the
23 building, it's been an ongoing negotiations every year.
24 Some negotiations went as far as work letter, rebuilding
25 the office, Fiat for the car dealership, but it's been

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1 continuously. Maybe I mentioned ten dealers that went
2 to the -- that were interested in the building because
3 we had advanced negotiations with them, very advanced
4 negotiations, work letter, the rent, the term of the
5 lease, all the ancillary items I needed to put a lease
6 together for the entire building. So it's been maybe I
7 mentioned ten, twenty, fifteen people, but maybe without
8 exaggeration we have talked to at least two or three
9 different people every year and tried to put a deal
10 together.

11 Q. Mr. Veraldo, would it be fair to say that
12 since you owned the property in 2004 you have been
13 negotiating every year with car dealerships and the only
14 one that has entered into a lease with you was the
15 Chrysler dealership -- was FGA; is that correct?

16 A. Yes, that's absolutely correct.

17 Q. Now, in relation we marked the last time and
18 I don't know whether you testified to it or not, but we
19 marked as an exhibit Applicant's Exhibit A-6, which
20 showed the rental payments from Parkway Toyota, which
21 showed that Parkway Toyota paid rent since
22 January 6, 2004. And the total amount that was paid by
23 Parkway Toyota in rent since 2004 through 2016 was
24 \$377,000; is that correct, sir?

25 A. Yes, it is.

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1 Q. And I show you Exhibit A-7 and that was the
2 rent that has been paid by East Coast Automotive, that's
3 the Giordano Group and Englewood Cadillac. And the
4 total between the two is \$262,645; is that correct, sir?

5 I added the two numbers up on the last page.

6 A. Yes.

7 MR. KATES: And what was the time frame?

8 MR. SCHEPISI: And the time frame on that was
9 March 25, 2010 through the date that somebody instructed
10 Nissan to get off the property, which was this year.

11 I'm sorry, I'm sorry, Michael. I'm sorry, I'm giving
12 you wrong information. Part of this was in that period
13 and then there was another grouping in 2000 and 2001
14 with, I think, it was Cadillac back then.

15 A. Right.

16 MR. SCHEPISI: So the Cadillac was in
17 from 2000 through 2001 then came back in, in 2014 and
18 then East Coast Automotive came in in 2010. This
19 document has already been given to you and has been
20 marked as an exhibit, which I will move into the
21 evidence at the end of the proceeding.

22 Q. Do you know there was a question asked as to
23 permits that were taken on the property. Did you take
24 out demolition permits on the property in order to clean
25 it up at some point?

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1 A. Yes, I did.
2 Q. And those were taken out in 2013; is that
3 correct, sir?
4 A. Yes, it is.
5 (Applicant's Exhibit 9 marked for
6 identification.)
7 MR. SCHEPISI: I mark this as Applicant's
8 Exhibit A-9.
9 Just show it to be board. I don't think we need
10 to have individual copies on this. This is just a one
11 page permit, a demolition and clean-up permit.
12 MR. KATES: What was the nature of this
13 demolition project?
14 THE WITNESS: At one given point, naturally
15 if you can understand, Mr. Fehre, I had a lot of
16 difficulties with the building. Today there is still a
17 lot of difficulties with the building. I paid a
18 substantial amount of money for the building, paid about
19 \$7- or \$800,000 in taxes to the borough. The cost of
20 operating the building is about \$5- to \$600,000 a year
21 without cost of mortgage or use of the money.
22 CHAIRMAN FEHRE: You were going to demolish
23 the building?
24 THE WITNESS: No, never. Clean up. Was
25 going to clean up.

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1 MR. SCHEPISI: It was an interior demolition
2 permit for \$500 issued by the building department.
3 CHAIRMAN FEHRE: Were you going to go remove
4 walls?
5 THE WITNESS: Correction. Internal walls
6 because the structures were old.
7 Q. This was in the office; is that correct, sir?
8 A. Only the office. Because the structures in
9 the office were old and they needed to be redone.
10 Q. Now, in relation to all of the tenants that
11 you have been negotiating, is there a reason why that
12 building could not be suited for another use expect for
13 a car dealership, sir?
14 A. No. We did -- we showed the property without
15 exaggeration to at least another fifteen, twenty
16 different possible potential tenants. But the building
17 was always a shortfall in one area or another area. It
18 didn't meet the requirements of an office. It did not
19 meet the requirements of a church. We had a church
20 there at one given point. We had a school there. It
21 just didn't fit anything else.
22 And every time we went into advance negotiations,
23 there was a shortfall with the building because the
24 building at the end of the day could only be used as a
25 car dealership because it was built as a car dealership

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1 and it was used as a car dealership and nothing else.
2 So it is really designed from Renault in 1965. It was
3 designed by the company to be the North America
4 headquarters and the structure of the building is fitted
5 only to be a car dealership and nothing else.
6 Q. Now, in relation to the --
7 MR. SCHEPISI: I have no further questions of
8 this witness. If the board wishes, any questions.
9 MS. EASTWOOD: You referred to MSI. Are you
10 referring to Marketing Information Systems; is that the
11 company?
12 THE WITNESS: That's correct.
13 MS. EASTWOOD: Just wanted to clarify that.
14 You also just said that the building could only
15 be used as a car dealership. Marketing Information
16 Systems, is that the car dealer?
17 MR. SCHEPISI: Since he has owned it.
18 THE WITNESS: Since I owned it.
19 MS. O'SHEA: It's a what?
20 MR. SCHEPISI: His testimony was since he has
21 owned the building it has only been used as car
22 dealership. And MSI from his testimony was not in the
23 building since he owned it. They had already moved over
24 to the 120 building prior to his purchase of the
25 building.

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1 THE WITNESS: I can clarify for you. They
2 were marking company, they were working for Dennis
3 Lauzon.
4 MR. SCHEPISI: Dennis Lauzon is the owner of
5 Parkway Toyota.
6 THE WITNESS: They were doing the marketing
7 research for the Toyota people. That's what they do and
8 still do. Now the manager for MCI went to work
9 directly, he left MCI and is working directly now for
10 Dennis Lauzon. That's a fact.
11 MR. VILLARI: Mr. Veraldo, you testified a
12 moment ago about non-automotive prospective tenants that
13 you negotiated with. I think you mentioned a church.
14 Can you give us a little more information on the types
15 of tenants that you negotiated with not in the
16 automotive industry?
17 MR. SCHEPISI: I don't believe he said he
18 negotiated with. They had an interest and they walked
19 away, I believe was the testimony.
20 MR. VILLARI: Fine. Tell us how far you got
21 with the prospective non-automotive tenants.
22 THE WITNESS: After the initial viewing of
23 the building, the layout of the building and the finding
24 of the way the building is functioning, most of the
25 people I showed it, they just didn't see the feasibility

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1 for using the building for anything else other than the
2 car dealership.
3 MR. VILLARI: You said most of the tenants.
4 Did any of the non-automotive prospective tenants
5 indicate that the building would be acceptable to them?
6 THE WITNESS: No. I would have rented it
7 already. We tried everything --
8 MR. SCHEPISI: There is no question.
9 MS. O'SHEA: In the one resolution that you
10 gave us, where Renault was originally approved, on Page
11 2, Item 6 --
12 MR. SCHEPISI: Can you give us the exhibit
13 number on that, please, Mary?
14 MS. O'SHEA: I don't have a number on this
15 one. It's the Renault from '81. It's the one that
16 starts with "Whereas Renault USA."
17 MR. SCHEPISI: I don't believe we have that.
18 MR. KATES: That wasn't an exhibit.
19 MR. SCHEPISI: We didn't enter that. That's
20 one you got yourself. That's why you are supposed to
21 let us all see it.
22 MS. O'SHEA: Sorry. I thought this was one
23 that came with the original.
24 MR. SCHEPISI: No. Anyone that we give, we
25 have an exhibit number on it.

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1 MR. KATES: Do you have a question concerning
2 something that you want to mark?
3 MS. O'SHEA: It was just talking about the
4 signs for MSI, Marketing Information Systems, that it
5 was a non-illuminated when Renault went to get their
6 sign for the building. Mr. Kates just asked me what it
7 was. So I'm just saying what it was. Because there
8 seemed to be some confusion about the name MIS, MSI,
9 M-whatever. It's been said a few different ways. So I
10 just wanted to clarify that was MSI.
11 MR. SCHEPISI: Whatever it is, no matter who
12 it is, it was never our tenant in 100 Sylvan.
13 MS. O'SHEA: Now, you, Mr. Veraldo, you just
14 said that you had rental income from Englewood Cliff's
15 East Coast Auto and Cadillac, and you had some
16 from 2000, 2001, but you also said you didn't buy the
17 building until 2014.
18 MR. SCHEPISI: That was my reading. It
19 was 2010 and 2011, I'm sorry.
20 MS. O'SHEA: But you bought the building
21 in 2004?
22 THE WITNESS: October 6, 2004.
23 MS. O'SHEA: Okay.
24 CHAIRMAN FEHRE: Do you have anything for
25 this witness?

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1 MR. SCHEPISI: I have nothing else for this
2 witness.
3 CHAIRMAN FEHRE: Anything else from the
4 board? Anybody have any questions?
5 I would like to open it up to the public for
6 questions of this witness.
7 MR. SCHEPISI: This witness.
8 CHAIRMAN FEHRE: So can I have a motion to
9 open it to the public?
10 MR. KILMARTIN: For questioning of the
11 witness, right?
12 CHAIRMAN FEHRE: They can ask questions they
13 can make comments concerning this testimony.
14 MR. PORRINO: So moved.
15 MR. KILMARTIN: Second.
16 CHAIRMAN FEHRE: All in favor.
17 ALL BOARD MEMBERS: Aye.
18 MS. O'SHEA: Can I just say something? Can I
19 just interrupt? The resolution that I was referring to
20 was sent from this board's secretary. Renault. It was
21 the second one. Okay.
22 MR. KATES: If they were going to use it,
23 then Mr. Schepisi should see it.
24 MS. O'SHEA: I'm just saying, it came to us
25 from the board.

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1 MS. EASTWOOD: Can we have it marked, please?
2 MR. KATES: So let's do that.
3 MS. O'SHEA: If you get it from the board,
4 it's entitled to be discussed. I didn't get it on my
5 own.
6 MR. KATES: But he is still entitled to know
7 about it. If it's part of our record.
8 MS. SCANCARELLA: I do not have a copy.
9 MR. KATES: Let's just mark it now as BD-2.
10 MS. O'SHEA: Because you gave us three
11 resolutions, these three.
12 MR. KATES: The resolutions were marked as
13 A-1, A-2 and A-3. And BD-1 was the certificate of
14 occupancy, which was a board exhibit. And now this will
15 be BD-2. Can you identify it, please, for the record?
16 (Board's Exhibit BD-2 marked for
17 identification.)
18 MR. KATES: Give it to Mr. Schepisi. It's a
19 resolution dated when?
20 MS. SCANCARELLA: It's a resolution dated
21 October 13, 1981.
22 MR. KATES: And the applicant in that
23 resolution?
24 MS. SCANCARELLA: Renault U.S.A., Inc.
25 MR. KATES: Show it to Mr. Schepisi.

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1 MS. O'SHEA: These are the resolutions that I
2 think Mr. Schepisi submitted to prove, because there
3 were things circled in these three resolutions that said
4 "hereby granted" and the other one was relative to the
5 sign.
6 MS. SCANCARELLA: No, I have them right here.
7 MR. KATES: This was a resolution, including
8 this one, that the board secretary gave to me and I gave
9 them to Mr. Schepisi. So he is not seeing this for the
10 first time tonight. But if this is part of our record,
11 it should be noted.
12 MR. SCHEPISI: Mike, I didn't get this one.
13 I know I received other things from you. This one I did
14 not receive.
15 MS. O'SHEA: The yellow highlighting is mine.
16 MR. SCHEPISI: I don't object to it. There is
17 nothing objectionable.
18 MR. KATES: We are just going to put it into
19 the record.
20 CHAIRMAN FEHRE: We are just going to request
21 that you move over to the other side.
22 MR. SCHEPISI: Is that far enough? It's
23 tough to get up and down.
24 MR. KATES: Maybe your associate can move to
25 the other seat. You can slide over.

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1 MR. SCHEPISI: Does that give you enough
2 room? Is that good?
3 MS. GEIGER: Carin Geiger. Resident, 270
4 Alfred Street, Englewood Cliffs, about 5 and a half
5 blocks from the property not 17, just for clarification.
6 Mr. Veraldo, you testified that you've owned this
7 property since 2004 and have been an active owner of
8 that property. You are fully knowledgeable about what
9 goes on, on this property?
10 THE WITNESS: That's correct.
11 MS. GEIGER: So you have owned it for, again,
12 a dozen years. 2004 to 2016 is about twelve years?
13 THE WITNESS: That's correct.
14 MS. GEIGER: Can you tell me how much money
15 you have spent each year on improvements on the property
16 since 2007?
17 MR. SCHEPISI: I object to the relevancy, but
18 you may answer.
19 THE WITNESS: We maintain the structure of
20 the building for sure. The building like that costs
21 anywhere from \$5- to \$600,000 a year to maintain.
22 MS. GEIGER: I would like to submit into
23 evidence pictures taken by me of the property on Friday.
24 MR. KATES: You have to do that when we get
25 to the public portion of the meeting.

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1 MS. GEIGER: Oh, I can't do it now?
2 MR. KATES: Right now, we are only
3 questioning the witness. Unless you need those? Do you
4 need those for purposes of questioning the witness?
5 MS. GEIGER: Yes. Parking on the site. Sir,
6 are these pictures that you would recognize as a valid
7 way that the premises looked.
8 THE WITNESS: What a horrible building.
9 Where is it?
10 MS. GEIGER: That's what I would like to
11 know.
12 THE WITNESS: That's why we are here to fix
13 the property.
14 MS. GEIGER: Twelve years.
15 THE WITNESS: That's right.
16 MR. SCHEPISI: No cross debating.
17 MS. GEIGER: Are those valid renderings of
18 what the property looks like?
19 MR. SCHEPISI: I will stipulate that those
20 photos depict the condition of the building that we are
21 trying to improve.
22 MR. KATES: We are going to mark those as O
23 exhibits. How many photos per page?
24 MS. SCANCARELLA: Only one has two.
25 MR. KATES: Take one as a page.

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1 (Objector's Exhibit 1 marked for
2 identification.)
3 (Objector's Exhibit 2 marked for
4 identification.)
5 (Objector's Exhibit 3 marked for
6 identification.)
7 (Objector's Exhibit 4 marked for
8 identification.)
9 (Objector's Exhibit 5 marked for
10 identification.)
11 MR. KATES: O-1 to O-5.
12 MR. SCHEPISI: Can I request that the board
13 keep that as an exhibit, and make copies?
14 MS. SCANCARELLA: Do you want copies?
15 MR. SCHEPISI: I will get them from you
16 tomorrow.
17 MS. GEIGER: At one time this property was a
18 Toyota dealership, I believe your testimony was that
19 that they vacated the property in 2004.
20 THE WITNESS: I bought the building in 2004.
21 MS. GEIGER: And Toyota left around that
22 time?
23 THE WITNESS: They were not there when I got
24 there.
25 MS. GEIGER: They were not when you got

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1 there, okay.
2 You testified when Toyota left, they took the
3 lifts and you didn't replace them, correct? Last week.
4 THE WITNESS: The lifts were the property of
5 Toyota.
6 MS. GEIGER: You said they were their
7 property?
8 THE WITNESS: They were entitled to take it.
9 MS. GEIGER: When you took over the building,
10 was anything left behind or was it broom cleaned?
11 THE WITNESS: It was basically broom clean.
12 MS. GEIGER: So everything related to running
13 a car dealership was removed from the property when you
14 took over the building and Toyota left?
15 THE WITNESS: Personal equipment, I think
16 every dealership has their own personal equipment. They
17 install their own personal equipment.
18 MS. GEIGER: So they took everything.
19 THE WITNESS: I'm not an automobile
20 dealership. I'm an real estate investor.
21 MS. GEIGER: I understand. So Toyota took
22 with them everything related to running a car dealership
23 when they vacated the premises?
24 THE WITNESS: That's correct.
25 MS. GEIGER: Since 2004, have you ever

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1 operated a full-service car dealership on the premises?
2 MR. SCHEPISI: I object to the relevancy of
3 the question. The testimony in this application is not
4 a full service car dealership. It's is the property an
5 existing nonconforming use of a car dealership, not full
6 service, not partial service, it's a car dealership.
7 That's what the existing nonconforming use is. He can
8 answer the question.
9 MS. GEIGER: He did answer fine. It's very
10 simple.
11 THE WITNESS: I don't operate an automobile
12 dealership.
13 MS. GEIGER: So you haven't had sales, you
14 haven't had cars, you haven't had service. You just had
15 car storage on the site?
16 MR. SCHEPISI: I object to the form of the
17 question. He stated that he is not a car dealership,
18 and he has also testified that other dealerships have
19 leased the property and there will be two more witnesses
20 coming up testifying to the use of property since my
21 client -- not my client, since the potential landlord
22 purchased the property and that will be other testimony,
23 not this witness.
24 MR. KATES: But I think we can rephrase the
25 question to make her point, which is that under your

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1 ownership there has been no dealership operation, per
2 se, no parts, no service?
3 THE WITNESS: That's correct.
4 MR. KATES: To your knowledge, only the
5 rental of space for cars to be stored?
6 THE WITNESS: That's correct.
7 MS. GEIGER: My next question.
8 MR. SCHEPISI: That is not correct, Mr.
9 Veraldo, you are wrong.
10 THE WITNESS: I'm sorry.
11 MR. SCHEPISI: Are you listening to what the
12 questions are?
13 MR. KATES: Let her read back my question.
14 (The requested question was read
15 back.)
16 MR. KATES: You haven't under your ownership
17 witnessed anybody using the premises for those functions
18 except the storage of vehicles; is that correct?
19 THE WITNESS: Yes, I have seen people come on
20 my property and shown cars many times.
21 MR. KATES: But the actual use of the
22 building --
23 THE WITNESS: I did not personally, other
24 dealers, yes.
25 MS. GEIGER: If I can summarize what you

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1 said, or at least what I understand you have said, is
2 just car storage took place on the property.
3 MR. SCHEPISI: No, that was not what he said.
4 THE WITNESS: No, that was not what I said.
5 MS. GEIGER: Please clarify it in your own
6 words.
7 MR. KATES: Answer it in your own words.
8 MR. SCHEPISI: Slowly.
9 THE WITNESS: The property has been used by
10 Toyota, Volkswagon, Nissan, and Honda. The people, the
11 dealers that took the clients on the property to show
12 the cars, not I. I am the owner of the real estate.
13 MS. GEIGER: So, in other words, you,
14 yourself, did not partake of this dealership activities,
15 but others who warehoused, stored, parked, whatever word
16 you want to use, their cars on your property did bring
17 people over to see them?
18 THE WITNESS: That's correct.
19 MS. GEIGER: Okay. Did any of your
20 tenants -- this is just for further clarification --
21 cause cars to be sold from inside your premises? Did
22 they have people on your site that wrote up contracts
23 for cars or met with clients on your property to go
24 through the terms of purchasing a car?
25 MR. SCHEPISI: If you know.

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1 THE WITNESS: I am not privilege to that
2 information, those details.
3 MS. GEIGER: Did you provide desk space for
4 anybody to sit down in your building after they brought
5 these clients through to look at the cars that were
6 stored?
7 THE WITNESS: Not to my knowledge.
8 MS. GEIGER: Did you provide phones? If you
9 didn't have desks, you obviously didn't have phones
10 okay.
11 Were any cars serviced or prepared on your
12 property?
13 THE WITNESS: I think that some car service
14 was done on the property, yes.
15 MS. GEIGER: By whom?
16 THE WITNESS: Toyota, mostly by East Coast
17 Automotive.
18 MS. GEIGER: So they maintained a garage on
19 the property?
20 MR. SCHEPISI: That wasn't the question that
21 you asked. You said were any cars serviced.
22 MS. GEIGER: Well, how do you service a car
23 if not in a garage?
24 MR. SCHEPISI: You can do it outside if you
25 want to.

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1 MS. GEIGER: You stated last week that at one
2 time there was a fence on your property complying
3 with -- I don't know if you stated it was complying with
4 code -- but you said it was damaged so often that you
5 stopped repairing it. I believe those were your words,
6 correct?
7 THE WITNESS: The last time the fence came
8 down was during the major storm that we had recently.
9 MS. GEIGER: Which one?
10 THE WITNESS: The major storm, snow storm.
11 MS. GEIGER: Not Sandy?
12 THE WITNESS: No, the recent snowstorm.
13 MS. GEIGER: Did you attempt to repair that
14 fence?
15 THE WITNESS: Yes, we plan on repairing it.
16 MS. GEIGER: But you haven't done it yet?
17 THE WITNESS: Not yet.
18 MS. GEIGER: So you have no repair bills,
19 obviously. Okay. You cited, you stated that
20 children -- I don't know if you used the word children
21 or you used another word -- destroyed the fencing so
22 often that you gave up preparing it. I believe that's
23 what you said last week.
24 THE WITNESS: I think last week I talked
25 about the vandalism in the building. There has been

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1 continuous vandalism in the building.
2 MS. GEIGER: Did you file any police reports?
3 THE WITNESS: Not really. But we did file
4 one report where we were able to catch the people who
5 did the damage. And we were awarded \$3,000 for the
6 damage. It was done in the courthouse here.
7 MS. GEIGER: There is fence that abuts the
8 residents along the rear of the property that appears to
9 be listing. I can show you a picture of it.
10 MR. SCHEPISI: We will stipulate that it's
11 listing.
12 MS. GEIGER: You will stipulate that it's
13 listing, okay.
14 I believe that Mr. Xenopoulos testified that it
15 was in poor repair and that you said you would fix it or
16 repair it finally after 12 years if the new application
17 is approved; is that correct?
18 THE WITNESS: I don't think that you have an
19 information correctly.
20 MS. GEIGER: Okay, please correct me.
21 THE WITNESS: I think that the fence in the
22 rear of the property is one thing that we did. We
23 maintain the property all the time. The tenants -- the
24 owners of the property that are here, they can state
25 that whatever it was problem with the fence in the back,

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1 we intervened, and we immediately took care of all the
2 problems all the time.
3 MS. GEIGER: There is a picture of what the
4 fence looks like today.
5 (Objector's Exhibit 6 marked for
6 identification.)
7 MS. GEIGER: I believe your attorney has --
8 MR. SCHEPISI: I am not his attorney.
9 MS. GEIGER: You are not his attorney?
10 MR. SCHEPISI: No, I don't represent him.
11 MS. GEIGER: I believe that Mr. Schepisi in a
12 letter to the planning board dated December 21 stated
13 that this delapidated condition would continue if the
14 board did not approve the application; is that correct?
15 MR. SCHEPISI: Number one, there is a letter?
16 MS. GEIGER: Never mind. I will withdraw
17 that question if he was not your client.
18 MR. SCHEPISI: Correct.
19 MS. GEIGER: The plans for 120 Sylvan Avenue
20 ask for a variance on the property for car storage for
21 approximately 66 cars; is that correct?
22 THE WITNESS: That application was dropped.
23 MS. GEIGER: But it was submitted and that
24 application was a matter of public record.
25 MR. SCHEPISI: I will stipulate an

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1 application was submitted. Contrary to what the witness
2 said, it has not been dropped. That application has
3 been carried until after this application is competed.
4 MS. GEIGER: And it is stipulated in that
5 that one of the variances requested parking for 66 cars.
6 MR. SCHEPISI: I believe that was what the
7 application says.
8 MS. GEIGER: Recently -- let me just see if
9 this is correct -- at the last hearing, you told the
10 board that car storage was not permitted at 100 Sylvan
11 Avenue and that you instructed your attorney, whoever he
12 may be, to fight the determination of the building
13 inspector which required that you discontinue renting
14 space to outside dealers for storage of cars; is that
15 correct?
16 MR. SCHEPISI: I don't believe that was what
17 the testimony was, but you can answer it as best you
18 can.
19 THE WITNESS: Honestly, I am confused as to
20 what she is trying to do.
21 MS. GEIGER: As the last meeting you stated,
22 when you were asked by members of the planning board
23 about the violation and the fact that you can no longer
24 store cars on the site, you said that was true and you
25 had contacted your attorney and instructed him to go

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1 back to the town because you disagreed with the
2 assessment. I believe that is my paraphrasing what you
3 said.
4 THE WITNESS: The cars parked on 100?
5 MS. GEIGER: On 100.
6 THE WITNESS: I thought you said 120.
7 MS. GEIGER: We are going back to 100. And
8 you stated, as I recall that you --
9 THE WITNESS: That's right they served the
10 paper to the tenant. We got served. And we wrote a
11 letter, from my attorney wrote to the building inspector
12 asking for clarification. And that we will contest that
13 decision.
14 MS. GEIGER: And you said this, I believe,
15 because you needed income from the property to pay your
16 bills. You talked about your high expenses -- we are
17 only talking about 100.
18 THE WITNESS: That id the intent of this
19 procedure to run a business. Business, you don't waste
20 money, you don't waste time. And you try to be as
21 creative as you can in managing the things that you are
22 responsible for to yourself and other people, including
23 the city that I pay the taxes every year.
24 MS. GEIGER: But you also have to comply with
25 the laws.

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1 THE WITNESS: No question about it. I always
2 comply with the laws.
3 MS. GEIGER: So you maintained basically a
4 parking lot on your premises. There were others who
5 were given leases short term, various dealers, at least
6 four, over a period of a dozen years, they didn't
7 actively engage in other aspects of a car dealership, so
8 you really allowed them to park cars on your premises
9 for money?
10 THE WITNESS: Again, you -- I'm sorry, but
11 you -- you make a statement that you create your own
12 statement. I don't know what the people do. I let them
13 park the cars on the property. That's my right, that is
14 my property. I have a right to do that. I run a
15 business. I don't run the --
16 MS. GEIGER: Can I read into the record what
17 our zoning law says about parking lots?
18 MR. SCHEPISI: I will stipulate what the
19 zoning law says. If you think you need to have it read
20 in case it goes to court, but the ordinance is a matter
21 of public record.
22 MS. GEIGER: I can provide you with a copy of
23 the ordinance.
24 MR. PORRINO: If it's something short, I
25 would like to hear it.

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1 MS. GEIGER: It's very, very short.
2 MR. PORRINO: I would like to hear it. It
3 says quote --
4 MR. SCHEPISI: Will you tell us what page and
5 what section?
6 MS. GEIGER: I can give it to you, if you'd
7 like.
8 MR. KATES: You can just read it.
9 MR. SCHEPISI: Tell us what section.
10 MS. GEIGER: I think it is Section 30. Yes,
11 it is. It is section -- sorry, some of it is in little
12 print and some of it is big.
13 MR. KATES: Show it to Mr. Schepisi first.
14 Maybe he can.
15 MS. GEIGER: Here it is. It's Section
16 30-11.1 -- no, I'm sorry. It is Section 30-11.6, Item D
17 addressing property use for parking and storage of motor
18 vehicles.
19 MR. SCHEPISI: Can I see it? Thank you.
20 MS. GEIGER: Actually, if you'd like you can
21 have it. I have a duplicate.
22 MR. SCHEPISI: Thank you.
23 MS. GEIGER: And I will just read part of it.
24 Any property used for parking or storage of motor
25 vehicles -- and I will read the whole thing, it's

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1 short, if you don't mind -- were not prohibited
2 aforesaid is to be enclosed with a 6-foot cedar fence
3 or the type of fence as may be approved by the
4 planning board on each side with an approved fence or
5 wall with front setback line or any other point as
6 may be approved by the planning board of the Borough
7 pursuant to Section 15-12. To that end, that all
8 area utilized for parking or storage is completely
9 enclosed within the compound of fence and building.
10 It is the purpose of this prohibition to have no
11 vehicles stored or parked in an area exposed to view
12 of any street except as specifically permitted
13 herein.
14 That is the entire section of the ordinance.
15 Now, when I looked at the property last week and
16 I took pictures of it. So I would like to show you the
17 pictures. I guess, that's how you clarify.
18 Are these pictures of the rear of the premises
19 and the front of the premises and the side of the
20 premises? And I have one more. I have to give you,
21 sir. One more picture.
22 MS. SCANCARELLA: I think we are up to O-7
23 and O-8.
24 MS. CARDONE: I think there are three.
25 MS. GEIGER: And I believe one of the other

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1 exhibits may have a picture of the gate with a lock on
2 it. I'm not sure because I don't seem to have that
3 picture here. I can't find it. That only shows part of
4 it.
5 MS. SCANCARELLA: Seven, eight, nine.
6 (Objector's Exhibit 7 marked for
7 identification.)
8 (Objector's Exhibit 8 marked for
9 identification.)
10 MS. GEIGER: There is another picture that
11 was already in the record.
12 MR. KATES: Let's stop for a minute.
13 MS. SCANCARELLA: So we are up to O-8.
14 MR. KATES: And they are exhibits of
15 photographs of open storage.
16 MS. GEIGER: Of open grounds. There nothing
17 on them, there is nothing inside.
18 MR. SCHEPISI: Wait, wait, wait.
19 MR. KATES: Hold it.
20 MR. SCHEPISI: My witness is about to speak
21 and I want to make sure.
22 THE WITNESS: Mr. Fehre, in all fairness to
23 me as a business person, and we are crying every day,
24 our jobs go to Mexico, our jobs go to China, our jobs go
25 to Malaysia, Indonesia. This is a person who trespasses

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1 my property without my permission. She trespasses my
2 property without my permission; am I correct?
3 MS. GEIGER: There is no "No trespassing"
4 sign.
5 THE WITNESS: There is no "No Trespassing"
6 sign, okay. Why don't you stay with a valid point. And
7 bring to my attention, Mr. Veraldo, the fence is not
8 there. Accommodate it. Then you will do a service for
9 the city for the community and to yourself. But this
10 way is annoying and using time for everybody and we have
11 fifty people here on nonsense. I'm sorry, really
12 nonsense. It's not fair to the community. It's not
13 fair for business. It's not fair for America.
14 MR. KATES: Mr. Veraldo, understood. But
15 let's get to her testimony.
16 MS. GEIGER: I have a lot of questions. So
17 we can stipulate that the side gate is not closed or
18 sealed, that the front is not 6-feet high and that there
19 is no fencing in the rear of the property.
20 MR. SCHEPISI: We are not stipulating to
21 that. The photos speak for themselves.
22 MS. GEIGER: The photos speak for themselves.
23 And it looks to me that those facts are true and that is
24 why they were given to the board.
25 MR. KATES: Mr. Veraldo, do you want to sit

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1 down?
2 THE WITNESS: No, that's okay.
3 MS. GEIGER: I just want to ask one --
4 actually, two questions. Bergen Protective Security,
5 when were their services terminated? Or are they still
6 in effect? I saw stickers. Did you ever hire Bergen
7 Protective --
8 MR. SCHEPISI: Are you talking about for 100
9 Sylvan Avenue?
10 THE WITNESS: We don't have a alarm system.
11 MS. GEIGER: Did you ever have an alarm
12 system?
13 THE WITNESS: At the beginning, probably.
14 MS. GEIGER: So you don't know when you
15 terminated their services? You don't recall?
16 THE WITNESS: I don't recall.
17 MS. GEIGER: That might be it. I think I'm
18 done. Thank you.
19 THE WITNESS: You're welcome.
20 CHAIRMAN FEHRE: Thank you. Anybody else
21 like to ask Mr. Veraldo any questions?
22 I am sorry to trouble you.
23 THE WITNESS: That's okay.
24 MR. MORFESIS: 26 John Street, Englewood
25 Cliffs.

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1 MR. SCHEPISI: Just so the record is
 2 complete.
 3
 4 MR. MORFESIS: There is no problem this is
 5 just a question that is hitting my mind. Let's say you
 6 are granted the dealership. Toyota, next store to you
 7 has a larger property, am I correct? Would it be a
 8 littler larger.
 9 THE WITNESS: I think we are approximately
 10 exactly the same. I'm not sure.
 11 MR. MORFESIS: Volkswagen and Honda -- or
 12 whatever they want to call it -- about the same size.
 13 If all these people, Cadillac, Honda, Toyota rent your
 14 place for storage because they can't fit it on your
 15 property, I only have one question and it's not meant to
 16 hurt you: When Chrysler Jeep goes in there, where are
 17 they going to put their overage of cars? Or where would
 18 these other people put their cars?
 19 MR. SCHEPISI: Ridgfield Park by the tracks
 20 where everybody else does.
 21 THE WITNESS: Everybody does.
 22 MR. MORFESIS: I'm just asking because I live
 23 in town. I don't live on top of you. I live fifty
 24 block away from you. I am not trying to be a wise guy.
 25 I just want to know.

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1 THE WITNESS: The parking lot in the area
 2 where I am from 100, 120, 130, 160, all the parking lots
 3 during the day are completely full. That's how it is.
 4 I happen to have 120, which is an small building. I
 5 have additional parking. You know I have an additional
 6 fifty, sixty, seventy parking, additional from what I
 7 presently use. So other people with a permit naturally
 8 always obeying the laws of the town, obeying the laws of
 9 the borough, always following what needs to be followed
 10 legally, if it is permissible, we will present it.
 11 MR. SCHEPISI: Before another person
 12 questions him. I don't want to bring another person
 13 back. Danielle pointed out, she forgot to mark two
 14 exhibits. If I may, please?
 15 (Applicant's Exhibit 10 marked for
 16 identification.)
 17 (Applicant's Exhibit 11 marked for
 18 identification.)
 19 EXAMINATION BY MR. SCHEPISI:
 20 MR. SCHEPISI: I am going to be passing out
 21 two renderings to you, A-10 and A-11. You just have to
 22 change the numbering on your copy.
 23 Q. I show you Applicant's Exhibit A-10. Can you
 24 please tell us what that is the rendering, of sir?
 25 THE WITNESS: This is rendering, I think that

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1 was done sometime in 2008, '07 or '08 when I was
 2 inviting the Fiat Group to come to that that during the
 3 gasoline crisis.
 4 Q. And that was the rendering that you
 5 commissioned?
 6 A. Yes.
 7 Q. That was a rendering that you commissioned an
 8 architect to do to promote the rental of your building
 9 to Fiat?
 10 A. That's correct.
 11 MR. TROVATO: What date?
 12 THE WITNESS: '07, '08.
 13 Q. I show you Applicant's Exhibit A-11. That
 14 another rendering of the building that you had done for
 15 Fiat -- I'm sorry, for Alfa Romeo and Maserati?
 16 A. That's correct. This is more recent.
 17 Q. When was that done, sir?
 18 A. I think 2013.
 19 Q. And you had also commissioned an architect to
 20 do that rendering, to market the building?
 21 A. That's correct.
 22 MR. SCHEPISI: Now you can question him.
 23 MS. O'SHEA: Can I ask Mr. Veraldo a
 24 question? Can I ask him a question?
 25 THE WITNESS: Sure.

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1 MS. O'SHEA: Regarding these pictures, when
 2 you prepare a rendering like this for a prospective
 3 tenant --
 4 THE WITNESS: Right.
 5 MS. O'SHEA: Do you indicate to them that you
 6 are going to pay for the improvements to the building?
 7 THE WITNESS: No. I should not even say no.
 8 It could be either way.
 9 MS. O'SHEA: It's what they could do or what
 10 you could do down the line.
 11 MR. SCHEPISI: There is a triple net lease,
 12 there are gross leases. You take a tenant and say you
 13 have to do the work, some tenants are told you do the
 14 work because they have their own space. I just wanted
 15 to do that because I don't want to bring him back again
 16 and open it up again.
 17 Q. The Alfa Romeo Maserati, what year was that?
 18 A. I think 2013.
 19 MR. SCHEPISI: I'm sorry. You opened it to
 20 the public to ask questions.
 21 MS. BOOKS: Roberta Books, 6 Demarest Court,
 22 Englewood Cliffs.
 23 First, just a clarification because I think, if I
 24 understood correctly, something you said was
 25 inconsistent.

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1 THE WITNESS: Something?
2 MS. BOOKS: You said was inconsistent. You
3 said you bought the property in October of 2004?
4 THE WITNESS: That's correct.
5 MS. BOOKS: And then I heard that you
6 collected 377,000 worth of total rent from Toyota from
7 January of 2004 to 2016.
8 THE WITNESS: That's possible. Because
9 that's possible because when I negotiated the building
10 in April of 2003, and then because the building was not
11 operative, I had to get an extension in order to finance
12 it. The seller of the property -- this is to give you
13 clarification -- the seller of the property give me an
14 extension and it was supposed to close in January
15 of 2004 instead of October. And that was why the cars
16 were left on the property.
17 MS. BOOKS: So the owner let you keep rent
18 that is otherwise would have been --
19 THE WITNESS: I was paying the expenses on
20 the building.
21 MS. BOOKS: Got it.
22 You had three tenants, if I understood you
23 correctly, that was automobile companies. You had
24 Toyota, you have Eastern -- East Coast Auto and you had
25 Cadillac.

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1 THE WITNESS: That's correct.
2 MS. BOOKS: Were there written leases for
3 those tenants?
4 THE WITNESS: One or two for sure. With East
5 Coast Auto, we have a relationship. All my employees
6 get their cars from them. I get cars from them. And I
7 think every tenant was on the month-to-month basis.
8 There were no long-term lease.
9 MS. BOOKS: Right. Month to month, but there
10 was a written lease.
11 THE WITNESS: Not necessarily. I think that
12 East Coast did not have a lease. It was a
13 month-to-month verbal lease.
14 MS. BOOKS: But Toyota had a lease?
15 MR. SCHEPISI: There may have been leases. I
16 don't believe any are still in effect. There may have
17 been some old ones that I saw in his file. I don't
18 believe they are in effect now. But they were all
19 month-to-month, thirty days.
20 MS. BOOKS: All the same, I think it would be
21 nice to know what leases there were.
22 THE WITNESS: Month-to-month leases.
23 MS. BOOKS: I understand they were
24 month-to-month.
25 MR. SCHEPISI: Mr. Veraldo will check and we

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1 will go on to produce them.
2 MS. BOOKS: Because my question goes on to
3 say what were the rights of the tenants under those
4 written leases? In other words, they were clearly
5 permitted to park cars there. They cleared would have
6 to get out in thirty days, if they were thirty-day
7 leases. Did they have the right to sell cars on the
8 property, for example? I would like to know what the
9 leases say. I don't care about your -- you have no
10 recollection right now. I would like to know what the
11 leases say.
12 THE WITNESS: The lease would be a one-page
13 lease only. It was only for the parking of the cars.
14 There were no specifications of nothing. When you write
15 the lease month to month, really there is no
16 jurisdiction or value to the lease. It's month to month
17 because if we have the opportunity to rent --
18 MR. SCHEPISI: Mr. Veraldo, if we have them
19 will you get them to me? And we will produce them.
20 MR. KILMARTIN: We are talking about any
21 written leases in 2014?
22 MR. SCHEPISI: Correct.
23 MS. McMORROW: I'll stand back here. I will
24 make sure that you can hear me given what happened last
25 week.

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1 Carrol McMorrow, 7 Ridge Road. Hello, Mr.
2 Veraldo. I apologize for any questions I am going to
3 ask you. It's for clarification purposes only. And I
4 appreciate your patience in allowing people to ask you
5 questions. And I apologize up front if I miswrote any
6 question I am going to ask you and that's why I will ask
7 you.
8 THE WITNESS: Okay.
9 MS. McMORROW: Okay. Thank you.
10 Mr. Schepisi read from a prepared statement with
11 facts on your behave. Would you please, just for my own
12 edification, did you give Mr. Schepisi those facts that
13 he represented to the board? For example, and I will
14 state for the one subject right now, in regards to the
15 filing of the tax appeals. Did you give Mr. Schepisi
16 those facts that he read on your behalf?
17 MR. SCHEPISI: Don't answer yet. I would
18 just like to clarify. I didn't read any statement. I
19 had a piece of paper in front of me with my notes on it
20 and I didn't read a statement. I shouldn't be
21 practicing law if I did that. I had my notes on a piece
22 of paper that I was reading and from my memory, these
23 were bullet points that I referred to. I do not know
24 what statement you are talking about.
25 MS. McMORROW: It's in the record. I am sure

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1 if you ask the young lady who is taking the notes there,
2 she can read back what Mr. Schepisi read into the
3 record.
4 My question, Mr. Veraldo, is the information that
5 Mr. Schepisi read in regards to your building, the
6 building that you own, did you give him the facts that
7 he read? Forget the word --
8 THE WITNESS: Which building that I own?
9 MS. McMORROW: One hundred.
10 THE WITNESS: One hundred. Honestly, I don't
11 know what you are talking about.
12 MS. McMORROW: He made statements --
13 THE WITNESS: He read the statement, I know.
14 But there have been so many statements, I don't remember
15 which specifically.
16 MS. McMORROW: Let me just pick one. He made
17 a representation that was the building was rented
18 from 2004, I think it was October 5, 2004 until 2016 and
19 you collected \$377,000. Did you give Mr. Schepisi that
20 information?
21 THE WITNESS: Yes.
22 MS. McMORROW: Okay. Thank you. He also
23 made a representation -- did Mr. Schepisi represent you
24 in your tax appeals?
25 THE WITNESS: No.

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1 MR. SCHEPISI: Just for the record. These
2 statements are exhibits that have been marked. They are
3 Applicant's Exhibits A6 and A7. It was not something
4 that I read into the record. These are exhibits that
5 were marked.
6 THE WITNESS: Those are the papers.
7 MS. McMORROW: Right. I'm talking about this
8 other statement that you put back on the table.
9 MR. SCHEPISI: These are my notes.
10 MR. KATES: Continue.
11 MS. McMORROW: Mr. Veraldo, I have two quick
12 questions for you.
13 THE WITNESS: Yes.
14 MS. McMORROW: Hold on one second. When you
15 got the building Parkway Toyota had already left, right?
16 THE WITNESS: That's correct.
17 MS. McMORROW: So Mr. Schepisi stated that --
18 hold on. I will quote him what I believe he said. He
19 stated that on the tax appeals that the income approach
20 would not work.
21 MR. SCHEPISI: I did not state that the
22 income approach would not work. I said that the
23 appraisers for both the municipality and for the
24 property owner said that the income approach evaluation
25 was not the proper method and they both used the cost

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1 replacement method comparable sales data.
2 MR. KATES: John, where did you get that
3 information?
4 MR. SCHEPISI: From the appraiser.
5 MR. KATES: So he didn't get it from the
6 witness, he got it from the appraiser.
7 MS. McMORROW: This is just for clarification
8 purposes. Thank you, Mr. Kates.
9 Now, just in regard to those numbers, because
10 \$377,000 is a lot of money to collect on a verbal
11 agreement from Toyota.
12 THE WITNESS: That's 12 years of rent.
13 MS. McMORROW: Those specific leases were
14 verbal, month-to-month; is that your testimony?
15 THE WITNESS: Yes.
16 MS. McMORROW: \$377,000. Thank you. That's
17 all I have.
18 THE WITNESS: You're welcome.
19 CHAIRMAN FEHRE: Anybody else like to be
20 heard?
21 MR. PORRINO: If I may, once we close to the
22 public, I have one quick questions.
23 MS. O'SHEA: Motion to close.
24 MR. PORRINO: Second.
25 CHAIRMAN FEHRE: All in favor?

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1 ALL BOARD MEMBERS: Aye.
2 CHAIRMAN FEHRE: Mr. Porrino, ask your
3 question.
4 MR. PORRINO: I think it's pretty clear that
5 you are leasing parking spaces to other companies,
6 that's fair. I am not going to ask you whatever
7 operations were being done, but you were indeed renting
8 parking spaces or a series of parking spaces to other
9 owners and entities not related to you; in other words,
10 they were operated out of a different facility in a
11 difficult location; is that fair?
12 THE WITNESS: Yes.
13 MR. PORRINO: The point I want to make and I
14 think it's an important one -- and I want to ask you one
15 other question -- did you ever apply for an approval
16 either from the building department or from the planning
17 board asking for their approval to operate 100 Sylvan
18 Avenue as a facility whereby other could park cars on
19 your property?
20 THE WITNESS: Personally, Mr. Porrino, I
21 didn't think I needed it because it was a continuation
22 of the use, the previous use on the property. That's
23 why I didn't think I needed it.
24 MR. PORRINO: I just want to read into the
25 record one item from our ordinance and I will give you

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1 the proper annotation. It's under 30-10.1,
 2 Subsection H. And that reads and I quote:
 3 No property owner or lessee shall permit by
 4 agreement in any form the premises to be used for
 5 off-street parking which is not directly related to
 6 the building parking requirements of that site
 7 without planning board approval. If there are no
 8 buildings on in site or lot, parking is prohibited
 9 unless there is approval by the planning board.
 10 So my point is, it's not the question. Is that
 11 you did not have approval as far as you know to park
 12 those vehicles owned by others on the property that you
 13 own at 100 Sylvan Avenue. And it's not a question, so
 14 it's just a point that I'm making.
 15 MR. SCHEPISI: On that point, just for the
 16 record, the witness has testified that it's his opinion
 17 that the approval that had been previously granted to
 18 Parkway Toyota carried over, ran with the property and
 19 continued when he owned it.
 20 MR. PORRINO: I will rebut that, if I may,
 21 once Toyota vacated the property and that tenancy ended,
 22 it's my position, and it's only my position, I speak for
 23 myself here, when he wanted to rent one parking spaces
 24 to any other party except for his own use on his
 25 property, he needed to go for approval from the

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1 municipal authority. That is what I am trying to say.
 2 MR. SCHEPISI: And if he didn't and you are
 3 correct, somebody should have fined him. So from 2004
 4 forward, somebody wasn't doing their job.
 5 CHAIRMAN FEHRE: Ms. O'Shea.
 6 MS. O'SHEA: In the Applicant's Exhibit 3 on
 7 Page 5 of 6.
 8 MR. SCHEPISI: Mary, can you wait one second
 9 until we get it?
 10 MS. O'SHEA: Sure.
 11 MR. SCHEPISI: I'm sorry.
 12 MS. O'SHEA: Five of six, number 18. Do you
 13 have it?
 14 MR. SCHEPISI: I have it. Thank you.
 15 MS. O'SHEA: When the resolution was redone
 16 as you had described to us, that the -- that Parkway
 17 Toyota had -- did not have the authority to relinquish
 18 the preexisting nonconforming use to the property owner,
 19 that it went with the property, it also said here that
 20 the resolution is conditional upon the applicant's,
 21 meaning Parkway Toyota, representation that they will
 22 not continue its, meaning Parkway Toyota, use of Lot 23
 23 as a car dealership upon completion of the new facility;
 24 however, this condition does not restrict the statutory
 25 right of the owners.

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1 So basically what happened here from my view is
 2 that Parkway Toyota and Mr. Veraldo were aware that they
 3 should not have been using that property for a car
 4 dealership, okay. And the subsequent vehicle storage
 5 that you say is part of the dealership they were in
 6 violation of the approval that was the given regarding
 7 this Case No. 1263, that's your A-3. So they were in
 8 violation, Parkway was knowingly parking there and they
 9 shouldn't been and Mr. Veraldo also should not have
 10 allowed it.
 11 MR. SCHEPISI: That's not what the resolution
 12 says. I understand your interruption and you have a
 13 valid reason for making that interpretation. That's not
 14 what it says and what had happened back, then current,
 15 the then property owner of 100 Sylvan said you have no
 16 right, Planning Board, you have no right, Mr. Lauzon, to
 17 put any incumbrance on our property.
 18 Lauzon said, Fine, when I move out, I'm not going
 19 to continue my dealership there. And immediately after
 20 moving out within three months, he leased space back
 21 from Mr. Veraldo after Mr. Veraldo bought it. No
 22 violation, nothing improper. It was just a situation
 23 that the improper wording that was put in by the
 24 attorney for the board at that time and was corrected by
 25 the then owner of 100 Sylvan Avenue's attorney.

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1 MS. O'SHEA: I understand. But the fact that
 2 Parkway Toyota agreed that they would not continue to
 3 use the property and did so.
 4 MR. SCHEPISI: But they didn't. They
 5 stopped, there was an interruption for maybe a month.
 6 So it wasn't continuous. And then they came back. And
 7 there was no giving up of the use that we had on the
 8 property. It was a short, brief hiatus for a one-month
 9 period or two-month period and then they came back and
 10 did it. There was no violation by Parkway Toyota.
 11 MS. O'SHEA: It seems like it to me.
 12 MR. SCHEPISI: But there wasn't.
 13 MS. ROSENBERG: Can you tell me did you get
 14 any violations from your ownership to the present day
 15 from the building department or anybody else from the
 16 borough?
 17 THE WITNESS: Not to my knowledge.
 18 MS. ROSENBERG: Not to your knowledge. Just
 19 any violations it has as the owner of the property.
 20 MR. SCHEPISI: Have you received any
 21 violations for 100 Sylvan Avenue from 2004 to date?
 22 THE WITNESS: I have a violation of the fire
 23 department right now because we have some combustible
 24 that we have to move out. Other than that, we meet all
 25 the violations, whenever there is something --

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1 MR. SCHEPISI: You don't meet the violations,
 2 you correct the violations.
 3 THE WITNESS: I'm sorry. We correct all the
 4 violations. We are very responsive to our service.
 5 MS. ROSENBERG: Okay. Thank you.
 6 MR. SCHEPISI: I am going to be calling my
 7 next witness, which I have never done before, I have
 8 never met this witness. I spoke to him once on the
 9 phone. And I don't even know he is here. I am hoping
 10 he is.
 11 MR. KATES: Do you need a break? I was going
 12 to suggest a break. Does the board need a five-minute
 13 break.
 14 CHAIRMAN FEHRE: Let's take a five-minute
 15 break.
 16 (Brief recess.)
 17 CHAIRMAN FEHRE: Okay. Mr. Schepisi.
 18 MR. SCHEPISI: My next witness I would like
 19 to call is Dennis Acosta, who I met for the first time
 20 just now personally I met him. Can you come up, please?
 21 DENNIS ACOSTA, of 402 Almar Court,
 22 Northvale, New Jersey, after having been duly sworn, was
 23 examined and testified as follows:
 24 EXAMINATION BY MR. SCHEPISI:
 25 Q. Mr. Acosta, are you involved in a business in

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1 Englewood Cliffs?
 2 A. Yes, my family owns it.
 3 Q. And what type of business is that?
 4 A. Automotive.
 5 Q. What dealerships do you have?
 6 A. East Coast Volkswagen and we were formally
 7 East Coast Nissan.
 8 Q. At any time did there come a time that your
 9 companied leased any properties from Mr. Veraldo?
 10 A. Yes.
 11 Q. And when was that, sir?
 12 A. I believe March of 2010.
 13 Q. And for how long after that?
 14 A. I have been there ever since until somebody
 15 walked in my showroom and told us to get our cars off
 16 that property.
 17 Q. And when was that?
 18 A. Approximately two weeks ago.
 19 Q. During these proceedings somebody came --
 20 A. And told us there is a new sheriff in town.
 21 Q. Who told you that?
 22 A. I wouldn't know. I got a phone call. I was
 23 not at the location.
 24 Q. And based upon that, you were threatened with
 25 a summons if you did not stop using the property that

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1 you were using for six years?
 2 A. Yes.
 3 Q. You sell your cars at what location, sir?
 4 A. We sell on 330, 340. We also utilize 100.
 5 We have our vehicles on display on the rear of the
 6 property. We have our vehicles delivered there. They
 7 unload there. They are prepped, which is a predelivery
 8 inspection when they come off the truck. And then they
 9 go to different locations. If that area needs to be
 10 filled, they are put on display there; if not, they are
 11 bought to the dealership at 330.
 12 Q. Since you have rented space at 100 Sylvan,
 13 has your company ever sold any vehicles on that site?
 14 A. Yes, we take clients there. They are
 15 actually written off site.
 16 Q. But clients are shown vehicles at that site?
 17 A. Absolutely.
 18 Q. Do you know whether any members of this board
 19 are customers of yours?
 20 A. I see a lot of familiar faces, so I would say
 21 yes.
 22 Q. In relation to the operation that you have at
 23 100 Sylvan Avenue until you were shutdown two weeks ago,
 24 is that part of your car dealership operation, sir?
 25 A. Yes.

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1 Q. Had you not been stopped by the town -- did
 2 anybody tell you why the town stopped you now from doing
 3 what you have been doing for six years?
 4 A. No.
 5 Q. The functioning of the car dealership,
 6 entails prepping a car; is that correct?
 7 A. Yes, sir.
 8 Q. Selling a car?
 9 A. Yes, sir.
 10 Q. Showing a car?
 11 A. Yes, sir.
 12 Q. Storing a car?
 13 A. Yes.
 14 Q. Loading and unloading of cars?
 15 A. Yes.
 16 Q. And have all of those been done at 100
 17 Sylvan --
 18 A. Yes.
 19 Q. -- while you have been a tenant at 100 Sylvan
 20 by your company?
 21 A. Yes.
 22 MR. SCHEPISI: No further questions of this
 23 witness.
 24 CHAIRMAN FEHRE: Anybody have any questions?
 25 MR. KILMARTIN: What does prepping consist

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1 of?

2 THE WITNESS: Checking all the functions, the

3 lights, fluid, a ten-foot movement with braking, making

4 sure any shipping items have been moved, sometimes with

5 offsprings. And that's it. There is a delivery sheet

6 that has about fifty things to check, every button must

7 be checked, every light, any switch, every power seat,

8 every window, ever mirror.

9 Q. Do any of your activities occur inside the

10 structure or would these be all outside?

11 A. Outside.

12 Q. Did the time come that you ever had your cars

13 stored inside or moved or delivered inside?

14 A. Yes.

15 Q. When was that, sir?

16 A. If we had a high volume of vehicles, it was

17 used indoor. And you would have overnight if we had

18 heavy storms coming. Vehicles were put inside and

19 removed after the snowfall.

20 Q. And this was done from 2010 until you were

21 terminated two weeks ago by the borough?

22 A. Yes.

23 MR. PORRINO: I have a question. You are

24 using the word "prepping." Was any prepping done other

25 than what you mentioned? I am hearing, it sounded like

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1 you were inspecting the vehicles at that site.

2 Prepping, I thought would be a little more varied than

3 let's say what was being done there. In other words,

4 prepping could also be installing options in a vehicle;

5 is that fair?

6 THE WITNESS: It did, no longer. They do it

7 everything. It is port installed. If there was

8 anything beyond that, it would be a request that a

9 client made, that would be done upon delivery out of the

10 service facility, but cars come with all options.

11 MR. PORRINO: Installing mats, would mats be

12 installed at 100 Sylvan Avenue?

13 THE WITNESS: At 100 Sylvan Avenue? No, they

14 come in the vehicle. Everything that belongs to that

15 vehicle, licence plate placard, any accessories,

16 inserts, discs, navigations, mats, all that comes in the

17 vehicle. It's shipped with it. It's installed, it's

18 inspected. And the vehicle is locked up or cleaned and

19 put back on the slip.

20 MR. PORRINO: To your knowledge was there any

21 approvals granted by the municipality for this use that

22 you are claiming to be prepping and storage?

23 THE WITNESS: No, sir. I have other

24 automotive stores outside this location. And I've had

25 formal dealership there and we use them as the same

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1 facilities.

2 MR. PORRINO: Did you have a lease agreement,

3 a written lease agreement with landlord at 100 Sylvan?

4 THE WITNESS: I would have to look. I am not

5 100 percent sure.

6 MR. PORRINO: You are not sure if there was a

7 written lease or not?

8 THE WITNESS: No, I have thirty properties I

9 rent.

10 MR. PORRINO: I would ask that any leases

11 that are in possession of anyone who is testifying here

12 and specifically the applicant of 100 Sylvan Avenue,

13 produce any leases that were in writing --

14 MR. KATES: Mr. Schepisi already said he

15 would.

16 MR. SCHEPISI: I already said we would.

17 MR. PORRINO: I just want to make sure that

18 we get those. And if there were oral leases agreements

19 that were reduced to writing, I think we were entitled

20 to them.

21 MR. SCHEPISI: I think the witness testified

22 to what the lease agreement provided.

23 MR. PORRINO: My request stands.

24 MR. KATES: If it's a memorandum and not an

25 oral lease agreement, he wants to see it.

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1 MR. SCHEPISI: If there is one in writing.

2 If there is no writing, I can't create a writing because

3 that won't be appropriate.

4 MS. EASTWOOD: How many cars do you typically

5 have in inventory at Englewood Cliffs at any one time?

6 THE WITNESS: Specifically at 100 Sylvan?

7 MS. EASTWOOD: As part of your car

8 dealership, which I guess is now just Volkswagen.

9 THE WITNESS: Just Volkswagen. Approximately

10 120 cars.

11 MS. EASTWOOD: Did you ask the landlord if he

12 had obtained any necessary permits for you to use 100

13 Sylvan?

14 THE WITNESS: I did not.

15 CHAIRMAN FEHRE: Mary?

16 MS. O'SHEA: Do you think that the property

17 at 100 Sylvan Avenue was conducive to selling a vehicle

18 to a prospective client?

19 THE WITNESS: The property, for what it was

20 used, the building wasn't used for retail. If I am

21 selling a product, it's what I have in front of me.

22 It's on blacktop.

23 MS. O'SHEA: Were you concerned at all that

24 one of your clients would be hurt?

25 THE WITNESS: I was insured for that property

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1 for my vehicles.
2 MS. O'SHEA: Did you have liable insurance --
3 THE WITNESS: I do, ma'am.
4 MS. O'SHEA: -- if a client fell on that
5 property?
6 THE WITNESS: I will pull my insurance
7 binder, but I'm sure I am covered, yes. My insurance
8 company has visited that site, so yes.
9 MS. O'SHEA: They viewed that site and they
10 have included it on your policy?
11 THE WITNESS: I am not going to go into the
12 particulars of what my policy says, but I am insured.
13 By vehicles are insured.
14 MS. O'SHEA: And your clients are insured
15 from hazards?
16 THE WITNESS: Correct. Which specifically --
17 and I am sorry -- went to nonuse of the building and it
18 was used for exterior.
19 MS. O'SHEA: I'm sorry?
20 THE WITNESS: We were insured for our
21 vehicles that were on the exterior of the property.
22 MS. O'SHEA: And for a client, an accident a
23 client could have on the property? I mean, it was all
24 holes and broken things. So if I there, I mean --
25 MR. SCHEPISI: Is this a question?

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1 MS. O'SHEA: I'm just saying, it is a
2 hazardous condition, so I wanted to know if you were
3 insured.
4 THE WITNESS: I would have to ask my agent.
5 I mean, they have visited the site and they insure me on
6 the property.
7 MS. O'SHEA: Okay. Fine. When you say you
8 unload the vehicles. I never saw the car carrier truck
9 with cars on it going to the back of that site.
10 THE WITNESS: Absolutely.
11 MS. O'SHEA: They did?
12 THE WITNESS: Absolutely.
13 MS. O'SHEA: I have seen them at your other
14 location.
15 THE WITNESS: They have also unloaded between
16 the gym and 120.
17 MS. O'SHEA: The gym?
18 THE WITNESS: On the opposite side of Mr.
19 Veraldo's.
20 MS. O'SHEA: They were dropping them off in
21 the street. Because I'm thinking of the fencing and the
22 driveway is narrow and the car carrier would get stuck
23 in there.
24 THE WITNESS: Nissan would be dropped at 330,
25 Volkswagen are dropped at 100.

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1 MS. O'SHEA: And that's Rivervale.
2 MR. SCHEPISI: No. No. Please. That's not
3 what he said.
4 MS. O'SHEA: I'm sorry, I couldn't hear him.
5 THE WITNESS: Nissans are dropped at 330,
6 Volkswagen are dropped at 100.
7 MS. O'SHEA: Okay. Thank you.
8 CHAIRMAN FEHRE: Any other questions?
9 MR. SCHEPISI: I have one other question of
10 this witness.
11 Q. When your cars were on 100, were Parkway
12 Toyota's cars there also?
13 A. Yes, sir.
14 Q. And were they being shown the same way your
15 cars were being shown?
16 A. Yes, sir.
17 Q. Were they there before you started renting
18 that space?
19 A. Yes, sir.
20 MR. SCHEPISI: No further questions of this
21 witness.
22 CHAIRMAN FEHRE: Can I have a motion to open
23 for questions for this witness?
24 MR. PORRINO: Moved.
25 MS. ROSENBERG: Second --

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1 MR. KIM: Second.
2 CHAIRMAN FEHRE: All in favor.
3 ALL BOARD MEMBERS: Aye.
4 CHAIRMAN FEHRE: Yes, Ms. Geiger.
5 MS. GEIGER: Carin Geiger. Mr. Veraldo, I
6 believe, testified that compensation to him for allowing
7 you to park vehicles on his property was cars given to
8 him family.
9 MR. SCHEPISI: He absolutely never testified
10 to that.
11 MS. GEIGER: Can you read that back?
12 MR. SCHEPISI: What was testified to -- and
13 these types of accusations are horrible -- what was
14 testified to was that Mr. Veraldo's employees all buy
15 cars from this group. And that they have been tenants
16 there for a long time. Not that he gets cars in lieu of
17 rent. That's not what the testimony is notwithstanding
18 your inference.
19 MS. GEIGER: I would just like the board to
20 note then exactly what was stated by Mr. Veraldo because
21 perhaps I misunderstand.
22 MR. SCHEPISI: You did misunderstand.
23 MS. GEIGER: Perhaps.
24 MR. SCHEPISI: No, not perhaps. You did.
25 MS. GEIGER: That is all. I just wanted to

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1 clarify.
2 CHAIRMAN FEHRE: Anybody else want to ask a
3 question of this witness?
4 If not, can we have a motion to close the public
5 portion?
6 MS. O'SHEA: So moved.
7 MS. ROSENBERG: Second.
8 CHAIRMAN FEHRE: All in favor.
9 ALL BOARD MEMBERS: Aye.
10 MR. SCHEPISI: My next witness is Peter
11 Soumas.
12 PETER SOUMAS, of 12 Cumbermeade Road,
13 Fort Lee after having been duly sworn, was examined and
14 testified as follows:
15 EXAMINATION BY MR. SCHEPISI:
16 Q. Mr. Soumas, are you a customer of Parkway
17 Toyota?
18 A. I'm not a customer of Parkway Toyota, but I
19 went shopping last summer, 2015, for a Toyota in
20 response to their big summer television blowout ads.
21 Q. And you went to their premises at --
22 A. I went to Parkway Toyota.
23 Q. And were you shown a car at Parkway Toyota?
24 A. I was specifically looking for an SUV. So
25 they brought me to -- their promotion for the summer was

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1 a RAV4. I looked at it, I observed it, test drove it.
2 It was not a very desirable color so at the time I asked
3 to see some of the other colors.
4 Q. And did they show you another color?
5 A. The salesperson said to see other cars they
6 had to bring me to the other lot. So we left the
7 dealership and then walked behind 100 Sylvan Avenue
8 where twenty difference RAV4s in assorted colors were.
9 Q. And they were showing you different cars for
10 you to see with the different colors; is that correct?
11 A. Yes.
12 Q. Is that the sole time you that dealt with
13 Parkway Toyota when they took you to the lot to see
14 other cars?
15 A. From the main dealership, for this two-day
16 process that I was shopping for a car, I was
17 specifically looking for black or white and they were
18 stored behind 100 Sylvan.
19 Q. And this was last year?
20 A. July of last summer.
21 Q. Is there another occasion that you had to go
22 to Parkway Toyota to look for another car?
23 A. The RAV4s were a little too expensive. So I
24 then downgraded to -- their opening price mark, the
25 Corolla.

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1 Q. Did you look also for a used car at Parkway
2 Toyota?
3 A. We then -- the conversation extended -- to
4 those of you who have children, I have one in law
5 school, two in college, I was working my way down. They
6 offered me an '07 car. At least the facts.
7 Q. I am surprised they didn't offer you a
8 bicycle.
9 A. And that '07 car was also stored at 100
10 Sylvan.
11 MR. SCHEPISI: No further questions of this
12 witness.
13 MR. KATES: Mr. Soumas, in my haste, I didn't
14 get the spelling of your last name.
15 MR. SCHEPISI: S-o-u-m-a-s.
16 MR. KATES: I didn't put you under oath.
17 THE WITNESS: You did put me under oath.
18 MR. SCHEPISI: One other question, thank you.
19 Q. Did you, when you were there, see car jockeys
20 taking cars back and forth from Parkway Toyota to 100
21 Sylvan and vice versa?
22 A. Regularly.
23 MR. SCHEPISI: No further questions.
24 MS. O'SHEA: I have a question. How did Mr.
25 Schepisi find you to testify?

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1 MR. SCHEPISI: He was sitting back here. I
2 came out of the meeting and he said I bought a car
3 there.
4 MS. O'SHEA: I was curious to why he came to
5 the meeting.
6 MR. SCHEPISI: Why does anybody come to the
7 meeting?
8 MS. O'SHEA: I want to ask Mr. Soumas. Why
9 did you come to the meeting tonight?
10 THE WITNESS: I am acquainted with Joe
11 Veraldo and I am a personal friend.
12 MS. O'SHEA: Personal friend. Okay. Thank
13 you.
14 CHAIRMAN FEHRE: Any other questions?
15 Motion to open to the public to ask questions of
16 the witness.
17 MS. ROSENBERG: So be it.
18 CHAIRMAN FEHRE: Second --
19 MR. KIM: Second.
20 CHAIRMAN FEHRE: Is there anybody who would
21 like to come forward to ask a question of this witness?
22 MR. CHINMAN: What color vehicle did you end
23 up getting?
24 THE WITNESS: I didn't get a car. In review
25 of my budget, it just didn't make sense.

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1 CHAIRMAN FEHRE: Anybody else?
 2 Car: I have a motion to close?
 3 MR. KILMARTIN: Motion to close.
 4 MS. ROSENBERG: Second.
 5 CHAIRMAN FEHRE: All in favor.
 6 ALL BOARD MEMBERS: Aye.
 7 MR. SCHEPISI: Do we need any more testimony
 8 on the sign that was on the property? We have Mr.
 9 Cioffi here to testify that he did the alarm system
 10 work --
 11 MS. O'SHEA: I have a question for Mr.
 12 Cioffi.
 13 MR. SCHEPISI: Okay. Let's bring him up on
 14 this one, not on anything else.
 15 MS. O'SHEA: Yeah.
 16 MR. SCHEPISI: Okay. Joseph Cioffi.
 17 JOSEPH CIOFFI, 30 Sylvan Avenue,
 18 Englewood Cliffs, after having been duly sworn, was
 19 examined and testified as follows:
 20 EXAMINATION BY MR. SCHEPISI:
 21 Q. Mr. Cioffi, there has been questions raised
 22 by several board members concerning a Marketing Systems
 23 company that was located at 100 Sylvan Avenue. Are you
 24 familiar with that company?
 25 A. I have seen the sign. I have seen when they

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1 were there.
 2 Q. Have you ever done any work in that building,
 3 at 100 Sylvan Avenue, when they were there?
 4 A. Yes. We wired the building for fire and
 5 burglar alarm when, Dennis, who was the owner of Parkway
 6 Toyota, rented the building. We did complete building,
 7 fire and burglar.
 8 Q. And you did for this Dennis Lauzon?
 9 A. Yes.
 10 Q. And the marketing company whose sign
 11 everybody has been referring to, this was the company
 12 that worked for or with Dennis Lauzon and Parkway
 13 Toyota; is that correct?
 14 A. Yes. They were a marketing outfit on the
 15 second floor of this building. They had a separate
 16 entrance on the south side of the building.
 17 Q. And at some time prior to or at the same time
 18 that Mr. Lauzon moved out of the building originally,
 19 they had moved over to 120 Sylvan; is that correct, sir?
 20 A. They moved out of that building. I don't
 21 know where they went.
 22 MR. SCHEPISI: No further question.
 23 CHAIRMAN FEHRE: Mrs. O'Shea?
 24 MS. O'SHEA: Mr. Cioffi, Marketing Systems,
 25 like you said, they had a separate entrance on the side

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1 where the elevator was, correct?
 2 THE WITNESS: The south end of the building
 3 and from the front.
 4 MS. O'SHEA: They occupied the second floor.
 5 Did they occupy the full second floor?
 6 THE WITNESS: I never went up there because
 7 we only worked for Parkway on the main floor and the
 8 basement area.
 9 MS. O'SHEA: Well, do you know if Parkway had
 10 any -- Parkway then, I would assume, didn't have any
 11 offices on the second floor; it was all MSI?
 12 THE WITNESS: I don't know. We didn't do any
 13 work on the second floor.
 14 MS. O'SHEA: Okay. All right. Sir, so
 15 basically so Parkway was not on the second floor?
 16 MR. SCHEPISI: That's not what he said.
 17 MS. O'SHEA: Otherwise he would have been
 18 taking care of the alarms up there, and the fire,
 19 correct?
 20 THE WITNESS: Well, we had the fire alarm
 21 complete in the entire building. So it handled both the
 22 second floor, first floor and the basement area. It's a
 23 sprinkler system and we monitor the sprinkler system.
 24 MS. O'SHEA: Right. And after Parkway Toyota
 25 moved out, the sprinkler system became inactivated at

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1 some point.
 2 THE WITNESS: I guess so because we couldn't
 3 continue monitoring it when nobody was paying for it.
 4 MR. KATES: I am a little confused. You
 5 didn't go up to the second floor but your company
 6 sprinklered that floor?
 7 THE WITNESS: No. The sprinkler system is in
 8 the entire building, first floor --
 9 MR. KATES: It existed before you got
 10 involved?
 11 THE WITNESS: The sprinkler system was put in
 12 the building when the building was built. And it has to
 13 be monitored, so if it goes off the fire department can
 14 be notified immediately. And that's what you do, you
 15 monitor the sprinkler system so any water flow trips the
 16 system, whether on the second floor, first floor,
 17 basement.
 18 MR. KATES: Did you have any machinery to do
 19 that job on the second floor?
 20 THE WITNESS: Nothing on the second floor.
 21 They have their own separate entrance to the building.
 22 And there was no reason for us to go up there.
 23 MR. KATES: And what about police and
 24 security?
 25 THE WITNESS: We did a security system on the

1 main floor, the basement, everything for Parkway Toyota,
2 whatever he had. The back of the building where the
3 service was being done. And that's why you see our
4 stickers on the building.

5 MR. KATES: So if somebody were to penetrate
6 that second floor where the Marketing Systems were, it
7 would show up on the screen at Parkway Toyota?

8 THE WITNESS: No. Not at all. If they
9 penetrated the floor to rob them, they would go to the
10 second floor and there would be no monitoring of it. It
11 had a separate entrance from the front of the building
12 on the south end of the building, separate entrance.
13 You go in there and you go up to the second floor.

14 MR. KATES: So as far as the security system
15 was concerned, you didn't touch the second floor where
16 they were, you did that for Parkway Toyota?

17 THE WITNESS: We only worked for Parkway.
18 Then when Parkway moved, we went over to the new
19 building with Parkway.

20 MR. KATES: Okay.

21 CHAIRMAN FEHRE: Any other questions?
22 Can I have a motion to open for public for
23 questions?

24 MR. VILLARI: Motion.

25 MS. ROSENBERG: So be it. Second.

1 MR. CHINMAN: Second.

2 CHAIRMAN FEHRE: All in favor.

3 ALL BOARD MEMBERS: Aye.

4 CHAIRMAN FEHRE: Would anybody like to
5 question this witness?

6 Can I have a motion to close the public?

7 BOARD MEMBER: Motion.

8 MR. KILMARTIN: Second.

9 CHAIRMAN FEHRE: All in favor.

10 THE WITNESS: I would like to just say one
11 more thing, as a resident of Englewood Cliffs. I have
12 lived in town since 1959. This building, it looks very
13 nice what they are going to do with it, what they want
14 to do with it. I really feel that it would help the
15 area and help the avenue. I live on the avenue, at 30
16 Sylvan Avenue. It should be permitted.

17 I mean, it's crazy what you are going through
18 here on a building that is really only used for
19 vehicles. The building was built originally, if you
20 look this building, if you have cars and you are showing
21 cars, it's a nice location.

22 MR. KATES: Mr. Cioffi, I understand what you
23 are saying. But you are really talking about a
24 comment, which is out of order.

25 MR. SCHEPISI: Mr. Kates, you have permitted

1 every other of the witnesses who are against this
2 application to comment and give comments. It's been
3 permitted. This is the first one that is speaking
4 affirmatively, and you shut him down.

5 MR. KATES: I'm not shutting him down. It's
6 in the record.

7 CHAIRMAN FEHRE: Everybody will have an
8 opportunity to make comments at the end of the
9 application.

10 THE WITNESS: Thank you.

11 CHAIRMAN FEHRE: Do you have any other
12 witnesses?

13 MR. SCHEPISI: Yes. Do you want me to do my
14 planner now?

15 CHAIRMAN FEHRE: The intent was to take a
16 vote to see are we going to call it a use variance or
17 not. So we know who is going to vote.

18 MR. SCHEPISI: I don't care who is going to
19 vote. I have to then present my entire case.

20 MR. KATES: Your planner is being offered to
21 deal with the threshold question of abandonment; is that
22 correct?

23 MR. SCHEPISI: That's correct.

24 CHAIRMAN FEHRE: So it's relevant.

25 MR. SCHEPISI: And I'm not going to have to

1 bring him back because their planner is not here or your
2 planner is not here.

3 MR. KATES: That's your choice. I mean, we
4 have to hear his testimony and understand what it is and
5 we have a planner presumably at the next meeting.

6 MS. ROSENBERG: Are there any other
7 witnesses?

8 MR. CHINMAN: So this can't be voted tonight
9 because we don't have our planner, correct?

10 MR. KATES: I understand that to be true.

11 MR. CHINMAN: So why would our planner not be
12 here when his planner talks?

13 MS. ROSENBERG: Are there any other
14 witnesses?

15 MR. SCHEPISI: I have no other witnesses on
16 this aspect of the case.

17 CHAIRMAN FEHRE: So maybe we should just --

18 MR. SCHEPISI: If I have to bring him back
19 anyway, I would rather bring him back for the next
20 meeting, which is when?

21 MS. SCANCARELLA: April 14. Where are you in
22 your surgery?

23 MR. SCHEPISI: I am not having surgery.
24 Injections, with my own plasma blood.

25 MR. KATES: Are you going to be okay for

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1 April 14?
 2 MR. SCHEPISI: I will have to sit but I will
 3 be fine.
 4 MS. SCANCARELLA: April 14 is our next
 5 regular meeting.
 6 MR. SCHEPISI: April 14. Bear with me one
 7 second.
 8 MR. KATES: Do you have anything scheduled
 9 for that night with this?
 10 MS. SCANCARELLA: Two more, if we don't
 11 finish tomorrow.
 12 CHAIRMAN FEHRE: Tentatively for the 14.
 13 MR. SCHEPISI: Is there any other night we
 14 can schedule this?
 15 MS. SCANCARELLA: I'm sorry, what?
 16 MR. SCHEPISI: Do you have any other special
 17 meetings you can put us on?
 18 MS. SCANCARELLA: We have a -- April 20 is
 19 already booked, April 30 is already booked. We would
 20 have to schedule another meeting. March, I'm sorry,
 21 March.
 22 MR. SCHEPISI: How about early April? Can
 23 you schedule another meeting?
 24 MS. SCANCARELLA: We have April 11 is already
 25 scheduled for LG.

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1 CHAIRMAN FEHRE: I think we will have to
 2 think about it a little bit and get back to you.
 3 MR. SCHEPISI: The only problem we've got is
 4 on notices.
 5 MS. SCANCARELLA: It's 48 hours for a special
 6 meeting.
 7 MR. SCHEPISI: But it's ten days for me. See
 8 if you carry this to a meeting and then at a meeting you
 9 carry it, then I don't have to worry about it.
 10 MS. SCANCARELLA: But you are definitely on
 11 for the 14.
 12 MR. SCHEPISI: If we were going to do it
 13 before then.
 14 MS. SCANCARELLA: No, there is no way we are
 15 going to be able to do it before then. We already have
 16 things that are already...
 17 MR. KATES: This board is meeting on the 29
 18 and the 30 of March, before we even get to April 14.
 19 MS. SCANCARELLA: And April 11.
 20 MR. KATES: LG is taking a lot of our time.
 21 MR. KILMARTIN: Can we do the planner
 22 testimony and let's our planner read the transcript?
 23 CHAIRMAN FEHRE: I think it's better that
 24 they are together. You can anticipate who will that be?
 25 What is their name?

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1 MR. KRECKIE: Most likely, Ms. Darlene Green,
 2 but that is something that has to be decided within the
 3 office, but most likely it will be her.
 4 MS. SCANCARELLA: The 14 you would be -- I
 5 mean, we do have other applications, but they are after
 6 you.
 7 MR. SCHEPISI: When is your next meeting
 8 after the 14?
 9 MS. SCANCARELLA: May. We do have April 25
 10 and that's reserved for LG.
 11 MR. SCHEPISI: Can I take two minutes and
 12 talk to my client outside?
 13 (Brief recess.)
 14 MR. SCHEPISI: I apologize, but I wanted to
 15 just check availability with everybody. If we can go to
 16 the first week in May for that meeting.
 17 MS. SCANCARELLA: May?
 18 MS. O'SHEA: May 12.
 19 MS. SCANCARELLA: May 12 would be our main
 20 meeting.
 21 MR. SCHEPISI: Let me just make 100 percent
 22 sure that I'm not screwing this up.
 23 MR. KATES: May 12, our regular meeting.
 24 MR. SCHEPISI: May 12 we will be the first
 25 one on the agenda. That would even be better.

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1 MR. KATES: We need to extend our time. We
 2 need an extension of time beyond April 28.
 3 MR. SCHEPISI: So extend it until the end of
 4 May.
 5 MR. KATES: Will you give it to me in
 6 writing?
 7 MR. SCHEPISI: I will send you an e-mail
 8 tomorrow in writing.
 9 MR. KATES: So May 12.
 10 MR. SCHEPISI: May 12. We are the only one.
 11 We will notice again.
 12 MR. KATES: You don't have to notice.
 13 MR. PORRINO: There is the question in my
 14 mind as to what happened between the date when Toyota
 15 vacated and when Mr. Veraldo took ownership of this
 16 property. And I think the reasonable way of finding out
 17 what happened there is to request the records of any
 18 inspections done on this property. Whether it is the
 19 building department or fire official in the Borough of
 20 Englewood Cliffs so we can try to find out what happened
 21 starting from let's say the year 2002 moving forward to
 22 this date.
 23 I think that may tell the story in terms of if
 24 there were people in the building. There is a question
 25 about the marking company, if they were there, if they

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1 were not there. There has been testimony that they were
2 not. But I think we are entitled to know what happened
3 outside the knowledge of Mr. Veraldo because he wasn't
4 there the date that Toyota moved out.
5 MR. CHINMAN: How would you find that out?
6 MR. PORRINO: I think the fire inspector
7 official goes and in makes annual, semiannual
8 inspections of the property.
9 MR. SCHEPISI: You are talking about fire
10 inspections?
11 MR. PORRINO: It will be COs anything from
12 the building and permits.
13 MS. SCANCARELLA: Fire prevention.
14 MR. PORRINO: Clearly what was going on in
15 the building for this issue.
16 MR. SCHEPISI: From 2014?
17 MR. PORRINO: No, it's got to be from 2002
18 from before Toyota vacated the property. I'm curious to
19 know if Marketing Systems was in the building at some
20 point in time, let's say 2000, 2002. So let's start
21 with the year 2000 even.
22 MR. SCHEPISI: Mr. Porrino --
23 MR. PORRINO: I'm sorry, please, this a
24 conversation amongst the board. I am asking that these
25 documents be produced so that we are prepared before the

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1 next meeting so that we can get through this hopefully
2 and move forward.
3 MR. SCHEPISI: Mr. Porrino, with all due
4 respect, I am just trying to understand --
5 MR. PORRINO: It's a request. It's up to the
6 board. With all due respect, it's not --
7 MR. SCHEPISI: I'm just trying to understand
8 what you are asking for.
9 MR. PORRINO: I will say it again. It's any
10 or all records from the building department, fire
11 department, fire sub-code official, any inspections that
12 were done in that building. So it's any permits that
13 were issued, any COs that were issued, it's anything
14 else that was issued, anything else in the file, that
15 would be the fire department or the building department,
16 applicable to 100 Sylvan Avenue from the year 2000 to
17 the year 2016. Is that clear?
18 MR. SCHEPISI: That's clear.
19 MR. PORRINO: Okay.
20 MR. SCHEPISI: Say someone was in there with a
21 permit and inspection that predated the date?
22 CHAIRMAN FEHRE: How hard is that to get?
23 MS. SCANCARELLA: It's not very hard, but
24 it's very time consuming. It can be done.
25 MR. SCHEPISI: Can we request that we get a

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1 copy of it when the board gets it, at the time that the
2 board gets it?
3 MS. SCANCARELLA: It's a matter of making
4 copies. Do you want plans? I can't reproduce plans
5 and stuff.
6 MR. PORRINO: I would be happy to review
7 them, if it's easier.
8 MS. SCANCARELLA: Then I have to have --
9 CHAIRMAN FEHRE: Can you help her to do this?
10 MS. EASTWOOD: I would like to see the plans.
11 MR. CHINMAN: Plans of what?
12 MS. EASTWOOD: Plans of 100 Sylvan Avenue.
13 MS. SCANCARELLA: Let me find out how much is
14 involved first since I am the person who has to do all
15 this.
16 MR. KATES: Let's get a board vote as to
17 whether to pursue what Mr. Porrino wants. Let's it be
18 an official action of the board. So that you are...
19 CHAIRMAN FEHRE: Would you like to make that
20 motion?
21 MR. PORRINO: I make that motion.
22 CHAIRMAN FEHRE: Second?
23 MS. O'SHEA: Second.
24 MR. KILMARTIN: So where are you headed with
25 this, just so it's clear with us?

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1 MR. PORRINO: My question is we really don't
2 know of this Marketing Information Systems. I had no
3 personal knowledge of it, but there are people here that
4 believed that they occupied at least part of 100 Sylvan.
5 And if they did, part of that building may not have been
6 used only as a motor vehicle sales establishment. And I
7 think that has a very direct impact on our question of,
8 A, was the property abandoned; B, has the use been
9 enlarged, the nonconforming use.
10 So that we don't have to go through three more
11 steps, I think it's easy to get this out so we know if
12 Marketing Information Systems was there strictly as an
13 office use, and if that's separate from the motor
14 vehicle sales.
15 MR. SCHEPISI: We will stipulate that was
16 office use in Parkway Toyota in that building, there was
17 office use.
18 CHAIRMAN FEHRE: He just wants to see those
19 documents.
20 MR. CHINMAN: I just have a question. If
21 Marketing Systems' sole purpose is to market for the
22 sale of cars, I mean, how do you differentiate that as
23 not being part of their business?
24 MR. PORRINO: I don't think we heard that
25 their exclusive business was and is for Parkway Toyota.

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1 MR. SCHEPISI: Can I ask a question?
2 Assuming it wasn't their exclusive business, what
3 relevance does it have to the question in this case of
4 the existing nonconforming use of a car dealership at
5 these premises?
6 MR. KATES: Mr. Porrino attempted to answer
7 it to say that if your dealership is now going to expand
8 into that space, is that an expansion of the
9 nonconforming use. The argument can go either way. The
10 board has to decide. Is it so small a space when
11 compared with the totality of the building that it is an
12 insignificant expansion. But intently these spaces that
13 have been described to the board which talk about
14 intensity of use, and they have to make that kind
15 evaluation.
16 MR. SCHEPISI: But if it's only going to be
17 an office use for the new car dealership.
18 MR. KATES: That's another way of looking at
19 it. And the board may decide that it's so close to the
20 use that was there that generically it's the same kind
21 of use and not an abandonment. So those are the issues.
22 CHAIRMAN FEHRE: We have a motion, can we
23 have a second?
24 MS. SCANCARELLA: Mr. Porrino made a motion.
25 MS. O'SHEA: And I seconded it.

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1 MR. CHINMAN: Besides the document that Cathy
2 is getting, did you also want a copy of this lease of
3 MSI?
4 MS. O'SHEA: But we haven't been able to get
5 it.
6 CHAIRMAN FEHRE: Whatever we can find in the
7 building department and the fire department, right?
8 MS. SCANCARELLA: Are we doing the roll call?
9 CHAIRMAN FEHRE: No, we can just do a voice
10 call.
11 MR. KATES: No, you need a roll call.
12 MS. SCANCARELLA: Mr. Villari?
13 MR. VILLARI: Yes.
14 MS. SCANCARELLA: Mr. Trovato?
15 MR. TROVATO: No.
16 MS. SCANCARELLA: Mr. Kilmartin?
17 MR. KILMARTIN: Yes.
18 MS. SCANCARELLA: Is Ms. Rosenberg voting?
19 MR. KATES: No.
20 MS. SCANCARELLA: Mr. Kim?
21 MR. KIM: Yes, I vote for it.
22 MS. SCANCARELLA: Mr. Porrino?
23 MR. PORRINO: Yes.
24 MS. SCANCARELLA: So Mr. Lee is no.
25 MR. KATES: No.

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1 MS. SCANCARELLA: Okay. Ms. O'Shea?
2 MS. O'SHEA: Yes.
3 MS. SCANCARELLA: And Councilman Park?
4 COUNCILMAN PARK: Yes.
5 MS. SCANCARELLA: Ms. Eastwood?
6 MS. EASTWOOD: Yes.
7 MS. SCANCARELLA: And Chairman Fehre?
8 CHAIRMAN FEHRE: Yes.
9 MR. SCHEPISI: Point of order?
10 MR. KATES: Sure.
11 MR. SCHEPISI: I thought you said that this
12 was a procedural matter as to authorizing this to occur.
13 Just so that the record is clear if this goes on appeal,
14 why wouldn't the other two board members be able to vote
15 on this?
16 MR. KATES: Because of the bylaws says once
17 we start on this.
18 MR. SCHEPISI: Why did you rather than have
19 it remanded if you are wrong and I am right, take their
20 vote and it will become a mute point and the court will
21 not have to move it back and if it's done, it's done.
22 MR. KATES: Fair enough.
23 MR. SCHEPISI: We can avoid court issues that
24 can cause a lot of money.
25 MS. SCANCARELLA: JP Lee can vote on this?

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1 MR. KATES: That's what he is doing here is
2 that Ms. Rosenberg and Mr. Chinman will vote instead of
3 Mr. Porrino and Mr. Kim.
4 MR. SCHEPISI: Correct.
5 MR. KATES: So do the recall without
6 Mr. Porrino and Mr. Kim and with Mr. Chinman and
7 Ms. Roseberg.
8 MS. SCANCARELLA: Okay. So I am going to do
9 it again.
10 Mr. Villari?
11 MR. VILLARI: Yes.
12 MS. SCANCARELLA: Mr. Trovato?
13 MR. TROVATO: No.
14 MS. SCANCARELLA: Mr. Kilmartin?
15 MR. KILMARTIN: Yes.
16 MS. SCANCARELLA: Mrs. Rosenberg?
17 MS. ROSENBERG: Yes.
18 MS. SCANCARELLA: Mr. Chinman?
19 MR. CHINMAN: Yes.
20 MS. SCANCARELLA: Ms. O'Shea?
21 MS. O'SHEA: Yes.
22 MS. SCANCARELLA: Councilman Park?
23 COUNCILMAN PARK: Yes.
24 MS. SCANCARELLA: Ms. Eastwood?
25 MS. EASTWOOD: Yes.

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1 MS. SCANCARELLA: And Chairman Fehre?
 2 CHAIRMAN FEHRE: Yes.
 3 MR. KATES: It's the same.
 4 MR. SCHEPISI: It's the same vote, but at
 5 least we don't have to come back and try this issue.
 6 MR. PORRINO: One more really quick point,
 7 Mr. Chairman, and Cathy, I think this is easy. Could
 8 you pull the application for the Equinox Health Club?
 9 MS. SCANCARELLA: I am going to pull
 10 everything and anything I can find on 100 Sylvan Avenue.
 11 MR. PORRINO: Thank you.
 12 MS. SCANCARELLA: Done.
 13 CHAIRMAN FEHRE: We don't need a vote.
 14 Anything further?
 15 MR. SCHEPISI: Not for this evening.
 16 (Off the record.)
 17 (Hearing adjourned 10:22 p.m.)
 18 (Meeting opened for public
 19 portion.)
 20 MS. McMORROW: Carol McMorrow, 7 Ridge Road.
 21 I will quickly repeat what I stated when the machine was
 22 shut off. I want to apologize to the board for what Mr.
 23 Schepisi said. I believe all of you know right from
 24 wrong. I thank you for all of your hard work,
 25 dedication and service and the time you are putting into

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1 this. And I have faith that you will be doing the right
 2 thing.
 3 I also would like to make a statement in general
 4 that Mr. Schepisi made a statement, in general, that the
 5 board -- and I am going to quote him -- members of -- or
 6 I believe this was his quote -- members of this board
 7 should not be able to discuss outside of this board this
 8 application or any application outside of the public.
 9 You guys have a site plan committee, don't you?
 10 CHAIRMAN FEHRE: Yes, we do. We don't
 11 discuss current applications. We only discuss the
 12 application before it is --
 13 MR. KATES: Scheduled.
 14 CHAIRMAN FEHRE: -- scheduled. It's a
 15 completeness review.
 16 MS. McMORROW: Right, but you do discuss an
 17 application with board members. I am sure Mr. Schepisi
 18 was at one of those meetings outside of the public.
 19 CHAIRMAN FEHRE: No more than four board
 20 members, so as not to have a quorum.
 21 MS. McMORROW: How many board members?
 22 MR. KATES: Four.
 23 CHAIRMAN FEHRE: No more than four.
 24 MS. McMORROW: Four, right. You have a
 25 quorum with four.

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1 MR. KATES: The distinction is that once the
 2 hearing starts, then those kinds of extracurricular
 3 conversations should not be taking place certainly with
 4 four members.
 5 MS. McMORROW: But you understand my point, I
 6 think you are getting my point of what I'm saying.
 7 MR. KATES: What you are referring to was a
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 9 scheduled to begin.
 10 MS. McMORROW: But that is still
 11 conversations outside of public view.
 12 MR. KATES: Not. But it's a different point.
 13 MS. McMORROW: Listen, that's okay. I am
 14 just making a statement for the record. He made
 15 statements for the record; I am making mine also.
 16 I have one more question. And I want to ask this
 17 as respectfully as I possibly can.
 18 Mr. Chinman, I'm sorry, I have to ask this
 19 question.
 20 Mr. Chinman is being represented by Mr.
 21 Schepisi's daughter in a matter that you are discussing
 22 for settlement.
 23 MR. KATES: I'm not involved in the
 24 settlement. The board is not involved.
 25 MS. McMORROW: I have a question for the

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1 record. And I am going to let it be on the record. Mr.
 2 Schepisi's daughter is representing Mr. Chinman in a
 3 matter. Am I correct or incorrect?
 4 MR. KATES: You are correct.
 5 MS. McMORROW: Thank you. Would it be of
 6 your opinion that Mr. Chinman, due to the fact that
 7 Holly Schepisi is John Schepisi's daughter, should be
 8 recused from any discussion on an application that John
 9 Schepisi is representing to this board --
 10 MR. KATES: No.
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 12 record that I acknowledge that on that application he
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7 CHAIRMAN FEHRE: That's 800 Sylvan, correct?
8 MR. SCHEPISI: The one by CNBC.
9 MR. KATES: And my answer is that --
10 CHAIRMAN FEHRE: He had nothing to do with
11 700 Sylvan -- I mean 800 Sylvan.
12 MR. KATES: And your practice is independent
13 of Holly Schepisi.
14 MR. SCHEPISI: 100 percent.
15 MR. KATES: And on that basis, I don't see a
16 conflict.
17 MR. SCHEPISI: Okay.
18 CHAIRMAN FEHRE: Thank you.
19 Would anybody else like to be heard on general
20 matters?
21 Can I have a motion to close the public portion?
22 MR. PORRINO: You have one in the back.
23 CHAIRMAN FEHRE: Mr. Cioffi.
24 MR. CIOFFI: I just want to make a comment.
25 I have lived in the town for a long time and I

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1 have never seen -- I have been before this board before
2 and we went around in circles on signs and this and
3 that. But I will tell you one thing, you are wasting
4 everyone's time. You have a nice building here. They
5 want to do a beautiful job with this building and you
6 people are going around in circles.
7 And I think it's disgusting and as a taxpayer I
8 think it's totally terrible. I can't tell you, it's
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10 don't even live in town near the building; they live far
11 from the building. Don't you want to see this building
12 done properly? I think it is absolutely absurd what you
13 people are doing. And as far as I am concerned this
14 board is for the birds.
15 CHAIRMAN FEHRE: Okay. Thank you. Would
16 anybody else like to be heard.
17 MR. VERALDO: Can I? John, can I?
18 MR. SCHEPISI: You can do whatever you want.
19 CHAIRMAN FEHRE: This would be in general
20 matters though.
21 MR. VERALDO: It's a general matter. Not
22 necessarily for the application. As an citizen, an
23 immigrant citizen, a business person, I'm really
24 dismayed in the way things are conducted. For this lady
25 who try her best to be a lawyer to be whatever she tried

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1 to be, and waste the time for everybody, hours of
2 everybody, I don't think that's fair. I think that we
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25 conduct business. America cannot go forward, we can not

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 3 I think we need to accelerate and have the
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 6 the professional. I agree with that 100 percent. I'm
 7 not a professional, I'm a real estate man. I understand
 8 the value of the building, but I don't go beyond the
 9 value of the building. That's where my expertise is, is
 10 on the value of the building. I cannot make all kind of
 11 different comments and try to determine something that
 12 asked not be determined by a single person. That needs
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 15 can make like Ms. Gieger, she is entitled to. She was
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 17 But at the end of the day wasting an hour of the
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 19 this application another month and a half, this is
 20 detrimental, very detrimental. Probably they are going
 21 to pull out of the deal. And then what happens? It's
 22 not fair. It's really not fair. I think you need to
 23 protect the interest of the business people of our
 24 community for the time being. And I regret that you
 25 don't take steps more aggressive to control some of the

1 situation in the future because definitely it's not in
 2 the best interest of anybody, yours or ours or anybody
 3 else.
 4 MR. PORRINO: If I may, Mr. Chairman?
 5 CHAIRMAN FEHRE: Sure.
 6 MR. PORRINO: Mr. Veraldo, I understand we
 7 sit here and we have to listen to everyone that comes
 8 here to speak and sometimes it's for a short period of
 9 time, sometimes it's longer. The chair does have the
 10 ability to limit the amount of time that a person does
 11 speak if they feel that the presentation is redundant,
 12 not relevant.
 13 But we sit here on an application, on any
 14 application, we have to think this through. We have to
 15 be very careful and consider it in recognizing your
 16 needs as a business owner, but also in recognizing what
 17 our job here is to interrupt and look at the zoning
 18 ordinances that are in place in our town and to make
 19 decisions accordingly. So we understand your interest
 20 here. And it gives me no pleasure to ask a lot of
 21 questions, but it's a necessary part, I feel, to be able
 22 to make a conclusion that is not based upon hearsay or
 23 nays. We need to get to the details of the history of
 24 100 Sylvan Avenue. It's part of the process.
 25 And I know it's seems frustrating. It's

1 frustrating for us up here, too, at times. I don't know
 2 how to tell you except for the fact that we are doing
 3 our job as we see fit.
 4 MR. VERALDO: Mr. Porrino, I do understand,
 5 if you ask a question, I understand. But you cannot --
 6 imagine if we have another twenty -- all for good
 7 intentions, I don't think she want to do anything wrong.
 8 She want some information, but the truth of the matter,
 9 we cannot have people play lawyers. We have lawyers
 10 represent you. We have the professionals represent that
 11 you. They are the ones that need to speak about the
 12 application, if the application or valid or not valid.
 13 But we cannot have the people making comments that takes
 14 hours.
 15 The comments that are good, that's terrific.
 16 That's what we want. That is your duty. And that's why
 17 you are there because you have the responsibility and we
 18 are thankful for that. However, you cannot waste the
 19 time of a corporation that has a schedule to deliver
 20 something in a month, two months, or three months and
 21 then you postpone this application another three months.
 22 This is going to kill the application. This is going to
 23 kill the application. I don't think -- you need to
 24 figure out an alternative way to accelerate another
 25 meeting to hear the application. So I can move on with

1 my life. And the city can move on with its life.
 2 I think it's very unfair for me after 12 long
 3 years of paying a mortgage, paying my taxes on time, let
 4 the police use the building whenever they want to, let
 5 the firemen use the building whatever they want to,
 6 participate in anything possible in the community. And
 7 then I see that everybody makes a comment, nobody really
 8 talks about the real issues of the property.
 9 MSI, what is MSI? It's a marketing company that
 10 was there. It was occupying some space on the fourth
 11 floor. They do most of the work for Toyota. And that's
 12 why they there. And they moved in my building. We have
 13 the lease. I told you -- Mr. Villari ask for it and I
 14 supply the lease tomorrow for when they move to our
 15 building. Not relevant factors.
 16 We need to move this application. I beg you that
 17 you reconsider the time to listen to this application
 18 because otherwise these people are going to move on.
 19 And it took me twelve years, long negotiations for the
 20 lease to put together. And I don't think the city of
 21 Englewood Cliffs should lose that client, should lose
 22 the brand, the American brand that we can have together
 23 with all the other brands that exist, the German, the
 24 Japanese, the Korean. There is nothing wrong that we
 25 also have an America brand to represent the country

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1 because that's what we looking for.
2 But we really need to figure out an alternative
3 to give us another meeting as soon as possible.
4 CHAIRMAN FEHRE: Thank you.
5 MR. VERALDO: Mr. Fehre, I would appreciate
6 that very much because this would could be critical. It
7 would bring a critical ending to the story.
8 CHAIRMAN FEHRE: Okay. Thank you. Would
9 anybody else like to be heard?
10 Mr. Cioffi, general comments.
11 MR. CIOFFI: All I'd like to say is you
12 people are really jerking these people around for this
13 nice, beautiful dealership they want to put up and
14 renovation of this building. You have Cadillac across
15 the street, I guess all you folks have seen it. It
16 should be a done deal just like that. How come Cadillac
17 got away with it and this fellow can't, can't renovate
18 his building? And they want to do a beautiful job with
19 this building according to the photograph that I've
20 seen.
21 I mean, you people are just wasting people's
22 time, not only taxpayer's time but taxpayer's money.
23 It's ridiculous what you are doing. Maybe you like to
24 see its that way. And you will keep it that way if you
25 have to.

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1 CHAIRMAN FEHRE: Okay. Thank you.
2 Anybody else like to be heard? If not, I would
3 like to motion to close the public portion
4 MS. O'SHEA: Motion.
5 MR. KIM: Second.
6 CHAIRMAN FEHRE: All in favor?
7 ALL BOARD MEMBERS: Aye.
8 (Hearing adjourned 10:41.)
9 MS. McMORROW: Carrol McMorrow, 7 Ridge Road.
10 I will quickly repeat what I stated when the machine was
11 shut off. I want to apologize to the board for what Mr.
12 Schepisi said. I believe all of you know right from
13 wrong. I thank you for all of your hard work,
14 dedication and service and the time you are putting into
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19 board -- and I am going to quote him -- members of -- or
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21 should not be able to discuss outside of this board this
22 application or any application outside of the public.
23 You guys have a site plan committee, don't you?
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25 discuss current applications. We only discuss the

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1 application before it is --
2 MR. KATES: Scheduled.
3 CHAIRMAN FEHRE: Scheduled. It's a
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5 MS. McMORROW: Right, but you do discuss an
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7 was at one of those meetings outside of the public.
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9 members, so as not to have a quorum.
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 11 to make a conclusion that is not based upon hearsay or
 12 nays. We need to get to the details of the history of
 13 100 Sylvan Avenue. It's part of the process.
 14 And I know it's seems frustrating. It's
 15 frustrating for us up here, too, at times. I don't know
 16 how to tell you except for the fact that we are doing
 17 our job as we see fit.
 18 MR. VERALDO: Mr. Porrino, I do understand,
 19 if you ask a question, I understand. But you cannot --
 20 imagine if we have another twenty -- all for good
 21 intentions, I don't think she want to do anything wrong.
 22 She want some information, but the truth of the matter,
 23 we can not have people play lawyers. We have lawyers
 24 represent you. We have the professionals represent that
 25 you. They are the ones that need to speak about the

1 application, if the application or valid or not valid.
 2 But we cannot have the people making comments that takes
 3 hours.
 4 The comments that are good, that's terrific.
 5 That's what we want. That is your duty. And that's why
 6 you are there because you have the responsibility and we
 7 are thankful for that. However, you cannot waste the
 8 time of a corporation that has a schedule to deliver
 9 something in a month, two months, or three months and
 10 then you postpone this application another three months.
 11 This is going to kill the application. This is going to
 12 kill the application. I don't think -- you need to
 13 figure out an alternative way to accelerate another
 14 meeting to hear the application. So I can move on with
 15 my life. And the city can move on with its life.
 16 I think it's very unfair for me after 12 long
 17 years of paying a mortgage, paying my taxes on time, let
 18 the police use the building whenever they want to, let
 19 the firemen use the building whatever they want to,
 20 participate in anything possible in the community. And
 21 then I see that everybody makes a comment, nobody really
 22 talks about the real issues of the property.
 23 MSI, what is MSI? It's a marketing company that
 24 was there. It was occupying some space on the fourth
 25 floor. They do most of the work for Toyota. And that's

1 why they there. And they moved in my building. We have
 2 the lease. I told you -- Mr. Villari ask for it and I
 3 supply the lease tomorrow for when they move to our
 4 building. Not relevant factors.
 5 We need to move this application. I beg you that
 6 you reconsider the time to listen to this application
 7 because otherwise these people are going to move on.
 8 And it took me twelve years, long negotiations for the
 9 lease to put together. And I don't think the city of
 10 Englewood Cliffs should lose that client, should lose
 11 the brand, the American brand that we can have together
 12 with all the other brands that exist, the German, the
 13 Japanese, the Korean. There is nothing wrong that we
 14 also have an America brand to represent the country
 15 because that's what we looking for.
 16 But we really need to figure out an alternative
 17 to give us another meeting as soon as possible.
 18 CHAIRMAN FEHRE: Thank you.
 19 MR. VERALDO: Mr. Fehre, I would appreciate
 20 that very much because this would could be critical. It
 21 would bring a critical ending to the story.
 22 CHAIRMAN FEHRE: Okay. Thank you. Would
 23 anybody else like to be heard?
 24 Mr. Cioffi, general comments.
 25 MR. CIOFFI: All I'd like to say is you

1 people are really jerking these people around for this
 2 nice, beautiful dealership they want to put up and
 3 renovation of this building. You have Cadillac across
 4 the street, I guess all you folks have seen it. It
 5 should be a done deal just like that. How come Cadillac
 6 got away with it and this fellow can't, can't renovate
 7 his building? And they want to do a beautiful job with
 8 this building according to the photograph that I've
 9 seen.
 10 I mean, you people are just wasting people's
 11 time, not only taxpayer's time but taxpayer's money.
 12 It's ridiculous what you are doing. Maybe you like to
 13 see its that way. And you will keep it that way if you
 14 have to.
 15 CHAIRMAN FEHRE: Okay. Thank you.
 16 Anybody else like to be heard? If not, I would
 17 like to motion to close the public portion
 18 MS. O'SHEA: Motion.
 19 MR. KIM: Second.
 20 CHAIRMAN FEHRE: All in favor?
 21 ALL BOARD MEMBERS: Aye.
 22 (Meeting adjourned 10:51
 23 p.m.)
 24
 25

1 CERTIFICATION
 2
 3 STATE OF NEW JERSEY)
 : ss:
 4 COUNTY OF BERGEN)
 5
 6 I, TONIANN ACQUARO, a Notary Public for
 7 and within the State of New Jersey, do hereby certify:
 8 That the witness whose examination is
 9 hereinbefore set forth was duly sworn and that such
 10 examination is a true record of the testimony given by
 11 that witness.
 12 I further certify that I am not related
 13 to any of the parties to this action by blood or by
 14 marriage and that I am in no way interested in the
 15 outcome of this matter.
 16 IN WITNESS WHEREOF, I have hereunto set
 17 my hand this 15th day of March, 2016.
 18
 19 *Toniann Acquaro*
 20 TONIANN ACQUARO,
 Professional Court Reporter
 21 and New Jersey State Notary, 01AC6200255
 My Commission Expires January 26, 2017
 22
 23 (The foregoing certification of this transcript does not
 24 apply to any reproduction of the same by any means,
 unless under the direct control and/or supervision of
 25 the certifying reporter.)

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