

MARCUS & LEVY

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June 3, 2021

Chairwoman Robin Malley
Zoning Board of Adjustment
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake, NJ 07677

**Re: 188 Broadway
Block 2701, Lot 3 - Woodcliff Lake, NJ
Pending Application**

Dear Chairwoman Malley:

I am in receipt of a letter dated June 2, 2021 from Paul Kaufman requesting that he be permitted to call the Borough's professionals as his witnesses and to issue subpoenas, if necessary.

Proceedings before Boards although somewhat informal must have an orderly manner of hearing the evidence and testimony. "It is quite usual to hear first the testimony of the applicant and his [emphasis added] witnesses, giving all interested parties a chance to ask questions or cross-examine each witness". The above quote is from New Jersey Zoning and Land Use Administration, William M. Cox and Stuart R. Koenig, revised and updated by Jonathan E. Drill and Lisa A. John-Basta (2021 Edition). N.J.S.A. 40:55D-10(c) provides that the officer presiding at the hearing or such person as may be designated shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence.


Based upon the foregoing, please advise if you are willing to permit witnesses to be taken out of turn. Mr. Kaufman's request to call the Borough's professionals at the meeting of May 25, 2021 was without notice and caused considerable discussion because it is not customary. I believe it is best that Mr. Kaufman be advised before the next meeting of your decision so the meeting can proceed in an orderly fashion. In addition, to properly schedule this and other applications Mr. Kaufman should respond to the request to state the witnesses he intends to call. If you determine that any subpoena should be issued in this matter for any reason, you may so advise me and I shall issue the subpoena on behalf of the Board.

In addition to the foregoing, Mr. Kaufman objected to email comments and/or letters submitted in advance of the meeting. There is no basis for Mr. Kaufman to object to these public comments. I refer Mr. Kaufman to the N.J.A.C. 5:39-1.4(f) which provides that public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. These regulations were adopted as emergency remote meeting protocol for local public bodies.

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Please advise at your earliest convenience and I will let Mr. Kaufman know your decision.

Very truly yours,

S. ROBERT PRINCIOOTTO

SRP:amr

cc: Paul Kaufman, Esq.
Danielle Federico, Esq.