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Reply to:
Fort Lee, New Jersey

June 2, 2021

Via email only

Chairperson O'Malley
Zoning Board of Adjustment
Borough of Woodcliff Lake
188 Pascack Road
Woodcliff Lake, NJ 07677

Re: Preliminary and Final Major Site Plan
188 Broadway
Block 2701 Lot 3, Woodcliff Lake, New Jersey

Dear Chairperson O'Malley:

As you know, we represent 188 Broadway L.P. the owner of the above property and the applicant (the "Applicant") with respect to the above-referenced site plan and use variance application to permit the conversion of the existing office building to a multi-family project comprised of 53 units.

Please recall that, at the hearing held on May 25, 2021, Mr. Princiotto objected to our calling the traffic engineer, Brian Intindola of Neglia Engineering ("Neglia"), as a witness, in part, upon Mr. Princiotto's assertion that we were required to give notice to the Board and that no subpoena was issued. As you know, our reply to Mr. Princiotto was that: (i) Mr. Intindola was at the meeting and available for questioning; (ii) Neglia issued a report to the Board (dated February 19, 2021, revised April 5, 2021), which included traffic comments (see Section 7.1) and (iii) that the Applicant has a right to question Neglia regarding its report.

Consistent with Mr. Princiotto's objection, please accept this letter as the Applicant's notice to the Board that it intends to call Mr. Intindola of Neglia (the Board Traffic Engineer), Mr. Evan Jacobs of Neglia (the Board Engineer) and the Board Planners, Mr. Richard Preiss and Ms. Elizabeth Leheny (of Phillips Preiss Grygiel Leheny Hughes LLC), as witnesses at the June 16, 2021 special meeting.

Although Mr. Princiotto suggested that Mr. Intindola did not have to testify because the Applicant did not subpoena Mr. Intindola, pursuant to N.J.S.A. 40:55D-10(c), only you, as the presiding officer, has the authority to issue a subpoena and not an applicant. We very much prefer these witnesses appearing on their own accord and expect that, as Board professionals, they would be available. If that is not the case, the Applicant requests, albeit very reluctantly, that you issue a subpoena compelling their attendance at the June 16, 2021 special meeting.

Thank you in advance for your consideration of the above and the courtesies extended in this matter.

Very truly yours,



PAUL KAUFMAN

Cc: Members, Zoning Board of Adjustment
S. Robert Princiotto, Esq.
188 Broadway L.P.
(via email only)