

**TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD**

Public Meeting

Thursday, December 10, 2020 at 7:00 pm

Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

MINUTES

Public meeting / Remote Virtual Meeting of the Mount Olive Planning Board of December 10, 2020 commenced at 7:00 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

Present: Mr. Scapicchio, Mr. Schaechter, Mr. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Mania,
Mr. Nelsen, Mr. Ottavinia, Mr. Batsch, Mr. Ouimet, Mr. Weiss

Board Professionals in attendance were:

Present: Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Chuck McGroarty, PP/AICP, Board Planner
Michael Vreeland, PE / Board Engineer
Mary Strain, Board Secretary

Audio and video technology and platform.

PB 19-12 Kraig Kalashian, 15 Forest Road, Block 4118, Lot 44

Mr. Weiss: If anyone is on the meeting this evening, for application PB 19-12, Kraig Kalashian, which is a variance for a single family home, 15 Forest Road, Block 4118, Lot 44, that won't be heard this evening. For the record, do we have a date? I know you were talking about it earlier, Mary?

Ms. Strain: We do have a date, but he never noticed, and that's why it's not being heard tonight. So we are not...inaudible.

Mr. Weiss: Correct. So as soon as it's... go ahead.

Ms. Strain: Go ahead Howie, I'm sorry.

Mr. Weiss: As soon as we get the notice, any homes within 200 feet will be noticed of the date.

Ms. Strain: Yes.

Mr. Weiss: Okay. Correct? So if anybody is here for that application, it will not be heard tonight.

Resolutions

PB 20-09 Freund, Courtney, 442 Drakestown Road, Block 7000 Lot 37

Mr. Weiss: So, the next item on our agenda tonight, are the Resolutions. We have two this evening. The first one is PB 20-09, Courtney Freund, for the variance located 442 Drakestown Road, Block 7000 Lot 37. We all have a copy of that for review. Would someone please move this Resolution?

Mr. Mania: I'll move it Mr. Chairman. I move application 20-09.

Mr. Weiss: Thank you, John Mania.

Mr. Ottavinia: I'll second it.

Mr. Weiss: Thank you Paul. Any comments? Questions? Seeing none, roll call, Mary.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

PB 20-12, Albertson, Sandra, 36 Main Road, Block 5400 Lot 1

Mr. Weiss: The second one on the evening agenda is PB 20-12, Sandra Albertson, for her variance located at 36 Main Road, Block 5400 Lot 1. Again, we have a copy of that for review, so I will look for someone to please move the Resolution.

Mr. Mania: I'll move that Resolution, Mr. Chairman, 20-12.

Mr. Weiss: Thank you John Mania.

Mr. Schaechter: I'll second.

Mr. Weiss: Second, was that Brian?

Mr. Schaechter: Yes.

Mr. Weiss: Okay. Seconded by Brian. Do we have any comments? Questions or concerns? I see none. Roll call please, Mary.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes
	Paul Ottavinia	Yes
	John Batsch	Yes
	Howie Weiss	Yes

Mr. Weiss: Okay, perfect. That brings us to our first Developmental Application for the evening. Which is going to be... Actually before I do that, we don't have committee reports. I just want give us an opportunity if anybody has anything that they'd like to bring up from their committee. In no particular order. I don't see anybody with anything to report, so let's move on.

Development Applications

PB 19-12 Kalashian, Kraig, 15 East Forest Road, Block 4118 Lot 44
Will not be heard tonight, due to no notice.

PB 20-15 Mt. Olive Properties, LLC, 703 Bartley Chester Road, Block 6600 Lot 1

Mr. Weiss: First application this evening is, 20-15 Mt. Olive Properties, LLC here for a concept plan on their property at 703 Bartley Chester Road, Block 6600 Lot 1. Now I know that we are going to bring the applicants up but, I want to go over a couple of things to give the Planning Board some instruction, some direction. Mr. Buzak, I'm sure it can all be done. I certainly encourage you to fill in the blanks and correct what I might not have been accurate by saying. I want to go over with the Planning Board, exactly what the process is going to be. As we do that, Dane, would you bring up that applicants?

Mr. Westdyk: I'm doing it now.

Mr. Weiss: Okay. Thank you. Let me just take a look.

Mr. McGroarty: I don't know if there is more than that. We have Mr. Lam and Mr. Malman. Anyone else? I think that's it, for now.

Mr. Weiss: Okay. Mr. Malman, you're muted. I just want to confirm that move everybody's up, that should be up.

Mr. Malman: Yes. Thank you very much. I'm Tom Malman, I'm the Attorney for the applicant and T is our witness.

Mr. Weiss: Okay, so, before we give it over to you, Mr. Malman, let's give you an opportunity have your say. If you are not in agreement with what I'm about to explain to the Planning Board, we are here tonight for a concept plan. Now, we don't often do these on the Planning Board, but certainly the applicant has a right to have a concept plan. As we look at this concept plan, it is not a public hearing. So, if there is anybody from the public, that is expecting to sit down, listen and

expect this to be a site plan, where we would open it to the public, it is not a site plan. The testimony that is presented tonight is not binding, on either side. The results of the meeting are that of simply a concept. We are not going to provide an opportunity to ask any questions. The Planning Board is here to listen to the applicant, make suggestions, I suppose, if the applicant wants it. And from there we can take it from there. Keep in mind, it's not a public hearing and nothing is binding. Mr. Buzak, I guess I'll turn it over to you. There will be no vote at the end of this hearing. Again, it's an opportunity for the applicant to give us a concept of what he'd like to do.

Mr. Buzak: Thank you Mr. Chairman. Everything that you said is accurate. My only caveat to what you said is I think that we have to remember this is not the Board's application or concept. This is the applicant's concept. So, it's not our role to design the project, to get involved with that, because that is simply not our role. Our role is to react to what has been provided and the applicant can decide how they want to respond to that. If they want to respond to it. I think we just need to stay away from attempting to design anything. And I don't know anything about the application, so to speak. We are all going to learn this today. That's is Mr. Chairman, other than that you absolutely accurate except for the process.

Mr. Weiss: Thank you Mr. Buzak. So Mr. Malman, I want to, before I turn it over to you, if you had any input as to the process that we are about to undertake. Feel free to chime in with an opinion. Then feel free to go forward with your application here tonight.

Mr. Malman: I would just say thank you for describing the process. I was going to do it myself. You beat me to the punch and you did a good job. Thank you very much.

Mr. Weiss: Thank you.

Mr. Malman: Would you like for me to proceed?

Mr. Weiss: Yes, of course. Go forward.

Mr. Malman: Thank you. So the client here is Mt. Olive Properties, LLC. That's my client. They have a letter of intent to purchase what I would call the old Toys-R-Us Warehouse property. It's on Bartley Chester Road, you probably know it well. The ware house is about 1.3 million square feet. That warehouse today, is largely vacant. There is one tenant there in part of the building, but most of it is vacant. It's been that way for a while. So my client, is intent on buying the property, but they have some questions and some issues I'd like to kind of kick around tonight with the Board. And that's why we are here. I have one witness I'm going to call in a minute but let me give you some background. In terms of the client itself, Mt. Olive Properties is a single purpose entity. You might guess. He was set up for this transaction. We can't yet disclose the party behind that LLC, however, I can represent to you that this party is a significant client. They intend that this goes forward to basically use the warehouse to support their other facilities storage in the area. They will use it much like Toys-R-Us did when they were in this warehouse. It will not be an Amazon or an e-commerce distributor or a UPS. It will be, a...basically a warehouse to the end user. We are proposing on this site some modifications. Actually some demolition of the structure, and also a small addition. We're adding some loading bays that we will talk to you about. If the application goes forward we are going to need some variance relief for a sound wall. There is a sound wall there today, we're going to make it bigger and larger. If this application goes forward, we'll also have some waivers for loading spaces that are going to be within the front yard. Which, when you see the property, this property has several

front yards. Mr. Chairman, you're correct. Mr. Buzak, you are correct. We are looking for input as best we can. The client is kind of at a crossroad. They are going to make a decision whether they are going to go forward, with this deal or not. So we are here tonight to kind of lay out to you the issues that we see. We'd appreciate your being candid with us and offering comments. The client will then take those back obviously to make a decision whether they go forward or not. The client certainly likes this property, wants to go forward with this deal, but there is some issues that we would like to kind of throw out to you tonight and get some feedback if that is okay with you.

Mr. Weiss: Sure.

Inaudible

Mr. Malman: Perfect. We submitted five exhibits in advance and Tung-To Lam is our Engineer from Bohler. He goes by "T" so you can certainly call him T if you prefer. He likes that. T, I see your face on the screen, just tell us T... I know you...if... Do you want to swear any witnesses for this or just give is as a concept or not that formal?

Mr. Buzak: No, I don't think we need to swear any witnesses for the reasons that the Chairman reviewed, thank you.

Mr. Malman: Okay Perfect. T is a licensed engineer with Bohler Engineering. Maybe if we could, who can control the exhibits? Is that...Tung could, or T could, if you give him the screen, can do it, or maybe Chuck, you have them or...?

Mr. McGroarty: I don't have the exhibits, no.

Mr. Malman: All right, so T can you hear me?

Mr. Lam: Yes.

Mr. Malman: Okay everybody, this is T. Just tell, quickly, what we're looking at T.

Mr. Lam: First exhibit I have up is the aerial exhibit prepared by Bohler as dated December 4th, 2020. The site is highlighted in yellow. As you could see is relatively large. Its 234.82 acres. It is located in Mount Olive. The Block is 6600, Lot 1. The street address is 703 Bartley-Chester Road. There are multiple frontages on this project, Bartley-Chester Road being in the north direction. That is 2,560 linear feet. Route 206 is located in the easterly frontage. That's 2,650. In addition there is also a front property line that follows the rail tracks, which is 2,200 linear feet. The existing use north of the railroad tracks with some residential homes and commercial developments, industrial developments beyond. To the east, is bounded by Route 206 and residential development beyond. To the south of the site is a wooded area. Similarly to the west of the site is also a wooded area. Access from the site, currently, is via full movement driveway off of Bartley-Chester Road onto the interior drive of Duffy Road. Bartley-Chester Road at Route 206 is a full movement driveway. The site itself is located at general industrial zone where the proposed warehouse distribution is permitted use. The next exhibit is the demolition plan.

Mr. Malman: T, can you blow it up a little bit?

Mr. Lam: Yes.

Mr. Malman: So you heard me indicate that this is a 1.3 million square foot warehouse, is that correct?

Mr. Lam: Correct. The building is partially remaining the same. There is no demolition that is happening to the remaining part of the building so that's 1.3 million square foot. There is a truck maintenance building to the west of the main campus. That is being proposed to be removed. What is shown in green is their existing pavement associated with the Toys-R-Us operation. We do not need for the future tenant. That is also being removed. There is an additional employee parking lot for the former Toys-R-Us and that's also being removed as part of this application. However, we are going to replace those employee parking lots with a truck waiting area and we'll get into that in a second to talk about the efficiency of the operation of this new tenant and things of that nature. There is an existing rail line to the north of the building and that is also being proposed to be removed. The last item is an existing gravel track in the back, based on review of the prior Resolution, that was designed to be intended to be a fire access lane so that is also being removed. There is currently a gate house before you enter the site and that is going to be replaced and upgraded to the client's standard. On all the main improvements on this project is a 3.26 acres of impervious that is going to be removed and replaced with pervious coverage so it will be either lawn, landscaping area and things of that nature. So, just once again, we are not increasing impervious coverage and we are actually reducing it by 3.26 acres. Seldom do I get to say that on most new development so that is their benefit and their attraction of this facility for our tenant.

Mr. Malman: T is there an existing sound wall there today?

Mr. Lam: There is a sound wall there today and that will be removed and replaced and upgraded to a state of the art system that our acoustic engineer has reviewed for the proposed development. Existing sound wall height is 22 feet in height. The proposed sound wall is going back in the same location. It will be longer but it will be 26 feet in height. We'll get to that next exhibit which is A-3. A-3 is the concept plan rendering prepared by Bohler as dated December 3rd 2020. We have in the middle of the site as in the brownish color as the existing warehouse 1 million square foot 281,180 square feet. There is a proposed small addition, what we are calling the technology room. This tenant, and it is 7,885 feet.

Mr. Malman: What is that for T? What is a technology room for?

Mr. Lam: It's where we are going to house our IT equipment and things of that nature. It's just to run the logistics of this operation and at a lower height than the rest of the main portion of the building that way the main building may access a screen for it. And at the same location we are going to add five condensers over that small addition. And once again that main campus on the building is going to be blocking those condensers that's being added. And in green it is their existing trailer spaces that are being removed. We are removing 304 trailer spaces that were previously in operation for the Toys-R-Us facility. We have looked at it. Those are not required for our operation. But what is required for our operation is an expansion to the north of a new truck core area which consists of 92 loading spaces and a drive isle. So, previously there was a gravel fire access lane so that is being removed and replaced with a truck core that consists of 92 loading spaces. So at this point the safety concern of full circulation around the site has still been maintained. What you see in the blue as I'm following with my mouse right now, is their proposed approximant location of the new

sound wall, 26 feet in height, in order to comply with their noise ordinance. A couple improvements to their existing employee parking lot to the west of their gate house, that will be remaining, we will restripe it, repave it, and bring it up to current code standards in terms of...inaudible...compliance. And those items, their existing employee space, to the east of the gate house, will be removed and replaced with a truck waiting area. The operation for this facility is all time sensitive. Everything is on a clock. They know exactly when something is meant to come in and go out, so the truck arrive too early, they would have to sit in the waiting area. The truck will turn off their engine and there will be no idling. And then when the appropriate time occurs they will exit the truck waiting area and proceed towards the gate and their guard house will let them into the site and go around the site in a one way circulation. So I will start at the guard house, enter the site, into a counter clockwise direction, and then exit the site onto Duffy Road, and then further onto Bartley-Chester Road, and then continue onto Route 206. There is an existing emergency access that is still being maintained as part of this development. And once again just wanted to remind that the proposed reduction in impervious is 3.26 acres. One of the beauties of this operation this particular tenant, is they separate inbound outbound traffic so certain docks are being used for inbound traffic only and certain docks are being used for outbound traffic. A lot of times when you see that there's added docks you naturally think there will be additional traffic, but based on our study and our analysis, with their modest increase of less than 8,000 square foot for a technology room, at their peak hours there is only 1 additional trip and over a 24 hour period, because of this particular operation, the trip is actually less than what the previously Toys-R-Us operation when it was in full capacity.

Mr. Malman: So let's just go through that again T. So the current warehouse has docks that could have been used for inbound and outbound. This is going to sort of segregate those two, if you will, and have specific inbound and specific outbound loading areas. Is that correct?

Mr. Lam: Exactly. This is a tenant driven thing. Generally when you design a warehouse, on spec, the trucks are meant to be two way circulation, inbound outbound, they can use any dock because you really don't know who the tenant is. And the site circulation is generally in two way circulation. But because we have a particular tenant in mind, we're designing a site for...inaudible... and is actually less traffic overall. Because of the efficiency of it. And you can control which way the truck movement goes...that occurs around the site and things of that nature.

Mr. Malman: And this perspective user has warehouses like this in other locations is that correct? That function like this and they have it down to a science, if you will?

Mr. Lam: Exactly. They have multiple facilities. In particular the truck traffic data that we gathered was from a Virginia location. We have taken that and projected it based on the size and then we've also taken the prior traffic data that was associated with the Toys-R-Us application and applied that too. So, we have tried out our numbers so they are in sync and then based on analyses, with a small modest addition of less than 8,000 square foot, it is one additional vehicle during their peak hours and over the 24 hour period there is actually a reduction in traffic.

Mr. Malman: Okay. So truly it is sort of a user driven process that requires the additional loading docks that we are talking about in the rear of the building?

Mr. Lam: Yes.

Mr. Malman: Why don't you talk about relief from the ordinance that we know about based upon this concept plan? Word as it stands is just a concept plan. We have not fully engineered it. But in terms of what we see today, what issues do we have...inaudible?

Mr. Lam: There are a few, for one it is the existing nonconforming for the employee parking lot being more than 300 feet from the doorway. That's the same request that Toys-R-Us had and we are keeping the same general layout. Actually for Toys R-Us it was even a worse situation because it was much greater. Where we are using 1 out of two lots. But the farther most point is beyond what that is. A localized operation item. The second thing is the height of the sound wall. Previously the height was granted, height variance was granted because 6 feet is permitted. Twenty-two feet was previously proposed. We've taken a look at that analysis and have done some background acoustic engineering with acoustic engineer and we viewed that that existing 22 foot sound wall is actually not accurate and what it really should be is more like 26 foot item with the length that we are showing. Obviously there is going to be some steps to this wall and things of that nature. We haven't gone to that level of design yet. We know that there will be no more than 26 feet high at the highest elevation.

Mr. Malman: So it may taper at some point? It won't be a consistent height? It may vary over I guess terrain and distance of the wall? Is that correct?

Mr. Lam: Yes. That is correct. And then the item that is of the most importance will be to the north of the facility where we are adding the loading docks. As you can see in this Exhibit A-3, there is that line which is the front yard setback and then there is also the parking setback and things of that nature. Then there is the orange line which is the 25 foot buffer. So the proposed redevelopment fully complies of the 25 foot buffer. However there are a couple of locations to the east and to the west of the proposed improvements that are encroaching into that parking setback. Based on our review and our interpretation we're defining that their loading docks and their isle associated with it are in violation and that's one of the items that we'd like some feedback on and understand.

Mr. Malman: The other issue is the ordinance and the design section requires loading areas not being a front yard. And maybe you can zoom back out again, but this property has several front yards given the way that the roads are configured. Is that correct?

Mr. Lam: Yes. So starting at where my mouse hand is right now, traversing in a clockwise direction, almost half the site is in a front yard.

Mr. Malman: So some of the existing loading areas are already in the front yard. We're proposing the addition of loading areas just in the rear of the building which effectively is also a front yard, given that it backs up to the street.

Mr. Lam: Correct. Bartley-Chester...

Mr. McGroarty: Wait and I'm sorry, I don't want to interrupt but, did you just say that some of them, are now, in the front yard setback?

Mr. Malman: In the front yard. Not the setback. In the front yard.

Mr. McGroarty: There is a difference. So... they can be in a front yard, they just can't be in a front yard setback.

Mr. Malman: Correct. The loading areas appear to be outside of the setback but they are in the front yard. I think maybe you can zoom back in, T.

Mr. Lam: Correct. The existing building, the...

Mr. McGroarty: So the existing building conforms with respect to the location of loading bays which are not within the front yard setback?

Mr. Malman: That's correct. But they are in the front yard to Bartley-Chester Road which is to the right on this screen. And they are literally....

Inaudible

Mr. McGroarty: We just wanted to be clear it's the setback not the yard itself that is the issue.

Mr. Malman: Well I think, Chuck, then the back where these loading docks are proposed you still have a front yard setback because the road is, you can see it behind where T is scrolling...

Mr. McGroarty: No, no. Right. So in that case you would need what we call an exception, not a waiver, but you'd need an exception. But the existing bays around the other sides of the building are conforming. If you would.

Mr. Malman: They meet the setback for sure. I think even the new loading areas, I think T, don't they meet the setback requirements? I think it's just the issue, they are in the front yard because the front yard goes to the building. Right? From the road to the building.

Mr. McGroarty: We'll have to discuss that. I'll have to look at that.

Mr. Malman: Okay. That is our sense is that the front yard runs from the road to the nearest point of the building. The front yard setback, obviously, doesn't reach the building. But the front yard itself, is the entire expanse from the road to the building. If I'm wrong, I'm happy to be corrected. That's how I read it and that's how I understood it.

Mr. McGroarty: Okay, we can take a look at that.

Mr. Malman: Okay. But the issue is still the same. You can see that we are adding more loading docks on what is the north side of the building and we're obviously trying to mitigate that by putting a well-designed sound wall to protect the neighbors in the northerly direction. Like was done before with the Toys-R-Us application. This will be a on a larger scale obviously, but the intent is the same. We intend, if we go forward with this application, to bring in a noise expert, design the wall properly and give expert testimony about that wall and the way it's constructed. Minimizing our effect it will have on the neighbors. T, I think you have a couple more exhibits. At least one more. You can run through those.

Mr. Lam: Yes. Real quick, just want to do just a quick recap, we're removing 315 employee parking spaces from this property redevelopment. We are removing 304 trailer spaces, and the reduction in impervious, once again, is 3.26 acres. We're adding 92 new loading docks to the north of inaudible, building. In addition to the small, modest less than 8,000 square foot IT room that we're adding. So moving on...

Mr. Malman: We should also initially say that this operation, like Toys-R-Us, will be a 24/7 operation.

Mr. Lam: Yes.

Mr. Malman: It will be multiple, just like Toys-R-Us, it will be quite a few, less...fewer number of employees than Toys-R-Us had when they were at their peak. But it will be a 24/7 operation.

Mr. Lam: Yes. Sorry about that. Next two exhibits... The next exhibit is exhibit A-4 with this... photos that were taken along the north side of the building just to get the Board familiar with the area. Our inaudible...directly to the rear of this site which is the north side of the building. Photo 1 is looking at the existing buffer to the residents which we can see in the Photo 1, is the railroad tracks which we are removing. There is an open chain link fence with some grade changes and buffers and beyond, so minimum existing screenings that is available, and is a clear fence that you can simply look through. And that's providing security but not privacy. The next photo is Photo 2. Similar vantage point looking at the same residential house. Photo 1, 2 and 3 are all occurring at the northwest corner of the existing building. So similarly, looking at Photo 2, the main photo, you can see the existing railroad tracks which we will be removed up to the property line as part of this redevelopment. We will be expanding...

Inaudible

Mr. Malman: T? At that point, the railroad line coming into the site going to be removed but the existing main railroad line is going to be retained. We are not touching that. This is just the rail line that comes onto this property. Is that correct?

Mr. Lam: Correct. This is just part of the line that is on private property and that will be removed as part of this redevelopment.

Mr. Malman: Right.

Mr. Lam: Similarly, you can see that the chain link fence is just an open fence in Photo 2. Photo 3, now, is same location but just rotated so now you are looking into the east of the building, along that northern façade. It's just a blank canvas wall right now. There is a railroad track again, on site, that's being removed. Where my mouse hand is right now there is an existing small detention basin, that will be displaced as part of this redevelopment but once again we are once again reducing impervious coverage by 3.26 acres. As part of this development we will have to comply with the DEP requirements and we understand that there are new regs coming out in March. The proposed development fully intends to...

Mr. Malman: This photos shows where the new loading docks will be. Is that correct?

Mr. Lam: Yes. The next set of photos are Photos 4, 5 and 6. They are taken at the middle of the building on the north façade, again. Photo 4, you can see the existing detention basin as the low lying area with some landscaping beyond. Similarly Photo 5, same general area but rotated. Now you are looking down along the building in the easterly direction. The low lying area to your left in the photo is the basin. Towards the right, the gravel road which is going to be the fire access. And then keep going to Photo 6, same vantage points but rotating your view now looking in the westerly direction. Along the back of the building you can see that existing, there are many loading doors existing because it was part of the rail operation with Toys-R-Us. They had box car delivery and things like that so offloading, unloading from the box car there, occurred through the back of the building. We're simply replacing that rail operation and modernizing it with current day truck operation. There existing fire lines in the back post indicator valves and several items like that, they will all be relocated as part of this redevelopment. Last photo is Photo 7, which is standing at the northeast corner of the building looking down in a westerly direction. You can see the remaining photo which is the gravel path for the fire access which is being removed but we're replacing that with a paved drive isle so it will still be able to hold a fire truck and things of that nature. My last exhibit is exhibit A-5. It is the conceptual landscaping plan that we have put together for this project.

Mr. Malman: Maybe you can zoom it a little on this one T?

Mr. Lam: Yes. We are adding 11 parking lot trees all around the truck waiting area but the most significant landscaping is being added to the north of the building, to buffer the residential use in addition to having the sound wall. What you can see here is a mix of shade trees and mix of evergreen trees. It is totaling 152 trees that are being proposed. The evergreen trees are being proposed at 8 foot minimum height at planting and the shade trees are being proposed at 2 and a half -3 inch caliber at the time of planting. So, we are having a mix of 6 different species totaling 152 plants in the back. Those are all trees that this time we could do additional landscaping such as understory shrubs and things of that nature but we just haven't gotten to that level of design yet, at this time.

Mr. Malman: But again, this is just showing the applicant desire to provide a good buffer and protect the neighbors across the other side of the railroad tracks.

Mr. Lam: Yes.

Mr. Malman: We don't have any further exhibits. We are hoping that you have some questions that we can answer for you. Obviously, I think we've pointed out what we think is a sensitive issue in the case which is the adding of loading docks on the north side of the building. We are hoping to mitigate that with the wall and the landscaping. And basically take out that railroad spur to meet the client's needs, and how they want to operate the warehouse. So with that I open up the questions if The Board has any.

Mr. Weiss: If you can open up...if you can pull down the exhibit T, that way we'll all get a better look at everybody. Does anybody on the Planning Board have any comments, suggestions? I have a comment. I know that when I reviewed the Toys-R-Us Resolution, we had a restriction, back on that north corner, and it was in regards to box car loading, unloading. There was a limitation at that time. I believe, I think it said no box car loading after 10:00 pm before 7:00 am and I think the intent of that was mitigate any kind of noise on that north side which is closest to the residents. So

now we understand the box cars don't exist. The train line will be gone but I believe the intent at that time was to minimize the noise during those hours. I'm just wondering, or maybe making a comment, that perhaps we should consider the same kind of restrictions, that understand you are doing a 24 hours a day operation. But perhaps we can minimize and limit the usage of this northern section of the operation. I don't know if that's possible but I think that is something we really should consider.

Mr. Malman: Yes. I've discussed that with the client. That would be a problem to them. Given an operation with the inbound and the outbound they need to have access to all these doors 24/7. Actually the reason we've hired the acoustic expert to look at the sound wall and design that in a way that we think will mitigate any potential impact from noise. We are not going to have any train traffic which results from those box cars. But we would expect to have truck traffic 24/7. Obviously if we go to a site that we can give you more details about how that will work but the restriction against having nighttime activity is going to be a problem for this applicant.

Mr. Weiss: How many total loading bays are there going to be with this new building?

Mr. Malman: T, do you have that answer? Maybe you can pull up one of the exhibits if the chairman doesn't mind and we can actually look at that.

Mr. Lam: There is a total of 291.

Mr. Weiss: Total and there was 304 more of them with the Toys-R-Us operation correct?

Mr. Lam: No.

Mr. Weiss: No, no. 92, right?

Mr. Lam: 92 additional.

Mr. Weiss: So, Toys-R-us had 199?

Mr. Lam: Yes.

Mr. Weiss: Again, I heard me Malman say, but T, the applicant believes that they are going to need all 291, 24 hours a day, 7 days a week?

Mr. Lam: Yes, because they separate their inbound and outbound operation for each store location and the site is operating in a one way circulation. So without access to the north side of the building, the truck...inaudible... and that's why we are extending the sound wall. Because...inaudible...analyses we looked at what happened today if Toys-R-Us was in operation. We found that the existing 22 foot sound wall wasn't sufficient but what we are proposing after our development will be in code compliance from the noise standpoint.

Mr. Weiss: I also, I don't know when the rail line was abandoned, but I don't know what kind of usage was back there for Toys-R-Us. I know I drove back there, that rail line is long gone. Obviously there has been no train coming there. I don't know when the last time Toys-R-Us used the train in that northern section. I don't know if it matters, but I just know that that's really the big concern is how do we make sure that this section is as quiet as we can make it. For the neighbors.

Tell me a little bit, T, about the operation of the trucks. When they pull into a bay, do the engines idle? Do they shut down? How does that work?

Mr. Lam: Trucks are fully turned off. So, it's just when the trucks are sitting in their waiting area, when they are waiting to get onto their main campus of the property. The shut engine will be turned off on it.

Mr. Weiss: What about when they pull into one of the loading bays on the northern side?

Mr. Lam: Same operation when they are operating, unloading, the truck is not idling at that time.

Mr. Weiss: How long does it take each truck to get loaded and unloaded?

Mr. Lam: I'm sorry, I do not have that information at this time.

Mr. Weiss: Something that we probably should look at, at that time. Chuck, did you have a question?

Mr. McGroarty: That was the one comment I had, Mr. Chairman. So you covered that but the other, and we don't have to get into this, because it is not a site plan tonight, but as T mentioned, there is a basin on the north side. And so of course the road, if this were to go forward, it would have to be adequate room obviously, for the trucks, for the turning. Adequate area for a fire lane. They have to be unobstructed, and I don't know, It looks like you'll be going into that basin, so you'll be doing some redesign of the basin, it would appear. But when the time comes, I guess ...if and when the time comes, we'll look at that.

Mr. Weiss: Anybody else? Brian?

Mr. Schaechter: The trucks are going to be off, yet when trucks back up, their back-up alarms are making noise and it's probably not going to be contained within that sound wall. You are still going to hear it from afar. And then, if the trucks aren't idling, these are all refrigerated vehicles, what's running the compressors on the trailers? Inaudible....probably a hundred or more compressors going at the same time.

Mr. Lam: You cut out for a second. Can you repeat that question?

Mr. Schaechter: So the question was, even though the trucks are going to be off, their compressors on the trailers are probably going to be running, as this is a refrigerated operation, as what you stated...

Mr. Lam: Yes.

Mr. Schaechter: ...and the trucks also have...

Inaudible

Mr. Malman: The client advised me that the north side is going to be dry storage. The other side is going to have the refrigeration. So the side that we are talking about is not going to have the condensers and the refrigeration trucks or a true refrigeration component.

Mr. Schaechter: Are the trucks going to have back-up alarms on them? Going off all night when they are backing up?

Mr. Malman: I think the trucks have to have the back-up mechanism just by law, but I don't know the answer to that. We can certainly check that. But in terms of sound. We challenged our sound expert to look at this and consider these issues. And he has basically told us that this 26 foot proposed wall will do the trick.

Mr. Schaechter: So that the...obviously...the tenant whoever that person is, they have operations ongoing, several different warehouses, currently?

Mr. Malman: That is correct.

Mr. Schaechter: Any of their locations have residences that are as close as the ones that are in Mount Olive?

Mr. Malman: I don't know the answer off hand but I'm sure we can certainly find that out for you.

Mr. Weiss: Anything else Brian? Okay. John Batsch? You had your hand raised.

Mr. Batsch: I did but it is exactly what Brian had mentioned about the back-up alarms.

Mr. Weiss: Okay. Anybody else? Ken?

Mr. Forlenza: Yes. You mentioned earlier, T, that the number of employees is going to be less than what was there during the Toys-R-Us operation. Can you give me an estimate of what would be peak and maybe non-peak number of employees?

Mr. Malman: Yes. The client advised me that they are going to be between 150 and 275 employees as they ramp up. In the Resolution for Toys-R-Us I noticed that during their peak season which they define as October to December they may have up to 1,000 employees. But a more typical shift was closer to 600 or 700 hundred. So we are significantly below that in terms of number of employees.

Mr. Nelson: Excuse me, sir. Did you say between 50 and how many?

Mr. Malman: Between 150 and 270 is what my clients advised me, as they ramp up. So, 270 they're looking is at full capacity. Their total employee count.

Mr. Nelson: Thank you.

Mr. Weiss: David? Sorry, David?

Inaudible

Mr. Scapicchio: How many inbound and outbound trucks per day?

Mr. Malman: T, do you know that? I'm not sure we have that information. If you know you can answer, certainly.

Mr. Lam: I do not have that information handy.

Mr. Weiss: Okay. I guess those are some of the questions that...

Mr. Mania: Howie I have a question.

Mr. Weiss: Sure John, go ahead.

Mr. Mania: Will they be hiring any people from Mount Olive?

Mr. Malman: I can't commit to that, but I think their typical practice is to have lots of locals wherever they are. I think they may have folks that will transfer in, but I would expect that they would hire some local folks as well. I think they do that at all of their facilities. My client just text me, and said that's correct. We are going to hire locals.

Mr. Weiss: That is very much appreciated too, by the way.

Mr. Malman: That is a good way to do business.

Mr. Weiss: Yes I agree. Ken do you have a question?

Mr. Forlenza: Yes. With that many trucks coming in and out. Are there going to be facilities on site for those truck drivers to relax and sit and do other things and maybe eat? Or whatever they do when they are waiting for their next load. Is there a break room designed inside the building, outside the building, what are those people going to be doing?

Mr. Lam: Yes there is a truck waiting area basically...

Mr. Forlenza: Good, okay.

Mr. Lam: ...for their gatehouse. And if they are too early before they get there...inaudible...If they have the option...

Mr. Malman: I think the question, T, when the truck is being loaded or off loaded, what are the drivers doing. Is there a breakroom inside the building where they can hang out or have something to eat?

Mr. Lam: I have to look at the floorplan again, but I think there is.

Mr. Weiss: Okay. Anybody else?

Mr. Mania: Mr. Chairman, I have another question.

Mr. Weiss: Go ahead John.

Mr. Mania: Will they... will there be any fueling onsite? Of the trucks?

Mr. Lam: No. No Fueling is onsite.

Mr. Weiss: T, you know what..? That's a good question, John. In the back, that northwestern area, there is some kind of fueling station, now. Is that going to remain or is that part of the demolition plan that we looked at.

Mr. Lam: Part of the demolition. Anything that was associated with the truck maintenance, the repair, how...the building that they had. That was close to eight thousand square foot also. But from the purpose of truck traffic analysis, we did not account for those square footage. Because they are basically just on site traffic maneuvers.

Mr. Weiss: Okay.

Mr. Malman: It's all coming in.

Mr. Lam: Inaudible...ground tags for it, removed them as far as this application.

Mr. Weiss: All right. Chuck, I think you had something?

Mr. McGroarty: I did. To Tom, the current occupant, are they going to be...would your client be occupying the entire building and would they being doing that, you know, should everything go well for you. Would they be occupying the entire building right away or does that other occupant, the present occupant, have a long term lease?

Mr. Malman: It could be either, Chuck. They may take the entire building or they may work in concert with the other tenant. I think that is still to be determined.

Mr. McGroarty: Okay, because...then again it's too early to get into those details, but that other tenant that is there today has got trucks all over the place and I'm curious how that would affect your client's design in terms of where the dry loaded bays go and where the refrigerated bays go.

Mr. Malman: Yes, it's a fair question. If we come for a site plan we'll have to obviously address that question and have an answer at that point and time.

Mr. McGroarty: Thank you. Okay. And by the way, Mr. Chairman, Mr. Malman is right. It is the front yard. Not the front yard setback. I checked the ordinance. So, I stand corrected on that.

Mr. Weiss: Well, thank you Chuck. I only have one other comment. As we are looking to increase the loading spaces by 92, I think that changed some of the formulas in the traffic. And I know T, you alluded to the traffic but perhaps my suggestion...and maybe it's going to be part of the plan, when you do come back for site plan, perhaps some traffic data might be important to deliver. Because, there is an increase of loading spaces, therefore how will it impact traffic?

Mr. Lam: Yes.

Inaudible

Mr. Malman: We've already retained the traffic consultant. But they haven't...they are not here tonight, obviously. But we would expect, if we come back for a site plan, we we'll have a full blown traffic report and study and deal with all those issues.

Mr. Weiss: Perfect. Thank you for that.

Mr. Lam: Yes. Couple quick comparisons from the Toys-R-Us, it was a 24 hour operation, during the weekday it was 300 trucks, for 24 hours. This new facility for this new tenant will be 247 trucks in the same 24 period operation. We're looking at 53 trucks in reduction over 24 hours.

Mr. Weiss: Okay. So we're looking forward to seeing that. Anybody else? I think Ed, did you have your hand...your right hand up?

Mr. Buzak: Yes. Two things. One and this relates to the trucks. The aggregate number of trucks that you are talking about, 247, is that split equally into inbound so to speak and outbound vehicles?

Mr. Lam: I do not have that data with me tonight.

Mr. Buzak: A related question in terms of the bays, if you have 300 trucks and there is going to be 291 bays, if all the trucks came at the same time, you'd have all the bays occupied. You'd have 9 trucks waiting. Obviously the trucks, since it's a 24 hour operation, do not arrive as one platoon, so to speak. They are spread out during that 24 hours. As related to that, number one, do you know of the timing of the...I'll call it the platooning of the trucks, sort of peak hour...is there peak hours? If they are what are the number of trucks? What are the number of inbound and outbound trucks? Based upon the historical...

Mr. Malman: Ed, I think... Yes, I don't think we have enough information for tonight, Ed. We can certainly, when we do our traffic study, we'll have all that information. I just think...what we're hearing from our traffic consultant, is overall the traffic volume totals are going to be less with this than they were with Toys-R-Us when it was at its peak. But we can't really break that down for you more than that at this point.

Mr. Buzak: I was asking that question to get the answer obviously but also to get to a follow up question. Involving the timing and the need to utilize, for example the bays on the north side and how that's split up, because while you have 291 bays, if there is only going to be aggregate of 300 trucks for example, and during the nighttime hours between 10 and 7, you are going to have 100 trucks total, there seems that there would be a way to schedule things or direct things such that it would be not be that kind of operation or necessarily in the north side, if that is a concern. So, I... that's the reason I was asking those questions.

Mr. Malman: I think it's also a fair question. I think...basically they're asking us to go to the client and see whether there is some way that we can reduce that activity on the north side. If that's something that they can live with in some capacity? Whatever that may be? I don't know. But that's really the issue. Can we tone down the operation at night in the north?

Mr. Buzak: I think that's correct.

Mr. Malman: Okay.

Mr. Buzak: Thank you, Mr. Chairman.

Mr. Weiss: You're welcome. Anybody else? Okay. I don't see anything else from the Planning Board. So, unless you have more to add, Mr. Malman, I suppose we can wrap this up.

Mr. Malman: We have nothing further. I thank you for your time. I think you've given us some things to think about. I guess I'll be in touch with Ed or with Chuck about next steps if we are going to take some next steps. We do appreciate your time this evening. And hope we will see you again.

Mr. Weiss: Actually, Mr. Malman, before you go. Ken Forlenza had a question.

Mr. Forlenza: Yes. Sorry to ask so many questions, Mr. Chairman, but just curious...just a little bit confused, T, with your testimonial. When you remove that much impervious coverage, but the new roadway that you are putting in, is that going to be macadam? Or is that going to be impervious.

Mr. Lam: That will be impervious. The net reduction is still 3.26 acres. So, we take a snapshot of what's there currently, today, from the Toys-R-Us operation. And then we take another snapshot of what it will be as part of this redevelopment and we subtracted those two numbers. And the net reduction is still 3.26 acres of impervious reduction.

Mr. Forlenza: And the new roadway you install, will it be concrete or will it be macadam?

Mr. Lam: With the loading dock itself? Against the building? It will be concrete. But the drop out, itself, that will be asphalt.

Mr. Forlenza: Okay. Thank you.

Mr. Weiss: All right. So, I guess we'll just...we'll throw it back into your hands Mr. Malman. You'll make the decisions, if you are going to come forward with the site plan and at that point we'll follow the procedures in place.

Mr. Malman: Perfect. Thank you very much and have a good night.

Mr. Weiss: Okay. Thank you very much. So let's do this. Let's regroup. We have...Its just 8:00 pm. Let's take a quick...its almost 10 minutes of. Let's take a 10 minute break. We'll get started about 8:05 pm. So it's 7:57 pm. We'll come back at 8:10 pm.

PB 20-11 Keinan, Yoram, 6 Bartley Chester Road, Block 6900 Lot 19

Mr. Weiss: For the Record, Ken Forlenza and John Mania stepped down for the next application. Dan Nelson and David Scapicchio are in attendance. Let's bring up the next applicant. Which tonight is Development Application PB 20- 11 which is Yoram Keinan, here for D-1 Variance for the property located at 6 Bartley-Chester Road, Block 6900 Lot 19. At this point, Chuck, you can bring up the applicant.

Mr. McGroarty: We are bring them up now, Mr. Chairman. I just want to ask Mr. Hefelee if we've left anyone out. Once he is on he will tell us, right?

Mr. Weiss: Correct. And the applicant is represented tonight by Mr. Berne Hefelee.

Mr. McGroarty: Mr. Dykstra, is his Engineer. The applicant is here.

Mr. Hefelee: Mr. Chairman can you pick me up? It's Berne Hefelee.

Mr. Weiss: Berne, I can hear you but I can't see you. So you might need to figure out the camera. I got...Yoram, I can see. I don't see Mr. Dykstra. I see Mr. Dykstra now.

Mr. Hefelee: The computer camera didn't cooperate so I am actually on the phone right now. And I'm wondering if...

Inaudible

Mr. Weiss: As I introduce the application, Mr. Hefelee, why don't I turn it over to you? You can tell us why you are here. And what we are going to do this evening.

Mr. Hefelee: Thank you Mr. Chairman. Again, it's Berne Hefley, and I'm representing Yoram Keinan, the owner of 6 Bartley-Chester Road, Block 6900, Lot 19. It's a 2 acre piece of property approximately with a 9,500 square foot on it. About 5,000 square feet of that building is being occupied by a daycare center and the balance is basically warehouse space concrete floors sort of wide open space. Previous approval for the property, for a gym, was actually never implemented and the property is located in your C-R3 zone. Now Mr. Keinan purchased the property a little over 2 years ago at which time the daycare center was in there. The balance of the building was empty. The warehouse space was empty at the time. Mr. Keinan has a personal automobile car collection at which he located in the warehouse space after he purchased the property a couple of years ago. That personal car collection is located inside that storage warehouse space, right now, as well as in the yard of the property. Which led to a request by the municipality that Mr. Keinan file a use variance application for the storage of those cars. That's really what results in this application before you. The application specifically is for a use variance for the storage of that car collection in the building and on the property. So we believe that with regard to the use variance, it is warranted because the property and we will get to this in testimony, I think is particularly well suited for the proposed use. I think the proposed use does not present any substantial detriments to the public and I don't think it impairs the intent and purposes of your zone plan either. So, I think that the application makes some sense and that the variances make some sense also. Now the witnesses tonight, we have Mr. Dykstra, which is going to be testifying. He is our engineer and he also will be testifying as our planner. And we have

the owner Yoram Keinan also. That is essentially, the application. So, I think we can move onto our first witness, Mr. Keinan and can have him sworn in.

Yoram Keinan was sworn in for the Record.

Mr. Keinan: Yoram Keinan. My last name (K E I N A N). I reside in 12 Catan Drive, Flanders New Jersey, 07836.

Mr. Buzak: Thank you, Sir. Mr. Hefe.

Mr. Hefe: Okay. Mr. Keinan I'm just going to ask you a few questions in terms of your testimony. Sort of lead you through some of this in terms of what we are proposing and what we have on the site. So you are the owner of the property correct?

Mr. Keinan: Yes I am.

Mr. Hefe: And, Yoram, how long have you owned the property and describe its current uses.

Mr. Keinan: I purchased the property in October, 2018. So a little over two years, as you said. Right now the property is used solely for the storage of all my car collection. Just to emphasize, I own all these cars. I am the owner. I have titles for these cars and they are insured under my name. I am not a dealer. I'm not doing any sales or anything like. I've owned some of these cars actually over 10 years. It's my personal collection, like some people collect stamps, some people collect guns, I collect cars. This is my egg nest and my pension, so some of these cars if they are seen there, have been sitting in the same place for over 2 years and will probably sit there for a longer time because I'm just waiting for them to appreciate. The cars are pretty much at this point non running inside the building. There is no fuel and the batteries are disconnected. All these cars are pretty much just sitting there in terms of just storage and waiting for me to wait for appreciation. That answers the question?

Mr. Hefe: Yes. Let me just clarify a few things. So they really don't move in and out at all? And they stay in one location there? Now do you do any work on any these cars, there?

Mr. Keinan: Let me just say, around 90 percent stay there. Once in a while we take cars to local shops to do repairs or do body work, Change tires. So around 90 percent normally stay steady for long durations. Sometimes we move them. We never, ever start the cars inside. We are very respectful for the daycare. I have great relationship with the owner. When we bought the building, I actually bought the building from her brother. So, it was very clear that we were going to give them full respect. We aren't going to make any nuisance, anything. Fully cooperate with their needs and we have been doing it for over 2 years. The cars are, again, as I said, are sitting with no fuel. They are not being started inside. Whenever we need to pull them outside we just roll them outside. We try minimize as much as possible, even outside, any starting of the cars and moving. Really it's a very static situation. I would say perhaps twice a week you have movement, again whether we take the cars to local shops or bring them in, clean them sometimes, some cars are being cleaned. But I would say no more than maybe twice a week, 3 times a week we have movement of one or two cars. In terms of your question, do we do work? Absolutely no mechanic work, no body work, no painting, no...inaudible... We are just storing them. We are cleaning them. We do clean them, we vacuum them. We wash them. We take pictures sometimes. We connect and disconnect batteries when

needed but that's really about what we do in terms of the work. We actually use many local shops. We provide local shops with some work. So we have tire shops, by Mavis. We have a couple of mechanics to do work for us. You know, we take the cars to them. We have tow guys to come once in a while to take the cars over there. But absolutely no mechanical work.

Mr. Hefe: How many cars do you have inside the building and how many outside?

Mr. Keinan: I would say around 40 cars inside. They are well organized. I just want to mention that after the...when we started this whole process when... I know when the inspectors were here, we were asked to actually align them so that there will be lines for the fire. And so there is actually a 4 foot line all the way up the left side and the back side. There is a 6 to 7 foot wide path all the way from the door into the back door. The cars are well aligned and around 40 inside and we have around 40 cars outside sitting in the parking lot, sitting in the shed and in the back yard.

Mr. Hefe: That alignment inside that you have that is the result of the request of the fire inspector and what he was looking for?

Mr. Keinan: Yes, exactly. And again, I just want to mention that I saw the report that there were some references to engine parts and liquids, this is all gone 2 weeks since the report was done. Like 3 months ago we took out...there isn't a single engine part or anything similar inside the storage, no parts. There is no liquid anywhere. There are no leaks anywhere. Everything is clean. The floors are clean, the cars are cleaned and there is just no such thing. We just don't keep these inside the storage.

Mr. Hefe: Let me ask you in terms of the separation between the 2 spaces also the daycare center in the front of the building and the cars in the back. There is a separation wall there. That was another comment that came up in terms of that being a fire proof wall. Now the fire inspector has been in your facility a number of times, because he inspects the daycare center and then he inspects your property at the same time, right? Now that fire wall, is that wall that's in there now, is that a fire proof wall? And has the fire inspector looked at that wall?

Mr. Keinan: Absolutely. And I do want to mention that safety is my first priority. I fully understand, of course, the sensitivity. We have several channels, several filters for making sure that we are fully fire compliant. So first thing is that the Fire Marshal has been in our place several times. He gave us the thumbs up. He asked for a few things first, as I said, align the cars so that there will be pathways. We did. He asked to take away all the engine parts, all the oil, all the liquids. Everything is out. He checked the wall. He also asked us for the date, for example, to day date only and also clear some space in the back in case a fire truck has to come. We complied with him. In terms of the wall, my understanding is that...and also in conversations with Amy, the manager of the daycare, it is fire compliant. But I want to mention to make things clear to everyone, that anything that has to be done, there is a need to add, a need to add any substance, the wall, or anything else, of course, each in terms of compliance, that's fire, I will definitely do it. Just think about it, its everyone's safety but it's also all my cars there so I will be the first person to say, let's do as much as possible compliance with fire. I'm the last person on earth that wants to endanger any safety of any of the kids or anyone else at this store or anything like this and also of course to preserve the property. So, if there is a need for anything, any further action to take in terms of compliance with fire regulations, I'll jump on it right away and make sure it happens.

Mr. Weiss: I want to add...

Inaudible

Mr. Nelsen: Mr. Keinan. While we are waiting for Howie to thaw out. I have a question regarding the cars. What type of cars are these.

Mr. Keinan: These are mostly antique cars. They start from the late forty's and all the way up to cars up to the year 2015. So, it's a variety of cars. So you have MGs from the forty's and you have Alfa Romeo from 2015. Or a mixture of them. I'm trying to collect a variety. So as I said, this is pretty much my egg nest. I'm sitting on them, hopeful that they will continue to appreciate in value. I'm going to be also very, say honestly, I hardly drive them. I just don't drive them. I drive just 2 cars of my own, that's all.

Mr. Hefe: Mr. Keinan, I wanted to just go over a couple of things. In terms of the safety requirements and the report of Mr. McGroarty, and your willingness to...

Mr. Buzak: Mr. Hefe, let me interrupt you. I know that we started to ask some questions, but the Chairman, I want to make sure the chairman is...

Mr. Hefe: Well let's wait for him.

Mr. Buzak: ...at the meeting. So let's wait unless there is some issue with him. I know Dan asked a question, and we can put that back on the record when the Chairman gets back on. But let's not continue.

Mr. Hefe: That makes sense Mr. Buzak.

Inaudible

Mr. Weiss: Okay let's come back to our meeting. And again I do apologize to everyone. But my question is, I got cut off with Mr. Keinan. I was alluding to the fact that you would testify to us that the wall between the child care and your warehouse space is fire proof. Its fire rated. Is there anything that you did to that wall? Is the wall in fact, fire rated or is your plan to make it fire rated?

Mr. Keinan: So as I said, I'm basing it only on the information I received from Amy...inaudible...again, she has been there for many years. I have not done anything but I definitely intend to do anything necessary. So, to that all I'm saying is that the Fire Marshal has been at the place several times and to my understanding, he had no further comments and gave us the thumbs up. So, perhaps it would be...make sense to talk to him. But I'm fully committed to do whatever is necessary. So, if we need to do it, fire rate it, we'll do it fire rate. This is for everyone's interest. As far as I'm concerned it's a non-issue to do whatever is necessary. But again, I would think that he did give us the thumbs up that we are in compliance at least on his side.

Inaudible

Mr. Scapicchio: I'm sorry but that's contrary to the memo that I read from the Building Construction Code Official. Right Chuck? Is that correct?

Mr. McGroarty: Your observation is correct. The Construction Code Official made the comment that it must be a fire rated wall. It is the Construction Code Official that will determine if I is up to code. Not the Fire Marshal.

Inaudible.

Mr. Scapicchio: There were a number of concerns in terms of leaking oil, leaking gas, the odor of fuel, the lack of a proper fire wall. That's what I read in that memo or in your report.

Mr. McGroarty: Yes, and I took his comment verbatim. Yes.

Mr. Keinan: And as I said, I fixed all these 2 weeks after the report was written. And I welcome you to do it. And the reason I referred it back to the Fire Marshal that he had the same comments. There isn't a single engine, single part inside that's been like this for a couple of months, there isn't any liquid, any oil, anything like this and I'm going to welcome everyone to see it. So the reason I referred to him is that he had the same comments. He made his comments as well, and I just pretty much addressed his comments. So, there is no gas fumes, there are no leaks. Again on the fire wall, as I said, I...maybe I'm misinterpreting... and what exactly his role and if he approves or not but as far as I'm concerned, if it's not fire rated, then I will make it fire rated. I can do it as soon as The Board tells me to do it. But all of the other comments that were made there, have been addressed a long time ago. So, this is why, again, I think that definitely I'm taking into consideration everything... whether it's the Fire Marshal or anyone else is asking me to do. And it has been addressed.

Mr. Weiss: I think the best advice, and Mr. Keinan, is to not give the illusion that the Fire Marshal is giving you the big thumbs-up because I don't know if we are there yet. I don't know if anybody has given an approval, a thumbs up or there's an 'atta boy. We are a long way from that. We have a situation that we are concerned about. We have a report and we don't have a report that says anything other than what has been noted. I don't have anything that says it's been replaced, remediated, removed, or somehow fixed. So, we have to go based on what we're told. And I don't know if anybody else on the Planning Board had that question, but I have another further question. How...I guess my biggest question is... how did we get to this point, that we have what the Fire...or the Code Official, is calling a hazardous class 1 situation next to a daycare. How did that end up that you selected this site in an unimproved use, without ever contacting the town? That's kind of my concern. How did you get to this point?

Mr. Keinan: Well, I...as I said... I'm not going to say that I'm not an expert on approvals and anything. I'm not as sophisticated real estate investor, it's my first investment. So, all I did is... I purchased the building with specific purpose of storing my cars there. There was nothing hidden or anything that I ever tried to disguise. I just put the cars there and I was not aware of any need for a specific variation. I was aware of the fact that there are specific uses there, for example you can use this place as restaurants and similar, but if...I'll be very honest, I was not fully informed or sophisticated enough to know that storing cars would require this variance. Now instead...in terms of the hazard, again, I did not consider what was there as a true hazard. I was very careful. We had people coming all the time to investigate to see. The school has a system that does...provider that comes in and checks whether we are in compliance with fire and they check the entire building. So, if your question is, did anyone intend to create hazard? Absolutely not. That's just...it was a situation I took immediate actions to repair it and I definitely am committed to make sure that nothing like this

happens before...happens again. That's the best I can tell you. I can't tell you that I knew exactly if I was violating something or anything like that.

Mr. Weiss: Well, I can be honest and I'm hearing you. You certainly sound like an intelligent and successful man. You're car collection is absolutely wonderful. And you are aware of certain uses on the zone but not others. And I just don't understand, again you're telling me you're concerned about safety, but it wasn't until the Fire Marshal's visit that you started to remediate the problem. So, part of me says, I hear what you are saying but your actions don't back what you just said. You are concerned about safety but you had flammable liquids. You had unsafe situation up until the point you were caught by the Fire Marshal. So I am just looking for consistent testimony. That's all I'm looking for. The goal of this Planning Board is to make a situation that's wrong and make it right. We're really looking for consistency.

Mr. Keinan: I'm trying my best. You know, I'm really trying my best Mr. Chairman. I'm not going... I'm trying my best to say as much as possible. Yes, I am concerned about safety and I can provide proof of spending thousands of dollars as the owner, to a company called Approved Fire System that I make sure that the sprinklers work and that everything works. They do testing quarterly and I pay them. So, I'm fully aware of the fact that fire, of course, obviously is my primary concern. So, I...again, maybe I'm going to say again, maybe keeping an engine inside was not the greatest idea. It's not like I was caught and just took it out. I was just being aware of it and immediately took it out.

Mr. Weiss: How come some of these things have not been done until now? You're telling me you're going to do it but you've been there for two years and there's been nothing done in an effort to at least help us say that this could work. You know there is a lot of doubt in the Planning Board just based on what we are reading and I want to hear from you why it could work. I'm getting an inconsistent message after the first 15 minutes. That's all my concern is.

Mr. Keinan: But I am saying that I did...

Mr. Hefe: Hold on, Yoram? Let me...can I please jump in here? I want to try to get a little bit of clarity here. And address some of the Chairman's concerns. I think that when Mr. Keinan moved in there, he wasn't aware that he needed a use variance approval. And he moved in there I think with his vehicles and then I think the first thing that happened based on his testimony, is that the Fire Marshal did come through and he came through because he has to inspect the daycare twice a year. It's a requirement. So, as he is inspecting...

Mr. Buzak: Mr. Hefe, I want to be careful here. You're not testifying...

Mr. Hefe: I know. I don't intend to testify.

Mr. Buzak: ...I think the Chairman was trying to find out from your client what it was, and I appreciate your attempt to summarize it, but I think that you can't testify effectively on his behalf, if you are saying things that you think out to be said because your client is not saying them.

Mr. Hefe: No.

Inaudible

Mr. Buzak: I'm not being particularly critical, but I think you need to have your client... ask your client clarifying questions, I think that's fine. I don't think you should summarize what his testimony is. You can do that at the end of the proceeding as you normally would. And the Board, then, will have heard all of your client's testimony and can evaluate whether or not what you say what your client said, is in fact what he said. So why don't you ask your client some clarifying questions to get to the points that you are trying to get to.

Mr. Hefe: Okay. Why don't we just do it that way, straight forward. So, Yoram, after you took occupancy to the property you put your cars in there and you weren't aware that you need any approvals, correct?

Mr. Keinan: That's correct.

Mr. Hefe: Okay. The next thing that happened is based on your testimony, is that the fire inspector came through. Did that happen?

Mr. Keinan: That's correct and he has been in the building way before this report was written. I want to say that he has been in the building probably around ten times as... and I do want to mention, let me just say something, I am, yes, I am an intelligent person but when the Fire Marshal of the city comes into my place, looks at everything carefully and actually comments about the cars, even when the engines were there, it was totally my misunderstanding...I said...I definitely remedied...I took everything out. And I'm committed to not having any single engine part. But when the Fire Marshal comes into my place, looks at the cars, looks at everything and has been there several times, not just before the report, way before, so it wasn't like I was caught red handed. If this is what Chairman means. And again I understand that, I fully do. But, there was some misunderstanding on my end about the variance. I admit I did not take into full consideration, the fact that maybe engines sitting inside the warehouse is not the greatest idea. I admit that. When I became aware of it, I immediately took action and I just said I am fully committed. There is not a single liquid, engine, anything like this in the building and there will never be. So I, again, I apologize if I have not been...that diligent...maybe it was my misunderstanding, my ignorance, but I am fully committed to make this thing work. And I am fully committed to have this place safe from a fire perspective or any other perspective. Any hazard perspective. So I can't give you a 100 percent answer because, again there were some issues that I was not aware of. And there was some things that maybe, again, I said maybe I wasn't thinking. Not everyone always thinks about the connection between an engine and possible fire and I regret it. But I'm also...I'm not... I'm just trying to be candid here.

Mr. Hefe: Yoram. Yoram, stop! Can you please just stop for a second and let me ask you some questions, okay?

Mr. Keinan: Okay.

Mr. Hefe: I want to try to get some clarity on the record here. So, the fire inspector showed up at your property and had made a review of your facility?

Mr. Keinan: Yes.

Mr. Hefe: Yes, Okay. So he made a review of your facility and he had certain recommendations at that time?

Mr. Keinan: Yes.

Mr. Hefe: And the recommendations of the fire inspector, you followed all of those and implemented everything that he asked for?

Mr. Keinan: Absolutely.

Mr. Hefe: And at that point you believed that you were in compliance with the municipal regulations and what was required in order to operate in that facility, yes?

Mr. Keinan: Yes.

Mr. Hefe: Okay. Now, obviously we now find out that you need a use variance. You did not know that you needed a use variance originally, correct?

Mr. Keinan: That's correct.

Mr. Hefe: Okay. The only thing that you did know was that you were being inspected by the Municipality and you thought you were complying with what was required. Is that correct?

Mr. Keinan: That's Correct.

Mr. Hefe: Okay, now we've come to find out that it is not...it's not just the fire inspector in Town, but there is also a building inspector in Town. Who as part of Mr. McGroarty's letter has put forth a number of other items that he feels should be addressed. Now the building inspector never came by your facility, right?

Mr. Keinan: I'm not sure who is the Building Inspector. There were a few people but I would admit and say that I can't remember if he was or wasn't there.

Mr. Hefe: Okay, but there are also building requirements separate and apart from fire requirements in the municipality. And those building department requirements were set forth by the construction code official in Mr. McGroarty's letter. And they were listed in Paragraph 5.5, A-I. Now, we've looked at those requirements, A-I, one of them is the fire separation wall. Another one is inadequate ventilation. Another one is, more emergency lights and more overhead lighting. Now, with regard to each and every one of those, I know that you've testified to this but if the fire rating, for the wall, is not correct from a construction code official, it doesn't matter what the fire inspector says, the construction code official, if he requires a fire rated wall in accordance with his regulations, you're willing to do that. Is that correct?

Mr. Keinan: Absolutely.

Mr. Hefe: Okay. You're also willing to satisfy him with regard to ventilation, with regard to emergency lighting, and with regard to overhead lighting. Any of those items that he requires, whatever he requires, you're willing to listen to him and install those items, so that you are in compliance with his recommendations, here?

Mr. Keinan: That's correct.

Mr. Hefe: Okay. Those are all the questions I have.

Mr. Weiss: Brian, I think you had a question for Mr. Keinan?

Mr. Schaechter: Yes. Two questions. One is Mr. Keinan testified that there is 40 cars inside and 40 cars outside?

Mr. Keinan: That's correct.

Mr. Schaechter: You have a total of 80 cars on the property?

Mr. Keinan: Approximately, yes.

Mr. Schaechter: Do you know how many parking spots you are allowed to have?

Mr. Keinan: We are allowed to have, if I'm not mistaken, 47, parking outside.

Mr. Schaechter: That includes the school?

Mr. Keinan: That includes the school. But the school used 4 or 5. Maybe 6.

Mr. Schaechter: Okay. And then the next question is, the engines are no longer inside the building, where is the engine work and where are the engines being stored now?

Mr. Keinan: They are being stored in a trailer outside the building.

Mr. Schaechter: Is there any work being done on them?

Mr. Keinan: No.

Mr. Schaechter: And there is no oil, fuel, fluids that are leaking from these engines?

Mr. Keinan: No. It's all safe and secured inside. Nothing is leaking. Those engines have no oil in them. They are just completely empty from oil. There's no fuel or leaking... no fuel of course in the engines of course, and nothing like this. There is no fuel in the cars, inside.

Mr. Weiss: Mr. Keinan, you testified that you're no longer doing work on the cars. You're storing them. You're cleaning them. You're vacuuming them. No other work done on the cars?

Mr. Keinan: The cleaning, we're pretty much just making them nice for photos. We're vacuuming them. We sometimes do something...inaudible...but we don't do any mechanical work or anything of the sort. Like, we don't...obviously we don't do engines. We don't even have tools for anything like engines or parts. So that's really what it is. So if you see a loose wire or anything like that, you put it in, but basically we are not doing any work or any mechanic work. We don't have the tools for that.

Inaudible

Mr. Schaechter: You keep using the term we. Who is we? And how many...are they employees?

Mr. Keinan: No. I have a person working for me. His name is Peter. He is actually from Stanford, Connecticut. He comes 3 times a week and helps me out with the cars. But he is not my employee. He is my partner.

Mr. Schaechter: So is this a business, now. You testified that is was your personal collection...

Mr. Keinan: It's my...All the cars are mine. Pretty much.

Mr. Schaechter: But he is your partner?

Mr. Keinan: Peter co-owns with me, maybe twelve cars. But all the cars are mine, pretty much.

Mr. Weiss: All right, Catherine?

Mr. Hefe: So I think, to your question, I'm sorry, but to your question whether this is a dealership, the testimony from Mr. Keinan, they are his personal cars that he buys and sells as they appreciate. So, he holds them for perhaps, Yoram you can explain this better, you hold them. But you do buy and sell cars, obviously, because you don't have the same cars for your entire life. So, explain how you buy and sell a car.

Mr. Keinan: Okay, so just to make it clear, and I have. Obviously this would be...I have all the titles for the cars under all my name and all insured with Hagerty as personal cars. I buy cars of course, because I keep adding to the collection. Actually when I moved in there were only 50 cars. Now there are 80. Now once in a while, I sell cars. But I sell then as personal. It's under my name. Not as a dealer. I don't intend to be a dealer. I never will be a dealer and I just sell these cars sometimes, for example, if a car appreciated in value and I believe it's a good time to sell it. I sell it. Sometimes I sell cars because they are just not...sometimes I lose money because you buy a car, it has a lot of features, and I say I just can't deal with this car. And I sell it. So I would say, in terms of sales, maybe I sell once a month. I buy much more than I sell. I probably buy 3 cars for every car I sell. But its all, again, personal sales like person to person, not on behalf of anyone else, or anything like that.

Mr. Weiss: Okay. Thank you. Catherine, you had a question?

Ms. Natafalusy: I was just going to ask, you said you store engines, outside? What do you need to have engines on the property for? In the shed, or where ever you are storing them?

Mr. Keinan: So what happens sometimes and this is something that happened once in a while, when everyone said engine, if you are imagining like 25 engines, we are talking about 3 or 4 engines. So once in a while what happens is that we get a car with either the engine outside or we just get a completely parts, car. So there are 3 or 4 engines. I don't think there are more than that...that are sitting in a shed. But these engines are not...we don't do work on them, they are just there.

Sometimes when we find the opportunity to do it, we take it to...we have 4 or 5 car shops we work with...local car shops, so if we find the opportunity to actually put the engine inside, we take them into the car shops. We work with Mavis, here. We work with a car shop in Chester. We work with two shops in Connecticut. And we just take them and do the installation. We don't have the tools, we don't have the hoist, we don't even have the ability to lift those engines and put them there. So, these engines sometimes comes apart and they are waiting for the moment they will be put in. That's really what they are.

Ms. Natafalusy: And you said there was no gasoline inside the cars that are inside the warehouse?

Mr. Keinan: Absolutely. And this was by the way this was done a long, long time ago, again. I just want to emphasize to everyone that this request was actually done way before the report was written. This was done, I think, the first two months of the...when I moved in. Again I'll mention the Fire Marshal, we haven't had gas in these cars for probably two years.

Inaudible

Ms. Natafalusy: How do you get the cars in and out? Do you tow them?

Mr. Keinan: What?

Ms. Natafalusy: How to you get the cars out? They have no gas?

Mr. Keinan: We roll them out. This is why I need...the reason I took...inaudible... is that we need to roll these out. Every time we need to do it, it's a big project. Some of these cars won't roll out so I can't do it myself and we roll them out. We roll them all the way out and only start them if needed, outside. Nothing gets started inside.

Ms. Natafalusy: Where's the gasoline that you are storing to put in the cars when you roll them outside?

Mr. Keinan: We go to the gas station with a can and we bring gasoline. I have two cans, I go every time I need it and we put the gasoline there. The cars have no gasoline inside. Absolutely.

Mr. Hefe: Mr. Keinan, the removal of the gasoline from the cars, that was a recommendation of the Fire Marshal?

Mr. Keinan: Yes. A long, long time ago. This was not done pursuant to the recent report. A long, long time ago he came in...I think the first visit that he came...and he said I understand you are storing here. No gas. No starting the cars inside. We said absolutely not.

Ms. Natafalusy: Okay.

Mr. Weiss: Chuck, do you have a question?

Mr. McGroarty: Several, if I may?

Mr. Weiss: Sure.

Mr. McGroarty: Mr. Keinan you bought the property about two years ago. Were you aware, when you bought it, that there was a site plan approval for this gymnasium, for that portion of the building?

Mr. Keinan: No. I didn't know this.

Mr. McGroarty: When you purchased the building with your...at the time of purchase, there were no documents, no disclosure or anything like that when you were buying the property? You didn't know there was a site plan for this?

Mr. Keinan: I didn't check. I did not check. I didn't know... I did look at the zoning and I saw that it says some commercial zoning, but I did not specifically look at any specific use. The gymnastic was not something that I've ever been aware of.

Mr. McGroarty: Now you mentioned Amy, I don't remember her last name, the lady who runs the daycare.

Mr. Keinan: Yes.

Mr. McGroarty: Yes. Did she tell you she had site plan approval, that was granted by the Board, that the fact that she came back...inaudible...approval was quite some time ago, which was 2002. Did she mention to you, she had site plan approval for the daycare which required a certain number of parking spaces and locations for bus parking?

Mr. Keinan: We never discussed it really. In terms...If I had known...inaudible...I'm very sensitive. I know the busses come, so we always leave room for it.

Mr. McGroarty: That is not what I asked you, sir. I didn't ask you that, sir. I just asked you if Amy told you she had site plan approval for the daycare. Not the other side of the building. I'm not even talking about the gymnasium. Just for the daycare which required 22 spaces for cars and 2 spaces for the busses to park. She never mentioned that to you?

Mr. Keinan: We did not discuss the particulars. No. That's what I'm saying. I mean I knew there were busses and I knew there were cars parked there but we did not discuss the particular the number 22 or 2. I did not know the full details. I just knew that cars are parking there and I always respected her and everyone was parking there with no interruption whatsoever.

Mr. McGroarty: Okay. That was actually more than I needed but... Were you aware...did you get a permit for the fence that you erected across the parking lot?

Mr. Keinan: I did not. And I regret to say that I was not aware of the need to do it and this was honestly I did not know...the reason I did the...

Mr. McGroarty: All right. That's fine, sir. I don't mean to interrupt. I'm not trying to catch you on things. I just want know if you filed or not. One of the reasons I'm asking is the site plan that

was approved in 2013 had a trash container in the back of the parking lot, which would be inaccessible based on the fence you erected. Were you aware of that?

Mr. Keinan: I was not aware of it. I just know that we moved the trash into the...in front and the trash car comes whenever they come and they have no issues with that. I was not aware of the fact that...I knew it was in the back and after we built the fence it just moved to the front.
Inaudible.

Mr. McGroarty: Okay. There is a shed in the back of the property, which was not reflected on an earlier site plan. Did you put that shed in?

Mr. Keinan: No. That was...

Mr. McGroarty: That shed was there?

Mr. Keinan: That shed was there when I bought it. Yes.

Mr. McGroarty: You said...sorry...do you do any work...you don't do any work outside of the building on the vehicles. That's your testimony?

Mr. Keinan: Again, you need to define any work, because work can be...you have to be more specific with me because, again, if I have my guy coming, he is washing the car, he is cleaning, you know he is cleaning the engine bay, he is checking, he is making...getting the car running, yes he is outside the building. But I need you to be more specific because work is something that can be interpreted in many ways. You need to tell me to be more specific please. I'm sorry.

Mr. Hefe: All right. Yoram, they don't have to be specific with you. You have to be specific with them. What work do you do outside?

Mr. Keinan: The work we do outside is as follows: So if we take a car outside, what we do is then put gas to check if the car is running, if it runs properly, everything is good. If it's not, then you know you may be cleaning the wires and everything. If the car doesn't run then, it doesn't run. You have to take it to the shop. Sometimes we take it outside, we take it back. The other work is doing outside, is cleaning, he is vacuuming, he is cleaning the wheels and what else...shining and things like that. But that's really as far as I know, is being done. No engine work. No mechanic. Oh yes and he would connect the battery if needed. If the battery is completely dead he will put a battery and he will also jump the cars, if we need.

Mr. Hefe: Okay. You don't change any oil outside, right?

Mr. Keinan: Oh no, no, no! No absolutely not.

Mr. Hefe: You don't change any tires?

Mr. Keinan: Absolutely not. We do it at Mavis.

Mr. Hefe: You don't do any brake...just answer the question. You don't do any brake work?

Mr. Keinan: No brake work.

Mr. Hefe: Okay. No mechanical work of any kind. All you are doing outside is making sure that the car either runs or doesn't and if it doesn't its going to the shop somewhere. And the only other outside work is detailing work for purposes of taking pictures or making the car look good. Is that basically your testimony?

Mr. Keinan: Yes. That's correct. We don't even have the lift. We don't have the tools. We don't have anything that would even allow us to do it, even if we wanted to it.

Mr. McGroarty: I wasn't finished though. Could I just follow up?

Mr. Weiss: Go ahead Chuck. Why don't you finish and then Brian had a question.

Mr. McGroarty: I would like to provide an exhibit, if I may.

Mr. Weiss: Sure Chuck, go ahead. Ed? Do we need to mark this?

Mr. Buzak: Yes. Chuck's got to put it up and we'll mark it...we haven't marked any exhibits yet, so we'll mark this PB for Planning Board, PB-. Chuck can you describe what this is?

Mr. McGroarty: Yes. This is a series of photographs which I took yesterday around 11:00AM. I went on the site, I was looking for someone to talk with and there was no one on the site that I could talk with. It started to snow as you can see in the photos. The fence was open. There was, it looked like a gate but it was disconnected or detached, so the backyard area was open. This was the backyard area. Or the back of the parking lot as it were. And these are...so there are four or five photos, which we'll walk through, these are photos that I took yesterday.

Mr. Buzak: Let me just finish it. Chuck, for verification, do each of these photos, do you want to make them in a package or are you going to refer to each one separately, or... inaudible.

Mr. McGroarty. A package is fine, I guess.

Mr. Buzak: Okay. So we'll mark these PB-1. Chuck, do these photos represent what you actually saw when you were at the premises?

Mr. McGroarty: Yes.

Mr. Buzak: Okay. And you were the one who took these photographs, correct?

Mr. McGroarty: That's correct.

Mr. Buzak: Okay. I have no further questions, Mr. Chairman. I don't know if Mr. Hefe has any questions of Mr. McGroarty. If not we'll mark them as Exhibit PB-1.

Mr. Weiss: Chuck, I take it you have other photographs.

Mr. McGroarty: There is several in this group here, so I am going to see if I can walk through it. The first photograph, self-explanatory I guess, there is some...inaudible...of cars here. This is just a collection of debris on site. It looks like a chassis or something up front. This car is up on lifts of some sort or another. This is just a delivery it looks like. And this is some parts which are being stock piled like this back here.

Mr. Weiss: Looks like snow mobiles, Chuck.

Mr. McGroarty: It could be. I didn't get close to look. And then this is another picture. So I don't know what's going on back here. At minimum, it's a property maintenance issue. I don't know if the car that's on the lift is being worked on? And perhaps the applicant can tell us what the purpose of this is? I can take these down or leave them up. Whatever you want me to do.

Mr. Hefele: I think we should go through them one by one and have Mr. Keinan explain what's going on.

Mr. Keinan: Okay. You'll have to excuse me. I'm driving because I'm running out of battery and I have to go and get my charger. These are just junk parts. I haven't even touched them and I never will touch them. Sometimes again we just buy junk cars. We store them. They wait for restoration. None of these cars have been done any work whatsoever and I am not planning to do any work at this location on these cars. Period. There is just no...these are cars waiting to be restored. If you look actually, these cars show you something very important. There is no practical way for me to do anything on these cars. They are just so...they need so much work, that in order to even restore...do anything on these cars, not even a regular shop can do anything.

Inaudible.

Mr. Weiss: Let me chime in here real quick. We are into this about an hour and we've asked you a hundred times what you are doing on the property. And now, which when Chuck puts up the pictures, you tell us these are junk cars. First of all you said, and I'd like to know what this picture that's up, what part of adding gas, cleaning wires, vacuuming, cleaning, shining, and connecting batteries happens with those cars? Because we asked you point blank what you are doing outside and that's what you said. So what part of that cleaning and shining is happening in this photograph?

Mr. Keinan: Nothing. These cars came as is and they'll go straight to the shop. I think actually this confirms what I just said.

Mr. Weiss: No, I think it shows that you are not answering our questions directly, when we ask you a direct question. We are trying to help determine a use variance and we are not getting legitimate or straight answers out of you.

Mr. Keinan: And I am saying exactly what... I'm just...this is the answer. I buy cars...

Mr. Weiss: At what point were you going to tell us that there is junk on your property? Chuck, why don't you change the picture. Let's look at another one. Maybe we'll see more cleaning and shining.

Mr. Buzak: Mr. Chairman, Mr. Keinan said he was going to get a battery and his video was out, and we really since he is under oath he should be testifying with his video as well. So, Mr. Keinan did you replace your battery sir?

Mr. Keinan: What?

Mr. Buzak: You said that your battery was running out and you were going to get a new Battery. Did you replace that?

Mr. Keinan: No I'm driving to get it. I can still speak. I'm still not sure what did I say earlier...

Mr. Buzak: All I was doing was trying to see whether you were able to participate. The Chairman had some questions and your attorney had some questions but you were not on...your video was not on a few moments ago. I don't know...Mr. Chairman? Were you ready to ask questions or was Mr. Hefele ready to ask questions?

Mr. Hefele: I have a questions of Mr. Keinan. I'm still looking at the picture with the red car. So, Yoram, is that a car that you would buy into your collection just for restoration purposes? There maybe some value to that...is there some value to that car in its current condition like that for restoration later? It that why this car was purchased?

Mr. Keinan: Yes. Yes and I'm not sure...I'm trying to understand, honestly what did I say earlier that's inconsistent? I never said I'm only buying running cars. I buy cars in all shapes. But I never do the work at the location. All of the cars that you see were bought in the same condition and will be sent to shops at the same condition. I'm honestly trying to understand... What did I say earlier..?

Mr. Weiss: I can help you. I can help you with that answer. So let me tell you what you told us. That the use of this property is to store your collection. Now, we're looking at junk cars...your words...and now a restoration business. Now this has been added, so I'm not...inaudible...because the rest of what you told me Mr. Keinan is that on the outside you were adding gas, cleaning wires, vacuuming shining and connecting batteries. So based on what you told me please look at the picture tell me how those things are applied to this outside business that you failed to tell me about earlier?

Mr. Keinan: First thing I did...and I did say that beyond the fence there are junk cars. I did say that. And if you have the recording, you will. But this is part of my collection. You know what, I'll go into detail. There is an Alfa Romeo 67 there. There is a Fiat Spider 1984. I bought them in this condition. Each part of my collection. I never said I only buy running cars. Now you said I have restoration business as if I restore them. That is not correct. I buy them as is. And then I send them into shops, I can give you the names of the shops, to have them restored. There is nothing inconsistent with me having cars stored then having these cars needing restoration, where the restoration is not done at the location. Not even remotely. I can attest that I got these cars as they are and I can attest that they will leave the place as they are. So I'm not doing the work on these cars. I'm not in the restoration business but I myself don't restore them. No one else restores them for me at the location. They come like this...its part of my collection. Believe it or not they are valuable cars. I mean what you see outside, I call them junk and I think I probably made a mistake, but this Alfa

Romeo, is worth as is twenty thousand dollars. But I repeat again, I do not do any work on these cars at the location. In fact I think this actually shows... there is no way... Inaudible... anywhere. I can't even lift the lid off the cars. And the reason that they are there is that these cars are... you know, I can't even sometimes put them inside. That's all. Again, I'm sorry if I said something inconsistent but I also thought that when I said about why I put the fence there is that behind the fence, I said, there the cars that are not that shiny and this is why they are in the back.

Mr. Weiss: I don't recall that.

Mr. Buzak: I don't recall that.

Mr. Keinan: I repeat, I repeat, again, I do not do work on these cars. Not in this location. I have them there and then they leave as they are, going to a restoration shop, if at all and they have to do the work over there.

Mr. McGroarty: Mr. Chairman? If I may.

Mr. Weiss: Yes, Chuck?

Mr. McGroarty: First of all, I don't know if it's just me but the testimony was coming in and out. Inaudible. Mr. Keinan. Why would we not...or...my inclination is to classify this as a junk yard. Would you disagree?

Mr. Keinan: If I may. If you want all these out. They will be out...inaudible.

Mr. Buzak: Mr. Keinan. We are going to be here all night and not make a lot of progress. I would ask you to answer the questions that are being asked. We don't need an explanation as to your motives. If Mr. McGroarty is asking a question, try to answer the question. If you can't answer the question, just say you can't answer the question. And that's fine, but we're...with all due respect, sir, you've repeated yourself a number of times about your motives and your intentions and I think that's on the record. You're repetition of that doesn't make it any stronger or weaker. So why don't you just try to listen to the question and answer the question. Mr. Hefe, I apologize for jumping in here, but it's already a quarter after nine and I'd like to try to move it along. I'm sure the Chairman wants to move it along and the Board wants to move it along and you want to move it along.

Mr. Hefe: I know. Mr. Buzak, I understand. I think that the testimony from Mr. Keinan was that these cars, although to you and I and maybe Mr. McGroarty, they look like a junk yard. He testified that this is a \$20,000 Alpha Romeo that has substantial value in his collection.

Mr. Buzak: I understand and again...

Mr. Hefe: That's his testimony.

Mr. Buzak: Okay. I just caution you to let... and I don't disagree with your...I think that's what I heard as well, but I appreciate that. Why don't we move on? We lost Mr. Keinan again.

Mr. Weiss: I guess...Chuck, let's go back. Chuck, you have some other pictures. I was able to get a quick peek.

Mr. Buzak: Mr. Chairman, we lost Mr. Keinan again and...inaudible. So, let's see if we can get him back again because I assume if he can't...we can't see him, he probably can't see us. Mr. Keinan?

Mr. Hefe: If you want to move to the next picture, let's do that.

Mr. Weiss: Doesn't really make sense to move to the next picture if we don't have the applicant tell us what's going on.

Mr. Hefe: I'm going to be able to address the next picture.

Mr. Weiss: What is the next picture?

Mr. Hefe: It's the one that needs...where the property meets maintenance clean-up and that's what we are going to agree to do.

Mr. Buzak: Okay. But...

Mr. McGroarty: What should I do, Ed?

Mr. Buzak: No. Let's wait until Mr. Keinan comes back. He's testifying. We're going to ask him some questions so I think we should have the right to do that.

Mr. Hefe: Sure, absolutely.

Mr. Buzak: And while we are waiting though, Mr. Chairman, while you were frozen at least as far as we knew, Mr. Nelsen asked a question regarding...and Dan you can help me out here...I think it was the question as to what are the years of these vehicles? Is that correct, Dan?

Mr. Nelsen: I'm sorry Ed, I just plugged my...I was getting low on my battery as well. My question...

Mr. Buzak: You were going to ask this question and the Chairman was not here when you asked it. Can you repeat it and state your statement as to what Mr. Keinan said. And Mr. Hefe was on at that time, so why don't you go ahead so you can get Mr. Chairman up to speed here.

Mr. Nelsen: Okay. So what I asked the applicant was what type of cars were at the property? And he gave me some dates and different types of cars.

Mr. Buzak: Right. What he said is, as I have in my notes here, these were antique cars, they were cars that ran from the 1940's and he mentioned a name of...a brand name, I don't remember which one...

Mr. Nelsen: MGs, Triumphs, I think he said MGs.

Mr. Buzak: Right. And they run from the 1940's to 2015 is the newest car that he has in his collection. And Mr. Chairman that was the only question and answer that was given while you

were gone. Then we decided we would wait. So I just wanted to make sure that you were up to speed. Mr. Hefe, is that your recollection as well.

Mr. Hefe: Yes. 1940's to 2015. They were specialty cars that he was collecting during that timeframe and they were Triumphs, Alpha Romeos and MGs and what not. But they all had some special value to him.

Mr. Buzak: Thank you. Are you able..? Here he goes...

Mr. Weiss: It looks like Mr. Keinan is back.

Mr. Buzak: No. He was back.

Inaudible.

Mr. Hefe: I'm trying to call him right now. Yoram...Are you going to be able to get back on or should we carry this? Yoram, I think we should, at this point carry this to the next meeting and regroup because they are going to just continue to go with this.

Mr. McGroarty: Logistically...

Mr. Buzak: Mr. Hefe, Just so you know, you are not on mute. I don't know if you intended to be on mute, but you are not on mute. Mr...thank you.

Inaudible.

Mr. Hefe: Ok. I'm back. Exactly what you heard me talking to him about before, is what I think we are going to do. We're just going to carry this to the next available meeting, whatever that may be. What I'd like to do is just assemble his testimony a little bit more for you folks and I think there is some disconnect here and some of it is due to my client rattling and rambling, and not having distinct testimony. I think it came across in some fashion but not as clearly as it could. So, and he can't get back on the phone right now, because his battery is shot. So I'd like to just carry this to the next meeting.

Mr. Weiss: Mr. Hefe, I'm going to give you some advice. So you can share with your client. I don't want him to misunderstand kindness for weakness. Our questions are specific. I'm looking for specific answers. I don't want a run around, he's not fooling anybody when he tells me something that he thinks I want to hear. Now you can disagree with me. But the questions that we are giving to Mr. Keinan are clear and decisive and he is beating around the bush. We are here for a use variance. We are trying to determine if this business is suitable to go in this zone. And by him avoiding answers and telling us what he thinks we want to hear, you call it rambling. I'm not so sure I agree with that. But perhaps you can let him know that we are looking for exact answers and I think you've heard me give examples of what he said one time and then said the second time. So...I think you understand where I'm coming from.

Mr. Hefe: I'll make that clear to him, Mr. Chairman.

Mr. Weiss: I appreciate it. I'm also looking forward to the next couple of meetings, Chuck and Mary. I...we could probably get him on the 14th, but I'll leave that up to you.

Mr. McGroarty: 14th?

Mr. Weiss: Of January.

Mr. McGroarty: See, that's the problem. We are pretty...this is a use variance. He's in there with...so everyone's interested in moving this as quickly as we can.

Mr. Hefe: We'll show up as quickly as you want us there.

Mr. McGroarty: Okay. Now, next week, we have the quarry application, which is not a site plan. Its Saxon Falls Sand and Gravel for you to review with us...for the Board to review and recommend the council regarding that plan. Mary, help me, the only other thing we have on that night is the Resolution for the General Development Plan.

Ms. Strain: Correct.

Mr. McGroarty: All right. We have on the agenda, you'll see Hunkele with three matters. Site plan, subdivision and inaudible. They have asked to carry, yet again...

Mr. Weiss: Okay.

Mr. McGroarty: There's a story there... So we probably have time, next week.

Mr. Weiss: Perfect.

Mr. McGroarty: Would that work?

Mr. Hefe: What date is that Mr. McGroarty?

Mr. McGroarty: A week from tonight.

Mr. Weiss: Seventeenth.

Mr. McGroarty: Seventeenth.

Mr. Hefe: I'm sorry. I cannot make it that night. I have a meeting in Salem which is halfway around the world, so I can't be in Salem and up here at the same time.

Mr. McGroarty: Okay. What's January like?

Mr. Weiss: January 14th is a re-org meeting and it's pretty light.

Mr. McGroarty: Well we have...

Inaudible.

Ms. Strain: Inaudible...and a variance on Rolling Hills Drive.

Mr. McGroarty: How many applications that night?

Mr. Weiss: Two.

Ms. Strain: Two.

Mr. McGroarty: Two variances. One's a deck. One's a pool. Right?

Ms. Strain: Single family home for 33 Netcong...

Mr. McGroarty: 33 Netcong? Oh right. It's up to you Mr. Chairman. You want to put it on...

Mr. Weiss: Chuck, I agree with you. If we can do it next week, we could, otherwise January 14th we'll make it work. Because we have a situation that is not really positive.

Mr. Hefe: No. I think the 14th makes sense. We'll get as much as we can and keep moving this ahead because I understand the town's position on this and we want to get it resolved also. So let's put it on and we'll be as organized and as quick as we can.

Mr. Weiss: And succinct to the answers of the questions that we ask.

Mr. Weiss: Now the thing is, Mr., Chairman, we've got those other two variance applications, so something is going to get bumped and we'll just have to deal with that then. If you're telling us that that's okay with that, we'll take care of that with the applicants, but...we'll put this on...

Mr. Weiss: We'll talk about that offline. We'll figure out how to schedule it.

Mr. McGroarty: We'll put this on first. After it, right?

Mr. Weiss: Yes.

Mr. McGroarty: And we'll go from there. I guess we'll need an extension of time, Mr. Hefe?

Mr. Hefe: Yes. Absolutely. Not a problem.

Mr. Buzak: Why don't we go, given the potential issue of timing here? Why don't we go to the end of January for an extension and the matter will be...Mr. Chairman...why don't you make the announcement for the carrying of this meeting so there will be no further notice necessary to be given by the...inaudible.

Mr. Weiss: Yes. Let's do that. So this application will be carried through January 14, 2021. There will be no further notice. The application will be heard via the Zoom process unless otherwise noted on the website. I don't expect any change. It will be held January 14th, no further notice 7:00 pm. It will occur right after our reorganization meeting.

Mr. Hefe: Thank you Mr. Chairman.

Mr. Weiss: For the record, too...not that there are that many people from the public. Normally before we close I'd open it to the public for cross examination and questions of the applicant. But being that we have a technical problem we are going just suspend that. But certainly come back to it when necessary.

Mr. Hefe: Okay, thank you.

Mr. Weiss: With that I have nothing further on our agenda. If there is anything else? Otherwise we will all be back together next Thursday, 7:00pm. Anybody have anything for us?

Mr. Schaechter: Motion to adjourn, Mr. Chairman.

Mr. Weiss: Thank you Brian.

Mr. Scapicchio: Second.

Mr. Weiss: Second by David. All in favor?

All: Aye.

Mr. Weiss: Good Night, everybody.

Meeting Adjourned at 9:29 pm

Transcribed by: Karen Grill


Signature


Planning Board Meeting date approved