

1 MINUTES OF THE
2 EAST BRUNSWICK TOWNSHIP
3 BOARD OF ADJUSTMENT

4
5 June 18, 2020

6 STATEMENT - Open Public Meetings Act

7 FLAG SALUTE

8 ROLL CALL -

9 PRESENT: ABSENT:
10 Steve Philips, Chairman Deepak Arora
11 Christine Rampolla
12 Dinesh Behal
13 Victor Santamarina
14 Julie Clarke
15 Rob Zuckerman
16 Ivan Wynter
17 Wesam Berjaoui

18 ALSO PRESENT:
19 Jay Weiner, Esquire
20 Loren Morace, Secretary
21 Aaron Blessing, Zoning Assistant
22 Jason Cline, Engineer
23 Keith Kipp, Director of Planning & Zoning

24 MINUTES
25 January 30, 2020 - Motion to approve by Mr.
Riccobono, second by Ms. Rampolla. Minutes
approved.

January 30, 2020, Executive Session Minutes - Motion
to approve by Mr. Riccobono, second by Mr. Behal.
Minutes approved.

23 NEW BUSINESS
24 Application #Z-20-05 - Rockland National
25 Development, LLC - Proposed single-family dwelling
located at 295 (rear) Milltown Road, block 317.13,

1 lot 36.04, in the OP-1 zone. Mandatory date August
2 9, 2020. Continued to July 2, 2020.

3 Application #Z-20-03 - Arora & Arora Enterprise, LLC
4 - Proposed building addition for auto repair and
5 painting located at 376 State Route 18, block 55.02,
6 lot 6, in the HC-2 zone. Mandatory date April 16,
7 2020. Continued to August 6, 2020.

8
9 DISCUSSION

10 Amending the start time of future zoning board
11 meetings. Discussed.

12
13 ADJOURNMENT

14 Motion to adjourn by Mr. Riccobono, second by Mr.
15 Wynter.

16 THE CHAIRMAN: Township of East
17 Brunswick notice of electronic meeting of the zoning
18 board of the Township of East Brunswick. Please be
19 advised that the zoning board will hold its regular
20 meeting on June 18, 2020, at 8 p.m., via online
21 video conference. Pursuant to the provisions of the
22 New Jersey Open Public Meeting Act, N.J.S.A.

23 10:4-8B, this meeting will be held by means of the
24 use of electronic communication equipment. Due to
25 the COVID-19 pandemic, no members of the public
shall be permitted to physically attend the meeting.
The public, however, is invited to attend the
meeting electronically via telephone. The zoning
board meeting will be broadcast live on EBTV for the
public to listen and view exhibits or documented
presented. The public can attend the zoning board
meeting and view all exhibits through the following
link:

<https://www.eastbrunswick.org/358/zoning-board>. I
say that, but if you go to the East Brunswick web
site or you go to EBTV, I believe that is supposed
to be identified there, so I don't have to repeat
that again. Then if the zoning board will take
action at this meeting, including (audio
distortion).

The township is using this format in an
effort to mitigate the chances of exposure to

1 COVID-19 as part of the township's ongoing effort to
2 slow the rate of transmission and avoid overwhelming
3 our treatment centers. This action will be
4 enforced. All existing meetings will otherwise
5 notified by public notice.

6 In addition, if someone would like to
7 call in, there will be a specific time that that
8 will be identified that you can call in, and the
9 number will be provided, and we have operators
10 standing by. In the event that somebody has --
11 wants to call in, they can. There will be a delay.
12 I want to alert the board that in the event there is
13 anybody from the public wishing to call in, there is
14 going to be a delay. I think there's like
15 30 seconds, something like that. I apologize if I
16 got that wrong.

17 The zoning board -- okay. That's that.
18 Now we go to the regular meeting announcement. This
19 is the June 18, 2020, East Brunswick Township Zoning
20 Board of Adjustment meeting. In accordance with the
21 Open Public Meeting Law, on November 27, 2019,
22 notice of this meeting stating the time, date, and
23 location was sent to the Home News Tribune, filed
24 with the township clerk, and posted on the bulletin
25 board in the lobby of the municipal building. A
26 copy of this notice will be incorporated in the
27 minutes of this meeting.

28 The board will not hear any case beyond
29 10:30 p.m. with the exception of any hearing in
30 progress at that time and will terminate all
31 testimony at 11 p.m. The Chair reserves the right
32 to call any application in an order different from
33 that appearing on the agenda.

34 No smoking is permitted at public
35 meetings of the zoning board of adjustment in
36 accordance with township ordinance number 78-3.
37 Does that mean people can't smoke at home?

38 MR. WEINER: I was just going to ask the
39 same question.

40 THE CHAIRMAN: And this is also
41 irrelevant. The doors outside the courtroom are the
42 exits to be used in case of an emergency.

43 So please if you can, please rise. Put
44 up the flag if you can, Keith.

45 MR. KIPP: Yup.

46 THE CHAIRMAN: And we'll do the Pledge
47 of Allegiance.

48 (Flag salute)

49 THE CHAIRMAN: Okay. Now after that we
50 have the roll call, so, Aaron, if you could please

1 call the roll.

MR. BLESSING: Yes. Wesam Berjaoui.

2 MR. BERJAOUI: Here.

MR. BLESSING: Mr. Arora.

3 MR. B. ARORA: Yes.

4 MR. BLESSING: Mrs. Papi has recused
herself. Mr. Wynter.

5 THE CHAIRMAN: Ivan, I know you're
there.

6 MR. KIPP: No, he's not muted. He waved
his hand.

MR. BLESSING: Does that count?

7 THE CHAIRMAN: Well, it's video I guess,
but okay.

8 MR. BLESSING: Okay. Mr. Riccobono.

MR. RICCOBONO: Here.

9 MR. BLESSING: Mr. Zuckerman.

MR. ZUCKERMAN: Here. Present.

10 MR. BLESSING: Miss Clarke.

MS. CLARKE: Here.

11 MR. BLESSING: Mr. Santamarina.

MR. SANTAMARINA: Here.

12 MR. BLESSING: Mr. Behal.

MR. BEHAL: Here.

13 MR. BLESSING: Miss Rampolla.

MS. RAMPOLLA: Here.

14 MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Here. Okay. So, are we --

15 MR. KIPP: How about Rob?

THE CHAIRMAN: Who?

16 MR. BLESSING: I got him.

MR. KIPP: Okay. Sorry.

17 THE CHAIRMAN: Thank you, Aaron. We
18 certainly have a quorum, and I want to thank
19 everybody for willing to jump into this new
technology at this time, so appreciate your
cooperation and your willingness to join with us.

20 We have some minutes. There's two sets
of minutes from the 30th of January, and I want to
clarify something before we do this. One of these
21 minutes is at this point still available to the --
would be available to the public. The other one
22 from our closed session is not. If anybody has any
issues with anything that is in the closed session,
23 then we will not take those minutes this evening.
So that was just a clarification. I think if
24 anybody has a question of Jay, you just want to
alert.

25 MR. WEINER: Yeah, the basis for that is
because it's part of an executive session, so the

1 minutes are minutes of the closed session, the
2 executive session, and until the matter -- it's
3 regarding a litigation matter that's pending. Until
4 that matter is resolved, the minutes are closed and
5 unavailable to the public just as the executive
6 session, itself. So if there's a need for
7 discussion, then we would need to reschedule the
8 vote and the hearing and have an executive session
9 at another time to review those minutes; however, if
10 there are no questions regarding them, then we can
11 simply have a -- take a motion as to their approval
12 and then have a vote on it without comment.

13 THE CHAIRMAN: Everybody on the board
14 there understands what we're going through with
15 that?

16 MS. CLARKE: Yes.

17 THE CHAIRMAN: Okay. Do I have a motion
18 for the regular minutes from January 30?

19 MR. RICCOBONO: I make a motion to
20 approve.

21 THE CHAIRMAN: Okay. Thank you, Tony.

22 MS. RAMPOLLA: I'll second.

23 THE CHAIRMAN: We have Christine second.
24 Among those eligible to vote, are there any
25 additions, deletions, corrections, or changes to the
minutes as presented? Hearing none, then if you
can, Aaron, call the roll based on who was present
at the meeting and who's also at our meeting
tonight.

MR. BLESSING: Yes. Mr. Zuckerman.

MR. ZUCKERMAN: Yes.

MR. BLESSING: Mrs. Clarke.

MS. CLARKE: Yes.

MR. BLESSING: Mr. Riccobono.

MR. RICCOBONO: Yes.

MR. BLESSING: Mr. Wynter. We're still
having microphone difficulties.

THE CHAIRMAN: That's a nod.

MR. BLESSING: Nod? Yes?

THE CHAIRMAN: Ivan.

MR. BLESSING: Jay, is that acceptable?

MR. WEINER: I'm sorry, that was a
microphone issue? If he's onscreen, we can ask Ivan
if he can hear us to at least give us -- raise his
hand if it's a yes vote. That's fine. His hand is
raised.

MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mrs. Rampolla.

MS. RAMPOLLA: Yes.

1 MR. BLESSING: Chairman Philips.

2 THE CHAIRMAN: Yes. Okay. Thank you.
3 The minutes are passed. And with regard to the
4 minutes from the closed session, having heard nobody
5 has any questions about it, we can move these
6 tonight, and then when the litigation is over, they
7 can be made public. So I'll listen for a motion on
8 them.

9 MR. RICCOBONO: I'll make the motion for
10 the executive session January 30 meeting.

11 THE CHAIRMAN: Thank you, Tony. Do we
12 have a second?

13 MR. BEHAL: I second it.

14 THE CHAIRMAN: Okay. Thank you, Dinesh.
15 And now again, if you could, Aaron, go through the
16 same people.

17 MR. BLESSING: Right. Mr. Zuckerman.

18 MR. ZUCKERMAN: Yes.

19 MR. BLESSING: Mrs. Clarke.

20 MS. CLARKE: Yes.

21 MR. BLESSING: Mr. Riccobono.

22 MR. RICCOBONO: Yes.

23 MR. BLESSING: Mr. Wynter.

24 MR. WEINER: That's a yes.

25 MR. BLESSING: Mr. Behal.

MR. BEHAL: Yes.

MR. BLESSING: Mrs. Rampolla.

MS. RAMPOLLA: Yes.

MR. BLESSING: Chairman Philips.

THE CHAIRMAN: Yes. Thank you. The
minutes are passed.

Now moving on, we're going to go to new
business. There is an item for discussion.
Hopefully, if David doesn't make this go late into
the night, we'll be able to get to the discussion
item, but first we have two applications tonight. I
want to let everybody know and the people from the
public that application Z-20-05, Rockland National
Development, will not be heard this evening. They
have adjourned it to July 2, and they have to go and
give new notice anyway. So anybody from the public
who may have tuned in to find out about Rockland
National Development, it will not be heard this
evening, and they are going to be renoticing for the
meeting on July 2. So that's where we are with
that.

(Application of Arora & Arora
Enterprise, LLC, attached)

THE CHAIRMAN: Okay. With regard to the
board, I think we can probably have this almost done

1 very quickly. The town has moved almost all the
2 meetings to 7:30. The town council meeting's at
3 7:30, the planning board meeting, the recreational
4 parks advisory, all of the meetings are now moving
5 to 7:30. We are probably one of the last that
6 haven't had a chance because we haven't had any
7 meetings. I will ask the board and poll them.
8 Anybody have a problem if we agree to move it to the
9 7:30 start? I'll ask the board.

MS. CLARKE: No.

MR. WYNTER: No.

MR. SANTAMARINA: No.

MS. RAMPOLLA: No.

THE CHAIRMAN: Everybody is good. So
8 then what will happen -- and I have Loren and Aaron
9 on the phone -- they will make up a resolution that
10 we will approve on the next meeting that allows us
11 to move our meetings to 7:30.

MR. HIMELMAN: Mr. Chairman, if I could
12 just, would that apply to the --

THE CHAIRMAN: No, it's not, because we
13 haven't done it yet, David.

MR. HIMELMAN: No, no, so it wouldn't
14 apply to the July 2 meeting, correct?

THE CHAIRMAN: We'd had to have approved
15 it tonight, and we can't do that.

MR. HIMELMAN: Fair enough.

THE CHAIRMAN: No, that would be for the
16 meeting after the 2nd of July.

MR. HIMELMAN: Fair enough.

MR. WEINER: On July 2, we will have a
17 formal vote, and then if it should pass, we will
18 then vote right thereafter at the same meeting on a
19 resolution so it can go into effect after the July 2
20 meeting.

MR. HIMELMAN: Very good.

MR. BERJAOUI: Now, if we're starting a
21 half hour earlier, does that mean we finish a half
22 hour earlier, as well?

THE CHAIRMAN: Let me tell you, you got
23 that down almost immediately. That's great.

MR. BERJAOUI: You can't assume, so I'm
24 just asking.

THE CHAIRMAN: No, we're not -- that
25 doesn't mean we get to go later. It means we don't
26 get to go later. How's that, okay, Wesam?

All right. Does anybody from the board
27 have any other questions or any other business?
28 Hearing none, I'll listen for a motion.

MR. RICCOBONO: Motion to adjourn.

1 MR. WYNTER: Second.

2 THE CHAIRMAN: Okay, we got five seconds
3 on that one. All in favor? Any opposed? Thank you
4 all very much for working with this first type of
5 meeting with Zoom, and I appreciate all of your
6 attendance.

7 MR. HIMELMAN: Thank you, Mr. Chairman.
8 Good night, all.

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BOARD OF ADJUSTMENT
TOWNSHIP OF EAST BRUNSWICK
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

In the Matter of)
The Application of:) Transcript of
ARORA & ARORA ENTERPRISE, LLC) proceedings
#Z-20-03)
376 State Route 18)
Block 55.02, Lot 6)

Thursday, June 18, 2020
Remote Proceedings via
Zoom Videoconference

BOARD OF ADJUSTMENT

STEVE PHILIPS, Chairman
VICTOR SANTAMARINA
ANTHONY RICCOBONO
IVAN WYNTER
WESAM BERJAOUI
CHRISTINE RAMPOLLA
DINESH BEHAL
JULIE CLARKE
ROB ZUCKERMAN

LOREN MORACE, Recording Clerk
AARON BLESSING, Zoning Assistant
JASON CLINE, Township Engineer
KEITH KIPP, Director of
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5 DAVID B. HIMELMAN, ESQUIRE,
6 Attorney for the APPLICANT

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1 THE CHAIRMAN: Next we have application
2 Z-20-03, Arora & Arora Enterprises. Mr. Weiner, I
3 will start off by asking you.

4 MR. WEINER: Yes, Mr. Philips. I have
5 an opportunity to -- I've had an opportunity to
6 review the notice proofs supplied to me by counsel
7 for the applicant. Everything is in order, and the
8 board has jurisdiction to hear this application and
9 take action.

10 THE CHAIRMAN: Thank you. Okay. With
11 that having gone through formal business, good
12 evening, Mr. Himelman.

13 MR. HIMELMAN: Good evening, Mr.
14 Chairman. How are you?

15 THE CHAIRMAN: I'm fine. How are you?

16 MR. HIMELMAN: Mr. Chairman, members of
17 the board, first I just want to thank the board,
18 yourself, and staff for putting this virtual meeting
19 together. I know that this is unusual times, but
20 the applicant does appreciate that very much and
21 hopefully won't have many glitches in the technology
22 as we proceed, but the applicant does appreciate
23 that.

24 As I indicated, my name is David
25 Himelman. I am the attorney for the application,

1 Arora & Arora Enterprises, Inc. Mr. Weiner, thank
2 you for confirming jurisdiction and legal service.

3 By way of background, I know the board's
4 generally familiar with this application, but for
5 the record, the applicant is the owner of the
6 property known and designated as block 55.02, lot 6
7 and 23, located at 376 State Highway Route 18 in
8 East Brunswick. The property consists of
9 approximately 9. -- 0963 acres of property, which
10 includes lot 6, which houses the Midas Auto
11 facility, and the rear lot, lot 23. Both are
12 located in the Highway Commercial-2 zone of the
13 township.

14 As you know from the staff report and
15 for those of you who were on the board then, the
16 applicant had previously obtained use variance and
17 site plan approval on May 21, 2015, from the board,
18 and that was to construct the preowned auto sales
19 lot on the rear lot. The relief sought tonight is
20 really also an expansion of a prior nonconforming
21 use as the proposed use of the auto repair and
22 painting is not permitted in the zone. As you know
23 from the plans, the applicant proposes to modify the
24 prior approval by constructing an approximately
25 1,820-square-foot building addition to accommodate

1 the auto repair and painting. Within the new
2 building, itself, there will be additional bays for
3 the auto repair and a separate paint booth. As
4 you'll hear from the testimony of the applicant, the
5 paint booth will be a state-of-the-art unit and will
6 have a down-draft air flow and control process that
7 will ensure that there's no negative impact to air
8 quality or the environment in general.

9 The applicant previously obtained, as I
10 indicated, use variance and site plan approval from
11 the board since at the time and currently preowned
12 auto car sales use is not permitted in the HC-2 zone
13 district. The applicant believes that the proposed
14 building addition for the auto repair and painting
15 are further justified as it is particularly suitable
16 for this use, and you will hear testimony from our
17 engineer and planner on that issue. You'll also
18 hear from the applicant that the proposed use is
19 really complementary to the Midas operation, which
20 is housed right now in the Midas Auto facility on
21 the property, and as you'll hear from the
22 applicant's experts, it's not -- this use is not
23 anticipated to generate any additional traffic and
24 thus do not believe will create any detriment to the
25 surrounding area.

1 Many of the permitted uses in the zone
2 cannot be accommodated on the site due to the lot
3 area limitations and parking requirements. The
4 applicant's planner will testify in support of the
5 application that some of the -- that some of the
6 existing customers of the applicant at Midas seek
7 really to sell their automobiles after being
8 repaired, and many customers would like to have
9 those vehicles painted. Currently right now, the
10 applicant is outsourcing that and would like to
11 bring that over to this facility.

12 The applicant you'll hear from its
13 planner believes that the commercial use proposed
14 will be a general benefit to the public in general
15 of the community, and as you know from the staff
16 report, the bulk variances sought for this
17 application are all existing nonconformity with the
18 exception of a variance related to the minimum
19 requirements for side yard setback. Based on the
20 foregoing, the applicant believes and contends that
21 the use variance and modification of the site plan
22 approval can be granted for special reasons since
23 the property is particularly suitable for the
24 proposed use, and thus, the use promotes the public
25 good, and you will hear -- you will hear that

1 justification also from our planner.

2 Mr. Chairman, we have four witnesses
3 this evening. The first is Mr. Paul Arora, who is a
4 representative of the applicant who will testify on
5 the proposed expansion use, address the operational
6 questions such as the proposed work to be performed
7 within the new building, hours of operation,
8 proposed employee counts, and the impact to the
9 parking among other items. Then we'll have Marc
10 Leber, who hopefully will be joining us in a few
11 minutes, who's our licensed professional engineer
12 and planner. He will testify on the proposed site
13 plan modification, including the proposed
14 improvements, the impact on existing parking and
15 on-site circulation, compliance with ADA
16 requirements among other items, and, of course, the
17 justifications for the variance relief sought. Next
18 we'll have our environmental consultant, John
19 Beaupre, who will testify on the proposed paint
20 booth, the equipment, and the air permitting
21 requirements for that. And finally, last but
22 certainly not least, Irwin Feifer, our architect,
23 who will testify on the proposed design feature of
24 the proposed building addition, including the
25 elevation and plans.

1 With that summary, Mr. Chairman, if the
2 board doesn't have any questions, or the staff, we
3 can proceed with our first witness.

4 MR. RICCOBONO: I just have one question
5 for staff. I wanted to ask if they abided by
6 everything we asked for the last time when we
7 approved the last time. Was everything done on the
8 site that had to be done? Keith, would you know?

9 MR. KIPP: Yeah, the improvements were
10 made to the parking lot. Everything that was -- he
11 was supposed to do pretty much was done, yes.

12 THE CHAIRMAN: David.

13 MR. HIMELMAN: Yes.

14 THE CHAIRMAN: Two -- the question from
15 Tony, do you have with you the resolution as was
16 passed 5 years ago? Do you happen to have it?

17 MR. HIMELMAN: I can get it if need be.

18 THE CHAIRMAN: Yeah, I'm going to ask
19 you to get it if you can.

20 MR. HIMELMAN: Okay. I would need to --
21 yeah, I would need to -- do you want it now, Mr.
22 Chairman, or --

23 THE CHAIRMAN: Well, I have it. I asked
24 for it before the meeting, and so I'd like to have
25 you go through it because I think Tony's point is

1 well made. It might have an influence or at least
2 it might be needed to reference when your witnesses
3 now tell us about what they plan to do and just a
4 clarification as to what I found when I was at the
5 site today.

6 MR. HIMELMAN: Okay.

7 MS. MORACE: Mr. Himelman, would you
8 like me to e-mail you a copy now?

9 MR. HIMELMAN: Yeah, that would be
10 great.

11 MS. MORACE: Okay.

12 MR. CLINE: Mr. Philips, I also went by
13 the property earlier today when I left the office.
14 Actually, comparing the rear of the property as it
15 exists now to where the level of like blighted and
16 dilapidated it was when they came before the board
17 last time, it was a significant improvement. One
18 section of fence down right now, but generally, it's
19 much better aesthetically in the back.

20 THE CHAIRMAN: Well, Jason, I think that
21 was our intention.

22 MR. CLINE: Yeah.

23 THE CHAIRMAN: The fact that it's much
24 better now is not due to their magnanimous desire to
25 make it look better. It's because that's how the

1 board approached it last time. Very specific about
2 a number of items, wanted to make sure that it
3 didn't turn potentially into some different type of
4 blight on Route 18. So, yes, I agree that it's
5 better, but that was the board's intent back then,
6 and the question is whether or not the letter of the
7 law or the intent of the board was met.

8 MR. HIMELMAN: Loren, did you send that
9 over?

10 MR. BLESSING: Working on it.

11 MR. HIMELMAN: Okay.

12 THE CHAIRMAN: Because I think it's only
13 fair, David, if you go through this with me as we --
14 just to get some clarification now --

15 MR. HIMELMAN: Sure.

16 THE CHAIRMAN: -- before your witnesses
17 tell us things and your assurance that everything
18 was done, and I could very well be corrected, but
19 right now it does not -- there were a lot of things
20 that appeared to me to be different than what was
21 presented in testimony what was expected.

22 MS. MORACE: David, I just e-mailed it.

23 MR. HIMELMAN: Okay. Great. Thank you.

24 MS. MORACE: You're welcome.

25 MR. HIMELMAN: Give it a minute. I

1 haven't gotten it yet.

2 THE CHAIRMAN: Okay.

3 MR. HIMELMAN: Okay, I got it.

4 THE CHAIRMAN: Okay, so if you can -- on
5 the resolution, I guess you can start -- and I
6 apologize to the members of the board. I'll try to
7 help as much as I can reviewing what I'm looking at
8 so that it's informationally important to you, as
9 well.

10 MR. HIMELMAN: Okay.

11 THE CHAIRMAN: Okay, so go to page 3.

12 MR. HIMELMAN: Okay. Hold on. I'm just
13 opening it. Yes, page 3, okay.

14 THE CHAIRMAN: Okay. Number 12.

15 MR. HIMELMAN: Yes.

16 THE CHAIRMAN: Okay. Arora indicated
17 that the maximum number of cars for sale would be 5
18 to 10.

19 MR. HIMELMAN: Right. I see that.

20 THE CHAIRMAN: Five to 10. Is that what
21 it says there?

22 MR. HIMELMAN: That's what it says.

23 THE CHAIRMAN: Okay. Do you know how
24 many cars were on today when I went there?

25 MR. HIMELMAN: No, not currently, no.

1 THE CHAIRMAN: Okay, 35 plus a
2 motorcycle, which by the way was parked in
3 handicapped spot along with two other cars.

4 MR. CLINE: You took the words out of my
5 mouth on the handicapped spot, Mr. Chairman.

6 THE CHAIRMAN: Well, in addition to
7 that, they saw the lines in the parking lot as just
8 advisement. The only person moving cars in and out
9 of there is them, and none of those cars were
10 ultimately in a parking spot. They might have added
11 one or two more spots by putting the cars the way
12 they did because they were all over the place
13 against the lines on the ground. So that concerned
14 me.

15 MR. HIMELMAN: I understand.

16 THE CHAIRMAN: Five or 10 is not 35 plus
17 a motorcycle. So that's the first thing. As I
18 drove in, there was a banner sign tied onto the
19 front fence that they put in. You know that that's
20 okay? I mean, Cars for Sale is what it said.

21 MR. HIMELMAN: On the -- in the rear.

22 THE CHAIRMAN: On the -- as you go
23 towards the fence there, it was a banner sign that
24 people hold up, you know, Sale Today or whatever,
25 but I believe that it's not permanent because -- but

1 it is permanent because it's up, and I think even
2 that sign needs a permit. Do you know if he has a
3 permit to put that up?

4 MR. HIMELMAN: I don't know. We'd have
5 to ask the applicant.

6 THE CHAIRMAN: Okay, so that was another
7 item. Could you read number 15 and starting it.

8 MR. HIMELMAN: Well, Mr. Chairman, can I
9 just go back. I mean, I think what might be helpful
10 -- and I understand why you're doing this exercise.
11 I mean, the applicant is obviously here, Mr. Arora.
12 I understand that with regard to the number of cars
13 that he would have for sale, some of those cars that
14 are in the rear may not be cars for sale. They
15 could be cars that are dealing with the Midas
16 operation. So I --

17 THE CHAIRMAN: David, you know, they all
18 had the license plates taken off, and a large number
19 of them had, you know, items in the windows with
20 those stickers talking about what the cars are.

21 MR. HIMELMAN: I understand.

22 THE CHAIRMAN: Let's be fair here.

23 MR. HIMELMAN: No, I understand.

24 THE CHAIRMAN: This is what we were
25 concerned about 5 years ago that would change the

1 nature of what they were asking for versus what
2 happened, okay.

3 MR. HIMELMAN: I understand.

4 THE CHAIRMAN: So then you go to number
5 15, and maybe there's something that can be a light
6 shined on that, as well, and fine. The applicant
7 did not propose restrooms for the building in which
8 he will be conducting the new business. There's a
9 bathroom in there. You can see it. It even -- the
10 HDA signs, you know, it has the correct signs in
11 there, but did he get -- did he come back to the
12 board for this? Did he get an approval from the
13 town? This is why I'm asking, David, okay, not
14 because of anything else, but because --

15 MR. HIMELMAN: I understand.

16 THE CHAIRMAN: -- what was represented
17 from 5 years ago does not appear to be -- now, it
18 may be the cases he's got the okay from the town to
19 put in restroom, and that's fine, but it's just one
20 of the others items that I passed by and saw.

21 MR. HIMELMAN: Okay.

22 MR. KIPP: If I may, Steve, I do believe
23 he came back to Debbie at the time and did get an
24 approval on that.

25 THE CHAIRMAN: Okay, and that's why I

1 posed it that way. I don't think he got approval to
2 put 35 cars in there.

3 MR. KIPP: No.

4 THE CHAIRMAN: Okay. On safety measure,
5 he's got a gasoline can sitting outside and with a
6 starter mechanism for cars that won't start, you
7 know, it's a charger to start them, and he's got a
8 loose gasoline cans sitting outside right in front
9 of that building, so I don't think that's a good
10 thing, either.

11 All right, so then we go to -- well,
12 number 23 says no sewer and water would be
13 connected. Obviously, that's not the case.

14 There's a whole bunch of dead trees.

15 Number 29, the applicant shall remove a
16 storage container, and he's got it set up to put in
17 a, you know, in the containerized area, but there's
18 a second container there that's nowhere near inside
19 that enclosure. Maybe we can get some testimony as
20 to why he has two containers -- two dumpsters in a
21 spot where only one fits in so the rest of the other
22 one's outside of the dumpster enclosure.

23 MR. HIMELMAN: Okay.

24 THE CHAIRMAN: So I drove over there,
25 David, just to see what was going on.

1 MR. HIMELMAN: Fair enough.

2 THE CHAIRMAN: I don't know what you'd
3 want me to tell you, but I think your applicant -- I
4 see Paul Arora is here.

5 MR. HIMELMAN: Yes.

6 THE CHAIRMAN: When he came before us,
7 you know, he was forthright, told us what he wanted.
8 He's coming before us again to ask us something. I
9 think the board always likes to see businesses doing
10 better in town and to improve, so on the surface of
11 it, that's not the issue here. I mean, there's
12 testimony. We'll see where it goes. But when it
13 comes to making presentations and representations
14 before the board and then there are glaring changes
15 and differences from what was agreed to and what
16 happened, I'm troubled by that.

17 MR. HIMELMAN: I understand. Well, I
18 think, Mr. Chairman, I understand your points. All
19 I can say is that I think we'll -- let's give the
20 applicant an opportunity to respond. Like Keith
21 indicated, there were I think permits that Mr. Arora
22 did obtain, and as far as your issues about the
23 number of vehicles on the site, I understand the
24 concern, and I think in all fairness, we ought to
25 let Mr. Arora address that among the other points

1 you raised from the prior resolution.

2 THE CHAIRMAN: Okay, and again, I
3 apologize for interrupting your presentation, but --

4 MR. HIMELMAN: That's fine.

5 THE CHAIRMAN: -- have the same people
6 give us testimony that I want to make sure that they
7 understand the testimony can -- needs to be sent
8 forthright to us with an intention to be correct and
9 accurate.

10 MR. HIMELMAN: I don't disagree.

11 THE CHAIRMAN: Okay. Thank you for
12 indulging me, and apologize for interrupting your
13 presentation.

14 MR. HIMELMAN: No, no apologies needed.
15 With that, Mr. Chairman, I guess we will proceed
16 with Mr. Arora, who I see is on, and I guess we
17 would need to have him sworn in, and then I can
18 begin my questions. Can you see him Mr. --

19 Paul, can you hear us?

20 MR. B. ARORA: Yes, sir.

21 MR. HIMELMAN: Okay. Just make sure you
22 speak into the -- speak into your microphone so that
23 your testimony is clear.

24

25 B I K R A M A R O R A, sworn.

1 DIRECT EXAMINATION BY MR. HIMELMAN:

2 THE CHAIRMAN: Okay. Please state your
3 name and address for the record.

4 THE WITNESS: My first name is Bikram,
5 B-i-k-r-a-m, and my last name is Arora, A-r-o-r-a,
6 and my home address is 8 Strawberry Lane, Monroe,
7 New Jersey, 08831.

8 THE CHAIRMAN: Okay, and then if you
9 could, would you identify him for the members who
10 were not on the board 5 years ago as what
11 Mr. Arora's position is with this company and how
12 he's part of this application.

13 MR. HIMELMAN: I was going to ask that,
14 Mr. Chairman, thank you.

15 Q. Good evening, Mr. Arora. Again, just
16 make sure you speak clearly into your microphone.

17 As the Chairman indicated, can you
18 briefly state your affiliation to the applicant and
19 your responsibility on behalf of the applicant.
20 Thank you.

21 A. I'm the shareholder.

22 Q. What was that?

23 A. I'm a shareholder of Arora & Arora
24 Enterprise, Inc.

25 Q. And basically, you are responsible for

1 running the day-to-day under that company, correct?

2 A. That is correct, I'm the president, the
3 secretary.

4 MR. HIMELMAN: Make sure you speak up
5 because we need to be able to hear you.

6 MR. WEINER: Mr. Himelman.

7 MR. HIMELMAN: Yeah.

8 MR. WEINER: Mr. Himelman, before you
9 continue -- and I apologize for the interruption --
10 I just want to clarify. Mr. Arora was introduced as
11 Paul, and he gave his name as Bikram.

12 MR. HIMELMAN: Right.

13 MR. WEINER: I just want to clarify the
14 record. He's one and the same person known by both
15 names. If that is accurate, if he can maybe just
16 address that quickly.

17 MR. HIMELMAN: That's my understanding,
18 but, Mr. Arora, could you address that.

19 THE WITNESS: Yes. My middle name used
20 to be Paul, but I took that off, and I go by the --
21 my legal name is Bikram Arora.

22 MR. WEINER: Thank you.

23 MR. HIMELMAN: Thank you, Mr. Weiner.

24 Q. Mr. Arora, so my understanding is that
25 the applicant entity owns the property which houses

1 the Midas facility and the used car sales lot; is
2 that correct?

3 A. Yes.

4 Q. Okay. How long has the entity, the
5 applicant owned the -- and operated the business at
6 the property?

7 A. Twenty plus years.

8 Q. Okay. Could you briefly explain for us
9 the relief you're seeking before the board,
10 particularly as it relates to the proposed
11 expansion.

12 A. Yeah. Basically, I'm just proposing an
13 additional 1,800 square feet to the existing
14 building of Midas. I've been in this location 20
15 plus years as a part of the East Brunswick
16 community. Originally, when I started this
17 business, this business was booming, thriving. We
18 used to average about 30 to 35 cars a day in our
19 business. Once the 2007 financial crisis hit,
20 people got laid off. Lot of people were unemployed.
21 The business started going to downhill, and then the
22 administration proposed cash for clunkers in 2009
23 basically for 2 years. You turn your cars in and
24 you get \$5,000 that will be a down payment, and, you
25 know, you get a new car. That made my business

1 going downhill more at that time. And after that,
2 the new emission laws were proposed, which had
3 longer warranties from the dealer, and after-market
4 business started getting depleting day by day with
5 the new laws.

6 Back in the days, our main business used
7 to be exhaust, brakes. Basically, that business has
8 been depleting day by day and now with this pandemic
9 basically shut down for months and months, and I
10 think that it is going to like maybe in 2023 that
11 business get normal.

12 My business has been depleted already
13 one-third what I used to -- what was a normal
14 industry level in the (audio distortion) so I'm just
15 seeking an addition so I can diversify my existing
16 auto repair business and auto body business so I can
17 diversify myself, and this way I won't have to lay
18 off my employees and I don't get wiped out of the
19 business. Being 20 plus years a part of this
20 community, I know that East Brunswick is a very
21 friendly township. They promote small businesses.
22 So I'm just proposing to diversify so that I can
23 stay in business and don't have to lay off anybody.

24 MR. RICCOBONO: Excuse me. Did
25 misunderstand? The automotive business hasn't been

1 shut down, the auto repair business.

2 THE WITNESS: (Audio distortion) nobody
3 comes. We are open.

4 MR. RICCOBONO: Right.

5 THE WITNESS: But nobody comes for
6 service. From last 15, 20 days we have started
7 seeing people coming to the shop because they're
8 getting the cars back on the road for the general
9 checkups, but since the shutdown, basically, we just
10 came in and shut down.

11 Q. Mr. Arora, if I could ask you a couple
12 of questions about your testimony. With regard to
13 you indicated that you would like to incorporate,
14 you know, auto -- major auto repairs and painting.
15 Currently, though, what does your -- what does the
16 Midas operation entail in terms of repairs?

17 A. Basically, we do all kind of general
18 auto repairs that needs to be performed on the
19 automobiles, but in order to do the painting work
20 and to do the major framework, you need a license
21 from the State of New Jersey which is separate than
22 the other work, which I currently don't have, and I
23 cannot perform that major work because I just don't
24 have a license, and I have to outsource that work to
25 the other auto body facility, which I can -- which

1 my employees are capable of doing that work, and I
2 can utilize at least two of my employees to do that
3 work and have additional revenues to stay in
4 business.

5 Q. Very good. Okay. If I could just
6 digress for a couple minutes, I want to -- you heard
7 the discussion the Chairman raising the prior
8 approval and some of the conditions. Do you recall
9 hearing that discussion earlier this evening?

10 A. That's very good questions, very good --

11 Q. Let me just ask a couple questions. So
12 the Chairman referred to the prior resolution of
13 approval, and he's correct referring to item 12 in
14 that resolution where it says that the maximum
15 number of cars for sale would be 5 to 10. Do you
16 recall that?

17 A. Yes, I definitely recall that. I
18 mention at that time when I will ask that what will
19 the anticipated cars that you will have for sale at
20 the back, and I said in front of board members that
21 5 to 10 cars will be my projection to have in the
22 back, but like I also said in the application of --
23 in 2015 when I come in front of board members that
24 my business is not a used car lot business. My
25 business is auto repair business, and the reason why

1 I was seeking an approval is because, again, because
2 of my clientele, like if somebody don't want to
3 repair the car because the repairs are X number of
4 dollars and I don't want to put that money into the
5 car and I rather junk it, and like I say, because of
6 my struggles since 2007, I always find a way to be
7 diversified so that I can do something, and I
8 mentioned in front of the board members and I
9 mention in the meeting with you is we repair that
10 car in a down time. We buy that car from the
11 customer. We repair that in a down time, and in our
12 existing circle of customers, like if somebody
13 daughter, son turns 17 years old, they want to have
14 first car, don't want to spend too much money,
15 that's our main customers to sell the cars.
16 Typically, November and December, which is the
17 holiday season, it's not a good season that people
18 buy cars, and then the COVID hit. We did -- we
19 cannot say to our customers that I'm not going to
20 buy car. I don't have 35 cars in last 2 years. I
21 got into the situation because of the pandemic and
22 the slowdown in the economy. Whenever I used to
23 have cars, like every car that sits in the lot in
24 every shade every single day by day. I used to send
25 these cars to the auction to sell them. The reason

1 why I got a legal license to have a used car license
2 because when we have cars and we don't want to deal,
3 we don't want to put in the back lot, we sent them
4 to the auction. The auction has been shut down
5 since like end of February, that time, but people
6 still come to the shop, and they drop the, car, hey,
7 I just bought a car, I need to leave this car with
8 you.

9 So I apologize. This is not our
10 standard behavior. We do not -- this is not a full
11 run used car facility. I don't even have a sign on
12 my actual building that say that I'm a used car
13 dealer. But with this pandemic, I have cars over
14 there. I cannot send them to the auction. Nothing
15 is normal, and I cannot tell the customers now I
16 stop buying the car. This is unusual condition.
17 This has not been happening since I got the
18 approval, or you don't see my signs from the highway
19 or fliers on my building that I'm a used car dealer.

20 Q. So I think -- I appreciate your
21 testimony. I think what the chairman was alluding
22 to was that, you know, there was a representation
23 made by you at the 2015 hearing on that application,
24 and, you know, with regard to the maximum number of
25 cars that would be for sale. Are you saying that

1 from the time from 2015 to most recently generally
2 you were complying with that provision, but because
3 of the recent pandemic you've had to make some
4 adjustments in your operations and you have cars
5 there temporarily beyond what you normally have. Is
6 that what you're saying?

7 A. That is hundred percent correct.

8 Q. Okay.

9 THE CHAIRMAN: What's Maruti Auto Sales?
10 What's that?

11 THE WITNESS: That's the one that you
12 approved me.

13 THE CHAIRMAN: Okay, because that
14 company has a sign directly below yours on the
15 street sign out onto Route 18.

16 THE WITNESS: Yes. When Debbie was in
17 charge of the township, that sign -- I don't know
18 how you recall. There used to be a sign for
19 Gibraltar Auto Repair. Debbie has asked me to put a
20 sign on the building, and that time I say that will
21 be an extra expense on me. I don't need a sign on
22 the building. I'm not a used car dealer. But she
23 said that 4-by-6, that sign, that needs to be
24 filled, and I put that sign over there, yes. That
25 is a part of the resolution that sign have to be

1 there, and it was approved by the township and
2 inspected by the township.

3 THE CHAIRMAN: Well, and again, I don't
4 want to get into the weeds, but your testimony a
5 little while ago was you don't have a sign.

6 THE WITNESS: Yeah, not on my building.
7 I don't have a sign on the building. You guys
8 offered me to put a sign on the building.

9 THE CHAIRMAN: David, I'm not sure how I
10 can respond to that.

11 Q. Well, Mr. Arora, you're indicating that
12 there's a sign on the building, correct?

13 A. No, the building at the rear of the
14 parking lot of my --

15 Q. Right.

16 A. The sign that Mr. Chairman is asking is
17 on the highway where the Midas oval sign is.

18 Q. Right.

19 A. Underneath.

20 Q. I understand that.

21 A. At that time, I was given an option to
22 have a sign on the building and a sign in the front,
23 and I have another sign that is dedicated to me
24 which is in the shared CVS driveway with Midas
25 driveway as a third. I don't even have a sign over

1 there.

2 Q. Well, did you obtain a permit for that
3 sign?

4 A. Yes, sir, I did, and I have an approval.

5 Q. And that would have been after the 2015
6 approval you got that sign permit?

7 A. Yes, sir.

8 Q. All right.

9 THE CHAIRMAN: David, I'm sorry. Which
10 sign, because I'm not talking about the banner sign
11 on the fence. We're talking about the one that's on
12 the -- that he's got out on the monument out in
13 front of the place.

14 THE WITNESS: Yes, sir.

15 THE CHAIRMAN: That's where Maruti's is.

16 THE WITNESS: That was a part of the
17 plan.

18 THE CHAIRMAN: Yes.

19 THE WITNESS: When I -- my architect, my
20 engineer sent you the plan, that plan -- that sign
21 was showed there.

22 MR. HIMELMAN: Yeah, that -- Mr.
23 Chairman, I believe that sign was part of the prior
24 approval.

25 THE CHAIRMAN: It was.

1 MR. HIMELMAN: Yeah.

2 THE CHAIRMAN: But he said -- his
3 testimony a few minutes ago was that he didn't have
4 a sign.

5 THE WITNESS: On the building.

6 MR. HIMELMAN: Oh, I think, Mr.
7 Chairman, the confusion -- I think he was confused.
8 I think you were talking about the building in the
9 rear.

10 THE CHAIRMAN: Yes, but he's got
11 something on the fence that I think requires a
12 permit. You can't put a banner sign up, either.

13 MR. HIMELMAN: I understand.

14 MR. CLINE: Chairman, paragraph 14 in
15 the previous resolution. The applicant plans to
16 place a sign for his business underneath the Midas
17 sign. At the hearing, the applicant amended his
18 application to seek the proper variances for the
19 sign. The sign meets all setback and height
20 requirements. There will not be a sign on the
21 office building.

22 THE WITNESS: Yes, I propose that I
23 don't want that sign. I was --

24 MR. CLINE: I have a picture of the
25 Google Maps view of the front of the property as my

1 background right now just for the board's
2 information, and I'm actually rotating through
3 several of the pictures I took of the site
4 conditions when I went there today. I've been
5 rotating through a number of those for the board
6 members' benefit.

7 THE CHAIRMAN: Jason, that sign, itself,
8 is not an issue here.

9 MR. CLINE: Right.

10 THE CHAIRMAN: I remember approving that
11 sign. I remember saying yes to it and allowing
12 that.

13 If you could go to the left -- no, it's
14 right there, Used Cars, that banner sign there.

15 MR. CLINE: Yeah.

16 MR. KIPP: That's not approved, Steve.
17 You're correct in that. There's no approval for
18 that.

19 MR. CLINE: It's also the second
20 dumpster that Mr. Philips referenced earlier is
21 visible in this picture.

22 THE WITNESS: Yes. Can I -- the
23 question have to be directed by Mr. Himelman, or can
24 I address you with the --

25 Q. Why don't you address the issue of the

1 sign that the chairman's referring to and the
2 picture as depicted.

3 A. I was not aware of that I need a permit.
4 I'm sorry. I'm not that educated that purpose that
5 I need a permit to get that sign on. So basically I
6 differentiate that this is a used car parking lot,
7 so if you need a Midas service, you park the car up
8 front. This is lot in the back.

9 THE CHAIRMAN: Nobody --

10 THE WITNESS: Recycling -- okay.

11 THE CHAIRMAN: Nobody is, you know,
12 disagreeing with why you might want it.

13 THE WITNESS: Like I say, I apologize
14 from bottom of my heart. I am not that educated. I
15 didn't know that permit required to put a plastic
16 sign. If you see in front of the Midas building, we
17 or any repair business across the street -- we got
18 about 48 shops in 5 miles. Everybody have that
19 signs. I have that in front of Midas space, brakes
20 exhaust, mufflers, all that stuff. You go across
21 the street --

22 Q. Mr. Arora, let me ask you this question.

23 A. I was not aware of that I need a permit.

24 Q. No, we understand that. Let me ask you
25 this question. Should the board request as part of

1 -- should they act favorably upon this application,
2 either A, would you agree to get a permit for that
3 or in the interim remove the sign and then apply for
4 a permit?

5 A. I will do everything lawfully that needs
6 to be done to operate my facility. If I am in any
7 kind of a violation, first of all, I humbly
8 apologize to everybody, and whatever needs to be
9 corrected, that will be corrected before I leave
10 tonight from this facility.

11 Q. Fair enough. Okay. Paul, make sure you
12 speak up. Okay.

13 MR. HIMELMAN: Mr. Chairman, I did want
14 to ask Mr. Arora about the issue you raised about
15 the additional bathrooms in the building.

16 THE CHAIRMAN: I think that Keith --

17 MR. WEINER: Mr. Himelman, before we
18 jump to that --

19 MR. HIMELMAN: Yeah.

20 MR. WEINER: -- I just want to make sure
21 what you and your client, the applicant, has just
22 indicated is that should the board view favorably on
23 this application, you would agree to a condition
24 that the sign on the fence be removed --

25 THE WITNESS: Yes.

1 MR. WEINER: -- and the applicant would
2 apply for a permit and not put it back unless and
3 until a permit is granted.

4 MR. HIMELMAN: That's correct, yes.

5 MR. WEINER: Okay.

6 MR. HIMELMAN: Thank you, Mr. Weiner,
7 for that.

8 MR. RICCOBONO: Why wouldn't we make
9 that part of this variance?

10 MR. WEINER: I think that's what I just
11 said, that if the board should move favorably on
12 this variance, that would be a condition of this
13 approval.

14 MR. RICCOBONO: Okay, so we're going to
15 make it part of the variance.

16 MR. WEINER: Have to apply for a permit.

17 MR. RICCOBONO: Okay.

18 MR. HIMELMAN: Correct. Thank you, Mr. --

19 MR. WEINER: If it doesn't comply with
20 what the ordinance permits for there, then he would
21 need a second variance for it, but he has to go
22 through the permitting process first, the
23 application.

24 MR. RICCOBONO: Right. Okay.

25 MR. BLESSING: If I may, please, I would

1 just like to make note of something that's in our
2 zoning chapter specifically regarding the zoning,
3 the chapter for the sign ordinance. There is a
4 section 228-253, which is specifically the listing
5 of prohibited signs. That does, in fact, include
6 under section M, as in Mike, signs placed on trees,
7 fences, and so on. So such an application for a
8 permit would, in fact, not be approved. It would,
9 in fact, require another variance if the applicant
10 wished to have a sign mounted on the fence.

11 THE WITNESS: That sign will be removed
12 as of tonight. I don't need that sign. That sign
13 will be removed from that fence.

14 MR. WEINER: If that's the case, then I
15 will remove the potential condition if the board
16 should move on this that the sign on the fence will
17 be removed, period.

18 MR. HIMELMAN: Very good.

19 MR. WEINER: Mr. Himelman.

20 MR. HIMELMAN: Yeah, thank you.

21 Q. Mr. Arora, can you hear me?

22 A. Yes. You wanted --

23 Q. Hold on. Hold on a minute.

24 MR. HIMELMAN: Mr. Chairman, I do recall
25 as I was looking through this resolution that I, in

1 fact, had a discussion with Miss Rainwater at the
2 time that Mr. Arora was thinking about putting an
3 additional bathroom in that building, and I believe
4 I directed Mr. Arora to speak to Miss Rainwater to
5 see whether or not that was be permissible and what
6 would be required. So --

7 THE CHAIRMAN: I think Mr. Kipp has
8 indicated that they did go through the proper
9 procedures in order to put the bathroom in there.
10 So I was not aware of that, and that's why that is
11 one line item that we don't have to talk about at
12 this time.

13 MR. HIMELMAN: Fair enough. Fair
14 enough.

15 THE WITNESS: Can I address that issue?
16 Originally when I came to the variance, in order to
17 put my office, what we proposed was a trailer, and
18 because of the proposed trailer, there was no
19 bathroom that we pressed at that time. When I got
20 the trailer at the site, it looked very bad image
21 for my own look. Then if it's not acceptable to me,
22 I know it's not acceptable to the town, and I took
23 that pictures to Debbie, and I said that I would
24 like to put a regular office there, and I went
25 through all the approvals to get the office for the

1 size that was proposed of the trailer, and that
2 bathroom and the drainage and the easement for the
3 sewer was properly filed and approved by the sewer
4 department, construction department, and all the
5 people, township officials. I do have all the
6 approvals. I do have an approval for the facility
7 in the back, and matter of fact, I failed inspection
8 during that time for that bathroom because when they
9 measured the -- according to the plans, the vanity
10 that -- the wash vanity that was proposed and my
11 contractor had put in did not match. So, yes, I
12 went through proper all procedures and approvals to
13 obtain, and I do have an approval.

14 Q. Thank you. Yeah, I think Mr. Kipp did
15 confirm that, so I think we can move on from that.
16 Thank you, Mr. Arora.

17 Just to address some of the questions
18 that the staff have, if I can take you through some
19 of the operational issues.

20 MR. RICCOBONO: The additional
21 receptacle.

22 MR. HIMELMAN: I couldn't hear that.

23 MR. RICCOBONO: The additional
24 receptacle that the chairman brought up.

25 MR. HIMELMAN: Fair enough.

1 Q. Mr. Arora.

2 A. Yes.

3 Q. Can you address that issue, please.

4 A. I'm extremely very sorry. I don't
5 understand the question.

6 Q. The chairman was talking about --

7 MR. HIMELMAN: Go ahead, Mr. Chairman,
8 you can --

9 THE CHAIRMAN: If you take a look at the
10 picture of Jason Cline and if you look behind him,
11 that's your enclosure that you built to township
12 standards, and you've put your dumpster in that
13 enclosure, you see that? Mr. Arora? Okay. You
14 notice that there's another dumpster next to it?

15 THE WITNESS: Yes.

16 THE CHAIRMAN: Okay. That was (audio
17 distortion) belong there?

18 THE WITNESS: No. That is temporarily
19 over there that we got from Standard Waste. We used
20 to drop -- as auto repair facility we did not have
21 too much recycling that got accumulated in our
22 building. During this pandemic when everything got
23 shut down, I used to have cans in the office
24 designated area where customers comes and sit and
25 one outside for my employees to have the recycling

1 cans and whatever is recycle, and I used to take it
2 on Dunhams Corner Road, by Dunhams Corner Road to
3 drop it off at the facility, but with this pandemic,
4 everything got shut down, and there is no normal
5 hours, there is no contact. I got that dumpster,
6 and as soon as everything goes to normal that -- we
7 don't need that dumpster. It's of no use. It's
8 costing me money every day being over there.

9 THE CHAIRMAN: Okay.

10 Q. All right, so --

11 THE CHAIRMAN: We need to address that,
12 David, you know, as far as how that's going to be
13 handled because while we don't know when this
14 situation is going to ease up enough, I think that
15 the township dump is open two days a week for extra
16 hours so --

17 MR. RICCOBONO: I think that's been
18 expanded.

19 MR. KIPP: The recycling center is open
20 full-time Monday through Friday, including Saturday.

21 MR. HIMELMAN: Mr. Chairman, I think
22 you're correct, and perhaps one of the -- I'll ask
23 Mr. Arora.

24 Q. Would you agree as a condition of --
25 should the board act favorably upon this application

1 to remove that additional dumpster within, you know,
2 say 30 days?

3 A. Yes, I will remove that dumpster within
4 30 days. Recycling dumpster will be removed.

5 Q. Fair enough.

6 MR. WEINER: Let me address that with
7 the chairman and any of the members of the board.
8 In the event the board should consider moving
9 favorably on this application, would that be
10 acceptable to the board, 30 days?

11 THE CHAIRMAN: Anybody can speak up if
12 you think 30 days is either too short or too long.

13 A BOARD MEMBER: I think it's
14 sufficient, 30 days.

15 THE CHAIRMAN: Okay. Anybody else?

16 MR. RICCOBONO: How long do you think it
17 will take to get --

18 A BOARD MEMBER: That's my question.
19 How long do you think it will take to be removed?

20 THE WITNESS: The billing cycle is
21 30 days. We did not sign them contract. We got
22 them on a monthly base. So basically I will place a
23 call tomorrow. Everybody is running behind
24 schedules. I think I should be granted 30 days, but
25 the phone call will be made tomorrow to remove the

1 dumpster.

2 MR. RICCOBONO: Okay.

3 THE CHAIRMAN: And if you need --

4 THE WITNESS: Record like whatever, I
5 don't know if you need any record for the phone
6 call. That will be done tomorrow.

7 THE CHAIRMAN: Jay, the intent then
8 would be to remove it by the end of the current
9 billing cycle. They don't want to leave it there if
10 it's not going to get paid for, either.

11 MR. WEINER: Well, since we don't know
12 when the cycle is or whatever, I mean, if the board
13 is okay with 30 days from the date of approval.

14 THE CHAIRMAN: Maximum 30 days.

15 MR. WEINER: Maximum 30 days, if it's a
16 -- and for I would say 30 days from date of
17 approval, so that would be today if it were voted
18 and approved today, not the date of the resolution.

19 MR. HIMELMAN: Fair enough.

20 THE WITNESS: Correct.

21 MR. HIMELMAN: The applicant would agree
22 to that.

23 THE WITNESS: Yes, I do.

24 MR. BERJAOUI: I just wanted to clarify
25 with regards to the signs, you know, Mr. Arora, it

1 seems like he made an innocent mistake with the
2 signs not knowing that he needed a permit, and so
3 he's willing to take it down right away. There's
4 two signs up there. So is he able to keep the
5 smaller one up, or does that also need to be
6 removed? You know, we don't want him to remove
7 something he doesn't have to, and so we just want to
8 make sure that, you know, he's doing whatever he's
9 supposed to, and he's very willing and seems, you
10 know, looking to do what's right, so just want to
11 clarify.

12 MR. KIPP: I think Aaron clarified that
13 that there's no signs that's not permitted on a
14 fence like that, so neither one is acceptable.

15 MR. BERJAOUI: Okay.

16 MR. CLINE: Actually, it's three signs
17 that are mounted on the fence. There's also one
18 small one that says Welcome, and I believe that's
19 fence mounted, as well.

20 MR. WEINER: Mr. Himelman, I'm just
21 going to reflect the condition that was proposed
22 before is that all signs on the fence to be removed.

23 MR. HIMELMAN: Yes, correct. The
24 applicant would agree to that. Yeah, as Aaron
25 correctly pointed out, they're not permitted and

1 would require a variance, but the applicant I think
2 is indicating that he would just prefer to remove
3 them.

4 THE WITNESS: Yes.

5 MR. WEINER: Mr. Himelman, I would just
6 want to address one other thing going back to what
7 Mr. Berjaoui just raised that the applicant had
8 indicated in testimony before. Although I'm sure
9 Mr. Arora -- there's no reason to doubt he was
10 proceeding in good faith and indicated that he
11 wasn't aware of those things, ultimately, as I'm
12 sure you will agree, the burden is on the property
13 owner to comply with the ordinances that are
14 governing, and it shouldn't be left to not knowing
15 or inquiring and waiting only if code enforcement or
16 some other mechanism from the municipality advises
17 him that there's a violation. The burden is an
18 affirmative burden on the property owner to be
19 compliant, so therefore, I would want to -- I think
20 the board would want to feel comfortable that Mr.
21 Arora going forward is not going to simply make
22 these good faith assumptions that he doesn't need
23 something or is in compliance. If he's not aware,
24 then he needs to make the appropriate inquiry with
25 the municipality or any -- or with counsel or

1 whoever he may, but it's his responsibility to be
2 compliant, not to not comply and just simply not
3 know.

4 MR. HIMELMAN: Mr. Weiner, I agree with
5 you a hundred percent. I mean, certainly, if, you
6 know, any property owner, in this case, Mr. Arora,
7 you know, seeks our advice, whether it's myself,
8 Mr. Leber, or someone who's advising the property
9 owner, we, of course, would tell him to speak to
10 staff and file whatever permits are necessary,
11 whether it's for a sign or whatever it is, and I
12 would agree with you that, unfortunately, ignorance
13 is no defense. So I think the applicant now
14 appreciates what you and I are both saying and the
15 chairman is saying and that you can't assume that
16 something is permitted, and you need to really
17 verify what the ordinances allow and do not allow,
18 and I would agree with you a hundred percent.

19 MR. WEINER: You know, I would just ask
20 Mr. Arora perhaps if he could, you know, confirm his
21 understanding of that for the board for the comfort
22 of that these issues can be tried to be avoided in
23 the future.

24 THE WITNESS: I extremely apologize to
25 board members. I did this violation. It will not

1 THE CHAIRMAN: Okay. The use of the
2 handicapped spot as an additional selling spot I
3 think -- I'm fairly sure that the board would never
4 have approved when you were before us the last time,
5 so in that vein, I'm assuming tomorrow morning there
6 will be no nothing in the handicapped spot but cars
7 with handicapped plates.

8 THE WITNESS: The car will be removed
9 tomorrow morning. There will never be a car in the
10 handicapped spot.

11 THE CHAIRMAN: Well, there's handicapped
12 people can go there.

13 THE WITNESS: I'm sorry, without
14 handicapped plates the car will not be parked.

15 THE CHAIRMAN: Do you understand, Mr.
16 Arora, all I'm asking is just a recognition that --

17 THE WITNESS: All your points are
18 extremely very well. I thank you for correcting me
19 for my mistakes. I thank you from the bottom of my
20 heart.

21 THE CHAIRMAN: David, I'm sorry.
22 Continue.

23 MR. HIMELMAN: No, I just had a thought,
24 Mr. Chairman, if you would just indulge me for one
25 second. Again, I would -- I'd have to defer to the

1 applicant on this, but given the board's concerns
2 and your specific inquiries relative to the prior
3 approval and the conditions, one of -- and I
4 understand that it's very difficult for code
5 enforcement to monitor the entire town on a daily,
6 weekly, monthly basis, but perhaps one of the
7 things, should the board act favorably upon this
8 application and once the application is -- all
9 conditions are satisfied, plans are submitted,
10 permits for the building expansion are approved from
11 construction and we're into that development and
12 construction and after that, perhaps, you know,
13 there could be some kind of condition that code
14 enforcement would at least, you know, be able to
15 monitor, you know, and confirm, you know, some point
16 into the future on this application just to give the
17 staff and the board, you know, comfort that, in
18 fact, all those conditions are being adhered to.
19 I'm just raising that. It's a little unusual, but
20 I'm just raising it as a practical offer.

21 THE CHAIRMAN: I don't want to put the
22 onus on our poor code enforcement officers --

23 MR. HIMELMAN: No, I understand.

24 THE CHAIRMAN: -- have to go here on
25 periodic basis, but maybe what we can do is we can

1 agree that the code enforcement officer will go
2 there 6 months after the CO is issued, assuming that
3 we agree to pass this application --

4 MR. HIMELMAN: Right.

5 THE CHAIRMAN: -- to validate and to
6 verify that all of the conditions of the old and the
7 new approvals are in place.

8 MR. HIMELMAN: Well, that's sort of what
9 I was thinking, Mr. Chairman.

10 Q. But, Mr. Arora, would you agree to that
11 as a proposed condition should the board act
12 favorable upon this application?

13 A. Yes, I do, and again, accept my
14 apologies for my (audio distortion)

15 Q. Fair enough.

16 MR. WEINER: Mr. Himelman, just for my
17 notes, I would indicate that should the board
18 ultimately move favorably on this application, the
19 applicant would agree that -- as a condition that
20 the code enforcement officer will visit the property
21 6 months after the CO is issued to verify compliance
22 of all conditions of this and the prior approval.

23 MR. HIMELMAN: That's my understanding,
24 correct, yes.

25 MR. WEINER: Mr. Chairman, is

1 that reflecting what you indicated or asked?

2 THE CHAIRMAN: I'm just trying -- yes,
3 I'm sure it does, Jay. I'm just trying to make sure
4 that there would be some validation of our
5 discussions tonight. That's all. And I realize
6 that, you know, two days before he or she is
7 supposed to come, whoever the code officer is, that
8 you could have this sudden huge cleanup, but I'm
9 assuming that that's not the way that Mr. Arora
10 wants to deal with his business.

11 MR. WEINER: And I might add just as a
12 caveat to that is by no means shall this condition
13 -- and I'm going to add this into the language --
14 shall this condition be construed as any limit on
15 when or how the code enforcement officer can go and
16 do his or her job and inspect the property. That is
17 the code enforcement officer's job. This is more
18 just as a -- almost as something for the benefit of
19 the applicant to know that 6 months after this
20 approval, the code enforcement officer is going to
21 show up, but the code enforcement officer can show
22 up any reasonable time he or she decides and
23 believes is appropriate, and it shouldn't be
24 construed as a limitation.

25 MR. RICCOBONO: Isn't this -- some of

1 this dependent on the opening of the auction since
2 he has to get rid of some of those cars?

3 THE WITNESS: I'm actually sorry. Can
4 you repeat the question.

5 MR. WEINER: Mr. Riccobono, if I may --

6 MR. RICCOBONO: -- to the chairman and
7 to Mr. Weiner, is he putting that in that it has to
8 -- everything has to be compliant. You're talking
9 about between 5 and 10 cars being there 6 months
10 from now. If the auction doesn't open up --

11 MR. WEINER: The issue is with that, and
12 that is -- and that may be a factual circumstance
13 that the applicant is dealing with; however, if it's
14 not compliant with the town ordinance or a prior
15 approval, then he -- if the auctions aren't opened
16 up, that's his business issue. He may have to find
17 an alternative to comply with the ordinance if the
18 auction isn't opened up, but it doesn't mean that
19 this violation can continue because of an auction
20 not being available. He may have to make alternate
21 means.

22 MR. RICCOBONO: Right. That's what I
23 wanted to point out. That's what I was looking for.
24 So that has to be the language of what we're
25 presenting.

1 MR. SANTAMARINA: Mr. Chairman.

2 MR. WEINER: Yes.

3 MR. SANTAMARINA: I don't believe that 5
4 to 10 cars was a condition of the prior resolution.
5 It was mentioned in the comments. Why would we
6 approve I think it's like 35 slots in that lot? I
7 don't believe that 5 to 10 was a condition. It was
8 something he mentioned in testimony, but I don't
9 believe that's one of the conditions. I mean, why
10 would we approve 35 slots? If you look at the spots
11 in the --

12 THE CHAIRMAN: Well, I think that there
13 was some indication that because he had a limitation
14 of parking spots right by the Midas place that he
15 wanted to have an additional place that he could
16 park cars for customers that either were -- there
17 was no place to put them outside or there was no
18 place to be able to put them when they're finished
19 but before the customers came to pick it up. I
20 don't have the exact testimony remembered, but in
21 that same vein, Victor, I'm not opposed to offering
22 a larger amount of cars there. They're the ones
23 that offered the 5 and 10 during the interchange
24 and, you know, conversations that we had back 5
25 years ago.

1 THE WITNESS: Inspector Chairman, I
2 remember that meeting like it happened yesterday,
3 but respected Mr. Victor is correct. That was my
4 testimony that when one of the members asked me that
5 what is your anticipation how many cars you can have
6 at one time, and I said that I can have 5 to 10 cars
7 at the lot. I was approved for 30 parking spots.

8 THE CHAIRMAN: You got at least 35 cars
9 there so you had more spots than that.

10 THE WITNESS: I'm extremely sorry. Can
11 you repeat your question, please.

12 THE CHAIRMAN: It wasn't a question. I
13 was just validating that the parking spots, there
14 are more than 35 there now.

15 THE WITNESS: Yeah, but, Mr. Chairman,
16 it never happened since -- like I said at that time
17 and now I'm validating my point of used car business
18 is not my forte. I offer that service like I
19 explained the situation for the diversification of
20 my business. It's -- I never had 35 cars in that
21 parking lot. The question was raised was -- if you
22 were the chairman in 2015 was, you don't want to see
23 36 parking spots and 36 cars parked in front of the
24 other part. You said that I will not allow that.

25 THE CHAIRMAN: It's called stacking.

1 THE WITNESS: Thank you for giving me
2 the -- stacking will not be allowed.

3 THE CHAIRMAN: David.

4 MR. HIMELMAN: Yes.

5 THE CHAIRMAN: I think, you know, while
6 we have all of the players together, and the
7 testimony that was given, obviously, it went into
8 the resolution, but it didn't -- as part of the some
9 of the conditional discussions, 5 to 10. I don't
10 necessarily think that the board is demanding 5 or
11 10, but maybe this might be the right time for us to
12 address the cars so that there's no question going
13 forward in the future and this man has the
14 flexibility to run a business when the auction's
15 closed or if the virus comes back and there's a
16 close-down again. I get that. What we don't want
17 is what we wound up with through, I don't know,
18 through evolution.

19 MR. HIMELMAN: Fair enough.

20 THE CHAIRMAN: And they didn't even stay
21 within the lines.

22 MR. HIMELMAN: No, I understand that.

23 THE CHAIRMAN: All of this is
24 controllable.

25 MR. HIMELMAN: Right. Mr. Chairman, I

1 think what you're alluding to is, is there, you
2 know -- what does the applicant feel would be
3 appropriate in terms of a limitation or certainly
4 his representation as to the number of cars that he
5 would be looking to sell, you know, so I guess
6 referring back to item 12 in the resolution that you
7 were referring to.

8 Q. So, Mr. Arora, now that you've sort of
9 -- you have a better understanding of your business
10 operation since 2015, what would you indicate or
11 certainly be willing to live with in terms of a
12 condition going forward in terms of the number of
13 cars that would be for sale so that perhaps what the
14 chairman is alluding to is to modify that prior
15 condition so that you're not in a violation of
16 either the approval should that be granted going
17 forward or any ordinances of the town and certainly
18 avoid stacking. Mr. Santamarina was correct. I
19 mean, we did receive an approval for 35 spaces, but
20 I think -- and I recall the testimony and the
21 chairman's concerns back in 2015, as well, and I
22 think, Mr. Arora, you're correct, he was concerned
23 about the stacking, but if you could give the board
24 a sense of what you'd be willing to offer to sort of
25 address this problem in terms of the maximum car

1 sales you'd be looking at.

2 THE WITNESS: Once again, respectable
3 numbers. I have 35 parking spots in the back. I
4 will recreate again a used car lot, used car sale.
5 It's not my main business. As for my -- as far as
6 my understanding is, if I have 35 parking spots, I
7 should be allowed to have 35 cars in the back and
8 respect the handicapped spot and the fire lane spot.

9 Q. Well, I think the issue is -- I don't
10 think the issue is the number of spaces and whether
11 you could legitimately put a car in each space
12 appropriately. I think what the chairman is getting
13 at, obviously, there's multiple using going on on
14 the site, so I think your testimony in the prior
15 approval was that, when asked, you indicated that
16 the maximum number of cars that would be for sale
17 would be somewhere between 5 and 10, so I think what
18 the chairman is saying, perhaps there could be a --
19 more flexibility on that number, but you also will
20 need and should leave yourself sufficient room for
21 cars that may be in the queue for repairs or should
22 the board approve this application, as well, so I
23 think that's what the chairman's alluding to. He
24 just wants to make sure that there's not a greater
25 intensity of the use of the site and that the cars

1 are properly in their spaces, not stacked, and
2 you're not using handicapped spaces. So again, the
3 auto sales is only one component. I don't want to
4 speak for the chairman, but I think that's what he
5 was alluding to.

6 THE CHAIRMAN: Well, David, if I can
7 just add to that, when I was there today, there was
8 a minivan parked in just towards the end of the
9 building in the lane because there was no place for
10 that minivan to park, and it was, you know, not that
11 it was looking for handicapped. It was just
12 somebody who was there for whatever reason they
13 might have been there. So having 36 spots but two
14 of them -- I'm looking at the plan -- 36 spots but
15 there's two handicaps --

16 MR. HIMELMAN: Fair enough.

17 THE CHAIRMAN: -- so where does a
18 potential customer pull in and park? Where if Mr.
19 Arora has a lot of business or a bunch of people
20 that are coming in and he's got to bring the cars
21 and put them in the back, where are they going to
22 go? I don't think that it's fair to say he's going
23 to use 34 spots, leave the two handicapped open, and
24 then there will be no place for a customer who wants
25 to pull in to buy one or for him to utilize it for

1 his major business.

2 THE WITNESS: I will propose 25 cars to
3 be parked in the back and --

4 MR. WEINER: If I may, 25 cars. There's
5 36 spaces, which two are designated for handicapped,
6 so setting those aside because those aren't going to
7 be used for car sales, they're going to be used for
8 people who have a disability and handicapped tags
9 that can use those spots, that leaves 34 spots. So
10 if you're saying you want 25 as a maximum for these,
11 you're leaving yourself 9 spots plus 2 handicapped
12 spots for all of the other use on the property.

13 THE WITNESS: Respected sir, can I
14 answer Mr. Weiner? I do have parking spots in the
15 front in the Midas. I have almost close to 14
16 parking spaces. My customer -- Midas customers do
17 not go back in the lot all the time to park the
18 cars. I can go downstairs -- I don't know how to do
19 Zoom on the phone. I do have 14 parking spots
20 downstairs, Midas parking spots.

21 THE CHAIRMAN: Mr. Himelman.

22 MR. HIMELMAN: Yes.

23 THE CHAIRMAN: If Mr. Arora has agreed
24 to 25 spots, survey from the board so we can move on
25 from this.

1 MR. HIMELMAN: When you say spots, you
2 mean, I think he was referring to --

3 THE CHAIRMAN: Car sales.

4 MR. HIMELMAN: -- car sales.

5 THE CHAIRMAN: Twenty-five spots for
6 cars that are inside delineated lines.

7 MR. HIMELMAN: Correct.

8 THE CHAIRMAN: And that becomes part of
9 an adjunct to this application. I can -- let's see
10 if there's anybody from the board who thinks that's
11 fair, unfair, okay, not okay, so we can move on.

12 MR. HIMELMAN: Fair enough.

13 MR. SANTAMARINA: I'm okay with that.

14 MR. BERJAOUI: I think that's fair. It
15 leaves room for others to come in if they're
16 shopping for a car. I don't think he's going to
17 have 36 people all at once. So I think it's
18 certainly doable, 9 cars to park.

19 MR. RICCOBONO: -- how many he intends
20 to send to auction if the auction does open up.

21 Q. Mr. Arora, you want to address Mr.
22 Riccobono's question?

23 THE WITNESS: Can you please repeat your
24 question.

25 MR. RICCOBONO: If the auction opens up

1 next week, how many do you intend to send to the
2 auction then? How many do you intend to keep?

3 THE WITNESS: Like I said, every day by
4 day the cars sitting there I'm losing money,
5 appreciating for me. As soon as the auction opens
6 up, I will send at least bare minimum 15 cars to the
7 auction. I been checking on auction sites every
8 day. They open up virtual sales, but they're not
9 allowing people to come to the auction to buy the
10 cars. It depends on the governor when we open up
11 phase 2. When open up the phase 2, that's one thing
12 that's going to open up is the auctions. I can --
13 this is a site that I use that where we send cars.

14 MR. SANTAMARINA: I caught a report this
15 morning that apparently sales of used cars are going
16 to go up because people, you know, a lot of people
17 that are commuting by bus or whatever don't want to
18 do that so they just want to pick up a cheap car to
19 commute for the next few months or whatever. Be
20 getting rid of your cars pretty soon hopefully.

21 THE WITNESS: The used car is not my
22 forte. That's not our business. My expertise
23 (audio distortion). This is a way the auction gets
24 set up. One (audio distortion) have 250, 300 cars.
25 They started the virtual auction starting from this

1 week. Today was the first day they started that. I
2 call the representative. Every time I run the cars
3 there's a cost. Every cost related to that, which
4 is \$40 plus a towing to run the car. I wanted to
5 monitor the activity like how the auction open up
6 and what will I get with the sales, but today is a
7 very extremely big day for me, my wife. Since this
8 morning I just been praying to get to the (audio
9 distortion) so next week the cars will be moved
10 regardless of this (audio distortion)

11 MR. BERJAOUI: Well, I think that
12 someone made a good point with regards to the, you
13 know, if we're looking at everything in its
14 entirety, with regards to currently there's 36
15 spots, and we're here because of the proposed
16 expansion, right, so how does the expansion factor
17 in to the current amount of parking spots, and so
18 from that we have to look at it, you know, in its
19 totality before cutting it up in pieces and then
20 going back and forth.

21 MR. CLINE: Mr. Chairman.

22 THE CHAIRMAN: Yes.

23 MR. CLINE: I also wanted to point out
24 because we're talking about how many spaces are
25 appropriate. There's five delineated with the

1 hairpin, you know, spacing, five delineated spaces
2 immediately behind the building right now, which are
3 where the building is proposed to go, so they're
4 going to be displaced. I'm assuming some of them
5 currently are stacked, which obviously we don't
6 like, but those are likely -- some of those are
7 vehicles that are being repaired by the facility,
8 and those spaces when the facility -- if they get
9 the approval and expand the facility, they're going
10 to -- those cars are going to be displaced somewhere
11 else, so that's going to impact parking demand at
12 the front of the property and at the back.

13 MR. RICCOBONO: Perhaps a limit of 20
14 cars for sale would be better since your intent is
15 not to have a huge car sales business.

16 THE WITNESS: I am completely fine with
17 that.

18 MR. RICCOBONO: I think 20 would be a
19 better amount. Mr. Cline, in agreement with that?
20 Do you think that's okay considering what we have
21 and what we're going to lose?

22 THE CHAIRMAN: David, I think if we --

23 MR. CLINE: Mr. Riccobono.

24 MR. RICCOBONO: Yeah.

25 MR. CLINE: I have no objection.

1 THE CHAIRMAN: David, as long as your
2 client is okay with 20. I just think that now we're
3 just, you know, we're hitting the ball back and
4 forth about a couple of spaces. I think the intent
5 of what we were concerned about has been addressed.
6 I think Mr. Arora recognizes why the board was
7 concerned. If we can just agree on the number, Jay
8 can put it into a resolution, assuming we approve
9 this, and then we can move this application along.

10 MR. HIMELMAN: Fine.

11 THE CHAIRMAN: We've been spending a lot
12 of time with Mr. Arora, and at the point where we
13 take a break if we're in the room, but I got to ask
14 Keith, how do we do that. Mr. Kipp.

15 MR. KIPP: Well, you can announce a
16 break, and we can just pause it. EBTV is still
17 broadcasting, but you can certainly do that. That's
18 your right as the chair.

19 MR. WEINER: Mr. Chairman, before we do
20 that, though, if you're considering that, I would
21 just like to get something out on the record, make
22 sure everyone's understanding of a proposed
23 condition should the board move favorably on this
24 application regarding this issue with the cars, and,
25 Mr. Himelman, what I have is the maximum number of

1 cars for sale on the property is 20, and none shall
2 be stacked nor be using any handicapped designated
3 spaces. All shall be parked within designated
4 marked spaces.

5 MR. HIMELMAN: I would agree, and the
6 only thing I would suggest adding to that,
7 Mr. Weiner, was that that would then modify the
8 prior approval, as well, so that's clear that this
9 supersedes -- that condition supersedes --

10 MR. WEINER: This shall supersede the --

11 MR. HIMELMAN: -- prior condition.

12 MR. WEINER: -- the prior approval of
13 the -- I'll put the application number in from the
14 resolution.

15 MR. HIMELMAN: Yeah, I think it's
16 Z-15-07?

17 MR. WEINER: Z-15-07 in the event of any
18 conflict.

19 MR. HIMELMAN: Very good.

20 MR. WYNTER: Mr. Chairman.

21 THE CHAIRMAN: Yes.

22 MR. WYNTER: I have just one question
23 for Mr. Arora. I -- can you tell me what auction
24 you -- where you auction your car -- and this is
25 just for my edification to see. I have some ideas

1 in my head. I just wanted to hear where you auction
2 your car.

3 THE WITNESS: There is a place called
4 ADESA of New Jersey.

5 Q. Paul, you have to speak up.

6 THE WITNESS: There is a place called
7 ADESA of New Jersey. That's where we auction the
8 cars. You need the name of the town. They're about
9 13 miles from my place. It's by Bridgewater. Give
10 me one second.

11 MR. WYNTER: The reason why I ask is
12 that because I work for an auction company, and all
13 our auction companies are open in New Jersey.

14 THE WITNESS: Virtual.

15 MR. WYNTER: We all do not allow
16 customers to come in anymore. It's all virtual. So
17 I just -- I wasn't sure what auction, why you said
18 that auction company was closed in February. I know
19 we're all opened.

20 THE WITNESS: ADESA of New Jersey,
21 that's Manville.

22 MR. WYNTER: I'm sorry?

23 THE WITNESS: Manville.

24 MR. KIPP: Chairman Philips, if I may
25 real quick.

1 THE CHAIRMAN: Yes.

2 MR. KIPP: I just wanted to point out to
3 Jay that we would like along with this agreement for
4 the stalls in the back if Mr. Leber could perhaps
5 clarify the exact layout and functionality of the
6 Midas in front so that we can have that layout to
7 approve at the same time, how many stalls are there,
8 how many are parallel, how many are angled parking,
9 because I'm not sure that we really have that
10 clarity right now.

11 MR. WEINER: Okay. We'll raise that
12 with Mr. Leber.

13 THE CHAIRMAN: I think that was one of
14 the things they also that -- for clarification that
15 were in the staff report this time.

16 MR. HIMELMAN: Correct.

17 THE CHAIRMAN: Okay. For all those at
18 home as opposed to being out and doing a Zoom from
19 the back yards or something, I'd like to take as
20 close to a 5-minute break as we probably can. Since
21 we all are going to be by ourselves, there's no
22 reason for us to be congregating and talking. So
23 let's have a 5-minute break and come back and we can
24 continue through this. So 9:41.

25 (Board recess)

1 THE CHAIRMAN: Thank you very much
2 everybody. David, perhaps we spent a lot of time on
3 that, but I think in the overall scheme of things,
4 it might have accomplished some of what we needed as
5 far as recognition of what has to go on there.

6 MR. HIMELMAN: I would agree. I would
7 agree. Mr. Chairman, I only have a few more
8 questions of Mr. Arora, and then we can move on to
9 Mr. Leber.

10 THE CHAIRMAN: That's fine. Let's do
11 that. Let's finish up with Mr. Arora.

12 MR. HIMELMAN: Okay. All right. I just
13 want to address some of the --

14 THE WITNESS: I just want to let you
15 know that in our 5-minute break, I took the sign off
16 that was a concern for this.

17 MR. RICCOBONO: Okay. One of the three.
18 All three? Okay.

19 MR. HIMELMAN: Jay, I don't think you
20 have to attach the sign as an exhibit. I'm only
21 kidding.

22 THE CHAIRMAN: Okay, David.

23 MR. HIMELMAN: All right, Mr. Chairman,
24 I will move on.

25 Q. Mr. Arora, just to get a couple points

1 on the record that the board engineer and staff
2 wanted clarification. It's my understanding that
3 the building design will include a spray booth to
4 properly vent the painting of any vehicles; is that
5 correct?

6 A. Yes, that is correct.

7 Q. Okay, and the anticipated hours of
8 operation for the new repair and painting
9 operations, would that be the same as the Midas, and
10 if so, what are they?

11 A. Nothing will change. Everything will
12 remain the same. We are open 8 to 6 p.m., 8 a.m. to
13 6 p.m. from Monday to Friday, and on Saturday we are
14 open from 8 to 5.

15 Q. Eight to what?

16 A. Eight to five p.m.

17 Q. Fair enough. Okay, and I know you
18 mentioned it, but the total number of employees that
19 you currently have now for the Midas, just so we can
20 get that clarified.

21 A. Total number of employees that we have
22 is five.

23 Q. All right, and will there be additional
24 employees hired for -- should the board approve this
25 proposed use?

1 A. No, my application is not to lay off any
2 employee. I'm not adding any new employees to the
3 business.

4 Q. All right.

5 THE CHAIRMAN: What is the maximum
6 employees, Mr. Himelman?

7 MR. HIMELMAN: Five Mr. Arora indicated.

8 MR. WEINER: I am taking these notes
9 down since you're presenting them as potential
10 conditions should the board move favorably so I'll
11 quickly go over them. The building design will
12 include a spray booth?

13 MR. HIMELMAN: Correct.

14 MR. WEINER: The hours of operation are
15 8 to 6 -- 8 a.m. to 6 p.m. Monday to Friday,
16 Saturday 8 a.m. to 5 p.m., Sunday closed, and the
17 maximum number of employees at the site is five.

18 MR. HIMELMAN: That's correct,
19 Mr. Weiner, that's correct.

20 Q. Mr. Arora, what will be the process
21 times and frequency of deliveries for the refuse
22 pickup, and how will that generally work?

23 A. Well, I've been here for 20 years. I've
24 been dealing with the Standard Waste. I never seen
25 a Standard Waste truck. I haven't seen with my eyes

1 yet that came to the facility. They are from
2 Edgeboro Road. Normally, it gets picked up around 2
3 or 3 a.m. in the morning, and it gets picked up -- I
4 think it gets picked up biweekly.

5 Q. All right, so the refuse pickup comes
6 not during normal business hours, correct?

7 A. That is correct.

8 Q. And that will continue, correct?

9 A. Yes.

10 Q. Okay.

11 MR. WEINER: Mr. Chairman, any thoughts
12 as far as the particular times, like refuse pickup
13 must be after a certain time and before a certain
14 time or --

15 THE CHAIRMAN: Well, it's a commercial
16 operation. I don't think Mr. Arora wants them there
17 while he's moving customers' cars and stuff around.
18 His testimony is they come in the middle of the
19 night.

20 MR. RICCOBONO: There's no residential
21 impact.

22 THE CHAIRMAN: Not that I know of.

23 MR. WEINER: Mr. Himelman, is it safe to
24 say that as a condition, refuse pickup shall be
25 outside of the designated hours of operation.

1 MR. HIMELMAN: Yes. Apparently, that's
2 the way it's been for many years, and the applicant
3 indicated that that would continue, correct.

4 MR. WEINER: Okay.

5 MR. HIMELMAN: Mr. Chairman, I don't
6 have any further direct questions of Mr. Arora. I
7 think we've gone through extensive testimony and
8 issues, and obviously, he's here to answer any
9 further questions, but if you have no objection, and
10 the board, I would like to move onto Mr. Leber.

11 THE CHAIRMAN: That's fine. Mr. Arora,
12 don't punch out.

13 THE WITNESS: Thank you, sir.

14 THE CHAIRMAN: You'll stay on. And,
15 Jay --

16 MR. WEINER: Yes.

17 THE CHAIRMAN: I think we want a
18 clarification. There's five employees, but Mr.
19 Arora would be a sixth person.

20 THE WITNESS: It's five employees
21 including me.

22 THE CHAIRMAN: You an employee -- you
23 would be doing work, so there's only -- so there's
24 four plus you.

25 MR. WEINER: So I have a max of five.

1 THE WITNESS: Yes, max of five
2 employees.

3 MR. BERJAOUI: My question is that with
4 the expansion of this business, right, there
5 wouldn't be a change of employees, a slight increase
6 at least to do some of the different work, body work
7 and such, and maintain the existing business,
8 mechanical business that's there?

9 THE WITNESS: No. My all my
10 technicians, they are trained as body work. There
11 will be no additional staffing required for my
12 additional proposal. Like I say, my application is
13 not to lay off somebody and stay in business.

14 MR. HIMELMAN: Very good. Any other
15 questions on that point? Okay. I think we can move
16 on.

17 Mr. Chairman, I would like to call Marc
18 Leber, who is our -- who will testify on behalf of
19 the applicant. He's our professional engineer and
20 licensed planner, as you know. Mr. Leber -- we
21 would have to have him sworn and qualified,
22 Mr. Weiner.

23 THE CHAIRMAN: Okay. So let me -- I'll
24 swear him in, David.

25 MR. HIMELMAN: Very good.

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M A R C L E B E R, sworn.

DIRECT EXAMINATION BY MR. HIMELMAN:

THE CHAIRMAN: Okay, and, Mr. Leber, we know you very well, so you can probably limit your, you know, your report on your CV to a limit so that we can keep moving.

THE WITNESS: Sure. Bachelor of science degree in civil engineering from Drexel University, and I'm licensed in New Jersey as a planner and also an engineer and been practicing since '99. I've been before the planning board in town, the zoning board, and testified hundreds of times in different, you know, municipalities throughout New Jersey.

THE CHAIRMAN: Any move and a second?

MR. RICCOBONO: Motion to approve.

MR. SANTAMARINA: Second.

THE CHAIRMAN: Thank you. All right, Mr. Leber, we know you well enough.

MR. HIMELMAN: Thank you, Mr. Chairman.

Q. Mr. Leber, good evening. It's my understanding that you have prepared the use variance and site plan modification plan, which I believe was modified as of 10-23-19 in connection with this application. I would ask that you please

1 describe the nature of the proposed application and
2 if you would take us through the issues related to
3 the proposed improvements, the site layout,
4 addressing the parking, impact on drainage, and then
5 we can address any of the testimony items also in
6 the staff report. Thank you.

7 A. Sure. Just some general background
8 information. The property is 376 Route 18. It's
9 comprised of two separate tax lots, lot 6 and lot
10 23, and they're in block 55.02. The total lot area
11 is about 41,956 square feet, and the zoning is
12 Highway Commercial-2.

13 We're all familiar with the location,
14 and I know there were some questions about the
15 parking, so I'm going to detail that right now.

16 Lot 6, which is the one closer to Route
17 18, is occupied by Midas. There are 16 parking
18 spaces designated on the property, and that includes
19 two accessible parking stalls. The location of
20 those spaces, across from the building where the
21 garage doors are, there are six angled spaces
22 striped hairpin and white. There's also one small
23 unloading space that's hatched off which is not part
24 of my count that's in yellow. Next to those six
25 spaces there are three parallel stalls. The two

1 handicapped stalls are by the front door of the
2 building. Then behind the building near the trash
3 area there's five striped stalls.

4 If you go to the rear lot, lot 23, they
5 have 36 spaces there, and that includes two
6 handicapped accessible spaces.

7 The only access to the property is
8 through the shared driveway, which originates from
9 Route 18. They share that with CVS, and then the
10 driveway wraps around the back by the auto parts
11 place onto West Ferris Street.

12 Can I do a screen share on this, Keith?

13 MR. KIPP: Absolutely, Marc.

14 THE WITNESS: Okay. I have a couple of
15 photos that I took the property on Monday, and let
16 me just go to the top. If you want to mark this, I
17 could do that now.

18 MR. WEINER: One second since this is
19 a -- this is a -- how would you describe this view
20 of the Midas, a front view?

21 THE WITNESS: Yeah. I have a total of
22 six pictures.

23 MR. WEINER: All right, so we're going
24 to mark this one as Exhibit A-1, front view of
25 Midas.

1 (Photograph of front view of Midas
2 marked A-1 for Identification)

3 THE WITNESS: Okay, so again, I took
4 these on Monday. What you see here is the driveway
5 that comes off Route 18, you know. Sort of to my
6 right is the CVS building, and then in the distance
7 is obviously the Midas building.

8 I'm going to go on to the second
9 picture.

10 MR. WEINER: Going to be A-2.

11 THE WITNESS: So in the background you
12 see the --

13 MR. WEINER: Let's just call this a
14 rear -- if you want to describe it, Mr. Leber, just
15 so we can label this photo.

16 THE WITNESS: Yeah, I would call it rear
17 of building.

18 MR. WEINER: Rear of building view.

19 (Photograph of view of rear of building
20 marked A-2 for Identification)

21 THE WITNESS: So there's the spaces that
22 are behind the building that were spoken of, you
23 know, previously tonight along with the trash area.
24 This is that extra dumpster on the right. And then
25 in the foreground, these are the parallel parking

1 spaces. This one here is hatched out in yellow.
2 Most of the deliveries here actually come by minivan
3 or more or less like a messenger service for, you
4 know, car parts, so, you know, sometimes they'll
5 park in this spot, or sometimes they'll just park
6 right in front of the building.

7 I'm going to go on to the next picture.

8 MR. CLINE: That hatched spot is also
9 adjacent to a hydrant. That may be what's driving
10 that hatched area.

11 THE WITNESS: I agree.

12 MR. WEINER: So this photo A-3 is going
13 to be view of dumpster enclosure.

14 THE WITNESS: Or entrance to car lot in
15 the back.

16 MR. HIMELMAN: I would say the entrance
17 to the car lot.

18 MR. WEINER: A view of rear car lot
19 entrance.

20 (Photograph of view of rear car lot
21 entrance marked A-3 for Identification)

22 THE WITNESS: Right. So I was going to
23 use this photo later when I get to the site plan
24 because I wanted to describe how we're going to
25 relocate the dumpster enclosure to the corner of

1 where this curb comes to a 90-degree angle, so the
2 dumpster would be situated directly in front of his
3 existing drainage basin behind the split rail fence.

4 The next picture is just looking back in
5 the other direction toward Route 18, so I guess you
6 can call that, you know, looking toward Route 18.

7 MR. WEINER: View from rear toward Route
8 18.

9 (Photograph of view from rear towards
10 Route 18 marked A-4 for Identification)

11 THE WITNESS: Right, and on the left
12 you'll see, you know, two of those parallel parking
13 spaces on the side.

14 The next photo you can say parallel
15 parking -- angled parking rather.

16 MR. WEINER: View of angled parking.

17 (Photograph of view of angled parking
18 marked A-5 for Identification)

19 THE WITNESS: Right, there's six total
20 so there's one more that's cut off on the right that
21 you can't see.

22 And then the last photo I went to show
23 you the sixth space on the right, and you can see
24 the CVS in the background.

25 MR. WEINER: View of -- second view of

1 angled parking. I suppose we can label it that way.

2 (Photograph of second view of angled
3 parking marked A-6 for Identification)

4 MR. WEINER: Mr. Leber, if you can
5 indulge me for a moment before you move on. I don't
6 want to interrupt you once you start speaking. You
7 went a little quickly before when you were
8 describing the breakdown of the 16 spaces. If you
9 can just repeat that slowly so I can get that down.

10 THE WITNESS: Yes. So across from the
11 garage doors, there's six spaces that are angled.

12 MR. WEINER: Six across from garage
13 doors angled.

14 THE WITNESS: Correct.

15 MR. WEINER: And then the other 10?

16 THE WITNESS: There are three parallel
17 parking stalls.

18 MR. WEINER: Parallel parking stalls.

19 THE WITNESS: And then there's two ADA
20 stalls by the front door.

21 MR. WEINER: Okay, and that's 11, and
22 then there's five more.

23 THE WITNESS: Right. Those are in the
24 rear.

25 MR. WEINER: Okay, so we have five

1 stalls in rear.

2 THE WITNESS: Right.

3 MR. WEINER: And this is all on the
4 front lot. For the record, can you give the lot
5 designation again.

6 THE WITNESS: That's lot 6.

7 MR. WEINER: Okay. Got it. Thank you.

8 THE WITNESS: All right, so I'm going to
9 switch to a different exhibit, which is really just
10 a coloring of sheet 3 of the plans that were
11 submitted.

12 MR. WEINER: Let me just label this.
13 This is going to be now exhibit A-7, and again, what
14 are you calling this, a colored version of --

15 THE WITNESS: Of sheet 3 that -- of the
16 plan set that was submitted.

17 MR. WEINER: Okay, colored version of
18 sheet 3 of plans, of submitted plans.

19 (Colored version of sheet 3 from the
20 plan marked A-7 for Identification)

21 THE WITNESS: Okay, so what you see on
22 the screen is the existing Midas building is
23 outlined in red. It's the white building. And the
24 proposal is to construct the addition, which is
25 52-by-35, literally just a straight extension of

1 both the rear wall and the front wall of the
2 existing Midas. It's 1,820 square feet, and this
3 would be built on an area that's currently paved, so
4 there really isn't any drainage impact other than
5 the fact that there's an existing manhole in the
6 back of the property that connects to a catch basin
7 in the parking lot. That would have to be rerouted
8 around the building, you know, because there would
9 be a conflict with the building foundation.

10 The trash area would be relocated in
11 front of the stormwater area, which is on the right
12 here, and we would lose five parking stalls as
13 discussed earlier.

14 So we do have an architectural rendering
15 of how the building would appear from an aesthetic
16 standpoint which I can put up here.

17 MR. WEINER: Mr. Leber, quickly, the
18 five stalls you're losing, are those the five stalls
19 that we previously spoke about in the rear?

20 THE WITNESS: They are.

21 MR. WEINER: So those are actually not
22 going to be on the new site.

23 THE WITNESS: Correct.

24 MR. WEINER: So we're going to be down
25 to 11 spaces in the Midas lot, the front lot.

1 THE WITNESS: That's correct.

2 THE CHAIRMAN: Marc.

3 THE WITNESS: Yes.

4 THE CHAIRMAN: Go back one picture if
5 you could for just a second, please. The angled
6 parking, new building in place, could you briefly
7 describe how somebody -- what the maneuvering would
8 be for somebody who's in those spots to vacate the
9 site.

10 THE WITNESS: Yes. So this striping
11 here was -- I was involved with the old application
12 back in 2015, and this striping here the surveyor
13 showed as I guess it was previously existing in '15,
14 so that's why you don't see the one loading area
15 with the hydrant. You know, there's like a
16 deviation from what he had surveyed to what's
17 actually out there today. I guess, you know, you'd
18 have to back out of the space to maneuver towards
19 Route 18 to exit the property.

20 THE CHAIRMAN: Okay, and do you know
21 whether or not there's sufficient room for a car to
22 make that maneuver before you would be impeded by
23 the building, the addition?

24 THE WITNESS: I mean, normally, an
25 angled space needs about 18 feet on an aisle versus

1 a perpendicular space, which needs about 24 feet, so
2 I have just under 40 feet in this area, so, I mean,
3 I think it's fine, and in case there's an issue, I
4 did leave this spot next to the trash area as
5 undesignated, which could serve as a place for a
6 K-turn if necessary.

7 THE CHAIRMAN: I just wanted that on the
8 record. Thank you.

9 THE WITNESS: No problem. I just want
10 to go back to the rendering for a second, and I know
11 the architect's here tonight, but what you see here
12 is really more or less an extension of the existing
13 building with the same colors and the same
14 architecture. Aesthetically, you would have two new
15 garage doors, and within those doors you would have
16 I think two extra bays on the left, and then you
17 would have the spray booth on the right, which is
18 situated inside.

19 Now, in order to do this, there's a
20 couple of existing nonconformities and one variance
21 that would be required as part of the project. So
22 first of all, the preexisting nonconformities are
23 associated namely with lot 6. So along Route 18,
24 the minimum lot width required is 200 feet, and the
25 property only has 85, so that would be, you know, a

1 deficiency in the lot width. The front yard setback
2 to the building measured from Route 18 is 18.8 feet,
3 and 60 feet is required in the zone, so again,
4 that's deficient. And then the last of the
5 nonconformities pertains to the side yard setback.
6 In this zone we need 20 feet, and there's about
7 10 feet to the side of the Midas building.

8 Now, because we want to hold the
9 location of that existing exterior wall and just
10 construct an addition straight back into the
11 property, our side yard setback I measured at
12 10.3 feet would I guess be a variance because you
13 still need 20 feet as it's a new addition to a
14 building. So I don't think it's perceptible, and I
15 certainly don't think it's perceptible from the
16 highway as it just really natural extension of the
17 structure that's there today.

18 I just want to circle where that
19 10.3 feet is. If you see the addition that's all
20 shaded in red, the surveyor indicates that it's
21 10.3 feet existing to the structure that's there
22 right now, and I dimensioned that if we had an
23 extension it would be 10.36 feet at the far right
24 corner.

25 MR. CLINE: So, Mr. Leber, are you basic

1 -- does that basically mean that the building is not
2 perfectly parallel to the side lot line?

3 THE WITNESS: It's probably not. I
4 mean, when we do propose plans, we measure to the
5 hundredths, but when the surveyors survey existing,
6 they only measure to the tenths. So, I mean, you're
7 talking about an inch difference over the depth of a
8 building, so it's not a perfect world, but I
9 calculated as about 10.36 feet.

10 MR. CLINE: But I guess you can also say
11 with some confidence that you are not intensifying
12 that side yard variance.

13 THE WITNESS: No. So, I mean, that's
14 the site plan portion of what's proposed. I wanted
15 to talk a little bit about, you know, the planning,
16 which is really that in the ordinance, it defines
17 minor repair as incidental replacement of parts and
18 motor service to motor vehicles, excluding trucks.
19 So my interpretation of that was if you bring in a
20 car and you need an oil change or a tire replaced or
21 a new muffler, that would be a minor repair, which
22 is how the Midas business is run. Now, the
23 expansion that's proposed with the spray booth would
24 technically cross the line into the ordinance
25 definition of major repairs, and that definition is

1 general repair, rebuilding, reconditioning of
2 engines or other mechanical parts of motor vehicles,
3 talks about collision service, body repair, and
4 frame straightening, painting and upholstery,
5 vehicle steam cleaning and undercoating, and then no
6 repair of sales -- I'm sorry -- no repair or sales
7 of trucks shall be permitted.

8 So while, you know, we're asking for the
9 expansion, I think the variance is really to cover
10 the crossing into what would be considered a major
11 repair, so I wanted that to be clear for the record.

12 Now, I looked at, you know, really what
13 the positives and the negatives are of the
14 application. There's obviously already a repair
15 business operating on the property that's been there
16 for a number of years, and I didn't think that what
17 was proposed was incompatible with what's already
18 operating in the property. You know, in looking at
19 it from the applicant's perspective, he's trying to
20 offer something that he's not offering presently to
21 customers, and I know -- and I don't know if he
22 mentioned it before, but specifically insurance and
23 the way that they process claims, there's a pretty
24 significant positive to be able to offer painting
25 and, you know, body reconditioning all in one roof,

1 especially if you're dealing with an insurance
2 company.

3 As far as, you know, negative
4 implications, I don't feel that there's any, you
5 know, new traffic patterns generated, and I've
6 spoken extensively with him. He's not advertising
7 the spray booth, you know, in the newspaper, you
8 know, come and get your car repainted for, you know,
9 399 or whatever because it's not its own business.
10 The purpose of having this spray booth would be as a
11 way to finish off cars that are repaired and need to
12 be repainted, not to drop by and have your car, you
13 know, painted purple on a Saturday or something.

14 You know, we're not removing any trees.
15 We're not creating any drainage impacts. We're not
16 working environmentally sensitive areas. The only
17 negative that I could think of was the concern that
18 had come up earlier in the meeting about where is
19 parking.

20 Now, when we were here in 2015 for the
21 lot in the back, Paul had mentioned, you know, 6 to
22 10 cars and whatnot, which was more or less
23 intentional to allow us the flexibility to have a
24 combined use of that parking area in the back for
25 both Midas and the used car sales. Prior to that

1 lot being paved in the back, it was just an open
2 gravel area where people were parking haphazardly
3 and whatnot. So hearing what was discussed earlier
4 this evening about perhaps limiting the used car
5 sales to at most 20 vehicles, it still allows
6 flexibility that I'm comfortable with to place and
7 store whatever cars are waiting for repair work in
8 those overhead bays, and --

9 MR. WEINER: If I could -- I apologize.
10 If I could just jump in before you go further.

11 THE WITNESS: Yes.

12 MR. WEINER: In talking about the major
13 repairs to be done, I know you've indicated
14 repainting of cars only in conjunction with other
15 repairs done on site, but I know our staff was
16 looking for some description as to what specific
17 tasks, major repair tasks, would be done on site as
18 opposed to just saying major repairs.

19 THE WITNESS: Correct, and I actually --
20 I'm going to let Paul answer that because I
21 definitely don't want to misstate anything, so let
22 me stop the share for a second. Where is Paul? Oh,
23 there.

24 All right, Paul, the question about what
25 is the scope of the major repairs and what the

1 painting would be for, if you can just give a
2 general, you know, detail as to how it's going to
3 fit into the operation.

4 MR. B. ARORA: Like I mentioned before
5 that I've been a part of the East Brunswick
6 community for last from over 20 plus years. I do
7 have lot of major repeat customers, which they
8 always want to have one car stop where they have any
9 issues that can be dealt. In extent of major
10 repairs, like if somebody, one of my customers got
11 into an accident, they only know Midas repair shop,
12 they tow the car over here to Midas facility, and if
13 the car needs to be repaired, I should be able to
14 service that.

15 MR. HIMELMAN: Yeah, but I -- Mr. Arora,
16 if I can just interject, I think what Mr. Weiner was
17 alluding to was if you could sort of describe in
18 some detail what you would characterize as major
19 repairs. Now, hearing Mr. Leber refer to the
20 ordinance and what is -- what would be defined as a
21 major repair, so if you can sort of just briefly
22 describe that so the board is aware.

23 MR. ARORA: We do not work on trucks or
24 the big vehicles. Our facility is not made to work
25 on that. The major repair work means like if you

1 have a fender bender, your bumper got damaged, your
2 fender got damaged, your radiator got broken, your
3 condenser got broken, as a repair facility, I can do
4 the radiator, I can do the condenser, but when the
5 car got towed to me, I have a tendency to lose that
6 job because I don't have a license to -- I can put
7 the bumper cover on, but I can't paint them, paint
8 the bumper cover.

9 MR. CLINE: Mr. Arora, I think I see the
10 direction Mr. Weiner was heading after Mr. Leber
11 kind of divided the work into two styles of repair.
12 The current bays, those -- are from looking at the
13 pictures of your facility, you have traditional
14 lifts there so you can do brakes, tires, oil
15 changes, change alternators, batteries, very much
16 kind of take a piece out, put a piece back in, and
17 we see in the new building there's an open space
18 that's going to have it looks like two bays, and
19 then there's the paint section. In that open space,
20 are these going to be more lifts, or are you going
21 to have, just example looking here, engine rebuild,
22 engine recondition, collision service, frame
23 straightening. My understanding is that's actually
24 a significant setup or piece of equipment. Painting
25 and upholstery. We already know painting. Any

1 steam cleaning or undercoating. So there's some
2 specific items that are listed as very clearly major
3 repair, and part of the question is how many of
4 those items in that listing are you proposing to do
5 in the proposed back portion of the building.

6 MR. WEINER: Thank you, Mr. Cline. That
7 is where I was going with it. Since this is a
8 request for a use variance, we need to define what
9 the uses are that are being requested.

10 MR. CLINE: There's roughly 10 items
11 listed there. We know for a fact one of them is
12 being asked for, but the question is how many of the
13 specific major repair examples are being asked for.

14 MR. B. ARORA: Thank you very much, Mr.
15 Cline. Thank you for helping me out with that
16 question. What I'm trying to propose to add is a
17 frame machine and a spray booth.

18 MR. WEINER: I'm sorry?

19 MR. ARORA: One frame machine and a
20 spray booth.

21 MR. WEINER: Framework?

22 THE WITNESS: Frame machine, which I
23 don't currently have at my location, which basically
24 you put the car up and you take the measurements.
25 The computer gives you the directions. If something

1 is pushed back in and you put that specification and
2 it brings that car back to the specification.

3 MR. WEINER: So it's going to be frame
4 repair.

5 MR. B. ARORA: Frame repair and a spray
6 booth.

7 MR. WEINER: Frame repair with frame
8 machine and repainting of cars. We have a spray
9 booth in conjunction with other repairs on site.

10 MR. B. ARORA: That is correct.

11 MR. HIMELMAN: Mr. Arora --

12 MR. WEINER: Those are the two uses that
13 you're seeking this board to grant you this variance
14 for.

15 MR. B. ARORA: That is correct.

16 MR. HIMELMAN: Mr. Arora, just --
17 Mr. Weiner, if I can just interject. Mr. Arora, I
18 just want you to be clear since I don't want there
19 to be any discrepancy going forward. So Mr. Cline
20 went through some of the highlights of -- referring
21 in part to the ordinance. So, for example, he
22 mentioned about collision work. So I just want your
23 statements to be clear. Are you saying that the
24 other 10 or so items that Mr. Cline reviewed, you're
25 not intending on including those in any of the major

1 repair work; is that your understanding?

2 MR. ARORA: Yes, that is hundred percent
3 my understanding.

4 MR. HIMELMAN: Okay.

5 MR. WEINER: So basically, Mr. Himelman,
6 if I may before Mr. Arora continues, I have here as
7 a condition should the board move favorably on this
8 that the expanded use shall be only for repainting
9 of cars, only in conjunction with other repairs on
10 site, and for frame repair with a frame machine.

11 MR. HIMELMAN: That's what the applicant
12 is representing, correct.

13 MR. WEINER: Okay. Thank you.

14 Q. Mr. Leber, I think you can continue.

15 A. I really didn't have much more unless
16 there were questions.

17 Q. Well, if I could just -- Mr. Leber, just
18 briefly I just wanted to run through the testimony
19 items in the report just to make sure. I think
20 we've covered most of them, but one of the items is
21 if you could address -- you indicated that there's
22 no new or proposed grading or stormwater management,
23 and the existing conditions are adequate to address
24 the proposed use; is that correct?

25 A. That's right. This addition is being

1 built on an area that's already impervious.

2 Q. Very good. And with regard to
3 compliance of the conditions with ADA standards,
4 could you address that.

5 A. Yes. There's technically only one ADA
6 spot required for Midas, and the two spaces that are
7 at the front door don't have the accessible aisle.
8 For whatever reason, the way it was striped, it's
9 just literally two blue spaces.

10 Now, Paul just finished a very ambitious
11 renovation of the inside to make the building
12 interior ADA compliant. I don't know if any of you
13 had ever been in this building, but the old bathroom
14 door was like, you know, 24 inches wide and, you
15 know, there was a lot of issues with the access.
16 It's all been redone. The only thing that didn't
17 seem to get done is that striped access aisle next
18 to the handicapped spot, which would have to be done
19 adjacent to the front door. So in essence, you'd go
20 from two spaces to one.

21 Q. Okay. Very good. What about the
22 comment and testimony request on the adequacy of the
23 lighting, if you can address that, also.

24 A. You know, this addition is probably
25 going to have some building mounted lighting. There

1 was no proposal to change the lighting on the
2 property. I'm just going back to my photos to see
3 if I had a picture of the lighting in there. So if
4 you go to the second photo on page 2, there's the
5 canopy of the red part of the building has recessed
6 down lights. That would continue across the new
7 addition to provide --

8 MR. WEINER: Which exhibit are we
9 referring to?

10 THE WITNESS: This would be I guess A-5.

11 MR. WEINER: Okay. That was the view of
12 the angled parking, the first of the two with the
13 angled parking.

14 THE WITNESS: Okay. Hold on. Then it's
15 1, 2, 3, it's A-4 then.

16 MR. WEINER: That was the view from rear
17 towards Route 18.

18 THE WITNESS: Right. You'll notice on
19 the building on the facade there's recessed down
20 lights, and again, that would -- that pattern would
21 continue through the addition to provide lighting
22 along the building.

23 MR. CLINE: And there would be no glare,
24 visible light sources, or off-site impacts from any
25 new lighting.

1 THE WITNESS: No. I mean, this is
2 pretty much exactly what's out there now.

3 MR. RICCOBONO: New lighting is going to
4 be LED or fluorescent or what?

5 THE WITNESS: Paul, the down lights you
6 have now LED?

7 MR. B. ARORA: Yes, that is correct.

8 THE WITNESS: It would be the same LED
9 recessed lights.

10 MR. RICCOBONO: That's good.

11 Q. Mr. Leber, thank you for that. Also, I
12 know that the chairman was asking you about the
13 ability of a vehicle to circulate and back out into
14 the space, and you indicated that there's sufficient
15 circulation. That was on the angled parking. But
16 can you address just the overall site circulation,
17 and also, I'd like to have some testimony on the
18 adequacy of emergency and other access with the
19 proposed addition. Thank you.

20 A. Sure. Let me see. I want to switch my
21 screen here. Just bear with me. So this is an
22 aerial. I know it's a little outdated because it
23 doesn't show the site the way it is today, but --

24 MR. WEINER: Mark this as exhibit A-8,
25 and this is aerial view.

1 THE WITNESS: Yeah, this is right off of
2 Google. I'm just online right now.

3 MR. WEINER: Okay. Well, we're going to
4 need this to be submitted as an exhibit if that can
5 be done.

6 THE WITNESS: Yeah, I'll take a screen
7 shot of it.

8 (Google aerial of property marked A-8
9 for Identification)

10 THE WITNESS: So you'll see off Route 18
11 it says Midas in the landscape bed here. This is
12 that shared driveway that goes out to West Ferris
13 Street. There's no parking permitted on this
14 driveway. It also serves as a fire lane for both
15 CVS and Midas, and we underwent more or less an
16 emergency access review at the prior application,
17 and what they had asked for then was that we bring
18 in a new 8-inch water main from Route 18 into the
19 property and construct a fire hydrant really right
20 between these two red cars, and that had been
21 completed with the prior application. So I don't
22 see any impact with regard to, you know, emergency
23 vehicle access with the addition.

24 Q. Okay, very good. The other item I would
25 like you to address is I know we talked a little bit

1 about the parking, but if you refer in the staff
2 report, it indicates that the submitted site plan
3 only references parking demand and calculations for
4 the sales use, and I guess Jason's recommending
5 calculations for all uses shall be provided. Do you
6 have an issue with that?

7 A. No. What I could do is update the
8 table. I believe the standard was like one per bay,
9 something like that, and I could update that on the
10 plan.

11 Q. Very good. I think the other testimony --

12 A. Three spaces per bay. I'm sorry, I
13 misnoted that. Three spaces per bay.

14 Q. Okay. Very good. And you indicated
15 that -- I think briefly that you do not -- it's your
16 testimony that you do not anticipate or we do not
17 anticipate any additional traffic being generated
18 associated with the change in use; is that correct?

19 A. That's correct.

20 Q. Okay, and that would be both from --
21 that would be on-site parking as well as any
22 off-site parking, correct?

23 A. Right. There is no available off-site
24 parking.

25 Q. Right. Okay. Mr. Leber, do you believe

1 you've covered everything you with wanted to address
2 in your testimony as well as in the -- was well as
3 the items that were in the staff report?

4 A. I do. There's only one item I wanted to
5 point out in the staff report, which is really
6 technical. It was about the existing sanitary sewer
7 lateral that would be passing beneath this building.
8 I did speak with the sewer utility about that, and
9 most nonresidential buildings do have sewer lines
10 that pass through the foundation, so it is a fairly
11 common scenario, but he did want additional details
12 as to how the pipe would be protected should we, you
13 know, build a foundation right around it. So, you
14 know, we haven't given that to them at this point.
15 Obviously, we wanted to wait for the hearing, but
16 that was a technical item I did note in the report
17 that could be addressed through the sewer utility
18 directly.

19 Q. Okay. Very good. Thank you, Mr. Leber.

20 MR. HIMELMAN: Mr. Chairman, I don't
21 have any further direct questions, but you might and
22 the board members and staff may.

23 THE CHAIRMAN: Well, I do have one
24 question. It may not -- I'm sorry, Ivan. It might
25 be something that's not Mr. Leber's area of

1 expertise, and that is that I know today
2 environmentally they're very, very careful about
3 paint shops and paint exhaust and the way that the
4 paint is both -- disposed of along with the fumes
5 from inside the paint booths. Considering this is a
6 reasonably well trafficked area, would you be the
7 right person to give us assurance that the paint
8 booth will be meeting all the latest OSHA codes and
9 will not have any vapors that exit into the local
10 atmosphere because they're contained. I guess
11 that's the question.

12 THE WITNESS: I think we have somebody
13 here tonight to address that.

14 THE CHAIRMAN: Okay. That's fine. If
15 that's Mr. Beaupre --

16 MR. HIMELMAN: Yes.

17 THE CHAIRMAN: -- then Mr. Beaupre heard
18 my question. When it's his turn to talk, I think if
19 he can address that, we can save some more time.

20 MR. HIMELMAN: Sure.

21 MR. RICCOBONO: I was going to ask if
22 there are going to be any roof vents or roof
23 equipment because of the paint spray on the roof of
24 the new section.

25 THE WITNESS: John, are you able to

1 answer that?

2 MR. HIMELMAN: I think why don't we
3 let -- when John is testifying, he can address that,
4 Mr. Riccobono.

5 MR. RICCOBONO: Okay.

6 MR. WYNTER: I have a question.

7 THE CHAIRMAN: Well, wait.

8 MR. WYNTER: Mr. Leber, assuming that
9 these cars are coming in with fender benders that
10 need repairs, I assume that some of these vehicles
11 will be coming in on flatbed trucks. Are there
12 enough space for those trucks to maneuver back and
13 forth between where they're dropping off and
14 those -- is there enough space there?

15 THE WITNESS: Paul.

16 MR. B. ARORA: Yes, can I address?

17 THE WITNESS: When -- have you seen cars
18 that are delivered either on a flatbed or a tow
19 truck and how are they maneuvered into the spaces.

20 A BOARD MEMBER: There's one there now.

21 MR. B. ARORA: I will be very happy to
22 address that question. We do get once in a while
23 car come on truck that need assistance that somebody
24 (audio distortion) or somebody got into an accident
25 and Midas is their facility to come. We do have

1 enough space for the tow truck to drop the car off
2 with no issues.

3 MR. RICCOBONO: There's a -- in one of
4 the pictures -- I'm not sure which one it was -- I
5 saw a flatbed with a car on top of it, and it was a
6 stacked space. There was a car sitting in front of
7 that car on the flatbed.

8 MR. B. ARORA: Normally, they do get our
9 permission if a car needs to be dropped off.
10 Normally, if the car is -- it's not capable of
11 moving, we get them dropped directly into the bay,
12 or if it is like the wheels are straight, it's
13 movable, instead of moving into the -- going back to
14 the parking spot, we have them drop there and push
15 the car right inside.

16 MR. RICCOBONO: I'm saying is one is
17 sitting there in one of the pictures that I saw
18 today.

19 MR. B. ARORA: I'm extremely sorry. Can
20 you --

21 THE WITNESS: Which picture?

22 MR. RICCOBONO: I can't --

23 THE CHAIRMAN: The one Jason had?

24 MR. RICCOBONO: I think it was one of
25 the ones Jason had.

1 MR. CLINE: Okay. Give me a minute.

2 MR. KIPP: Chairman, if I may real
3 quick.

4 THE CHAIRMAN: Yes.

5 MR. KIPP: I just wanted to comment on
6 something Marc had said prior about the sewer
7 utility. With that sanitary sewer under the
8 building, that's not going to fall under their
9 jurisdiction at all. That's a plumbing subcode
10 issue, and that would have to be addressed by the
11 plumbing subcode official when you submit the
12 building plans to them.

13 MR. CLINE: Where the heck is it?

14 MR. RICCOBONO: In the Midas lot on the
15 side of the building.

16 MR. CLINE: It may not have been me.

17 MR. RICCOBONO: May not have been you.

18 THE CHAIRMAN: Was it an aerial, Tony,
19 or was it --

20 MR. RICCOBONO: No, no, it was -- it's
21 head on. You're looking straight at it.

22 MR. B. ARORA: The tow truck comes in,
23 they ask for permission.

24 MR. RICCOBONO: No, no, this wasn't a
25 truck. This was a flatbed with a car sitting on it.

1 I saw the picture.

2 MR. B. ARORA: Yeah, maybe he came there
3 to deliver a car and he need our permission that he
4 want to bring it in the bay or you want to put it in
5 the parking stall.

6 MR. RICCOBONO: But there's also a car
7 parked in front of it. That's what I'm saying.
8 When we're talking about stacking before and there
9 was a car parked in front of the truck, the flatbed.

10 MR. B. ARORA: I mean, when our customer
11 comes in, if somebody is at the stage or anything
12 like that, sometimes some people just bring the car
13 inside the bay.

14 MR. RICCOBONO: Do you have the picture,
15 Marc, possibly?

16 THE WITNESS: I'll go back to those
17 pictures. Hold on a second.

18 MR. CLINE: It's not in my picture. I
19 do have a picture of stacked cars but not a
20 roll-back type truck.

21 MS. MORACE: Excuse me. I think A-2, it
22 looks like it could be a flatbed, but it's actually
23 a truck with like a plow.

24 THE WITNESS: This one?

25 MR. RICCOBONO: Yes, that's it right

1 there.

2 THE WITNESS: No, that's a pickup truck.

3 MR. HIMELMAN: Yeah, that's a pickup
4 truck.

5 THE CHAIRMAN: Oh, it's a front with a
6 plow on the front.

7 MR. RICCOBONO: Okay. It looks like
8 it's sitting on a bed, but it is a stacked spot.
9 Okay.

10 THE WITNESS: All right. No problem.

11 MR. HIMELMAN: Any other questions for
12 Mr. Leber? Mr. Chairman, I think --

13 MR. WEINER: You know what,
14 Mr. Himelman, if I just may --

15 MR. HIMELMAN: Yes.

16 MR. WEINER: -- before we let Mr. Leber
17 go, we have been talking about the flatbeds, and in
18 that context, if you could just touch on any other
19 loading activities, rollback deliveries, things of
20 that nature due to the looks like the congested
21 nature of the property, if we can get perhaps some
22 clarity as to that more generally than just
23 flatbeds.

24 THE WITNESS: I mean, the only thing I'm
25 really intimately familiar with is that there's no

1 tractor trailers on the deliveries.

2 MR. HIMELMAN: And I think, Mr. Weiner,
3 Mr. Arora, I think do other deliveries -- what type
4 of vehicles generally come to the property for
5 deliveries? Is it vans, or what kind of vehicles
6 are we talking about?

7 MR. B. ARORA: Chevy Cruze.

8 MR. HIMELMAN: You got to speak up.

9 MR. ARORA: Chevy Cruze. A small car, a
10 small car Chevy Cruze.

11 MR. HIMELMAN: Oh, Chevy Cruze, okay.
12 All right. Mr. Weiner, is that sufficient?

13 MR. WEINER: Yes, so I just wanted to
14 hear some testimony as to what the types of
15 deliveries, what's coming in there.

16 MR. HIMELMAN: Fair enough.

17 MR. RICCOBONO: Thinking about a car
18 carrier to pick up the cars to go to the auction?
19 Is that possibly what you were thinking of, one of
20 these major car carriers carries like 12, 15 cars?

21 MR. B. ARORA: No, we never -- in order
22 to send a car to the auction, me and my employees,
23 we take them to the auction and (audio distortion).
24 All the cars are drivable. If the car is not
25 drivable, cannot going to the auction.

1 MR. RICCOBONO: Okay.

2 MR. HIMELMAN: Mr. Chairman, I don't
3 know if anybody has any other questions of
4 Mr. Leber. He's not going anywhere.

5 THE CHAIRMAN: No. I think -- at this
6 point, I think we can have your I guess John
7 Beaupre. I apologize if I pronounced his name
8 wrong.

9 MR. HIMELMAN: Fair enough. John.

10 MR. BEAUPRE: Yes, sir, I'm here.

11 MR. HIMELMAN: Okay. Mr. Chairman, we
12 would have to have John sworn in. He's going to be
13 our environmental consultant.

14 THE CHAIRMAN: Okay. So then,
15 Mr. Beaupre, if you could please.

16

17 J O H N B E A U P R E, sworn.

18 DIRECT EXAMINATION BY MR. HIMELMAN:

19 Q. John, can you just briefly first of all
20 state your name and address for the record.

21 A. John Beaupre, 181 Longenbach Avenue,
22 Nazareth, Pennsylvania, 18064.

23 Q. Fair enough, and can you give a brief
24 description of your professional background and the
25 areas that you are seeking to testify this evening

1 so we can have you qualified as an expert. Thank
2 you.

3 A. Yes. I've been an environmental -- the
4 environmental field since 1998. I've been doing air
5 permits for private industry as an employee of
6 private industry at chemical plant and then
7 afterwards as a private consultant since 2005.

8 Q. And your educational --

9 A. I'm sorry.

10 Q. And your educational background?

11 A. I have a bachelor's of science from
12 Southern Connecticut University.

13 Q. Fair enough.

14 MR. HIMELMAN: Mr. Chairman, I would
15 like to offer John as an expert in the area of air
16 permitting and the like.

17 THE CHAIRMAN: Is he the individual who
18 would be addressing the questions that have come up
19 regarding the paint booth?

20 MR. HIMELMAN: Yes.

21 THE CHAIRMAN: Okay.

22 MR. WEINER: Mr. Himelman -- I'm sorry,
23 Mr. Chairman. So we're presenting him as an air
24 permitting expert?

25 MR. HIMELMAN: Yeah, and also being able

1 to testify on the paint booth and how that booth
2 operates also from an air quality standpoint.

3 MR. WEINER: Air permitting and quality
4 and air quality expert.

5 MR. HIMELMAN: Correct.

6 MR. WEINER: Okay.

7 MR. RICCOBONO: Okay, motion to approve.

8 MR. SANTAMARINA: Second.

9 THE CHAIRMAN: All in favor? Any
10 opposed? Hearing none. I just want to be sure I
11 understand, Mr. Beaupre, is that Roger Maris hitting
12 a home run in the picture behind you?

13 THE WITNESS: Yes, it is.

14 THE CHAIRMAN: He's approved. Keep
15 going.

16 Q. John, you won the chairman's heart
17 irrespective have your testimony. John, if you
18 could briefly explain in terms of the applicant what
19 the applicant is proposing, the type of equipment,
20 particularly on the paint booth, number 1, a little
21 description about that as you know from what Mr.
22 Arora has been providing to us as to what he intends
23 to purchase, how that generally works from an air
24 venting standpoint, the air permitting -- also the
25 air permitting requirements under the New Jersey

1 DEP, and also whether or not -- what type of
2 permitting would be needed for this, as well. Thank
3 you.

4 A. Sure. So Mr. Arora picked a very
5 compact spray booth that's a state-of-the-art piece
6 of equipment made by Titan. It's a Titan downdraft
7 paint booth. So what a downdraft spray booth does
8 is it circulates the air from the ceiling down
9 underneath the car to a channel that runs along the
10 bottom of the paint booth to recirculate the air,
11 and it's a newer type of technology which allows
12 less dust to be floating through the air. They have
13 5-micron filters across the entire ceiling of the
14 paint booth.

15 So when I talked with Mr. Arora, he
16 indicated that the paint usage was going to be less
17 than half a gallon per hour, so in looking through
18 the regulations, that would qualify them for an
19 exemption for an actual air permit for the painting
20 operations, but the paint booth is equipped with a
21 1.5-million-BTU-per-hour heater to bake the paint
22 onto the cars. That would -- that exceeds the
23 thresholds in New Jersey. All fired -- gas fired
24 heating units that exceed 1 million BTU's per hour
25 needs a general air permit. So we have the -- we

1 will prepare the application for Mr. Arora, but we
2 cannot do that until he actually orders the
3 equipment. The State of New Jersey, since they
4 allow industries to do general air permits, they
5 need the cereal number and model number of the
6 equipment. This way if -- this way it prohibits
7 owners to go and change out equipment without
8 getting a new air permit.

9 He will need to -- and we will assist
10 with this -- they will need to keep paint records of
11 the VOC usage. There's a pretty extensive equation
12 that goes along with it, but the paint manufacturers
13 all have programs that Mr. Arora can get from them
14 where he can put in the mixture, and it will let him
15 know the amount of VOC's being used. So he'll need
16 to keep an electronic record of that available for
17 the DEP to come in and look at.

18 Q. So is it your testimony then that an air
19 permit would be needed because of the heater
20 component, correct?

21 A. That is correct.

22 Q. Okay.

23 A. Yes, and all the venting is indoors.
24 It's all self-contained in the unit, so there are no
25 stacks going through the building and will not be

1 venting outside.

2 Q. So how does the venting work exactly?
3 Since it's not vented through the top of the
4 building, how does that work?

5 A. It's all self-contained so like the air
6 gets circulated and reused. It goes from the
7 ceiling. It blows down at about 20,000 CFM, goes
8 underneath the car to a channel, and then
9 recirculated through again.

10 Q. Okay, and is that -- all those
11 specifications and details are -- I assume are
12 included in the permit application that's filed with
13 the DEP, correct?

14 A. The general air permit applications are
15 very simplified, so it will -- it would not be
16 included in that because we're doing for the heating
17 section only.

18 Q. Fair enough.

19 A. Yeah, the exemption is only for the
20 usage of less than half a gallon per hour.

21 Q. Okay, and what about from a -- I don't
22 know if you can discuss this, but I know you said
23 you have to keep electronic records, but what about
24 just from a general housekeeping standpoint in terms
25 of the paint usage and how that gets disposed. Can

1 you address that.

2 A. Well, Mr. Arora should keep all
3 paints -- now, the Titan downdraft is -- you're able
4 to use both VOC paints and waterborne paints, so
5 depending if he's going to use VOC paints, he'll
6 have to have a flammable cabinet to store all the
7 paints when not in use, and then any excess paint
8 that's going to be disposed of is going to have to
9 be containerized and disposed of as hazardous waste.

10 MR. RICCOBONO: For the public's
11 edification, the public is listening, VOC's
12 volatile --

13 THE WITNESS: I'm sorry. After
14 30 years, we throw acronyms around a lot. Volatile
15 organic compounds.

16 MR. RICCOBONO: Okay.

17 Q. Fair enough. So is it your professional
18 opinion that -- and you described the equipment,
19 this Titan downdraft paint booth. Is it your
20 professional opinion that subject to obviously
21 getting the appropriate general permit at the DEP,
22 that there really will not be any adverse impact to
23 air quality or air emissions?

24 A. That is correct.

25 Q. Okay.

1 MR. HIMELMAN: I don't have any further
2 questions for this witness, Mr. Chairman, but the
3 board and staff might.

4 MR. RICCOBONO: Scrubbers and filters
5 involved.

6 THE WITNESS: The whole ceiling is
7 equipped with five-micron filters.

8 MR. RICCOBONO: Right, so the person who
9 runs this booth, they have to have a license or
10 training.

11 THE WITNESS: They will need training,
12 yes.

13 MR. RICCOBONO: Okay. Do the filters
14 have to be changed periodically in order to function
15 correctly and attenuate the air properly?

16 THE WITNESS: That is correct, and it's
17 per the manufacturer's specifications depending on
18 the amount of usage it gets.

19 MR. RICCOBONO: So that would be a
20 recorded, and there would be a maintenance schedule
21 or somebody --

22 THE WITNESS: Yes.

23 MR. RICCOBONO: -- required to come
24 down.

25 THE WITNESS: Typically, there are just

1 clips, and the filters come out. They can be
2 replaced by Mr. Arora's employees, and then they
3 would be logged on the same log sheet that he
4 records his VOC usage, the paint usage. You can
5 record on there when filters are being changed.

6 MR. RICCOBONO: Okay. That's
7 reasonable.

8 Q. Can I just ask, John, one other
9 follow-up. Are there periodic inspections conducted
10 by DEP after the permit is issued?

11 A. Typically for general air permits, no,
12 but it all depends on the types of violations they
13 get. They can come in and inspect different
14 facilities at any time. They don't really need an
15 appointment. They will randomly show up. But for
16 general air permits, that's why they designed them
17 like this. Because of the staffing levels they have
18 at the DEP, they can't get to all the facilities, so
19 facilities like Mr. Arora's are able to do a general
20 air permit. It's done online. They get the permit
21 immediately, and then they usually typically don't
22 have inspections.

23 Q. But you indicated that there's a
24 reporting obligation, correct?

25 A. There's a recordkeeping obligation.

1 They don't need to submit anything to the DEP.

2 Q. Fair enough.

3 MS. CLARKE: I have a question.

4 THE CHAIRMAN: Go ahead.

5 MS. CLARKE: No, I just had a question
6 regarding smell. I mean, is there smell outside of
7 the building? Will neighbors be -- is that a
8 possibility?

9 THE WITNESS: No, because the way the
10 downdraft system works, once the painting is done,
11 the system's left on to keep circulating the air,
12 and then the heater comes on to bake the paint, and
13 then, you know, once they exit the paint booth, they
14 close the door to keep the system running. It also
15 has other safety features built in because it has
16 class 1, division 2, lighting within the paint
17 booth, so if one of the covers is accidentally
18 removed, the whole paint booth will shut down. It
19 won't allow the gun to trigger to fire the paint.
20 So it has a lot of safety features involved as well
21 as environmental features.

22 MS. CLARKE: I have read about some
23 complaints about smell due to overpainting, so how
24 do we make sure that that doesn't happen?

25 THE WITNESS: Mr. Arora is going to be

1 using less than half a gallon per hour, and this is
2 a brand new paint booth. Some of the older
3 facilities, really they call them paint booths, but
4 it's basically a three sided shack with a fan in it.
5 I've seen -- in my 30 years I've seen a lot.

6 MS. CLARKE: Okay.

7 THE WITNESS: So yes.

8 MR. HIMELMAN: And I think to address
9 your comment, Miss Clarke, I think -- and to Jay,
10 also -- I mean, the applicant would -- is
11 representing that it will be using less than half a
12 gallon per hour, so certainly, any -- should the
13 board act favorably upon this application, it would
14 be subject to a general permit, as John indicated,
15 plus the limitations on the usage. So, Mr. Weiner,
16 I would offer that that should be included in any
17 proposed resolution as a condition, as well.

18 MR. WEINER: Mr. Himelman, what I just
19 jotted down as you were making that proposal is the
20 applicant will not use more than a half-gallon of
21 paint per hour.

22 MR. HIMELMAN: Correct.

23 MR. ZUCKERMAN: I have a question. If
24 the paint's considered a hazardous waste, I guess
25 any materials along with it or however it comes or

1 whatever trash is generated from it, does that need
2 to be stored in a separate trash receptacle than
3 whatever is the currently there and then have a
4 separate spot for it?

5 THE WITNESS: Typically, you would have
6 -- most painting facilities will have two drums, one
7 for solid waste and one for liquid hazardous waste,
8 so the -- any rags, any solvent contaminated rags,
9 any filter systems, any stir -- anything for
10 stirring the paint would have to go into like a
11 solid hazardous waste drum for disposal.

12 MR. ZUCKERMAN: Does that need to be
13 stored in some kind of location away from a building
14 or like enclosed or any of that kind of stuff?

15 THE WITNESS: No, it can be stored
16 indoors, and it can be that -- wherever Mr. Arora
17 feels is appropriate close to the paint booth can be
18 designated as what the DEP designates and EPA
19 designates is called a central accumulation area,
20 and he -- you know, there's four -- there's several
21 levels of hazardous waste generation. Mr. Arora,
22 based on the usage, based on what the amount of cars
23 he's going to paint would be considered a very small
24 quantity generator. So it would be, you know, he'd
25 have 180 days to get rid of his waste.

1 MR. WEINER: Is this area that you just
2 mentioned designated on the plans? I don't know if
3 you would have that answer or Mr. Leber.

4 THE WITNESS: I would have to defer to
5 Mr. Leber.

6 MR. CLINE: That's something to the
7 architect. I think it's within the building so
8 that's probably under the architectural floor plans.

9 THE CHAIRMAN: Marc, in many shops where
10 they do this kind of work, are OSHA designated
11 areas. They have floor line-offs with the proper
12 color -- proper color paint identifying where it is.
13 Is that something that's being planned here?

14 MR. LEBER: If it's in the four walls of
15 the building, it's outside of my site plan.

16 THE CHAIRMAN: Well, maybe John might
17 know. I mean, I've seen they have (audio
18 distortion) shops, it's a designated area that is
19 clearly lined off on the floor with the proper
20 signage. Is that what we intend to have here?

21 THE WITNESS: Well, Mr. Arora has less
22 than 10 employees so he doesn't fall within the OSHA
23 guidelines, but -- yes.

24 THE CHAIRMAN: So he's free to do what
25 he wants; is that what you're saying?

1 THE WITNESS: Not free to do what he
2 wants. He has to still follow the hazardous waste
3 rules and the DEP rules as far as painting goes.

4 MR. WEINER: But you're saying he's not
5 subject to the OSHA codes?

6 THE WITNESS: No, but most people adhere
7 to them. Mr. Arora and I have not had that
8 discussion previously.

9 MR. WEINER: Mr. Himelman, would Mr.
10 Arora be willing to voluntary comply with the OSHA
11 standards?

12 MR. HIMELMAN: I would hope so. Mr.
13 Arora, you have any thoughts on that?

14 MR. B. ARORA: I will definitely comply
15 with OSHA compliances. Just to bring it to the
16 board attention, like I said, what we use nowadays,
17 the industry what we use is a water based paint,
18 which does not have any flammable hazardous stuff.
19 That VOC paint, it is old stuff like my business and
20 like myself is getting to be day by day. You use
21 water based paint.

22 MR. HIMELMAN: So is it your testimony
23 that you will be not using the paints that contain
24 VOC's; is that my understanding?

25 MR. B. ARORA: Not at all.

1 MR. CLINE: If I'm understanding him
2 correctly, he's phasing them out. Still has some
3 now, but I don't think wants -- he's going to be
4 obtaining anymore.

5 MR. HIMELMAN: Fair enough.

6 MR. CLINE: If I understand air flow, we
7 start with your standards like yellow hazardous
8 flammable cabinet is where the VOC paint is stored.
9 It's used in the paint shop, and then there is the
10 drum that it's disposed of that has to be disposed.

11 You said there was no venting outside
12 the building due to the booth and the paint. What
13 about the heater? Does the heater vent?

14 THE WITNESS: Does not vent outside.
15 It's all contained recirculated air.

16 MR. CLINE: Okay, because a lot of
17 times, you know, internal heaters will have some
18 level of exhaust through the roof, and the earlier
19 questions about roof mounted equipment, we were also
20 looking about screening. And I'm assuming that the
21 tech, the person doing the painting, is going to be
22 running on supplied air.

23 THE WITNESS: That's Mr. -- for Mr.
24 Arora.

25 MR. CLINE: Okay.

1 MR. KIPP: Is there any residual paint
2 or solvents that are going to end up in the sanitary
3 sewer system?

4 MR. B. ARORA: No, not at all.

5 MR. KIPP: How can we be sure of that?
6 Is there any filters or any kind of grease trap to
7 ensure that nothing goes down the drain when you're
8 washing the shop floor?

9 MR. B. ARORA: Like I say, nowadays, the
10 VOC paint is not in a fashion. It's more expensive.
11 It does not get used. The water based paint -- we
12 have a service that we currently use in Midas that
13 we have to clean off any cars or anything, they
14 spray us with the drum and equipment on the top. We
15 currently we're doing -- I'm going to go into a
16 technical thing, like a (audio distortion) we need
17 to clean any parts, we clean in that, and they come
18 and they pick it up. Before when the gas was
19 expensive, we used to get paid for that stuff to get
20 out of the facility, but now it's like they just do
21 the service free of charge.

22 THE CHAIRMAN: Mr. Arora, I had a
23 question probably has to go to you. The waste oil
24 cabinet that right now is sitting outside the
25 building in the back, when you build this addition,

1 there's no place for that waste oil.

2 MR. B. ARORA: Right inside. I have a
3 plan.

4 THE CHAIRMAN: So the waste oil that
5 presently is on the rear end of the building is
6 going to be now contained within the building.

7 MR. B. ARORA: Yes, that is correct.
8 It's going inside the building. Where you see the
9 gray area where my last bay ends, I have a room
10 which is 20-by-30. It's just an empty space.

11 THE CHAIRMAN: So the service that comes
12 in to remove the waste oil then will have access to
13 it when it's in the building, also?

14 MR. B. ARORA: Yeah, you get a -- you
15 run a line like a plumbing line, which is about
16 2-inch, and the come and they connect.

17 THE CHAIRMAN: Are they going to connect
18 from the outside so the line will be going through
19 the building?

20 MR. B. ARORA: Through the door, the
21 wall that is facing -- the gray wall that is facing
22 outside. They come and they come and --

23 THE CHAIRMAN: So they've got a coupler
24 that's going to go onto that.

25 MR. B. ARORA: Yes.

1 THE CHAIRMAN: Is that correct?

2 MR. B. ARORA: That is correct.

3 THE CHAIRMAN: So it's still going to be
4 contained. There's no way that it can have an oil
5 spill anywhere.

6 MR. B. ARORA: No. Like I said, before
7 this pandemic happened and this oil crash for waste
8 oil, we used to like if you have a 250-gallon drum
9 filled, you get dollar a gallon for the company to
10 pick it up. That was our (audio distortion).

11 THE CHAIRMAN: Okay. Just wanted to
12 check with that. Thank you. David --

13 MR. WEINER: I have a couple I just want
14 to clarify. I want to make sure that I understood
15 this correctly. The applicant will not be using any
16 paints containing VOC's; that correct?

17 MR. B. ARORA: That is hundred percent
18 correct, not going to get used.

19 MR. HIMELMAN: I think he testified that
20 he's phasing that out and will no longer be using
21 that.

22 MR. WEINER: Well, that's why I'm saying
23 will not be using it because he may be phasing it
24 out now, but this will be going forward --

25 MR. HIMELMAN: Correct.

1 MR. WEINER: -- once this approval goes
2 into effect.

3 MR. HIMELMAN: Correct.

4 MR. WEINER: And also no paints nor
5 paint residue may be disposed of into the sanitary
6 sewer system.

7 MR. HIMELMAN: Correct.

8 MR. WEINER: Okay.

9 THE CHAIRMAN: David.

10 MR. HIMELMAN: Yes.

11 THE CHAIRMAN: Why do I seem like I have
12 these conversations with you more often than I would
13 think. Roughly 11 o'clock. You still have one more
14 witness.

15 MR. HIMELMAN: Correct.

16 THE CHAIRMAN: And there are at least
17 one, possibly two if you've been seeing the chat
18 coming through --

19 MR. HIMELMAN: I have.

20 THE CHAIRMAN: -- public --

21 MR. HIMELMAN: Yes.

22 THE CHAIRMAN: -- regarding
23 cross-examining your witnesses, which you and I both
24 know is a process that we always allow, and for as
25 much as the fact that nobody has to travel home, in

1 reality, I think we're reaching the witching hour.

2 MR. HIMELMAN: I don't disagree, Mr.
3 Chairman.

4 THE CHAIRMAN: So with that in mind, you
5 and I both know that the next meeting could very
6 well be (audio distortion)

7 MR. HIMELMAN: Yes, correct.

8 THE CHAIRMAN: So as -- I guess I have
9 to ask Aaron and/or Loren, what are we talking about
10 for next meeting?

11 MS. MORACE: July 2 is Ferris Farm, so
12 we can't do that.

13 THE CHAIRMAN: We already have something
14 else going on there, too, the people who applied for
15 tonight, and they're going to, you know, and they're
16 already going to put out their request for -- so I
17 don't know what we want to push into the -- we may
18 not have a lot of time needed --

19 MR. HIMELMAN: No.

20 THE CHAIRMAN: -- but I don't know the
21 public. There may be two people; there may be more
22 than that. I don't know. I'm seeing a bunch of
23 quick chats telling us that there's people there,
24 and maybe Keith may have more of a background. I
25 notice he had some exchanges with them, as well.

1 MS. MORACE: The next meeting after
2 that's July 16.

3 THE CHAIRMAN: July 16. David?

4 MR. HIMELMAN: That's fine for me.

5 MR. LEBER: Let me check. Give me one
6 second.

7 THE CHAIRMAN: Okay, yeah, because
8 they're going to want -- the person who is inquiring
9 is going to want to talk to -- ask questions of your
10 witnesses.

11 MR. HIMELMAN: I see that. I
12 understand.

13 John, are you available the July 16?
14 What's that?

15 MR. BEAUPRE: Yes, sir.

16 MR. HIMELMAN: And Irwin. Where's
17 Irwin?

18 MS. MORACE: Irwin, unmute yourself.

19 MR. HIMELMAN: Irwin, wake up.

20 MS. MORACE: You're on mute.

21 MR. FEIFER: Oh, gosh. You didn't hear
22 the snoring. I'm sorry. Yes, I'm available.

23 THE CHAIRMAN: Let's say that your
24 client may not want to pay you.

25 MR. HIMELMAN: Marc, are you available?

1 THE WITNESS: No, I'm in Manalapan that
2 night.

3 MS. MORACE: After that it's August 6.

4 MR. LEBER: I could do August 6.

5 MR. HIMELMAN: Fine.

6 THE CHAIRMAN: What about the rest of
7 your witnesses?

8 MR. HIMELMAN: John, are you available,
9 and Irwin?

10 MR. FEIFER: Yes.

11 MR. BEAUPRE: Yes.

12 MR. HIMELMAN: That works.

13 THE CHAIRMAN: We're going to do
14 August 6.

15 MR. HIMELMAN: Yes.

16 THE CHAIRMAN: And --

17 MR. B. ARORA: I have a question. Is
18 that a -- how you call it -- a Zoom meeting?

19 THE CHAIRMAN: Right now we have no
20 reason to think it will be in person.

21 MR. B. ARORA: I would like to bring
22 testimonies from my side, the citizens of East
23 Brunswick, too.

24 THE CHAIRMAN: Well, you can have them
25 call in, Mr. --

1 MR. HIMELMAN: We can discuss that.
2 They can call in and participate in the meeting.

3 MR. WEINER: The meeting is open for the
4 public so any member of the public who wants to
5 participate.

6 MR. HIMELMAN: Correct.

7 MR. LEBER: Will it be 8 o'clock or
8 7:30?

9 THE CHAIRMAN: Well, it doesn't look
10 like -- we might be able to quickly do that with the
11 board tonight, and then we can move on it on the
12 2nd, so that would technically be 7:30.

13 MR. LEBER: Okay.

14 MR. B. ARORA: Mr. Chairman, I really
15 thankful. I'm very thankful to you from the bottom
16 of my heart. Have a good night, all the board
17 members. Have a good night, Mr. David. Have a good
18 night, everyone. Thank you very much.

19 THE CHAIRMAN: Okay.

20 MR. B. ARORA: I don't like Zoom
21 meetings.

22 MR. WEINER: Mr. Arora, you may want to
23 stay with us until the meeting concludes.

24 MR. HIMELMAN: Yes. Paul, hang on.

25 THE CHAIRMAN: Okay. Well, if we're

1 going to do it on the 16th of August -- I'm sorry,
2 the 6th of -- is that correct, Aaron, Loren?

3 MS. MORACE: Yes.

4 THE CHAIRMAN: And we already have
5 confirmation that all of your witnesses can attend?

6 MR. HIMELMAN: Yes.

7 THE CHAIRMAN: Okay. Then let me make
8 the formal announcement then on that. To the public
9 and to everybody on board at the meeting on Zoom
10 tonight, this application is going to be continued
11 until the 6th of August. This applicant is not
12 required to send out any additional notices. The
13 only notice necessary is being provided at this time
14 to the public on this application. So on the 6th of
15 August at 7:30, if the board approves it -- and I
16 guess there will be some announcement if that
17 doesn't happen -- we will continue this application.

18 David, where we left off was that you
19 would have Mr. Feifer --

20 MR. HIMELMAN: Yes.

21 THE CHAIRMAN: -- do his testimony?

22 MR. HIMELMAN: Yes.

23 THE CHAIRMAN: And then we put it up to
24 the public, and then they can have their time
25 whatever they need in order to either agree or

1 disagree or ask questions or get clarifications from
2 your witnesses.

3 MR. HIMELMAN: Correct, Mr. Chairman.

4 THE CHAIRMAN: Okay. Thank you very
5 much. I'm sure you know how to talk to your
6 applicant to let him know if he's got people who
7 want to talk, okay?

8 MR. HIMELMAN: Yes.

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BOARD OF ADJUSTMENT
TOWNSHIP OF EAST BRUNSWICK
COUNTY OF MIDDLESEX
STATE OF NEW JERSEY

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In the Matter of)
The Application of:)
ARORA & ARORA ENTERPRISE, LLC) CERTIFICATE
#Z-20-03)
376 State Route 18)
Block 55.02, Lot 6)

I, DEBORAH A. MASTERTON, a Certified Court Reporter of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the proceedings in the above entitled matter at the time and place aforesaid.

DATE: June 26, 2020

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