

SOUTHAMPTON TOWNSHIP ZONING BOARD
OF ADJUSTMENT
BURLINGTON COUNTY, NEW JERSEY

IN THE MATTER OF

ALLIED RECYCLING,

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TRANSCRIPT

OF

ZONING BOARD MEETING

Place: 5 Retreat Road
Southampton, NJ 08088

Date: August 8, 2013

ZONING BOARD MEMBERS PRESENT:

STEPHEN ZOLTOWSKI, Chairperson
PATRICK KENNEDY, Vice Chairperson
RODNEY GOETTLEMANN
EVELYN M. DOHERTY
WILLIAM ROBBINS
TIMOTHY Q. MURPHY
JODY MAZEALL
R. J. HAAS

PROFESSIONALS AND SUPPORT STAFF:

SHERI HANNAH, Secretary
JODY MAZEALL, Zoning Officer
THOMAS COLEMAN, ESQ. (Raymond Coleman Heinold & Norman)
RAKESH DARJI, Engineer (Environmental Resolutions, Inc.)
THOMAS SCANGARELLO, Planner

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Audio Recorded

A D D E N D U M

Individuals identified within the text of the following transcript do not represent necessarily all of the individuals in attendance at this meeting. Their presence, speaker identification and other information regarding title page and appearance, along with various words, proper nouns and other spellings found within this transcript were able to have been extrapolated from minutes of the meeting and discussions with the Board Secretary and, of course, that which is evident and that which can be concluded by way of the tape recording itself, which is of fair quality.

Areas of the tape which were unable to be discerned were identified by placing the word (indiscernible) or (inaudible) followed by a short explanation.

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Colloquy

1 THE CHAIRPERSON: Call the continued hearing
2 for Allied Recycling, Block 2401, Lot 36.02, 440 New
3 Road for use variance and a minor site plan.

4 UNIDENTIFIED SPEAKER: Well, Mr. Chairman,
5 looks like I'm the star of the show again.

6 Mr. Chairman, I anticipated that Allied was
7 going to be here this evening. Just bear with me. You
8 may recall that they were here in June and we didn't
9 have enough members to hear the application and they
10 elected, because of their vacation schedules, to come
11 here in August.

12 I got a telephone call yesterday from their
13 attorney advising that he was sick and that they
14 weren't coming this evening. I expected to get a
15 letter confirming that, something asking for a
16 continuance and I didn't get that. And I think,
17 Sherri, you subsequently had a conversation with Mr.
18 Ridgway.

19 MS. HANNAH: I spoke with him this morning.

20 UNIDENTIFIED SPEAKER: And did he confirm
21 that with you as well or --

22 MS. HANNAH: That they would not be coming,
23 yes.

24 UNIDENTIFIED SPEAKER: Yeah. So, it's at the
25 discretion of the Board as to how you would like to --

1 you know, we have nothing in writing you know,
2 requesting a continuance.

3 UNIDENTIFIED SPEAKER: Well, Mr. Chairman,
4 I'd like to make a motion. I say we dismiss this
5 application without prejudice. Let them restart and
6 get their act together and get everything organized to
7 start with.

8 BOARD MEMBERS: Yes.

9 UNIDENTIFIED SPEAKER: I'll second it.

10 THE CHAIRPERSON: Is there any discussion?

11 (No audible response)

12 THE CHAIRPERSON: Roll call.

13 UNIDENTIFIED SPEAKER: Are we allowed to from
14 the --

15 UNIDENTIFIED SPEAKER: We will have a public
16 portion --

17 UNIDENTIFIED SPEAKER: Okay, thank you.

18 UNIDENTIFIED SPEAKER: -- just let's finish
19 this first.

20 UNIDENTIFIED SPEAKER: Okay, thank you.

21 MR. ROBBINS: Yeah, I think -- I'd like a
22 little more of elaboration. What does it -- what
23 exactly does this mean? What are the repercussions of
24 dismissing without prejudice?

25 UNIDENTIFIED SPEAKER: Mr. Robbins, it means

1 that they're free to reapply to the Board at their
2 discretion and come back again. I mean, they're going
3 to have to reapply, re-notice, reestablish escrows if
4 they're deficient. Yes, Ms. Doherty?

5 MS. DOHERTY: My concern is that they had an
6 application before us. Can they come back for the same
7 application again?

8 UNIDENTIFIED SPEAKER: They certainly can
9 come back with the same application.

10 MS. DOHERTY: Aren't they in violation of
11 anything with what they're doing?

12 UNIDENTIFIED SPEAKER: No.

13 MS. DOHERTY: Don't they need a use variance
14 and a --

15 UNIDENTIFIED SPEAKER: You know, I -- you
16 know, current what Mr. Mazeall -- his -- as the Zoning
17 Board you know, I can't -- or a zoning officer, I can't
18 comment what he has out there simply because I don't
19 know --

20 MS. DOHERTY: Well, they --

21 UNIDENTIFIED SPEAKER: -- what they're in
22 violation or not violation of.

23 THE CHAIRPERSON: That's an enforcement
24 issue.

25 MS. DOHERTY: But, didn't they have a use --

1 UNIDENTIFIED SPEAKER: We acted on the
2 application.

3 UNIDENTIFIED SPEAKER: We haven't acted on
4 their application.

5 UNIDENTIFIED SPEAKER: We haven't acted on
6 the application, so that --

7 UNIDENTIFIED SPEAKER: Remember, we took it
8 right up to the public portion and we stopped --

9 MS. DOHERTY: What my confusion is -- if I
10 can share this -- is that I was under the impression
11 that the business that he's running --

12 UNIDENTIFIED SPEAKER: Right.

13 MS. DOHERTY: -- the reason he had to get
14 these use variances was to continue to do it, so --

15 UNIDENTIFIED SPEAKER: Again, that's --

16 MS. DOHERTY: -- I just --

17 UNIDENTIFIED SPEAKER: -- that's an
18 enforcement action really.

19 MS. DOHERTY: So, if we vote to do this
20 without prejudice, what's the difference between -- I
21 know what without prejudice means, but what if this
22 goes down, what is the next option?

23 UNIDENTIFIED SPEAKER: What goes down?

24 MS. DOHERTY: What if this isn't approved?
25 What if the motion and the second isn't approved, what

1 would be -- what would happen then?

2 UNIDENTIFIED SPEAKER: Well --

3 UNIDENTIFIED SPEAKER: There could be another
4 motion to continue it.

5 THE CHAIRPERSON: Yeah. There could be a
6 motion to continue it.

7 UNIDENTIFIED SPEAKER: The clock keeps
8 running.

9 THE CHAIRPERSON: The clock keeps ticking.

10 UNIDENTIFIED SPEAKER: If you approve that
11 motion, the clock --

12 MS. DOHERTY: I know, the clock stops.

13 UNIDENTIFIED SPEAKER: -- stops.

14 MS. DOHERTY: Yes.

15 MR. ROBBINS: Sir --

16 UNIDENTIFIED SPEAKER: I would encourage you
17 to dismiss this.

18 MR. ROBBINS: So, sir, essentially, it
19 doesn't change anything with -- unless Jody Mazeall,
20 the construction official, has some enforcement
21 activity that he'd like to pursue. As far as this
22 Board is concerned, they can come in with exactly the
23 same thing next month and start all over again. It's
24 just --

25 UNIDENTIFIED SPEAKER: They've got to start

1 all over again.
2 MR. ROBBINS: -- it's just simply a
3 procedural -- it doesn't put them in any disadvantage,
4 it doesn't --
5 UNIDENTIFIED SPEAKER: We're the Board.
6 MR. ROBBINS: -- put anyone here at any
7 advantage, it's just --
8 UNIDENTIFIED SPEAKER: Correct, Mr. Robbins,
9 yes.
10 MR. ROBBINS: Yeah.
11 THE CHAIRPERSON: We have a motion and a
12 second. Role call?
13 MS. HANNAH: Ms. Doherty?
14 MS. DOHERTY: Yes.
15 MS. HANNAH: Mr. Goettlemann?
16 MR. GOETTLEMANN: Yes.
17 MS. HANNAH Mr. Haas?
18 MR. HAAS: Yes.
19 MS. HANNAH Mr. Kennedy?
20 MR. KENNEDY: Yes.
21 MS. HANNAH: Mr. Murphy?
22 MR. MURPHY: Yes.
23 MS. HANNAH: Mr. Robbins?
24 MR. ROBBINS: Yes.
25 MS. HANNAH: Chairman Zoltowski?

1 THE CHAIRPERSON: Yes. At this time, I'll
2 open this meeting to the public. Is there -- if there
3 is anyone from the public who would like to come
4 forward?
5 UNIDENTIFIED SPEAKER: Yes.
6 THE CHAIRPERSON: Please come forward.
7 UNIDENTIFIED SPEAKER: Come on up.
8 THE CHAIRPERSON: Tom, can they speak about
9 specific --
10 UNIDENTIFIED SPEAKER: They can talk about
11 anything they want, we have no application before us.
12 MS. HANNAH: Make sure they spell their
13 names.
14 THE CHAIRPERSON: Yes.
15 MR. HERTZMAN: My name is Fred Hertzman, I
16 live at 466 New Road.
17 UNIDENTIFIED SPEAKER: Mr. Hertzman --
18 MS. HANNAH: Hold on.
19 UNIDENTIFIED SPEAKER: -- can you just slow
20 down for a second? Can you just spell your name for
21 Ms. Hannah?
22 MR. HERTZMAN: H-e-r-t-z-m-a-n.
23 UNIDENTIFIED SPEAKER: Thank you, Mr.
24 Hertzman.
25 MR. HERTZMAN: At the beginning of New Road I

1 think there's a sign that says, trucks over four tons
2 excluded, I think. I don't know if you guys took it
3 down because of Allied or what, but there used to be a
4 sign there.

5 MR. HERTZMAN: And a four ton truck is
6 basically a UPS truck, that's four tons. Now since
7 I've been laid off and retired, I see these double,
8 triple axle trucks going right past my house, New Road,
9 making all kinds of shit noise.

10 THE CHAIRMAN: Sir --

11 MR. HERTZMAN: They're going to rip up the
12 road and you guys should be telling the staties to
13 start ticketing these trucks. You start ticketing
14 them, they're not going to come down New Road, there
15 goes Allied, unless you guys want Allied, I don't know.
16 But, there is a sign, at least there was when I first
17 moved in 20 years ago.

18 So, I'm saying why isn't the Township, if
19 they're concerned about not wanting to spend money on
20 roads and stuff, why ain't they tellin' the staties to
21 ticket these god damned trucks that are going down the
22 road. That's all I have to say, thank you.

23 UNIDENTIFIED SPEAKER: Thank you, Mr.

24 Hertzman.

25 THE CHAIRPERSON: Rakesh, did you have a

1 chance to look into that?

2 MR. DARJI: Yeah. There is a restriction, a
3 truck restriction on the (indiscernible).

4 THE CHAIRPERSON: Sir, you may want to
5 listen.

6 MR. DARJI: Yeah, there is a restriction, a
7 truck restriction on those roads. But, I think -- you
8 know, we can't really talk (indiscernible) the
9 application, right, Tom, so --

10 UNIDENTIFIED SPEAKER: There -- we have no
11 application.

12 (Multiple speakers)

13 MR. DARJI: There is a truck restriction.

14 UNIDENTIFIED SPEAKER: We have no
15 application.

16 MR. DARJI: Since there is no application
17 (indiscernible). The problem or really the discussion
18 is that the restriction was -- when was the restriction
19 put in. And I think the junkyard's been there and it's
20 a discussion of whether it's grandfathered or not as
21 far as the trucks go.

22 UNIDENTIFIED SPEAKER: But, most important --

23 MR. DARJI: And also -- sorry. The -- see,
24 it appears that the intent of also these restrictions
25 is to prevent trucks from cutting through. Because

1 it's -- clearly, it's intended to keep trucks from
2 going into that quadrant, the 7206 quadrant there.
3 They want people to go down 70 to 206 and not cut
4 through these roads. So, it's really -- one of the
5 major intents is really to keep trucks that want to go
6 down 70 to 206 to go down 70 and 206 and not cut
7 through --

(Multiple speakers)

8 THE CHAIRPERSON: Whoa, whoa, whoa.

9 UNIDENTIFIED SPEAKER: But most importantly,
10 Rakesh, this Board has no jurisdiction to call the
11 State Police.

12 MR. DARJI: That's correct, yes, exactly.

13 UNIDENTIFIED SPEAKER: Mr. Hertzman, that's a
14 Township issue, and I would encourage you to come to
15 the Township meeting to express your same comments,
16 okay?

17 MR. HERTZMAN: When are the Township
18 meetings?

19 UNIDENTIFIED SPEAKER: Sheri?

20 UNIDENTIFIED SPEAKER: Third Tuesday.

21 MS. HANNAH: Third Tuesday.

22 UNIDENTIFIED SPEAKER: Third Tuesdays.

23 MR. HERTZMAN: Third Tuesdays here?

24 UNIDENTIFIED SPEAKER: Yes.
25

1 UNIDENTIFIED SPEAKER: Eight o'clock.

2 MS. DOHERTY: Mr. Chairman?

3 MR. HERTZMAN: Oh, I hope everybody shows up
4 here.

5 THE CHAIRPERSON: Have you had a chance to
6 look at it? Does it say local traffic excluded or
7 anything like that?

8 MR. DARJI: It actually -- the restriction
9 just says no trucks -- I remember because
10 (indiscernible) took the pictures of the signs there.
11 So, it just has a truck exclusion. And then the -- we
12 actually have an ordinance on the books that says
13 trucks are only permitted on these roads, all other
14 roads basically excluded from having truck traffic.

15 THE CHAIRPERSON: And when was that passed?

16 MR. DARJI: I'd have to go back and look at
17 the date on it. It wasn't -- it was --

18 THE CHAIRPERSON: It wasn't recent.

19 MR. DARJI: It's been awhile, it's been quite
20 some time. And also the exclusion reads that obviously
21 local deliveries and things like that are excluded, so
22 that's another again, grey area, local deliveries are
23 excluded.

24 UNIDENTIFIED SPEAKER: That's at least 20
25 years old.

1 MR. DARJI: Yeah. That's -- it's been quite
2 some time.

3 THE CHAIRPERSON: Ms. Doherty?

4 MS. DOHERTY: No, I was just going to say I
5 believe that the signs are just for the three streets,
6 but local deliveries are permitted. I had, after the
7 last -- one of those hearings, looked into it a little
8 bit.

9 THE CHAIRPERSON: Anyone else from the
10 public?

11 (No audible response)

12 THE CHAIRPERSON: I believe she had her hand
13 up first, I'm sorry.

14 UNIDENTIFIED SPEAKER: Oh, I'm sorry.

15 MS. WISHART: I just want clarification --

16 THE CHAIRPERSON: Wait, wait.

17 UNIDENTIFIED SPEAKER: You got to
18 (indiscernible).

19 MS. WISHART: Oh, I'm sorry, Catherine
20 Wishart, W-i-s-h-a-r-t, 1 Falcon Drive, Southampton.

21 I just want a clarification on what has just
22 occurred, we voted and everything. Does this mean that
23 he now needs to cease and desist until he's in
24 compliance, or he keeps going just the way things are
25 and he's managed to play the system to get more time

1 again?

2 I mean, that -- I have a feeling that your
3 hands are tied and I'm not blaming anybody on the Board
4 because I think that you've really backed this up a lot
5 more than people realize. But, I just want a
6 clarification of whether or not at this point he has to
7 cease and desist and go back to the way he was or he
8 can continue with the operations as they are now?

9 THE CHAIRPERSON: No, that -- once again,
10 it's an enforcement issue.

11 MS. WISHART: Okay.

12 THE CHAIRPERSON: He can continue --

13 MS. WISHART: And that's not something that
14 you have --

15 UNIDENTIFIED SPEAKER: Correct.

16 THE CHAIRPERSON: Right.

17 MS. WISHART: Okay, gotcha. Okay, thank you.

18 THE CHAIRPERSON: He can continue to do what
19 he's doing, and he could be putting himself in jeopardy
20 of fines, whatever.

21 MS. WISHART: Okay, legally, right.

22 UNIDENTIFIED SPEAKER: Right.

23 THE CHAIRPERSON: Yes. But, that's between
24 the Township and him.

25 MS. WISHART: Okay. And it's not the purview

1 of this Board, it's the purview of the Township
2 Committee, is that correct?

3 THE CHAIRPERSON: Our job is to set the law,
4 the Township's job is to enforce it.

5 MS. WISHART: There you go, thank you.

6 UNIDENTIFIED SPEAKER: We'll take a minute on
7 this one.

8 MS. KOLANKIEWICZ: Nancy Kolankiewicz, K-o-l-
9 a-n-k-i-e-w -- thank you -- i-c as in cat, z as in
10 zebra, 11 Robbins Way.

11 MS. HANNAH: Thank you.

12 MS. KOLANKIEWICZ: Chairman, committee
13 members, just two questions. So, with respect -- and
14 I'm sorry, I don't recall your name.

15 MS. WISHART: Cathy.

16 MS. KOLANKIEWICZ: To the respect to Cathy's
17 question and I know we got in a little bit late, is the
18 Board in favor of granting a zoning waiver? And I beg
19 your pardon for my tardiness and missing -- we didn't
20 know which door to come in and it's a big building when
21 you're walking around it.

22 THE CHAIRPERSON: We haven't heard an
23 application.

24 MS. KOLANKIEWICZ: I see, okay.

25 THE CHAIRPERSON: It would be no different

1 than you walking before a judge before the trial starts
2 and asking him, is the defendant guilty.

3 MS. KOLANKIEWICZ: I understand, Chairman.

4 THE CHAIRPERSON: We haven't heard anything
5 yet.

6 MS. KOLANKIEWICZ: I understand, sir, thank
7 you. The only thing I wanted to say with respect to
8 the other gentleman's comment about the trucks, it's my
9 understanding every time you -- or it's my
10 understanding that trucks in general are relegated to
11 use the highway system that's been developed and
12 they're not allowed to use the side roads.

13 So, I'm just coming back and I'm saying I
14 think it is a static issue and maybe residents need to
15 call. Because every time you come over a bridge from
16 the -- and I know it's not the issue at hand, but every
17 time you cross a bridge, you see right there after the
18 governor welcomes you and everything, you see that
19 trucks must abide by the interstate highways that are
20 out there. And New Jersey is one of the states that
21 makes that a law. So, I just wanted to mention that.

22 THE CHAIRPERSON: I don't know if you heard
23 it or not, but there is a grey area that says local
24 deliveries excluded.

25 MS. KOLANKIEWICZ: Yes, sir. Yes, sir, I did

1 hear that, but a local delivery, UPS, FedEx, I don't
2 necessarily know that I would classify commercial -- as
3 commercial -- I don't know, things for disposal or
4 whatever else, I don't know that I would classify that
5 as residential. So, I wouldn't -- I certainly wouldn't
6 call that a local delivery, but --

7 THE CHAIRPERSON: Thank you.

8 MS. KOLANKIEWICZ: Thank you, sir. Thank
9 you.

10 THE CHAIRPERSON: Mr. Goettlemann?

11 MR. GOETTLEMANN: If you folks notice that
12 the temperature's rising, the air conditioning system
13 in the attic has failed. Our Township administrator is
14 replacing units, temporary units are in the other
15 offices. But, there's nothing to facilitate the
16 occupation or occupancy of this room short of opening
17 these windows and doors which I think we may have to do
18 shortly.

19 UNIDENTIFIED SPEAKER: It's a good way to
20 keep the meeting short.

21 MS. DOHERTY: Mr. Chairman?

22 THE CHAIRPERSON: Yeah, Ms. Doherty?

23 MS. DOHERTY: Isn't it true that they will
24 have to re-notice everybody when they put the
25 application through again so there will be paperwork

1 and notification to the people and the community?

2 THE CHAIRPERSON: Yes.

3 UNIDENTIFIED SPEAKER: If they reapply.

4 MS. DOHERTY: If they --

5 MS. YEAGER: Kathy Yeager, Y-e-a-g-e-r, 452
6 New Road, Southampton. In respect to the truck issue,
7 I did go to the Township meeting in July and I did
8 bring up the -- my issue with trucks driving on that
9 road because I've measured, it's 20 feet shoulder line
10 to shoulder line.

11 In my research of trucks on road, there's
12 supposed to be at least 22 feet shoulder line to
13 shoulder line or 11 feet center line to shoulder line,
14 which we don't have. The Township has the ten feet
15 right away, but I really don't see the Township coming
16 out to widen that with the expense.

17 In relation to the code, I do have the code
18 of Southampton and it says, "route for trucks over four
19 tons" -- basically I'm reading this -- "no truck over
20 four tons is allowed on New Road with the exception of
21 making a local delivery." So, my question is -- and if
22 it's not for this Board, if it's for the Township
23 Board, then please advise me.

24 But, my question is, if this recycling
25 business is operating without a permit, without an

1 application and doing their thing, are we to say that
2 they're allowed to have their deliveries because
3 they're operating or are there deliveries illegal
4 because they're technically not a legal company?
5 Because if their trucks are going down the road to
6 deliver merchandise, which is recycled things,
7 technically they shouldn't be doing that because
8 they don't have a permit to operate legally.

9 So, that means, as a retired teacher, that I
10 just call the state police each time I see one because
11 I already do it when there's people in the neighborhood
12 that don't belong there. I walk my dogs every day, I
13 know my neighborhood, I know what belongs, what
14 doesn't. So, I want to know like where do I go with
15 that question? Are they -- since you just made your
16 ruling here tonight --

17 UNIDENTIFIED SPEAKER: It's not the
18 deliveries, it's the activity of the driving on those
19 roads. It has nothing to do with them delivering
20 products to that facility. What it has to do with is
21 the trucks themselves driving on those roads. And as
22 the Chairman said --

23 MS. YEAGER: So, is this something that I
24 take to the Township then?

25 UNIDENTIFIED SPEAKER: That's correct.

1 MS. YEAGER: That's correct.

2 UNIDENTIFIED SPEAKER: It's an enforcement
3 issue by the Township committee and the Township
4 committee has the power to say to the state police, to
5 any entity of any power to -- would you please research
6 that situation, would you please monitor it. And
7 please act accordingly in order to identify the people
8 that are using those roads and either ticket them or
9 suspend them from using those roads.

10 MS. YEAGER: Okay. So, we all need to be at
11 the Township meeting.

12 (Multiple Speakers)

13 MR. L. KOLANKIEWICZ: Larry Kolankiewicz, 11
14 Robbins Way, Southampton, New Jersey.

15 THE CHAIRPERSON: Could you spell that last
16 name? I have a Polish --

17 MS. HANNAH: I have it.

18 MR. L. KOLANKIEWICZ: S-m-i-t-h.
19 K-o-l-a-n-k-i-e-w-i-c-z. With regard with the
20 restrictions and the admonitions as to the restriction
21 of tractor trailers going down New Road, there's a
22 garage -- I'll call it a garage -- on Eayrestown Road
23 and if there is no permission for these guys to be
24 using that facility to get down to the garage -- you
25 know, and this is all the time.

1 THE CHAIRPERSON: I think that's the grey
2 area that the law is meant to protect people from
3 cut-throughs from 70 to 206 or vice versa, 206 to 70.
4 That's why they put that catch hold in a local
5 deliveries excluded. Anyone else?

6 MR. JENKINS: My name is Steven Jenkins, I
7 live at 446 New Road. I guess I'm their closest
8 neighbor. My concern with this is if they grow,
9 they're going to be growing into my backyard. Their
10 property already butts up to my backyard, okay. So, if
11 they keep growing or getting bigger or whatever it is
12 they want to do, they're going to be on my property.
13 My value of my property is going to decrease 25 percent
14 right off the bat, it probably already has, okay.

15 So, if I want to sell my house, I ain't going
16 to be able to sell it, okay. I know Sheeny (phonetic),
17 Pointsetts, I know the Fullers (phonetic), I grew up
18 with them. I've known that junkyard for 100 years,
19 okay. The truck that Sheeny drove is only a little one
20 ton truck. The truck these guys are driving are 20
21 tons to 30 tons, I've seen them. I -- I'm a truck
22 mechanic, so I know trucks, it's what I do for a
23 living, they are not supposed to be there.

24 They can't -- if they keep growing this
25 place, what am I going to do? You know, spend the rest

1 of my life in Southampton? Not that I don't like it, I
2 grew up here, but I got visions, I want to retire to
3 Florida. I can't do that if I can't sell my house, do
4 you know what I mean?

5 THE CHAIRPERSON: The -- yeah. I mean,
6 they're not allowed to expand what they're doing, they
7 can't clear more, there's regulations for that. But,
8 can I ask you a question?

9 MR. JENKINS: Absolutely.

10 THE CHAIRPERSON: Are there any cars on that
11 property?

12 MR. JENKINS: Cars?

13 THE CHAIRPERSON: Yes.

14 MR. JENKINS: Yeah, there's cars, there's
15 trucks.

16 THE CHAIRPERSON: No, junk cars.

17 MR. JENKINS: I believe that they recycle
18 junk cars. That's -- all the recycling places recycle
19 towed cars, it's metal, it's steel, it's money, so
20 absolutely.

21 THE CHAIRPERSON: I can only ask you to -- if
22 they do you know, submit another application, to please
23 come back out.

24 MR. JENKINS: Absolutely.

25 THE CHAIRPERSON: Okay.

1 MR. JENKINS: Sure. Thank you very much.

2 UNIDENTIFIED SPEAKER: I would like to say
3 something.

4 THE CHAIRPERSON: Oh wait, he was first, wait
5 a minute.

6 MR. L. KOLANKIEWICZ, SR.: Hi. My name is
7 Lawrence Kolankiewicz, 42 Falcon Drive, Kolankiewicz,
8 you already have the spelling.

9 MS. HANNAH: I do. I won't make you do it
10 again.

11 MR. L. KOLANKIEWICZ, SR: That's my son over
12 there.

13 Okay. I have a question, I just have a
14 question for clarification. The business as it exists
15 today -- and I recognize there's enforcement issues and
16 things like that and we can't talk about the police and
17 everything. My question, you're the Zoning Board,
18 correct? My question is plain and simple. Is the
19 business, as it's functioning today, in compliance with
20 the current zoning that it has?

21 THE CHAIRPERSON: I would say according to
22 the zoning officer, no.

23 MR. L. KOLANKIEWICZ, SR.: Okay.

24 THE CHAIRPERSON: That's what started all
25 this.

1 UNIDENTIFIED SPEAKER: So, we're not the
2 zoning officer.

3 THE CHAIRPERSON: Right.

4 MR. L. KOLANKIEWICZ, SR.: Okay.

5 UNIDENTIFIED SPEAKER: And their application,
6 Mr. Kolankiewicz, where it sort of abruptly ended was
7 incomplete.

8 MR. L. KOLANKIEWICZ, SR.: Okay.

9 UNIDENTIFIED SPEAKER: And one of the things
10 that we requested that they do was come back here and
11 further clarify exactly what they do do out there and
12 we never got to that point. So, for anybody to sit
13 here to say and --

14 MR. L. KOLANKIEWICZ, SR.: Okay.

15 UNIDENTIFIED SPEAKER: -- definitively, yes,
16 they're doing what they're supposed to be doing or not,
17 it's not really our role to do that.

18 MR. L. KOLANKIEWICZ, SR: Okay, I understand.
19 So then I say that forget about what they want to do,
20 let's -- let the minutes of the meeting show that it's
21 in question that the way they're operating their
22 business now appears to be not in compliance with the
23 zoning and then it's an issue for the Township for
24 enforcement. That's all I have to say.

25 THE CHAIRPERSON: They already are enforcing.

1 MR. L. KOLANKIEWICZ, SR.: Well, apparently
2 not because they're still doing business.

3 MR. ROBBINS: Mr. Chairman, could I ask a --

4 THE CHAIRPERSON: Yeah, Mr. Robbins, go
5 ahead.

6 MR. ROBBINS: Have you made your concerns
7 known to the construction official over here in
8 (indiscernible)?

9 MR. L. KOLANKIEWICZ, SR.: No, I have not.

10 MR. ROBBINS: Do you think that might be
11 helpful? If you feel from your observation that the
12 activity there is not in compliance with the existing
13 zoning regulations that it might be helpful for Jody to
14 look into it? Have you asked her to do that?

15 MR. L. KOLANKIEWICZ, SR.: No, I have not.
16 I've come to this meeting because -- and what I'm
17 hearing from the public here is that they're operating
18 in an environment and doing things that appear to be
19 far outside and outside of what the zoning calls for.

20 MR. ROBBINS: Then you should make that --

21 MR. L. KOLANKIEWICZ, SR.: So, I came up and
22 asked a question. I asked a question.

23 MR. ROBBINS: You should make that claim to
24 the construction official --

25 BOARD MEMBERS: The zoning official.

1 MR. ROBBINS: -- you and your neighbors. The
2 zoning officer, whatever he's called.

3 MR. L. KOLANKIEWICZ, SR.: Okay.

4 MR. ROBBINS: We got a problem, look into it.

5 UNIDENTIFIED SPEAKER: But --

6 MR. L. KOLANKIEWICZ, SR.: Okay so, does that
7 -- are you telling me that my question is invalid?

8 MR. ROBBINS: He's the enforcement guy.

9 UNIDENTIFIED SPEAKER: No, but we should be
10 clear on what happens when you do that.

11 MR. L. KOLANKIEWICZ, SR.: Okay.

12 UNIDENTIFIED SPEAKER: Okay. That happens
13 nine out of ten times.

14 MR. L. KOLANKIEWICZ, SR.: Right.

15 UNIDENTIFIED SPEAKER: Someone complains
16 about something that's occurring on their neighbor's
17 property, they complain to the zoning officer. And the
18 zoning officer is empowered on his own to go out and to
19 inspect sites to be in conformance with
20 (indiscernible).

21 Always, every single time without question,
22 the zoning officer will afford that property owner the
23 opportunity -- he'll cite it and he'll say, you're
24 doing something that you're not supposed to be doing,
25 you have to come before the Zoning Board. And you have

1 to go before the Zoning Board and get a -- what's
2 called a use variance to do what you're doing and -- or
3 you have to stop doing what you're doing. And they
4 will make that application which is where we are with
5 this applicant.

6 The other thing that the zoning officer can
7 do -- and seldom, if ever does he do it, without giving
8 that applicant the opportunity to come before this
9 Board is he can directly take them to municipal court
10 and say, you are not in compliance with the zoning
11 ordinance, you're in violation and the municipal court
12 judge will either say, you are or your aren't and will
13 fine him or do whatever he has to do.

14 But, I'm just telling you that nine, nine and
15 nine tenths out of the time, the zoning officer will
16 give them the opportunity to come before this Board.
17 What's happened in this case is that happened many
18 months ago and --

19 MR. L. KOLANKIEWICZ, SR.: Okay.

20 UNIDENTIFIED SPEAKER: -- it's been delayed
21 in getting here.

22 MR. L. KOLANKIEWICZ, SR.: Well, thanks for
23 explaining that to me. So, I guess -- if I could
24 attest to my understand that if -- what I hear in the
25 room here, if this is going on blatantly and they're --

1 if they're abusing or violating the zoning then people
2 should file formal complaints to the construction
3 office --

4 BOARD MEMBERS: Zoning office.

5 MR. L. KOLANKIEWICZ, SR.: Zoning, right --
6 the zoning officer so that they can be investigated, is
7 that correct?

8 UNIDENTIFIED SPEAKER: What can happen now is
9 that by virtue of the action that this Board did a half
10 hour ago --

11 MR. L. KOLANKIEWICZ, SR.: Right.

12 UNIDENTIFIED SPEAKER: -- if the applicant
13 doesn't submit a new application -- completely brand
14 spanking new application -- to this Board within a
15 reasonable period of time, the zoning officer can
16 easily say, you know what, they gave you an opportunity
17 to do it, you didn't do it, I'm taking you right to
18 municipal court. And that --

19 MR. L. KOLANKIEWICZ, SR.: Okay. Even for
20 its current practices, is that correct?

21 UNIDENTIFIED SPEAKER: Right. And that's --

22 MR. L. KOLANKIEWICZ, SR.: Okay.

23 UNIDENTIFIED SPEAKER: And that's the path
24 that you all should take and insist upon him if there's
25 something -- some action that you want to occur.

8

1 MR. L. KOLANKIEWICZ, SR.: Okay. Thank you
2 very much for your explanation.

3 THE CHAIRPERSON: Thank you.

4 MR. L. KOLANKIEWICZ, SR.: Thank you.

5 UNIDENTIFIED SPEAKER: What's reasonable?
6 What's considered a reasonable amount of time?

7 MS. TAYLOR: I wanted to ask the same thing.
8 My name is Pauline Taylor and I live at 446 New Road,
9 we are directly in front of the property. And I can
10 say that I've been there for a year and eight months
11 and in that time I have noticed a thinning of the trees
12 behind our property. Not where our property line ends,
13 but on their property.

14 Because 18 months ago, I really couldn't see
15 that far into their property, now I can because I
16 believe they thinned out their trees. And they do have
17 junk trucks on that property, even in the driveway they
18 have junk vehicles there, they have dumpsters there.
19 And my question is, if they're allowed to get by under
20 the guise of local deliveries, is everything coming in
21 and nothing going out?

22 Because they're trucking things out, are they
23 not? Or is it just a dumping ground? I can't see a
24 business making a profit if they're just bringing stuff
25 to sit on a property. So at some point in time, that

1 material is exiting that property. So, I think that
2 goes beyond delivery.

3 So my point is, I just don't understand if
4 they're not operating in a legal fashion, is their
5 communication between this Board and the people who
6 enforce the compliance to get these people to either
7 operate in a legal fashion or desist. I work in
8 compliance, I work for a very large company. I have
9 6,000 vendors that I have to deal with on a daily basis
10 to comply with how we do business, so we communicate.
11 I just want to know, is there communication between
12 this Board and the -- whatever the other Board is, the
13 construction people?

14 BOARD MEMBER: The Township.

15 UNIDENTIFIED SPEAKER: The Zoning Officer.

16 MS. TAYLOR: The zoning.

17 UNIDENTIFIED SPEAKER: Zoning Officer.

18 MS. TAYLOR: I mean, do you operate
19 separately?

20 THE CHAIRPERSON: No.

21 UNIDENTIFIED SPEAKER: No.

22 THE CHAIRPERSON: Yes.

23 UNIDENTIFIED SPEAKER: There's a zoning
24 officer/construction code official, okay. So, he's in
25 charge of all zoning regulations that are contained in

1 that big book that Sheri has over there. If anybody
2 has a complaint, they go to him. The Township
3 committee has a complaint they say, hey,
4 so-and-so is operating a sports bar out of the
5 backyard, whatever the case may be, and he goes out an
6 he investigates. And when he investigates he comes to
7 a conclusion, yes, they are operating a sports bar out
8 of their backyard and they're not supposed to do that.
9 He sends them a citation and he says, you either come
10 before this Board and seek a variance or I'm taking you
11 to court.

12 MS. TAYLOR: So, this situation has been
13 going on for quite some time.

14 UNIDENTIFIED SPEAKER: I know. I can't tell
15 you how long it's been going on, but it's probably been
16 going on --

17 MS. TAYLOR: Is he totally unaware of the
18 situation or no one's complained to him?

19 UNIDENTIFIED SPEAKER: No, he's the one that
20 brought it to the attention of us. No, he's really
21 doing his job, he's really a good guy and he knows what
22 he's doing. He brought it to their attention and he
23 brought it to this Board's attention and they have to
24 submit an application before this Board.

25 MS. TAYLOR: Okay. So, then the next

1 question is, what's a reasonable amount of time?

2 UNIDENTIFIED SPEAKER: That's the zoning
3 officer's --

4 MS. TAYLOR: A few weeks, a month, six
5 months?

6 UNIDENTIFIED SPEAKER: I'll defer it to the
7 zoning officer. I'm not going to say what's reasonable
8 and what's not.

9 MS. TAYLOR: And the zoning officer will be
10 at the meeting, the Township meeting?

11 UNIDENTIFIED SPEAKER: The zoning officer
12 will be here first thing in the morning.

13 UNIDENTIFIED SPEAKER: He's here every day.

14 MS. HANNAH: Every day.

15 MS. TAYLOR: And his name?

16 UNIDENTIFIED SPEAKER: His name is Sheri
17 Hannah.

18 MS. HANNAH: Jody Mazeall.

19 MS. TAYLOR: Pardon me? Jody --

20 UNIDENTIFIED SPEAKER: Mr. Mazeall. Jody --

21 MS. TAYLOR: Mr. Mazeall, okay.

22 UNIDENTIFIED SPEAKER: Can we put a maximum
23 time frame on that? No longer than a month?

24 BOARD MEMBERS: No.

25 MS. DOHERTY: It's not our call.

1 UNIDENTIFIED SPEAKER: No, it's got to be
2 done -- you can call Jody -- Mr. Mazeall if you want.

3 MS. HANNAH: He usually leaves the office
4 around ten, so if you want to catch him promptly, 8:30
5 to ten.

6 UNIDENTIFIED SPEAKER: 8:30, yup.

7 MS. TOPHAM: My name is Pat Topham for 450
8 New Road. My question is --

9 THE CHAIRPERSON: Whoa, what's your last
10 name?

11 MS. TOPHAM: Topham, T-o-p-h-a-m.

12 THE CHAIRPERSON: Topham, okay.

13 MS. TOPHAM: I live at 450 New Road. And my
14 question is, who is going to be doing any inspections
15 on the ground? I have well and I'm very concerned
16 about my water, so who do I go to? Do I come to you,
17 do I go to --

18 UNIDENTIFIED SPEAKER: Mr. Mazeall.

19 MS. TOPHAM: Okay. That would be Jody,
20 right?

21 UNIDENTIFIED SPEAKER: (No audible response).

22 MS. TOPHAM: Yes, okay, that's who I go to
23 about that to see who is checking up on our soil -- I
24 mean his soil, I should say. Okay, thank you.

25 MR. PRICE: J.P. Price, Falcon Drive,

1 Southampton, I've been there since '84, built my house.

2 UNIDENTIFIED SPEAKER: We didn't catch the
3 address, sir.

4 THE CHAIRPERSON: What's your address?

5 MR. PRICE: 33 Falcon Drive. So, I've been
6 listening to everything and I realize about the
7 communication between the Zoning Board and the Township
8 and this Board. My concern -- I don't want to go back,
9 I know they're doing something wrong now and they're
10 going to enforce it.

11 My concern is to make sure that this Board
12 understands how we feel that we want this variance --
13 when it does get voted on if they come back -- that we
14 want it rejected for various of reasons of either
15 safety, what it does to our town, our values. This is
16 not why we came to a small town of Vincenttown to have
17 something like this.

18 And I don't know of any other local towns
19 that in a -- this close to residential, 100 yards away,
20 all those houses on Falcon Drive that back up to it
21 besides the ones on New Road, I just think -- I hope
22 that you can understand because I don't think any of
23 you would want to buy a house on Falcon Drive. I'm
24 also concerned that -- is this going to be a 24 by
25 seven, I can see the bright lights and -- this is not

1 going to be a nine to five, this is going to be all the
2 time.

3 My cousin owns a recycling plant in
4 Pennsylvania, I'm very aware of what it takes and the
5 damage. So, I guess we'll have to come back if they
6 come with that, but I don't think anybody here probably
7 is going to say that they agree that this should not be
8 approved. So, I just want that known at that point.

9 UNIDENTIFIED SPEAKER: May I ask --

10 THE CHAIRPERSON: No.

11 UNIDENTIFIED SPEAKER: -- my question.

12 THE CHAIRPERSON: No.

13 UNIDENTIFIED SPEAKER: No?

14 UNIDENTIFIED SPEAKER: Have you had --

15 THE CHAIRPERSON: No. So, you hit the nail
16 on the head, you need to come back, okay. We're not
17 going to make any decision tonight, you're not going to
18 change our mind tonight whether -- how any Board member
19 feels. But, I can only advise you when you come back
20 -- and this goes for everyone -- don't stand up here
21 and say, I don't want it, I don't like it, okay?

22 UNIDENTIFIED SPEAKER: Right.

23 THE CHAIRPERSON: That's not a valid reason
24 to turn them down, okay. You have to have facts,
25 something proof of what you don't like about it, okay?

1 MR. PRICE: Like home values, potential well
2 damage, safety with truck, things like that?

3 THE CHAIRPERSON: Sure. But, you may have to
4 provide facts, you might have to say the home values
5 have gone down and here's my proof, okay?

6 MR. PRICE: All right. Okay.

7 THE CHAIRPERSON: He was next. Wait a
8 minute.

9 MR. ZIPSE: Hi. Bill Zipse over at 406 --
10 Z-i-p-s-e over on 406 New Road. I'm kind of new to the
11 whole thing and the process and I just have a couple of
12 questions about the variance process and I'm learning a
13 lot just being here.

14 But, when they request the variance -- I
15 mean, somebody brought up about the clean water and
16 that kind of does make me think about -- especially,
17 when I think junkyard which is what had been there
18 before, I always think, okay, you can harvest with a
19 hacksaw and a socket wrench. When I think recycling
20 center, that's pretty different:

21 You know, I think recycling electronics, even
22 automobiles, but you're breaking them down further and
23 I think you know cadmium, lead. Are these types of
24 things -- when they request a variance -- I mean do
25 they pursue -- I mean, everybody on New Road knows that

1 there's a wetland right along that area. Do they do an
2 LOI? Is there a study on that?

3 UNIDENTIFIED SPEAKER: What they do and what
4 they testified to that last time is that they identify
5 the natural features of the property. What we did in
6 our reports is we said that, yes, there are those
7 natural features and it's our responsibility and this
8 Board's responsibility to have them concur and identify
9 what those natural features are and explain to us what
10 the effects and what the impact of those things are
11 going to be and how they're going to mitigate those
12 issues if they are going to mitigate those issues.

13 MR. ZIPSE: Okay.

14 UNIDENTIFIED SPEAKER: They're -- it's going
15 to be virtually impossible, as you know, to say, we
16 don't have any environmental impact. If you put one
17 foot on that property, there's an environmental impact,
18 okay.

19 MR. ZIPSE: Sure.

20 UNIDENTIFIED SPEAKER: So, our job -- and
21 it's been identified in my report and in the engineer's
22 report -- is that there probably are those
23 environmental issues. And as the Chairman said to the
24 last person that stood here, you can't just come up
25 here and say, well, we don't like it, we don't like it.

1 And the best way to help this Board and the best way to
2 help us is to take another look at it and say, you know
3 what, if you are going to approve it, I want you to
4 approve it with the following conditions because this
5 is the way it's going to make my life better. To not
6 -- everybody in this room, don't necessarily put a
7 negative impact on it. Look at it in a positive way
8 and say to yourselves, if you are going to approve it,
9 this is the way I want it done.

10 MR. ZIPSE: Well seriously, that's why I
11 asked the question.

12 UNIDENTIFIED SPEAKER: Okay. And that's the
13 way --

14 MR. ZIPSE: Is there a contingency for
15 containment? Is there --

16 UNIDENTIFIED SPEAKER: Right. And that's the
17 way you can help this process. And that's the way
18 everybody in this room can help this process because it
19 is going to be a process.

20 MR. ZIPSE: Sure. Well, thank you.

21 UNIDENTIFIED SPEAKER: You're welcome.

22 MR. ZIPSE: Thank you.

23 MS. DOHERTY: Thank you.

24 MR. TETREAUULT: Hi, Bernard Tetreault,
25 T-e-t-r-e-a-u-l-t, 6 Ridgeway Lane. Would an

1 application like this on a property that has
2 potentially contamination, isn't there some requirement
3 for the applicant to show -- perform testing to
4 determine if there is contamination and if so, to clean
5 up the property?

6 UNIDENTIFIED SPEAKER: We just talked about
7 that.

8 MR. TETREULT: Okay.

9 UNIDENTIFIED SPEAKER: One of the -- we just
10 talked about that. And one of the things we talked
11 about in our report was, you're not allowed to bring
12 any vehicles on there that are going to leak. Guess
13 what? I mean, it's impossible to happen, okay?

14 MR. TETREULT: Right.

15 UNIDENTIFIED SPEAKER: So, yes, we have to
16 figure out a way and they have to figure out a way. If
17 they can't figure out a way and satisfy this Board,
18 then they can't do it.

19 MR. TETREULT: But, even what's there right
20 now I mean, could be contaminated, right?

21 UNIDENTIFIED SPEAKER: It could be
22 contaminated.

23 MR. TETREULT: Right. Isn't it -- I mean
24 certainly, if somebody was to concern the DEP, DEP --
25 and I think the town could even do that -- DEP could

1 investigate and possibly enforce the property owner --
2 just like a gas station -- to perform testing to
3 determine if he's got contamination. And if he does
4 have contamination, he would be compelled to clean it
5 up.

6 UNIDENTIFIED SPEAKER: Correct.

7 MR. TETREULT: Okay.

8 THE CHAIRPERSON: Also as a business owner I
9 would have thought he would have had that done prior to
10 purchasing it.

11 MR. TETREULT: Right. Because he's
12 -- if he didn't put that on a previous owner, he
13 becomes responsible for it, right.

14 THE CHAIRPERSON: Right. It was a
15 junkyard --

16 MR. TETREULT: Right.

17 THE CHAIRPERSON: -- there were cars there --

18 MR. TETREULT: Right.

19 THE CHAIRPERSON: -- possibly leaking oil,
20 antifreeze, gas, whatever.

21 MR. TETREULT: Right.

22 UNIDENTIFIED SPEAKER: It's still a junkyard.

23 MR. TETREULT: But, if he -- yeah. And from
24 what I understand, like a gas station, usually if
25 somebody buys that, the first thing they do usually is

1 to you know, put it on -- you know, it's contingent --
2 I've been -- dealt with cases with the state where
3 basically, before they'll pay for the ride away, they
4 put it aside to determine what the potential cost of
5 cleanup is and they put that in escrow.

6 THE CHAIRPERSON: Sure.

7 MR. TETREAULT: And the owner doesn't get
8 that until the property's cleaned up to DEP's
9 satisfaction. So you know, in this case you know, it
10 would seem that there's a good possibility that he has
11 contamination on his site that may have to be cleaned
12 up to meet DEP requirements. And you know, I would
13 think somebody could ask the DEP that question and say,
14 hey --

15 UNIDENTIFIED SPEAKER: And the way that that
16 would happen is, if contamination was identified and he
17 stood up there where you're standing and said, I'm
18 going to clean that up, then this Board, if they
19 approved the application, would approve it conditioned
20 upon him cleaning that up and getting a certificate
21 from the Department of Environment Protection before
22 he's able to occupy that space any further.

23 MR. TETREAULT: Right, okay.

24 MR. ROBBINS: Mr. Chairman, could --

25 THE CHAIRPERSON: Yes, Mr. Robbins?

1 MR. ROBBINS: -- could I ask a question of
2 our professional? Notwithstanding what Mr. Scangarello
3 said about the public giving testimony of how they
4 would like -- what improvements or what conditions they
5 would like to see were we to grant this, don't they
6 also have -- the public have the right and perhaps the
7 obligation to give -- to present good factual zoning
8 and ordinance and law related reasons why we might not
9 grant a variance that would be inclined to allow them
10 to continue their business as they're going?

11 THE CHAIRPERSON: Yes. And that's what I
12 tried to state earlier, that don't come up and just say
13 I don't like it because they make -- you know, they put
14 a 30 foot mound of metal --

15 MR. ROBBINS: Right.

16 THE CHAIRPERSON: -- and I can see it.

17 MR. ROBBINS: Right. But, there might be
18 reasons. I don't know, but there might be reasons that
19 public could present --

20 THE CHAIRPERSON: Yeah. All Tom -- yeah.

21 MR. ROBBINS: -- which would discourage this
22 Board from granting any variances to the applicant.

23 THE CHAIRPERSON: All Tom was saying was, you
24 can express your negative things, but also we will have
25 to make a motion at some point. You may want to say, I

1 don't want them operating after 5 p.m., the public may
2 want to say that and that's all Tom's saying. You may
3 want to put some positive things forward in the motion
4 whether it passes or not, that's all he was saying.

5 UNIDENTIFIED SPEAKER: So, we perform a test
6 here at the site. Isn't it incumbent upon the owner to
7 get down the aquifer, 100 feet, 200 feet, 300 feet,
8 test a couple of the wells along the way.

9 THE CHAIRPERSON: We could request a test be
10 done. We could request that our engineer be there. I
11 think they're going to do -- the first thing out,
12 they're going to a Phase 1.

13 UNIDENTIFIED SPEAKER: Right.

14 THE CHAIRPERSON: And if they see something
15 that doesn't look good, they would go further. But, a
16 Phase I will be -- if they don't see anything in a
17 Phase I, they're not going to proceed. Rakesh?

18 MR. DARJI: As part of the (indiscernible),
19 though we're required to do some form of testing.
20 Phase I, I think we're definitely saying there's a
21 possibility that this area could be contaminated and
22 would require -- as far as this Board goes, we could
23 require them to do some testing as part of that
24 application. If they -- if we were to condition any
25 approval or grant -- or even a use variance, it would

1 be conditioned on coming back for a site plan.

2 And our site plan requirements do have that
3 provision, we have an environmental testing requirement
4 for ground water and for Phase I/Phase II in our
5 requirements. And then as far as the actual testing,
6 there's the protocol for the number of tests they have
7 to perform per acre of land. So, it wouldn't just be
8 one test, it would basically -- it depends on the
9 actual area of land and they're required to perform
10 several tests.

11 UNIDENTIFIED SPEAKER: Mr. Chairman, can I
12 ask a followup question. So, I heard what you said
13 about us coming back with positive or facts. But, you
14 said something earlier that was a little bothersome.
15 Things like an ugly pile and noise and lights,
16 potential danger, your kids are very important to us.
17 And maybe we don't have all the technical that I have
18 to get down to looking up and Googling recycling and
19 all that, so I just want to make sure we understand
20 that.

21 Because I look at it like, what is the
22 benefit to the Township, if they approve it, of one
23 business as opposed to hundreds of residents in this
24 town or a reputation that we have that. To me, that's
25 something that's just as important as all the technical

1 things. So, I just wanted to bring that back up.

2 THE CHAIRPERSON: No. That's -- I didn't --
3 if you took it that way, that's not what I meant.

4 UNIDENTIFIED SPEAKER: No.

5 THE CHAIRPERSON: I'm just saying, you can't
6 just come up here and say, I don't like it, I don't
7 want it, okay, that's all.

8 UNIDENTIFIED SPEAKER: Well, we can, that's
9 why we're all here.

10 UNIDENTIFIED SPEAKER: You coming --

11 UNIDENTIFIED SPEAKER: No, I know what you're
12 saying, but I mean --

13 THE CHAIRPERSON: All right.

14 UNIDENTIFIED SPEAKER: -- we don't like it
15 and here's the reasons why, I understand that.

16 UNIDENTIFIED SPEAKER: But, you coming back
17 with pictures of trucks and/or pictures of 30 foot high
18 metal and you know, supporting statements from your
19 neighbors that said, I saw this and that and pictures
20 and how it effects your property and lights at a
21 particular time, those are compelling arguments.

22 UNIDENTIFIED SPEAKER: All right. Okay,
23 thank you.

24 UNIDENTIFIED SPEAKER: Thank you.

25 THE CHAIRPERSON: Mr. Goettlemann?

1 MR. GOETTLEMANN: A zoning board is a
2 judicial entity and our conversation relevant to this
3 -- you notice, I haven't said a word. In order for us
4 to function legally, we are a judicial body. And those
5 rules are rather important. You may say to testify,
6 but we're not taking testify because it's -- counsel,
7 can you further -- it's just -- this is an open
8 conversation.

9 MR. COLEMAN: Yeah, this is an open
10 conversation, you're free to discuss anything you'd
11 like, the time of day, this -- the fact that there is
12 no application here. But, I think as many of the Board
13 members have said over the last 45 minutes, we
14 appreciate your concerns, but there will be hopefully a
15 time and a place when you can return and express your
16 concerns after the applicant has made a record of what
17 or what they don't want to do.

18 But you know, to ask the Board, respectfully,
19 about you know, are you going to insist on well
20 sampling and the amount of evidence, it's all premature
21 at this point, folks. And I can't say it any simpler
22 than that. We don't even know if they're going to come
23 back.

24 MR. OBERMAN: Rich Oberman, O-b-e-r-m-a-n, 29
25 Falcon. Would you mind explaining to the public or the

1 people that are here what is incumbent on the
2 applicant?

3 UNIDENTIFIED SPEAKER: Well -- and that means
4 the public good, right?

5 MR. OBERMAN: Right.

6 UNIDENTIFIED SPEAKER: The applicant will
7 undoubtedly be asking for something that's called the
8 use variance. In order to get a use variance, the
9 applicant has to demonstrate that there are special
10 reasons that he should be granted that use variance,
11 that there are benefits -- not to him, but benefits to
12 the municipality for the granting of that use variance,
13 benefits that outweigh the detriments.

14 That he's doing something that's going to
15 help the public good and public welfare of the
16 municipality. That he's in keeping with the
17 disciplines of the master plan and the goals and
18 objectives of the zoning ordinance go to the
19 municipality. So, he's got a very stringent test.

20 The same (indiscernible) if this Board votes
21 to deny that application, they have the same stringent
22 test to say, no, you haven't satisfied that criteria.
23 And what the Chairman said 20 minutes ago is when you
24 come up here, if you can also concentrate on those
25 things as well as concentrating on the fact that in

1 your particular case it's not in your neighborhood's
2 welfare for this to occur.

3 Not just because I think it's ugly or I think
4 it's going to hurt my property value, you have to
5 explain why it's going to -- why it's ugly or, as Tom
6 just, because you have cars (indiscernible), whatever
7 the case may be. So, there -- you know, there's a law
8 there of guidelines and a land use law that they have
9 to follow, there are guidelines in the land use law
10 that they have to follow.

11 UNIDENTIFIED SPEAKER: And it's important to
12 note that this standard isn't unique just to this
13 potential application, this is for anybody in the room
14 that may want to come in here for a use variance to do
15 something on your particular property. You're going to

16 be put through the same standard. We're not creating a
17 special standard just for them.

18 UNIDENTIFIED SPEAKER: This is what he was
19 saying. He wasn't trying to like have you come up with
20 you know, things against or for. He's -- there is --
21 rules that they have to follow and comply with --

22 UNIDENTIFIED SPEAKER: Correct.

23 UNIDENTIFIED SPEAKER: -- or they get denied.
24 So, if you want to look them up and see what they have
25 to comply with, then you can argue those points.

1 UNIDENTIFIED SPEAKER: Right.

2 UNIDENTIFIED SPEAKER: So, be smart about it
3 and use those points for your advantage.

4 UNIDENTIFIED SPEAKER: Right. But, by the
5 same token, think about -- as I said before, think
6 about how -- think about if it had to stay there, think
7 about if this Board said, there's no way we can get rid
8 of this thing, think about how it's going -- think
9 about what things could be done to it to make your life
10 better.

11 (Multiple Speakers)

12 UNIDENTIFIED SPEAKER: Think about --

13 UNIDENTIFIED SPEAKER: But, they're in my
14 backyard.

15 UNIDENTIFIED SPEAKER: I understand that.

16 MS. WISHART: Excuse me, Catherine Wishart
17 one more time. Guys, this is what we're hearing.

18 THE CHAIRPERSON: Wait a minute, if you want
19 to talk to them, you can talk to them outside. If you
20 want to come up and ask us a question --

21 MS. WISHART: Okay. I just want to make sure
22 I'm hearing this properly then, okay? You cannot take
23 a stance one way or the other because if you do, it
24 would be prejudicial at this point. So, you have to be
25 very careful with what you say to us and what kind of

1 guidance you give us, is that true?

2 THE CHAIRPERSON: The guidance we're giving
3 you is for any application.

4 MS. WISHART: For any application, right.

5 THE CHAIRPERSON: If your neighbor wanted to
6 put a deck on the back of his house --

7 MS. WISHART: You're giving us general
8 information at this point that has nothing to do with
9 any particular application, but just general
10 information on how this Board is required to work. And
11 the -- and this Board needs to not only look at the
12 possibility of denial, but also of acceptance, so we're
13 getting information on how to proceed on both sides of
14 the coin.

15 And that way we can be prepared in -- as a
16 group to see which -- if it goes one way, we work on it
17 that -- on it from one point of view. If the way that
18 we hope it goes doesn't come through, then we can turn
19 around and try to put specifics into place to make it
20 as livable a situation as possible.

21 THE CHAIRPERSON: Correct.

22 MS. WISHART: Because I do know that there
23 have been a couple of things that the Board has tried
24 to stop coming into the Township lately that then got
25 -- that there were some issues with. So, we've got to

1 look at both sides of the coin in order to be prepared
2 ourselves to make this the best situation possible for
3 everyone. That's what you're trying to tell us now,
4 for all applications that that's the way we should look
5 at it, correct?

6 THE CHAIRPERSON: Correct.

7 UNIDENTIFIED SPEAKER: Correct.

8 MS. WISHART: Thank you.

9 MS. ARIAS: Theresa Arias, A-r-i-a-s, 441 New
10 Road, right across the street. Are there certain hours
11 of operation right now that he's allowed to operate his
12 business? If you live right next door to him, those
13 bright lights are on ten, eleven o'clock at night.

14 UNIDENTIFIED SPEAKER: They're on all night.

15 THE CHAIRPERSON: Okay.

16 UNIDENTIFIED SPEAKER: In the backyard.

17 MS. ARIAS: Yeah.

18 UNIDENTIFIED SPEAKER: Twenty-four hours.

19 MR. ROBBINS: I believe there's a sign at the
20 gate that has the hours of operation, I just saw it
21 today.

22 MS. ARIAS: Okay. And that doesn't mean just
23 open to the public.

24 THE CHAIRPERSON: They may have lights on for
25 security reasons. They -- you know, but they

1 shouldn't --

2 MS. ARIAS: They're in there at night, you --

3 THE CHAIRPERSON: -- be outside their
4 operating hours.

5 MS. ARIAS: It sounds like they're picking up
6 cars and boom.

7 THE CHAIRPERSON: But, that's -- once again,
8 it's an enforcement issue.

9 MS. ARIAS: Okay.

10 THE CHAIRPERSON: But once again going back
11 to what she stated, if -- you may want to say, if this
12 -- something like this does happen, we would like it
13 restricted to this.

14 MS. ARIAS: Certain hours, right. Okay,
15 thank you.

16 UNIDENTIFIED SPEAKER: Come on up.

17 THE CHAIRPERSON: Come on.

18 UNIDENTIFIED SPEAKER: I would just like to
19 say that before I moved to this area, I heard a lot
20 about the Pinelands and I was very proud to move down
21 here because it is a very unique and wonderful
22 geography that we have. I don't think there's anywhere
23 in the nation that has the aquifer underneath the land
24 like we do here in South Jersey.

25 And South Jersey's been come to known for a

1 lot of really good things and I think we should put
2 ourself on that level with The Sequoias, the Red Lands,
3 the Bad Lands, Nappa, all those other people that enjoy
4 being proud of where they're from. I think that we
5 should take heart and defend the Pinelands because
6 that's what's going on here.

7 These people are proud of where they're from,
8 they want to protect their property value, they want to
9 remain proud of where they belong. And in my
10 estimation, recycling and a gorgeous geography doesn't
11 go together. So, I don't think it's a really good fit,
12 I don't think they're a really good partner, I don't
13 think they're a really good neighbor. So, I think that
14 ought to be taken into consideration.

15 THE CHAIRPERSON: All right, please come back
16 out.

17 UNIDENTIFIED SPEAKER: Thank you.

18 THE CHAIRPERSON: Anyone else?

19 UNIDENTIFIED SPEAKER: When -- how can we be
20 notified when -- if they do apply, that we --

21 THE CHAIRPERSON: Only the --

22 UNIDENTIFIED SPEAKER: Is it up on the
23 website, do you know what the (indiscernible) is?

24 THE CHAIRPERSON: Only the owners within 204
25 feet will be notified.

1 UNIDENTIFIED SPEAKER: Trust me, you'll --

2 UNIDENTIFIED SPEAKER: No. I mean, how we
3 would know when it's time to come?

4 UNIDENTIFIED SPEAKER: -- I'm sure you'll
5 find out.

6 UNIDENTIFIED SPEAKER: It will be in the
7 paper.

8 THE CHAIRPERSON: Anyone else from the
9 public?

10 UNIDENTIFIED SPEAKER: Come on up.

11 MR. BURKE: Lawrence Burke, 3 Falcon Drive,
12 Southampton. I just have a question, why is the onus
13 on us, the members of the community, to prove what's
14 going on back there. I went on Google Earth on the
15 computer to try to get overhead photos, they're three
16 years old, they don't nearly show the damage that's
17 being done back there. So, this committee or the
18 construction guy can't have money in the budget to have
19 a plane go overhead and see how awful this place is? I
20 mean, how much could a half a dozen aerial photos cost
21 this community, all the taxes we pay?

22 UNIDENTIFIED SPEAKER: It's a wonderful
23 question you can raise with the Township committee.

24 UNIDENTIFIED SPEAKER: August 20th.

25 MR. BURKE: That's Mr. Mazeall?

1 THE CHAIRPERSON: Each --
 2 UNIDENTIFIED SPEAKER: He's the Zoning
 3 Officer.

4 MR. BURKE: All right. So, who,
 5 specifically, do I need to talk to before I talk to the
 6 EPA about this?

7 UNIDENTIFIED SPEAKER: I would start, as we
 8 mentioned this evening, I would start -- if you have a
 9 concern about the operation and what's being undertaken
 10 there, as Sherri has said, he's here at 8:30 in the
 11 morning.

12 MR. BURKE: Okay, thank you.

13 THE CHAIRPERSON: Excuse me, with every
 14 application this Board has the right to go out there
 15 and survey what's going on.

16 MR. BURKE: We've invited Jody to come out,
 17 go through our backyard and see what's going on and I
 18 don't think he's ever done it because I'm home almost
 19 every day. And I see in here what's going on back
 20 there. And they were very busy today, I'm surprised
 21 there's no one here tonight to represent them.

22 THE CHAIRPERSON: I think Jody is aware of
 23 what's going on. And Tom has stated, Jody has put them
 24 on notice.

25 MR. BURKE: You've all heard of Love Canal,

1 what happened there years ago, right? If we're not
 2 careful, the same thing's going to happen here.

3 THE CHAIRPERSON: Anyone else?

4 (No audible response)

5 THE CHAIRPERSON: Public portion closed,
 6 thank you all for coming out. If you could, please
 7 don't talk out in the hallway, please go outside so we
 8 can --

9 (Conclusion of the public portion of the meeting)

10 THE CHAIRPERSON: Is there anything else to
 11 come before this Board?

12 MR. HAAS: I make a motion we adjourn.

13 THE CHAIRPERSON: Mr. Robbins?

14 MR. ROBBINS: I had a question regarding
 15 the --

16 MS. HANNAH: I can't hear anything.

17 THE CHAIRPERSON: Tom?

18 MR. SCANGARELLO: Excuse me?

19 UNIDENTIFIED SPEAKER: Outside.

20 MR. SCANGARELLO: You can either take it
 21 outside or -- because we're trying to still wrap up
 22 some business here.

23 UNIDENTIFIED SPEAKER: Sorry.

24 MR. SCANGARELLO: Sorry. Thank you.

25 (Unrelated matters discussed)

1 MS. DOHERTY: I have two questions.

2 UNIDENTIFIED SPEAKER: Yes.

3 THE CHAIRPERSON: Ms. Doherty?

4 MS. DOHERTY: What if, for some reason,
5 Allied says, well, I really faxed something to the
6 Township and I guess it didn't take and I wanted a
7 continuance, what would you recommend, no matter what,
8 we do with the paperwork we have? Should we throw it
9 away or should we keep what we have on Allied?

10 UNIDENTIFIED SPEAKER: I would definitely
11 keep what you have. I think it will be a valuable
12 resource to the extent that they do agree to come back.
13 You know, I mean that's up to you, if you want to start
14 fresh, they're going to be -- if they come back,
15 they're going to be obligated to resubmit all the
16 paperwork. As Tom said, a complete brand new
17 application.

18 MS. DOHERTY: Okay. And what if they said
19 that they tried to notify somebody, couldn't get
20 through or -- what would happen in that event?

21 MS. HANNAH: It doesn't matter.

22 UNIDENTIFIED SPEAKER: You know, I wasn't in
23 the office yesterday, I was in the office first thing
24 this morning and I didn't receive anything. And I've
25 known Mike Ridgway a long time, I -- honestly, I don't

1 know whether he's sick or not and that's not for me to
2 decide. But, I don't think he would say, hey listen, I
3 faxed it to you because he would have an obligation --

4 MS. HANNAH: I've dealt with him a long time
5 too.

6 MS. DOHERTY: Okay. Well, I'm just raising
7 the questions. Sometimes electronics don't work, I
8 know.

9 UNIDENTIFIED SPEAKER: At this point, it
10 really doesn't matter because you made a decision, I
11 support the decision. They had an opportunity to come
12 here tonight and physically ask you for a
13 continuance --

14 MS. DOHERTY: Okay. But, I just --

15 UNIDENTIFIED SPEAKER: -- and they didn't do
16 that either.

17 MS. DOHERTY: -- just wanted to ask the
18 question.

19 UNIDENTIFIED SPEAKER: Sure.

20 THE CHAIRPERSON: Mr. Haas made a motion to
21 adjourn.

22 UNIDENTIFIED SPEAKER: Second.

23 THE CHAIRPERSON: All in favor?

24 ZONING BOARD: I.

25 THE CHAIRPERSON: We're adjourned.

* * * * *

C E R T I F I C A T I O N

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