

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
November 10, 2016

- Call to order:** **Call to Order by Mr. Felix James 7:39pm**
- Pledge of the Flag:** **Led by Mr. James**
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Roll Call:** **Present:** Mr. James, Mr. Waddington, Mr. Ford, Mr. Shultz, Mr. Hagy, Mayor Green, Councilman Robb, Mr. Green
Absent: Mr. Castor, Mrs. Ciotto, Mr. Greer
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty
- Correspondence:** New Jersey Planner; VOL.77, No.5
- Approval of Minutes:** **Mr. James:** If everyone has had a chance to go over October 13th minutes can I have a motion for approval
Mr. Hagy: motion to accept
Mr. James: is there a second
Mr. Ford: Second
Roll call: "aye" Mr. James, Mr. Ford, Mr. Hagy, Mayor Green, Mr. Green:
Abstain: Mr. Waddington, Mr. Shultz, Councilman Robb: Motion Carried
- Approval of Resolution:** **Mr. James:** Next we have Resolution 2016-15; James & Jeanne Johnson; Deli; 621 Erial Road Block 64 Lots 101-104: Preliminary and Final Minor Site Plan

Mr. James: That should be in everyone's packet

Mayor Green: Motion to adopt

Mr. James: Is there a second?

Mr. Hagy: Second

Mr. James: Any questions? Seeing none can I have a roll call please?

Roll call: "aye" Mr. James, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mr. Green: **Abstain:** Mr. Waddington, Mr. Shultz, : Resolution Passed

Old Business:

Mr. James: There is no old business

New Business:

Mr. James: new business the next meeting is December 8th at 7:30pm

Open meeting to the Public:

Mr. James: I will entertain a motion to open the meeting to the public.

Mr. Ford: Motion

Mr. Waddington: Second

Mr. James: all in favor;

Motion: all "aye"

Mr. James: The Meeting is now open to the Public; seeing no public I entertain a motion to close the floor to the public

Close Meeting to the Public:

Mr. Shultz: Motion to close

Mr. Waddington: Second

Mr. James: all those in favor

Motion: all "aye"

Mr. Sitzler: Before we adjourn just under the heading of new business I did speak with Jeff Brennan from Baron and Brennan who is now representing the bus garage applicant. He has been sifting through OPRA request and years' worth of our ordinances to back as far as he can I think he has at least one or two sets now he is satisfied he has gone as far back as he is

going to get and he did call yesterday to tell me that he has found a planer for his client so he knows the project needs to be scaled down and he may come in for what would be an interpretation of the ordinance as something he is allowed to do under the Municipal Land Use Law. But more importantly I don't think he feels very confident that things are in his favor on the interpretation so he does plan on coming in for a use variance. He did indicate he was going to try to get the application in by December if his Planner can get to it but he will probably not be able to advertise for a hearing till January. I just wanted to let the board know that is an update on that; it has been an ongoing process. The call I had was yesterday he knew the meeting was tonight and he wanted me to let you know

Mr. Hagy: With that being said is he still able to carry on his business on that other issue

Mr. Sitzler: I would ask the board to consider; look it is going to take a while for a Planner to come up with something for that property he is trying to correct what has been going on there and to see whether the board would be in agreement to that. Of course it is the board's decision on that but giving the fact that there was testimony at the informal hearing that the prior owner had said that trucks were allowed to be used in there and I think that is what he is looking for is if there is any authority for that. And the one truck owner that was here to testify did tell us he went through the proper channels at the Borough with plans and he wasn't trying to hide anything; and it was just a mistake that he was given permits to do it they were mistakenly issued and then rescinded so I would say they did everything in their ability that they have to do I don't think they are delaying so they can stay open. I would ask the board to consider January is not that far out and it is going to be one way or the other and we should have the application for the board to consider I would not feel it is necessary but of course it is not my decision to make. Given they have in good faith I don't think they are trying to extend this out I would say give them till January and not say stop what you are doing it is only my suggestion

Mr. James: So; basically as a point of clarification what you are saying is we don't have to take any action at this point in time

Mr. Sitzler: Until they have an application; he hopes to get the application in by sometime in December. He said he was trying to get his Planner to jump on it right away whether that is realistic or not and he does hope to advertise for a use variance and try to get onto the January agenda. Do you have anything else coming up Les in the next month or two?

Mr. Gallagher: Not right now

Mr. James: What is he saying for January?

Mr. Sitzler: Yes he has been very candid with me; he has frequently called me and saying look I just want you to know we are working on this and we are not trying to delay we have hired a Planner today. He has had to sit down and educate the owner of the property about the numerous

issues that exist there that may have been misinformation given to this new owner when he bought it from the prior owner as to what is allowed and not allowed

Mayor Green: I would suggest to the board to just now that the attorney is handling it right now, and from now till the end of the year take no action. The resolution will be coming at some point

MR. Sitzler: Has anybody heard any complaints about anything there, or any calls that you would be aware about

Motion to Adjourn:

Mr. James: Having heard that and having said that can I have a motion to adjourn

Mr. Waddington: So moved

Mr. Ford: Second

Mr. James: all in favor "aye" motion carried.