

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
November 9, 2017

- Call to order:** **Call to Order by Mr. Felix James 7:30 pm**
- Pledge of the Flag:** **Led by Felix 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. Castor, Mr. Ford, Mr. Hagy Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Green, Mrs. Jones, Mrs. Gilson
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty
- Correspondence:** Mr. James: Under correspondence we do have some but I would like to save that until new business
- Approval of Minutes:** **Mr. James:** Everyone should have the minutes from October 12th. If everyone has had a chance to read can I have a motion to approve?
Mr. Castor: So moved
Mr. Hagy: Second
Roll Call: Mayor Green and Councilman Robb "Abstained" all others "Aye" motion passed
- Resolution 2017-13** **Mr. James:** At this time we have resolution 2017-13 Gary Shuhart and Marnee Cinelli-Shuhart; 129 Berlin Cross Keys Road; Block 131 Lot 36. Use Variance

Mr. Waddington: Motion to approve; seconded by Mr. Castor

Mr. James: Roll call please

Roll Call: Mayor Green and Councilman Robb “Abstained” due to use variance; all others “Aye” motion passed.

Resolution 2017-14

Mr. James: Okay next we have resolution 2017-14; CHE Group; 127 Cross Keys Road; Minor Site Plan

Mr. Castor: Motion to approve

Mr. Sitzler: Before we move let me bring it to the Board’s attention that one of the conditions is that the applicant shall supply the Board and the Board’s Attorney a copy of the lease which will be provided to the truck owners/tenants which shall incorporate all conditions of approval for both the use variance and the minor site plan approval. Such lease shall be updated from time to time and updated leases shall also be provided to the board. If you remember from the testimony from their attorney apologized for not sending me the lease. After the hearing was over I sent an email and said there were two issues. One was that we had learned that his client had a makeshift sign advertising truck parking spaces and that had to come down. If he wanted a sign he would have to come in and comply with our sign ordinance for the proper type of sign. He acknowledged I was correct and he also said he was sending me a copy of the lease. I sent a copy of that email to Les six or seven days ago and I don’t have it, so I don’t know if the board wants to differ on this resolution. I would like to see a copy of the lease showing all conditions of the use variance which is part of the condition but all approvals are supposed to be reflected in the lease. I will leave it up to the board.

Mr. Gallagher: Would that be a deferment or just tabled

Mr. Sitzler: Just tabled until the condition is met

Mr. Castor: I will change my motion to approve to a motion to table; seconded by Mr. Hagy

Mr. James: Roll call please

Roll Call: Mayor Green and Councilman Robb “Abstained” all others “Aye” motion carried.

Mr. Gallagher: Resolution 2017-14 is tabled until we have conformation of the lease agreement

Mr. James: How long will this be tabled?

Mr. Sitzler: It should only be until next month that would be the earliest we could revisit the resolution. I will let Mr. Barron know. I also need to let the board know there was confusion with my notes on the parking the parking spots should be 13’X75’ I don’t know where the 18’ came from. I did call our Engineer and Planner and they advised me it should be 13’ so the final version does say 13’X75’

Application 2017-3

Mr. James: Okay next we have application 2017-3 Gary Shuhart & Marnee Cinelli-Shuhart 129 Cross Keys Road Block 131 Lot 36 Major Site Plan

Mr. Borbe: My name is Robert J. Borbe; I’m now representing Gary Shuhart and Marnee Cinelli-Shuhart. It is my understanding that the site plan has not been submitted in time

Mr. Sitzler: Mr. Borbe we do have one document that did come into the board. We wanted to make sure because you are new we received a letter from the Pine Hill Fire District

Mr. Borbe: We have that copy

Mr. Sitzler: I have a copy and my clients have a copy

Mr. Borbe: I do have a question for the Secretary. When the application was filed was the county application filed with it?

Mr. Gallagher: The County Application came separate and I received that with their stamp of approval on it

Mr. Sitzler: Our Planner and Engineer have no plans

Mr. Borbe: They are there

Mr. Sitzler: So you have no doubt you will be ready then

Mr. Borbe: We will be ready

Mr. Sitzler: Let me make the announcement then “if there is anyone here for the matter of Gary Shuhart and Marnee Cinelli-Shuhart that is 129 Cross Keys Road, Block 131 Lot 36 this is the second. It was postponed back at the last hearing the use variance was heard and was granted the resolution was affirmed here this evening and if there is anyone here in the public that is interested in this application the major site plan will be continued until December 14th at 7:30 pm and there will be no other further notices so you won’t have to re-advertise

Open the floor:

Mr. James: at this time I will entertain a motion to open the floor to the public

Mr. Castor: So moved; seconded by Mr. Hagy

Mr. James: Seeing no public

Mr. Castor: Motion to close the floor; seconded by Mr. Green

Old Business:

Mr. James: There is no old business

New Business:

Mr. James: New business

Mr. Gallagher: On old business I just need some clarification and direction on the fences. I did hear from the Zoning officer he had a family obligation and could not be here tonight, but he did issue summonses and I don’t remember exactly but 7 or 8 individuals did appear before the Municipal Judge and he is turning it back over to the Planning and Zoning Board. Only one of those individuals have come to see me so far, and there was a heated discussion until he mentioned he took the fence down and I informed him if he took the fence down he does not need to come before the board. I told him if he wanted to resurrect it he needed to check with the Zoning Officer first to make sure it goes where it is legal to be

Mr. Sitzler: I did speak to the Zoning Officer about this and he is going to send a separate letter to the individual who did take the fence down

they did not have to appear here but if they put the fence up in a permitted area they would have to approach him and

Mr. Gallagher: Right they would just have to get a Zoning Application for a Zoning permit

Mr. Sitzler: The other people just so the board knows, our Zoning Office can't make them appear in-front of us; they have to do that on their own and if they don't want to do that his only recourse is to go back to Municipal Court. Simply we can't compel them to come here it is their choice. If they come here what they are doing is appealing his decision that they are not in compliance and we sit as judges to hear that

Mr. Gallagher: I was just making sure I'm correct; I was telling the Zoning Officer that if they want to come here they have to file an application and pay the application fee

Mr. Sitzler: That is correct. What they are doing is challenging our Zoning Officer's opinion and we are the ultimate judge as to whether the Zoning Officer is correct or not. If they choose not to come here and they are still in non-compliance I think the judge would then at that point probably hear them because they are refusing the jurisdiction of our board

New Business:

Mr. James: Okay under new business I'm just going to read into the record a letter from the State Department of Environmental Protection.

Mr. James then read a letter from the state on Subject ID: CEA100153696 about Well Restriction Area from an old Sunoco Gas Station in Lindenwold located at 1205 Laurel Road & Blackwood Clementon Road dated May 23, 2017

A copy of this letter will be on file in the Planning and Zoning files

Mr. Dougherty: Explained they there was a plume of contamination from underground storage tanks that were migrating underground and they are doing quarterly samples and some levels are going down and some levels are going up and as it moves some blocks and lots are being removed and others are added. They are just monitoring it if it was bad enough they would be treating it. It appears to be staying in the vicinity of the Kentucky Fried Chicken and the old Sunoco

Open Floor to Public:

Mr. James: Motion to open floor to the public

Mr. Castor: So moved; seconded by Mr. Hagy

Close Floor to Public:

Mr. James: Seeing no public can I have a motion to close the floor

Mr. Castor: Make a motion to close; seconded by Mr. Hagy

Motion to Adjourn:

Mr. James: at this point I will entertain a motion to adjourn

Mr. Castor: So moved, second by Mr. Hagy

Mr. James: All in favor; all "aye"