

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
April 12, 2018

- Call to order:** **Call to Order by Mr. Felix James 7:43pm**
- 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. Castor, Mr. Ford, Mr. Hagy, Councilman Robb Mrs. Ciotto, Mr. Green, Mrs. Jones, Mrs. Gilson  
**Absent:** Mayor Green  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Dougherty  
Planner: Mr. Luste,
- Correspondence:** **Mr. James:** You have before you the New Jersey Planner VOL.79, No. 1 and your New Jersey 2018 Financial Disclosure Statement notice
- Approval of Minutes:** **Mr. James:** If everyone has had the chance to read the March 8<sup>th</sup> minutes I will entertain a motion  
**Mr. Hagy:** Motion to approve; seconded by Mr. Castor  
Roll Call: Councilman Robb Abstained; all others "aye". Motion Carried
- Application 2018-2:** **Mr. James:** Carl Pursell, 121 Cross Keys Road, Block 131 Lot 34 Amended site Plan with possible use and bulk variances as needed  
**Mr. Eisner:** Mr. Chairman, members of the Board. May it please the board my name is Steven Eisner I'm representing applicant. The Board may remember we were here just about a year ago when we obtained a use variance and several other variances and waivers related to this project. What I would like to do this evening with permission of your professionals and Council is simply to highlight the differences in what I'm going to call a site plan modification and a slight change in use.

**Mr. Eisner:** During my presentation I may be calling upon the Applicant Carl Purcell, Scott Smith who is our planner and surveyor and Gregory Fusco who is out Engineer as well as Daniel Powers who is an employee of Urethane Sciences and they would be the tenant and the testing facility that will be occupying one of the buildings on this project and as I may be questioning I would like to have the four of them sworn in if we could.

**Mr. Sitzler:** If I could have them all come forward. Lady and Gentlemen if you can all raise your right hand? They were then all sworn in

**Mr. Eisner:** I would also ask that Mr. Fusco and Mr. Smith who were here last time be accepted as experts and certified by your board and professionals and council as experts again

**Mr. Sitzler:** That would be appropriate

**Mr. Eisner:** Thank You

**Mr. Dougherty:** I would just like to refer to my letter dated April 5<sup>th</sup>, 2018. There were items that were not submitted as part of the application. There were changes to the site plan that when they were presented to me I felt the board should see these; some are minor but in total it was enough to bring back to the board. So with regard to completeness the environmental impact statement would have been required under an amended site plan that was not submitted, but what we are looking for is a detailed narrative of the present material to be tested, but we believe that is going to be presented at testimony this evening. In addition to that looking for the traffic impact, if there was any impact due to this new amended site plan and use on the property again this could be answered at testimony in view of this being an amended site plan. If those are provided at testimony then those would be basically deferred until the assessment is complete. And then also with regard to the naturals on the site plan on the top of page three we are looking for the written description of the proposed uses and operations of the buildings and improvements provided by the testimony. My only concerns were potential differences in number of parking spaces needed for office as opposed to warehouse use versus testing, so I need that to be addressed and again that will be part of the testimony. So at this point the board can render the application complete and proceed.

**Mr. James:** I will entertain a motion for completion pending testimony to be provided

**Mr. Castor:** So moved; seconded by Mr. Ford

Roll call: all "aye" Motion carried for completeness

**Mr. Eisner:** Mr. Chairman and members of the board I want to give you an overview if I could.

Mr. Eisner then proceeded to give an overview of URETHANE SCIENCES and the testing that they do on Urethane Foam. He gave the location that they are currently located at and they would be moving to this property when completed with a 15 year lease. He stated that Mr. Purcell was the current owner and his place of business would remain in close proximity to this facility and if there were any concerns

of anything happening he would not open the building to them as tenants. He stated this testing would have no hazards to the community and that the inspection report noted as exhibit A-1 from the NJDEP-Bureau of Hazardous Waste Compliance & Enforcement verified there was hazardous waste generated or accumulated on site and no violations were issued. He also stated there is no testing with any open flames and the only testing with possible fire was a cigarette test in a controlled stainless steel isolated and vented cabinet with a filtration system. He then stated they would be increasing the current approved building by 7000 square feet by making two buildings that face each other into an L-shaped building and having a second story on one part for office space. He then stated that Mr. Fusco and Mr. Smith would provide testimony that the parking would still be adequate and that everything else would remain the same.

**Mr. Eisner:** There is something I want to point out to the board; when we appeared before the board some time ago we pointed out the closest home was about 140 feet away. Recently Mr. Purcell purchased a derelict property 600 feet from his operation. That property was cleared after permits were obtained, it was fenced and the home is being renovated and it will be occupied by a relative of Mr. Purcell's or by a tenant. That property is not part of this application; there is no intention to use that for anything commercial. I know we spoke to one gentleman before the meeting and explained that and if that was of any concern I wanted to explain that eminently. At this point I would like to call on Mr. Fusco and Mr. Smith to explain the differences between this site plan application and the prior and to explain any traffic issues.

**Mr. Fusco:** Just to refresh everyone's memory I'm Greg Fusco and I had testified the last time this was presented.

Mr. Fusco went on to testify the property description and location and what the board had granted approval for as square footage of buildings and the location of the building that the prospective tenant would be located on the rear of the property. He described how they would make the 2 buildings into one and there would be additional parking spaces some of which would be ghost parking spaces if approved. He went over the size of the building and the exit of the parking lot still going out onto New-Freedom Road and that employees and deliveries would go in and out on New-Freedom Road and that would be minimum traffic with only 13 employees and occasional deliveries.

**Mr. Eisner:** So your testimony as I understand it is that this in fact that this proposal is less intrusive since it will have less of a traffic impact than the prior.

**Mr. Fusco:** Less traffic impact and less storm water issues. If the plan would stay as previous it would have a more intense use with two buildings.

**Mr. Eisner:** The Board's Engineer had expressed the necessity to review the floor plans if this matter is approved will you supply those floor plans as a condition of approval?

**Mr. Fusco:** I sure the applicant would be more than happy to provide that information

**Mr. Eisner:** Mr. Smith is there anything you would like to add?

**Mr. Smith:** I would just like to put testimony on record regarding this application or the part that requires a use variance. We considered this use that is going to be with this tenant on the property that it did not quite fit any thing that is permitted in your GBD Zone of list of permitted use.

Mr. Smith went on to testify on the use variance and the Zoning map of that particular property and how it was in two different Zones. He also covered that the residential portion of the property is highly unlikely to be developed since it is isolated or surrounded by the residential and commercial properties around it. He also testified that it was in line with the master plan reexamination of 2014 and the original master plan from 1993. He also testified that the original plan placed the building 280 feet from the nearest property line and is now moved to 351 feet.

**Mr. Eisner:** Mr. Smith you mentioned the purposes of land use law and I think you said that you found that one of the purposes is to promote the general welfare. Would you indicate that this plan promotes that general welfare?

**Mr. Smith:** Yes I would agree with that

**Mr. Eisner:** Is another purpose of Zoning to provide sufficient space for commercial and industrial uses?

**Mr. Smith:** Yes it is section 2

**Mr. Eisner:** And you believe that this plan does that?

**Mr. Smith:** Yes

**Mr. Eisner:** Mr. Smith in his testimony mentions that one of the purposes of I believe your original master plan and the reexamination was to promote economic development. While I recognize that by its self is not a special reason I certainly think that the economic development represented by this project is something that is something that can and should be considered by the board.

**Mr. Eisner:** I have no further questions for Mr. Smith or Mr. Fusco; I would like to before I call Ms. Powers. I have a number of copies of the DEP's inspection report on URETHANE SCIENCES

**Mr. Gallagher:** I made sure each board member had a copy.

**Mr. Eisner:** Council I guess we can mark that A-1

**Mr. Sitzler:** Yes

**Mr. Gallagher:** I have that marked here

**Mr. Castor:** I have a question on the parking. You have 13 employees and 18 spaces; how many visitors do you expect on a regular basis?

**Mr. Eisner:** I would like to call Ms. Powers to address that if I may.

**Mr. Eisner:** Ms. Powers you were previously sworn; would you explain your position with Urethane Sciences Please?

**Ms. Powers:** My official title is Operations Manager and I'm basically the right hand of the CEO to make sure thing runs smoothly on a day to day basis.

**Mr. Eisner:** This gentleman has asked how many visitors you expected at the facility. What is customary?

**Ms. Powers:** On a weekly basis we may have 1-2 extra vehicles that come in. We have different clients that come in occasionally as a group so 3 or 4 people; they fly in then drive to our facility in one car and depart in one car.

**Mr. Eisner:** Ms. Powers you heard me describe basically the testing procedures and I know we talked about combustible materials, flammable materials. Can you expand?

Ms. Powers gave testimony on the procedures for the testing that they do. What test are completed, what chemicals are used, amounts used, containers and filtration used for testing foam with a smolder test using cigarettes and that she had never seen one catch fire. She testified to the size of the foam tested and the lack of smell when in the testing building and in close proximity of the testing area and that as an asthmatic individual she could not work in the building if there was a problem with smell or smoke.

**Mr. Eisner:** Now you testified that one of the tests done is a pound of the mattress is that a noisy test will it generate noise outside of the building

**Ms. Powers:** No we just purchased a new air compressor that has lowered the decibels dramatically I work in an office area about 10 feet away and I can't hear it there and can have a conversation next to it so it is very low.

**Mr. Eisner:** I also described to the board, from what you explained to me that there is a stainless steel vessel within which this smolder test takes place and it is vented. Is that accurate?

**Ms. Powers:** Yes

**Mr. Eisner:** So that is isolated, so is it true that even if the foam would combust or smolder that that would be isolated from any other area of the building?

**Ms. Powers:** Correct

**Mr. Eisner:** Is there any questions from the board or professionals?

**Mr. Hagy:** I have a question as to what you just said about the smoldering process. You said it is vented where is it vented to?

**Ms. Powers:** It is vented through some type of a filtration vent. I'm not an expert on that but some type of filtration system vented outside.

**Mr. Hagy:** What kind of residue is developed from this test?

**Ms. Powers:** Cigarette smoke

**Mr. Hagy:** Just Smoke

**Ms. Powers:** Yes

**Mr. Hagy:** You mentioned you have a second floor, if something were to go wrong do the people on the second floor have a way to egress a safe way from this test area?

**Ms. Powers:** Yes, with the new building the people doing the test will be on the first floor and the office people on the second floor and the testing area will be in a separate area behind that and the warehouse are behind that.

**Mr. Hagy:** But close to the second floor where the people will egress?

**Ms. Powers:** No

**Mr. Eisner:** When you were saying it was vented; that type of process was in effect at your old facility?

**Ms. Powers:** Correct

**Mr. Eisner:** And that was examined by the DEP when they visited your facility

**Ms. Powers:** Yes

**Mr. Castor:** you mentioned chemical testing; what kind of chemicals?

**Ms. Powers:** The same things that mattresses and furniture are made of like mostly poly oils which is the new and upcoming thing that they use for newer homes because it does not have all those residues and chemicals that were used in the past. Most is derived from like soybean type oils and we will test them for water levels, for moisture content in that type of foam.

**Mr. Eisner:** When you talk in terms of chemical testing, you are testing to discover what kind of chemicals are in the foam not using chemicals to test is that correct?

**Ms. Powers:** Correct

**Mr. Eisner:** So you are really looking for the chemical content of the foam

**Ms. Powers:** Right; and the way that we are doing that we are trying to figure out how someone else is making that and see if it is something we want to copy

**Mrs. Jones:** Where is the waste dumped?

**Ms. Powers:** We put in the dumpster or we compress it into bails and have it taken away that way

**Mr. Green:** Are the dumpsters stored inside or outside?

**Ms. Powers:** Right now it is outside

**Mr. Green:** The materials that you are using are there any raw materials say 5 gallon drums or they like the props you have over there readymade?

**Ms. Powers:** We have some raw material on site where we do small scale development, where we create small pieces of foam for clients that they wish to bring to the market. For disposal we have contracts with various companies that come and buy the used containers from us and take them away.

**Mr. Green:** How long do you store the raw materials?

**Ms. Powers:** Not long we scale thing down to this size and that size and once everything test out there are facilities that we partner with in Kansas and Georgia and they do the large scale manufacturing for our clients that is not something we are involved in. So the most raw materials we may have might be a tote and that would be something we would use down in the lab and that would be it we would be done at that point.

**Mr. Waddington:** Hours of operation?

**Ms. Powers:** Officially we are 8 to 4:30, but some come early and some leave late so I would say it is about 7 to 7 at the latest

**Mr. Hagy:** Is that just 5 days a week

**Ms. Powers:** Yes

**Mr. Waddington:** How often do you do the burn test?

**Ms. Powers:** It comes in waves it all depends on when a manufacture develops a new mattress or cushion they may make 1000 mattress's and they may have to send us 100 pieces and we will run that over a day or two and that may be it for a month

**Mr. Hagy:** 12x12 pieces or more

**Ms. Powers:** 12inches x 12inches by generally x4

**Mr. Waddington:** So your test if I understand it correctly you would put a 12x12 piece into this sealed bin

**Ms. Powers:** they would send us a 12x12 piece and it gets dissected for all the various test that we do, so in the end that piece is probably 4x4x2

**Mr. Waddington:** Then you take that piece and put it in the steel bin and place a lit cigarette on it

**Ms. Powers:** Yes

**Mr. Waddington:** And that's it

**Ms. Powers:** It has to be timed for a period of time then we go back and take measurements to see what effect was on the foam. Each test last maybe ½ hour

**Mr. Waddington:** That is how long it takes to see if the foam melts or ignites

**Ms. Powers:** Right

**Mr. Waddington:** How big is this metal bin we are talking about? Is it 12x12

**Ms. Powers:** We have a test bin about this big with glass over it and it goes in to a bigger bin

**Mr. Waddington:** So you are talking about something that is about 5 foot by 5 foot tall not huge

**Mr. Eisner:** The only thing that comes out could possibly be cigarette smoke

**Mr. Dougherty:** The tote size is that like a 5 gallon bucket

**Ms. Powers:** It is like a larger square container with a spout on the bottom

**Mr. Dougherty:** So how many gallons is that

**Ms. Powers:** 275

**Mr. Eisner:** Did you have those quantities of materials when the DEP inspected?

**Ms. Powers:** Yes

**Mr. Eisner:** So there won't be no changes?

**Ms. Powers:** Correct



**Mr. Ford:** How many deliveries do you get a day or a week?

**Ms. Powers:** Most of our deliveries are ingoing and outgoing small packages we send a lot of samples out. Most is FEDEX and UPS we may have one larger truck once or twice a week

**Mr. James:** Is it a box truck or a tractor trailer

**Ms. Powers:** It depends on the delivery it is usually a box truck or the next one bigger

**Mr. Waddington:** You said you were going to have an Office area, testing area and storage area does it show on there where the storage area is going to look like on there so I have a better idea?

Ms. Powers showed on the plans where everything was to be located in the building, testing area, office first and second floor and the storage area.

**Mr. Waddington:** And where will your burn test be done

**Ms. Powers:** Right now the plan we are working on in house is along this wall between the storage area and the press room

**Mr. Waddington:** So it is clearly on the other side from the office space

**Ms. Powers:** Correct

**Mr. Ford:** Is this new facility bigger than the last facility? Are you looking to expand? Will you possibly incur more employees?

**Ms. Powers:** Over the last 6 to 9 months we have gone from 9 to 13 employees and that is why we need to move. Two of those employees work from home and not on site they work from Pennsylvania so at the most I can't see hiring more than 4 employees.

**Mr. Eisner:** I want to point out to the board again the only request that we made was not that these spaces be eliminated, these spaces in blue it is just that they be ghosted so certainly if more employees coming in and parking becomes problematic those spaces can be installed.

**Mr. Ford:** For the smoke test or testing foam what does the outside of the building smell like at the building you are at now would it be a big issue, like do you always smell cigarette smoke or some type of chemicals?

**Ms. Powers:** No I have Asthma and I'm very sensitive to smoke, and I have had no issues with is what so ever

**Mr. Eisner:** When the DEP visited your existing facility to do this test did they have any concerns about the smolder test or smoke or anything?

**Ms. Posers:** No

**Mr. Eisner:** Now I will represent to the board that on the DEP test form they did not even mention the smoke test so I don't think there is any concern about air quality or I'm quite sure it would have been tested.

**Mr. Eisner:** We have nothing further at this point unless the board or the professionals have any questions. And when Council deems it appropriate I would like to make a summery argument.

**Mr. Dougherty:** I would just like to point out on my review starting on page 4 going over the Engineers Testimony on the Parking spaces we started out with 42 parking spaces then went to 25 ghost and 18 parking so that is now 43 I just wanted to make sure my notes right.

**Mr. Eisner:** It is actually 24 ghost parking spots 8, 7 and 9

**Mr. Dougherty:** Those ghost parking spaces are actually pretty common when the applicant does not require that many spaces our code says one thing but what they mean is another thing. I would encourage less impervious coverage if you can do it because there is no reason to have parking spaces there is you are never going to use them and I know you are looking at a porous paving for some of the spaces

**Mr. Fusco:** Correct it would be part of the green space

**Mr. Dougherty:** So that would be something the Zoning office would do if there are people parking there you would have to pave it or if the applicant at some point hired 4 more people they would by right pave those spaces. SO that would be the approval we would be given and I have no problem with that. I did have some problems if we are going to ghost those if there was no curbing involved until the time they would need to be installed

**Mr. Fusco:** They will be graded so they can be ghost spaces

**Mr. Dougherty:** So they would have to be installed at that point

**Mr. Eisner:** We have every confidence in Mr. Fusco and Mr. Smith and your office and your planner's office can work out

**Mr. Dougherty:** Then on the top of the page if you agree to address those

**Mr. Eisner:** Yes we agree to address those and work with your office

**Mr. Dougherty:** So I think this addresses the compliance letter. I don't know if the Planner had any more

**Joe Luste:** Yes; I would just the planner to discuss the business use adjacent to the site on Cross Keys Road and across the street just give us a flavor for what is existing out there and context.

Mr. Smith showed an aerial photo of Berlin Cross Keys Road where it intersects with Watsonstown New Freedom Road. He explained the location of Mr. Purcell's property and how to one side there was Industrial Properties, across the street was the Albion Auto Salvage Yard and the Auto Lenders facility and how on the other side of the property was a facility that stored Tractor Trailers, and to the North of the property was a Gas Station and Dunkin Donuts, he also stated that the property behind was residential zoned properties and residential used properties all fronting Bramau Avenue and Bramau Court. He stated that a straight line from the residential property line to the building would be 350 feet and greater than that to any actual structure.

**Mr. Eisner:** In your opinion as a planner does this change in the plan have any negative effect on the surrounding area, on the storage yard, the residents or the auto salvage yard across the street?

**Mr. Smith:** No; based on what I have learned on the operation and listening to that testimony and the research I have done on my own I don't feel that change in the use in this particular structure is going to be substantially different than the warehouse or office space use going on currently on the existing property or what has been proposed and approved for this site already.

**Mr. Eisner:** I have nothing further

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

**Mr. Castor:** So Moved; seconded by Mr. Ford

Motion all 'aye" motion carried

Mr. James opened the floor to the public

The following residents came forward and were sworn in by Mr. Sitzler. Erica Perazza of 115 Bramau Ave, Jim Harduk of 31 Bramau Court, Norma Murray of 36 Bramau Court, Louis Hanna of 32 Bramau Court and Irma Nance of 39 Bramau Court. They all expressed concerns about their well water and if any hazards waste would be produced or used on the property that could harm their wellbeing; they also expressed concerns of the smoke from the smoldering test. They raised other concerns as well that were answered by Ms. Powers and professionals for the applicant as well as professionals for the board. Most of testimony was hard to hear the residents kept talking over one another.

**Mr. Dougherty:** The buildings were approved but this hearing is on the use so that is additional and the ordinance requires a cover on the dumpster.

**Mr. James:** Is there anyone else that would like to speak

**Mr. Castor:** Motion to close the floor: Seconded by Mr. Ford

All "aye" Motion carried

**Mr. Eisner:** Chairman and members of the board: this board has already recognized that commercial development is appropriate for this site. You recognized that in May of Last year and that the Zone is appropriate for commercial development. Mr. Smith and Mr. Fusco have testified that common sense shows it promotes the general welfare it provides for an orderly commercial development it addresses the concerns addressed at your master plan and the master plan reexamination. Under the case law of New Jersey; specifically the Medeechi case; a use variance shall be granted if the proposed site is particularly suitable. You have already determined this site is particularly suitable; the DEP has inspected and regulates this facility and has found no problems with it. The DEP has tested air quality and there has been no problems. I again point out that Mr. Pursell whose office is the closes in proximity to this proposed building and whose family works with him in that office has no concerns about this facility and Mr. Purcell is the landlord. So we think that this project encourages the public's general welfare and provides sufficient space for commercial and industrial uses both of which are preferences of the Municipal Land Use Law. As I said in my opening one of the benefits of this development is increased revenue, increased employment and while I recognize that by its self doesn't say we should get the use variance it certainly is a factor that this board should consider. Considering the surrounding uses the junk yard, the storage yard to argue that this project which actually takes the building farther away from a residential area which increases the buffer to that residential area; to argue that this facility be any way impacts or denigrates the surrounding area I believe begs common sense. The board has determined that office warehouse uses are appropriate for this area. This is a use which frankly is the same type of use under New Jersey Code as a straight office use and we have and we have a questions as to if a use variance is even needed, but we would differ to your professionals and we would ask that all the variances requested be granted. We think this is a great development for the area for the community and we see only positives from it. Thank you very much

**Mr. Dougherty:** Mr. Chairman just to make reference to that point that the attorney had mentioned as far as the construction code and building code. Our Ordinance basically has permitted and prohibited uses and a Lab Testing Facility is not a permitted use. I guess that is semantics that offices and a laboratory fall into code but our ordinance doesn't permit because it is a Residential Zone. So if an office was permitted and a warehouse was permitted then they would not need a use variance, so that is why a use variance was considered. I believe testimony that was provided was adequate it was provided on record to address what we were concerned about the positive and negative criteria for the laboratory. The rear of the property is residential and the front is GBD, but believe it or not they both would require a use variance. Previously the board did grant a use variance for an office/warehouse use for the entire property. In addition to the requested plan changes that were discussed in great length by the planner and the engineer for the amended site plan but also the use portion of it. The Lab testing facility was mentioned specifically if the use was granted.

**Mr. James:** Okay it is not permitted but it is not specifically prohibited; correct

**Mr. Sitzler:** It is just not a permitted use

**Mr. James:** Any other questions

**Mr. Castor:** This is the same land owner with all those warehouses to the right correct?

**Mr. James:** Yes

**Mr. Castor:** Do you know the retention ponds have not been fenced in three years? Is it the same landowner?

**Mr. Purcell:** I'm the land owner and all the ponds that I own are all surrounded by fence

**Mr. Castor:** And Pine Trees

**Mr. Purcell:** Yes

**Mr. Castor:** Thank You

**Mr. Purcell:** The guy in front of me needs to be fenced as well

**Mr. Castor:** Who is that?

**Mr. Purcell:** The first building on the right, JMK I think it is

**Mr. Eisner:** Mr. Purcell your testimony was that all of the retention ponds on your property are properly fenced?

**Mr. Purcell:** Correct

**Mr. James:** Any other questions? I will entertain a motion

**Mr. Castor:** You need a motion for the variances

**Mr. Sitzler:** The first one you should deal with is the use variance because that is the primary one, then the amended site plan. On the use variance there has been testimony on the positive and negative criteria by the applicant's representatives and professionals and has been commented on by our professionals. The use variance is of course sort of supper noted upon a previous use variance so this is more of a specific use for a testing facility where a lab is not necessarily a permitted use and that is what the application is. It does require a simple majority of the board to approve it.

**Mr. Castor:** I make a motion to approve the variance; seconded by Mr. Green

**Mr. James:** Roll Call please

Roll Call one abstention "Joanne Jones" all others "aye" motion carried for use variance

**Mr. Sitzler:** The second application would be to amend the minor site plan. Where they changed the building and asking for ghosted parking rather than full parking complementing that it can be installed at a later date, at the present time it will stay green. Was there any other conditions?

**Mr. Dougherty:** There was also a condition to address any outstanding issues addressed in our letter dated April 5<sup>th</sup>.

**Mr. Sitzler:** They will be required to comply with the previous resolution as well as the Board Engineer and Planner's findings with respect to what is required.

**Mr. Dougherty:** The driveway is a minor change it lined up with the parking lot before now it will line up with the driveway that Mr. Purcell owns

**Mr. Sitzler:** So a reconfiguration of the parking and driveway

**Mr. Castor:** Make a motion to approve; Seconded by Mrs. Ciotto

**Mr. James:** Roll call

Roll Call all "aye" motion carried for amended site plan

**Mr. Eisner:** Thank you

**Old Business:**

**Mr. James:** There is no old business

**New Business:**

**Mr. James:** Just a reminder the next meeting is May 10<sup>th</sup> at 7:30 pm

**Mr. Sitzler:** I received an Email response from the Attorney for CHE the next door neighbor the storage facility; he tells me he was on a legal I guess vacation for a while he was in the middle of a trial for the last several weeks and he is in the process of dictating and sending me a response to the letter I wrote a couple of months ago on the Boards' response. So I expect it any day and as soon as I get it I will forward a copy to Les and it will probably be on the next agenda. He did not tell me they were going to agree with everything in his email but he did say he was going to address all of the concerns and get back to me. I just wanted the board to know we are getting some response from them.

**Les Gallagher:** To tag on to CHE Group, he had that sign back up for parking Trucks here. I sent the Zoning Officer out and the rental inspector went with him, he took the sign down while they were there.

**Mr. Sitzler:** I think I addressed the sign in my letter

**Les Gallagher:** You did and he took it down then he put it back up

**Joe Castor:** That retention pond without the fence I brought that up a few years ago and it is on record and it is still not fenced

**Les Gallagher:** I will look that up and have the Zoning Officer go out there and inform them that they need to put that fence up and close it in

**Mr. James:** Any other new business?

**Open Meeting to the Public:** **Mr. James:** Do I have a motion to open the floor to the public?

**Mr. Castor:** So moved; Second by Mr. Ford

**Mr. James:** All those in favor; All "aye"

**Close Meeting to the Public:** **Mr. James:** Seeing no public do I have a motion to close the meeting to the public

**Mr. Castor:** Motion to close: seconded by Mrs. Ciotto

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

**Motion to Adjourn:** **Mr. James:** can I get a motion to adjourn

**Mr. Castor:** Motion Seconded by Mr. Ford

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