

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
June 14, 2018

- Call to order:** **Call to Order by Mr. Felix James 7:40pm**
- 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, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Green, Mrs. Jones, Mrs. Gilson
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty
Planner: Mr. Luste, and Zoning Officer: Mr. Scardino
- Correspondence:** **None**
- Approval of Minutes:** **Mr. James:** If everyone had the chance to read the May 10th minutes I will entertain a motion to approve the minutes.
Mr. Hagy: Motion to approve; seconded by Mrs. Ciotto
- Roll Call: Mr. James and Mayor Green; Abstained; all others "aye".
Motion Carried to approve the minutes
- Discussion:** **Mr. James:** Next we have a discussion on CHE Group/Office Trailer
Mayor Green: Mr. Chairman before we proceed with that if the board would be so inclined to first hear Application 2018-4; Extension of the Application from November 8th, 2007 before we do any other business.

Mr. Sitzler: I think the reason for that is Mr. Mayor is it should be brief

Mayor Green: Yes it should be pretty brief

Mr. Sitzler: Is there someone here for 3rd Fairway Development?

Mr. Quinn: Yes

Mr. Sitzler: Can you introduce yourself for the record

Mr. Quinn: My name is Eric Quinn; I'm the General Manager of Trump National who is the Parent Company of Third Fairway Development LLC.

Mr. Sitzler swore in Mr. Quinn for his testimony

Mr. Sitzler: You are here because you were approximately a year ago for a one (1) year extension.

Mr. Quinn: Correct and we are seeking another one year extension

Mr. Sitzler: I believe this might be your last one

Mr. Quinn: Correct

Mr. Sitzler: Just so you are on notice with that.

Mr. Quinn: I am aware

Mr. Sitzler: Since we are not a Hurricane Sandy County you don't have anymore

Mr. Quinn: That is correct

Mr. Sitzler: That does not preclude you from coming back with another plan later on.

Mr. Sitzler: Does the board have any questions? If the board recalls about a year ago the applicant was here for a one year extension. We reviewed the matter and Mr. Dougherty wrote a letter and I concurred with that due to the Permit Extension Act there was still 3 one year extensions from the Permit Extension Act that applicants could apply for and this appears to be the last 1 year extension. So there is no more extensions if no development begins within the year the plan that was originally approved would no longer valid. But the applicant would be able to come in with a new plan or a different application. So I don't know if that helps the board with any questions.

Mr. James: Any questions? If not I would entertain a motion

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

Mayor Green: Should we not open the floor to the public first?

Mr. Sitzler: Correct; is there anyone from the public that would like to be heard on this extension application

Mr. James: Can I have a motion to close the floor to the public

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

All in favor floor closed

Mr. James: Now I will entertain a motion

Mr. Castor: Motion; seconded by Mr. Hagy

Roll Call: Mr. Green Abstained all others "aye" Motion passed 1 year extension approved

Discussion:

Mr. James: Okay now we will move to the discussion on CHE Group/Office Trailer

Mr. Brennan: Yes; good evening Mr. Chairman and members of the board my name is Jeff Brennan, I'm a licensed attorney in the State of New Jersey. I represent the CHE Group with the manager Mr. Chip Eisenberg; who is the principal with CHE and also Mr. James Clack whom is the owner of the Office Trailer on the property.

Mr. Sitzler: Do you anticipate any of them testifying

Mr. Brennan: I guess it depends, I understand we are here to answer some questions that the board might have

Mr. Sitzler: The first issue I think; Mr. Gallagher was the board members able to get a copy of the licensing agreement?

Mr. Gallagher: Yes in their packet with a copy of the Resolution that was approved back in November

Mr. Sitzler: I speaking as the lawyer for the board do not have a problem with the agreement but will leave it up to the board once they have an opportunity to review the changes. Essentially there is not going to be any sub-leasing at all, the spaces are going to be identified.

Mr. Sitzler: If the board has any other questions; I think the new licensing agreement shows the changes so you can see them.

Mr. Brennan: I think there is also a provision for a search

Mr. Sitzler: Yes; in the event there was some probable cause, some kind of emergent situation or some kind of hazardous situation

Mr. Castor: Is this the Office Trailer they were supposed to move

Mr. Sitzler: That is a different issue; we are talking about the licensing agreement.

Mr. Sitzler: Alright the second issue that was brought to our attention by the Code Enforcement Official apparently did an inspection and that inspection report showed that the trailer was still on the property. To my recollection it has been many; many months. The trailer owner was here at the last the last meeting and was told directly that he had to vacate. There was no prior approval for that trailer to be there, Mr. Baron said he was going to take action eminently and now we are here 9 months later and the trailer is still there in operation. I don't think there was any question that the trailer owner knew exactly when he had to move. If there were any legal issues between he and Mr. Eisenberg, in fact I remember him saying he was going to get an attorney and I told him I thought it was a good idea. So the board is very concerned that that trailer is still there. More importantly I got an email today from our board secretary telling me he was requesting an additional 45 day extension of time to move and sitting where I sit I can't make that recommendation to this board at all. It is unfortunate that we did not do an inspection earlier.

Mr. Brennan: I can certainly appreciate that and I did not mean to cut you off, but I think we represent to the board tonight that his position has changed he has intent to leave. We have sent him multiple letters and as you are aware with the license agreement we have to give them so many days' notice which we have now. So I would take his intent at this point certainly he can testify

Mr. Sitzler: Well I don't see Mr. Brennan how he comes under your license agreement. He is not there as a movable tractor trailer that moves in and out he is there with permanent electricity hooked up to Office Trailer. The reason he was not cited from day one even though he had no legal authority to be there in the first place was simply our former Code Official made an error in judgement in giving him permits and we explained that to him that we were not going to cite him but he needed to move, but from my point of view it has been way to much

Mr. Brennan: Right and as I said he has indicated to us that it is his intent to move within 30 days, if that were not to happen we are prepared to move forward in court.

Mr. Sitzler: I'm also disappointed that court action hasn't happened to be quite candid you before now

Mr. Brennan: Well quite frankly he has indicated to us for some time now that it was his intent to pursue a use variance and engage council who I understand is Dennis Reilly

Mayor Green: Who is that?

Mr. Brennan: Dennis Reilly

Mayor Green: Never heard the name

Mr. Brennan: He used to be a State Senator

Mayor Green: No one has contacted myself or council concerning any type of

Mr. Brennan: Again Mr. Clack can testify

Mr. Sitzler: He made representation to that if I recall the last time he was here when he was told he had

Mr. Brennan: The bottom line is this we appreciate the boards position, it is my understanding it is his intent to move within the time period that he I have indicated if he doesn't we are prepared for court action

Mr. James: Well it is our understanding that you would have would bring him before court action prior to this. When we granted the variance that is one of the reasons we did so. 8 Months is too long way too long. That should have been taken up 30 days after hearing

Mr. Brennan: I can certainly appreciate your position again there was/is a licensing agreement in place with Mr. Clack

Mr. Sitzler: Mr. Brennan with all due respect he is not in the category of the license under use the use variance

Mr. Brennan: I agree

Mr. Sitzler: He is in a permanently placed office trailer that's not

Mr. Brennan: But there is a document in effect with Mr. Clack and a license agreement between Mr. Eisenberg's entity and Mr. Clack's entity.

Mr. Sitzler: After the use variance or prior to

Mr. Brennan: Prior to

Mr. Sitzler: We explained

Mr. Brennan: I appreciate what you are saying

Mr. Sitzler: You know Mr. Brennan when you don't have any local authority to be there from day 1 We had a full blown hearing that went many hours; over pre-existing uses, pre-existing over the years and when that was denied because of no bases for that then we have a use variance that was granted

With conditions and was specific and there was a potpourri of things out there, there was an old Eagles bus but parked out there, there was abandoned cars, there were all kinds of things

Mr. Brennan: Listen; it is not our attempt to revisit or dispute anything that the board is saying or the board's position. As Mr. Clack has indicated to us it is his intent to move if not then we will pursue the court action

Mr. Sitzler: But then you are going to be delayed because the Judge is going to hold it up; the Judge may give him some ability to stay and that 30 day action that has been mentioned with an extension. I know how that works so I'm not going to recommend to the board when we could be waiting for 30 days before any legal action gets passed. He has had 8 months to move and no legal action has been assessed at least that is what you are telling us.

Joe Castor: If I remember right part of us passing that resolution was that the bus had to go and he agreed to have the bus removed, and the trailers, and the landscapers; everybody out of there that was the agreement

Mr. Sitzler: Is there something you want to add for the record

Mr. Brennan: I have nothing to add

Mr. Sitzler: I don't think it is unreasonable honestly at this point in time to give an extension of 30 days when it should have been done months ago. For the life of me I can't understand what would have kept him there all this time. He was told directly; Mr. Clack I will hear from you in a second

Mr. Clack: Okay

Mr. Sitzler: I mean we will hear not me personally, but the board will hear. I want to give Mr. Eisenberg and his Attorney the opportunity to be heard first because they are the applicant subject to the use variance and site plan approval that is being questioned right now on the condition based on you being there. So anything else

Mr. Brennan: No

Mr. Sitzler: Alright Mr. Clack do you want to be heard?

Mr. Clack: Yes Sir the

Mr. Sitzler: Would you come up here?

Mr. Sitzler swore in Mr. Clack

Mr. Clack: My name is James Clack and I own that Office Trailer that resides at 127 Cross Keys Road which is on Image Beauty's property and sits on the right hand side of the yard.

Mr. Sitzler: What do you want to tell the board?

Mr. Clack: First you asked a question to night “what kept me here” and I would like to answer. I was here at the meeting when you said the trailer had to be moved. To make a long story short I brought these cancelled checks from November till now and even today he asked me for a check and on these checks it says Office Space with Trucks on the bottom of the checks. I asked Mr. Eisenberg if he had a problem with the zoning variance and we went back and forth in reference to that and it just so happens today I sent my daughter out here and we were able to find out this meeting was taking place today. I’m not incompetent I was here and heard what the board said but when you keep taking my money what are you telling me

Mr. Sitzler: Mr. Clack you were here in person at that time and you told us you were getting a lawyer

Mr. Clack: That is correct

Mr. Sitzler: We told you that you had to move that that was a condition that you had to move that you could not have your office trailer there. There was no lawful legal authority to keep your office trailer there. You could have been cited on a daily bases for violating our local ordinance so could have Mr. Eisenberg, okay, and we didn’t do that largely because equities in your favor those equities were our former code official made an error in giving you certain permits, like electrical permit for hook-up. Because of those errors we determined not to cite you for any local ordinance violation but give you the opportunity to move, and that I think was the boards’ consideration a very fair way of dealing with it. Now we are here 8 months latter and I’m failing to understand why you paying Mr. Eisenberg, gives you the idea that you have permission to stay. You were told by the Borough not Mr. Eisenberg that you had to move because you did not have the lawful authority for your business to be on Mr. Eisenberg’s property. What you are telling us is essentially has not been trying to direct you correctly, when is the last time you were told to move.

Mr. Clack: I got a letter I guess in November when you told him, but he would always call me or text me and say hay where is my rent, and he made it clear to me if the board did not say nothing to him, he was going to leave me alone. Am I correct?

Mr. Eisenberg: It is not correct

Mr. Clack: Are you telling me I’m ignorant?

Mr. Sitzler: Mr. Clack you can testify but you can’t argue with someone that has not been sworn in. You are sworn in you are under oath so the board so the board can accept your testimony. Is there anything else you would like to say?

Mr. Clack: I will be out of his yard the end of July; you won’t have to worry about Mr. Clack on Mr. Eilenberg’s property. Now it is my fault and I take full responsibility of that because when I spoke to Mr. Eisenberg I almost got the sense that this was going to blow over and that is why I paid him faithful even until this day it serves me no purpose as a small business man to spend any more time before this board so if this board will allow me till the end of July. Done

Mr. Sitzler: Why would it take you so much time?

Mr. Clack: Well since it is an Office trailer I have to have everything un-hooked, as you know with all the permits I need to get a license to un-hook the trailer and then I have 11 tractors with about 14 trailers to move. Then I have to find a home for that property, so that is all I'm asking give me thru July and then you can send your representative by and you will see that left side on by behalf would be gone, and you have my word on that.

Mr. Sitzler: Does the board have any questions for Mr. Clack?

Mr. Waddington: So you are saying you are taking all your tractor trailers out of there as well

Mr. Clack: Taking all my equipment; this is just a little too much. I can't run my business without having a physical office to conduct the business. I'm not like the guy that has a truck and is looking for somewhere to park. When I first went there it was a ghost town with just me there with just one truck, so when I got these permits for this trailer it is not like I did not inform Mr. Eisenberg or the township and got everyone's blessing. So nothing I have done underhanded or conniving everything I have done everything that was required of me to do to be here appropriately other than the fact what the board said on November and with me not taking appropriate action myself instead of listening and going into a different direction I got comfortable and said I don't want to do this, I got to move long story short right now I feel it is a bit much. I will go along with everything but again I'm not putting all the blame here on Mr. Eisenberg because I'm a grown man and I'm willing to accept my responsibilities all I'm asking this board is to give me until the end of July.

Mr. James: Any more questions from the board?

Mr. Castor: What is going to happen at the end of July? Are you going to ask for another extension?

Mr. Clack: No sir, not me

Mr. Sitzler: Mr. Clack I know you are not represented by an Attorney, but if you are in violation of a local ordinance you can be fined up to \$2000 every day

Mr. Clack: I understand

Mr. Sitzler: That you are in violation you understand that?

Mr. Clack: Yes Sir, as of the 1st of August you will not find any of my equipment there if you do you can fine me or do whatever you have to do, but I guarantee you won't.

Mayor Green: Isn't this is a typical scenario with any zoning issues when the Zoning Officer makes a determination that someone is not in compliance to give them a ten (10) day notice to comply?

Mr. Sitzler: I believe so

Mayor Green: Then is you don't comply with that you issue a citation

Mike Scardino: A municipal Summons

Mayor Green: A Municipal Summons; so quite frankly in my opinion the board should not be involved in this. You have a Zoning Official who is in charge in enforcing the law and he has done this and some other issues out there on the property and I would say the owner of the property has not complied with the board and at this time Mr. Scardino should issue the necessary 10 day notice and it is resolved at that point great if not resolved at that point he can issue a court date which quite frankly won't be probably until the end of July since it is already almost the end of June if my math is correct. At that point near the end of July not just this issue but any other issues that are not resolved the Judge can handle it in court and if that results with the property owner being fined; well that is his problem because it is no different than any other property in town and in my personal opinion he should help us out. As opposed to every issue effecting that property someone feels they can just take advantage of the boards good nature and I'm not talking about you sir but by continuing doing business as they please and figuring they will get someone to come up here and plead their case and next month it will be the landscaping contractor and the month after that something else and this is ridicules. I mean we don't tolerate this from anyplace else why would we tolerate here? I think we should direct the Zoning Official to do his job and let's just call it like that.

Mr. Sitzler: Yes the only reason the board should be involved is because of the conditions not being met as part of the approval

Mr. James: Anyone else?

Mr. Ford: I have a question wouldn't what we passed be revoked kind of

Mr. Sitzler: There could be if you are asking could there be a violation of a condition

Mr. Ford: There would be fines and penalties

Mr. Sitzler: That would be thru the jurisdiction of the Municipal Court, the individual could also ask it be moved to superior court there are lots of options. As far as the Borough goes there conditions of approval and if there are violations of the conditions of approval you could be subject to a fine.

Mr. Ford: Thank you

Mr. Sitzler: Alright we have another issue; if you could let the board know

Mr. Scardino: Yes while I was on the site there is what appears to be a storage shed or a small garage in the front right corner of the property, there was a landscape trailer and a pickup truck for plowing that looks like a landscaping business. I did not sit there and stake it out, I just did a simple pass through the driveway to see if the office trailer was still there and this shed/garage was still present and unless I'm missing something it was my understanding that was also to be removed as a condition of the approval. It is still there and it looks to me like it is a landscaping business.

Mr. Sitzler: Mr. Brennan do you want to address that with your client?

Mr. Brennan: I guess Mr. Eisenberg had a little different understanding and was not aware that was a condition of the approval.

Mr. Sitzler: He was allowed certain things only on that property, if you read through it and again I understand you were not here. It was a long and lengthy meeting hearing and it was as much as what would be allowed to everything else in the world that wasn't and I think Mr. Baron was availed. So everything else in the world other than the preexisting business which is cosmetics and the specific types of trailers that could be there, because as I said earlier at the beginning of this application there were a potpourri of things he had there, busses, abandoned cars, we per learned Mr. Clack's trailer was there. So this is not a permitted use Mr. Brennan, if your client wants to make it an issue then I guess the board will make it an issue.

Mr. Brennan: I don't think he does, I think the way he interpreted the resolution for a minute maybe different than what the board interprets the resolution. He was of the opinion that he was permitted to store not store but have landscape trailers on the property.

Mr. James: Absolutely not; we spent endless hours going over that before the resolution was drafted

Mr. Sitzler: Let's define trailer here, because trailer has multiple meanings. What trucks or trailers do you think was permitted?

Mr. Brennan: The variety that is on the property now

Mr. Sitzler: Unless I'm miss-understanding our Code Official this is sort of like a shed you described.

Mr. Scardino: Yes sir

Mr. Sitzler: There is no shed like trailer; none what-so-ever. If you are talking about a trailer that a landscaper might hall and leave there because it is gigantic and they leave it there in one of those designated places, there was concern about there not being equipment in that trailer: like gas and things of that nature that were flammable being left out in the open with all the other vehicles. Those open type trailers were not prohibited per say; but I'm being told there is a shed and I don't know that is a definition of a trailer.

Mr. Eisenberg: It's not a trailer

Mr. Brennan: You're right it is not a trailer

Mr. Sitzler: there are no sheds permitted, it was never contemplated. I don't even remember a contemplation of a shed being agreed too; in fact it was very specific with Mr. Baron that we needed to have what was allowed not what was not allowed and when we went over what was specifically what was allowed it was clearly pointed out everything else in the world was not allowed and that includes any kind of shed. No businesses are permitted to be operating, what would a shed be doing there? Is someone operating a landscaping business out of a shed?

Mr. Brennan: Sorry I can't speak to that because I have never seen the shed before? This is a first

Mr. Sitzler: There is clearly no sheds and that was clear back then

Mr. Brennan: I think he was operating under the assumption whatever was on the property then and was and was part of the business at that time would continue to be permitted, subject to

Mr. Sitzler: Well why then would Mr. Clack be told he had to leave?

Mr. Brennan: Subject to the Office trailer and other things that were specifically called out in the resolution that cannot be there

Mr. Sitzler: Again your client has been for an entire year now and I'm finding it less than genius that this is his position honestly

Mr. Brennan: We understand the board's position

Mr. Sitzler: He is allowed the trailers, generally box trailers. There was some discussion about open trailers and with some limitations it allows some open trailers but they are not to have all their landscaping equipment on those trailers. It was discussed if was large and too big to move it would be allowed to stay on there but certainly but certainly gas cans and small lawnmowers were not supposed to be stored on those. There was never mention of a shed that is the reason why Mr. Clack was told he had to move his permanent one that was hooked up to electricity and the only things this board permitted on that property was the existing cosmetic supply business and whatever spaces that came to be finalized after the site plan approval were these type of moveable trailers to the degree that they would be moved in and out by whatever vehicle the person was driving to get to that. If it was a tractor trailer truck they would be able to park their personal vehicle in that same space when they moved it out, they were all moveable things there was nothing like a shed that was ever approved.

Mr. James: Nothing there is to be permanent

Mr. Brennan: Again I understand the board's position the resolution was defiantly done stating the board's position

Mr. Sitzler: The next question Mr. Brennan is when is the shed going to be moved

Mr. Castor: I think our Zoning Office should handle that, because this is just going to on and on and on. It is not going to stop until it comes to a head then it will stop.

Mr. Brennan: If I may the applicant has said he will call the landscaper tomorrow that has the shed and inform him he has to move it. This is the first it has been brought to our attention from my understanding

Mr. Sitzler: What is the shed used for Mr. Brennan?

Mr. Brennan: The equipment from the trailer goes in there

Mr. Sitzler: Essentially he is operating his landscape business out of that location by having his other equipment stored in a shed, whether that shed is movable or not. I'm assuming it doesn't have wheels on it is that correct?

Mr. Brennan: Correct

Mr. Sitzler: So he is violating another condition because in my interpretation the landscaper is operating a business on that location

Mr. Brennan: Again the shed was never specifically called out before and now that it has been brought to our attention

Mr. Sitzler: Last thing; again Mr. Brennan we have a long list here tonight. I have been told by our code official and our board secretary that there were two occasions where your client signs advertising trailer; tractor trailer parking business. There was never an application for an approved sign in any of the applications either in the use variance or in the site plan.

Mr. Brennan: These were signs that were up and used for 8 years un-advised, the old Zoning Officer told him they were permitted to be there at one point in time he was told he could not have a sign on the sidewalk so that was taken down and subsequently he was told he could not have a banner sign and that was taken down so today there are no signs on the property, it is my understanding.

Mr. Sitzler: I really need to give you the impression Mr. Brennan; I know this is not a case you are real familiar with, but your client has been here numerous times I know Mr. Baron has been here with him. He needs to understand that all these types of approval there is good faith that the board takes into consideration here and it is starting to be a concern.

Mr. Brennan: Again I guess I'm not understanding there are no signs on the property

Mr. Sitzler: He was told not to put another sign up and he did it a second time, that's what I've been told now I don't know if that was accurate or not

Mr. Brennan: No that is not correct to our understanding the sign he had up was approved by the prior Zoning Officer when he was told he could not have it anymore they were taken down

Mr. Sitzler: But he was never given an approved sign he was in here on a decision on whether he had a preexisting right to do what he was doing he had to do a use variance and during that use variance there was no sign application

Mr. Brennan: But there are no signs on the property

Mr. Sitzler: I did indicate to Mr. Baron, since he was unavailable I understand I have been in your shoes before. I can't speak for our Zoning Officer; he may issue a 10 day notice on the shed and the office trailer which has been suggested by members of the board and I think that is in compliance with what Mr. Baron requested. There is not going to be any immediate action I don't believe by the board tonight

but that is not suggesting that there will not be a ten day notice as early as tomorrow on the shed and office trailer.

Mayor Green: Just to let you know pursuant to the Resolution #15 “the applicant agreed to post a bond for a period of five (5) years for the installation of sidewalks in the event that either a neighbor installed sidewalk or the County approved a sidewalk for this site. This would be a condition of approval.” The property next door to this property got approval from this board two or three months ago for the construction of warehouses and the gentleman is in the process of doing site work now so I’m letting you now your client should be speaking with our Engineer because once the side walk is installed on that other property your client is going to have to install a sidewalk.

Mr. Brennan: Okay; so it was his understanding that there were no sidewalks going to be installed on the other properties

Mayor Green: The Board did not wave that did they?

Mr. Sitzler: No

Mayor Green: We never wave the improvements of sidewalks

Mr. Brennan: If that is the requirement

Mayor Green: I’m just mentioning that now to prevent another issue were he will have to come before the board he should start talking to the Engineer probably within the next three months to find out what the requirements are.

Mr. Brennan: If that is what the requirements are we will comply

Mr. James: At this time I will entertain a motion to either accept or deny the thirty (30) day extension

Mr. Sitzler: That is for Mr. Clack’s request

Mr. Castor: I make a motion to deny

Mr. James: Is there a second?

Mr. Ford: Second

ROLL CALL ALL “aye” 30 DAY EXTENSION DENIED

Mr. James: Next we have application 2018-3 South Jersey Gas Company; 1140 Blackwood Clementon Road KFC Property; Block 1.04 Lot 1.01 Preliminary and Final Site Plan

Ms. Givens: Good evening ladies and gentleman my name is Emily Givens with the firm Maley Givens on behalf of the applicant South Jersey Gas Company we also have here with us this evening the project engineer from South Jersey Gas and Jason Hupp our professional engineer. This is for Block 1.04 Lot 1.01 the address is 1140 Blackwood Clementon Road, presently KFC is on site and this application is relative to a small area where we have been granted an easement from KFC and it is less than .25 acres in size. We are ready to the application and the completeness review as well as answer some of the questions that were presented in the first review by Pennoni. What we are asking for tonight is the Preliminary and Final approval to construction a natural gas regulating station right now. Right know that regulating station is across Blackwood Clementon Road. Not sure if any of you know exactly where that is, have seen it or know what the condition it. This will be a substantial up grade and Mr. Hupp will explain all of that and go over that with you. We do require a front yard setback and a side yard setback for this application will require an extension of the setback from the front of the property lien and a 4 foot setback from the side yard.

Mr. Sitzler: For the record this was originally scheduled for last month's meeting, council was here and because of certain documents there was a request and it was continued for that reason to give our engineer time to review. An announcement was made to the general public at that time it was to be rescheduled.

Ms. Givens: Right know we are asking for a waiver for the Environmental Impact Study report as well as the Traffic Impact and Recycling report

Hugh Dougherty: I did a letter dated April 30th and a subsequent on June 12th, in the June 12th letter we deal with the completeness issue so as the attorney had mentioned. I needed testimony on any type of emissions or other regulatory aspects of that facility. It may be an appearance thing so we can differ that till the engineer testifies when we discuss the site plan that maybe adequate. As far as traffic impact and the recycling report, the traffic impact is minimal it is an un-maned facility where someone periodically visits and the recycling report they are not going to generally use recyclable materials or trash so therefore we have no objections of granting them a waiver also, so for just the environmental impact we should wait for the hearing. So if the board would accept the waiver for the traffic impact and recycling report the application could be considered complete for this evening, and then we could move onto the site plan.

Mr. Sitzler: Who would make a motion to that?

Mayor Green: I'll make the motion; seconded by Mr. Castor

Mr. Sitzler: So the motion is that approval would be subject to the concerns of the engineer on the environmental impact on the operation. So that has been motioned and seconded

Mr. James: Yes; roll call please

ROLL CALL ALL “aye” Application accepted as complete

Ms. Givens: Thank you: in addition to the two bulk variances we are also seeking confirmation that natural gas regulating station is a permitted condition or use within this zone. With the boards permission we will hear from our professionals at this time.

Mr. Dougherty: I would say the applicant should present some testimony as far as the site and the layout. Again my review letter date June 12th does go into the zoning issues; put some testimony in regard to justification and the variances and two bulk variances. Put some testimony into the record with regard to the facility and the current uses in the area and also some additional planning, so if you present what I proposed

Ms. Givens: I just happen to have the project manager Johnathan from South Jersey Gas who can present a brief explanation of what this regulating station is going to do and why it is necessary. When he is finished with that and if the board is ready we will have the actual site plan.

Mr. Olevia: Good evening ladies and gentlemen my name is Johnathan from Project Manager from South Jersey Gas. I have been working on large scale projects for my entire 10 year career with South Jersey Gas Co. I also sit on the Hammonton NJ Planning Board. We have been working on a larger project from Lawnside down to this area. This station that we are looking to install is actually going to be replacing a station that is in Lindenwold on Blackwood Clementon Road. That station has seen better days we are looking to spruce up and provide something that is safer, more reliable that will really benefit the area. We reached out to KFC because this piece of property being only .09 acres, correct me if I'm wrong doesn't really fit the use for anything else. It could be possible for an expansion or parking for KFC but they have no intentions for it and they had some vegetation there that they had to maintain so they were agreeable and excited for us to acquire the easement and put a station on this property. This station will take the gas and regulate it down to a pressure that is served in most individual homes. This station is going to be monitored remotely so in terms of maintenance and driving to and from the station, as the Mayor had stated it is a un-manned facility that will only be maintained two times per year. We will have electrical services to the facility so at any time we can make changes and modifications to the site by the click of a button from our Egg Harbor Township Office that office is managed 24/7 there is someone on board nonstop so it provides a really save and secure service for all of our customers. In addition the eight (8) foot fence is a nice security feature and with this new station our heaters or valves will have ½ inch security chain as well as non-pick bush able locks on each one of our control valves. So that is just a little bit about our project as a whole. I'm open to any questions from the professionals or board members.

Mr. Dougherty: Just on the environmental impact issue, emissions of this facility. I know you talked about safety bit as far as emissions is there any emissions that will be detectable

Mr. Olevia: There is not, though all our gas regulators and heaters we are not allowed to expel any gas to the atmosphere. If any gas has to be vented it will be vented downstream down the pipeline so no gas is vented to the atmosphere no emissions from this site in any way

Mr. Dougherty: I think for the board that will satisfy the environmental impact issue and the safety issue. And it is all pressure piping and enclosed

Mr. Olevia: Absolutely. All the piping is pressure tested at a very high pressure and we don't operate any of our piping above 20% of their maximum. We won't be running this pipe line even close to the 20% maximum pipeline capacity

Mr. Dougherty: That is all I have, any other questions will be addressed to the site plan itself and I believe the Engineer will be answering them himself. On the property itself you are saying that is a piece of vacant not quite vacant but it is a piece of property that is there and KFC is maintaining but there is no practical use for in other than open land, like open grass area

Mr. Olevia: Correct there is no practical use for KFC and this becomes a practical use for us. It gives us the opportunity to up-grade our facility and to keep our customers safe so it was really a win-win for us and we thought was also the community. It is also going to use and take what is viewed as a vacant lot and in that lot we are also going to have vegetation outside that station so that will be out-front of all that fencing and we will be required to maintain that vegetation as well, so we will be beautifying the area

Mr. Hagy: You mentioned there are locks with ½ inch chain what type of locks are they

Mr. Olevia: They are Master Locks they are all grade 7 steal, it is five (5) dial combination locks that is not pick able that actually has shrouds on the side so those locks can't be cut either. We are required by the Board of Public Utility to operate with grade 6 steal or higher we operate with grade 7 steal it is actually ½ inch thick steal security chain that is actually woven so tightly you can't even get a bolt cutter in there to cut it.

Mr. Hagy: Are there sensors on site that would detect a gas leak if one happened

Mr. Olevia: Absolutely we have what we call RPM's or remote pressure monitors, low pressure monitors are located at strategic location. That is why electric and Verizon cable will be brought on site as well so that we have the opportunity to monitor the site 24/7 so we will see all the flow rates coming in and coming out all the temperatures everything. Our system is set up that we have 4 backups for all our regulator facilities we do not use just one regulator. We have three additional regulators if one should fail there are three backups. The industry standard is 2 we pride ourselves on safety. So for your question we do have monitoring systems and all those monitoring systems supply two alerts, one if we were to have an issue with our primary equipment and two to let us know if we have any problem with our secondary equipment. If we were to have an issue with our primary equipment and we are alerted eminently we will actually be able to respond within an hour or less

Mr. James: What constitutes primary and secondary equipment?

Mr. Olevia: Great question, so we have some equipment that is used like a gas regulator that is used and we have a secondary gas regulator that just sits there open waiting for the first one to fail. It just sits there for the entire time open waiting for the first one to fail and if it does it catches it and those others

after it the third and fourth they do the same exact thing. We keep that there because it is not impossible for a regulator to fail. We are required by the Board of Public Utilities to have one back up we provide additional it also allows us to do maintenance in a much easier fashion. We will need to perform maintenance two times per year typically March/April time frame and again September/October time frame. We have ten foot wide gates so we can pull directly into the site so there should not be any traffic impacts two trucks pull in and close the gates and when they are done the trucks pull out.

Mr. Ford: If something was to go completely wrong; what kind of damage or what may be entailed? Is it going to clear a whole city block or is it like a nuclear bomb going off?

Mr. Olevia: There is a very popular report that shows a gas pipelines. It is the Patalis Group that does a tremendous amount of research in pipeline integrity and they say that pipelines that operate at 30% of its single maximum yield strength will tend to explode if there was a catastrophic issue. This pipeline operates at less than 20% so if pipelines have an issue they would leak. If we were to have some sort of a leak we actually have emission detectors on site we would be identified immediately with that Jason can correct me 3/8 inches thick steel wall which is very thick more most pipelines like this and above grade is 1/2 inch actually. All around the property including the backside we have bollards set up so it protects us from the parking lot of the KFC. We have never had an accident to our service in our history with South Jersey Gas.

Mr. Green: How long is the tank?

Mr. Olevia: That is a gas heater it is 18 foot long and 6 feet in diameter, as you know the ground gets cold and as the gas travels through the heater it warms it up making it easier on the gas furnace to burn.

Mr. Ford: Do you have any other facilities of this size in the area?

Mr. Olevia: Yes; this is the new standard and we operate between 15 to 20 sites that are as scientifically advanced as this site. Specifically in Camden County we operate two others they are also going through large scale remodels one is in Lawnside and one is in Hi-Nella.

Mr. Green: Are any others in a residential area?

Mr. Olevia: One is in a commercial area and one is in a more residential area

Mr. Hupp: I'm here to answer any questions you may have about the site plan. I'm Jason Hupp a Professional Engineer in the state of NJ

Mr. Hagy: Is the fence line secured

Mr. Hupp: Yes it is the fence has two gates and the gates are chained and locked

Mr. Hagy: Is there a possibility of someone coming over the fence

Mr. Hupp: It is 8 foot tall; I guess it is possible for anyone to climb a fence at any height. We do have cameras on site that are pointed at each gates and surrounding the station so we would know right away if somebody was on site. Likewise if someone was trying to mess with something on site our monitoring system would let us know as well

Mr. Hagy: Other than the security cameras are there any vibration detectors or motion detectors

Mr. Hupp: There is a motion detector in a small box that is about 2 feet by 2 feet that houses some of our important electronics, so if somebody were to attempt to open the box we would know immediately but outside of that the rest of the site having a motion detector; no

Mr. Dougherty: The cameras are they 24 hour monitoring?

Mr. Olevia: Yes our obligations department monitors all the facilities of this size as well as facilities that are smaller as well as those that are much; much larger. Our key location is on Kings Road in Egg Harbor Township and there are 3 individuals that are always on call and always on board 24/7.

Mr. Dougherty: Just from the planning perspective the facility expansion that you are requiring I guess you disbanding the other station because it is outdated or

Mr. Olevia: The equipment is most certainly outdated but still safe we maintain it on an annual bases per our required code it could use some sprucing up in development. This is also part of a greater project where we have constituents in Camden County asking us for to extend the gas service. They have gas service sitting in front of their house and we can't extend them the services because we just don't have enough gas to get them there. This new station gives us tremendous ability to feed those customers that have requested service from us for quite a long time that we have not been able to get service to them

Mr. Dougherty: Is there a time you are looking to pan out to 2025 or even beyond

Mr. Olevia; Actually we have planned this site out for the next 30 years. We do all our system modeling on a 10 year bases but anytime we are going to buy equipment like this, you can imagine it is not a cheap proposition we go for 30 years out and by that point technology has changed so much.

Mr. Dougherty: So you are not planning on upgrades or anything

Mr. Olevia: No sir

Mr. Dougherty: So this is the ultimate plan

Mr. Olevia: Yes sir and honestly as technology improves things get smaller, for us our meters our regulators things have gotten much; much smaller allowing more capacity at less commodity less pressure

Mr. Green: With the chain link fence will they have the privacy slides in them?

Mr. Hupp: Yes

Mr. Dougherty: There were a couple of other issues, now there are no public water or sewer for this facility no restrooms

Mr. Hupp: No

Mr. Dougherty: So that is not going to have any strain on our public utilities. And it was twice per year on the site visits you are going to have two vehicles

Mr. Hupp: Yes and they will pull directly on the site and will not be parked on the side of the road. We have a little bit of space in the front area. The fence there now is just there temporary for the construction it will be removed afterwards. So we will be able to have our techs pull into this gate and to pull into this gate.

Mr. Dougherty: So a vehicle will pull into each side

Mr. Hupp: Yes

Mr. Olevia: Yes it keeps our techs safe and keeps people from getting to the trucks, so it keeps our workers as well as the community safe

Mr. Dougherty: So at this point as far as the site plan it is behind the Kentucky Fried Chicken and it has a fence. One of the things I wanted to make clear was the fence on the Eastern side; the existing fence is 4 foot high

Mr. Hupp: It is higher on the plans that we have drawn, so it will be a new fence 8 foot high with the privacy slats

Mr. Dougherty: The landscaping shown; I know on that plan you had shown 3 trees being removed but there is a bunch of landscaping mulch that is going to be gone correct

Mr. Hupp: Correct, it was too small to show on the plans but I believe there is a note that calls that existing landscaping buffer to be removed and it would sit inside the fence inside the fence line and we could not leave it because it would sit so close.

Mr. Dougherty: So inside the fence line will just be all gravel

Mr. Olevia: ¾ inch crushed stone

Mr. Hupp: There will be some small concrete footings but nothing major

Mr. Olevia: to make sure that stone is not pushed away Pushed in the road or pushed out when we do our site visit if we notice issues we can mark it up on the work order and have a contractor come out as we are on site to make sure we grade it and clean it up all nice and neat so we do that annually in the fall.

Mr. Dougherty: Okay so that was another one of my questions about testimony on the maintenance of the grounds. One other thing I noticed the bollards are inside the fence so one of my concerns was cars banging into the fence and you know how a chain link gets bent from banging in of cars. There are bumper stops there now so that would be something that preclude but let's just say a pickup truck comes backing in he could hit the fence without realizing it. I thought the bollards would be on the outside of the fence but I see you have them on the inside.

Mr. Hupp: It is very tight at the corner here so it would be difficult to change the bollards to the outside. I can look into that but I think we are going to be too tight here

Mr. Olevia: Because we come so close to the property lien here, if we push the fence in we will not have enough space to get someone around the heater to do maintenance on the valves or it will be real tight not everybody is 2 feet deep so it makes it a little tight for certain people; so we thought this was the best opportunity to keep this site manageable for our employees and safe for the community

Mr. Hupp: We could certainly put bump stops here in this area

Mr. Dougherty: That would be our only area of concern because I think the other areas have no dealings with traffic. So the bumper stops would work; it would just be unsightly that is our only concern. The other was on my letter dated June 12th; page 3 Roman numeral V (5) on the landscaping the ordinance calls for buffering and it would really be up to the board to determine if buffering is necessary for the general welfare of the public. I know you testified to some plantings on the outside of the fence so if you have any greenery and that is a mulch bead as well

Mr. Hupp: That is correct

Mr. Dougherty: and they are small shrubs correct

Mr. Hupp: They are specked for Marble Heidi's but we can change that to just about anything else you like that might be acceptable

Mr. Dougherty: Not along the back side or along the curbing so basically I think a waiver not requiring landscaping there are some site restraints inside the site that preclude the fence from being moved backwards and including landscaping you do have the green slats so basically you have the buffer. But technically speaking a waiver would be required for that. I just looking for details on some of the things you show on the plan here but I'm looking for detail on the plan for the shrubs and the mulch. The thickness of the mulch and the type of shrubs, I would actually check with a landscaping architect I'm not sure he would have any preference on the shrubbery but we can work with you. We would also need a two year plan on replacement if necessary and I know based on your testimony you plan on keeping the site nice so that may not be a concern but I would like a two year period included on the plan

Mr. Olevia: I think for us too keeping the site looking nice is actually a safety aspect too. People seeing it all run down and beat up and almost no one ever there, they are more likely to try and get in. When it looks nice people think someone must be here all the time

Mr. Dougherty: Additionally need the gates and the hardware, just so we have all the additional detail. The Township Engineer would actually inspect site improvements so we want to make sure we have enough detail in the plan so he knows was approved by this board. So there is no utilities on this site electricity cable

Mr. Olevia: So there will be electricity, cable and then we will run our own conduits undergrown from the electrical boxes to our heaters. We will not run any electric above ground and that will be all internal for us. That is what remotes all those readings back to us.

Mr. Dougherty: So you are taking electrical from a nearby pole and running it under ground

Mr. Olevia: Yes

Mr. Dougherty: On the bottom of page 4 I just had some additional comments as to curb and sidewalk along Little Mill Road. It looks like the causeway is situated at the curb the curb and side walk together and you are actually in the shoulder of the road that is not paved at this point so I would be looking for that to be paved or we could possibly looking at curb to curb a balance at the end of the road and have more of a green space between the curb and sidewalk.

Mr. Hupp: I can tell you it won't happen because of the traffic back there we could not get any green space, that is a court

Mr. Dougherty: I guess when KFC was put in there; there was some kind of widening of sort but that was when the road went out to the five (5) points intersection once they eliminated that and you go back Little Mill Road it does narrow. So if you held the curb line you would probably have to get a full restoration along the shoulder of Little Mill Road but then you would have roughly 6 feet to the sidewalk.

Mr. Hupp: I think it would be better to have the green space

Mr. Dougherty: As long as the board is comfortable with that it will be satisfactory. Then we have item number two (2) the paving it need to be clearly on the plans normally you have 4" but because you have the driveway you usually have a thicker spec and the ADA accessible ramp because you have a sidewalk

Mr. Hupp: We can most certainly do that we can address that on the plan. There is no existing sidewalk on the left of this property but we can most certainly do that

Mr. Dougherty: And another detail as far as far as the gravel are you going to have fabric or anything underneath

Mr. Olevia: It is 6 inches of crushed stone and there is like riprap underneath almost like a mylar that is laid down to prevent weeds from coming through and it keeps the stone clean

Mr. Dougherty: On the maintenance do you feel there is any need for pesticides or anything like that or herbicides

Mr. Olevia: We do have a man that comes and does that for us and a site of this size we have that done when we do our normal maintenance and that is just inside the perimeter it does not go outside the fence area

Mr. Dougherty: On page five (5) of my letter under the general; there is an agreement I saw in the packet with KFC and the Gas

Emily Givens: Yes there is an easement agreement

Mr. Dougherty: We were looking for testimony for site safety and security and I think they provided that. We need additional details on the bollards, how deep they are going to be and the Fire Marshal did have some comments as Mr. Green had mentioned so do you request any additional

Mr. Hupp: We have met with Mayor Green as well as Mr. Greer the Deputy Chief of the Fire Department but we most certainly request any additional comments

Mr. Dougherty: And then there was just the posting of a bond for any public improvements and that would be agreed to as a condition of improvement. The only other issue would be if the Camden County Improvement would have issues with this project.

Emily Givens: I have the accepted application from the County

Mr. Dougherty: Then that is all I have Mr. Chairman unless the Planner has anything

Mr. Luste: Yes; I would like to briefly address the uses and conditional uses and what the ordinance requires and based on the testimony I have heard they have satisfied the conditions for a conditional use so I have no questions on the conditional use.

Mr. Dougherty: The only other thing was the bulk variances just as far as additional testimony for the justification for the permitting the front and side yard variance.

Mr. Olevia: Yes; most certainly as you can see here (pointing to the plans) the way the piping is aligned each of them are aligned in a way that it gives us a series of technical options for us to maintain and operate this facility. If we move the heaters here it does not allow us to pull into the site. If we move them here it will interfere with this equipment during the construction. So we are going to have to hug certain areas so that we can to maintain this facility in a fashion that we typically maintain in what I consider a very high standard of maintenance. That is really the driving factor the other thing is the actual size of the equipment as a whole the 8 inch vales are not actually 8 inches they are much longer so that adds a lot of additional length to this project so it brings us closer and closer back.

Mr. Hupp: We tried a lot of different combinations to maximize the setback that was there; in the front it is worth noting we did use the setback of the temporary equipment that was there but when it will be removed the setback will actually be much greater

Mayor Green: The temporary equipment you said will be removed but in future it will come back on certain times correct

Mr. Hupp: Correct very seven (7) years this will come back for approximately a week for us to do a series of maintenance and then it will be removed again

Mr. Dougherty: Okay when you said temporary I thought it would be gone and never come back again but if it is going to be periodically I would leave it the way you have it. That is all I have Mr. Chairman.

Mr. James: Any questions from the board

Mr. Hagy: With the outside perimeter do you provide any lighting for maintenance or security

Mr. Olevia: We did not add any additional lighting to this location, there are certain locations where we add lighting if it is very dark but this was not one we gave additional thought for additional lighting

Mr. Hupp: It is a double edge sword because sometimes it brings additional attention to the site making it more visible and sometimes the residents are not happy to have the additional light there.

Mr. Ford: You mentioned cameras are they all low lit cameras

Mr. Hupp: Yes they are all low light cameras like the E camera

Mr. James: Any more questions

Ms. Givens: We thank the Board for your time this evening; we just ask the board consider approving the final site plan approval along with the two bulk variances and the determination that the facility is a permitted use in this Zone

Mr. James: I entertain a motion to open the floor to the public?

Mr. Castor: Make a motion; seconded by Mr. Ford

All members were in favor

Mr. James: The floor is not open. Seeing none motion to close

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

All members were in favor

Mr. Dougherty: Mr. Chairman did we say there would be conditions on approving the variances indicating that it is a condition of use and the site plan, but the condition would be to address the outstanding issues in my letter. We had hoped the applicant was in here to agree and a revised plan would be submitted.

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

Mr. Castor: That is for the two bulk variances

Mr. Sitzler: This is for the preliminary and final site plan, two bulk variances and a permitted conditional use. We have already heard from our planner that all criteria has been met.

Mr. James: Roll Call

Roll Call all "aye" APPROVED

Mr. James: At this time we have application 2018-5 KFC; 1140 Blackwood Clementon Road; Block 1.04 Lot 1.01 Minor Site Plan

Mr. Wollberg: Good evening everyone I'm John Wollberg with ARC Vision Architect, representing the applicant KFC

Mr. Sitzler: Mr. Wollberg could you just review some terms other than you are representing them. What is your back ground?

It was determined that Mr. Wollberg did not have the back ground or written permission to represent KFC at this meeting nor was any professionals (Legal or Engineering) present so the hearing is to be postponed till the July 12th Meeting. Mr. Sitzler made a public announcement that this is the notification of postponement so the applicant would not have to re-notice

There was a short discussion about forming a sub-committee to review the Pine Hill Ordinance's on growing facilities for medical marijuana and solar panels. The committee from the Planning and Zoning Board will be Mr. James, Mr. Ford and Mr. Luste. The 1st meeting will be 6:30 on July the 12th before the regular scheduled Planning and Zoning Meeting with more meetings to be scheduled if needed

Mr. James: Any new business?

Mr. James: New Business the next meeting is July 12th at 7:30

Mr. James: Motion to open the floor to the public

Mr. Waddington: Motion to open; Seconded by Mr. Castor

Mr. James: Seeing no public motion to close

Mr. Castor: Motion to close: seconded by Mr. Hagy

Motion to Adjourn: Mr. James: Can I have a motion to adjourn?

Mr. Castor: Motion to adjourn: seconded by Mr. Hagy

All in favor of adjournment