

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
January 08, 2015

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.

**Swearing in of New/
Reappointed Members:**

Class II Member; Felix James	expire 12/31/15
Class III Member; Councilman John Robb	expire 12/31/15
Alternate # 1; Teresa Ciotto	expire 12/31/16

Reappointed Members sworn in by Solicitor; Mr. George Saponaro, Esquire

Roll Call: Mr. James, Mr. Castor, Mr. Ford, Mr. Shultz, Mrs. Bruno, Mr. Hagy, Mayor Green, Councilmen Robb, Mrs. Ciotto
Absent: Mr. Waddington, Mr. Greer
Professionals: Solicitor: Mr. Saponaro, Engineer: Mr. Dougherty
Planner Mr. Hall

Election of Chairman: Motion made by Mayor Green for Felix James; Second by Mrs. Bruno
Roll Call: All "aye" Motion Carried

Election of Vice Chairman: Motion made by Mayor Green for Kevin Waddington; Second by Mr. Castor; Roll Call: All "aye" Motion Carried

Board Secretary: Motion made by Mr. Castor for Les Gallagher; Second by Mrs. Bruno
Roll Call: All "aye" Motion Carried

- Resolution 2015-1:** Resolution Establishing Meeting Dates and Official Newspapers for Planning and Zoning Board
Motion made by Mr. Castor; Second by Mrs. Bruno;
Roll Call: All "aye" Motion Carried
- Resolution 2015-2:** Resolution Consenting to the Appointment of William E. Sitzler Esquire of Saponaro & Sitzler as Planning and Zoning Board Solicitor
Motion made by Mr. Castor; Second by Mr. Ford
Roll Call: All "aye" Motion Carried
- Resolution 2015-3:** Resolution Consenting to the Appointment of Hugh Dougherty P.E. C.M.E. From Pennoni & Associates as Planning and Zoning Board Engineer
Motion made by Mr. Castor; Second by Mr. Hagy
Roll Call: All "aye" Motion Carried
- Resolution 2015-4:** Resolution Consenting to the Appointment of Robert Hall P.P. From Pennoni & Associates as Planning and Zoning Board Planner and Application Process Reviewer
Motion made by Mr. Castor; Second by Mrs. Bruno
Roll Call: All "aye" Motion Carried
- Resolution 2015-5:** Resolution Appointing the Planning and Zoning Board Chairperson
Motion made by Mr. Castor; Second by Mr. Ford
Roll Call: All "aye" Motion Carried
- Resolution 2015-6:** Resolution Appointing the Planning and Zoning Board Vice Chairperson
Motion made by Mr. Castor; Second by Mr. Ford
Roll Call: All "aye" Motion Carried
- Resolution 2015-7:** Resolution Appointing the Planning and Zoning Board Secretary
Motion made by Mr. Castor; Second by Mr. Ford
Roll Call: All "aye" Motion Carried
- Correspondence:** Delivered the New Jersey Planners to Members Present Vol. 75, No. 5 and No. 6. Course Schedule for 2015 Planning and Zoning Program was also made available
- Approval of Minutes:** Motion made by Mr. Shultz to approve minutes of November 13th meeting second by Mr. Castor. Roll call, all "aye" except Mrs. Bruno "Abstain" Motion Carried
- Application 2014-6A:** Max's Bargain & Thrift LLC
717 Erial Road
Amended Application; Work Session/ Informal Review

Mr. James: This is an informal review.

Mr. Brian Reagan Legal Representation for Applicant addressed the board: For the record my name is Brian Reagan; this is for the matter that is before the board, the incomplete application for Max's Bargain & Thrift that needed to be amended and was rescheduled for December 11th and re-noticed and sent for proof reading the day before that the meeting that then was rescheduled for today. So we had asked for this informal review because we were not aware that the meeting was not held or held in its entirety at that time. Never the less we did receive a letter January 7th from the Planer and we would like to go through to see what can to be clarified or some requirements on there that may require a manual remedy or further attention and hope through this informal review that Max's Bargain & Thrift would be prepared to resubmit the application with the requirements and everything validated for the January 24th date.

Mr. Dougherty: One thing if I could comment, the plan was submitted for review and we put together just as a talking point because an informal review and since the public was not noticed so we can't have an opportunity for testimony that can be relied upon at this time. So we would really have to do this at the next hearing. Our letter was talking about and I know the board does not have a copy of this letter where we informed the applicant that when they come in they would have a fruitful hearing at the next actual hearing. As an informal we just wanted to get some of the ideas out so at this time I don't know if the board would have some thoughts on the site plan or if Bob Hall could go over some of the general ideas.

Mr. Reagan: That would make sense so we can go over some of the items on there to clarify what is missing. I think there are something's that we did with the plans that are still in the gray area and we can get some ideas going back and forth on how to proceed.

Mr. Dougherty: I would say again it can't be testimony.

Mr. Reagan: That's fine; it's not testimony.

Mr. Saponaro: Brian you can do the speaking back and forth in some municipalities it is not the whole body just the Professionals. So maybe we can just go over this and give you an idea of what is needed.

Mr. Reagan: Under completeness in section B. Completed plan check list. 4 copies of the recycling report?

Mr. Hall: Before we get into that; the application form was not so clear as to what you were actually applying for. Either a waiver of site plan requested and or site plan approval. As far as a waiver we would not recommend a waiver of site plan and when you get to the site plan this could be a minor site plan as opposed to a preliminary and final site plan. Is that your intention to apply for a minor?

Mr. Reagan: Yes! As far as the language that was in the notice that is what was brought up at the last meeting to include the "and or" and I believe you were involved with that as well.

Mr. Hall: Right; I just want to be clear. So this is a minor site plan and I think the applicants Engineer was looking at a check list with required items for a preliminary site plan and on the drawing itself the Engineer suggest they are seeking some design exceptions also called design waivers and also a couple of variances. That is for the number of parking spaces and the overall impervious coverage, but if you look at it from a minor site plan point of view there are a few things that they did not submit and I think they should submit all of these before we have a public hearing. These are all specifically required by the ordinances; the first is a copy of the check list for a minor site plan found on page 2 of my report. The second is copies of the recycling report showing how much recycling they are going to generate and where they are going to store it and how it is going to be disposed of; the site plan itself does show a place at the back of the building for the storage of trash and I would assume that this is where the recycling will also be stored but a report as a narrative and maybe a note on the drawing should be submitted. The other item was a discrepancy was between the applicant and the owner they are two different entities the plan indicates the owner and applicant are one in the same Max's Bargain and Thrift and I don't think that is the case; that should be clarified. Some other information is the building elevations; that is the facade and appearance what the building looks like on all four sides, I think the board should have that to consider the application. The other thing is the sewer and water treatment there may be some language in the application that is miss leading it said they are going to provide a new water supply and a new public sewer line, but I'm not sure that is really what they are proposing, I believe that existing building has utilities to it.

Mr. Reagan: That is something that has to be corrected on the site plan that was submitted.

Mr. Hall: Okay, on the application form you will see those things are indicated. Also there is no information of landscaping or lighting on the drawing and those things are required and signage as well. Drainage provisions; because the property is nearly entirely paved and the applicant is not proposing to change that in any way the drainage requirements could probably be waived here. Again as I had mentioned the storage and pick up of recyclables, all those things have not yet been submitted. The applicant has requested a waiver of the recycling report, owners name and building elevations and I don't recommend we waive any of those items.

Mr. Dougherty: So without those items submitted the application is incomplete.

Mr. Hall: Technically it is incomplete at this moment. The board has 45 days from the time they submit the application to determine if the application is incomplete if we don't do anything it is automatically becomes complete and the time clock starts to make a decision. So I don't think it is complete at this point we need to take action on that by January 24th which is of course before the next meeting. One of the Resolutions the board approved tonight was that you designated me as an entity that could make a determination on completeness and I could do that at any time but technically it is incomplete at this moment.

Mr. Reagan: Can it be done by letter by their Engineer?

Mr. Hall: No I did not.

Mr. Reagan: Could it be done by Letter? For it to be compliant?

Mr. Hall: Where it is relevant sure a letter or in some cases notes be put on the drawing, and that has to be done before the next hearing so we can have that information in hand to go along with the testimony to be provided at the next meeting.

Mr. Reagan: Okay

Mr. Hall: But they have to be addressed in some way.

Mr. Saponaro: It appears that there are some issues that do not meet the ordinance requirements I recommend that Mr. Hall do that; I think we are going to have to.

Mr. Hall: these things are not difficult things; again I think the Engineer used the preliminary check list as opposed to the minor check list and I think they can be resolved easily.

Mr. James: Can I entertain a motion to have Mr. Hall review this matter to see if it is complete by January 24th.

Motion made by: Mr. Castor; Second by Mrs. Bruno, all others "aye" Motion carried.

Mr. Hall: I also wanted to mention the use itself is a permitted use; it is a retail use in the Central Business District on Erial Road, but there are two variances and this goes to the fact that we do not have a floor plan of the entire building. We have on the site plan some indication of the space within the building but it is not clear as to how many floors are in what part of the building. So I want to make sure we have all the square footage accounted for on the floor plans and noted on the site plan because that directly relates to exactly the amount of parking that is required. In our view of this at least 20 spaces are required under the current ordinance based on a portion of the building that could be used by two retailers and there is another portion of the building that per the drawing to be used for storage. There are different parking calculations for that, so I calculated for the entire building; 20 spaces are required and only 18 are showing on the drawing and I think less than that actually exist on the site today because it is not completely striped out. They need to request a variance relief on the number of parking spaces; I'm sorry actually a design exception. Then also a variance for the total impervious coverage; even though it exists today I'm not sure how the site was built over the years but it is over the maximum permitted per the ordinance in a CBD zone by about 15%, 75% of the lot maximum is permitted to be covered by roof top and black top and about 90% of the site is covered today. Even with that excess coverage they still can't provide the parking that is required so they are going to need relief from the parking and the impervious, but not because they are going to add any impervious but that it is non-conforming today. The major issues really are the utilization of the space inside the building we know that the applicant Max's Bargain and Thrift is only going to use a portion of the building, but we need to know what the rest of the building is going to be used for some

declaration of that. Now like I said a portion of the building is shown as storage and if the plan is approved for that there is no way that can be used for anything else but storage in the future because the parking requirements are much higher.

Mayor: To that point this is a question to the Attorney; since the applicant is Max's Bargain and Thrift he is not the owner of the building and since he is the one that going to be testifying. Can he testify and bind the owner of the building?

Mr. Saponaro: In terms of that?

Mayor: Yes

Mr. Saponaro: I would think that it would be wise to have the owner there as well; and obviously we need some clarification it is unclear as Mr. Hall pointed out that there seems to be some confusion as to how that would be gone about. So it seems to me that would be an issue that is why we need a layout of the entire building not just the part that Max's using as Mr. Hall Pointed out if that portion is not used storage it will affect the parking issue.

Mr. Reagan: Was he questioning what Mr. Hall stated about whether or not the site plan or the plan itself was unclear as to whether it was the owner or the applicant who was.

Mr. Dougherty: The application was unclear

Mr. Reagan: Maybe there was a typo by the Planner

Mr. Saponaro: It is obviously premature tonight because this is informal but the question is that who specifically the owner is and is there consent by the owner for the application to be submitted by Max's without buying the property?

Mr. Reagan: But that is what is being corrected at the direction of Mr. Hall

Mr. Dougherty: But as far as testimony; since Max's is just occupying the space then who is going to make all the site improvements? He does not own the whole property. So he permitted on the behalf of the owner to make all these improvements?

Mr. Reagan: That was the question

Mayor: And to limit the use of the building; because as the planner said is there going to be any renovation. I have no idea what arrangement the owner and Max's Bargain has worked out

Mr. Reagan: Well that would be a lease that he can testify to

Mr. Saponaro: Realize that you have a certain number of parking spaces and as Mr. Hall indicated in the variance, so understand that there are decisions that this board makes will affect the rest of the property so if someone else decides to rent the other side of the building they would figure what's the use because of the retail verses the historic part.

Mr. Reagan: Then the owners can address that.

Mr. Lauletta: I'm Frank Lauletta one of the owners of the building, right now he would be our only tenant. Would we not have to come before the Planning Board again if we have another tenant interested, and would we not have to seek a waiver and minor site plan approval and then address all these issues?

Mr. Saponaro: We can say at this point in time

Mr. Lauletta: I can't hear you

Mr. Saponaro: I can't comment on that at this time because we do not have that application in front of us.

Mr. Lauletta: What I'm saying is we only have one principal tenant right now so how do we comment on who is coming in?

Mr. Dougherty: You have space in that building that could eventually be utilized; so what we are doing we can't just look at part of that space we have to look at the entire building. We just can't look at that one space and say this site works for Max's we have to look at the entire building because the rest of the building can be used for retail we can't deal with it later either. That is why this informal is good we want to deal with the entire site with this application; Max's application, so there should be testimony from the owner.

Mr. Lauletta: At this point our desire would be to have an office space tenant; so we would guess we would be coming and get approval for the whole building.

Mr. Dougherty: Right and what we are asking for is a floor plan. What is the total square footage that ultimately be used and how would that effect the entire site. That is something you would want to have for review for the boards consideration.

Mr. Lauletta: Okay

Mr. James: Basically what they are trying to say on here you have listed as storage as part of the site, so if it approved as storage then it can't be used for anything other than storage ever again without coming per for the Planning board.

Mr. Lauletta: That would be fine

Mr. James: And then you have the unknown entity; which again no one knows an unknown retail and no one knows how that is going to impact the parking spaces.

Mr. Lauletta: Right we would guesstimate what the space is going to be used for and get approvals and reach out to that type of tenant, whether it be office space or retail space and I think the parking would be kind of similar for the two

Mr. Dougherty: Bob is it about 200 square feet?

Mr. Hall: It is one space for every 200 square feet of retail is required

Mr. Daugherty: What about office space?

Mr. Hall: I think it is about the same the numbers are in ordinance here; I will check. While we are here the site plan shows notes for about 4900 square feet of the building but the building seems to be much larger than that about 8000 square feet altogether.

Mr. Lauletta: It is about 4900 square feet

Mr. Hall: All floors, all levels?

Mr. Lauletta: Yes

Mr. Hall: Because it says two and a half story building in the front at least and the back seems very high I'm not sure if there are two stories there or not. I think there is something missing and that is why we are looking for the entire floor plan of the entire building before January 24th. Then if I may too because the site does not have enough space for parking the lot adjacent along Erial Road is vacant and it appears about a third of that property is already paved that is connected to this property here, so we suggest that the applicant, property owner or both approach the neighboring property owner and try to get some use of the adjacent lot to provide for more parking. It probably has historically there is not frontage access to that lot from Erial Road no frontage.

Mr. Lauletta: It is kind of difficult to try to strike a deal to use that lot for parking what if the owner decides to build a building on it. How do we address it with the board?

Mr. Hall: We are just suggesting you approach the property owner to provide you or your tenant an easement for parking out there because you do not have enough parking on your lot.

Mr. Lauletta: You can see how difficult that would be because if he agrees that person would agree he could never improve on it and would be restricted and that is not good for Pine Hill; once it becomes a building it becomes a tax ratable. If he gave us an easement to use it for parking he could never build anything on it and it would not be beneficial to Pine Hill.

Mr. Hall: We are just suggesting how you may be able to get more parking for your building so you can use it in a better way

Mr. Lauletta: Well it is not reasonable! I can't imagine that this board here would rather see that we would have an easement for prior approval; it would eliminate the possibility of someone building a building and it becoming a ratable for Pine Hill and there are no tax incentives for just parking in its existing state. I would rather apply for our property and request a variance for the parking and the impervious coverage and see if it gets rejected.

Mr. Hall: Well that is why we are here tonight. We are just trying to make a suggestion you have a parking issue and it is going to up to you

Mr. Saponaro: It is not the time to make a decision at this point

Mr. Lauletta: I'm not trying to make a decision, I'm just, he's making a recommendation and it is not the right recommendation for me.

Mr. Saponaro: He is not making a recommendation he's just stating you can apply for a parking waiver or try to solve it another way by an easement. They are just two possible ways how you handle it is up to you, and then ultimately how it comes before the board is how it will be addressed at that time.

Mr. Hall: Mr. Chairman and the board, the other thing about the parking even though they can fit 18 at the site; 6 of those spaces are perpendicular to 8th Avenue. You probably know you have to drive from the street across the side walk and park perpendicular to the building. This would require to back out into 8th Avenue which is something not permitted by the ordinance which is something that I don't think was approved by the prior site plan and there is also a question of safety, so whether or not we can even count those 6 spaces is even questionable.

Mr. Castor: They might be preexisting

Mr. Hall: It might but I'm not sure there was ever approval for that.

Mr. Castor: I might be wrong, but they have been there for a long time. I had run into this with my own building and was doing this for 35 years, so they just called it preexisting and let it go. I don't know how long those parking spots have been there, how long the building has been there.

Mr. Lauletta: That building has been there at least since the 60's, 1960 would make it over 50 years old.

Mr. Saponaro: That is something the board would definitely have to look at

Mr. Castor: Yes that is something we would have to look at, it is possible they are preexisting

Mr. Saponaro: That would be covered under testimony however.

Mr. Hall: And there is one parking space in front of the building on Erial Road that is to be designated as handicapped space, it should have been van accessible but I'm not sure there is enough room to properly maneuver the van, so that one is questionable as well. I understand it exists today but I'm not sure how it got there and I'm not sure if there was ever a site plan approval granted for that.

Mr. Castor: What was there before that?

Mr. Lauletta: It was a Carpet and Tile place; from the earliest I can remember it was the republican club probably in the 60's which they occupied the whole building. We are just trying to get this building occupied you don't need any more vacant buildings here, so we are just trying to improve the appearance her in Pine Hill. I'm very impressed with the development of the sidewalks and street lamps here in town, and I think not only our building but over vacant buildings on Erial Road should be

encouraged to be tenant occupied. It makes the appearance of the town look better it gets landscaped better, it gets dressed up the building gets painted it gets nice you make improvements to the building trying to satisfy tenants and customers and neighbors. That is all we are trying to do

Mr. Dougherty: All we are trying to do is give you a guide to prepare you for testimony for the next meeting

Mr. Lauletta: Right you gave us a list we will take it and do our best to accomplish it and come back before the board and see if we get an approval or rejected. We just want to be good property owners and the tenant is already a Pine Hill resident whose life dream is to own a thrift shop; Max's Thrift Shop

Mr. Reagan: There were comments about a delivery truck going over the side walk; Max's will basically just be using a pickup truck that will carry boxes you can carry by hand. That is what he will be basically selling stuff he can carry in a box.

Mr. Lauletta: I think this will be an ideal business for Pine Hill and the neighborhood

Mr. Castor: We are not accepting testimony at this time.

Mr. Reagan: No he is just trying to clarify

Mr. Castor: He is just beating a dead horse he's the one doing all the talking

Mr. Hall: What would be useful is to put that in writing it is called a narrative; it could be just a paragraph. The other thing is that there is no provision for recycling on the drawing that should be revised. There is an area on the back of the building but it should contain some detail on what those containers will look like and also some kind of screening around the area some kind of fence around the dumpster area. I'm not sure how a dumpster truck will get into those containers and that is something that can be depicted on the drawing or part of the testimony.

Mayor: some of the other issues may be a fire issue; putting dumpsters up against the building could create an unsafe fire zone. I don't know what the regulations are, but they

Mr. Lauletta: They are cans not dumpsters! There will just be some plastic and a little cardboard and hopefully they will fit in one of the township recycle cans.

Mr. Saponaro: That is something you would need to put in the narrative

Mayor: The town ship does not pick up commercial trash that is the responsibility of the commercial establishment to establish their own pick up and collection. So you are not going to take recyclables or trash and put them curb side for township pick up. So weather dumpsters or however you are going to handle your trash I don't know the Fire Marshal is going to agree you can put dumpsters up against the building because if they catch fire the building can catch fire. You may need to address that I don't know.

Mr. Reagan: Well that is the recycling report that he requested

Mr. Dougherty: Right so that is something you would have to decide how you are going to handle and the location

Mr. Saponaro: Right now were just trying to give you some suggestions on some things that might come up based on scenarios

Mr. Lauletta: If the engineer is satisfied we have everything for the next meeting would we have to re-notify?

Mr. Dougherty: You would have to notify the residents that you will be heard at the February 12th meeting

Mr. Reagan: Would we have to re-notify the neighbors, because the first time we notified them of a site plan waiver or minor site plan approval.

Mr. Dougherty: I think that would still be valid

Mr. Hall: As far as us reviewing it we are going to review it as a minor site plan

Mr. Saponaro: you can just give us a call and we will tell you what you need

Mr. Lauletta: The same thing with the notices to the residents within 200 feet?

Mr. Reagan: I will submit it all with the ads in the paper

Mr. Lauletta: And that meeting is February

Mr. Saponaro: 12th

Mr. Lauletta: Thank you for your help.

Mr. Hall: Mr. Reagan do you represent the applicant the owner or both

Mr. Reagan: Yes, at this time it will be the applicant that will be giving testimony

Mr. Hall: Right, The items that are noted in our letter under paragraph "B" I would like to see those items submitted no later than January 24th so I can determine completeness.

Mr. Reagan:"B" 1 through 10?

Mr. Hall: Yes

Mr. Reagan: On the 24th? Or before

Mr. Saponaro: You can prepare them ahead of time Brian so he can review them

Mr. Hall: Yes if you can get them to me a couple days ahead of time that would be best.

Mr. Reagan: Okay, thank you

Mr. James: At this time I would like to open the floor to the public.

Mayor: So moved; second by Mr. Castor; all "aye" motion carried

Mr. James: Seeing there is no public motion to close the floor to the public

Mr. Castor: So moved; second by Mr. Ford; all "aye" motion carried

Old Business:

New Business: Mr. James does anyone have any new business, reminder the next meeting is February 12th at 7:30

Motion to Adjourn: motion made by Mr. Castor, second by Mr. Hagy, all others "aye" motion carried.