

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
December 8, 2016

Call to order: **Call to Order by Mr. Kevin Waddington 7:39pm**

Pledge of the Flag: **Led by Mr. Waddington**

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. Waddington, Mr. Ford, Mr. Shultz, Mr. Castor, Mayor Green, Councilman Robb, Mrs. Ciotto
Absent: Mr. James, Mr. Hagy, Mr. Green, Mr. Greer
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty

Correspondence: None

Approval of Minutes: **Mr. Waddington:** If you had a chance to go over November 10th minutes I will entertain a motion for approval

Mr. Ford: motion

Mr. Waddington: is there a second

Mr. Shultz: Second

Roll call: "all aye" Motion Carried

Old Business:

Mr. Gallagher: we do have some old business. I was contacted today by the attorney for CHE Beauty Supply that was the old bus garage; he is supposed to be coming in to see me Monday with his application. He wanted to know what the dead line was to file and be her by January the 12th, and I told him November the 28th so he said I guess I will be there in February. I know we gave them an extension to turn the paperwork in by December; Mr. Sitzler I don't know if there

Mr. Sitzler: Yes; Mr. Brennan sent me a copy of your email exchange and he also contacted me earlier before that and did indicate that they do have an Engineer. The engineer is working on; they did contact you wright

Mr. Dougherty: He did contact me

Mr. Castor: I got a call today from Mr. Bradley

Mr. Sitzler: Okay so they are moving ahead and not sitting on anything, I just think their timing is off as to what is required under the law and they can't make the January meeting. So I would suggest to the board to allow them to come into the February meeting; from what I understand they are going to have two issues. They are going to have alternatives they are going to ask for an interpretation; that is why they have asked for all the back ordinances. An interpretation of what the use may have been I don't know what it says. I can't imagine that property was ever approved for the storage of trucks.

Mr. Castor: Not to my knowledge

Mr. Sitzler: No matter how far you go back

Mayor Green: No the property was developed under 25 years ago at this point

Mr. Sitzler: There was a specific application that they made not that long ago that Les referred to as a resolution; where they were told the only thing they could do was the busses and if they wanted to do anything else they had to come in front the board and they haven't, so the other alternative is they are going to come in front of board and if they lose that argument the other argument is for a variance to be able to do it and the indications were that the idea was that they were going to scale it way back from what is currently going on.

Mr. Castor: Well Mr. Bradley said they hired an engineering firm; they are surveying the property and are preparing a site plan

Mayor Green: Why did he reach out to you then?

Mr. Castor: I have no clue; I guess just to make sure the information got in here tonight he just called me an hour ago. Apparently someone just contacted him recently

Mr. Sitzler: This lawyer has been in touch with me. I think that since the board has always taken a vote on an extension I think the board should do it at this meeting again. Right now we have a pretty firm date that they are going to be here in February, there is no reason why they shouldn't be at this point; so I guess it is up to the board. Just trying to give them the time to prepare and come in February without trying to shut them down and cite them with violations

Mr. Castor: this has been going on now for how long about 9 months

Mr. Waddington: We did extend them a couple meetings ago till about December or January

Mr. Sitzler: You have to keep in mind that a lot of the delay is on occasion when they OPRAED the township filed with the Borough I should say, Filing for ordinances which is their right it is the only way they can see what use to be allowed on that property years and years ago. There was some delay in the Borough being able to retrieve all those old records. I did speak to Pat about that and she said there is a punishment if you don't turn over you pay Counsel fees and all that, they were not trying to do that, they were only trying to get the stuff so they were more than patient waiting for it. So I do have to let the board know that was part of the time it took so long for them to get ready.

Mr. Shultz: How long did they have all the records in their possession?

Mr. Sitzler: I just think; well it hasn't been that long it has only been. As soon as he got the last amount, the last set of records is when he sent me an email saying we have now hired an engineer/planner and we are going to come in front of the board and he was planning on doing it as soon as possible but his engineer and planner have to look at everything and come up with a site plan so it was going to take a little bit of time. I honestly would not say there has not been any delay by them or they are dragging their feet they have moved as soon as they got everything it took us a while to get them everything but as soon as they got

everything they started moving they hired a planner and engineer and that was about a month ago when they finally got the last records

Mr. Dougherty: This week they did email me; their engineer reached out to me and sent what I would call a curtesy copy of the site plan that he is preparing, and he did that so that if there was anything that the board would like to see on the plan that I would tell him before it was submitted. So I think they are proceeding in good faith because

Mr. Sitzler: I had said the same thing; I have seen no effort to just drag their feet so they could continue doing what they are doing it appears to be quite the opposite

Mr. Castor: Do we need a motion to extend it?

Mr. Sitzler: I think so because that is what we have done each time we have given them so much time. I think it would be important that this might be the last one because I don't know what their excuse would be if they would not be ready for the February meeting

Mr. Shultz: So this should be sufficient time

Mr. Sitzler: Yes I think it would be unless something very unusual happens. Would you agree with that Hugh that this should be probably ready? I think at this time they would be ready for January.

Mr. Dougherty: I think they thought they felt they would be here for January, but Les told them a date so he knows now February. But they were trying to get onto the January agenda but they weren't happy about that. Just on the plan that they had submitted

Mr. Sitzler: I did tell them to contact you. I said once you have your engineer make sure you contact our engineer and let him know what you are doing

Mr. Shultz: What happens in February if we have an unexpected snow storm or something?

Mr. Sitzler: That would be something major as an unusual circumstance

Mr. Waddington: If the board sees fit to extend their application till the February meeting I will entertain a motion

Mr. Castor: I will make a motion

Mr. Waddington: Having a motion do I have a second?

Mr. Ford: Second

Mr. Castor: can we attach a penalty to that if they don't come in? Or will that automatically take effect?

Mayor Green: No if they don't come in January or February then we will send the Zoning Official out to cite them and shut them down

Mr. Castor: Okay

Mayor Green: And at that point it would cause them to go to court and see the judge

Mr. Sitzler: Being a Municipal Court Judge myself, I can tell you I spent some time and they will think you know more than a municipal judge does generally speaking. It wouldn't be the case for me obviously because I do this

Mayor Green: In this case we would set up a violation to set up a business in which we gave so many days' notice to cease and desist and if they didn't do that then at that point they would be taken to court and the Judge would probable find them and suspend the find providing they go thru the planning board providing it got thru the planning board in a short period of time like 30 days

Mr. Sitzler: that is exactly how it usually goes. Who is the engineer is in May or something

Mr. Dougherty: It is Tri-State Engineering and it is Joe Mancini

Mr. Waddington: I had a motion and a second can I have a roll call Please?

Roll Call: All "aye" motion carried

New Business:

Mr. Waddington: new business the next meeting is January 12th at 7:30pm

Open meeting to the Public:

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

Mr. Castor: So moved

Mr. Shultz: Second

Mr. Waddington The floor is now open to the Public; seeing none I entertain a motion to close the floor to the public

Close Meeting to the Public: **Mr. Castor:** So moved

Mr. Shultz: Second

Motion to Adjourn: **Mr. Waddington:** I entertain a motion to adjourn

Mr. Castor: So moved

Mr. Shultz: Second

Mr. Waddington: all in favor? all "aye" motion carried.