

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
July 14, 2016

**Call to order:** **Call to Order by Mr. Waddington 7:30pm**

**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. Castor, Mr. Ford, Mayor Green, Councilmen Robb, Mr. Greer, Mr. Green (Mr. Hagy arrived at 7:43)  
**Absent:** Mr. James, Mrs. Ciotto, Mr. Shultz  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Callaway, Planner Mr. Luste

**Correspondence:** **Letter from Flaster Greenburg requesting a change in the meeting date to August 11, 2016 for WA Outdoor Advertising, LLC "Billboard Cross Keys & Turnerville"**

**Mr. Waddington:** in that correspondence you will see this is due to our engineer needing further time to review the plans that were received by them last week.

**Mr. Sitzler:** if there is anyone here that came to hear the WA Outdoor in the public as you just heard that will be continued until the August meeting which is August 11<sup>th</sup> at the same time 7:30pm. So if you are hear for that and wish to be heard or here to hear the testimony please return on August the 11<sup>th</sup> at 7:30pm for that meeting that is when it will be adjourned to.

**Approval of June 9<sup>th</sup> Minutes:** **Mr. Waddington:** If you have had the opportunity to review the minutes I would entertain a motion to approve.

**Mr. Castor:** make a motion to approve

**Mr. Waddington:** do I have a second

**Mayor Green:** Second

**Mr. Waddington:** All in favor? All "aye"

**Resolution 2016-10:**

**Mr. Waddington:** The first Resolution is 2016-10 granting a 1 year extension to the Third Fairway Development/ Pine Hill Development

**Mr. Waddington:** I will entertain a motion for approval

**Mr. Castor:** I make a motion to approve

**Mr. Waddington:** do I have a second

**Mr. Ford:** Second

**Mr. Waddington:** I have a second; roll call please

**Roll Call:** "aye" Mr. Waddington, Mr. Castor, Mr. Ford, Mayor Green, Councilman Robb, Mr. Greer; Mr. Green "Motion Carried"

**Resolution 2016-11:**

**Mr. Waddington:** Resolution 2016-11; resolution of 717 Erial Road The Fire and Miracles Ministries granting the variances for the setbacks and the impervious coverage.  
So I will entertain a motion to approve that resolution

**Mr. Castor:** Make a motion to approve

**Mr. Waddington:** I have a motion do I have a Second

**Mr. Ford:** Second

**Mr. Waddington:** Roll call please: "aye" Mr. Waddington, Mr. Castor, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mr. Greer, and "Mr. Green "Motion Carried"

**Informal Hearing:**

**Mr. Waddington:** at this time we will have an informal hearing for Mr. and Mrs. Johnson owners of 621 Erial Road

**Mr. McCrink:** Good evening gentleman I'm Matt McCrink on behalf of Mr. and Mrs. Johnson we are here and our Engineer. As was said we are here for an informal session; basically we are here to bring before

you reviewing our engineers plan before you. We were happy to meet your engineer on site earlier tonight and I'm sure he is going to make some comments. Our engineer has done a graphic architecturalization that will include the area that will basically show a small footprint on the site; we are going to put 9 parking spaces, trash enclosure. We have a relatively new lighting plan to minimize light pollution for lack of better terms and a pretty significant planting program back here we are going to try to maintain the actual existing trees here but some of the trees will have to be removed up here that is the game plan; unless you want to hear more about the design and so on before we make a formal application. I think we may need some assistance in the form of a variance; we checked the ordinance it looked like there was a 15ft side setback but I was told it is 25 footer so if it is 25ft we may need a variance for the side set back we have 9 spaces we may need depending on your thoughts some relief on that as well. It is a straight forward site not a very complex design because it is on a corner it basically has two front yards; we have a little hesitation because of that. Basically it will be; I think a very nice addition and obviously a ratable and a visible impact. Anyway I have the engineer here to answer any questions and I have the applicant here as well; we plan on coming back relatively quickly but we wanted to get your feedback tonight on an informal to see if there are any ideas or questions and concerns you might have.

**Mayor Green:** What exactly is your plan with your business?

**Mr. Johnson:** it is going to be a delicatessen

**Mr. McCrink:** does he need to be sworn in

**Mr. Castor:** We can't take testimony can we?

**Mr. Sitzler:** no; not in an informal

**Mr. McCrink:** just step up to the mike and give your name

**Mr. Johnson:** James Johnson; it's going to be a deli/pizza, burgers, breakfast sandwiches, sandwich shop. We do tacos, quesadillas a little bit of everything, homemade pot pies and stuff like that

**Mayor Green:** is it eat in or take out

**Mr. Johnson:** a little bit of both, more takeout and delivery and about 15 seats in side

**Mr. Castor:** what are your hours of operation?

**Mr. Johnson:** I would like to go from 5am till 11 or 12, but I can work around that

**Mayor Green:** With 15ft to the side and doing takeout 9 parking spaces seem to be a little light; I realize it will probably only be one person and one car but if 4 people are going to meet there for lunch there is 4 cars right there. So I don't know how you are going to manage that

**Mr. Johnson:** we can look at the seats inside that was just a general number when I was working with the architect

**Mayor Green:** yes; you just asked for an informal so I'm not saying one way or the other; but if you are going to do a decent takeout business and there is no place for people to park you are going to have problems; I'm just pointing out what makes sense

**Mr. Callaway:** I could be wrong but I don't see how you can fit more than 9 spaces on this spot

**Mr. Ingram:** we did look at alternating configurations and how we can increase parking and this seemed like the best layout

**Mr. McCrink:** can you please state your name for the record

**Mr. Ingram:** Wayne Ingram the applicants engineer and planner; we didn't want to locate any stalls up here just because of the proximity to the main road for safety and people coming off the street. Compared to what we had calculated from the ordinance under required parking we do exceed what would be required for the use. We put two stalls over here which we think are safely accommodated but we don't want to encroach too close to any of the major residential properties; were trying to give them some peace with the façade

**Mayor Green:** I don't see on there but what are you doing about drainage?

**Mr. Ingram:** The site provides; I think the previous building use to be up in this corner and the reality is this site still contains pavement and right now we are at about 48% impervious and what we are proposing brings us up to 50%. Basically you are looking at a site that drains out to the road not towards any of the adjacent properties and it is somewhat of a diminish increase of what already exist out there

**Mayor Green:** I would have to differ that to the engineer when you get to that point; when you are building a building I don't know if you can let the rain water run into the street

**Mr. Ingram:** well the rain water jets; it runs into the street now and if we do the calculations and we do qualify for a minor project we don't trigger any state requirements for storm water management but it really is compared to what exists. Also that is on our site; there is additional pavement that goes on the right away that will actually be removed so that overall project including those improvements we are probably net equal to what is going on out there

**Mr. Callaway:** right now it does look like it is draining out to Erial Road and onto 7<sup>th</sup> Ave in both directions from your grade plan that you submitted. I believe the ordinance calls for curbing and completing the sidewalks and parking on that corner that comes off Erial that curbing will have to be extended and create a safety line

**Mr. Ingram:** along the edge

**Mr. Callaway:** you have to be responsive

**Mr. Ingram:** OF curbing lien there; we are just trying to maintain a sheet in the direction it was going

**Mr. Callaway:** yes you have too or you would have a safety issue; because what you have then is that things tic tac toe a little bit and you have a parking buffer there and you decrease your parking and it puts at 10 to 20 or 10 to 21 and puts you closer to the sidewalk again and it puts you sign closer to the

sidewalks and property liens and then you're going to need a variance because your closer than 10 feet to the property lines; so things start to tic tac toe there

**Mr. Ingram:** Sure

**Mr. Callaway:** there is an issue with the lighting there is a little spill over onto the Erial Road by .1 but on the 7<sup>th</sup> Avenue side it is .81

**Mr. Ingram:** Right but all those designs don't take into account any landscaping or anything of that nature so that will be addressed

**Mr. Callaway:** I'm just pointing out any concerns; and the other concern would be the trash enclosure it is supposed to be a six foot fence and it is in the front yard

**Mr. Ingram:** Right and we did look at other locations but if we put it anywhere else we are going to sacrifice parking stalls. With this area we can have a trash truck pull straight in and out without any difficulty; so the location was chose for the access of the trash truck. We could relocate say to the side of the building but then the trash truck could not pick up as easy and we could lose some parking spaces

**Mr. Callaway:** All I'm saying at this point these are the concerns that I have with the board approving something that is deeper with a 6ft high trash enclosure that is in the front yard condition although on the side

**Mayor Green:** That is another concern especially on the Erial Road side. Have you spoken to the neighbor next door and shown him these plans? If you haven't I would suggest you at least reach out to him because he may not like the building right there he may think it needs to be moved further back I don't know.

**Mr. Johnson:** Yes I did speak to him when we bought the property; but I have plans to touch basses with him again

**Mayor Green:** Okay

**Mr. Ingram:** There are trees along there and rather than take them down we were going to maintain what is already there. He does have his own board on board fence along the property line we were going to supplement that with another fence inside the property lien. So in other words maintain a natural wooded buffer in between them so we didn't see the value in additional shrubs or plantings or anything because it would be a fence, mature trees another fence and just the back of the building; so in terms of use adjacent to that home owner they are not going to have any light. The lights from cars are going to be blocked by the additional fence and a shrub row and the actual use is pushed closer to the road

**Mr. Callaway:** The tree removal

**Mr. Ingram:** There are some trees along the frontage; we are removing three trees at the intersection that are on our property. I don't believe any major trees that were surveyed are actually on anything other than the property itself. There are a few existing trees in the parking lot here that need to be removed and there are a significant number of trees here in the back smaller in diameter and on this

side we thought it would be better to remove those and install an evergreen buffer so in the winter they get year round protection rather than just the growing season.

**Mr. Callaway:** Yes; just clarify that the trees along that buffer there is there anything greater than 5 inches that are proposed to be removed that show?

**Mr. Ingram:** It shows on the survey

**Mr. Callaway:** I didn't have a caliber with me and looking what the ordinance says there may be some a little bit close

**Mr. Ingram:** so if it is over 5 inches then the land owner

**Mr. Callaway:** they at least have to be shown for their removal; not saying they must be replaced but at least it is known they are coming out

**Mr. Ingram:** So you want a detail on the plan noting these trees

**Mr. Callaway:** yes; like you have 6 or 7 shown on the plan and 2 are being removed already. Not to mention the trash enclosure for the trash truck to get back there you have to remove trees. My concern and the boards concern is the fact that the refrigeration, freezers and whatever else there is going to be and where they are going to be located and the board on fence, I'm not a big fan of double fencing because that just means trash accumulates there

**Mr. Ingram:** I don't disagree

**Mr. Callaway:** There should be some evergreens planted one for light spillage and secondly for compressors and things like that that may be running for a sound buffer

**Mr. Ingram:** The compressors are going to be on the side rather than the rear and I don't think we have the intention of moving the fence and replacing it with the evergreen route

**Mr. Callaway:** I think you are going to need a waiver for the two spots up front because the ordinance states there is three continuous spots at a minimum, the sign as shown is too close to the property lines I think it has to be 10ft off the property lines so you would require a variance for the continuance of the sign. That is about it for this conversation what we have been going over is mostly trees and parking, 15 seats changes the number of parking spaces at 3 people

**Mr. Ingram:** I believe it was actually 11

**Mr. Callaway:** it was 12 on the drawing; the plans. I was just saying that is how it would affect your parking

**Mr. Ingram:** I believe our calculations required 6 spaces and we had 9; so either scenario we should be fine

**Mr. Callaway:** We would also like to see a sight triangle there at the; you are taking out trees and putting in a big tree going into your driveway too

**Mr. Ingram:** and we should note we are maintaining the existing driveway it is really the only safe location we don't want to be too close to the intersection this is basically where the driveway comes out now but it is continuous pavement so we will installing curb to define the road, install the sidewalk and again that is where we will see a reduction in the current impervious surface

**Mr. Callaway:** any other major points

**Mr. Waddington:** I have one; what type of building are you putting up there is it stick built

**Mr. Johnson:** Yes it is going to be stick built; one story

**Mr. Callaway:** did we establish who is going to be picking up the trash; municipal or private

**Mayor Green:** It has to be private

**Mr. Waddington:** Any other questions

**Mr. Ford:** You said it was one story; is there a basement or storage

**Mr. Ingram:** no it is on a slab; the building is big enough for our use that we will have storage inside

**Mr. Callaway:** the ordinance allows 30% building coverage and we are only using 10%; we are not trying to put it all over the site just put it where it will be for our use

**Mr. McCrink:** It will be a gastronomical help to the area; anything else guys and lady. Alright thank you for your help and guidance we will be back as they say and put our application in

**Old Business:**

**Mr. Waddington:** under old business I don't have anything; does anyone else have anything under old business

**New Business:**

**Mr. Waddington:** Under new business one thing that is not on the agenda if you recall when we did our re-org we put a hold on Resolution 2016-2 which was appointing William Sitzler as our attorney and because of his Judgeship we put it on hold o we need to approve this resolution and I would like to entertain a motion tonight to approve Resolution 2016-2 appointing William Sitzler as our Solicitor.

**Mr. Castor:** make a motion to approve

**Mr. Hagy:** Second

**Mr. Waddington:** Roll call please

**Roll Call:** all "aye" motion carried

**Mr. Sitzler:** Thank you

**Mr. Castor:** I have a question has anybody been in about the old bus lot on Cross Keys Road about them renting commercial properties

**Mayor Green:** Renting or leasing out

**Mr. Castor:** Leasing out property inside a commercial business being there is a landscaper in there now

**Mr. Gallagher:** We are still on the record

**Mr. Sitzler:** Do you want this to be on the record

**Mr. Castor:** Yes I think it would be a good idea I guess it don't make any difference to me I'm just asking questions

**Mr. Waddington:** Just so you know it is still being recorded

**Mr. Gallagher:** I think the Zoning officer was out there. There is a trailer out there fully hooked up with electric, utilities, bathrooms the whole thing. They have submitted a letter to come in August for an informal and I told them they need a letter from the owner. I believe at one time; I was told by a previous planning board member they were given a 90 day waiver to have some commercial trucks and busses there but that has long been over but they do continue to advertise that they have space for commercial trucking and busses to park. And the trailer that has been there for the last few years has been dispatching trucks. I believe the Zoning office sited them

**Mayor Green:** When and did he follow up

**Mr. Gallagher:** a few months ago; and he did not follow up because the owner of the trailer came in and last month and talked to him and I and requested an informal hearing to see what could be done. I told him he first needed permission from the land owner because it was not their property and they would need to submit some official request to come for and informal to try to get it moving

**Mayor Green:** it is not a question of getting them moving he needs shut them down; maybe I'm wrong but you have 30 days to rectify the situation or show up before the board; it is not one of those situations you come in a couple months and talk to somebody and then blow people off for couple more months

**Mr. Waddington:** were they sited in municipal court

**Mr. Gallagher:** no; he just denied their Zoning application and then they came in

**Mr. Sitzler:** So they would have to appeal that or otherwise come in here

**Mayor Green:** So at this point

**Mr. Sitzler:** which they have not done yet

**Mayor Green:** He should be issuing a citation to them to appear in Municipal court

**Mr. Sitzler:** Yes and sometimes the Municipal Court Judge feels strongly they it can be transfer it from there to here

**Mayor Green:** Right but they haven't done it

**Mr. Sitzler:** they haven't done anything that I'm aware of

**Mr. Gallagher:** the only thing they have done is I've received a letter in the mail asking to appear for an informal on August the 11<sup>th</sup>

**Mr. Callaway:** Mr. Solicitor what is your suggestion

**Mr. Sitzler:** can I get a history of this, do we have a formal history of what has been described as to what there were supposed to be doing and what they have been doing

**Mr. Gallagher:** I would have to research it, I haven't found anything formal

**Mayor Green:** The present from when the notice was issued to this point

**Mr. Sitzler:** Well if they are going to come on to our next meeting that might resolve the whole thing. I couldn't see spinning wheels trying to do more than that; we are not going to meet till next month anyway

**Mr. Waddington:** right I appreciate that

**Mr. Gallagher:** Right now looking at their mercantile license it is to distribute cosmetics

**Mayor Green:** Yes but the mercantile license does not affect the Zoning; but the issue is that next month they are coming before the board for an informal doesn't really do anything so the board says no we don't like this idea they would still have

**Mr. Sitzler:** I think with you Zoning Ordinance you can shut them down and issue a Municipal Court Ordinance Violation heard in Municipal Court that would be the thing to do

**Mr. Castor:** There is another trailer in there for a landscaping company also

**Mr. Sitzler:** To substantiate the violation the Zoning Officer would have to pull the original documentation showing what there were supposed to be doing and what they are not allowed to be doing

**Mr. Castor:** We gave them a 90 day permit to sell a bunch of school busses if I remember; am I correct Mr. Mayor

**Mayor Green:** that was several years ago

**Mr. Castor:** yes and those busses sat there forever, it was probably a year before they got rid of them all

**Mayor Green:** The bigger issue is running the trailer; I did not know they had one

**Mr. Gallagher:** I didn't either till I was called into the construction office

**Mr. Sitzler:** so essentially they are running a business without being authorized

**Mayor Green:** Yes

**Mr. Sitzler:** what were they authorized to do? They were able to sell busses from there

**Mayor Green:** no the original approval was for a bus garage; it use to be a bus garage for a number of years. Part of the condition they had busses parked out there, a lot of busses that they were given approval for. The bus garage went out of business and sold the property off, then somebody bought it and it sat vacant for a while and then this beauty supply place was using the building I guess for storage/warehouse

**Mr. Sitzler:** anything on the parking?

**Mayor Green:** That I don't know, I didn't know they had the trailer

**Mr. Gallagher:** and according to Joe they have two trailers there now one for the trucking and one for a landscaping business

**Mr. Waddington:** I wonder is the landscaping business is renting it

**Mr. Ford:** that is what I think they are just renting a space in the parking lot

**Mr. Sitzler:** They can be sited by the zoning officer if the ordinance is in violation with our permits or approval for what business they are providing; that would be heard in municipal court

**Mayor Green:** that process should be started no ifs ands or buts about it. Can the board order the zoning official to

**Mr. Sitzler:** that is a good question the Zoning Official should, yes I think the board can pass a resolution to have him investigate

**Mayor Green:** investigate and take appropriate action

**Mr. Sitzler:** yes investigate and appropriate action would include issuing summons for municipal court but they are required under the circumstances. To prepare a resolution you will have to have a motion

**Mr. Gallagher:** to do a resolution that won't be till the August meeting when they are planning on coming anyway right

**Mayor Green:** I think we have to start this process; so first of all you're assuming they are going to come if they don't go off and get a form and say I'm not coming or I don't have a problem. Number 2 even if they come in here and we say we don't like this plan they may not come back for six months and engineering and all

**Mr. Sitzler:** If they are in violation they shouldn't be operating a business they are not entitled to in that zone they are going to have to stop till they get approval

**Mayor Green:** Right; then again I did not know this was going on

**Mr. Castor:** I didn't know either

**Mayor Green:** I guess you didn't know either

**Mr. Gallagher:** Not until I received a letter from a professional acting on their behalf stating my client would like an informal hearing

**Mr. Waddington:** so did you want to make that into a motion

**Mr. Castor:** I'll make it

**Mr. Sitzler:** the motion is that the Zoning Officer will continue to investigate what is the subject property

**Mr. Castor:** Investigate and

**Mr. Gallagher:** Actually the building is CHE which is a beauty supply I think block 131 not sure the address on Cross Keys Road

**Mayor Green:** The old bus garage

**Mr. Gallagher:** that is correct

**Mr. Sitzler:** so these folks that are running the businesses are not the owners they are lessors and are leasing from

**Mr. Gallagher:** Correct; he has a big sign out front bus and truck parking available inquire within

**Mr. Sitzler:** the owner does?

**Mr. Castor:** I don't know if that is the owner or the guy that is leasing; does that go on the owner

**Mayor Green:** you are only allowed to have a temporary sign out for 30 days

**Mr. Ford:** It has been out there for more than 30 days

**Mayor Green:** the resolution should be amended that the temporary sign should be removed immediately because it has probably been there over 30 days

**Mr. Sitzler:** also the owner must be receiving some remediation for rent knowing what these folks

**Mr. Castor:** I'm sure he is

**Mayor Green:** yes so the owner should be sited not the guy coming in with the letter, I don't think he should be sited

**Mr. Sitzler:** They both should be sited, the owner and the person leasing that has the business in there. When one allows the other they are both in violation. So they are both in violation they should both be sited

**Mr. Hagy:** They are both outside the ordinance

**Mr. Gallagher:** so should he be siting them now before the resolution is done

**Mr. Sitzler:** that is part of his job

**Mayor Green:** If we vote on the resolution tonight the resolution is done, we don't have to have a 2<sup>nd</sup> reading on the resolution

**Mr. Sitzler:** yes not on this type of resolution when you are asking a municipal employee who works for part of this board. Most Zoning Officers do attend these meetings on a regular bases they are usually here and there are places where they don't come; but if they are here they hear it first hand

**Mr. Sitzler:** does someone have a motion on

**Mr. Castor:** I made the motion

**Mr. Waddington:** a motion to investigate and execute the violation of the zone

**Mr. Sitzler:** I think it would be the owner and the lessee of the property or lessees if there are more than one

**Mr. Waddington:** do I have a second on the motion?

**Mr. Hagy:** Second

**Mr. Ford:** what about the sign?

**Mr. Gallagher:** I believe that will be in the resolution, right

**Mr. Sitzler:** Yes, the intent is to have the Zoning Office investigate and take necessary steps

**Mr. Waddington:** Roll Call

**Roll Call:** all "aye" motion carried

**Mr. Waddington:** meeting is August 11th at 7:30PM

**Open Meeting to Public:** **Mr. Waddington:** at this time I would like to entertain a motion to open the floor to the public

**Mr. Castor:** Make the motion to open the floor to the public

**Mr. Waddington:** do I have a second

**Mr. Ford:** Second

**Roll call:** all "aye" motion passed

**Mr. Waddington:** The floor is now open to the public to come before the Planning and Zoning Board would anyone like to comment

**Close Meeting to the Public:** **Mr. Castor:** make a motion to close

**Mr. Waddington:** seeing no movement do I have a second

**Mr. Hagy:** second

**Roll call:** all "aye" motion passed

**Motion to Adjourn:** **Mr. Waddington:** okay motion to adjourn

**Mr. Castor:** make a motion to adjourn

**Mr. Ford:** second

**Roll Call:** all others "aye" motion carried.