

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
August 10, 2017

**Call to order:** **Call to Order by Mr. Felix James 7:37 pm**

**Pledge of the Flag:** **Led by Felix 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, Mr. Green, Mrs. Jones,  
**Absent:** Mrs. Ciotto, Mrs. Gilson  
**Professionals:** Solicitor: Mr. Sitzler, Engineer Mr. Dougherty,  
Planner: Mr. Luste, Zoning Office: Mr. Scardino

**Correspondence:** No Correspondence

**Approval of Minutes from July 13<sup>th</sup>, 2017:**

**Mr. James:** If everyone has had a chance to review the minutes can I get a motion to approve.

**Mr. Castor:** Motion to approve; seconded by Mr. Hagy

**Mr. James:** Roll Call please

Roll Call Taken Mr. James, Mayor Green and Councilman Robb abstained from the vote all others "aye" motion passed

**Resolution 2017-11**

**Mr. James:** We have resolution 2017-11 HYZ Properties 800 Turnerville Road; granting use variance subject to minor plan approval and other terms and conditions

**Mr. Waddington:** Motion to approve; seconded by Mr. Castor

**Mr. James:** Can I have a roll call please

**Roll Call:** Mayor Green and Councilman Robb could not vote since it was a Zoning Use Variance. Mr. James abstained since he was not at the previous meeting all others "aye" motion carried

**Application 2016-9:**

**Mr. James:** application 2016-9 HYZ Properties

**Mr. Sitzler:** Mr. Chairman we have CHE Group here with Mr. Baron and it is a summary matter

**Mr. Rinaldi:** I have no objection

**Mr. Sitzler:** Mr. Baron

**Mr. Baron:** Good evening Ladies and Gentlemen I'm Jeff Baron and I represent CHE Group

**Mr. Sitzler:** Mr. Baron before you start we would like the Mayor and Councilman to be excused here is also a use variance after this

**Mr. Baron:** Sure I understand

Mayor Green and Councilman Robb leave at 7:41

**Mr. Baron:** Mr. Chairman and members of the board I'm Jeff Baron and you may recall I represent CHE Group. We received a use variance approval from the board in March of this year and the resolution has been memorialized. I received a letter from Mr. Sitzler dated May 8<sup>th</sup> 2017 in regard to a site visit that had occurred. The Long and short of it is that Mr. Sitzler contacted me and said that the board is very concerned because it made the approval contingent on the approval of a site plan and they haven't seen a site plan and one has not been filed. So I wrote a letter which I have copied to all of you which is fairly detailed in summary it is this simple.

In April you adopted the resolution in early May we had a meeting with Mr. Sitzler, Mr. Dougherty and a couple members of Mr. Dougherty's office the Zoning Officer, myself, my client and our Engineer. That meeting was because my client was approached by Auto Lenders from across the street to see if they could store some cars on a temporary basis on the site. I indicated to the client that was not what the board approved; the board approved just the trucks that we talked about and that is all that could be there and that is what the site plan was going to be for. He said he would like to hold off on the site plan at least until we can talk with the municipal officials and see how they feel. We gave our proposal and described it to the municipal officials and I would say the response was crickets which I'm used to meaning there was no noise other than the crickets in the back ground. After discussion and I think Hugh was very forth coming and out spoken about the problems he foresaw with it. About 3 or 4 days later I got a letter from Mr. Sitzler again indicating that the board wanted to see a site plan and I wrote to him I think 2 days later and said forget the Auto Lenders; I talked to my client it is not going to happen the only uses you are going to see is the uses that were approved we are starting the site plan. We authorized the Engineer to start the site plan in late May after we had these meeting I wrote the letter on May 20<sup>th</sup>. Mr. Sitzler's letter came to me in late July; respectfully having done this for 43 years 2 months is hardly a long time to do a site plan it is anything but a long time I have seen them take 5 months, 6 months. Notwithstanding that I understood his point I got with the Engineer and I said to him look where are you in the process and the Engineer said I'm about two weeks away and I said I need you to finish this. He worked all over the weekend he has the plan which I'm giving you tonight this will be the site plan. There are a couple of sheets that still have to be finalized, the landscape plan the vegetation plan that's about it I would imagine it will be five; I've brought our Engineers partner here with us tonight and he will and Anthony can tell you better than I if you want him under oath. Anthony can you tell the board who you are and your relationship to Tri-State please.

**Mr. DeRosa:** Anthony DeRosa professional land surveyor, professional engineer. I'm Vice president of Tri-State Engineering the engineering firm pertaining to the site plan on this application. As Mr. Baron indicated to you we have prepared what you see in front of you; there are still a couple of things we are going through. One of them is that we want to look into the functionality of the basin that is in the front, we have run some calculations on that. We are not proposing any new impervious structure, impervious pavement we are not expanding the facility in any way so we would not necessarily fall under any DEP guidelines or storm water control we just want to see how the site functions and be able to write a report to that. Right now that is where we stand in the process of that.

**Mr. Baron:** Anthony tell the board what you told me before we started how long will it be before your office has the signed and sealed complete site plan so I can give the applicant

**Mr. DeRosa:** It would be probably under two weeks from having a complete application and any waivers or variances that we need to apply for and the plans given to Mr. Baron to finalize the application.

**Mr. Baron:** I will submit it as soon as I get it; it should be on file before your next meeting, if you don't have it by your next meeting and you want me to come back and you want me to come back and tell you why you don't have it; I will come back and tell you why you don't have it, but as soon as I get the plan I will submit it to you. Again it has never been our intention to slow this process down it is simply that our client wanted to look at another option and I think when he heard it from the township folks he said that is not going to make it so we are here. I think we will be at your October Meeting because Mr. Dougherty already made some comments about the use variance those pre comments combined with what I already suspect we have here I don't think he could have it ready for September but I think he could probably be ready to go in October. Now I'm not putting words in his mouth it is just from experience.

**Mr. Castor:** When did we approve it?

**Mr. Baron:** March; it is not officially approved until you approve the resolution and it is memorialized

**Mr. Castor:** Is the trailer still there? Is the Office Trailer still there?

**Mr. Baron:** Which Office Trailer?

**Mr. Castor:** The one that got wired in and a business was operating out of it that was one of the biggest problems with that site was that trailer.

**Mr. Baron:** My client says he was not aware that it was; let me answer your question

**Mr. Castor:** It is in the resolution

**Mr. Baron:** I'm not saying it isn't I'm just saying that is what my client said

**Mr. Sitzler:** There is another issue that precipitated my letter it wasn't just the chronology issue and I don't disagree with the chronology that you just went thru, but about two weeks or so prior to today's meeting Mr. Scardino the Zoning Officer reported to myself that he was approached by Atlantic City Electric about some kind of a project where they apparently after consultation with your client stated they would like to use that lot for temporary storage of trailers and equipment for some project that they were planning which is again is similar to the leased car dealership.

**Mr. Baron:** Inconsistent with the approval

**Mr. Sitzler:** exactly that alerted us to a very strong concern that it was going to be a long delay

**Mr. Baron:** Or that it could continue to happen down the road; why don't I bring my client up to testify

**Mr. Sitzler:** Do you swear your testimony before the board will be the whole truth and nothing but the truth

**Mr. Eisenberg:** Yes sir

**Mr. Baron:** You are Charles Eisenberg principal owner of CHE LLC correct

**Mr. Eisenberg:** That is correct

**Mr. Baron:** Mr. Eisenberg you heard what Mr. Sitzler said and I worded you to that comment to you in the hall. Tell what if any conversations you have ever had with Atlantic City Electric about storing materials on your property.

**Mr. Eisenberg:** None

**Mr. Baron:** Anybody ever contact you that you know of?

**Mr. Eisenberg:** Not from Atlantic City Electric

**Mr. Baron:** Did you ever give approval

**Mr. Eisenberg:** No

**Mr. Baron:** Anything current did anyone seek to put anything on the property

**Mr. Eisenberg:** Other than tractor trailers calling me about renting space; no

**Mr. Sitzler:** Mr. Scardino do you have any information you want to add to this?

**Mr. Scardino:** My only comment to the Atlantic City Electric folks was that they should contact the applicant and that there was pending action on the site and that would be additional consideration for additional variances or contradiction in the site plan. I have not heard anymore from them nor did I give them any answer in the affirmative or negative I just said there are issues ongoing on the site and it may be timing wise to consult with the applicant

**Mr. Eisenberg:** Just so you know when Mr. Baron told me out in the hall that somebody from Atlantic City Electric was interested in storing stuff in my yard that is the first I heard. He said "nobody from Atlantic City Electric has contacted you" I said no this is the first time I heard of it but 5 years ago somebody did call me inquiring about storing telephone polls in my yard and I invited them out to my yard and visit my yard and no one ever came out so that is the only connection that I would consider

**Mr. Baron:** Well it is not a connection it was not Atlantic City Electric

**Mr. Eisenberg:** No it wasn't

**Mr. Baron:** Do you understand the approval would allow you to do specific things but you are not allowed to do anything beyond that after the conference we had with the township officials when we expressed the possibility one of the others as temporary storage correct?

**Mr. Eisenberg:** Correct

**Mr. Baron:** And I think his testimony is in controvert; I appreciate the Zoning Officers testimony. They called him he told them to call us they never called us. It is that simple

**Mr. Sitzler:** Mr. Eisenberg why is the trailer still there the one that is hooked up

**Mr. Eisenberg:** It was my understanding that they were granted approvals and they hired an attorney and they were going thru the process to get that trailer to stay. Nobody has ever told me that the trailer had to be removed at least that was my understanding

**Mr. Sitzler:** Did you read the resolution? You were here for the hearing

**Mr. Eisenberg:** I was here for the hearing and I don't recall any discussion about the trailer.

**Mr. Sitzler:** The trailer is a condition of approval

**Mr. Eisenberg:** If it has to be removed I will have it removed

**Mr. Baron:** Can it be removed before we come back

**Mr. Eisenberg:** Yes but Mr. Clack has hired a lawyer and

**Mr. Baron:** Fine he can do that but it is your ground and the trailer will have to be removed until there is approval for it to be there that trailer has to come off.

**Mr. James:** I just want to encourage you to read the resolution

**Mr. Baron:** We will tomorrow

**Mr. James:** We will have the rest of the site plan

**Mr. Baron:** Yes; I talked to the engineer when I got Mr. Sitzler's letter and as I said to you he told me it would take two more weeks. I said Joe I got to have it and then I received this Monday or Tuesday I made the copies and figured the easiest thing to do was to bring it and show what we have done. What we said we were going to do we haven't quite finished it but we have done it and we are on a pace to get it to you by next month and get this thing moving. One of the things That Hugh emphasized at our meeting he wasn't sure that the trucks could circulate on our site; really he made that comment when we were talking about putting cars in the middle and he said I don't think that is going to work. We did say we would do then truck turning radius to show you trucks could circulate around the site so that is added, the existing landscaping is added you will see couture lines on the basin that have been added the individual parking stalls are now delineated so you can see where they are going to be there is a cleanup of existing structures on the property they are slightly different from what you have seen before. So they have been working on it so I don't the site plan and I think all of you know that but they have been working on it and I can't say how long it should take but it is not unusual to take two months to do a site plan. I did not answer the board member but I really should; you adopted the resolution in April I published it in April for 45 days it can be appealed. I usually tell the applicant don't start doing a plan until we know what everyone is going to do because if someone files an appeal I have to deal with that before I can come in with a site plan. In this case I did not do that; I want to be clear I did not say slow down but normally I would do that so we moved as quickly as we could and that is all I'm trying to say.

**Mr. Sitzler:** So if I understand Mr. Baron there is no reason why the application and site plan should not be done before the September meeting.

**Mr. Baron:** Before the September meeting

**Mr. Sitzler:** Although you may not be ready to go in the September meeting

**Mr. Baron:** I saw the comments on Mr. Dougherty's review letter on the use variance and I'm sure when he looks at the full site plan he will have others, I don't want to be unfair to him and say you have two weeks to look at it and be ready I sure he has some other things to do other than just this plan so it would seem to be more realistic that we would be in in October for our actual approval.

**Mr. Dougherty:** Technically the plan would be available 10 days prior to the meeting if it were to be heard in September there is also the completeness portion and a review portion so I would concur it would be more likely the application would be heard in October; we would have it in September but probably not hear it till the October meeting.

**Mr. Baron:** That is why I asked for a reprehensive to be here from our engineering firm to be here to tell when you would have it so that you are not accepting me tell you I was told that. You heard it from him you will have it in two weeks. I already had the application done what I don't have is if there are any variances or waivers I obvious can't put that in till I see the plan. As soon as I get those I'm going to put them in and we will be ready to go.

**Mr. James:** Anyone else have any questions?

**Mr. Baron:** Look forward to seeing you in October; thank you very much.

**Application: 2016-9**     **Mr. Sitzler:** Mr. Rinaldi

**Mr. Rinaldi:** Thank you; you are missing two members however they had excused themselves because of the use variance

**Mr. Sitzler:** When you applied you were going at the time together with the use variances together with the site plan and that was just with the Zoning Board and if you remember and we continued with the notice to the public and I don't know if we reached out to the whole planning board simply if this was vivificated ahead of time; so if it was vivificated ahead of time and advertised as such I would have no problem with the whole board being present but because of the way it was done it was pretty long.

**Mr. Rinaldi:** It is your preference; I have no objection

**Mr. Sitzler:** When you did your notice you advertised for everything

**Mr. Rinaldi:** I did

**Mr. James:** We have application 2016-9 HYZ Properties 800 Turnerville Road Block 112.02 Lot 21 Minor Site Plan

**Mr. Rinaldi:** Thank you; again my name is Mark Rinaldi. Good evening ladies and gentlemen I am the attorney for applicant HYZ. You should now before you the revised site plan which incorporates most if not all the comments that were raised by the board professionals at the last meeting pending the use variance. I have only one individual testifying tonight that will be Hasan Yildiz he testified earlier at the use variance application. I was hoping to have either Mr. Toms or Wade here but they were not able to be here. I have reviewed the August 3<sup>rd</sup> 2017, letter from Mr. Dougherty I think Mr. Toms addressed that in the site plan and hopefully I'm right about that. So I'm going to ask that Mr. Yildiz be sworn in at this point because there is one completeness issue that I'm going to ask the board to allow me to address by way of testimony with Mr. Yildiz instead of submitting the Recycling report. So we will be asking for a waiver on that and I think I have to do that first because that will hopefully satisfy completeness.

**Mr. Sitzler:** Mr. Yildiz do you want to raise your right hand?

Mr. Yildiz was sworn in

**Mr. Rinaldi:** May I proceed in that fashion? Without getting into the site plan I would like to address what I think is missing on completeness

**Mr. Sitzler:** Yes

**Mr. Rinaldi:** Mr. Yildiz as we spoke earlier when we were reviewing the report one of the submission requirements is that we submit what is called a recycling report and we haven't submitted a recycling report so we are asking the board; as a result they not deemed the site plan portion of your application is complete so what we have done is that I have asked the board to allow us to satisfy the recycling report required by way of testimony. I'm asking the board to do that for a couple of reasons; one because except under extraordinary circumstances it can be done that way but more importantly you have a tract record of operating the repair shop there for many, many, many years and we are going to tell the board thru your testimony that nothing is going to change with that, the only thing that changes is the used car portion of the lot. Let's begin with the mechanics operation; the operation has been going on there for many years it is my understanding and you testified at the last hearing that you do not major repairs on a regular basis but oil changes, antifreeze, windshield washer fluid, transmission fluid things of that nature. Describe to the board how those wet materials are handled on that entire site.

**Mr. Yildiz:** We have a container inside the building for oil and other fluids like transmission fluid and when it is filled up we call the company and they come and pick it up.

**Mr. Rinaldi:** What is the name of the company?

**Mr. Yildiz:** We have two companies; we have Cristal that takes oil

**Mr. Rinaldi:** And when they come do they remove the container and leave you a new one

**Mr. Yildiz:** No they pump it out and the container is still there

**Mr. Rinaldi:** So other than disposing of the wet waste the oil and transmission fluid in that tank it is not disposed of in any other fashion on the property

**Mr. Yildiz:** Correct it goes in the container and they empty. We call them they come the next day and empty

**Mr. Rinaldi:** What about other trash, let's say for example you replace a radiator hose and you have the old radiator hose is that the type of material that you use the dumpster for

**Mr. Yildiz:** I have a dumpster from South State Sanitation

**Mr. Rinaldi:** How about car batteries I know I'm asking the obvious I sure you don't throw them in the dumpster but what happens with a car battery you can't dispose of it in the dumpster

**Mr. Yildiz:** There is a core charge for that when we put a new one in we sell the old one back for a core charge. We use Pep Boys, Autozone and sell it back the core charge is like \$15.00

**Mr. Rinaldi:** Tires what do you do with tires

**Mr. Yildiz:** I buy tires from a wholesaler and give them the old ones or have customer take their old tires

**Mr. Rinaldi:** So there is no storage or recycling of Tire material on the property

**Mr. Yildiz:** No

**Mr. Rinaldi:** Describe to the board the type of trash that is generated thru paperwork in the office and again we are just talking about the mechanic not the used cars at this point. Where does all that paper and your lunch trash and all of that go? Is that what you use the dumpster for?

**Mr. Yildiz:** Yes

**Mr. Rinaldi:** Now let's talk about the used car operation; the use variance has been granted and if the site plan is granted you will be able to after a period of time to begin operating the used car portion of the business. What trash do you anticipate or waste being generated and you know because you are running a used car lot not too far from here. So explain to the board that type of trash and where that would go.

**Mr. Yildiz:** We don't really generate that much waste just because it is just a used car and if it needs to be cleaned up we take it to a detail place so basically 15 days to fill little can

**Mr. Rinaldi:** Mostly paper

**Mr. Yildiz:** Yes

**Mr. Rinaldi:** That would submit respectfully his testimony in lieu of a full recycling report and we would ask for a waiver on the decision to have one

**Mr. James:** Question you talked about having dumpsters; how many dumpsters do you have

**Mr. Yildiz:** I have one

**Mr. James:** You have one dumpster. What goes in that dumpster because you talked about hoses and things like that what goes in there?

**Mr. Yildiz:** Cardboard, hoses, paper

**Mr. James:** No metal parts?

**Mr. Yildiz:** I hold them inside and take myself to Sim's in Deptford

**Mr. James:** Okay I'm trying to get a picture that seems like a whole lot of dumpster. What else goes in that dumpster you keep saying hose and you don't say anything else. I'm trying to get a picture you send metal goes to one place oil goes to one place what goes in the dumpster, what do you actually put in the dumpster from your services?

**Mr. Yildiz:** Cardboard, paper when I do a rotor I pit the metal to the side but the pads go in the trash. We are not big so we don't have the big car parts

**Mr. Rinaldi:** How often is the dumpster emptied?

**Mr. Yildiz:** Every week

**Mr. Rinaldi:** Is it ever filled up

**Mr. Yildiz:** Sometimes and sometimes not it depends on business

**Mr. James:** What is the size of the dumpster maybe that helps?

**Mr. Rinaldi:** Maybe a 3 yard dumpster

**Mr. James:** When you say dumpster that is a generic term and I'm trying to figure out how

**Mr. Rinaldi:** I should have been clear it is no a 10 yard dumpster maybe 1 ½ to 3 yards at the most

**Mr. James:** Okay second question you said you call when the container is full with the oil they come and pick it up the next day. What happens if you are doing oil changes or other fluid things and they have not arrived yet?

**Mr. Yildiz:** I don't wait till completely full when it gets this far I call and they ask what days. I don't wait till the last minute and call

**Mr. Castor:** I can clear some of that up for you if you would like me to; what we do is if your “Cup Runneth Over” our drains are inside that is what he testified to and mine is inside also. We keep a 55 gallon drum around if it gets too full we dump it in there and when they come and pump out the oil they empty that 55 gallon drum for you

**Mr. James:** Okay; is that what you do

**Mr. Yildiz:** Yes

**Mr. Hagy:** You mentioned oil, transmission fluid how about antifreeze

**Mr. Yildiz:** I have a little drum it goes to same company

**Mr. Hagy:** do you allow people to come in say they change their own oil can they use your receptacle to get rid of it

**Mr. Yildiz:** I do but I don’t charge anything, I have to pay to have it removed the company charges me \$175.00. I don’t charge my customers

**Mr. Hagy:** One last question you mentioned brakes and I think you said you put the used brakes in the dumpster

**Mr. Yildiz:** No I separate the metal

**Mr. Hagy:** Part of it use to be asbestos

**Mr. Rinaldi:** It use to be but it is lead now and he recycles all metal

**Mr. Dougherty:** Mr. Chairman as Mr. Rinaldi pointed out that was a completeness issue and that is something that is required as part of the site plan. The fact that this is an existing site and the recycling report is really a function of how it is operating now and that is not going to change it is a very similar type of operation. So I think the testimony is adequate; I just had a question. Has any citations ever given for the trash from the Borough or the Start?

**Mr. Rinaldi:** Has the State or the Borough ever cited you or issued a violation because of your trash?

**Mr. Yildiz:** No, not so far

**Mr. Rinaldi:** I have been representing gas stations for years and for what it is worth; he is the most organized gas station operator I have ever seen with receipts or tallies on oil or fluids are being disposed of. I did not know the answer to that question but I’m not surprised that he was never cited

**Mr. Dougherty:** So I think that would satisfy the need for a formal recycling report. The only other items that were for completeness concerns had to do with the actual site plan itself. I think if the applicants Engineer will make those administrative revisions

**Mr. Rinaldi:** He will not only make those administrative revisions but I spoke with Wade today and he assured me that there was no problem in making the minor administrative revisions but he also assured me that anything else that this board decides be a condition of a site plan application that I would report it to him and he would make sure it is on the final revision; not that there would be any other conditions but in the event that there were.

**Mr. Dougherty:** So with that Mr. Chairman the board can with the resolution deem the application complete for the site plan and then we can proceed on with the hearing

**Mr. James:** Is there a motion

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

**Mr. James:** Is there a second

**Mr. Ford:** I'll second

**Mr. James:** Roll call please:

Roll call: all "aye" motion carried

**Mr. Dougherty:** We will now be hearing the site plan portion of this application

**Mr. Rinaldi:** I want to be respectful of the board's time when we were here last month I think it was a little over two hours and as much as we tried to stick with use we know what happened we were going in and out of the site. Whatever you decide Mr. Sitzler we can start at the beginning and go thru every aspect of the site or what I thought might be more appropriate since we had the benefit of your resolution which had been adopted, I have reviewed it and of course I have no objections to it. We have the benefit of not only one but two letters from Pennoni and we would focus on the most recent one and highlight in response to the most recent comments on the submitted site plan. I will be direct it is the continuation of the hearing it's not really a new hearing but I will do whatever the board wants. I just don't want to keep you here for an hour and a half if it is not necessary.

**Mr. Dougherty:** I would have to agree Mr. Chairman I think the applicant is correct the resolution really encapsulates all of the requirements the board put on this applicant for the use and this addition in regards for the site plan in my August 3<sup>rd</sup> letter the only sort of zoning issue would be that there is an existing non-conforming side yard setback that wasn't addressed at the use stage because it is a site

issue so that would technically be reinstating that for a variance for that site since it is existing. Then on page three of my letter they would technically need a waiver on the use of a 6 foot high fence which is now 20 which is opposed to landscaping which they are proposing a fence which I think would be acceptable if the board sees fit. The other thing that would be, they did address by putting grass medians in between side walk and the first parking stall technically a waiver would be required because it is part of the paving that are essentially driveways but I guess technically would be parking areas, but since the driveways are already there we could make them more narrow and add some more fluid space but I think it is adequate it moves the cars back from the sidewalk that would be number 2. Then latter for the areas that don't have parking but do have paved areas they won't have they little landscape buffer area. The other item I have is on page 3; III (3) along lot 22 but that is the convenient store next door where it is paving to paving I don't know if you can fit anything in there, the objective there would be saw cut paving and then try to plant something in between which is already paved and the existing site so I think a waiver would be appropriate there. I know it was brought up during the use variance stage it shows 3 parking spaces but it doesn't delineate those

**Mr. Rinaldi:** We just asked the engineer to revise the plan and show those three spaces

**Mr. Dougherty:** Anyway on the right side of the drawing there is a little 3 in the hexagon there that says parking spaces but they are not delineated so we would just like to have them delineated. And really the reason for that is if the zoning officer goes down to the site after the site plan has been approved he can show exactly where this board approved everything. Also delineate that the 20 outdoor spaces that we talked about in the use variance were approved for use. Another issue was the proposed hours of operation for the lighting I wanted that noted on the plan and I know we had some discussion on the lighting at the use variance but I was looking at having the lighting conform to the hours of operation and house shields have them provided on the lights that I was concerned about on Daniels Avenue and also Branch Avenue, now one of the things the lighting according to the hours of operation I know there was testimony regarding security because you now have used cars you basically have merchandise stored outside so what I would seek the ordinance does say lights can be on during hours of operation if there is some potential waiver that the board would consider in dimming some of the lights or only having what lights that are necessary for security. You could have like every other light go out or something of that nature.

**Mr. Rinaldi:** I think we might even be able to do better but again the boards input will be important. We spoke about this earlier today and what Hasan said to me was he is okay with shutting all of the lights out with the exception of the canopy the under the soffit canopy lights just because there should be some illumination on the property. Now if the board is uncomfortable with that because there may not be enough illumination for kids that want to hang out or trespassing. So just so you know Hasan's position is he is okay with shutting all the lights out once he is done for the night but he would like and that would be appropriate to leave the canopy lights on.

**Mr. Waddington:** Would that be that structure that sticks out from the building

**Mr. Rinaldi:** Yes

**Mr. Waddington:** Okay because at the last meeting I remember he said he wanted to light that back corner

**Mr. Rinaldi:** He did but after reviewing the report and some consideration it is not an electrical issue he just wanted to do whatever the board would feel more comfortable with and at the same time make it if an officer had to go back there for any reason he wanted commentate them with light maybe a motion detectors on the back lights maybe that would be appropriate but we don't want to presume; the answer is we will do whatever the board feels is appropriate. But what we do think is appropriate is that we request to leave the canopy lights only at the very least.

**Mr. Dougherty:** With the residents in the area I think the canopy lights would be an adequate compromise if the board so sees fit and then if the board would see fit for a motion detector type light for security purposes I think that would also be appropriate for the police officers. Technically it would be a waiver because you would leave some lights on all night but they would be under canopy lights and the motion detector light. The other item I had in my letter we are really trying to capture the resolution and for the zoning officers benefit I need to have the site as close as possible to the plan indicating the use variances and the stipulations were. That would be the note showing that the cars would be delivered to the site one at a time and that no car carriers will be permitted on the adjacent streets and I think the resolution did capture that by the way. Another note on the plan would be that no flags would be permitted on site and that again was captured in the resolution. This is because a lot of times the resolution will get separated from the site plan, the zoning office just has the site plan with him out in the field so I would like to have those on the plan itself. The other item was the applicant would provide testimony on the maintenance of the building and the current façade.

**Mr. Rinaldi:** I can do that. We spoke about this earlier with regards to the building explain to the members of the board what you have done by way of repairs and renovations to the building recently in the past 6 months to a year or since you owned it actually.

**Mr. Yildiz:** We have not done anything to the building yet on one side we need to make repairs and we would like to paint the outside and seal the blacktop

**Mr. Dougherty:** I would like the seal coating and striping included on the plan. I know we had bumper curbs on the plan; my August 3<sup>rd</sup> letter was indicating things that I was concerned about but a lot of the notes were addressed on the plan like repairing the guide rail is being repaired in the back there, some additional landscaping would be added. So some of them were added that we addressed what we talked about at the use variance stage but there were a couple of other notes that I was looking to be added.

**Mr. Rinaldi:** We have a list of 7 items that you talked about that you felt should have been on the plan and we shared them with Tom to put them on there, this is fine he is going to revise it anyway with the start date so he will add these

**Mr. Dougherty:** With that you are agreeing to address all the issues and also my August 3<sup>rd</sup> letter and tonight's discussion which you are also agreeing to

**Mr. Ford:** There was one thing that I was wanting to say I know he said he was wanting to get rid of the gas tank is that the two spots that were going to take over that. Two More spots plus the three

**Mr. Rinaldi:** Right the three were already approved the two were conditionally approved once that propane tank is out and those two spaces will be striped as well

**Mr. Ford:** Would those spaces be on the plan for our guy

**Mr. Dougherty:** We should show that and that would be included in the note for the future once that tank is removed that should be removed

**Mr. Rinaldi:** June of 2018

**Mr. Dougherty:** Once again that should be on the site plan that in June 2019 they are gone

**Mr. Sitzler:** Mr. Rinaldi one of the items I usually put in a resolution condition is where the applicant; on things like this which we are all agreeing it's going to be done if any issue were to come forward you would agree to work with the Borough Professionals and your professionals. I usually add in the event everybody would make a good faith effort to comply with what the resolution says and in the event there was a good faith disagreement your client would agree to come back on the issue before the board to discuss that and the board would ultimately make that decision. Do you have any problem with that at all?

**Mr. Rinaldi:** Agreed; it is easier to do it that way instead of a Municipal Court Judge

**Mr. Sitzler:** If the board feels there are any open ended issues

**Mr. Rinaldi:** Yes I don't want to not address something, so if there is anything on any of your minds please let me know. Again I want to be respectful because we spent a lot of time on this tonight and last month, I don't want to be redundant he is here and I'm here and I don't want you to have all your answers answered before we go.

**Mr. James:** Anybody have any questions?

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

**Mr. James:** Is there a second?

**Mr. Ford:** Second

**Mr. James:** Floor is now open to the public

No public

**Mr. Castor:** Make a motion to close the floor

**Mr. James:** All in favor

All "Aye" motion carried floor closed to public

**Mr. Waddington:** I have a question on the lighting; I have no problem with the light on the corner because that faces Turnerville Road and there are really no houses but I would be concerned with over here because once he has cars over here with no lighting

**Mr. James:** There will be motion sensors

**Mr. Castor:** There is a pole light that he has on the Daniel's Ave corner really does not shine across the street and it is not a very bright light I have checked that out myself even the one he has by the sign when I come home late at night and it is not really that bright where it would bother the neighbors

**Mr. Waddington:** And if I'm reading this plan right it will have shields on it as well and if it is going to have motion sensors it will shine directly on the cars as well

**Mr. Sitzler:** The board should consider security issues as well not just for the benefit of the applicant but also the police officers as well

**Mr. Waddington:** So if they become a motion sensor, I guess this is a question for the engineer the vehicles on Branch Ave will they set them off all the time

**Mr. Dougherty:** No they would be directed so they would not, they would directed internally

**Mr. Waddington:** So you can direct that internally to where the cars were parked

**Mr. Dougherty:** Correct

**Mr. Rinaldi:** Yes they would be trained to a radius, the more sophisticated ones are adjustable ones can be set to how far out they will pick up movement, but they will obviously be trained towards the cars not the public

**Mr. Dougherty:** I guess not all of them will be on motion sensors? It will just be one or two

**Mr. Rinaldi:** Only the pole closest to where the cars are going to be stored at night

**Mr. Waddington:** So you are talking that back corner at Daniels and Branch

**Mr. Rinaldi:** Correct; and I think I mentioned this but I think it would be appropriate to put one on the back of the building with a motion detector just in case a police officer has to go back there and I think it would be something the board would require.

**Mr. Castor:** Do you plan on putting cameras in?

**Mr. Yildiz:** I have cameras

**Mr. Castor:** Are they on motion detectors?

**Mr. Yildiz:** No, but one day I get a new one

**Mr. Castor:** Cameras have solved all my problems

**Mr. James:** If no more questions can I get a motion

**Mr. Castor:** You need a waiver first. Don't you?

**Mr. Dougherty:** You would need the existing side yard setback variance, but then we did have a design waiver for the 6 foot fence for screening replaced by landscaping. A waiver also for the raised median against the sidewalk and also the dividing line between lot 22 and the applicants side they need a per-design waiver for the divider

**Mr. James:** So there would be 3 waivers and a bulk variance. Do I have a motion?

**Mr. Castor:** I make a motion to approve the 3 waivers and the bulk variance

**Mr. Waddington:** Second

**Mr. Sitzler:** Side yard setback right? Just for the record 25 feet is required and you only have 14.56 feet

**Mr. James:** Roll Call

Roll Call: All "aye" Motion carried

**Mr. Rinaldi:** I did not know did you include the site plan with that.

**Mr. Sitzler:** Let's do that

**Mr. Waddington:** Would the light be part of that site plan?

**Mr. Dougherty:** Right as we discussed the applicant agreed to provide a motion on the light and right there on the corner of Daniels Avenue otherwise the lights would be shut off and the only lights that would be on 24 hours would be the canopy lights in addition a light would be added to the back of the building

**Mr. Waddington:** That would be part of the site plan

**Mr. Dougherty:** Yes

**Mr. Waddington:** I make that motion

**Mr. James:** Is there a second

**Mr. Ford:** Second

**Mr. James:** Roll Call

Roll Call: All "aye" Motion carried

**Open Floor to Public:** Can I have a motion to open the floor to the public?

**Mr. Ford:** Make a motion to open the floor to the public

**Mr. Waddington:** Second

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

No Public

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

**Mr. Waddington:** Second

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

**Old Business:**

**Mr. James:** No Old Business

**New Business:**

**Mr. James** New Business the meeting will next month September 14<sup>th</sup> at 7:30pm

**Motion to Adjourn:**

**Mr. James:** If nobody has anything else I will entertain a motion to adjourn

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

**Mr. Ford:** second

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