

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
August 11, 2016

At the start of the meeting no Chairman or Vice Chairman

Call to order: **Call to Order by Mr. Shultz 7:42pm**

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

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: Mr. Castor, Mr. Ford, Mr. Shultz, Mr. Hagy, Mayor Green, Councilmen Robb, Mr. Ciotto, Mr. Green
Absent: Mr. James, Mr. Waddington, Mr. Greer
"There was a quorum"
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty

Appoint a Temporary Chair: **Mayor Green:** at this time I would like to make a motion that we appoint Steve Shultz as the temporary Chair since both the Chair and Vice Chair are absent this evening

Mr. Castor: Second

Mr. Sitzler: all in favor? any opposed? "all were in favor"

Correspondence: Delivered the New Jersey Planners to Members Present Vol. 77, No. 3

Approval of Minutes: **Mr. Shultz:** If you had an opportunity to review the minutes I will entertain a motion to approve

Mr. Castor: make a motion to approve

Mr. Hagy: Second

Mr. Shultz: All in favor? "all aye"

Informal Hearing:

Mr. Shultz: At this time we have an informal hearing Cohen & Mancini Logistics LLC; 127 Berlin Cross Keys Road; block 131 lot 35 trucking company operating out of parking lot of "CHE Group LLC" "old bus garage"

Mr. Bradley: good evening my name is Addison Bradley I'm a licensed Planner here with Mr. Clack. Mr. Clack has a trailer, a few trailers on the property on Berlin Cross Keys Road. He has received an inspection certificate from the Pine Hill Fire District, a fire protection sub-code permit, an electrical permit. He also received a zoning permit which was later withdrawn and when it got withdrawn Mr. Clack gave me a call and said what do I do. So I called Les Gallagher, he suggested I submit a letter to him and have an informal meeting at this juncture. So we are here to see how Mr. Clack gets his zoning permit.

Mayor Green: Mr. Solicitor the board requires that any corporation to be represented by an attorney

Mr. Sitzler: well we are in an informal now

Mayor Green: okay

Mr. Sitzler: we are not going to take testimony we are not going to swear anybody in

Mr. Bradley: He said there was not going to be any action that it was just going to be an informal meeting. We are just here to discuss, and find out what we do

Mr. Sitzler: does your client have a resolution or does he have some legal authority for what he is permitted to do on this property from Pine Hill Planning and Zoning Board?

Mr. Bradley: He has an agreement with the owner of the property to be able to bring his trailers on that property. He is not the owner of the property he is just renting space

Mr. Sitzler: He is a lessee

Mr. Bradley: Yes, he is a lessee

Mr. Sitzler: what is his business?

Mr. Bradley: Trucking

Mr. Sitzler: what do you do specifically?

Mr. Clack: I haul produce; what I do is I go to the port's being Gloucester Port, New England and Philadelphia Port and I pick up produce in the winter time and most of the time in the summer time and we take it to Walmart, Sam's Club and all these major food stores, and that is what we do we take the produce to the major distribution place itself and in turn they distribute it to their stores up and down the east coast being New York to Maryland

Mr. Sitzler: how many tractor trailers do you utilize?

Mr. Clack: I have probably right now I have 8 trailers and um 4 trucks and the 1st of the year I bought, I'm sorry December of last year I bought an office trailer; and then when I bought the office trailer that is when I came over here to make sure that sure I was in compliance with the rules and regulations of Pine Hill. They; Les and Tom were very polite in showing me supposedly what to do to be in compliance with the rules and regulations. I went through all the steps and everything that was required of me and things were granted to me and

Mr. Sitzler: What was it that you were told was required? Because what you are doing is running an office out of a trailer.

Mr. Clack: no I have an office trailer; a mobile office trailer

Mr. Sitzler: Yes I think that is what brought you to the board's attention initially during a public portion of a meeting; that there was a trailer operating as an office in a business

Mr. Clack: the thing of it is I applied for permits for this when I got the trailer I came here and asked what was the procedure for me to have an office trailer and in turn they took me thru the procedures to get a fire permit

Mr. Bradley: who was it that

Mr. Clack: maybe Planning maybe Zoning board or office down here in this office, and they told me everything I had to do. And that is when I got the fire permit and electrical and other permits I needed

Mr. Sitzler: When was this?

Mr. Clack: all this took place the 1st of this year

Mr. Sitzler: How long have you actually been operating this produce?

Mr. Clack: Actually I have been doing it for almost 8-9 years but I have been at the property there for about 3 years and I went in there with 1 truck; and as time went on I started to progress and meet different people and they started to like the service I was providing so I started to expand. In the process of expanding I wanted to have an office on site where I could be a little more attentive because when we bring produce in we have to bring it to the yard. When we bring it in we may have to watch it and

retain it for a day or so and I need to make sure so I have cameras around my office so I'm able to see the trailers

Mr. Sitzler: so you're storing produce on occasion in the trucks

Mr. Clack: we may have to hold it till the next day because we may not be able to deliver till the next day or something like that. And how I found the property and the owner was because I live in Winslow Township and I use to park on a lot but the police there knew me very well; and when a developer came in to develop the land there the officers were nice enough to come to me and say hey James listen the developer is coming in you are going to have to find a place to park. And it was the Winslow Township Police who referred me to Image Beauty! And from that from that point on that is where I've been and that was over 3 years ago

Mr. Bradley: You have talked about dates; his application for the Zoning Permit was February 16th of this year and I don't have a date for the plumbing or electrical permits

Mr. Clack: I don't have any plumbing permits not like that where they had to dig into the ground because the trailer has an above ground holding tank which you call any waste company and they will put the waste underneath the trailer and they will come and clean it like a porta pot tie. So I tried to fix it so did not disturb nothing of importance that would cause a habit the only thing I had to do was to pay for a license to have them dig in the ground and run electricity back to me because there was no electricity even though there were poles; electrical poles previously already there that had nothing to do with me. But because I wanted electricity and I didn't want to tie into the owner's electricity or nothing like that; I had my own electricity ran directly and they ran a trench in the ground. The city came out they got the flags went to the township they told me how to dig on his property to run the electricity back. And they gave me the electricity and I had to do the same thing to get the phone lines run in because the poles could not be used so they had to run the phone lines under the ground as well to get me phone and also the internet.

Mr. Sitzler: so you have been there 3 years?

Mr. Clack: Yes

Mr. Sitzler: what was there before you moved in?

Mr. Clack: what was there? You mean on the property

Mr. Sitzler: They property you are using

Mr. Clack: the ground where I'm at now was vacant; but on the lot itself was some trucks, busses

Mayor Green: If I may interrupt there is a big sign out front that says tractor trailer parking, RV parking, so the owner of the property is violating the zoning rules and regulations by allowing tractor trailers and busses well not maybe busses because he had approval when running the bus garage. But the owner of the property has been violating the zoning ordinances the way I see it. You just can't open a yard and

start allowing anybody to start parking tractors and trailers and boats and campers and RV's. This gentleman sounds to me to be a part of that operation but there appears to be other things out there as well; I don't know if this is a discussion between this gentleman and the board but the owner and the board

Mr. Clack: excuse me for my ignorance but I'm a little bit disturbed because if your rules are telling me something to do and I do what you are telling me to do get the permits; why didn't someone say to me sir you can't do that, sir you will not be able to have that; but to allow me to go through all the channels to be in compliance and to give be the permits or agreements or whatever it is I need and then step back and say by the way you can't do that we don't know what you are doing

Mr. Sitzler: Sir; do you have these permits with you; because this board does not necessarily see those and we don't grant those unless you are in front of us for part of an application

Mr. Castor: you had a permit to open the ground?

Mayor Green: he got a permit to open the ground; that is what he is saying. I don't disagree; I have no idea. But I have no idea what else was told to the inspector weather he believed it was part of the original application I don't know. I don't know if it was just because somebody didn't do something right that means zoning laws would be violated. Under that argument I could do anything that I want and then after words

Mr. Castor: I know where you are coming from

Mr. Sitzler: There would have had to been some acknowledgement that the business that you are running is nearly identical to at a minimum; if not the same as to what was already there and was already approved. What this board knows and I will stand corrected because I was not the board attorney back in the past when things happened on this property. But what we have been told and what we have seen in looking through records is the last activity that we know about from this board on that property and prior to you leasing was that they were given a 90 day bus permit to sell busses for a 90 day period. And I have that resolution we have a copy of that but there are no other resolutions or anything about tractor trailers specifically on that property

Mr. Castor: that is where the trailer came from I believe when selling those busses they had security there and we granted them 90 days

Mayor Green: and that was it

Mr. Castor: and the busses where there for about a year

Mayor Green: They may have been there for a little longer, and in 2002 the board turned down the applicant for a permit at that time the owner of the bus garage for a permanent trailer to be put out there and the security guards

Mr. Wade: If I could just inject here

Mr. Sitzler: This is Mr. Wade here an Attorney

Mr. Wade: John Wade I'm an Attorney; we have the owner here CHE Group LLC, Mr. Eisenberg who does business under Image Beauty and what you have cited as the old bus garage it was an old bus garage but my client bought it in 2007 and has been operating as Image Beauty; and leasing spots to trailers and we believe that we can prove that the prior owner did exactly the same thing. There were leases that existed at the rear of that property as a matter of fact when the property was purchased by my client at a substantial sum of money he did an initial review to see if he could continue to utilize the property along the same permits and I believe we can show you that meetings were held with the Borough Officials and we were assured that he was assured that he could go forward with that and closed on that. He has been operating from 2007 and leasing the rear of the property to various folks who have trailers or trucks that are back there. He has been conducting that and that was a similar business that the prior owner US Coach who built the property in 1985 and had a business where he refurbished coaches he bought them he sold them and he also leased to the exact same thing, he leased to other entities to store their facilities. If you go back there that entire fenced in yard my client has not done anything to that fenced in yard that is how it was when he bought the property and he continues to utilize some of the same leases. The sale that you were talking about at one time my client leased to First Jersey

Mr. Eisenberg: First Student

Mr. Wade: First Student Bus Company who twice a year because buses age out and have to be sold would conduct sales there; and when those sale were conducted he would say if you want to do anything you have to go to the town and get the appropriate approval. When Mr. Clack came in and said can I do this my client said you have to go to the town and if the town gives you permission to do it I'm okay with it. So that is kind of where we are. I think we can show you; I'm not prepared to do it tonight. And just so we don't get off on the wrong foot, we have been a good citizen since 2007 and I don't think you had a problem with the prior owner US Coach. We understand the bard may have taken some action to request my client to appear, we have never gotten a notice on anything so if in fact you took action and we were told you took action and were authorized to send us a letter we have received nothing. The only reason we are here is that we trusted Mr. Bradly to explain the situation from the perspective from the owner, so from your statements earlier this is a use that has been in operation before my client bought the property and it has been in constant use since 2007 and frankly if we are not permitted to do this it seriously jeopardizes his ability to stay in business because a large part of his business is predicated on the continuing use that has been in operation ever since we purchased the plant in 2007. Now I know that this isn't formally discussing it and you have to deliberate and tell us what it is what you expect us to do but at this point we have been operating this way and we never had any complaints it was an open door we weren't clandestinely covering up this business this is a business where we took over some of the old leases that were in effect from coach, US Coach,

Mr. Castor: but wasn't it busses

Mayor Green: He had busses out there and had approval from the Planning Board that is all I know about. If they had approval as Mr. Bradley says they did then why did they come in here a couple years ago and ask for approval to have a bus sale for 90 days

Mr. Wade: Because it was a different activity than just storing the busses there

Mayor Green: right but you were storing busses

Mr. Sitzler: Mr. Wade storing busses are you saying you are prepared to show the board that tractor trailers were operating in and out of there for years and that they were storing in tractor trailers on the property for years

Mr. Wade: Yes, since 1985, my client when he knew we were coming here tonight spoke to Luc just to confirm. And if we have to come back with him he is prepared to say that is what he was doing. We have pictures of the old busses and I don't want to make a formal presentation because you are going to require us to do that. I think at best looking at your zoning ordinance in my estimation this is a continuation of a non-conforming use. And I haven't had the opportunity I literally became aware of this Tuesday

Mr. Sitzler: and you have an onsite office trailer added to this

Mr. Wade: that might be a different issue, if you are saying you don't want a second office in there and there has to be a variance for that or some application to get approved by the board. Until then we will have to deal with it from there; but the operation of the business that has been going on since 2007 and before under US Coach if you are saying we can't do that then we have a serious issue

Mr. Sitzler: if the status right now between your property owner and the lessee is that, from what I understand in the letter I believe from Mr. Bradley; I would assume the application and I'm not trying to tell you how to represent your clients or how to present it. It would be seemingly that you believe that you have the proof to offer them that a non-conforming use has been in existence. Of Course you know you have to show that at some point it is conforming

Mr. Castor: You know also the problem is the trailer is a permanent fetcher now

Mr. Sitzler: Well the trailer has been there for years correct

Mr. Castor: we approved the trailer for 3 months temporary use

Mr. Sitzler: you have been there for three years

Mr. Clack: well

Mr. Castor: wait a minute it is my turn;

Mr. Clack: go ahead

Mr. Castor: now the trailer has stayed there all this time; now recently the gentleman who is leasing the property he made it permanent when he put electric to in, telephone and internet. That makes it a permanent fixture am I correct or am I not

Mr. Eisenberg: If I may interject you are mixing some things up. First Student the bus company on Watsontown New Freedom Road they came to me and wanted to store their busses that were out of service but they would sell those busses twice a year they would hold an auction that was the permit that they came to the township for that granted them to hold a sale in my yard twice a year. This trailer has not been there for years it has only been there since January

Mr. Bradley: He started out with one trailer about 3 years ago and that was a tractor trailer the office trailer only came in around the 1st of the year

Mr. Castor: if you look at the resolution around the time of the bus sale it states a trailer for 90 days am I correct

Mr. Sitzler: That is what it says

Mr. Castor: that is what it says, okay when we passed this and granted for the busses that they were using trailers since that time the trailer has been replaced is that correct

Mr. Eisenberg: no! The First Student's contract was up and they left and everything that was theirs left with them

Mr. Clack: As I explained earlier I came here with 1 truck

Mr. Castor: I didn't ask you that sir the office trailer you have now where did that come from

Mr. Clack: I bought the office trailer and I brought it there the end of December

Mr. Castor: that is where the problem comes in as far as I'm concerned

Mayor Green: I think you have 2 problems; you have the trailer problem and you still have the bigger issue as to whether or not you can still park tractor trailers out there

Mr. Castor: what is this Limited Business out there?

Mayor Green: General Business I believe

Mr. Sitzler: it would seem that to remedy at least initially would be to appeal denial of the permits and if the argument is that you have a non-conforming use that has been there for the represented period of time that is required

Mr. Wade: There is two issues; issue number one has to do with the office trailer which is a new issue and I can see that is something that may not come into the non-conforming use. I don't know I have to go back and piece that stuff together and look into what the township records reflect, but I can tell you that the former owner conducted a very similar type of business and leased the back yard to the same

types of clients that my client now leases too and in fact some of them are carry overs from the former business so our position is that; and an inquiry was made of the town prior to going to the sale of this property as to whether or not that was a use that could be continued

Mr. Sitzler: wasn't there a letter? Did I not see a letter from 2007?

Mr. Wade: Yes in 2007

Mr. Sitzler: does that say tractor trailers and storage

Mr. Castor: I don't see anything about tractor trailers; do you Mayor

Mayor Green: No

Mr. Sitzler: Is it dated May 24th Mr. Wade

Mr. Wade: Yes; I got it

Mr. Sitzler: Yes it is to Mr. Bradley; and it is from Neil Clark the Zoning Office he states "The existing U.S. Coach Building can be used as an office warehouse storage use." that is the building "As discussed there will be no changes to the existing parking or required site plan standards which were previously approved by the Pine Hill Planning Board for the U.S. Coach Building." I don't know what that is; as I'm sitting here I have no idea what is approved for the U.S. Coach Building. We tried to find that but I guess it goes back so far in our records we couldn't find it. It does say in the letter "if there is an expansion of a particular use, then a site plan or any variances required will have to be approved by the Pine Hill Planning Board and the Camden County Planning Board since the property is on a County Highway."

Mr. Wade: I don't disagree with that; if there was an expansion of an existing use than I think we would have to come before the board and make that, but what we are saying is that the existing use that was practiced by U.S. Coach was to maintain the facilities and also lease out the storage area in the back. We have pictures of all these facilities, all these prior uses that were tolerated under the U.S. Coach use and a meeting was held and I guess we have to have testimony relative to that meeting to determine if we are okay to continue that use in the property

Mr. Sitzler: Wouldn't you agree with me that a non-conforming use would have to be established first that is was conforming at some point previous to current ordinances over the period of years. I mean you could have a total of non-conforming use that was never allowed

Mr. Wade: what is more disturbing than that is U.S. Coach built something there in 1985 and no one can find any proof of any plans relative to that for use of that building or use of that facility; I guess if I could see those I would feel better. But the prior owner indicated he was operating for years with the use that I'm telling you presently still exist

Mr. Shultz: Here is a resolution dated 1987

Mayor Green: Here is a resolution from 1987; and in here it mentions busses but it says nothing about storage of trailers, tractor trailers

Mr. Shultz: “selling, leasing, repairing and servicing buses.”

Mr. Sitzler: You can get copies of this, it is in paragraph 4. Not sure if you have it, but you can certainly have a copy

Mr. Wade: I don't have it

Mr. Sitzler: If you following along with me, I think what our acting board chairman is pointing out is in paragraph 4 of the resolution it's on page 2. I haven't read the thing so there may be other issues you might want to point out. What is important to me is in paragraph 4 “As per the variance granted by the Pine Hill Borough Zoning Board of Adjustments on October 13, 1987, the applicant intends to construct a building on the property in question for selling, leasing, repairing and servicing busses. This use, though prohibited by the Borough Code in a Business “A” District, is permitted for the property in question under the variance granted by the Pine Hill Borough Zoning Board of Adjustment.”

Mr. Wade: well and I appreciate you sharing, but I going to tell you this I would like the opportunity to take a look at this as well inquiring the prior owner, but again I want to make it clear we didn't not respond to the notice relative to tonight. We mean no disrespect

Mayor Green: No I don't think

Mr. Sitzler: I don't think that is the way the board is looking at it

Mr. Wade: this is his business and it's a very serious consequence that we are talking about and he has been operating this business since 2007. So I think the initial way this perhaps ought to go down is to give us some time to attempt to put together a case, because if it is an existing non-conforming use or if it is an existing use that we can prove than I don't think we need further action on that issue. The issue with the office is something different

Mr. Bradley: One of the problems with the issue with the office is as I understand from your staff is if we are not zoned properly how can they give you a permit for an office? I understand that, so the one issue has to be resolved first and then probably what would happen is that we would; either an office would be included in that zone or if it is not included we would have to file for a variance for the office.

Mr. Wade: again I want to emphasize to the board that; and I again I recognize that you want to be compliant and that you have a legal responsibility to do that; but I want to emphasize this is something that has been going on since 2007 in the open, and I'm going to suggest that former owner also participated in this same activity from the time he built the facility and did what he did. And I'm going to suggest to you too that an inquiry was made as to whether or not this was copasetic and we were told that it was

Mr. Sitzler: This resolution if you take a close look at it seems to cover exactly that use of the property that we are talking about

Mr. Wade: I've never seen that and I appreciate you

Mr. Sitzler: yes it's from October 13, 1987, so even if you go back to 1985 this was an application in front of the board 2 years later and the owners at that time was the owner Lucas Bonagura Jr.

Mr. Wade: Yes; and he owned the U.S. Coach

Mr. Suhlitz: There is also a resolution from 2002 denying the use variance for a trailer on the property

Mr. Wade: what I respectfully request and I can make an OPRA request if you want or we can do it informally, is that if you have done a review of your prior records if you would be kind enough to make copies for us we will be happy to reimburse you for those types of things

Mr. Sitzler: we can certainly do that

Mr. Wade: and give us a reasonable period of time

Mr. Sitzler: I think I talking to the board legally, they have a couple of interesting arguments that this particular land owner may have been doing what was told to him at least by the prior owner who said what they were doing; but we have what is legally authorized. I don't think we want to shutter them in any way shape of form what they are doing till we hear something from them. So we are not trying to stop you; that includes your Tennent from doing business because there was a point in time where apparently you did follow through and you did go through the proper channels and whether you maybe got some wrong information I don't know if that is the case or not. We are not going to try to shut you down and we are not going to try to bring any action against you for zoning violations we just want you to come in and get it cleared up.

Mr. Wade: we need to do that too this is his business his livelihood

Mr. Sitzler: Do you think you can make the October meeting? Could have a probably lengthy

Mr. Wade: I heard your prior; October would be fine. What I would try to do is gather as much information. If you don't mind I will communicate with your attorney and tell him where we are; and then suggest that either we come in and try and prove that we are legal and if you determine that you don't think that is the case we need to transform that application into an application to do what we are doing now. The reality is that if we are not permitted to do that over half of my clients income is derived from that use that they have been doing since 2007 and again I think what we ought should show you is that we never operated with anything but the intent to, well we wouldn't want to spend it all to get into the thing but we spent a fortune on that property, and it was done with the presumption that we were going to be able to do that and it was done with the inquiry to the town.

Mr. Shultz: I think this gives you an opportunity to clean it all up and come back

Mr. Sitzler: Yes, do an application

Mr. Wade: and we appreciate that but again we want to emphasize that

Mr. Sitzler: This is informal so we can't take any testimony, I think from the boards tenured it would seem we would like to hear from you in October

Mr. Wade: Okay

Mr. Sitzler: or whatever you deemed to do

Mr. Wade: I'll be in touch with you because whatever it is, we may need to publish a notification. So we will have that discussion. So again we want to cooperate with you to the extent that you have already done the research I know Les was working on digging up files and to the extent that he has done that and you have documentation that you think impacts this property we would like to see it as well

Mr. Castor: as long as you don't need it by tomorrow

Mr. Wade: Do you know what the date is so we can prepare as well

Mr. Dougherty: October 13th

Mr. Sitzler: October 13th Mr. Wade

Mr. Wade: Okay

Mr. Sitzler: Mr. Bradley October 13th

Mr. Bradley: Yes

Mr. Sitzler: Since this is an informal I think the general consensus of the board is that we are not going to take any action

Mr. Bradley: That was the purpose of my letter right from the beginning

Mr. Shultz: Okay we have application 2016-5 "Amended preliminary and Final Site Plan The Lakes at Pine Hill; Lake Geneva Road/Berlin Cross Keys Road Block 131.01 Lots 37.04, 37.06-37.51; Block 132.03 Lots 1-6"

Mr. Washburn: I was going to suggest that Mr. Sitzler would do the WA Outdoor Advertising

Mr. Sitzler: Yes; there was listed as the board is well aware WA Outdoor Advertising was upon an original agenda the board secretary had placed out, but there was an email from the attorney from Flaster Greenberg who represents WA Outdoor Advertising and Mr. Washburn is also a partner in the same Law Firm and is familiar with the case and that was his original client WA Outdoor Advertising. They requested a postponement based on an opportunity to review our boards Engineer and Planners review letter to have additional time to see what they needed to do to meet their conditions that might be in that review letter and so we did take them off the agenda. The only thing that is missing in his

request for the postponement till the September meeting was that he didn't wave any and all time limitations for the board to act so I sent him an email saying we are fine with you wanting the postponement wanting to review our planner's recommendations can you wave that. So since he did not have time to do that Mr. Washburn is prepared today to do that on behalf of WA Outdoor Advertising so we have record to wave any and all time limitations for this board to act on this application based on the postponement until the September 8th meeting. Is that correct Mr. Washburn

Mr. Washburn: I will trade you I will wave; I will put the time limit for action until the September 8th meeting but you are going to make the announcement that

Mr. Sitzler: Oh yes; that is correct. So you do wave

Mr. Washburn: Yes we do wave; that is my client my law firm and was originally my application but Frank Wisniewski took it over and won't give it back so I'm authorized to wave the time limits

Mr. Sitzler: Okay if there is anyone here in the audience that is here for the WA Outdoor Advertising Application it has been continued until the September 8th meeting here in the Borough Hall and will be held at 7:30pm; so if anyone is here strictly for that you may be excused unless you want to hear whatever else is going on here tonight and there won't be any further notice there won't be written notice of the postponement so if you want to be heard on that you can be here September 8th at 7:30pm and it will be continued until that date. And it will not be necessary for the applicant to re-advertise and re-notice for that particular date. Is that acceptable Mr. Washburn

Mr. Washburn: Yes; can we move on to the next one?

Mr. Sitzler: Yes

Mr. Washburn: We are here tonight for AB Woodcrest Fields, LLC. My name is Bob Washburn and I'm council from the Law Firm of Flaster Greenberg as the secretary previously announced the lots and blocks I won't repeat them but the property is on 29 and ½ acres on Berlin Cross Keys Road at Main Avenue. We have been here previously and been granted preliminary subdivision approval for 94 lots, 90 townhouse lots and 4 lots for open space and drainage facilities. That was memorialized on 2/8/2011 the name of the development the lakes at Pine Hill, we are here tonight seeking an amendment to the preliminary subdivision approval and final subdivision approval. The primary reason we are here and I'm sure you are all aware there has been a site remediation for contaminated soil going on site it's a long and expensive process; we are nearing completion and we will begin construction hopefully once we get approval and once that process is over. But as a result of the site remediation process we had to shift the location of several of the buildings. Mr. Sims will go through this with a little more detail and discuss the plans, but in general we had to take 2 buildings a 3 unit building and a 5 unit building and move them and replace them with two 4 unit buildings that is the major change in the plan. The development is still the same number of units basically the same configuration and we will show you how those two buildings were changed. In addition there are a couple of other changes we would like the board to approve as part of this application. Number 1 we added a number of off street parking places when we were here if you remember 5 years ago there was a concern on the board that we needed to create

more off street parking for visitors and guest, and we have created some additional off street parking that you will see on the plan. In order to; we also had approval at that time that the entire development would be 2 bedroom apartments. Given changes in the market place in order to secure the highest probability of success for the development we would like to have a mix of two and three bedroom units. One of the changes we have made to the development and submitting the floor plans and elevations is that the original configuration was a mix of 2 story units and 3 story units, but we have now eliminated the 3 story units. It is going to reduce sort of the mass of the site somewhat so all the units will be 2 story units and what we are proposing is that the end units in each row of town houses, the end units are obviously larger units. The end units would be 3 bedroom units so there are 20 buildings and each unit has 2 end units so that would make a mix of 40 3 bedroom units and 50 2 bedroom units so that is a second change we are requesting along with the parking and moving the buildings. The 4th change is that the original approval had a central open space area of about 1 acre; we are still providing a central open space area but because of the reconfiguration of the site the size of that central open space area has been reduced to about ½ an acre. In return there is now additional open space at the entry to the development on Lake Lucern Lane of about .8 acres so what use to be 1 central area that was 1 parcel we now have 3 parcels that come to about 1.2 or 1.3 acres. The final change that we just want to mention is that we have eliminated the sewage pumping station and abolished the sewage pumping station lot which was a separate lot on the huge plan, that lot has been incorporated into the rest of the development. The MUA has built a regional pump station which the applicant has participated in and contributed to so there is no longer a need for a sewage pump station on the site. So the application you are hearing tonight seeks approval for the amendment to the existing preliminary and final basically to achieve these changes. With me this evening I have two witnesses Jay Sims P.E. from Consulting Engineering Services and Stephen Patron who is a representative of the applicant. Do you want to swear them in and I'll qualify them?

Mr. Sitzler: Sure; both of you gentleman want to come up. Would you raise your right hand; do you swear that the testimony before the board this evening will be the truth and nothing but the truth

Mr. Sims: I do

Mr. Patron: I do

Mr. Sitzler: Thank you

Mr. Washburn: I'm not sure if Mr. Sims has been before the board; would you like me to briefly qualify him so you can be familiar with his credentials

Mr. Sitzler: Yes; if you do that I believe it will be helpful Mr. Washburn

Mr. Washburn: State your full name

Mr. Sims: Jay Sims

Mr. Washburn: and what is your present position

Mr. Sims: Vice President at Consulting Engineer Services

Mr. Washburn: How long have you been with CES

Mr. Sims: 11 years

Mr. Washburn: tell the board the nature of your duties and responsibilities at CES

Mr. Sims: generally I'm Vice President of land development, so I oversee land development from all types of Industrial, Commercial to Residential

Mr. Washburn: What types of clients do you have?

Mr. Sims: All types; developers of supermarkets and warehouses and developers that do housing

Mr. Washburn: and have you testified before boards before on this type of application

Mr. Sims: Yes I have

Mr. Washburn: Where have you testified?

Mr. Sims: all over South Jersey; Moorestown, Mount Holly, Maple Shade, Berlin. There have been so many I'm trying to remember

Mr. Washburn: That is enough; tell the board you're educational and background what collage degree you have

Mr. Sims: Bachelor's of Science of Civil Engineering from Drexel University

Mr. Washburn: have you taken any specialized course work in your fields

Mr. Sims: Yes I have; I specialize in water resources and construction management

Mr. Washburn: and what professional designations do you have

Mr. Sims: I'm a professional Engineer in New Jersey and Delaware, Professional Planner in New Jersey and certified Municipal Engineer

Mr. Washburn: with that background I request that the board accept Mr. Sims credentials as a licensed Professional Engineer and Planner in the State of New Jersey

Mr. Sitzler: I will accept that

Mr. Washburn: I going to ask Mr. Sims to put up the plan we are seeking approval of this evening and demonstrate to the board the changes that I briefly reviewed to the plan

Mr. Sims: I will mark this as A-1

Mr. Sitzler: A-1 is the previous plan

Mr. Sims: Yes, this is what was previously approved in 2004 I believe it was. The road configuration did not change under this application, only the lot configurations and the houses on the site there was 90 townhouses around the development and a pumping station located here as well as a storm water basin located over here. Currently proposed I'll Mark this as A-2;

Mr. Sitzler: That will be the new plan?

Mr. Sims: Yes, Housing units will shift their positions from this location to this location into the center of this previous open space as well as these houses now shifted to take into account that now the sanitary sewer is now facing this way since the pump station is no longer here. The storm water basin is located back there and the roadway will still be the same. As pointed out by Mr. Washburn we also added additional on street parking in these locations a total of 48 additional spots.

Mr. Washburn: That is really the changes to the original plan that we are seeing

Mr. Sitzler: can you point out Mr. Sims the initial open space to Mr. Washburn where you took the original acre within the center

Mr. Sims: Here and here as well as there is some open space located back here

Mr. Washburn: it's a total of about 1.2 acres at the entry there is where the two buildings were and they were moved

Mr. Castor: Do you still have a back road entrance

Mr. Washburn: No we never had that

Mr. Castor: I thought they had a fire trail back there

Mr. Washburn: No we are coming out the front on Berlin Cross Keys

Mr. Hagy: is that entrance and exit, one entrance one exit

Mr. Sims: Yes it is

Mr. Washburn: We are putting this piece road in and improving this for emergency access. Yes we have one entrance and exit but it is divided, so that is the primary exit and entrance but we dii provide for emergency access

Mr. Hagy: and that exits onto Cross Keys Road

Mr. Washburn: Yes

Mr. Hagy: Is there direction on which the cars can enter and exit

Mr. Ford: I think he is meaning like a right hand turning lane

Mr. Hagy: Yes

Mr. Sims: This section is going to be fully signalized

Mr. Hagy: By

Mr. Sims: Traffic Signal

Mr. Hagy: this is a high traffic area, high accident area

Mayor Green: can you explain what the entire area this project covers not just where the homes are

Mr. Washburn: This development originally came in under one developer, who then sold off pieces. So the front piece here is I think approved for commercial use that is owned by somebody else. The back piece here had been approved for senior age restricted condos flats but that is owned by somebody else. So we only own this residential part

Mayor Green: But that includes all that beyond

Mr. Washburn: Yes we own the Lakes and this

Mr. Shultz: all the light green you guys own

Mayor Green: no not the light

Mr. Washburn: no we don't own the open space

Mayor Green: the darker green and blue that is all going to be common area

Mr. Washburn: no

Mayor Green: That is all going to be deeded or is it going to be one master deed so all the common areas are together

Mr. Washburn: It was approved I think with and association in one of the comments in the Pennoni letter, is the association documents what we want to ask tonight is that you give us the approval conditioned on that because I never like to do documents before I have a final because things can change

Mayor Green: yes but my question is all that area where not the actual homes are is that all going to be on one deed as one lot and block or is it multiple lots and blocks

Mr. Sims: This whole area here will probably be under one Lot

Mayor Green: including the common areas

Mr. Sims: well this

Mayor Green: Any piece of your property that doesn't have houses on it will it all be under one common lot and block

Mr. Sims: I don't think it can be only because this would be one lot this is separated by a street so it would have a different lot number, this could be the same block but a different lot because it is cut off you the cul-de-sac here and this lot here

Mr. Washburn: We will try to have as few lots as we can I guess that is the answer

Mr. Dougherty: Right now there is 4 another words there is 90 townhomes

Mr. Washburn: there is 4 open spaces

Mr. Dougherty: 4 open space lots, a minimum of 4 open space lots

Mr. Washburn: there are 4 open space lots under the current approval

Mayor Green: I don't know the answer to this but is there any way because it is common area in a home owners association that they can all be combined together

Mr. Sims: Not if they are separated by streets

Mr. Dougherty: right the internal piece that would be the logistics of the tax map but if is inside that inside area it would have to be one separate lot

Mayor Green: but the rest of it could be

Mr. Dougherty: yes it is possible because it's not contiguous of those other lots and blocks

Mayor Green: so that whole colored back section could be one great lot

Mr. Washburn: Probably

Mr. Castor: do you think that can be done by the dissemination of all the property

Mr. Washburn: Yes

Mr. Castor: Including the lake

Mr. Washburn: 5 years ago there was discussion that the County might want to take it over because it is part of

Mr. Castor: might and will are two different things

Mr. Washburn: I understand

Mr. Castor: and at that time if I remember right we did not want a lake

Mr. Washburn: We understand that, and to answer your question the intendent is that the homeowners association is going to maintain it but at the same time we are going to see if the County has an interest in maintaining it.

Mayor Green: If the County was to purchase it as open space then it is on the County to maintain it but the County doesn't typically purchase open space unless they can deed it back to the town. I don't believe the town is interested

Mr. Castor: We don't want it that is for sure

Mr. Washburn: It was never the intent that the Borough would have the responsibility

Mayor Green: But to my point I think that that entire continues open space should be under 1 lot and block as opposed to multiple lots and blocks simply because it would be a lot less headaches

Mr. Washburn: we will have to look at how that would lay out and that would give us three open space lots instead of four so we will do what we can

Mr. Shultz: Is there anything further from the members?

Mayor Green: Yes I do have some more questions; in the original plans I guess the street which is Lake Powell Drive you are now saying you are going to put parking on that street

Mr. Sims: Yes

Mayor Green: it is 50ft wide today is that what it was originally

Mr. Sims: the roadway was 50th wide meaning the apartment stalls will come 90 degrees off that and a portion of the parking space included or the right away line and the easements

Mayor Green: Will it be 50ft or 50ft minus some portions of the cars

Mr. Sims: The right of way will be 50ft the right of way will be 28 or 30, so curb to curb will be the same

Mayor Green: Curb to curb will be how much

Mr. Sims: I think it is 30

Mayor Green: 30 and now there is going to be a car parked on that curb

Mr. Sims: The cars would be parked in the parking space

Mr. Washburn: They would not be sticking out past the curb

Mayor Green: okay so the parking spaces will be past what would be the curb line

Mr. Sims: Yes

Mr. Washburn: Yes the cars won't be sticking out past the 30ft which is the car way

Mr. Hagy: is there any on street parking throughout the development there

Mr. Sims: There is no parallel parking

Mr. Washburn: No that is why the board asked us to put the perpendicular parking in

Mr. Dougherty: I'm looking at the plan now so the street width as you get into Lake Como Court is 28 feet wide and that is not permitted parking on both sides. So you have perpendicular parking or 90 degree parking off of the street so it is not affecting that

Mr. Sims: What page are you looking at?

Mr. Dougherty: I'm looking at page 7 of 23 and that shows some dimensions there on the site plan

Mayor Green: okay thanks

Mr. Dougherty: and it shows no parallel parking because you have the driveways that should have significant parking, and I know when we went for the preliminary there was a concern about off street parking so that may be a foundation for having those spaces

Mr. Sims: Correct

Mayor Green: so you are basing that the individual home one car in the driveway and one in the garage or two cars in the driveway

Mr. Sims: 1 car in the driveway and 2 cars in the garage; I mean 1 car in the garage and I believe our allowance allows for 2 ½ spaces

Mayor Green: well if it is like my house I've never had a car in my garage yet, so I mean there is a limited number of parking and you added some additional 40 units or excuse me 40 additional bedrooms and those could turn into 40 additional cars and you're only adding 46 additional spaces

Mr. Washburn: Based on the bedroom count the parking exceeds

Mayor Green: I guess my question is there any way to put some additional parking spaces

Mr. Sims: we tried to squeeze them in any where we could and I don't see where we could squeeze anymore in

Mr. Dougherty: the problem you run into is the setback for the building is 20ft, so with the minimum of 20ft you could put one car in the driveway and one in the garage

Mayor Green: Right so if they don't utilize the garage and park two cars in the driveway no one can walk down the sidewalk or people are trying to park illegally, so that is why I was trying to get more parking spaces. I mean I have a three bedroom house and two kids and have 5 cars and I have to pay the insurance on them to boot

Mr. Washburn: the end units the driveways are longer so you can fit two cars in the driveways on the end units

Mayor Green: okay so where ever there is an extended driveway that is a three bedroom

Mr. Sims: The 2 bedroom units have a 30ft drive and the 3 bedroom units you can fit 2 cars

Mayor Green: so does every end unit have a 3 bedroom unit or only the ones with the extended drive

Mr. Sims: Every end units is a three bedroom

Mayor Green: because some of these do not have extended driveways

Mr. Sims: If I can this is just for illustration purposes they took the buildings from before and just put them on here and if you look at the three different model types from where the configurations were done there were instances where the garages were pushed back hat is not the case on what we are proposing now. All the buildings are going to be the same they are going to be either 4 unit and 5 unit buildings, so there might be a farther set back on the end units I don't know but it is not like it is shown here

Mayor Green: So there isn't really additional parking

Mr. Sims: That's right

Mr. Hagy: can any of the green area there be used for additional parking, not along Cross Keys Road but behind the units

Mr. Sims: We tried to do as much as we can since the last time we were here when you requested additional spaces, but what we do have now is more open spaces so we could create some parking banks up here

Mr. Washburn: How many spaces do we have?

Mr. Sims: 30

Mr. Washburn: including the driveways

Mr. Dougherty: The plan indicates 226 proposed you are required to have 225 and you have 226, that is 2.3 spaces for the 90 town homes. You have the garage and 1 space in the driveway and then the on street parking is 48 spaces; on the plan it shows 46 is it 48

Mr. Sims: I counted 48

Mr. Dougherty: Okay your plan shows 46 but you have 226 total

Mr. Castor: You have some additional property around that cul-de-sac

Mr. Washburn: this is wet lands

Mr. Sims: I can eyeball it and maybe get 10 spaces over here

Mr. Washburn: we can get as many in there as we can

Mr. Hagy: with 90 townhouses that is 180 right there so what you have left over to reach 226 is 46 additional spaces people coming to visit are going to surpass that especially around the holidays

Mr. Washburn: We are over RSIS but we will try to get some more in

Mr. Shultz: What about the cul-de-sac down the bottom left there?

Mayor Green: Wet Lands

Mr. Washburn: We will do the best we can

Mayor Green: a few more spots can make a big difference

Mr. Shultz: any other comments from anyone

Mr. Dougherty: My Letter from July 1st if we can run through that real quick. We did talk about the homeowners association there are some specific standards in our ordinance that would address, roads, utilities, stormwater basins, lakes and wetlands, open space and so on all that would be a condition of final approval, the County to give a final would like to have that documented because we are approving this so you wouldn't have to come back to the board after this. On the storm drainage I have some issues it is really the maintenance plan but that would be part of the home owners' association documentation that the applicants engineer would submit a corrective stormwater maintenance plan with the little minor infractions I have in there, a couple technical issues that when properly addressed that will comply. The Architectural elevations and floor plans were submitted to the board it was not part of the original application. The only other thing was and I don't know if you had talked about it before was the reconfigure changes because I know the building count is different now also right

Mr. Washburn: the number of buildings is the same

Mr. Dougherty: but how they are configured in other words you had a 3 unit and a 5 unit

Mr. Washburn: we abolished a 3 and a 5 and made two 4's

Mr. Dougherty: so it is all 4 and 5 unit clusters

Mr. Sims: Yes all 4's and 5's

Mr. Dougherty: the other issues are rule complied, just that the reason for the reconfiguration for the subdivision I don't know if you touched upon that, did it have to do with the environmental wet lands issues

Mr. Washburn: it had to do with the site remediation issue, which we are nearing completion of and it did necessitate moving those two units from the entry way into the central section that is really the only reason for that

Mr. Dougherty: There is also a Fire Marshal approval would be obtained in writing

Mr. Washburn: yes; we had that the first time through

Mr. Dougherty: and that is all I have

Mr. Castor: this is basically the same thing they had before except for the reconfiguration

Mayor Green: Right and some of the units are now three bedrooms instead of two bedrooms, still the same number of units

Mr. Shultz: at this time we will open the floor to the public, does anyone have any comments

Mr. Castor: make a motion

Mr. Hagy: Second

Mr. Shultz: all in favor all "aye"

Mr. Sitzler: Alright if there is anyone in the public that would like to be heard step up to the microphone and identify yourself you are being recorded

Miss Beswick: Maureen Beswick; I reside at 139 Bramau Avenue; and I would like why certain residents on Bramau Avenue received a certified letter from this company. What does that have to do with us, what are you doing?

Mr. Sitzler: the municipal land use law requires that when someone comes before the board for an application Miss. Beswick that they; there is a tax list of people that are within 200 feet of the property line that is developed because all those people may have an interest of what is going on close to their property are notified, and the attorney has showed me and the board that they followed all the proper procedures so that is required

Ms. Beswick: is anything happening on Bramau Avenue that is all I want to know

Mayor Green: no; this doesn't affect Bramau Avenue but because of where your property is you received notice you were within 200 feet of their property line so they had to notify you and everybody else

Mr. Sitzler: Yes it's required by law to notify everybody that is within 200 feet of their property line and they get that list from the local Tax Assessor

Ms. Beswick: But none of those cars will come up our road will they

Mr. Castor: No

Ms. Beswick: that was my only worry; there are a lot of babies there

Mr. Dougherty: if you look at the map, the brown area is where the homes are and the streets all go off to the right there where the blue is because they own all the property up to where the blue is that is

within 200 feet of your residence that is why you were notified but the development is actually much farther away than 200 feet from your area

Ms. Beswick: good, okay that's all

Mr. Sitzler: thank you Miss Beswick; anyone else

Mrs. Liss: My name is Tine Liss and I live on Park Avenue right off of Cross Keys. I actually heard about this Tuesday Night and I actually came right from work that is why I was late. You mentioned a traffic light is that by the gas station near the railroad tracks?

Mr. Sims: Yes the gas station is here and

Mrs. Liss: yes I'm familiar with that area and people come out of there 2 and 3 abreast all at one time trying to get out

Mr. Castor: I think that will really help that situation

Mrs. Liss: My other question is, I'm between the railroad track and Turnerville can the Turnerville light be retimed to work with that if necessary, because when you pull up on Turnerville and Cross Keys Road that traffic light is 16 seconds man. I'm down the next street trying to get out and you don't get a break I get out by the School Bus when school is in I get out by the school bus and I'm concerned when I go out that back way and that Turnerville light changes every 16 seconds like clockwork which is ridiculous I've never seen that anywhere

Mr. Dougherty: That is a County Road so even the traffic light that has been requested has gone through the County. I know the County has looked at an overall study for Cross Keys Road and I don't know if light timing was part of that but I know that is something the County is looking at

Mrs. Liss: So can I assume that when they put in that light they are going to have to coordinate that light so the two work together

Mr. Dougherty: I don't know if the applicants engineer has had that discussion with the County at all

Mr. Sims: we have not

Mr. Castor: I really believe that light is going to help that area getting in and out of their streets

Mrs. Liss: I have a beef with the light, I have to go back all the time

Mayor Green: It may be an issue that has to be brought to the County once the light is installed because it is a county road so the County would have to make the determination on the timing of the lights

Mrs. Liss: The County would have to do that; okay

Mr. Sitzler: anyone else wish to testify

Mr. Castor: Motion to close the floor

Mr. Ford: Second

Mr. Shultz: all in favor; all "aye" floors closed; we need a roll call on the application right

Mr. Sitzler: Yes

Mr. Castor: we need to do the resolution first

Mr. Sitzler: let me go over that with the board and also Mr. Washburn so that we are all on the same page. The applicant has come before the board for both an amended preliminary and a final approval which the applicant is entitled to do; as the engineer has pointed out when it comes to the home owner agreement that was referred to that there are some conditions in the final resolution for final approval that they need

Mr. Dougherty: right that a home owner association document be prepared and reviewed by the attorney and the Engineer

Mr. Sitzler: by both the Engineer and My Office would review the Home Owners Association's Agreement which would be prepared that would be a condition which I believe that Mr. Washburn has agreed too is that correct

Mr. Washburn: Exactly

Mr. Sitzler: so it will be a condition of final approval, in other words you can vote on final approval but that would be condition that they would have to meet as part of their final approval. In addition as far as the amended preliminary and final there is 4 changes from when they were here the last time. One is that they are going to be allowing off street parking which is being created for visitors and guests and as of today's hearing there has been an agreement to work with the board Engineer and Planner about extending as many spaces as possible for visitor parking on the site and it has been pointed out that the general area where there might be the ability to put as many spaces that can fit there is a ballpark estimate of maybe 10 or 12 extra, but where the pumping station was originally going to be some where in that vicinity

Mr. Washburn: Yes

Mr. Sitzler: The second change would be that instead of 2 bedroom apartments there is going to be a change to 2 and 3 bedrooms; there will be forty 3 bedroom apartments which would be generally the end units and fifty 2 bedroom, but the total units would still be 90. So it is 90 but they are not going to all be 2 bedroom units. Another condition is that the central area which was originally 1 acre they had to move two building units into that because of the site remediation requirements so that has been reduced to ½ acre and the additional open space they have created to make up for that is .8 acres which is located near the entry

Mr. Washburn: The central is coming closer to .4 and we may lose a little bit from the entrance because of the parking.

Mr. Sitzler: .4 and the parking; so there may be some slight variation but they are trying to reach as close to the 1 acre that was originally proposed but in two different areas if the board understands that. They are also eliminating the sewage pumping station which no longer appears on the intendent because they cooperated in the provision of the regional pumping station which is now going to service the site and they also changed where the pipes would be coming in on the new plan based upon that since there is no longer an onsite pumping station required. Is there another requirement I'm missing Mr. Washburn?

Mr. Washburn: that is all I have on my notes

Mr. Sitzler: oh the open space area the applicant is agreeing to consolidate, and this can be for lack of, to generalize it's the open space area that includes the lakes and possible make it one lot if possible and convert from I believe four to possibly three lots

Mr. Washburn: I think that's

Mr. Sitzler: The Home Owners Association would be responsible for all the spaces that would be open and that would be all part of the Home Owner's Agreement that would be a condition that we would have to review as a condition of final approval. Is there anything else you would like to add Mr. Washburn? That I may have missed

Mr. Washburn: I don't have anything else in my notes that we discussed

Mr. Sims: I have nothing further

Mr. Sitzler: So that would be conditions of any kind of a motion of approval. And what the applicant is asking for which you can do is both the amended preliminary which are these changes from the original which you already given preliminary approval to and final of this amended preliminary approval

Mr. Castor: It would have to be one motion

Mr. Sitzler: It would be; it would be an amended preliminary and the final. That is a good question

Mr. Ford: about the open space that is supposed to be out at the County, or approved by the county

Mr. Sitzler: you are correct; there was some testimony that the County may have some interest in some of the open space

Mr. Washburn: Yes our proposal was to see if the County wanted to acquire it as part of the open space program; if not it would be owned and maintained by the Home Owners Association and would never be the Boroughs responsibility

Mr. Sitzler: Yes the intent is that the borough should never be legally responsible for the maintenance of the lake, wet lands and open areas. That would be part of the condition in the resolution in approving the amended preliminary and final approval. Unless anyone else has a question that

Mr. Castor: I make a motion we approve as all conditions stated by our solicitor

Mr. Shultz: Mr. Castor made a motion is there a second

Mr. Hagy: Second

Mr. Shultz: Roll Call

Roll Call Taken: all “aye” motion carried

Mr. Washburn: Thank you very much

Mr. Sitzler: Thank you Mr. Washburn

Mr. Washburn: before we go why do you want the two lots consolidated I’m just curious

Mayor Green: Because I want to make sure the Home Owners Association is fully responsible for that area and somewhere down the line doesn’t try to walk away from a portion of it

Mr. Washburn: Okay that answers my question; again I will go and ask the County

Mayor Green: I highly doubt the County

Mr. Washburn: If they do we will come back and ask for a supplement

Mayor Green: that’s fine; I don’t think the County will want it typically the County will only take it if the town agrees to take it. There was talk that the adjacent property was going to be County Open Space and I think the County dropped that

Old Business: **Mr. Shultz:** is there any old business?

New Business: **Mr. Shultz:** new business the next meeting is September 8th at 7:30pm

Open Meeting to the Public: **Mr. Shultz:** at this time I will entertain a motion to open the floor to the public

Mr. Castor: I make that motion to open the floor to the public

Mr. Hagy: seconded

All “aye” Motion carried

Mr. Sitzler: is there anyone in the public want to be heard on any issues

Mr. Shultz: hearing none; make a motion to close the floor

Mr. Hagy: make that motion to close

Mr. Castor: seconded

All “aye” Motion carried

Motion to Adjourn:

Mr. Shultz: Motion to adjourn

Mr. Castor: motion

Mr. Hagy: Second

Mr. Shultz: all in favor

all "aye" motion carried.