

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
June 11, 2020

- Call to order:** **Call to Order by Mr. Michael Hagarty 7:56 pm**
- Pledge of the Flag:** **Led by Mr. Hagarty**
- 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. Hagarty, MR. Waddington, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto Mrs. Jones, Mrs. Gilson and Mss. Lunn,
Absent: Mr. James
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty
We have a quorum
- Approval of Minutes:** **Mr. Hagarty:** If everybody has had a chance to read the minutes from the meeting on March 12, 2020, I will entertain a motion to approve

Mayor Green makes a motioned to approve seconded by Mrs. Gilson
Mr. Waddington, Mr. Ford and Councilman Robb abstained
all others present "aye"
Minutes were approved as written
- Correspondence:** **Mr. Hagarty:** Correspondence You should have in your packet The New Jersey Planner from January/February 2020 VOL. 81, No. 1

Application: 2020-3

Mr. Hagarty: With respect to the applications the first application is 2020-3; Brenda Warnick 121 W 2nd Ave; Block: 84 Lots: 75-80; for a Set Back Waiver and Variance

Mr. Hagarty: Mr. Sitzler is there

Mr. Sitzler: Yes: is Mss. Warnick available?

Mss. Warnick: Yes, I'm on

Mr. Sitzler: Good evening; This is Bill Sitzler Mss. Warnick I'm the Attorney for the board. As you probably know this is a situation where we are having a virtual meeting, so the notices format had to be created especially for this meeting, it is something that did not exist before this pandemic and unfortunately I'm looking at your notice and you noticed a while back is that correct?

Mayor Green: She had the old form

Mr. Sitzler: You had the old original form for live meetings correct? The new form requires us under virtual system to give all the public a notice of this meeting a virtual ZOOM meeting which has both a meeting number and a password and that had to be included in your notices so apparently your notice was not updated for a virtual meeting and legally it is not going to be sufficient to go forward tonight. It is my opinion that the board is going to have to continue now I'm told by the Mayor who is also here and, on the board, that we may have a live meeting next month.

Mayor Green: We are

Mr. Sitzler: The Governor has relaxed the regulations so we expect to have a live meeting, so this may be the one and only virtual meeting but unfortunately your notices weren't updated for a virtual meeting so we can't go forward with your application tonight. Please accept my apologies for that, we are all struggling with; go ahead

Mss. Warnick: So, I'm going to have to send all these letters back out again

Mayor Green: Yes

Mr. Sitzler: Apparently Yes, unfortunately

Mss. Warnick: And who; I mean I can't keep paying for all this stuff. I just paid \$80.00 to send these out, and now I'm going to have to pay another \$65.00 to put it in the Courier Post again and I don't think that is very fair

Mr. Sitzler: Les can you

Mss. Warnick: with all this going on

Mr. Sitzler: Okay hold on one-minute Mss. Warnick because we can only speak one at a time. I'm going to address Mr. Gallagher he is our Board's Secretary. Did you give Mss. Warnick the virtual notices?

Mr. Gallagher: I would have to double check my Emails, but I believe I did and that is how they new to get on here.

Mr. Sitzler: Miss. Warnick let me back track incase you did not hear Mr. Gallagher here. He said he believes he Emailed you with all the information needed for the virtual notice otherwise how would you have known how to connect in tonight, yourself.

Mss. Warnick: It told me to me to be on, my letters were already sent out. I had the letters and the stuff in the newspaper already sent out they had to be in by June 1st

Mr. Sitzler: What did you receive from Mr. Gallagher?

Mss. Warnick: I received an Email stating that the Board was going to be closed and I had to appear on ZOOM for a virtual meeting. It didn't say anything about having to put in into the letter because I already told him I had the letters sent out. When he told me that the Courier Post already had the newspaper going in it was paid for. I was told the stuff had to be in by the end of May so that is what I did and then everything changed after I did it all.

Mr. Sitzler: When did you send the letter about the Virtual, did you give her the entire language for the virtual meeting Les?

Mr. Gallagher: Yes

Mayor Green: It was probably after May 11th

Mss. Warnick: I've been thinking I don't remember seeing anything that I have to put that in the letter, but like I said the letters were already sent out

Mr. Sitzler: Yes, your letters were sent out when there was anticipation, Mss. Warnick that we would have a real live normal meeting but when that changed, and we were not permitted under the State guidelines to do that under the Executive Order I'm told that Mr. Gallagher sent you a copy of how the letter was to be worded for today's meeting. That's what I'm being told here.

Mss. Warnick: I'm going to end up losing it if I have to go through my Emails to show you what it was. I actually have a thing he sent me from the planning board because I did not update my survey and that was taken care of and then I got another thing saying court was closed; I will send you the meeting ID number and the password to get on ZOOM to do that it did not say anything about having to send out more letters again.

Mr. Sitzler: What I'm going to suggest Mss. Warnick, for the one thing that is clear for the reasons that I made clear we cannot go forward with your application is because anyone who wanted to be heard on your application would not know how to do that based on your public notice. And also, to your notice to the people within 200 feet, they wouldn't know. Legally sufficiently know that they needed the contact to go onto the same ZOOM number meeting number and password if they wanted to be heard. We can not go forward so, what I'm going to suggest is that you contact Mr. Gallagher the Board Secretary after this evening and discuss with him and he may even be able to go over with you the chronology of what happened here. We will have to make a determination about your, right now it does look like you will have to re-notice, but we will have to make that determination after you go over everything with Mr. Gallagher.

Mss. Warnick: I understand what you are saying, but the point is I'm on disability where am I going to get another \$80.00 to send all these letters out again and then I have to put it back in the newspaper which was \$65.00 and when I was actually going to court I had to go to Staples to specially get my survey done for all the members on the Board and that ran me another \$60.00 some dollars. So, I have to come up with another

\$150.00 again and I don't know where all this money is going to come from.

Mr. Sitzler: I understand what your dilemma and I'm empathetic but, I'm also aware and correct me if I'm wrong that what we are dealing with is something that you already built without the requisite approval of the Board. Is that correct?

Mss. Warnick: Yes,

Mr. Sitzler: You have a case pending in Municipal Court correct?

Mss. Warnick: What do you mean case pending?

Mayor Green: I don't know if there was an official complaint

Mr. Sitzler: Okay, you may not have a case pending but you could have had a case pending because what you had done wasn't the normal procedures to put an addition on to your house and so, you may not have formally charged but, you could have been and instead we are trying to resolve your case in a situation where you already built something. Normally people come before the Board for permission to build something. So, you are avoiding court and all I can tell you is your avoiding a lot of other potentially expensive issues by being here I'm not trying to minimize your financial difficulties but, unfortunately you can't build something without the appropriate process and approvals.

Mss. Warnick: I understand that and this was the first time that I ever did without a permit and I was talking to Karen and Les and when I was having contractors come out to the property they stated that when my ex-husband purchased the property in 99 or 2000 there were decks on the front and the back. Not quite as bid but there were decks. So, out of all the contractors that I had come out they all told me because I was replacing the deck's I wouldn't need permits, so I went off by what everybody was telling me.

Mr. Sitzler: Alright I'm not trying to ascribe fault to you other than I'm trying to make you aware that of your options this is a far less expensive option than were you cited for this so, all I can say to you under the circumstances is please contact Mr. Gallagher after tonight's meeting and go over it. I don't know what kind of accommodations can be made for you from the financial end but it would be straight forward the same

notices you have already done for the next meeting if it is going to be a live meeting you won't have to change anything that you did for this meeting. However, this is the unusual meeting because this meeting required a special modified public and actual notices to people on your 200 feet list.

Mss. Warnick: Yes, it wasn't that I was trying to get away with out buying a permit but, I did question not fly by night, but real contractors and I went by their word

Mr. Sitzler: I understand, again we are here to help hopefully resolve your situation that is what the Board is for but, unfortunately because of the unique unusual circumstances this being a virtual meeting we have to reschedule you because

Mss. Warnick: I understand I will contact Les tomorrow

Mr. Sitzler: Alright very good

Mss. Warnick: As soon as I found out that there was an issue, I did come right into you guys

Mr. Sitzler: We are all struggling with this Mss. Warnick believe me, it is not easy to do what we are doing right now, and we would much prefer to have you here in person and anyone else who is interested to be here in person

Mss. Warnick: I understand what you are saying

Mr. Sitzler: Is there anything else you would like to bring before the Board? We can't go into the merits that is the actual application right now because of the notice issues but, if there is anything you want to talk about as far as rescheduling or anything like that. The Board has a copy of everything you have done and there is a review letter by our Engineer on your projects. Everything is pretty much done other than the fact that you may have to re-notice and provide some testimony

Mss. Warnick: Okay

Mr. Sitzler: I guess Mike you may want to ask any of the Board members if they want to comment on this

Mr. Hagarty: Do any of the Board members have any comments with respect to what they just heard? Seeing there are no comments as Mr. Sitzler said Mss. Warnick hopefully, we see you next month and hopefully we can get your issue resolved.

Mss. Warnick: One other question so, when I contact Les to redo all this stuff and it is still scheduled as an online meeting but then everything opens up and it is actually in court again am, I going to have to send all these letters out again?

Mayor Green: Yes

Mr. Sitzler: Yes, you will, what you did before was for a live meeting, so you just have to repeat what you did before with a new date since we plan to have a live meeting in July. Unless the Governor orders otherwise and we are not anticipating that

Mss. Warnick: Okay

Mr. Sitzler: Thank you Mss. Warnick

Mr. Hagarty: Yes, thank you stay safe and healthy

Mss. Warnick: You too

Application 2020-4

Mr. Hagarty: Next before us we have Application 2020-4: Mss. Rashida Morrison; 19 Hazel Lane Block 101 Lots 23 & 24. An Application for a Bulk Variance and Set Back Waiver. And I believe Mss. Morrison you are on

Mss. Morrison: Yes

Mr. Sitzler: Mss. Morrison are you there?

Mss. Morrison: Yes

Mr. Sitzler: Are you with us by video of telephone Mss. Morrison?

Mr. Hagarty: She is on video

Mss. Morrison: Video

Mr. Sitzler: I'm not seeing you, but I can hear you. This is Bill Sitzler I am the Board Attorney. I don't know but, were you able to hear the conversation we just had with Mss. Warnick who was the applicant before you?

Mss. Morrison: Yes

Mr. Sitzler: Well you have a similar problem albeit different and while you did send out the correct notice of hearing under the virtual format unfortunately your webinar ID and your password for the webinar that is for your hearing tonight is totally different then what we have and I don't know; I mean I don't know how that happened

Mss. Morrison: What do you mean by different from what you have because what Les sent that is what I copied and sent to everybody

Mr. Sitzler: Okay here is, I'm looking at your notice that you returned and what was published in the newspaper. Everything is correct except the webinar ID and the password. The actual webinar ID for this meeting was 88300607869 and the password was 026969 in your public notice you have webinar ID 85897866511 which is totally different and a password of 537048 which is totally different

Mss. Morrison: The information that I sent out is the information I received from Les

Mr. Sitzler: I can refer you to Mr. Gallagher I don't know how that error happened

Mss. Morrison: He sent me a copy of what I was to put in the POST and that is what I copied. I gave it to the POST and that is what I copied and sent out to everybody and it cost me way more money than it did the other lady because I live by the George Washington Bridge

Mr. Sitzler: I'm sorry this is Bill Sitzler again I'm having a little difficulty hearing you are a little faint to me

Mike Hagarty: Mss. Morrison is there anyway you can turn your microphone up just a hair?

Mss. Morrison: It is all the way up

Mr. Sitzler: Mr. Gallagher is there anyway you can figure out why she got something different on the WEB ID and Password on her notice?

Mr. Gallagher: This was the paperwork that was given to me by the Administrator and that is what I sent out

Mr. Sitzler: Was it perhaps a sample form that you sent rather than the actual is that possible?

Mr. Gallagher: It could have been the sample I'm not 100% positive

Mr. Sitzler: Alright, this is

Mss. Morrison: He sent me something because he had to give me the number for the Courier Post.

Mr. Sitzler: This may not

Mss. Morrison: To be honest with you whatever information he gave me that is what I copied and sent out.

Mr. Sitzler: Yes, I don't think we are ascribing any blame to you at all Mss. Morrison, I think internally we may have made an administrative error, unfortunately none the less it creates the issue of those folks that may have relied on that would not have been able to get in. I can tell you for a fact I tried to get in on that earlier tonight and was unable to do so. It was telling me on ZOOM that there were two meetings for this date for the same place and I couldn't get in under that one, for that reason the notice is not going to be sufficient enough to go forward tonight either. Once again, I don't know how to say it but, this is our first attempt at a virtual meeting. I happen to represent some other Board's and we had some difficulties as well with our first meeting that was virtual. Everyone is laboring under trying to get this to a situation to where we can go forward but, it looks like we are going to have to continue yours as well Mss. Morrison because of that notice issue and again it is not your fault

Mss. Morrison: But you want me to send like everything to the Courier and send back all the mail. To be honest with you my house has been sitting there, it has no roof on it. I had to go to Home Depot to put a tarp on there to stop excessive water damage on my house, it has been sitting there with nothing in there. This is not an issue because of me I followed the right direction on what I was told.

Mr. Sitzler: Again

Mss. Morrison: For something that is not my fault on my behalf

Mr. Sitzler: Again, if you hear me, I thought I clearly said to you is that no one is blaming you for the error. You did what you thought you were supposed to do. I think the error may have been an administrative one on our end. None the less the Law requires that there be proper notice to people of your application and unfortunately that notice was not going to be capable of being proper because it had a different webinar ID and password. What I'm going to suggest to you is that we can continue your case until next month in July and we plan on having a live meeting a normal live meeting, so I suggest you contact Mr. Gallagher and go over that with him and then you will be put on our list for July and hopefully we will be able to get your case heard and resolved in some fashion. So, you are going to have to notice under the old system so it would be a different notice the normal notice we would use for live meetings. We are not anticipating you are going to have a webinar ID or Password or all the virtual requirements of a virtual meeting

Hugh Dougherty: Bill this is Hugh Dougherty talking, I just over herd the applicant indicate that you had a number of notices more than the previous applicant it is the notices within 200 feet of your property

Mss. Morrison: Yes, and I had to mail out additional other people, I had to mail out additional other stuff. When I came in and asked for a variance my upstairs had two tiny bedrooms and they can't have fit any furniture in there and I bought the house at auction from a bank so (hard to hear applicant is crying) I had to pay for these things you know what I'm saying, it is very upsetting I had to spend a lot of money to mail out something because I live at my moms house right now it takes me almost 2 hours to get to Pine Hill. Do you know what I'm saying is anybody there? It is not fair if I have to mail out to some people that were 200 feet from me, and I did everything that was right and now you guys are telling me that there is a mistake how is that fair? That is not fair my husband is there putting a tarp on the roof because of the weather and I can't fix it and that is supposed to be a home for me and my son. I don't understand what is going on I never dealt with anything like this before and I have to spend a lot of money because of the extensive amount of damage that is going on my property. I'm being kept awake because of what is going on with this pandemic and I feel like this is just another milestone.

Mr. Sitzler: This is Bill Sitzler again, I apologize you are very faint. I can hear some of what you are saying but not 100%. Do I understand you are having ongoing damage right now on your property?

Mrs. Morrison: Yes, I had to put a tarp on my roof because there was damage on my roof when I bought my property it didn't have a roof on it had a tarp on it and I had to put a whole new one on. I had to pay someone to go up there to put a tarp on the roof. My house is getting extensive water damage and it is sitting there in the water.

Mr. Sitzler: If I understand you correctly

Mrs. Morrison: That is a lot of money I have to pay for these things

Mr. Sitzler: You bought your house from a bank and it didn't have a roof

Mrs. Morrison: Yes, I bought it off an auction and it didn't have a roof on it on it plus I think there is termite damage on the house. I'm trying to get this done so I can live there with my son

Mr. Sitzler: Mrs. Morrison I'm emphatic again to your situation and what you need to do is the process and unfortunately, we can't do that tonight. We will try to give you every opportunity to be heard at our July meeting we only have meetings once a month and we haven't been having meetings this is our first meeting since March because we had to be shut down so if you had bought this property two months ago you would not have even had the opportunity

Mrs. Morrison: I bought it in October of last year sir

Mr. Sitzler: Okay

Mrs. Morrison: That has been how long it has been without a roof. I can't do it myself and it has been broken and leaking into the basement

Mr. Sitzler: We are not really able to resolve your issues tonight unfortunately. What I'm going to suggest to you is that you contact Mr. Gallagher as soon as you can and go over this with him and he can give you some assistance in re-noticing and we will try to get your case resolved in July that is all I can tell you Mam. Unfortunately, I don't have any other answers I can give you.

Mss. Morrison: Thank you

Mr. Sitzler: Alright, Thank you Mam

Mr. Hagarty: Thank You Mss. Morrison, stay safe and healthy

Mr. Hagarty: Okay it is not easy but that is where we are at.

Old Business:

Mr. Hagarty: Since we have no other applications before us any old business anybody would like to discuss.

Mr. Sitzler: Bill Sitzler, I just want to report to the Board on the garage issue with ALPHA Services. I'm in the process now of attempting to contact his lawyer. The Board did authorize me that he could put in one or two garage doors condition upon inspection by our Code Official to make sure it is being used as a garage and noting more. Unfortunately he has been unable because of the Governors order during the pandemic, there was no since in giving him a deadline to get done but, now that I think things are opening enough I just wanted to report to the Board that I do have that information that the Board authorized me back in the March meeting so, I intend to contact ALPHA Services. That is old business that I needed to report

Mr. Hagarty: Okay, Any other old business?

New Business:

Mr. Hagarty: New Business, our next meeting is July 9th at 7:30 and the plan right now is to have an in-person meeting

Mayor Green: This is Mayor Green it is extremely important that all the Board members try to be here, there will be a minimum of 4 applications one of which is a use variance, 2 of the applications are major issues in town that are progress for the town and are on very tight deadlines and we need to have the meeting and we need to have as many people as possible so that the applicants can be heard

Mr. Hagarty: Any comments?

Mrs. Ciotto: Just so you know I'm never there July and August, just letting you know ahead a time

Mr. Ford: Scott Ford, as of now unless anything else arrives I should be there

Open Floor to the Public: **Mr. Hagarty:** Not that I have heard any public online I will have a motion to open to the public

Councilman Robb: Motion second by Mr. Ford, Second by Mr. Waddington

Roll Call all "aye" Motion carried

Mr. Hagarty: Okay the meeting is open to the public is there any public online

Close Floor to the Public: **Mr. Hagarty:** Seeing none I will entertain a Motion to close to the public.

Mr. Waddington: Motion seconded by Mr. Ford

Mr. Hagarty: Meeting closed all in favor?
all "aye" Motion carried

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

Mr. Waddington: Motion to adjourn; second by Mr. Ford,
all "aye" motion carried

Mr. Hagarty: Thank you everybody for baring with us I appreciate the time and your commitment, and most importantly best wishes for good health for you and your family and I look forward to seeing you in-person next month if not before hand