

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
July 9, 2020

- Call to order:** **Call to Order by Mr. Michael Hagarty 7:36 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. James, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Jones, Mrs. Gilson and Mss. Lunn,  
**Absent:** Mr. Waddington, Mrs. Ciotto  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Zoning Officer: Mrs. Keyek  
**We have a quorum**
- Approval of Minutes:** **Mr. Hagarty:** If everybody has had a chance to read the minutes from the meeting on June 11, 2020, I will entertain a motion to approve  
  
Mr. Hagy makes a motioned to approve seconded by Mr. Ford  
Mr. James 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. 2

**Application: 2020-3**

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

**Mr. Hagarty:** Mss. Warnick you are here? Would you like to step up?

**Mr. Sitzler:** Mss. Warnick are you going to have anyone other than yourself testify?

**Mss. Warnick:** I'm not sure there was an emergency

**Mr. Sitzler:** If he is wanting to be heard he has to be heard. Is he not feeling good?

**Mss. Warnick:** He is at the house and I have no way of messaging him.

**Mr. Sitzler:** Okay. Will you raise your right hand?

Mr. Sitzler then swore in Mss. Warnick

**Mss. Warnick:** What am I supposed to say this is all new to me.

**Mr. Hagarty:** That is okay

**Mr. Sitzler:** Try to explain to the Board your project and what you are trying to do as best you can and why you are trying to do it

**Mss. Warnick:** Previously in 99 when the house when the house was first bought, I was living with my Ex-Husband. So, he owned the house there was a little deck on front of the house which we were not aware that there was no permit and once we ripped it off that we would have to get approval again. So, I had 5 contractors come out to the house to give me pricing to build it and when I had mentioned that there was already a deck there, they said I would not need a permit. Each of them told me that so I just assumed that they were right. I always had permits for everything that we did on the property and then the actual cement steps that were underneath the previous deck were starting to fall apart I really did not want the concrete again so we just figured we would put another deck back on it and we ended putting a little roof on top of it. Then I got the letter in the mail stating that I was in fault and soon as I

got the letter I came right down and spoke to Karen and started the whole process to get everything legalized.

**Mr. Sitzler:** Apparently Yes, unfortunately

**Ms. 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. Dougherty:** Mr. Chairman I did a letter dated May 15<sup>th</sup> and if you want, I can run through that real quickly. On the completeness item with regard to the survey on the property. Based on the survey the information was submitted based on an August 2007 survey and we wanted to have something based on 6 months of the date of submission however the applicant has testified that she had been at the property since 1999. I was seeking testimony that from 1999 to 2007 to current was there any changes to the property that would bare a new survey?

**Ms. Warnick:** As far as a permit no, I put the block around the flower beds and I had a little shed to put the firewood in so it would not get wet to help my dad because he was tripping over the tarps I had down but it is just made out of palates and there is no floor in it.

**Mr. Dougherty:** So, there is no grading changes or acquire any additional property or anything like that?

**Ms. Warnick:** No

**Mr. Dougherty:** So, based on that Mr. Chairman I think the Board could waive the requirement to have a survey within six months of date of submission and we can deem the application complete and move forward. Just to move on with my letter the applicant is here requesting a front yard set back variance currently there is a 30 foot requirement for the front yard and the porch and roof and step that the applicant had subscribed encroaches into that 30 feet front yard set back so that the variance that she is requesting would be 21.91 front yard set back deviating from the 30 feet front yard setback. So, there would be testimony with regard to how this fit in with the character of the neighborhood and neighboring homes, is it architecturally consistent with the existing structure itself and specifically noted the roof. I have some pictures in the file and it does not appear to be architecturally consistent with the rest of the house with that there then the Board can make a determination on that. Grading and drainage, I would just like to have the applicant discuss if there was any disruption to the grading and drainage to the property as a result to the addition and also to mention the landscaping ties and how that is going to be located. Did you receive a copy of my letter dated May 15th?

**Ms. Warnick:** No

**Mr. Dougherty:** Okay you did not receive the letter. So, what then we are seeking testimony. You deviated from the Ordinance so where it required 30 feet you knocked it down to 21.91 feet so describe then what is the character of the neighboring homes and does the addition architecturally consist with the actual structure you are extending from.

**Mss. Warnick:** Well the actual concrete steps that are underneath shouldn't be there from what I was told as well because they are not in spec, the porch that I put on are maybe 3 feet extra from what the steps underneath it are so I wasn't really going out that much further and it is a pitched roof so as the roof comes down it comes down and then it goes on an angle so there is a pitched roof on it, I just didn't attach it to the other roof.

**Mr. Dougherty:** So, it is just free standing and looks like a corrugated, it looks like you have a corrugated roof on that front there

**Mss. Warnick:** Yes, but it is pitched so everything falls towards the front

**Mr. Dougherty:** Okay and then the lattice work and everything that is on there you don't have anything on the rest of the house

**Mss. Warnick:** I have it on the side porch as well, but if needed I do have extra decking that I can screw up around it to make it more suitable for you

**Mr. Dougherty:** Okay and as far as, it is an open deck you don't have siding that doesn't match

**Mss. Warnick:** No, the sides are open just the railings are there

**Mr. Dougherty:** Looking at neighboring homes are there any other homes in the neighborhood that are jetting out this far or other structures?

**Mss. Warnick:** There are quite a few of them

**Mr. Dougherty:** That are any similar to this?

**Mss. Warnick:** There is one up the road that has the same kind of decking they just don't have a roof on it but most of the houses are not in spec of the setback.

**Mr. Dougherty:** You did say that the original concrete steps are still underneath of this structure

**Mss. Warnick:** Yes, they are still underneath, I did not break them off the house and they are less than 3 feet of what I built underneath of it.

**Mr. Dougherty:** As far as grading and drainage, did anything disrupt the drainage? So, you had concrete steps there so was it draining out to the street?

**Mss. Warnick:** The way the property is my draining goes across my property, so I don't know why but it always does that.

**Mr. Dougherty:** It has not changed as a result of this

**Mss. Warnick:** No, it hasn't changed. The only thing I did was dig the holes and even the block is on top of the actual dirt I didn't even did the holes for the block to do the flower beds.

**Mr. Dougherty:** As far as the landscaping, you had some landscaping there when you had the concrete steps and then was that relocated are you planning on doing any additional landscaping there

**Mss. Warnick:** No, I just put the block around the landscaping that I had

**Mr. Dougherty:** Right, Okay. Mr. Chairman the Board can certainly ask any other questions, but I do think the roof nature of it is really not consistent with the, Our Ordinance says architecturally consistent with the actual structure. I think that Corrugated roof doesn't quite meet the criteria of being architecturally constituent. The Board would have to look at that to see if there is some other type of roof structure that could be placed there. Does everybody have pictures for that?

**Several members replied yes**

**Mayor Green:** Shouldn't there be a gable type roof that is tied into the main roof both for the safety factor and engineering architectural as opposed to a free-standing roof that may not hold up during wind and weather conditions?

**Mr. Dougherty:** That would be ideal, a gable roof that would be architecturally consistent with the rest of the house and it would be more stable because it would be tied in, it would not be just a stand-alone structure. Is the actual porch anchored to the house in any way?

**Mss. Warnick:** Yes

**Mr. Dougherty:** Okay so the porch is anchored in just the roof is not

**Mss. Warnick:** Yes, and it has been up for over a year

**Mr. Dougherty:** So, the Board would have that purview to request that a gabled roof or something that is more architecturally consistent.

**Mr. Hagarty:** Mss. Warnick I just had a couple of questions for you just take your time you are doing fine we are just trying to get some facts. You had mentioned early on that you had a number of contractors I guess that you spoke with regarding the process and what to do and how to do it and all that. Do you remember who those contractors were, or any of their names?

**Mss. Warnick:** I might still have them written down at home

**Mr. Hagarty:** Who ultimately did the work for you?

**Mss. Warnick:** I did, I did it all. I used a decking book that I got from like the Home Depot.

**Mr. Hagarty:** Okay. I guess you are also the one that developed the drawings that we got

**Mss. Warnick:** Yes, I tried

**Mr. Hagarty:** The reason you did it yourself and not use a contractor

**Mss. Warnick:** Money, and also the pictures there is extra work done on it because the building, I don't know what you call him

**Mayor Green:** Inspector

**Mss. Warnick:** That's it, He came and looked, and He said I would need extra wood put on it so, some of the stuff is doubled up now. It is on the drawings but not the pictures

**Mr. Hagarty:** Is my understanding correct that you did not get any permits for any of the work that you did?

**Mss. Warnick:** No, because the contractors told me that because that I had the deck on previously when we first bought the house with my husband and we ripped it off they said there shouldn't be any permit needed. So, I figured alright and as soon as I found out I came that day with the stuff to get it started.

**Mr. James:** Was the deck there the entire time prior to when you decided to do the reconstruction of it or was it ripped off for a while and then you decided?

**Mss. Warnick:** No, it was ripped off in the beginning of 2000 because it was falling apart. We ripped it off and then my dad when I got divorced my father bought the house and he lives with me currently and there was no railings and the steps were falling apart and he kept falling so, I figured that was the easiest thing to do

**Mr. Dougherty:** When you were putting the deck there was really just a concrete deck and a landing. The current deck is extended out further, the steps them self are not included in the step back

requirement so, you are actually looking at the actual decking material itself. When somebody says you didn't need a permit and you are just replacing the steps it is not a setback violation but once you put that deck on there that becomes a structure that is in the front yard setback.

**Mss. Warnick:** It was actually a deck over the steps when we bought the house in 99, but my ex-husband ripped them off not too long after we first bought the house because they were rotted.

**Mr. Dougherty:** Looking at a aerial street view on Google Earth and there is no deck

**Mss. Warnick:** Yes, it has been off since probably 2000/2001 it has been off a long time

**Mayor Green:** She could have could have repaired the original deck but once she tore it down then

**Mr. Dougherty:** Right, your starting from scratch

**Mss. Warnick:** The whole thing had to be ripped out I don't thing the guy even used pressure treated wood on it, it was eaten up

**Mayor Green:** Right, then you are starting from scratch

**Mr. James:** I think what they are saying is that had your husband just replaced the deck

**Mss. Warnick:** Yes, I understand. My mistake and I'm trying to fix it

**Mr. Hagarty:** Any other questions from any of the other Board Members?

**Mrs. Jones:** Looking at the roof it looks kind of flimsy will it with stand and has it been withstanding from the past.

**Mss. Warnick:** Yes, this July it will be a little over a year that has been up there and I have never had a issue with it, the Roof and it has been over a year and I actually have the same roofing on the side deck as well so it actually matches

**Mr. James:** Hugh you were saying that the roof was inconsistent with the Structure

**Mr. Dougherty:** Yes, it is a shingled roof with a gable type A frame so then a typical structure like this would actually but into that and you would have another A frame to be architecturally consistent in fact the rest of the house looks like there was an addition placed at the rear at some point of time maybe even before you were there

**Mss. Warnick:** That was in 2007 that was put in

**Mr. Dougherty:** And that had the A frame built into the existing roof, so in other words the house is this way and the addition has an A frame. To be architecturally consistent it is supposed to be a shingled roof, and because of the slope on that corrugated piece I don't know if you can have shingles on there unless you steepened the pitch and once you steepened the pitch you could go with a shingled roof or that A frame type gabled roof for be architecturally consistent

**Mayor Green:** You said you have a deck on the side of the house

**Mss. Warnick:** Yes

**Mayor Green:** And that has an exact same roof

**Mss. Warnick:** Yes

**Mayor Green:** And that was all approved by the Building Inspector

**Mss. Warnick:** No, we are still dealing with that as well, because they were both built at the same time

**Mr. Sitzler:** You did both of them?

**Mss. Warnick:** That one is not a Zoning issue, there was just a few tweaks I had to do that he had a problem with

**Mr. Dougherty:** But that is within the site because she has a pole barn next to that, so she is fairly far from that. This is the street view, so you are seeing, this is the first thing you see from the street so, architecturally consistent with that building. On the side that could also be that it matched, I don't have a picture of the side, but I think it is a similar type structure. That could be what is called a single sheet roof where you don't have the right slope you put a single sheet on, and it can match the colors of the existing roof where you have the brown shingles

**Mss. Warnick:** Yes, I have the brown shingles and the Brown whatever you call stuff, corrugated

**Mr. Dougherty:** Right, corrugated but what I'm talking about is an actual

**Mr. Hagarty:** Torch down type

**Mr. Dougherty:** Sort of like it is a shingle type of material that you roll out, it is ruff like the shingles but it is rolled sheets on the side deck something like that would be alright but again because of the pitch of this roof I don't believe you can put shingles on it right now. You either have to do that sheet roof or raise it up and have a gable type roof. On the Front to be architecturally consistent I would be more in favor of having something that is architecturally consistent and astatically pleasing out front there, on the side then again corrugated I don't think fits with the neighborhood. I don't know of anything along

2<sup>nd</sup> Avenue that has this type of roof structure, so it is not consistent with the neighborhood. So, either that flat sheet roof or the gabled roof would be appropriate.

**Ms. Warnick:** The Neighbor not directly across the street but diagonal she has a little porch like I put on and it is a plastic that is over top of it and her roofs ain't like that either Hers' slope off just like I did. I think she is 110 w 2<sup>nd</sup>, she has a little screened porch on the front of it and it is a green plastic that is on top of it and that does not match her house.

**Mr. Dougherty:** I did see that one and that is part of a awning type, they do have a shingled roof that is an enclosed porch and then beyond that there is like a little screened in porch it is not a corrugated metal but it is an Awning.

**Ms. Warnick:** It is plastic

**Mr. Dougherty:** That looks like a porch type thing that they enclosed so it has walls and everything around it

**Ms. Warnick:** It is screened in

**Mr. Dougherty:** Right Screened in that has like an awning. I do have it on Google Earth

**Ms. Warnick:** Hers' is pitched the same way I pitched mine and it is not on an A angle

**Mr. Dougherty:** If the Board decides to do that, if the Board finds that is architecturally complicit then it would be that sheet as opposed to the corrugated you would have that sheet roof that would match the shingled covered roof.

**Ms. Warnick:** So, I would have to change that on the side as well because you can see that from the street

**Mr. Dougherty:** Well the corrugated type roof, I don't know the structure stability I guess you would get construction permits

**Ms. Warnick:** I have the permits; we were going to get this fixed first because this is the more important one and once this is done, we are going to start on the other side and have them come out and look at it

**Mr. Dougherty:** For consistency standpoint, like I said the side roof, the corrugated is not consistent with the neighborhood. That is plain and simple the corrugated is not consistent. The flat or sheet roof would be more consistent for the side and for the front as well I don't know how that would look though. It would be wood sheathing up there and run the tarpaper with the rolled roof on top of that. Truly to be architecturally and astatically consistent with the area it would be similar to the addition out

the back. You don't even have to do an A frame but if you do it they way it is now it is too flat you would have to raise it further up the slope of the roof of the house in order to have shingles. If the Board figures the sheet roof, then it could be a little bit flatter and just not go up as far. I know we have been through some storms and things like that but if is not anchored down properly, it just doesn't appear to be structurally sound to withstand heavy winds and things like that.

**Mss. Warnick:** I have plywood underneath it as well. I have the structure with plywood on top of it and that is screwed onto the plywood and all. It is there it ain't going to move.

**Mr. Dougherty** Again, for the Board I think it goes to architectural consistency with the area and I don't see any of that corrugated type feature along the frontage anyway.

**Mr. Sitzler:** Hugh could you point out to the applicant that and the Board the section the section in the Ordinance you are talking about the architectural, so she knows and perhaps the Board

**Mr. Dougherty:** Let me look

**Mss. Warnick:** I understand what he is trying to say, but I would have to rip that whole roof off and redo it and I physically can't do, I was just in a car accident and I have been under Doctors care since December

**Mr. Sitzler:** Well if you are planning on doing it yourself, I'm sure the Board would give you some time to where you are physically able to do that.

**Mss. Warnick:** But if I'm going to change that I'm going to have to change the other one. It's not going to look right because you are going to have two, three or actually with the garage four different roofs on the house.

**Mr. Sitzler:** Well I don't know if we have jurisdiction over your side right now because it is not really in front of us but you re telling us about it. I think you would want to make them consistent just for your own

**Mss. Warnick:** Well that is why I did them both like that because my garage has the metal roof the house has the shingled roof and the two porches have the other roof, but they are all brown so it all ties in

**Mr. Sitzler:** Yes, but unfortunately you weren't legally able to do that front one, the side one you may have been able to do and if you would have been here. I'm not trying to be critical

**Mss. Warnick:** I understand

**Mr. Sitzler:** If you would have been here before you would have heard the same recommendation before you started

**Mss. Warnick:** But I was told I should have not even had the concrete steps coming out of my house either

**Mr. Dougherty:** They are in the setback but the ordinance accounts for the house and the steps are not part of the setback

**Mss. Warnick:** Yes, but there was a concrete pad and the steps

**Mr. Dougherty:** That is a landing

**Mss. Warnick:** I was told they were not legal either

**Mr. Dougherty:** That to me looks like it is a part of the steps, this is actually a deck that extends out beyond where those steps were. That section of the Ordinance that talks about architectural consistency is 23-8.9, it is under standard for review A.1.

**Mr. Sitzler:** Just to let you know it is not just an opinion

**Mss. Warnick:** No, I understand it

**Mr. Hagarty:** So, Mss. Warnick hearing all of that do you have any other stuff or clarifications you want to bring to the Board

**Mss. Warnick:** Like I said if I have to change the front then I'm going to have to change the side because it ain't gone a match. That is why I did the decks the way I did colored them the same with paint, I put everything the same, so they look identical. If I have to change one, I'm going to have to change the other because it is not going to look right

**Mr. Robb:** If you were to remove the front roof and have an open deck would that resolve any hardship for you?

**Mss. Warnick:** No because my dad want's the roof on it

**Mr. Robb:** Okay

**Mss. Warnick:** Unless I can change his mind, that was his idea to put the roof on in the first place

**Mr. Robb:** The side entrance isn't an option also?

**Ms. Warnick:** No because I screened that in

**Mr. Robb:** Okay

**Ms. Warnick:** When I didn't have the roof on that the water was coming down and it was leaving a mud puddle so that is why we put roof on top over that and as it goes to the garage I actually put a thing for drainage up there, I forget what it is called

**Mr. Hagarty:** A gutter

**Ms. Warnick:** The rain gutter, the rain gutter and then the pipe goes down and into the back yard. It was leaving a big mud puddle there and making a mess

**Mr. Hagarty:** So, the roof that you erected on the front how does that drain? Does it drain right off the front?

**Ms. Warnick:** It goes right out the front onto the front patio, the walkway and it has not taken away any of my dirt, it has been fine so

**Mr. Sitzler:** Mr. Chairman I think while we are at this point, I think maybe as Hugh brought up earlier there is an application for a waiver to do a survey within six months which he said he would be in favor of based on her testimony here tonight and then the Board should vote on whether her application is complete before we go any further. I think we should do that first and then if the board has any other questions or if anyone has a motion on this we could proceed then.

**Mr. Hagarty:** I will entertain a motion on completeness first.

**Mayor Green:** I make a motion on completeness of the application

**Seconded by Mr. Ford**

**Mr. Hagarty:** Roll call

**Mr. Hagarty:** This motion we are going to take now is only on the completeness of your application

**Mr. Sitzler:** That means you can go forward and get a decision

**Ms. Warnick:** Okay

**All "aye" motion carried on completeness**

**Mr. Hagarty:** So, Mss. Warnick so what that means basically beings that it is complete the issue boundary survey doesn't become a factor in this

**Mss. Warnick:** I need a survey?

**Mr. Hagarty:** No, because it is complete that basically enables you, we are satisfied that you don't need a survey

**Mss. Warnick:** Okay

**Mr. Hagarty:** So, we can try to move this thing on a little bit. Does the Board have any other questions for Mss. Warnick?

**Mr. Hagarty:** Seeing none I would like to open the meeting to the public

**Mr. Ford made a motion seconded by Mr. Robb to open the meeting to the public the Board was in favor in opening the floor to the public.**

**Mr. Hagarty:** Is there anybody from the public that would like to speak to application 2020-3 that we have just been hearing testimony on? Seeing none I will entertain a motion to close the meeting to the public on this application.

**Mr. Hagarty made the motion to close the floor seconded by Mr. James the Board was all in favor.**

**Mr. Hagarty:** Okay motion is closed to the public on this. Mss. Warnick I guess as we have heard your testimony and you have heard Mr. Dougherty go through the ordinance and where we see some deficiencies there it sounds to me that the variance that you are requesting with respect to the setback 21.91 instead of the 30 that is required we will take an action on but the major stumbling block right now is with issue to the roof structure and the character of the neighborhood. Right

**Mss. Warnick:** So, if I find other roofs that are made like that, I can bring it in?

**Mayor Green:** I wouldn't say it will help your case

**Mss. Warnick:** Well I can see if anybody else can do it and I can't

**Mayor Green:** Unless you can show us proof where the Planning Board actually gave permission to the applicant or to the, examples: someone may have constructed something without a permit

**Mr. Dougherty:** The other thing is each application is independent, it doesn't really set a precedent if that type of roof was approved somewhere else in town it doesn't set precedence because you have to weigh the case on the merits of this application right here before us and one of the other things the

applicant is seeking a variance as the Chairman pointed out from 30 feet to 21.91 and so in order for the Board to be able to grant that variance they have to look at mitigation and mitigation might be landscaping, it might be requiring that the roof might be a certain type that would mitigate the impact to the neighborhood coming that close out to the street. So, the Board would have to approve in addition to the Ordinance the offering that there would be a consistency with the architectural of the neighborhood and also of the structure itself. To mitigate if the Board chooses to do this the mitigating factor might be okay, we are going to allow you to come out to the street but in order to do that you might have to have a different kind of roof. So, that is something the Board would have to consider. I did look on google earth and physically out there 9 West 2<sup>nd</sup> Avenue has an open porch and that looks like it is a shingled roof but I don't know about the slope on it or if it meets current code but that would be something similar to what as a matter of fact it has a roof gutter on the front and they took advantage on one side loos like the driveway. So, that is right in that neighborhood and looks like a similar. It is architecturally consistent whether or not they got a variance I don't know, and it might meet setback for all I know and then again that might have been mitigation for that house potentially.

**Mr. Hagarty:** Any comments on Mr. Dougherty's statements? So, Mss. Warnick as you can see, first off, we appreciate you coming before us although it is late in the process we don't like to see people have to go through re-work but the reality is in the course of doing business during the normal process we would have had input into that process and could have avoided the re-work. That is the challenge we are at now is the request is to accept the condition that we are not comfortable in accepting and that sort of puts the Board in a bad spot. I guess before we have a motion on your application if it was deemed the need to replace the roof talk to me a little bit as to what you would perceive that process being.

**Mss. Warnick:** I would have no choice

**Mr. Hagarty:** I know but like time wise what would you

**Mss. Warnick:** I have no Idea like I said I have been out of work since December and I have no money coming in, my dad is on social security he is 82, we just adopted a new born that had double open heart surgery so everything is just up in the air right now. I don't know what else to tell you, I don't have the money and with all his medical issues right now that is all I'm doing I'm going to doctors three times a week for him and the other two are for me for doctors. So, I couldn't tell you when I could get it done.

**Mr. Hagarty:** But you would definitely want a roof over that structure?

**Mss. Warnick:** At this point it might be easier for me to rip it the (h###) down, I'm sorry to say but I don't know what else to do. If I have to rip it down, I will rip it down and let the new owner if they want to buy the house put it back up if they want it that's their issue

**Mr. Hagarty:** In terms of, you mentioned you did this all your self

**Mss. Warnick:** Yes, it took a long time

**Mr. Hagarty:** Are you a contracting background or

**Mss. Warnick:** I learned from my grandfather, I do some contracting, I do electrical, I do plumbing, I do ceramic tile, I do mechanical work on vehicles, I do a little bit of everything. It was all family taught.

**Mr. Hagarty:** I commend you for those talents and skills. The Process though in terms of doing this obvious we are dealing with just this aspect right now in terms of the joint land use board. Obviously and I can't speak to in and can't determine from your drawings but besides from the architectural character of the neighborhood and I hear your testimony in terms of the structural capability of the roof. I think just from the photos and what I see, and I can't tell from the drawings; not that you didn't do a good job but there is really no way I could render an opinion from those drawings that. That is another area in question

**Mss. Warnick:** Yes, and the building inspector had looked at it before and that is why I doubled some of the stuff

**Mr. Hagarty:** Any questions from the Board before we take.

**Mss. Warnick:** I have a question

**Mr. Hagarty:** Sure

**Mss. Warnick:** If I just take the main roof off but leave the outer part of the square up top can I do that? It won't have a roof there but it will have the square there so I can keep hanging flowers.

**Mayor Green:** Yes, that wouldn't be the roof

**Mss. Warnick:** Can I put extra wood up so it will make it like shade?

**Mr. Ford:** What like a pergola

**Mss. Warnick:** Yes, is that acceptable or no

**Mr. Dougherty:** Technically that is something in the back yard, it is an architectural feature and I don't know if the Board wants to leave that up to the Construction Official or come back to the Board with some concept on that but are you talking about some slats going across

**Mss. Warnick:** Yes, something to keep the sun off the porch

**Mr. Dougherty:** Right open slats and again if the Board would find that architecturally consistent, the way it is now with the roof corrugated I would say it is not architecturally consistent but there is some architectural feature that they have a restaurants almost like a not a gazebo but where you have plants growing up above it and all

**Someone said an arbor**

**Mr. Dougherty:** Yes, and arbor like roof that might be architecturally consistent with the building because it would be an open structure really, in other words it would just have the wood slats on there and would not be covered up completely. It would still be letting sun through wright.

**Mss. Warnick:** Yes, it is just that I have lights and stuff wrapped around the actual structure up there so I will just take the plywood off and the corrugated stuff off and leave the rest there because I have like lights and plants and stuff hanging off of it

**Mr. Dougherty:** Again, that would be up to the Board, and I think that would not be detracting from the structure at all, it would be more of an open breezeway type of structure.

**Mr. Hagarty:** So, I will entertain a motion to grant the variance from 30 feet that is required to 21.91 front yard setback under the condition Mss. Warnick that the corrugated roof and the plywood underneath it gets removed

**Mayor Green:** I'll make that motion seconded by Mr. Ford

**Mr. Hagarty:** Roll call

**Mss. Warnick:** Before you take the roll call, I'm good with the corrugated roof on the side?

**Mayor Green:** That is not before us

**Mr. Sitzler:** Yes, you are not in front of us for that Mss. Warnick

**Mss. Warnick:** Okay

**Roll call taken all present "aye" application approved**

**Mss. Warnick:** The slats can go across for now?

**Mr. Hagarty:** So, the motion was to remove

**Mss. Warnick:** The plywood

**Mr. Hagarty:** And the corrugated roof, okay

**Mss. Warnick:** Yes

**Mr. Hagarty:** To keep it open if there is, my recommendation and I will leave it open for discussion for the Board, if there is anything that, I'm willing to leave it up to the building officials to go thru that but obviously anything that approaches a permanent roof structure you would have to come back before us.

**Mss. Warnick:** Okay, so as long as it is open, I'm fine

**Mayor Green:** Yes

**Mr. Hagarty:** Yes

**Mss. Warnick:** Okay

**Mr. Hagarty:** Thank you Mss. Warnick

#### **Application 2020-4**

**Mr. Hagarty:** Next application 2020-4, Rashida Morrison, 19 Hazel Lane, Block: 101 Lots: 23 & 24, for a Bulk Variance and Set Back Waiver. Mss. Morrison

**Mr. Sitzler:** Mss. Morrison do you have anyone else that you would like to have called as a witness other than your self

**Mss. Morrison:** I have my mom

**Mr. Sitzler:** Can you have your mom come up, can you state your name

**Mss. Edwards:** Filomena Edwards

**Mr. Sitzler swore in Mss. Morrison and Mss. Edwards so they could give testimony**

**Mr. Hagarty:** Mss. Morrison the floor is yours, do you want to give us an overview

**Mss. Morrison:** The reason I'm here is because I Purchased this home in October of last year in a turnover program and it was sight unseen. So, when I got the house, and everything was signed, and I paid. There is only one bathroom on the first floor and the bedrooms are upstairs are really tiny so in order to put a bathroom upstairs I would have to have a house inspector come in and deal with it.

**Mr. Hagarty:** So, you purchased the house last year in October

**Mss. Morrison:** The house is 1020 square footage

**Mr. Hagarty:** 1<sup>st</sup> floor and 2<sup>nd</sup> floor total area 931, well Mr. Dougherty you have

**Mr. Dougherty:** Mr. Chairman, did the applicant receive a copy of my letter

**Mss. Morrison:** Not sure, if it got sent to the Pine Hill Address probably not because I live over by the George Washington Bridge.

**Mr. Dougherty:** When looking at the survey here, what we needed was a survey with in six months of submission the survey you submitted is dated 1995

**Mss. Morrison:** Nothing on the house has changed

**Mr. Dougherty:** Nothing has changed, you bought the property last year

**Mss. Morrison:** Yes, Last Year and nothing was done to it

**Mr. Dougherty:** So, looking at the property what you purchased that shows in the survey is specifically what was purchased

**Mss. Morrison:** Yes

**Mr. Dougherty:** I'm very comfortable with waiving the requirement of having a current survey at this time and then we get into the variance and really this is a, there is some existing non-conforming features on that Bulk variance in place on this property and I noticed on page 2 of my letter the lot is an undersized lot so right off the bat being an undersized lot it goes to what we call a C-1 hardship waiver because no matter what you do on that lot you are going to be in violation of something because it is an undersized lot so the lot width is also less it is only 50 feet it should be 75, that is an existing non-conforming condition. The front yard setback is only 16.94 feet where 30 feet is required, but the real variance that is being requested here is believe it or not the minimum side yard setback is 10 feet so there is an existing again 8.63 feet but the new variance created is a little bump out for a bathroom it is an aggregated side yard of 25 feet so even though the property has, and an Architect had prepared the plan for you

**Mss. Morrison:** Yes

**Mr. Dougherty:** On that if you add up the dimension of the two sides yards she doesn't meet that 25 feet it is 23.15 feet but she does have the existing side yard of variance of 8.63 feet but that is existing on the other side where the bump out is occurring there is 16.52 feet so it is more than an excess of a single side yard so the variance comes into play when you add the 8.63 plus the 16.52 or 14 in this case so it is really, the ordinance only speaks to the building not being centered where you have a side yard

minimum of 10 and then the other side yard can be 15 or greater but the aggregate has to be 25 feet. So, that is the only variance that the applicant is seeking this evening the other non-conforming are preexisting. So, the only bathroom is on the first floor?

**Ms. Morrison:** Yes, the only bathroom is on the first floor.

**Mr. Dougherty:** Is that a concern for you to have a bathroom on the second floor? The living quarters are I guess upstairs?

**Ms. Morrison:** Yes, because me and my son are going to sleep upstairs, I have had spinal surgery's so I can't be running up and down them it is also a safety issue for my son what if he falls or hurts himself or breaks something. My mom also comes to my house to visit and she is about to have spinal surgery I can't afford that

**Mr. Dougherty:** Again, it does fall into a C-1 hardship variance, the bump out is minimal, an architect has drawn it up and looks like it is necessary to have a bathroom on that second floor and given the circumstances the point is somebody running up and down the stairs, when you sleep upstairs you have to run down stairs to use the bathroom and then go back up, I think that is your point there.

**Ms. Morrison:** Yes, and the bedrooms upstairs are so tiny I don't know, I can't bring furniture up here so, I'm doing this so I can be comfortable living there

**Mr. Dougherty:** Again, the architect has provided a set of plans and the yard plan is consistent with the existing structure and type of materials. When you talked to your architect the fact that you are

**Ms. Morrison:** Yes

**Mr. Dougherty:** And they are consistent with the current house and it's a shed roof that they have on the side.

**Ms. Morrison:** It is supposed to be on the last page that I have here

**Mr. Dougherty:** Yes, on the very last page it has the list of materials

**Mr. Hagarty:** So, if we can do just some housekeeping matters first to get through with it with the issue of completeness.

**Mayor Green:** Make a motion that the application is deemed complete seconded by Mr. James

**Mr. Hagarty:** Roll Call

**Roll call taken all "aye" on completeness of application**

**Mr. Hagarty:** Your Application is complete Mss. Morrison, Board members you have heard testimony from Mss. Morrison you have heard comments from Mr. Dougherty anybody questions that any of the board members have of Mss. Morrison

**Mrs. Jones:** I just have a question I drive past the house and I was just wondering with the tarp that is on it have you had any structural damage to the top of the house?

**Mss. Morrison:** Honestly when I bought it, it didn't have a roof and the top floor and we saw that was damaged so we were trying to get it fixed but we put in the permits but we had plans I had to deal with stuff so I haven't done anything with the house since I bought it. I haven't got any permits or nothing, so I guess have to I don't want to cause any trouble, I'm just waiting for this, to see if I get final to start the construction. I re-put my tarp on there and I drove past my house and it was torn in half and the neighbor said there was a couple of storms down here that I wasn't aware of so I don't want to go up there I scared to go up there to be honest.

**Mr. Hagarty:** So, what is your intent in terms of having this work done are you going to have a contractor to do it.

**Mss. Morrison:** Yes, I have a contractor. He is ready to go but I have to do this first

**Mr. Sitzler:** Has the contractor gone inside to see recently

**Mss. Morrison:** Yes

**Mr. Sitzler:** Did he convey to you the damage he saw from the roof issue

**Mss. Morrison:** Just water

**Mr. Sitzler:** Just Water damage, nothing that he felt he couldn't take care of

**Mss. Morrison:** No

**Mr. Hagarty:** Do you know the contractors name off hand Mss. Morrison?

**Mss. Morrison:** Do I know who

**Mr. Hagarty:** The name of the contractor

**Mss. Morrison:** It is in my car; his name is James and he is the one who will be taking the contracting

**Mss. Edwards:** Do you want me to go to the car and get it?

**Mr. Hagarty:** No, that is alright I was just wondering if you knew off the top of your head

**Mr. Dougherty:** Mr. Chairman based off the contractual drawing on page one if the Board wants to look at that there are a fair amount of walls and roof to be removed. So, the Architect may have even assessed some of the damage. If you notice the left side demolition on the left side of the plans existing roof and walls be removed. The rear elevation demolition plan is existing roof and walls to be removed side and depth elevations

**Mr. Hagarty:** Yep, yep

**Mr. Dougherty:** In addition to the setback and the bathroom there is quite a bit of work to be done

**Mss. Morrison:** Yes, the stairs going up to the bedrooms and the stairs going to the basement are operable they are so steep if you walk up the stairs you are going to fall back. So, in the architectural drawings he actually did them in a different way so I can go up and go down comfortably and it meets up to code. The house is really old I think it is 1920 so it has to be renovated.

**Mr. Dougherty:** Page two of the architectural plans so some additional features are being a new roof structure, new stairs so happens if they did this all internally and did not bump out that bathroom they wouldn't be here. This would all be new internal structure so I think the damage with the contractor on board and these architectural plans they saw some damage anyway and if there was some additional damage since you bought the property they would be preparing that as well they have too.

**Mss. Morrison:** Yes, I have no choice

**Mr. Hagarty:** Any other questions from the board? Seeing none, do you have anything else Mss. Morrison?

**Mr. Sitzler:** Did you want your mother to say anything?

**Mss. Edwards:** I would just like to see the house finished she is struggling with this for a long time and her and my grandson need a place and maybe I can come visit. That is all.

**Mr. Hagarty:** Seeing no questions from our side I will entertain a motion to open the meeting to the public?

**Mayor Green:** So moved, seconded by Mr. James

**Mr. Hagarty:** Okay, motion passes do I have members of the public here? Regarding this application?

**Mayor Green:** Motion to close the floor to the public. Second by Mr. Ford

**Mr. Hagarty:** Okay, motion passes meeting closed to the public. The motion under consideration is a request for a variance where 25-foot aggregate side yard setback is required the applicant is proposing 23.15 feet aggregate side yard setback. I believe that is the only variance we are acting on

**Mr. Dougherty:** That is correct the other ones are preexisting, and we don't need to reestablish those.

**Mayor Green:** Mr. Chairman I believe the applicant has demonstrated hardship needed for the variance and therefore I make a motion that we approve the application. Seconded by Mr. James.

**Mr. Dougherty:** Roll Call

**Roll call all "aye" motion carried application has been approved**

**Mr. Hagarty:** Thank you for coming before us Mss. Morrison. On behalf of the Board we wish you the best of luck on the endeavors with of your property

**Mss. Morrison:** When I visit my neighbors, they are going to be so happy because they kept on asking me what was going on with my house

**Mayor Green:** This application isn't complete until next month when we memorialize the resolution

**Mss. Morrison:** I have to wait until next month?

**Mayor Green:** You should because you run the risk that if something were to come up if it couldn't be memorialized or if someone files an objection you run the risk. It's up to you

**Mr. Sitzler:** Your current plan is what has been approved so if your architect finds something that requires a substantial change because he finds it necessary maybe from some damage they did not anticipate you may want to have your professional architect call Hugh Dougherty and run it by him and if he finds it necessary you may have to come back if it is a substantial change, not a minor change just a substantial change. So, what you presented to us is what was approved.

**Mss. Morrison:** Thank you

**Mr. Gallagher:** I will contact you by Email and give you all the information

**Mr. Hagarty:** Good evening everyone the next application is; Application 2020-5, Dollar General, 712 Erial Road, Block 71 lots 1 & 33 here for a Preliminary and Final Major Site Plan. On behalf of the applicant if you want to introduce yourselves.

**Mr. Tuvel:** Good evening Mr. Chairman and members of the Board on behalf of the applicant, can everybody hear me is the mic picking me up? First, I do appreciate everybody having this meeting in this

day and age I know it is not easy so thank you very much for having this meeting. As the chairman indicated this application is for Preliminary and Final Major Site Plan approval which I will call a technical use variance as well as some alternated plans all of which we are either maintaining or improving from the existing conditions. This is an application for renovation and repurpose of an existing building a well-known property which was a retail market, I know there is an ice-cream store there now with and another out parcel that was previously used as a barber shop. In addition to repurposing the building and enhancing the look of that we are also doing some sight improvements to the property landscaping, sidewalks, lighting, draining and things of that nature. Just a few points that I will point out before I let the engineer get started the lot coverage standpoint as a result of this application we will be reducing the lot coverage by over 20% so I think that is a major improvement as a result from this project by virtue of improving the land scaping and also by reducing the building coverage as well by about 2% by shaving off a portion of the building that fronts along 7<sup>th</sup> that will allow for proper egress and regress for delivery vehicles. Just on some operational items that I just wanted to note just because I typically note for Dollar General and it was also noted in your Engineer and Planners report. From an operation standpoint the Dollar General will be open from 8am to 10pm sometimes we open at 7 but usually 8am to 10pm they get one (1) tractor trailer delivery per week possibly, 1 to 2 box trucks per day and usually trash and recycling 1 to 2 times per week and the deliveries take place during store hours so there is no overnight deliveries late into the evening there only when the store is open. I just wanted to get that out of the way as well. With me this evening Mr. Chairman there is two witnesses I plan on calling Paul Mutch from Stonefield Engineering and Design, he is a Civil Engineer and he will go through the site plan, plans and then Jeff Marttell also from Stonefield Engineering and Design he is our Traffic Engineer as well as our professional planner. So, if there are no other questions for me, I would be happy to introduce my first witness.

**Mr. Hagarty:** Any questions before the first witness?

**Mr. Sitzler:** We first have to swear them in.

**Mr. Tuvel:** I guess since this is a use variance, I guess this is a Board of Adjustments

**Mr. Sitzler:** Yes, this is a joint Board

**Mr. Dougherty:** Right now, the way it is worded it is not a use variance

**Mr. Sitzler:** There was a question about that, and I did look at that the question was is this really a difference use than our ordinance from what was there originally. Because a Dollar General has a lot of components of a retail store that was there

**Mr. Dougherty:** Right, so we were of the opinion it was not substantially different from what the structure was. It was a supermarket and the Dollar General functions basically the same way.

**Mr. Tuvel:** I thought it was basically because some of the improvements on that Lot 33 they are existing we are not exasperating the issue but on lot 33 along 7<sup>th</sup> the zone line cuts through the property in the back there and in a small portion of the site it is not permitted and in the remainder of the site 98% of the property is permitted it is just that small portion but it is an existing condition so we did that just to be on the safe side, if the Board finds otherwise that is fine

**Mr. Sitzler:** I Think that I had discussed possibly with Hugh the fact that you may do a different percentage of business, like you might sell less food than a supermarket, but you sell the same products. They may sell more food than you do but you both sell basically sell the same sudsier type products and other things that a supermarket and a Dollar General may primary sell.

**Mr. Tuvel:** That is correct

**Mr. Sitzler:** It would be my opinion that they do not need a Use Variance

**Mr. Dougherty:** I would agree. The Point is part of the site is in a residential area but those are ancillary uses, in other words ancillary uses to a residential zone as well so there is some black top, some parking there is some trash enclosures so those are ancillary to the "R" district but it is not a structure and not part of the business over there. They are ancillary uses to this property, but they are also permitted in the "R" zone so, we felt in both cases it did not rise to a Use Variance

**Mr. Tuvel:** Okay I just wanted the Board to make that interpretation I wasn't sure. If the Board when it is voting or if it wants to do now makes that finding as an interpretation as part of the Planning Board of Adjustments and then move forward with the site plan is that is what the Board feels

**Mr. Sitzler:** I don't know if the Board wants to discuss or if anyone wants to discuss. This is what Mr. Dougherty and I had discussed earlier we didn't feel a use variance was required because it is a very similar use being proposed that was there originally although the percentages may be different it's the same use

**Mr. Hagarty:** Do any of the Board members have any questions. Should we take a formal motion on that?

**Mr. Tuvel:** I think it is important

**Mr. Sitzler:** It really cuts down on the confrontation

**Mr. Hagarty:** Did everybody understand the motion

**Mr. James:** I make a motion that they do not need a Use Variance, seconded by Mr. Ford

**Mr. Hagarty:** Roll Call

**Roll call all Planning Board Members present “aye” motion carried no need for a Use Variance**

**Mr. Sitzler swore in the witnesses**

**Mr. Tuvel:** Mr. Chairman thank you so much, I will ask Paul to go over his qualifications as a Civil Engineer.

**Mr. Paul Mutch gave testimony as to his qualifications as a Civil Engineer**

**Mr. Tuvel:** Paul can you describe exhibit A-1 for the record?

**Mr. Mutch:** Exhibit A-1 is an aerial exhibit that was prepared on July 9<sup>th</sup>, 2020. It is simply a scaled version of the existing site for reference. This exhibit is intended just to facilitate conversation about the existing site. It is an existing commercial retail store that was formally a grocer that is not in operation at the current time but there is a small ice cream shop on the Northern side of the building that is currently operational that will be removed as part of the project. What we are looking to do is to redevelop and revitalize this property with a use that will just bring the aesthetics back up on the site I think if anybody has driven past it recently it is right around the corner it looks in pretty rough shape and we intend to make it a little bit better. As I move into my next exhibit you will see a striking amount of green area that will be added to the site.

**Mr. Tuvel:** Right now, it is about 97% impervious coverage.

**Mr. Mutch:** That’s correct

**Mr. Tuvel:** Can you describe A-2?

**Mr. Mutch:** Exhibit A-2 is a colorized rendering of the site plan that was included in part of the submission package we have just taken the liberty of adding color to the plans to make it easier to digest. You can see the highlighted areas. We have had a conversation with your professionals on all 4 phases of this project in general. We first met for a concept meeting with the Mayor and a couple other professionals to discuss the project and we have incorporated some of those comments into the site plan specifically we included a side walk that extends all the way down 7<sup>th</sup> Avenue and we will delve into more of those improvements in a minute. We also had an opportunity to speak with the Boards Engineers and we discussed the letter and the request for improvements there and we put them on the same page, and we are going to right off the bat comply with a few of the regulations. First of all, we intend to go with the sidewalk along 8<sup>th</sup> Avenue as requested, we are going to look into the ability to plant a tree or two along there to kind of match the trees along Erial Road. We are looking to maintain the existing side walks and the nice improvements that have been done specifically along 7<sup>th</sup> and will look to marry into those and there was also a request that doing a river rock strip that was roughly 3 feet wide along 7<sup>th</sup> that request was expanded to 5 feet which we will do and we are going to try to

grass and we will get a little bit more into that but we are intending to comply with those regulations and request from the Board's Engineers. There is a couple of things that we will talk through that we are not going to comply with this evening. It is just the function of the existing site and what we are trying to do to be sensitive to the residential neighborhood.

**Mr. Tuvel:** So, Paul why don't you go through the removing the portion of the building

**Mr. Mutch:** Absolutely, the existing the existing ice cream shop is located on this nub and we are taking that piece off. First of all because we don't need this space for the use that we are doing, typically a Dollar General Store is in the 9,000 to 10,000 square foot range and what the existing market offers to us, so the Ice Cream Shop was in the way of some of our operations. We are going to have trucks and deliveries and some other parking in that area now and we are also going to revamp some of the paving in that area now so it will look a lot nicer and allow our operations a little more ease of operations in the fact that we are not impacting the residential area as much.

**Mr. Tuvel:** Okay, and along 7<sup>th</sup> Avenue the curb is somewhat a depression now to get in and out at certain spots can you just describe some of the access along 7<sup>th</sup>?

**Mr. Mutch:** There is currently two accesses along 7<sup>th</sup>, we are planning to strip along the 1<sup>st</sup> access along 7<sup>th</sup> Avenue and just focus the rear access point. Note that access point is really made for deliveries the existing deliveries for the market is in the back of the building where we intend to keep them and we are closing down the one driveway and maintaining an exit driveway in the back just for ease of operations we are trying to limit the amount of the trucks going up and down 7<sup>th</sup> Avenue so we are trying to keep it on site with only egress movement along 7<sup>th</sup> Avenue.

**Mr. Tuvel:** On the other side that is where most of the landscaping is going to be and you are demolishing, I guess as part of the application the small structure in the parking lot

**Mr. Mutch:** Yes, there is a small structure that is currently a barber shop located in the South West corner of the site. That will be removed and that area the pavement will be replaced with green space which you see here (pointing to the colorized exhibit A-2) we are also adding a green strip along the back just pulling the pavement in adding green space and overall and pretty dramatically overall reducing the amount of impervious coverage by almost 20% so that side of the site is going to get a definite benefit out of this project. I'm also going to seal the parking lot so it's got that nice new black color to it all new striping so when you drive by the site you will know that somebody revitalized the area.

**Mr. Tuvel:** Can you explain how the drainage is going to work on the property?

**Mr. Mutch:** Yes, the drainage will continue as it as it does today the current site kind of flows undetained through the parking lot in the front to the roadways and then there is a small basin in the rear that collects the loading area and infiltrates it into the woods same thing on that other side that nice

green area will now have an inlet in it and the runoff will flow into there before it hits the streets. Overall the net benefit from storm water runoff we are adding some piping to the back to make sure there is no ponding back there. It also speaks to a couple of the comments made in the Engineering review letter that mentions safety islands and six inch curbs along the exterior of the property if this was a new site it's a no brainer but because of the way the site is designed today if you were to install those kind of things other than the flat grass area like we are intending to do you would mess with those drainage patterns and you would have ponding and a lot of other issues so we are not going to be going with those regulations just because we are incumbered with an existing site that just wouldn't make sense to come up to go back down

**Mr. Tuvel:** Okay, can you just indicate where the lighting is going to be

**Mr. Mutch:** The lighting is going to be all focused around the building, if you look at the site it is in similar condition there is not a lot of lighting on the building today it is a very dark site. What we tried to avoid with this application is placing area lights throughout the site and along the residential neighborhood because that is normally where they would go along 7<sup>th</sup> and 8<sup>th</sup> Ave. To avoid a new use coming in and just lighting up like a Christmas Tree for lack of a better term so, all of our lighting is down LED lighting at the building and it will be brighter in the parking that surrounds the building and will go dark and have zero foot light candles no light spill from our property lines as you get to the residential properties along 7<sup>th</sup> and 8<sup>th</sup>. There is a net benefit to having nice bright parking spots next to the building but then allow it to go dark as you move away from the building. There was a comment in the review letter about adding area lights to the driveways for safety we feel as operating as efficiently as they are today the light around the building should provide a sufficient amount of safety. We are just trying to avoid installing area lights that are going to affect the residential neighborhood that are near the site.

**Mr. Tuvel:** Just a couple more things to go through the Board's Engineer's letter, we talked about the landscaping, the water supply.

**Mr. Mutch:** Yes, all the utilities and the sanitary sewers as well that is correct.

**Mr. Tuvel:** In terms of the off-street parking I guess there is another issue the driveways and curb. Can you explain why you are not putting curbing on the driveways

**Mr. Mutch:** Right now, the driveways are flush pavement and the accessways are on all the frontages if you were to put curbing and come up and do a 6-inch curb and go down it would not function the way it typically should. Again, if this was a brand-new site with a brand-new building it would be a no brainer but because we are restricted by that existing use there is really no use for curbs at the driveway unless you were going to completely redevelop the site for a different use.

**Mr. Tuvel:** The trash enclosure, there will be an enclosure around the receptacles

**Mr. Much:** Yes, the containers will be enclosed there are some little containers and some cardboard will be stored there as well and will be in the back and we will make it a little bit better it will be back towards the woods.

**Mr. Tuvel:** I would like to take a look at the building, Counsel that would be exhibit A-3. We could just mark the whole architectural package; this will be a good way to speak to you on what we are doing with the building as well as the signage

**Mr. Mutch:** As we go to the improvements, one major improvement is we will be removing that awning that appears to be moving and tipping and ready to fall on to the public sidewalk. That is coming off and will be replaced with a nice flat area, we will have a traditional sign and it will look a light brighter and it wont hang over the public sidewalk. Overall the net benefit to the frontage along Erial Road we believe. Although we are asking for a variance for that area of the sign along the front of that building you can see it is really appropriately sized for that size it is a large frontage and it fits with the character of the building and it identifies the doors and we are also providing upgrades. We are going to provide a new entrance ways, new windows it is going to look nice we are going to pain the building we are going to make sure it looks a lot nicer than it does today.

**Mr. Tuvel:** Are there any other elevations that you have there?

**Mr. Mutch:** This is sheet A-2.3, this shows the side of the building from 7<sup>th</sup> Avenue, actually this is from 8<sup>th</sup> Avenue if you are looking at the building Erial Road is on the right side of the page it speaks well to the signs we are doing on the side of the building one major benefit also is that billboard sign on top of the building is being removed as part of out application and is being replaced with this small Dollar General sign just to identify the Dollar General use to the general public along Erial Road. That is the goal it is a small sign it is appropriately sized and the same kind of improvements on this side we are going to clean up the building we are going to paint the bricks we are going to offer these warm colors that should make it blend in a little bit better. In terms of the sidewalk improvements that we are going to be doing it should look like a much better site when we get done

**Mr. Tuvel:** I don't know if the Board wants to ask questions before I have the Traffic Engineer testify next. That would conclude Mr. Mutch's testimony if you would like to ask any questions. One other thing at the begging of Mr. Mutch's testimony I forgot to mention Mr. Gallagher and I went over this in the Tax Office there is a Tax Lien on the property and taxes due on the property they will obviously get paid at settlement because usually when you apply you have to do a certification on the taxes and it was pretty substantial. I just wanted to put that on the record that as part of the condition of approval that would be satisfied at settlement so that will be one of the waivers we are asking for.

**Mr. Hagarty:** Questions for Mr. Munch.

**Mr. Ford:** The sign on the side of the building would that be illuminated?

**Mr. Mutch:** Yes, all the signs will be internally illuminated and for the record those signs as well as the lights will turn off 1 hour after the store closes, they won't be on all night.

**Mrs. Jones:** Can I ask a question about handicap parking

**Mr. Mutch:** There are two ADA parking spaces at the front corner of the building the closes spaces to the entrance we are going to make sure that the pavement as well as entrance is clear

**Mrs. Jones:** And also, the entrance to the door because now there are handicap wheelchairs that are a bit larger, and they would not have access to the inside the door

**Mr. Mutch:** That is correct the door entrances themselves will be totally revamped with sliding doors at the front and they will be wide enough to accommodate the body of the chair and anybody that is even larger. The intention is to have the parking space widths and slope will all comply with Federal ADA regulations as well as the path from the ADA spaces to the entrance of the store all ADA compliant

**Mr. Hagarty:** Any other questions for Mr. Mutch?

**Mr. Dougherty:** The Attorney had mentioned the Tract, the existing structure is within 200 feet of the Tract and this is an existing site, so I have no objection with that. Expansion planning to incorporate into the building design, architectural elevations have been provided so technically what they have provided is enough to meet that criteria so a waiver would be appropriate there. This is an existing site and the testimony was that there are no real changes to the border or sewer and they will approach the Pine Hill MUA so I have no objections to a waive to that so, if the Board grants those waivers with the caveat that of course it would be with condition of payment of taxes and fees the Board could determine the application complete and we could continue on with the application.

**Mr. Hagarty:** Lets take care of that as a house keeping matter

**Mayor Green:** I make a motion that we agree with the Engineers waivers and deem the application complete, seconded by Mr. Ford

**Mr. Hagarty:** Roll Call

**Roll call all members present "aye" motion passed application deemed complete**

**Mr. Tuvel:** If there are no other questions for Mr. Mutch, I will bring up Mr. Marttell

**Mr. Martell gave testimony as to his qualifications**

**Mr. Marttell:** My particular goal for this application was to perform a traffic/parking plan, assessment and analyses related to this application. First considering the traffic looking at exhibit A-2 obviously the

main parking spots pertaining to the building with site access with two driveways on Erial Road will not be changes there will be a reconstruction of the driveway on 7<sup>th</sup> Avenue and will also be relocating and reconstructing the driveway on 8<sup>th</sup> Avenue. The access patterns will follow the property and the ability to get on and off the property will be generally consistent with the existing condition. I looked at an assessment what we call the trip generation we compared that with the existing improvements on the site obviously we know the market is closed at this point but if it was reopened as it was and looking at the peak hour between the uses that use to be operating on the site the Dollar General is actually lower trip generation use than those prior uses particularly on weekday morning where we see a decrease of 67 trips on and off the property so a plus or minus 33 on 33 off in the morning some more in the peak in the PM during the week we expect approximately a 91 trip reduction and on Saturday a 108 trip reduction that is all within our traffic report impact assessment that we submitted to the Board. The reason for this is that the Dollar General is generally a low profit generator it does not have the peak hours that other retailers have specifically those that are involved with food often have certain surges or certain types of services like offices that generate a lot of morning traffic and an entertainment facility generates traffic in the evening. A Dollar General operation is generally one that has activity during the day but doesn't generally have a peak hour surges so that is why we see it as a very favorable comparison verses reopening the previous business that was on site which from what I understand was a more high intensity retail use which would be permitted here. My deduction is that this specific type of retail use is a very low traffic generator we don't anticipate any deterioration of the roadway network or any change the level of services and operation of the driveways or entrances to the adjacent roadways. The second part is the assessment that was performed under my purview was a parking assessment, the code requires a total of 68 parking spaces based on a 1 parking space per 200 square foot requirement we are proposing a total of 37 at first hearing that seems like a significant departure but, I would like to present three key facts to the Board that I think are relevant. Number one this is an adaptive re-use of an existing building and I would note it is larger than a typical Dollar General and although the building is larger I don't necessarily think it is going to change the real spirit of the Dollar General or likely not going to have a significant change of number of customers coming on and off the property it just happens to be an existing building that is being reused and happens to be larger than a typical Dollar General but we don't think that is going to change the parking or traffic generation for the property. In terms of (could not hear too many people shuffling paper in the background noise) 15% pile is 24 spaces for this land use based on this size of the building again we are proposing 37 so in terms of the key industry standard documents that exist out there for engineering and planners to look to we are far in excess of what that particular publication would document for this use and lastly our office who has been involved in a number of these Dollar General sites performed an independent study and did submit that as part of our traffic impact assessment but I will give you the highlights here we looked at six existing Dollar General's facilities at least three of which we thought would be seasonable areas two closer to the beach, then one up North in Sussex County and then three sites we thought would not be seasonable influenced. So, we looked at the seasonable influence in August and no seasonable influence in October we looked at each one of these sites between 1pm and 6pm on Friday and then again from 10am to 3pm on Saturday and we took into account the parking lot and parking area (still too much background noise) and during that 5 hour span took a note every 5 minutes the number of vehicles on the site and we didn't segregate employees from customers just how many cars were in the parking lot

and what we found was the average between the different sites during the weekdays we came up with 18 on the weekend and 25 and at no time did we see more than 25 cars on the parking lot and the numbers confirm that for seasonable and non-seasonable no more than 25 cars at one time on the lots. So I would like to present to the Board that 25 at 6 sites during 5 hours on a Friday and 5 hours on a Saturday average shopping days we only had a maximum of 25 and we are proposing 37 so in my mind the independent study and again this building just happens to be larger than the Dollar General that is typically built so, with that said I think the parking is appropriate here and also note we are reducing the impervious coverage significantly and that is one of the benefits we all see with his application the enhances green space as well as the astatic and really over parking this site in the applicant and operators perspective doesn't present any improvement on how the site will operate so, we would rather focus on the green space than provide any additional parking spaces on this lot so that is it. The third component of my assessment was the planning assessment and looking at the master plan and the zoning ordinance obviously our land development plans specifically in terms of the master plan from 1993 and the two re-examinations in 2002 and 2014 the general spirit of this application I think is consistent with some of the goals that are outlined with specifically with the 2014 re-examination I think under one of the goals or objectives #15 was economic vitality and fully productive utilization of land should be promoted through the development/redevelopment process. #17 speaks to the development and redevelopment activities must be respectful of the environment to promote preservation and green space. Here with the rehabilitation of the basin in the back and the introduction of additional green space I think we meet that second one and the economic vitality and productive use of the land is at the forefront of this application so with that in the background we have what we call C-1 and C-2 variances the Board has already made interpretation that there is no D variance here so generally that interpretation before the Board seeing that the existing building and the development within that zone for the rear is generally consistent and the existing condition of what we are proposing so we won't talk any further about that. So, we have a C-1 and C-2 variances and in this case I think the C-1 variances that I would consider are the setbacks to the building so, the front yard, rear yard and side yards as documented on the plans and the review letter they all come with the existing building I would consider those C-1 variances because there is a hardship essentially this particularly type of variance I think is when you are dealing with laws of existing structure with compliance would require essentially removal of additional portions of the building and would present a peculiar and exceptional practical difficulties so, we have to keep carving up this building to try to comply to meet the spirit of that particular type of C-1 variance. The C-2 variance here I see is impervious coverage we are doing a significant reduction however there is still over 75% max allowed this is what I would consider a flexible type variance where I would suggest to the Board that the positive criteria outweighs any potential negative impact of this particularly positive criteria is purpose (A) and (I) in the Municipal Land Use Law, purpose A talks about encouraging Municipal action that ties the appropriate use in development of all lands in the state in a manner that would promote health, safety, morals and general welfare and purpose (I) talks to promoting and designing for the environment with good design and arrangements. I think although the site is over the impervious coverage we meet those two elements of the positive criteria in the Municipal Land Use Law and find ourselves trying to strike a balance in reducing the impervious coverage down as much as we can and maintaining a functional parking lot as well as the ability to get the trucks on and off the property as well. As far as the negative criteria looking at both types of the

variances, I don't see a substantial impairment to the zone plan. Most of the development activity is within the zone that allows, the rear zone is acted on in interpretation there is no expansion or changes to the use so essentially what we are saying is permitted use or re-use of something that lawfully exist and in light of the elements of the master plan that I pointed out I think that in terms of consistency of the zone plan and master plan we meet that and then I also don't see any detriment to the public good although it is a different type of retail use it is generally a low traffic generator not operating as it once did not introducing any significant elements that didn't previously exist or operate on site and I don't see any substantial detriment to the public good. I do have a hand full of design waivers.

**Mr. Tuvel:** Just one more thing based on the negative criteria, based on building improvements do you see any substantial detriment to the surrounding properties with the over 75% impervious coverage is that correct?

**Mr. Martell:** No, it is a substantial reduction from the existing conditions. I think it is a straight up improvement based on, although we don't meet the letter of the law in terms of performance but from a true Engineering perspective it is a dramatic reduction in impervious coverage and as a general improvement there will be less runoff rate as well as less runoff volume leaving the property.

**Mr. Tuvel:** Okay, I think we agree here with your Board Engineer that the remained of the relieve sought waivers that are noted in section 9 Design Standards of the Ordinance verses Section 7; Article 7 rather which is Zoning so, the rest of the items which I think Mr. Martell testified on parking all qualify as waivers so I will have him just but on some planning testimony as well. I know Mr. Mutch already provided some testimony all qualify as waivers so I will just have him provide Planning Testimony as well.

**Mr. Martell:** Yes, certainly discuss them as waivers here and confirm there is also variances as well. Specifically, one is the parking lot as related to the safety islands, another is the two main driveways that we have that exist on the property and the 3<sup>rd</sup> is the parking spaces. All of these I think are really a function of balancing the use of the property with the new tenant and the improvements that are being made, I think we have a safe plan we would have an approved property over what does exist today and I don't see any safety concerns here so, if you move forward and grant these especially if you consider the project as a whole it is a substantial improvement. The other 3 that are related to the sign, one is the setback of the sign and that is the sign on the front façade of the building the 10 foot setback required the building is only 4.9 feet so, that is the function of the existing building we are taking off awning structure in front of the building so actually the sign is going to be on the plane of the building as opposed to extending out closer to the right away so I don't see any concern there for the Board. The projection of the sign we are proposing 11.75 inches where 10 inches is proposed again it is negligible here so I don't see any concern for the Board and the last is the area on the sign on the front façade there are three signs proposed the two on the sides comply the one on the front is larger than what is allowed it is 97.5 square feet where it is 59.6 but what I will tell the Board is that our calculations try to be true to the definition to the wall and what I mean there is that we only calculated the true wall we didn't calculate the full mass of the building so visually if we consider the full mass of the building and

parts of the roof structure we would be in compliance over 100 square feet would be allowed but when you consider just that true wall we have the overage and I think that's important when you consider sizes of signs I think scale and aesthetic is important if you had a Target or Walmart you have these huge wall signs but you don't necessarily perceive them as that big because the buildings are that big but you can't imagine those same size signs on a small structure of a building it would look completely out of scale so here I suggest to the Board that although we over what is allowed in scale that is consistent that you consider all the mass of the building that is visible from the front not including the rear roof line but just consider the front plain here to be a compliant condition so I think that we meet the scale and aesthetic attempt there and don't see any significant concerns that the Board would have in granting that waiver and I really think that all these would also be able to be justified as C-1 and C-2 variance as well.

**Mr. Tuvel:** Just real quick on the variances as well in your professional opinion on the variances that are pretty much existing and will actually be improving to some degree do the benefits would substantially outweigh the detriments

**Mr. Martell:** They do yes

**Mr. Tuvel:** And in terms of exemptions and waivers section 51 of the MLUL, you don't believe that the Borough would ??? if necessary and what we are doing here is pragmatic and practical and we are also improving the site

**Mr. Martell:** Yes

**Mr. Tuvel:** That would conclude my direct for Mr. Martell. I would be happy to answer any questions that the Board might have

**Mr. Hagarty:** Board members any questions

**Mrs. Jones:** I would like to know do you have done a feasibility study on the traffic on Erial Road?

**Mr. Martell:** Yes, we did do a traffic, parking letter assessment report that was submitted to the board as part of the application and our general conclusion is that this would operate slightly better or have less of an impact on any of the adjacent roadways because it is a low traffic generator compared to all the other types of potential retailers that could occupy this building so in light of that this is ideal and we are very confident that this would not have an impact on any of the adjacent roadways, it will also have to go to the county because it is a county road as well

**Mr. Hagarty:** Any other questions for Mr. Martell? Maybe because there is a lot to absorb in terms of both the variances and the waivers before we open the floor to the public. Mr. Dougherty can you just, I guess I saw your letter and the response to your comments and all that

**Mr. Dougherty:** Mr. Chairman I did do a letter dated June 3<sup>rd</sup>, 2020 and I did have an opportunity to speak to the applicants Engineer Mr. Mutch and he and I went over his July 9<sup>th</sup> 2020 letter and he basically took my letter and answered it point to point which was very good in fact this application as a whole was very thorough if you notice on an application this big it didn't really have any waivers for the environment testing, recycling which I go back and forth with an applicant. This applicant supplied all that information but, also the existing variances that were spoken about and that's under zoning as Mr. Martell spoke about they are existing non-conforming so as he testified there is a justification its there you have to tear down the building to meet the setbacks and the only one that I would technically say that they really need the variance but it is an improvement over the existing conditions is because they are changing, they are changing the use occupying that space but they are improving the impervious coverage. It is better than it was they are removing impervious coverage, but they are still not compliant the requirement is 75% and it was 97% and now they are bringing it pretty much into compliant at 76.8% so to me that is the only variance I know they testified to the other variances but they are all pre-existing nonconforming use so the Board can look at them as granting them again with this new site plan or

**Mr. Martell:** I would agree with Mr. Dougherty we usually sight them as pre-existing nonconforming to be on the safe side, but I would agree with that opinion on that.

**Mr. Dougherty:** On the plan comment the Board had taken action on that this is a non-use variance it is substantially the same as the other one of the previous use and also the residential area is, the residential portion is an ancillary use that is permitted in that zone so that the Board had made that determination already. On my page 4 his page 3 the sidewalks and gutters the applicant said they would provide sidewalk along 8<sup>th</sup> Street so that is something that was an issue we were seeking a waiver, but they are going to provide that

**Mr. Martell:** We are going to match the other side of 8<sup>th</sup> so it is going to match the other sidewalk and grass on the other side of the street

**Mr. Dougherty:** Right so along that front of the property, good. The only thing would be on the planted buffer area that would be a waiver there along the property lines but the 5 foot of grass generally we are looking for some shrubs and street trees planted along that but in testimony from the site Engineer is was touched that it was a drainage issue and I agree. That site is all paved right now and water runs out into the street on 8<sup>th</sup> and Erial so to block that to put in shrubbery and all kinds of other things like river rock they are going to actually put in grass a 5 foot strip they also have bumper stock there to prevent cars from going into that area so I think that would be adequate and that would be a waiver, I have no objection to that at all. Also, the raised planting that was the other thing, our ordinance calls for raised plan beds in that area and that would interfere with the drainage, so I agree with that just being a flat area with grass. There was also during testimony under design performance so this would be a waiver there was two access drives onto Erial Road but only one permitted but that is just the way the site functions now there is a driveway on each side of the building and I think there was testimony in regards to that as well. The parking that is one of the things that is truly, I guess the parking and the

signs. I saw it as three signs and I think they are calling them waivers I'm looking at them as variances but they are minor deviations from the sign ordinance so therefore I do not object to that and the parking I think there was substantial testimony in regard to, our ordinance says you need 68 parking spaces and there is only 37 provided and the nature of their business they have demonstrated thru their traffic study and testimony that the 37 parking spaces is adequate for this site. On the other items that they testified to lights spill over onto 7<sup>th</sup> and 8<sup>th</sup> they did provide a light proposal plan, but I did see proposed area of lighting that I might want Mr. Marttell to explain just a little bit more on the proposed area lights are not projecting are you using the existing lighting is that correct?

**Mr. Marttell:** Yes, that is correct the site plan included some symbols that show some area lights again as I testified, we are looking to avoid placing those on site to avoid impacting the residential zone. All the lighting on site is going to be focused on the building it is going to be mounted to the building not around the edges new the residential.

**Mr. Dougherty:** And that will provide enough safety for those parking spaces themselves

**Mr. Marttell:** Yes, specifically the most used spaces closes to the building will be lit and as you get farther towards the road it will be darker but the hue from the lights on the building that we feel will be appropriate and the lighting plan that was submitted as part of the packet shows the lighting. Some lighting in the driveway next to the building falls to 0 as you get to the sidewalk and that again is a function to being sensitive to the residential.

**Mr. Dougherty:** Mr. Chairman the only other issue I have and we haven't really discussed it the size of that pipe they are draining that whole, so they are taking down the salon area and creating a nice grass open area in the front there and they needed an area drain to catch the runoff from that area but there is only a 6 inch pipe going out to Erial Road and just from a standpoint of it clogging up and the maintenance of it, now it is on their property so they would be responsible for that but I was concerned that a 6 inch pipe would be too small is a larger sized pipe could be placed in there, there may actually be physical limitations o that there and I wasn't sure if the applicant could provide some testimony on that.

**Mr. Marttell:** You are exactly correct on that there is a physical limitation on that, we are just trying to make sure that eventual green area does not develop a pond or standing water so we placed a small yard inlet a small pipe that leads to the inlet in the roadway and it is not as would be required by the ordinance just because the elevation of the inlet in the road as well as the elevation of the site there is just not enough room to put a larger pipe a 6 inch pipe if it gets clogged it will be cleaned but we anticipate it will function because that water is being cleaned and collected through that grass area and most of it will go through the driveway anyways.

**Mr. Dougherty:** I did note Mr. Chairman that even if it did clog, lets say the 6 inch pipe does clog they are going to maintain it but if it clogs during a storm it is not going to dam eventually it flows over and onto Erial Road anyway so as long as the applicant is taking on any responsibility for that smaller drain

or pipe I have no objection to a waiver of that so with that I think there are no other issues I think the applicant very fairly has addressed all the comments in our letter.

**Mr. Tuvel:** Can I mention just one more thing about the tax issue? I want to let you know how the transaction works typically assuming that the Board is favorably on the application and also, we get all our outside agency approvals the County and the MUA and everything. What typically happens the developer will close on the property when they get the building permits and that is when settlement will occur. What I would ask if there is a favorable resolution that we would be allowed to pay the taxes within 60 days and if you could put that in writing that we would be required to pay within 60 days that would give time for the title company to disburse funds. So, that is how it works, and I was just requesting that would be something from the Board

**Mr. Sitzler:** You are requesting 60 days after settlement

**Mr. Tuvel:** Yes, after settlement, we will not close until after all permits are received because that is how the financing works typically so, it would be paid 60 days after settlement

**Mr. Sitzler:** Does the Board have any questions about that

**Mr. Hagarty:** No

**Mr. Sitzler:** That would be a condition of approval

**Mr. Tuvel:** That's fine

**Mr. Hagarty:** Any questions the Board has before we open the floor to the public? Seeing none I will entertain a motion to open the meeting to the public

**Mr. Ford:** Make a motion to open seconded by Mr. Robb

**Mr. Hagarty:** Okay the meeting is open to the public. Any members of the public that would like to step forward and speak? Okay, if you can just come forward and state your name and address. I know it is difficult with all this stuff but if you can just try to speak as clearly as you can

**Mrs. Cowling:** I don't know if I heard all that is being said, my only concern is that I live in the house that is directly across

**Mr. Hagarty:** Can I

**Mr. Sitzler:** Can you please state your name

**Mrs. Cowling:** My name is Theresa Cowling; I live directly across from the loading docks and my concern is the deliveries because we have had 4 cars backed into. We have had them drive up across the grass and sidewalk and into my front lawn on several occasions. So, my concern is deliveries, I understand you are going to keep it in the same spot, so I just want to make sure my vehicles are going to, and my property is going to be okay that is all

**Mr. Hagarty:** Can we just for clarity purposes, your actual address that you live at

**Mrs. Cowling:** 9 West 7<sup>th</sup> Ave

**Mr. Tuvel:** I will just answer from an operational and let Mr. Marttell or Mr. Mutch answer from an engineering standpoint. I don't know how many deliveries per week or per day the prior use had but the Dollar General gets on wheeled based vehicles approximately 1 or 2 deliveries per week usually 1 per week and then on boxed truck deliveries maybe 1 or 2 per day but they are smaller trucks so I think it will be less in terms of deliveries. So. I will just let Mr. Mutch or Mr. Marttell give the engineering aspects of it as well.

**Mr. Marttell:** You will see that the deliveries will not be as frequent and the reason we took down the ice cream parlor there is to allow more room for those trucks to get in and out of there. Right now I would assume they are backing in off of 7<sup>th</sup> Avenue that is not going to be a part anymore the truck is going to stay when it off loading on site and then just egress onto 7<sup>th</sup> Avenue so we have it modeled and we feel it is going to work and it is one of the reasons that we removed this ice cream parlor so there is more room for those trucks

**Mrs. Cowling:** Yes, because they use to pulling in and then back up, we have been hit by tractor trailers and box trucks and I just have a big concern for that. I mean I have lived with it for a lot of years but at the same time I have had quite a few years where it had been really peaceful

**Mr. Marttell:** It is unusual that a retailer would take away space from a building, but we are doing that for better circulation on the property. We are looking to avoid those trucks backing out onto 7<sup>th</sup> Avenue because they just can't see those residents behind them, so that is driven by the fact that we are taking down the ice cream parlor

**Mrs. Cowling:** Okay, I'm good with that. That was my concern and I do welcome the business. Thank you

**Mr. Hagarty:** Do I have any other members of the public that would like to step forward and speak on this application?

**Mr. Cowling:** Tom Cowling, 9 West 7<sup>th</sup> Ave, I'm her husband. There isn't going to be any truck sitting over there running at 4:00 in the morning?

**Mr. Tuvel:** No as we said before

**Mr. Cowling:** I get into arguments and the cops tell me not to park my car in front of the house

**Mr. Tuvel:** First of all, they will only be on site on the lot, number 2 they only deliver when the store is open so typically 8 am to 10 pm some times they open at 7 but the deliveries will only be in that window you won't see someone come in at like 2 in the morning

**Mr. Cowling:** Okay, thank you

**Mr. Hagarty:** Okay thank you stay safe and healthy, any other members of the public that want to speak on this application

**Mayor Green:** Motion to close the floor seconded by Mr. Ford

**Mr. Hagarty:** Okay motion passes. Okay Board members any questions? I'm going to try to spell this out clearly on what the motion is going to be on but before I do that any other final questions. The motion before us and I'm going to try to go through it in a lot of detail because I'm going to try to keep the record as clean as I guess we can make it. I think it is pretty much spelled out in Mr. Dougherty's Letter and to the response to that from Mr. Mutch and I'm basically going to use that as the guidance. What we are being asked to approve the motion before us are a number of variances largely under the guidelines I would say of Zoning Regulations, but they fall under the parameters of existing conditions and they are minimum front yard setback. The existing conditions contain 5.7-foot front yard setback in leu of the CBD Zone of 25 feet, so a variance is requested for that. A minimum rear yard setback instead of 25 feet, the existing condition contains 4.2 feet of rear yard setback so, a variance required for that. I will skip over the impervious coverage, in terms of the minimum rear yard setback in the R-Multi Zone is 30 feet the existing condition is 15.3 feet rear yard setback so a variance is requested for that and minimum side yard setback in the R-Multi Zone is 20 feet the existing condition of the site is 0 feet so variances for that. We have also heard testimony and comments from Mr. Dougherty in the CBD Zone maximum impervious coverage of 75% and the existing impervious coverage is 96.8% and the applicant proposes 76.8% of impervious coverage so a variance is being requested for the difference between the 76.8 and the 75% that is covered in the CBD Zone. In addition to those variances we have heard testimony on a number of waivers that are being requested with respect to sidewalks, curbs and gutters. Sidewalks are going to be installed along the street, curbs and sidewalks. Sidewalks to be installed along 8<sup>th</sup> Avenue and the curb extended along 8<sup>th</sup> Avenue to access the drive and a waiver is being requested in the area of sidewalks, curbs and gutters. With respect to landscaping in summery I will say that the shade trees a waiver is requested with respect to the shade trees where the shade trees are to be installed on both sides of the street subject to approval by the approving authority at a maximum of facing both sides of the street at 50 feet on center and there is no shade trees being proposed along the site frontages. Waivers being requested wit respect to the planted planter buffer areas where they are going to be provided to provide year-round visual screen of height, width and location and the buffering is going to be installed along the frontage of 7<sup>th</sup> Avenue in leu of that. With respect to the 20-foot evergreen planting strip there is no buffering proposed along the 8<sup>th</sup> Street parking area a waiver is being requested for that and I think that is that with respect with the waivers on landscaping. With

respect too off street parking a series of waivers are requested with respect to providing a 3-foot-wide river rock area along 7<sup>th</sup> Avenue in leu of a 5-foot unbroken landscape driving strip along the property lines

**Mr. Martell:** We actually said we would fix that and the curb per Paul's (the Mayor's) response

**Mayor Green:** Chris

**Mr. Martell:** Along 7<sup>th</sup> Avenue we would increase that to 5 feet that was also per Mr. Dougherty's comment.

**Mr. Tuvel:** I don't know if we still technically need a waiver, Mr. Dougherty said

**Mr. Dougherty:** It would be compliant then

**Mr. Tuvel:** So that would go away

**Mr. Hagarty:** Okay so no waivers requested on that. A variance request with respect to not having more than one two-way access drive on any street and there are two existing two-way access drives along Erial Road, so you are asking for a variance to be approved for that. Variances are being requested with respect to entrance and exit drives being curbed on both sides from the street curb to a point at the beginning of the access dive or parking stalls existing drives on Erial Road and 7<sup>th</sup> Avenue do not have curbing and no curbing is proposed at the entrance on Eighth Avenue. Variances are proposed in the parking area with respect to the safety island extending 5 feet inside the property line, you are going to provide islands between the parking spaces and 7<sup>th</sup> Avenue. The

**Mr. Martell:** Yes, these are all waivers regarding the safety islands because we have the existing conditions, we are not going to do them

**Mr. Hagarty:** So, basically with respect with the safety islands you are asking for a waiver to being raised to a minimum of 6 inches above the parking area that a deciduous tree be planted every 40 feet from all safety islands that the area between the trees be planted with a minimum of 3 evergreen type shrubs and where parking abuts the safety island a continuous wheel stop shall be provided 3 feet from the edge of the island. So, you are asking for variances on meeting all those conditions.

**Mr. Sitzler:** Those are waivers in general

**Mr. Hagarty:** Waivers, okay

**Mr. Dougherty:** I think that "E" I think he is providing the wheel stops and I would recommend that because you don't want the car driving into the area that is being maintained so "E" would not be waived

**Mr. Sitzler:** Would it be from the edge of the grass rather than the island, Hugh

**Mr. Dougherty:** The island is the grass so it would be the same

**Mr. Tuvel:** And I believe Mr. Chairman the lighting

**Mr. Dougherty:** The lighting as I see it is just comments about what is going to be provided so there is essentially nothing that needs to be granted with respect with that. With respect to the signage you are asking for a series of variances where the attached sign, proposed façade sign has a maximum projection of 11.75 inches in leu of the 10 inches off the building, the proposed façade sign is 4.9 feet from the property line in leu of the 10 feet and the attached sign proposed is 97.5 square feet so those are the 3 items with respect to the sign. The storm water control the waiver being requested I guess is the size of the pipe a 6 inch diameter pipe is being proposed in leu of the 15 inch pipe that is allowed. I believe that summarizes, and just to complete the record you are going to go through the approvals with the Borough Fire Marshal, the construction code office the County Planning Board and the MUA and just so the record is clear we also talked about as a condition that the taxes would be paid in full the outstanding taxes within 60 days after the date of the settlement.

**Mr. Tuvel:** That is correct, Mr. Chairman the only other thing I would add is that just whomever is the response letter be advised that it be a condition of your revised report and the intention is to read it into the record and of course any representation be made during the course of the hearing would obviously part of the record as well.

**Mr. Hagarty:** I know that is a long-winded motion, but I think that is necessary to at least to spell that out. Hearing all of that I will entertain a motion to approve

**Mayor Green:** Motion to adopt

**Mr. Hagarty:** Second?

**Mr. Ford:** Second

**Mr. Hagarty:** Roll call

**Roll call all present "aye" application was approved**

**Mr. Hagarty:** Next application before us is application 2020-2, Pine Valley Developers LLC, 501 W Branch Ave Block 15.03 Lot 1 Major Site Plan approval. Good evening

**Mr. Mintz:** Good evening Robert Mintz on behalf of the applicant if the Chair wishes we have our expert witnesses here do you want them sworn in as a group or as they come up

**Mr. Sitzler:** As a group

**Mr. Sitzler then swore in the witnesses**

**Mr. Mintz:** We appreciate the opportunity to appear and to appear in person. The Application was noticed and advertised. The completeness determined I hope the Board will consider as the Chair had indicated the Block and Lot is 501 W Branch Lot 15.03 Lot 1. It is approximately 72 acres if the Board will recall we physically appeared twice previously the first time the Board granted a use variance and the second time to allow senior residential, and the second time to grant a series of variances with respect to bulk standards there is one additional variance that precedes tonight that has to do with a determination from the plat that you see. Some of the back yards in favor to have a patio in the back it would encroach on the setback requirement Larry will give you testimony on the nature of that it backs up on the community open space and then wetlands so that there would be no negative impact on it but I will defer to Larry. We advertised this evening for a Preliminary and Final Site Plan, sorry subdivision and other than delay the Boards timeline I will have the SRA come up introduce himself and give us an overview of the project as we are seeking it tonight.

**Mr. Divietro:** Good evening everyone it is great to be back this is the subdivision we have titled the Fairways we presented before you back at the end last year when you granted a use variance back in March and we went through the area of Bulk Variances for the various lots

**Mr. Mintz:** Larry I'm sorry I just want to make sure that you are qualified as an expert

**Mr. Sitzler:** He has appeared before us previously and we qualified him

**Mr. Divietro:** Just as an overview the property is 72 acres, it is bisected by an existing powerline/transmission line easement. Out of the 72 acres 29.4 acres of the land is wetlands so, we developed the design around the environmental constraints in reality it has 47.25 acres 66% of the tract will remain wooded for open space. The diagram that we showed provides for the roadway out this is Branch Avenue we have 2900 foot of frontage along Branch Avenue 1385 feet along Ashelman, Ashelman is an unimproved road and Ashelman goes from here all the way to the back of the tract, we are proposing a small section in here that will connect Signal Hill Road with Woodrow Road the remainder of it would remain unimproved and the last section is 486 foot frontage up to Davis road. So the development is for 85 single family detached age restricted homes there is one lot for the open space that I mentioned 47.25 acres and there is a remaining lot that the Board looked at before where the Board granted a use as a business use which is 6.4 acres along Davis and West Branch Avenue that is still showing as vacant and reserved for future development under a separate application.

**Mr. Mintz:** Larry would you just identify the plan that you are referring to?

Mr. Divietro pointed out the exhibit of the subdivision as A-1

**Mr. Divietro:** I will go over some of the variances, because of the environmental constraints of the wetlands we were constrained to where the development land would be and where the road pattern would be. Lots 66 thru 72 have a 100 foot depth with a 50 foot buffer around the open space all the remaining lots are 115-foot depth and are all consistent with the variances that the board granted 5500 square foot lots 55 foot width, 20-foot rear yard setback, 7 ½ side yard with an aggregate of 15 feet with 30 maximum and 39% coverage so out of the 85 lots all are conforming but the 7 lots. With those 7 lots I'm going to turn my exhibit over to show a blowup of lots 66-67, the ordinance is calling for a 20 foot setback from the structure which is what you already have granted, the decks will extend into the rear yard setbacks if we were able to or chose to extend the lot line to the tract boundary we would not need variances but we felt that a continuous open space zone buffer around the development which would be maintained by the homeowners association would be a better end result that is why for those 7 lots we are asking for a variance for an 8 foot setback even though we still have 50-foot to the tract boundary so we are not going to be a detriment to the neighborhood without the intrusion on any of the neighbors. The benefits would be those remaining 7 lots would be able to have a deck like the entire subdivision that we have. I know that may not be an option, but we would not have to go through a variance application for those individual lots

**Mr. Dougherty:** Excuse me just for clarification I thought I heard 66 to 67 but it is 66 to 72. Is that right

**Mr. Divietro:** That is correct did I say 71

**Mr. Dougherty:** I just heard 66 to 67

**Mr. Divietro:** On our plan it is lots 66 to 72 which are all 100-foot depth lots which we are asking consideration for a rear yard setback to an 8-foot setback where it will be stipulated for the other lots 20 and in that case these lots with an 8-foot setback back up to a 50-foot buffer to the tract line which would be maintained by the homeowners association. We did receive Mr. Dougherty's review letter July 2<sup>nd</sup>, 2020 for the most part we have addressed all of those issues or none of them were substantial and we are agreeing to them. If they should need conditions and Mr. Dougherty wants to respond. There were two particular items that we asked for consideration of waivers one was the sidewalks the ordinance requires sidewalks throughout the development and the other was the open space improvements. Every where we have homes we provided sidewalks along the frontage (pointing to the plans) this section here we have provided sidewalks on both sides of the road, we have a long stretches of open space that they are asking for a raised over sidewalk along this section in the cul-de-sac because of wetlands and we are asking for a waiver on the sidewalk there will be a sidewalk on the opposite side on this cul-de-sac because of wetlands there will be no homes and we are asking for a waiver of sidewalk on that stretch of road along of open space and finally the length of Ashelman which will not be approved and the length of West Branch which is not being improved we are asking for waivers on sidewalks. We have provided sidewalks along both sides around the loop road and we provided extension of curb with sidewalk along west branch to tie into the development here (pointing to exhibit A) and requesting for obvious waivers for the development at this end (again pointing to exhibit A). The conclusion is that we are asking for a waiver of 3700 linear feet of sidewalk where there will be no

homes developed and we have provided as an amenity of open space 3000 linear feet of woodchipped trails those are designated as the black areas on the exhibit A which would provide an amenity to the residents a woodchip trail interconnecting the entire development from Ashelman over to the development anywhere in here (pointing to the Exhibit A) residents would be able to go through the trails to other parts of the development and back out to Branch Avenue, we have 4 locations that we have designated of concrete patios with benches and that would be the extent so, we have the 47.75 acres of open space with woodchip trails going through the lot with benches, it was suggested that we put a gazebo or other improvements, so we wanted to have a discussion with the Board as to what the recreation or the amenities improvements should be, it's age restricted development and when talking to the development company which is Ryan Homes their opinion is that the gazebos may end up being a nuisance if it is not maintained they would prefer in their experience to leave it up to the home owners association that they would probably determine what kind of amenities they might want to add if they wanted to add anything but they would be responsible for maintaining under the home owners documents.

**Mr. Mintz:** Larry on the trail could you comment on the impact of the DEP

**Mr. Divietro:** So, the trail itself connects, the tract itself is heavily wooded and the trail cuts through the wetlands so there is a permit process that allows you to construct woodchip trails through the wetlands' obviously the DEP is very restrictive under their storm water regulations under their sustainable development and other disturbance to the wetlands there is a permit process that we would have to obtain a permit for, but we have done it previously the woodchip trails through the wetland areas so they would have a usable walking nature trail that goes through those natural conditions.

**Mr. Mintz:** Would you indicate to the Board what phase in that you would anticipate

**Mr. Divietro:** We did submit a small phase in plan (again pointing to exhibit A) this road here would be phase 1 which is 20 lots the next point is a break point which is about here where the sanitary sewer goes in two different directions so this would be phase 2 the remainder of the development would be phase 3 and then the last lots on Ashelman Avenue would be phase 4. Phase 1 and 2 which will 20 lots and about 22 lots, about 44 lots for phases 1 and 2 and then go on with the remainder of the development.

**Mr. Mintz:** Is there any questions for Larry?

Mr. Hagy had some questions about the nature trails if golf carts could be driven on them and would the properties they were requesting backyard setbacks be able to have sheds on them

Mr. Divietro responded that they would just be walking trails 8-foot-wide, but the conditions would not be suitable for golf carts and Mr. Mintz responded on the sheds that there would still be 8 feet between the patio deck and the edge of the property so there would not be enough room for a shed since they have to be 10 feet from the property line. Mr. Divietro stated the HOA may restrict sheds.

Mr. Hagarty had questions on the phasing with estimated time frames in between each and the trail network

Mr. Divietro stated it was a discussion with Ryan Homes and their intention was for phase 1 and 2 at the same time and the other phases would be based on the selling pace of the homes and the trails would be with the phases connecting as they move forward with construction

Mr. Mintz and Mr. Divietro then discussed that the infrastructure would be done at the same time

Mr. James inquired as to why the sidewalk along Branch Avenue would not be continued and be broken up. Discussion perused as to the fact that the County did not require them but that curbing was required where sidewalks were installed and that the wetlands along portions would prevent the sidewalks from being installed because of the curbing disturbing the wetlands so, a paved bike path or walkway was discussed since the Borough Ordinance required Curb and Sidewalks for new construction. A macadam/porous walkway was discussed, and Engineer Mr. Hogg from Land Dimensions was brought into the conversation since he was the one working on the wetland's application. Share the road bike paths were mentioned and Mr. Hagarty and the Mayor stated the County was very interested in the share the road projects with the cross-county network of trails and roads and linkage of all that. Mr. Dougherty added that the woodchip paths would not work in a senior development due to safety conditions and upkeep. It was agreed upon that if the county approved the applicant would work with the Board professionals on the macadam pike path along the roadway of West Branch Ave as long as the applicant did not have to go to the DEP for approval. Mr. Dougherty also added that Ashelman should also be included as well as the condition that the bike path be continued to Davis Avenue if the Commercial 6-acre property be developed.

**Mr. Mintz:** If the County says to us no and I don't anticipate that with the comments that were made that the County is looking for bike paths but if the County says no and the alternative for me is to go to the DEP with curbing in the wet we would ask that we would be allowed to waive it and your Engineer would be part of the transaction with the County so that you know it was well presented.

**Mr. James:** I don't know if that would, you would just need to come back to the Board at that point

**Mr. Mintz:** If I may ask just one other consideration because we are eager to get the project moving forward, Larry is that the 4<sup>th</sup> phase

**Mr. Divietro:** Down at Ashelman? Our plans as proposed Phase 1 is developed curbs and sidewalks get extended and goes into phase 2 (pointing at the Exhibit) and then this is phase 3 the whole development

**Mr. Mintz:** What is Ashelman? Is Ashelman phase 4?

**Mr. Divietro:** Pointing back to the Exhibit near Ashelman; anything down here we are asking to waive curb and sidewalk here so there would be no improvement other than the application with the County over right of way. Only this portion of Ashelman was to be developed and our proposal was to connect Woodrow Road, develop Ashelman to Signal Hill in its entirety with a full road pavement and not to improve this section (pointing to the area of Ashelman from Woodrow to West Branch) this is really a limited development proposal and all this would remain in its natural state.

**Mayor Green:** Now I'm not in favor of waiting on Phase 4 to see if it would be resolved and see if this ever gets done and Ashelman is a whole other discussion. If you are not going to develop that would you be willing to request that be vacated.

**Mr. Mintz:** If we do not develop it

**Mayor Green:** The section you are not going to develop would you be willing that the road be vacated

**Mr. Mintz:** No, we have no problem with that, and I get your point that in order to answer the question we can make that part of Phase 3 so we know that we are going to come back with an answer in time at least it lets us get going on Phase 1 and 2.

**Mayor Green:** Yes, I would be agreeable to Phase 3 because there is a lot of meat on the bones for Phase 3, someone might make the decision its not worth the aggravation for Phase 4 and if you agree to request from the Borough the vacation of Ashelman Road the section you are not going to develop because it is not going to be developed because of the wetlands and right now the issue is that people are trying to cut thru that road so it either has to be improved or it has to be vacated once and for all.

**Mr. Mintz:** Thank you we will work with your Engineer and the County in order to determine that, the discussion was simultaneously was with us doing that we also need to go through the MUA for the water and sewer approvals and those improvements

**Mr. Hogg:** Yes, there is an existing fulsome I believe that belongs to the MUA that comes down Ashelman and if we vacate Ashelman, The MUA will then have to ask for an easement

**Mayor Green:** Yes, they will, and I can assure that will happen

**Mr. Hagarty:** I think maybe it will be beneficial Mr. Dougherty I know I saw in your comments I know you have taken some, I guess concerns I think would be the right word with the trail network and the makeup of the trail network and all of that so since we just talked about that it would be a good time just to bring all that up. I'm just interested in hearing just what they say with respect to that.

**Mr. Dougherty:** My review letter dated July 2, 2020, there is a completeness issue. When we opened the meeting the last time in March the Board approved a series of bulk variances, the site plan I'm sorry the major subdivision plan was not deemed complete so what I would like to do is just have the Board

declare the application complete as of tonight and then if you are looking for an existing proposed boundary control line with pipes to be shown would be provided at time of submission at the time of final subdivision plat. So, that would be a condition in other words we would declare the application complete with the condition that a completed and monumented control monumented sign would be shown in alignment on the final plats. So, then the Board could deem the application complete and move on with the application.

**Mr. Hagarty:** Okay so let's take that action first

**Mayor Green:** I'll make that motion seconded by Mr. Robb

**Mr. Hagarty:** The motion in front of us is to deem the application complete under the condition that the location and description of all existing or proposed boundary control monuments and pipes be provided by the applicant and shown on the final plots as a condition of approval. So, can I get a roll call?

**Roll call all present "aye" motion on completeness approved**

**Mr. Hagarty:** Mr. Dougherty now it is time

**Mr. Dougherty:** If you turn to page 4 of my letter. The meat of it is item 10 the open space passive recreation trails, we recognize that walking is a very healthy activity, but the nature of those wood surface trails they don't take the place of the sidewalk. Again, it is a senior development not in anyways disabled or anything like that necessarily but, the woodchip surfaces would be left up to the HOME Owners Association they degrade over time and there would be constant maintenance and replenishment of the wood trails and because of the wet areas they are going to be wet and smell radiated at least they shouldn't take the place of hard surface sidewalks. Where those gaps that Mr. Divietro pointed out between some of the lots where there is not development basically, we think there should be hardscaped sidewalk in those areas. We are concerned about slip and fall and on Number 11 what I'm seeking here is this an appropriate use for a senior development to have woodchip trails through woods for outdoor recreation? That is just one recommendation and the other item was the outdoor features such as a gazebo and additional seating areas to be provided for people walking along the trails so skirting the use of the gazebo and leaving that up to the HOA I don't know if that is an appropriate response if the HOA wants it definitely they will put something in there but you should have some kind of outdoor amenity so some one can sit down they have a goal they can reach a bench or a park area where they can sit and rest so that was our thought on that. Because you said there was some 3000 feet of trails so that is a little under a mile so looped sidewalk areas so we could do a smaller loop in some of these neighborhoods areas so, that was 11B there and that would be created by concrete sidewalks and roadways to form longer trails and paths. So again we are missing sidewalk for instance around the cul-de-sac ball we would take that all the way down on both sides of the ball and take that down to the open space area there where they are not proposing sidewalk at the moment so, I guess the bottom line is on those comments to have a more continues walking path area within the development in addition to what we talked about on Branch Avenue so, this is really just internally that

we are looking at. On the landscaping I don't know that there is any issues with that we have no objection with a waiver being granted for the typical and compensatory planting. We did go through this letter completely with the applicants engineer prior to this letter but I think the plan needs to be revised for the symbols for the shrubs around the stormwater basins there is a problem with the quantities of the Red Maples that should be corrected the top of page 5 water and sewer would of course have the Pine Hill MUA approval. On the stormwater controls we would more than likely agree to the compliance of those items if you have any objections to those please let me know, our ordinance says that we have to have stormwater controls but the NJDEP is the one that had us to adopt that ordinance so we really have to follow this or grant variances or waivers from the stormwater ordinance because ultimately we answer to the DEP so, I think those stormwater controls are fairly easy to hammer out the requirement and sidewalks again down at the bottom of page 5 we are filling in those gaps we talked about that they didn't want to do and that is on 1 and 2 to fill in those gaps. Again, sidewalks previously shown on the plan between "A" and "C" and sidewalks previously shown on that long stretch there and also on page 6 at the top there Ashelman asking for curb and sidewalk there. Now the discussion about the vacating of the street that would, we would want asphalt along that area at that point if that area is being vacated but we would still have to have access to the basin so as long as the applicant is being able to provide access to the basin and easement for the utilities to go in there if that is vacated that would be fine. If that is what the Board is looking for. The ordinance with no parking restrictions noted on the plans so the plans will be revised to indicated on that. Then there is a minor item, the applicant requests a waiver for top and bottom curb provided at 50-foot stations I don't have an objection to the Board waiving that. Signs, the applicant shall address as to whether or not a development sign will be illuminated that is something we could require testimony from the applicant, I don't know if you want to do that point by point there is a lighting restriction as far as signs you may want to address that eventually. The phasing plan that is something that is specifically called out on the Municipal Land use Law that an actual phasing plan can be discussed and we did that but it has to show that the utilities that are necessary for those particular phases so they might have to build a basin or portions of some other infrastructure in phase 4 in order to accomplish something in phase 3 for instance. So, we need a basic phase in plan that the Board would approve at the final stage, and I think they absolutely would agree to do that. There is a page there that deals with the phasing and how that would go and be carried out. As far as the temporary cul-de-sac shall be provided at the end of phase 2 to allow residents, trash and emergency vehicles to turn around so that is something that would have to be worked out in the phasing plan. The plans still refer to apartment use on lot 86 I think that is to be removed I think that is the commercial piece so, there is no variance in place for apartments at least at this time. All electric, telephone and communications shall be provided under ground which should be a note on the plan. The vinyl fence detail we would like to have the specification of the mesh attached to the fence provided and then at the end on page 7 this would be for Preliminary Major Subdivision the applicant would come back with compliant plan and a basic plan for Final Major Subdivision and also as discussed County approval would be necessary and easements are required for portions of the proposed sewer main and they shall be shown on the subdivision plans so, that would be the details for what is required and of course the finals from the MUA, Construction Code, Camden County Planning Board, The conservation District should be there as well and the Pine Hill Fire Official so those are all the items in my letter. I don't know if the applicant wants to address some of the items or are they fine with those issues the biggest issue is those

trails of woodchips, the trails are going to disappear over time unless they are well maintained by the HOA and again I just don't think that the woodchip surfaces are appropriate use for this type of trail.

**Mr. Hagarty:** I think what you are hearing, I think you have heard from Mr. Dougherty, Mayor Green and various members of the Board in trying to summarize it we have confidence you are going to go with a high quality home and I think we demonstrated the ability to work with you with respect to variances with lot area, lot width, setback, building coverage and all that sort of stuff but a major concern I think we have is how people that live here navigate their way through this complex in terms of being able to walk around, a series of bike paths, walkways and the rest of that so it becomes a walkable community and I think you are hearing that concern for the residents.

**Mr. Divietro:** Hearing your concerns from the Board and Mr. Dougherty and thinking I understood what you are saying there is a concern and there is a permit process to do trails, woodchip trails through the woods so we said okay lets just make sure everyone is interconnected with one another as a community plan maybe and if the Board will, I will ask if the Board will prefer this because what happens when the community moves in and the residents form a Home Owners Association they will get their own entity of what they would like to see and what they don't want to see maybe rather than put the trail in fill in the sidewalk throughout the entire development so there is sidewalks on both sides of the road, still show the sidewalk linking this first stage to the overall development and pursue the County for the bike trail/lane or what ever you do on the shoulder down along Branch Avenue and take the trail out of the development all together I mean I was looking at 3000 verses 3700 feet of waiver it is probably more definitive for the Board, more definitive for the development if we put concrete sidewalks on both sides of the roads we are still noting on the roads no parking on one side and that would be signed by ordinance and the approach to the signage put 28 foot parkway for an age restricted community then they have common walkways on both sides of the roads throughout the walkways continue along that nature area, now residents decide they want to create their own foot trail through the woods or the association may come back sometime in the future and say we want to do something in there and issue their own permit with the DEP. That is an option I think is a valid option if that is what the Board would prefer to see. Again on Mr. Dougherty's report

**Mr. James:** Excuse me, I disagree with that if you decide to put the trails in, if you are doing a senior complex we don't want to disadvantage the seniors that are coming to our community you offered to put the trail in you should just make the Trailways work. I think it is a disservice to them to have to come back and design something in a senior community that should be designed by the developer

**Mr. Divietro:** It is not necessarily a design with woodchip trails it is a DEP permit to put a nature walkway through the wetlands but the alignment can go her there or any ware it is how do you interconnect those two segments of the community so I'm not certain how we are going to come back here with a design that is different than what we have right now

**Mr. James:** You were talking about removing the wood chip trails altogether

**Mr. Divietro:** I was as an alternative we would put concrete sidewalks on both sides of the roads like any normal suburban development would be and not the provision for the woodchip trails and let that be evolved from the Home Owners Association in the future same likewise if they chose that they wanted to develop a gazebo they would have to maintain it the Municipality is not going to maintain it. It would be part of the Home Owners Association.

**Mr. Dougherty:** One of the things the reason the developer is offering a woodchipped trail is because it is an easier process through the DEP, it is almost a permit by rule and you put woodchips down and you don't have to, it's a simplified process you just have to notify the DEP before you put down woodchips and you can basically run it through. So I think they are offering woodchips because you don't have to go through the long detail, the permit process, you are not putting in wetlands your not putting in structures so that is why the woodchips sort of make cense for the wetlands area and that is what the developer is offering there in the long run if a trail develops through the woods it is not necessarily woodchips because over time the woodchips are just going to disintegrate and you are going to have to continually put woodchips back in there. To shove some sort of trail in the future it would have to be brush cut and all that kind of stuff to make the trail but I don't know just over time it might, some form of trail network might form by its self, we have the sidewalks out front that is consistent, the sidewalk is maintained.

**Mr. James:** I don't see senior citizens walking through the woods to make a trail, I don't see that happening over time, that seems like an unreasonable option.

Discussion continued with Board members and developers on the trails through the woods and why it should stay in the plan with the sidewalks and how to make it work. The decision was that they would use the stormwater and water utility pathway areas with woodchips as trail ways but not along the power line utility ways due to deep sand.

**Mr. Mintz:** Mr. Chairman is it my understanding that in those locations it would be woodchips on the internal walkways on the two additional lines

**Mr. Hagarty:** Yes, along the two additional lines would be woodchips

**Mr. Dougherty:** And that would provide a clear access so the developer is now accommodating by a clear access a designated trail, but it would be up to the HOA to ultimately maintain that

**Mr. Hagarty:** So, are we good with that sidewalks throughout and those three instances where we are connecting wood trails?

**Mr. Mintz:** Larry?

**Mr. Divietro:** So, we are saying that is an option if the Board felt that having a walkway on both sides of the roads again from our design perspective having sidewalks are important but we want to make sure

we are asking for a consideration of a waiver even though your Ordinance requires sidewalk and curb on both sides it seems a little excessive and somewhat wasteful but that is for the Board to decide

**Mr. Hagarty:** I appreciate your concerns but what we are looking for is to have sidewalks on both sides throughout the development and then have the three connecting areas we are willing to do woodchips

**Mr. Divietro:** Understood

**Mr. Hagarty:** I understand money is money but given the nature of the residents here and particularly handicap residents being able to navigate through this complex I think we would be short sighted trying to save some money and limiting how, they are not going to use the trails and we would be limiting their way to navigate through

**Mr. Divietro:** We have noted on the plan one identity sign here and one here (pointing to the site plan) and they would be compliant with the ordinance

**Mr. Dougherty:** So, at this time would that be an electric sign? I understand it would be compliant but is that the intent to light it

**Mr. Divietro:** We don't know

**Mr. Dougherty:** Larry have you had a chance to go through Mr. Dougherty's, have you seen his letter and his comments you and your team

**Mr. Divietro:** We have gone through the plans and there are some notations and the information is there and we have no problem

**Mr. Mintz:** If the membership have no other questions, we do have the Traffic Engineer here if there are any questions.

**Mr. Hagarty:** Is there any additional testimony that you would like to give at this time

**Mr. Mintz:** It is a County road

**Mr. Horner:** My name is David Horner of Horner & Canter Associates and we prepared a traffic impact assessment that was most recently updated June 15, 2020 that reflects the change to the number of units. A quick summery we have three accesses to the County Road an age restricted development generates in the neighborhood of about 35 to 40 trips at the peak hour we checked with the County to see if a turning lane would be warranted and the answer was it did not the County. If there are any questions, I think it is pretty cut and dry with this type of development

**Mr. Hagarty:** Any questions from any Board members? Okay thank you. Any other questions for the individuals that gave testimony before I open the meeting to the public? Seeing none I will entertain a motion opening the meeting to the public.

**Mayor Green:** So, moved, seconded by Mr. Robb

**All members present in favor floor open**

**Mr. Seifert:** Art Seifert 9 W 4<sup>th</sup> Avenue, the only question I had was I know you had to nigh you said Signal Hill Road was connected

**Mr. Divietro:** From here to here

**Mr. Seifert:** Oh, so Woodrow Road connects to the development

**Mr. Divietro:** Right now, it dead ends into Ashelman

**Mr. Seifert:** Right, my daughter lives on the corner of Signal Hill and Blackwood/Clementon so I was just thinking if that went through the development it would be easier to cut through. That was the only question I had

**Mayor Green:** Motion to close the floor to the public, seconded by Mr. James

**All were in favor floor closed**

**Mr. Mintz:** We had advertised originally for Preliminary and Final major and I was not sure if Mr. Dougherty was comfortable with some of the comments so we were asking the Board to consider Preliminary and Final Subdivision

**Mr. Dougherty:** The only issue would be the phasing plan but that Preliminary and Final conditioned on a phasing plan because the Board sees the phasing plan and approves the phasing plan and if there is some issues with that they have to take it back to the Board. So, the Board would be approving a Preliminary and Final Major Subdivision with the phasing as testified to this evening and then we work out the issues on the phasing plan

**Mr. Mintz:** That is fine I think there is a plan in existence, and we would be able to go over it with you

**Mr. Divietro:** Yes, it redefines the phases based on the infrastructure, what Mr. Dougherty wants to see is a phase in plan where we show provisions for a temporary turn around which is typical, and we would do that with the redefined plans

**Mr. Hagarty:** So, with that understanding I will entertain a motion for Preliminary and Final Major Subdivision based on the discussion that we have had with respect to sidewalks being provided on both sides of the roads throughout the complex and the three woodchipped trails that intersects the various aspects of it and also with the condition and understanding that you read through Mr. Dougherty's letter and based on the testimony of Mr. Divietro going to comply with the various comments that he has made throughout.

**Mayor Green:** Also Branch Avenue

**Mr. Hagarty:** And Branch Avenue

**Mayor Green:** The bike trail approval with the County

**Mr. Mintz:** And the variances for the rear yards

**Mayor Green:** I will make that motion, second by Mr. Hagy

**Roll Call all "aye" motion approved for preliminary and Final Major Subdivision**

**Old Business:** **Mr. Hagarty:** Any old business that anybody would like to discuss

**New Business:** **Mr. Hagarty:** How about any New Business?

**Open Floor to the Public:** **Mr. Hagarty:** I will entertain a motion to open the meeting to the public to talk about any other matters

Motion second by Mr. Robb, Second by Mr. Ford

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

Motion by MR. Hagy seconded by Mr. James

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

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

**Mr. Hagarty:** our next meeting is August 13<sup>th</sup>

**Mayor Green:** Are there any application Les?

**Mr. Gallagher:** Not at this time.

**Mayor Green:** Just to let everyone know the next meeting may be a conference call because the only this we will have will be the Memorialization of the Resolutions and approval of the minutes