

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
October 14, 2021

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

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

Sunshine Law: This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.

Roll Call: **Present:** Mr. Hagarty, Mr. Waddington, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Jones, Mrs. Gilson and Mrs. Wakeley,
Absent: Mr. James
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Planner Mr. Luste & Zoning Officer: Mrs. Keyek
There was a quorum

Correspondence: **None**

Approval of Minutes: **Mr. Hagarty:** Everybody in their packet should have a copy of the minutes from our meeting from September 9th first off, I would like to ask does anybody have any questions with respect to the meeting minutes? Seeing none I will entertain a motion to approve.

Mr. Hagy motioned seconded by Mr. Waddington

Roll Call Minutes Approved: Mayor Green Abstained all others present "aye" the minutes were approved as written

Application: 2021-5 **Mr. Hagarty:** The first matter before us this evening is Application 2021-5, 315 West Branch LLC, on 315 West Branch Avenue Block 78 Lots 1-28 and they are here for a Preliminary and Final Amended Site Plan 101 Cross Keys Road, Block 131 Lot 30 Use Variance and Minor Site Plan

Mr. Hagarty: Good Evening Gentlemen

Mr. Facenda: Good Evening Mr. Chairman, Board Members my name is Kristopher Facenda I'm an attorney here tonight representing 315 West Branch Avenue LLC. With me is Matthew Portnoy and Bruce McKenna, Mr. Portnoy is the sole member of 315 West Branch Avenue LLC which is like I said the applicant before the Board tonight. Mr. McKenna is a professional Planner and Engineer and I believe he has appeared before this Board before and we can certainly offer his credentials otherwise I would ask that he would be recognized as a professional.

Mr. Sitzler: He did appear as an expert in the original application so the Board already accepted him so I would just need to swear them in

Mr. Facenda: Sure, do you guys want to raise your right hands. Do you need each of their names Mr. Sitzler?

Mr. Sitzler swore in Mr. Portnoy and Mr. McKenna

Mr. Facenda: As I said Mr. Portnoy is the sole member of the LLC Applicant and that LLC is the owner of Block 78 Lots 1-28 here in Pine Hill, the property is situated in Pine Hill's Limited Business District. We were here back in 2018 at which time the applicant received a use variance which was Memorialized by Resolution 2018-9 to allow the Applicant to construct, establish and maintain a Self-Storage Facility on the property which I'm sure you all have seen which has been under construction for some time. Preliminary and Final Site Plan approval was granted by the Board on November 8th, 2018, and again I think it was a double meeting for some reason on January 13th, 2019, and that Site Plan was approved by Resolution 2019-9. The Project is underway and potential customers are calling Mr. Portnoy on a daily basis and he can speak to that in a minute. Just for your recollection the self-storage facility is designed to consist of thirteen storage buildings of varying

sizes. Withing one of the storage buildings will be the office of approximately eleven hundred square feet the site also contains ample parking drainage and lighting all which was previously approved by this board. We are here tonight seeking amended Preliminary and Final Site Plan in order to permit the applicant to do a phased construction. The first phase which consists of six buildings, the office and two drainage basins the second and third phase would each consist of two additional buildings and the final

forth phase would consist of the last three buildings for the total of thirteen. We would like to obtain the approval for some revised landscaping which Mr. McKenna will discuss with you and some revised fencing type. To present the testimony Mr. Portnoy and Mr. McKenna they have both been sworn so real quickly Mr. McKenna can you provide your name and address for the record please.

Mr. McKenna: Sure, it's Bruce McKenna, Monarch Surveying and Engineering, Pitman New Jersey.

Mr. Facenda: And you are a Professional Engineer?

Mr. McKenna: Professional Engineer, Professional Planner and Professional Surveyor.

Mr. Facenda: You have prepared the Amended Site Plan that is on file for the hearing tonight?

Mr. McKenna: I have

Mr. Facenda: You are familiar with the site?

Mr. McKenna: Very familiar

Mr. Facenda: You are familiar with the neighboring properties surrounding the site is that correct?

Mr. McKenna: Affirmative

Mr. Facenda: And you are familiar with the Borough's Zoning Ordinance?

Mr. McKenna: I am

Mr. Facenda: Can you describe for the Board the Amended Site Plan in terms of the phasing, the landscape plan changes and the fencing movements.

Mr. McKenna: Yes, the intent is to phase the operation of the construction, to allow Matt to operate the first seven buildings and as business starts picking up and filling up, he would then start the remainder of the buildings as a phasing so he can keep moving forward. The Idea is to amend the fence along the basin along the front to go to a split rail fence with the wire mesh and then still maintain the chain link around the perimeter of the site for security purposes with two access gates one for the primary entrance and one for a secondary and emergency access. The intent is to obviously, if you probably saw the site phase 1 has been constructed and he is now working on the perimeter side on the southerly part of the site where he can finish the curbing and fencing and the lighting to close the site and to finalize the onsite driveway access and the new buildings and so forth. Right now you can access site through the main entrance you can circulate and navigate the existing set of buildings and actually use the office as well. Hopefully within the next few weeks he finishes up the fences, gates and remaining activities on the site. The intent is to also look at the construction of the basin along Branch Avenue

where we want to modify the landscaping to utilize lower bushes that smaller trees to get better visibility to the site but still maintain the security of the site itself. We provided details for the fence, the split-rail with the wire mesh and also the details for the landscaping. I believe your Engineer made several comments about the one or two of the species selected for the site are going to modify them to accommodate the concern and that is generally what we are here for tonight primary phasing and amendment to the fencing.

Mr. Facenda: Mr. McKenna you mentioned Mr. Dougherty's review memos September 15th, 2021, you have been provided a copy of that?

Mr. McKenna: I have

Mr. Facenda: Do you have any issue with any of the recommendations or comments in that letter and are you able to comply with Mr. Dougherty's recommendations?

Mr. McKenna: I believe we are we just have to brush up the landscaping response and all the landscaping for the mulberry bush portion but for all intents and purposes other than that one issue all of the comments in the review letter are acceptable.

Mr. Facenda: I have nothing else for Mr. McKenna. I can open him up to the Board I only have a few questions for Mr. Portnoy so I defer to the Board on how you would like to continue.

Mr. Dougherty: Mr. Chairman I was just going to point out that for a completeness standpoint that this is an amended major site plan there are completeness issues that we would generally go through the checklist for, and those items were previously submitted with the original application, so I didn't see a need for them to resubmit any of those items and I have enumerated them on the bottom of page two. So, the Application can be deemed complete, and we can just go forward with the application. Nothing else has been changed on that site other than the actual phasing and some of this evening's amendments.

Mr. Hagarty: Okay, do any of the Board Members have any questions for Mr. McKenna at this time?

Mr. Waddington: I have a question. The emergency entrance that went all they way to the right is that going to be open while the other phases are closed?

Mr. McKenna: Do you mean open like non-gated? No there will be a gate only to allow for access on emergency bases or probably more for construction than anything.

Mr. Waddington: But if you go in that gate, you can't go anywhere right because none of the pavement or anything will be done?

Mr. McKenna: Correct

Mr. Waddington: Are there any plans to secure the phases that are not complete so the public cannot get into it or anyone that might be renting one of the other storage units cannot get in there?

Mr. Portnoy: I have temporary fencing down the whole site from front to back down the first phase and when I do the second phase I will move it over and so on.

Mr. Waddington: Okay, thank you.

Mr. McKenna: There is also temporary fence along the sideline, and they also have temporary fence along here (pointing to the site plan) so they can't access the remaining part of the site from the operations from the self-storage and there will be a gate here (again pointing to the site plan) so people can't just go into the site willie-nilly and circulate. The site will be secured by a temporary fence until finalized.

Mr. Hagarty: So, Mr. Facenda I'm not sure if you are going to have Mr. Portnoy speak to it but the question we have is with respect to the schedule to the phasing and obviously you said that did depends on the sale of the units will kind of dictate the follow on of the phases but, from a general standpoint a proposed schedule.

Mr. Facenda: I can certainly ask that question. Matt, you have been primarily responsible for the construction management and have been doing a lot of it yourself.

Mr. Portnoy: Yes

Mr. Facenda: You have also been fielding a lot of phone calls

Mr. Portnoy: Yes

Mr. Facenda: How often do you get calls from potential customers

Mr. Portnoy: At least five per day

Mr. Facenda: And they are all looking for storage space

Mr. Portnoy: Yes

Mr. Facenda: If you are permitted to phase the project do you have any idea, can you give the Board some idea as to when phase two, I guess describe when construction would start on phase two or why don't you tell the Board what is already done in the other phases if anything. Like pad sites or anything is that all done?

Mr. Portnoy: Yes, (pointing to site plan) from here over that is six buildings, thirty-eight thousand square feet that is all completed the other seven pads over here are already graded and ready for concrete. So, as soon as I open up, I'm going to start doing two more pads right away so as soon as I need the buildings, I'm going to put them up and so on.

Mr. Facenda: So, Matt you are going to start Phase two pretty much now how long will it take you to complete phase two roughly?

Mr. Portnoy: Well, the concrete will be a week or two and then I will be ready to order the buildings and they come in about a month.

Mr. Facenda: Okay, and then once phase two do you anticipate, I know it is hard to say. Do, you anticipate any significant delay?

Mr. Portnoy: No, I don't the place down the street rented out four hundred units in sixty days there are no units around so, I don't think there is a problem I'm going to go through one, two, three when I need them, I'm just going to put them up so I'm ahead of the curve.

Mr. Facenda: So, you are going to put them up before you need them

Mr. Portnoy: Yes

Mr. Hagarty: So as a house keeping matter, maybe before we ask anymore questions in terms of your amended plan. Let's deal with the issue of completeness first, to at least put that behind us before we continue. So, the issue of completeness of the application I will entertain a motion to deem the application complete.

Mr. Ford: Make a motion for the application to be deemed complete.

Mr. Hagarty: Is there a second?

Mrs. Jones: I'll second

Mr. Hagarty: Roll call

Roll Call: All present all present "aye" application 2021-5 deemed complete

Mr. Hagarty: Okay, so at least from a housekeeping point we got that step covered. Now I guess with respect to the schedule because I want to get a little more into that. I'm not asking for a CMP schedule or anything like that but obviously to the phasing you are in here from my understanding largely due to the phasing.

Mr. Facenda: I'm sorry

Mr. Hagarty: As a result of the need for the phasing, you are in here as a result largely because of the phasing. The need to phase this you just could not continue on with the single phased project so to speak. So, can you, and obviously a schedule is only a schedule as good as you know today so if you could, kind of ballpark general parameters like completion of phase one, completion of phase two, completion of phase three, completion of phase four is that possible?

Mr. Facenda: Matt in terms of phase one which you said is pretty much complete, when will it be 100% complete and when would you anticipate applying for a CO?

Mr. Portnoy: Within two weeks

Mr. Facenda: Okay, was it you prior testimony that phase two will commence pretty much immediately?

Mr. Portnoy: Yes, as soon my concrete guy has a minute he is going to go over there and finish.

Mr. Facenda: Would it be safe to say you would start phase two within, what is a comfortable time frame for you?

Mr. Portnoy: About two months

Mr. Facenda: Two months, sixty days. And how long will phase two take to complete?

Mr. Portnoy: About a couple of weeks for all of the concrete and another week to erect the buildings.

Mr. Facenda: So, you could be done phase two in say thirty to forty-five days?

Mr. Portnoy: Yes, that is a fair statement

Mr. Facenda: And phase three any idea when you would start that? Assuming you sell out of phase two you are going to move right into that right into the other two, right?

Mr. Portnoy: I'm going to keep rolling as soon as I rent them, I'm going to keep adding them. I don't want to have nothing to rent so I want to keep ahead of the curve.

Mr. Facenda: Does that answer your question?

Mr. Hagarty: You are getting there, basically I want and basically correct me if there is anything I'm misinterpreting but, basically you are telling me by the end of October roughly you will have a CO complete with phase one. In the interest of conservatism, you are going to start phase two roughly in the ballpark around January 1st and it will be done somewhere in the middle of February time frame you

said thirty to forty-five days so, that sort of gets us through the past and again it is only as good as you know right now but, I'm trying to for my benefit and the rest of the Board is this a kind of 2022 completion project of is it a 2023 or 4.

Mayor Green: Are we looking at this will be rapped up in two years or

Mr. Portnoy: In two to three years, it should be all complete.

Mr. Hagarty: Okay

Mayor Green: And if you are not complete with in thirty months which would be two and a half years, would you agree to hydroseed whatever areas that are not complete at that point because obviously I don't want permanently an unfinished project out there.

Mr. Portnoy: I will either hydroseed or concrete it

Mayor Green: Okay

Mr. Portnoy: I would prefer concrete I don't want to topsoil the whole place and then hydroseed and pay to dig it up.

Mayor Green: That's fine

Mr. Portnoy: That would be working away from my goal if I concrete it that is working towards my goal

Mayor Green: That is fine, I mean obviously ten years from now the town does not want to see an unfinished project that the ground has just been turned up and things happen so there has to be some kind of agreement and if you are okay with thirty months

Mr. Portnoy: That is fine

Mr. Sitzler: So, if I'm understanding Mayor and the Chairman's questions as well, I guess they are asking can you get all three phases done within thirty months

Mr. Facenda: That is what it sounds like

Mr. Sitzler: Rather than holding you up on the second one and the third one. Is the first phase pretty much done?

Mr. Facenda: Yes

Mr. Sitzler: Okay, So, can you complete the entire project of three phases in thirty months?

Mayor Green: Actually, four Phases

Mr. Portnoy: Yes, all four phases

Mr. Facenda: You can do that in two and a half years?

Mr. Portnoy: Yes, it should be done before that

Mr. Sitzler: You know you can always come back if there is a problem that is unforeseen

Mr. Facenda: You can put wording to that effect in the resolution

Mr. Sitzler: Yes, normally I would say that if you are unable to complete that you would be requested to return back

Mr. Facenda: That is fine

Mr. Hagarty: Any other questions? Seeing none I will entertain a motion to open the floor to the public for Application 2021-5.

Mr. Waddington: I will make a motion

Mr. Hagarty: Is there a second

Mr. Hagarty: I will second it

Mr. Hagarty: All in favor or any opposed

ALL PRESENT "aye" floor open to the public

Mr. Hagarty: The floor is now open; the meeting is open to the public. Anyone wishing to speak only on application 2021-5 315 W Branch Ave. Any of the public wish to speak on this application?

Open Floor to the Public:

Mr. Waddington: Motion seconded by Mr. Hagarty

Mr. Hagarty: Seeing none I will entertain a motion to close the floor to the public on Application 2021-5

Mr. Ford: Make a motion to close

Mr. Hagarty: Is there a second?

Mrs. Gilson: I second

Mr. Hagarty: All in favor; anybody opposed

ALL PRESENT "aye" Floor now closed to the public on Application 2021-5

Mr. Hagarty: The floor is now closed to the public on this application, and I will, given the testimony that has taken place, the agreement that you have with respect to Mr. Dougherty's letter and satisfying the letter and the discussion we had with respect to the project schedule and putting that into the resolution so that the so that the concern that the Mayor expressed and this body that we don't want to see an uncompleted project which is the gateway to the Borough for an extended period of time.

Mr. Facenda: He hopes to build and rent it out as soon as possible

Mr. Hagarty: I would hope so also. With that being the case, we will put it into the, we will provide a thirty-month schedule, you know deadline and for what ever reason that can't be met if something happens we would ask you to come before us again and explain.

Mayor Green: Also, at the end of thirty-months if it is not completed then he has to either put down the hydroseed or finish concreting it out.

Mr. Facenda: That is fine

Mr. Hagarty: Given those conditions and the discussions taken place I will entertain a motion to approve the Preliminary and Final Amended Site Plan of Application 2021-5.

Mr. Waddington: Question before the motion? On the application I see there are three waivers required that we haven't talked about. One is a waiver for the fence, he is looking to do a rail fence in place of the chain link in the front. Then there was a waiver required for the trees in the front, the street trees and then a waiver for the evergreen shrubs along the frontage.

Mr. Dougherty: I did include those in my letter. The chain link fence verses the split rail fence it is a more attractive alternative especially if you remember this one, plus he has a secured fence for the storage units behind he had the chain link fence the basin and chain link fence and that will really have an institutional look to it so the applicant had offered as an alternative split rail and if installed will look very nice and attractive and I would have no objection to it. It serves the same purpose in safety in other words there is a barrier there the chain link would offer a barrier that would have been a little bit higher but in terms of getting into that basin the wire mesh behind it would prevent smaller children from crawling through so, I was in favor of that substitution. As far as the street trees and the shrubs the way the site ended up laying out and I don't know if your familiar with the condition back to the hill the grass

out in the front there is really not wide enough to have a mature tree take root there so, I am in favor of the smaller shrubs along that front they have meticulously laid down sod behind the sidewalk so it is very attractive right up to the fence there from the basin fall so the smaller shrubs would be appropriate along there and that would satisfy more screening than the single tree although you have multiple trees along there. And with the additional plants he has provided some additional landscaping along the side where the Pizza Place is and at the other end where the driveway is going to go in, he has some additional landscaping there at the two entrances, so I thought that was a good mitigation for him not having street trees out there.

Mr. Hagarty: So, does any of the Board Members have any questions on the waivers that were mentioned by Mr. Waddington and discussed by Mr. Dougherty?

Mayor Green: I would like to just let the Board know that I did have the opportunity to go out there and tour the site very recently. It is well built; he has done a great job with the completed section so the waivers would not be an issue at all.

Mr. Sitzler: Mr. Dougherty one of the things that I think we should do to make clear the height size and number of rails of the split rail fence where he is just going to replace the chain link.

Mr. Dougherty: I'm pretty sure it is just a three-rail let me check

Mayor Green: I'm pretty sure it is a three-rail

Mr. Portnoy: it is a three

Mr. Dougherty: And the height what is it

Mr. Portnoy: Five-foot

Mr. Sitzler: Okay, so, that is what you will continue with a five-foot three-rail?

Mr. Facenda: Yes

Mr. Sitzler: So, the Board has a design reference

Mr. Hagarty: Any other questions on those waivers? Anything else that we have discussed with respect to this application? Seeing none I will entertain a motion to approve Preliminary and Final Amended Site Plan for Application 2021-5.

Mayor Green: I will make that motion Mr. Chairman, seconded by Mr. Ford

Mr. Hagarty: Can I have a roll call?

ROLL CALL ALL PRESENT “aye”, APPLICATION 2021-5 WAS APPROVED

Mr. Hagarty: The next matter before us is the Borough of Pine Hill Application with a motion to waive application fees and escrows.

Mayor Green: Mr. Chairman if I may speak on this?

Mr. Hagarty: Sure

Mayor Green: The Borough will be submitting an application to the Planning Board, and I expect it will be for next months meeting for a minor subdivision on West 4th Avenue. That property is being acquired from the owners on West 4th Avenue a Mr. and Mrs. Seifert. The Borough fifty, sixty, seventy-five years ago I have no idea took a drainage pipe from West 3rd Avenue and ran it into the back of Mr. Seifert’s property on West 4th Avenue. We have completed the purchase of the needed property because we can’t remove the pipe and now, we need to do the subdivision so I’m asking the Board to waive the application and escrow fees because obviously it is right pocket left pocket money and doesn’t make a lot of sense for the Board to charge us.

Mr. Dougherty: Generally, an application like this if it is a Town that is abating it the township is exempt from our Planning Board rules and regulations but I think because it is a private property owner is involved the application should be turned in and it is actually a curtesy review and the Board would take no action but on the subdivision I think the Board should take action on the subdivision.

Mayor Green: We are in the process we already got the notice for the property owners and the application is being filled out and like I said it will probably be on the Novembers Meeting if not it will definitely be on December’s meeting.

Mr. Hagarty: Any members have any questions on this? Seeing none I will entertain a motion to approve.

Mr. Ford: Make a motion to approve

Mr. Hagarty: Is there a second?

Mr. Waddington: Second

Mr. Hagarty: Roll Call

ROLL CALL: Mayor Green and Councilman Robb abstained all others present “aye” motion to waive fees on Borough Application for Subdivision passed.

Mr. Hagarty: The next matter before us is an update from the Mayor on the Pine Valley consolidation

Mayor Green: Just so the Board knows what is going on as you are aware our next-door neighbor is the Borough of Pine Valley which consist entirely of the Pine Valley Golf Club it is a private member's only club of approximately six hundred acres, about one square mile. It has an 18-hole golf course and a 10-hole executive course, seventeen residential homes that are owned by members of the club, but the ground is leased from the club and a club house and a few auxiliary buildings. The Borough of Pine Valley, we have had a long-standing relationship with them and over a year ago they reached out to us in Pine Hill, and I have been working on this for the last year over the possibility of consolidating the two Municipalities, the Borough of Pine Hill with the Borough of Pine Valley. The reason Pine Valley is looking to do this is that they only have eleven registered voters, and they need at least three for a governing body and most of the members are not there monthly to live there and, also just the rules and regulations to be a Municipality now days it is just cost prohibitive, and it is just not going to be sustainable for them to be a small Municipality like they are. Because they are a sparsely populated Municipality the law is a little different then for a typical Municipality, a typical Municipality would need voter approval from both Municipalities and then a consolidation of the governing bodies and all of the employees in this case because they are a sparsely populated Municipality the entire process can be done via ordinances. Pine Valley has introduced and approved an ordinance and the Borough of Pine Hill has introduced an ordinance and expected approval is to be at Monday Nights Council meeting once that is done within twenty days, we have to have a meeting with the Division of Local Government and Finance for the state who at that point would sit down and approve our plan. There have already been some unofficial meetings with them as well and we expect the entire process to be wrapped up by the end of the year. Again, this is more like a friendly take over as opposed to a consolidation nothing changes as far as the Borough of Pine Hill is concerned the Governing Body stays the same all of the employees that are presently employed by Pine Hill are retained and the employees there are a few police officers in Pine Valley that will be retiring. So, basically, we just take over that property as part of our borders. All the ground like I said is owned by the Pine Valley Golf Club and will continue to be owned as a private member's only golf club. As far as the Planning Board goes the property that makes up that club borders the Boy Scout Reservation which is a PRC Planning Recreation and Conservation Area which is also the vast majority of the Trump Philadelphia Golf Course is a Planned Recreation and Conservation Area so, that Zoning is going to be applied to the Pine Valley Golf Club the entire six hundred acres. If at some point, they were to do an additional construction which again I think is very highly, highly, highly unlikely they would have to come before this Planning Board to get approval once they are a member of Pine Hill. What it really does for the town is number one it is a great marketing piece, it is typically rated the number one golf course in the Country year after year it will also become the second largest ratable in the Borough of Pine Hill at about twenty million dollars and that will generate about one million dollars a year in total tax revenue to the various tax entities, the Borough would get about two-hundred thousand, the Fire Commission would get about fifty grand and the School District is going to get about a half a million the balance of the money goes to the County for County Tax. So, it is a really great opportunity I think it is really a nice step forward it just really helps with the overall tax issues in the Borough. Because of the way this is being done there is no real involvement in a sense from the Planning Board, but I did want to give you a curtesy to let you know what is going on and where we are headed and if you have any questions, I will be glad to try to answer them.

Mr. Hagarty: Any questions for the mayor. I would just like to congratulate you council, and everybody involved in it I think it is a tremendous achievement I know a lot of hard work went behind it so congratulations.

Mayor Green: Thank you

Mr. Hagarty: The next matter before us is Application 2021-6 Robert W Lange II, 61 E 6th Avenue, Block 63 Lot 26 you are here for a Bulk Variance and a Use Variance

Mr. Dougherty: Mr. Chairman I did want to bring this to your attention. Right now, we are looking at this as just a Bulk Variance and a possible Use Variance because we were uncertain of what the use what this facility is therefore, we have to make the determination of what the use is based on testimony from the applicant.

Mr. Hagarty: I understand

Mr. Dougherty: If it is going to be a garage and houses a motor vehicle then it would not be a use variance but if it is a building that houses anything other than a motor vehicle then it would be a use variance the application was not exactly clear. As far a completeness we can go through completeness as a Bulk Variance only and as completeness of it on this location on September 16th we did a letter, Joe Luste and I issued a letter on completeness the sketch that was originally submitted was not adequate however he subsequently submitted a survey by Arthur Seifert, and it is delineating the distance from the garage, and it meets all of the setbacks so that statement would disappear. And then the statement from the applicant will be necessary to move on to completeness and then at that point the Board can determine completeness and move on.

Mr. Hagarty: Okay is this Mr. Lange?

Mr. Lange: Yes

Mr. Sitzler then swore in Mr. Lange

Mr. Sitzler: Were you able to understand what our Engineer Mr. Dougherty Just said

Mr. Lange: Yes

Mr. Sitzler: So, this is a little legal technicality and that is if you do need a Use Variance then the Members on the Board the Mayor and Council cannot sit and here a Use Variance, they have to recuse themselves

Mr. Lange: Can you say that again I have a hearing loss?

Mr. Sitzler: Okay, I'm sorry let me know if you can't hear me. The legal technicality is what are you going to use this building for? If it is for anything other than a garage for motor vehicles any other reason you might need a Use Variance. If you need a Use Variance the Mayor and Councilman have to step down, they cannot hear this because it is only a Zoning Board Application at that point and not a Planning Board or joint Board application. So, it is important that you address what your plan is for this building what you are going to use it for.

Mr. Lange: It is going to be a garage but I'm also going to be using it for my shop to repair cars and stuff like that and in the upper part I'm going to be storing clothes.

Mr. Sitzler: Clothes?

Mr. Lange: Clothes.

Mr. Sitzler: Personal clothes and personal storage?

Mr. Lange: Personal storage.

Mr. Sitzler: And the cars you are going to work on are cars that are usually parked in there in person?

Mr. Lange: No, my own personal pickup and my girlfriend's car, you know I will go in there and make sure the tires are aligned and I can change the oil and things like that.

Mr. Sitzler: But you are not going to have people

Mr. Lange: No commercial use at all it will be strictly personal, personal vehicles only

Mr. Sitzler: So, I think the next question becomes up is you have an existing garage why do you need a second one to do this?

Mr. Lange: I don't have enough room for storage for my girlfriend's clothes and such.

Mr. Sitzler: Mr. Luste

Mr. Luste: I noticed that this is also a two-story structure.

Mr. Lange: Yes

Mr. Luste: With staircasing to get up to the second level?

Mr. Lange: Yes

Mr. Luste: What is the use of the second level?

Mr. Lange: For storage of clothes and stuff like that, hanging her dresses and things like that. She changes sizes periodically, so she saves her clothes

Mr. Luste: There will be no habitation?

Mr. Lange: No habitation in the building at all!

Mr. Luste: No bathroom?

Mr. Lange: No bathrooms, no water or anything like that! I will have a hose I will run a hose from my bib to get water. I have a long hose so I'm just going to use that, and I will have one outlet with a couple of LED lights and stuff like that.

Mr. Sitzler: The last thing. You understand that is the Board were to grant you an approval it would be limited to exactly to what you just described.

Mr. Lange: Correct

Mr. Sitzler: So, the concern about land use is this and a lot of times the applicant does not know that the Board is entrusted and that is that if you were to ever sell your house, we need to make sure that the buyer of your house doesn't convert it and decide to make it something other than you have specific approval for. Do you understand all of that?

Mr. Lange: I understand

Mr. Sitzler: Does the Board have any questions?

Mr. Luste: I have a question. Currently it appears that your driveway that serves the existing garage stops there and there will be just ground, grass I guess to where the garage is going to be.

Mr. Lange: There will be an eight-foot base, I will have an eight-foot base cement apron to the garage door other than that it is going to be pervious soil I might put matt stuff down so the water will go through, but no weeds come up.

Mr. Sitzler: I do have one more question is it going to be heated? The reason I ask is because if you store clothes year-round and if not heated and certainly weather conditioned there is a good chance, they could get mildewed.

Mr. Lange: Everything will be packed in plastic containers and will be sealed so moisture will not get in and spoil.

Mr. Sitzler: So, your answer is you don't intend to heat

Mr. Lange: I don't intend to heat, the only heat I will ever use is I have a bullet heater. If I'm working in the garage, I can open the garage door and blow it in the garage.

Mr. Sitzler: Anyone else have any questions?

Mr. Hagarty: I have a couple I wanted to pursue. Mr. Lange if you could just, first off, I'm assuming you have seen our Engineer Mr. Dougherty's letter?

Mr. Lange: Can you say again you have to speak up I have hearing aids, but I still have a hard time hearing.

Mr. Hagarty: Have you received and have

Mr. Lange: Yes, I received the letter from him

Mr. Hagarty: Okay and you read the letter?

Mr. Lange: I read the letter and talked to him on the phone about this

Mr. Hagarty: Okay

Mr. Lange: And he told me I was going to have to talk about what the use of the property was

Mr. Hagarty: So, are you prepared to go through this letter tonight in terms of the points mentioned in this letter some of the items that were discussed?

Mr. Lange: Yes, I am

Mr. Hagarty: You have explained I think in terms of our understandings of the use it is a 24 x 24 two-story garage so aesthetically what does this garage look like?

Mr. Lange: The garage is going to have vinyl siding on it, a window on each end and windows only into my back yard not into the neighbor's yard at all. There will be some windows on the upper part on both ends and on the yard side and also down below on the entry door.

Mr. Hagarty: Basically, this is just going to sit on grass?

Mr. Lange: It is going to sit on cement

Mr. Hagarty: Pad

Mr. Lange: I will have a cement foundation by a contractor where they fill have to pour footers and do blockwork and pour the floor before it can be brought in and setup. I'm getting it through the Barns at the Berlin Mart they are doing that I had to go through them to get the Architectural plans.

Mr. Hagarty: So, is this like a panelized or structure that you are getting?

Mr. Lange: It is two halves each one is 24x12 that will be brought in and set down and then they will have to put a roof on.

Mr. Hagarty: I believe you said that in terms of the space inside there is going some electrical. You are going to have some electric, lighting I would assume.

Mr. Lange: Basically, like in the existing garage that I have I put some receptacles to plug in the LED's in and I'm going to run a string of them.

Mr. Hagarty: How about water are you going to have water inside?

Mr. Lange: No water

Mr. Hagarty: No water?

Mr. Lange: Other than bringing in a bucket

Mr. Lange: No water, no sewer, it is not going to be used for housing anybody or anything like that

Mr. Hagarty: You mentioned that the lower level is just going to be used for cars, storage or maintenance and whatever tools that you have

Mr. Lange: Yes, all that from the other garage is going to be over there and my tools and stuff.

Mr. Hagarty: And besides your existing garage you need this garage unit and your existing garage to service your personal vehicles?

Mr. Lange: Right now, I can't even get into my garage with all the stuff she has stacked in there already

Mr. Hagarty: The upstairs unit is just storage of clothing

Mr. Lange: Storage and that

Mr. Sitzler: Mr. Luste and Mr. Dougherty seeing that it is a combination of looking at your letter of permitted uses, privet garage and sort of a utility shed would be the use of the second floor since he is

only going to store clothes it is not going to be unless a plug in heater is used it is not going to be heated, no water and no bathroom and the first floor would be a normal garage for cars.

Mr. Dougherty: It does tend to meet the definition of a garage. Typical storage. But quite frankly miscellaneous storage whether it is clothing or paper or something like that I would imagine is in everybody's garage. So I don't believe this is a use variance, I think based on the testimony it appears to be a bulk variance because our ordinance is written such that one garage and it make sense one home one garage is permitted and to ask for a second garage would be a bulk variance just like a setback variance when you are trying to get too close to the property line it is a bulk variance it is the same as a shed if he wanted to build a shed you can build one shed if you wanted a second shed you it's a bulk variance not a use variance and it really hinges upon the users testimony before the Board for completeness. So, at this point we could declare the application complete and move on to the rest of the testimony because the completeness has been heard.

Mr. Hagarty: Okay, so, I guess that Mr. Dougherty you are satisfied with issue of completeness in terms of the items you have raised in your letter.

Mr. Dougherty: Correct, a signed survey was submitted with more actual dimensions it meets all of the setback requirements and also the testimony that has been provided has been adequate.

Mr. Hagarty: Okay so let's deal with the housekeeping stuff first for the issue of completeness. On the question of completeness do the Board members have any questions with respect of completeness? Seeing none I will entertain a motion to approve with respect to completeness application 2021-6 to deem it complete.

Mr. Ford: Make a motion

Mr. Hagarty: Is there a second?

Mrs. Gilson: Second

Mr. Hagarty: Roll call please

ROLL CALL all present "AYE" APPLICATION 2021-6 DEEMED COMPLETE

Mr. Hagarty: Now that we have the housekeeping with respect to completeness are there any other questions that anybody has for Mr. Lange in respect to his plans for this two-story 24'X24' foot garage?

Mr. Waddington: Do you plan on putting any type of lift in there for your garage?

Mr. Lange: No, I have a small jack, floor jack that rolls around on wheels. I don't do that much work I'm getting too old for that.

Mr. Hagarty: Any other questions anybody has for Mr. Lange? Any Board members, Professionals?

Mr. Sitzler: Mr. Luste in reading your letter and Mr. Dougherty I think it also needs a variance to construct the building. It looks like the height the applicant is requesting 21.44 feet and 14 feet is the max for the normal garage height so that would be another variance that he is requesting.

Mr. Dougherty: Right

Mr. Sitzler: That would be for the second story he is requesting for the clothing storage. Is that the two variances that he needs?

Mr. Dougherty: Yes

Mr. Hagarty: The second garage and the height of the garage

Mr. Sitzler: Correct

Mr. Hagarty: Any other questions of Mr. Lange?

Mr. Luste: Mr. Lange on your existing house is that a two-story?

Mr. Lange: Existing what?

Mr. Luste: Existing house

Mr. Lange: No, it is a one-story ranch

Mr. Luste: The reason I ask that question is that a normal house when it is two-story would exceed the height of the garage it is opposing you are not going to find in existing conditions where a split level or a two-story home.

Mr. Lange: It is not it is just one

Mr. Hagarty: Any other questions that any of the Board members have or Professionals for Mr. Lange? Seeing none I'm going to entertain a motion to open the floor to the public for Application 2021-6.

Open Floor to the Public:

Mr. Ford: Make a motion to open the floor to the public second by Mr. Hagarty.

Mr. Hagarty: All in favor? Any opposed?

All Present “aye” to open the floor

Mr. Hagarty: The floor is now open to the public to speak on Application 2021-6. Seeing none of the public here to speak on that application I will now entertain a motion to close the meeting to the public on Application 2021-6.

Mr. Waddington: Make a motion.

Mr. Hagarty: Is there a second?

Mr. Ford: Second

Mr. Hagarty: All in favor? Any Opposed?

ALL PRESENT “aye” FLOOR CLOSED TO PUBLIC ON APPLICAION 2021-6

Mr. Hagarty: If there are no other questions of Mr. Lange, I will entertain a motion to approve the Bulk Variance for his 24’X24’ two-story garage unit with the conditions that we have talked about and through his testimony that the use of it is just a garage and storage and that the variances that you are getting with respect to a second garage and the height variance that is going to be granted and as Mr. Sitzler said and the probably the most important stuff as you if there is a change in use after you have it you have to come back because this motion that will be granting is based on your testimony on how you are going to use the facility.

Mr. Lange: I understand.

Mr. Hagarty: So, based on all of that testimony we have heard and the two variances that are being asked I will entertain a motion to approve Application 2021-6 the Bulk Variance.

Mr. Ford: I will make a motion to approve

Mr. Hagarty: Is there a second?

Mr. Hagarty: Second

Mr. Hagarty: Roll call please

ROLL CALL ALL PRESENT “aye” APPLICATION 2021-6 APPROVED FOR BULK VARIANCE

Old Business:

Mr. Hagarty: Old Business does anybody have old business they wish to discuss.

Mr. Gallagher: AFFA services we had requested that Mr. Sitzler to reach out to their attorney to meet with us this month but their attorney happens to be out of town.

Mr. Sitzler: Yes, out of town

Mr. Gallagher: So, he has contacted us wanting to know if it was possible to be on the agenda for November which we are going to accommodate him and put him on the agenda. He also asked what his client could do, and Mr. Sitzler informed him that he needs to make some kind of show of good faith and maybe start some work on that garage before he comes before the Board so, we will see where we are at come November.

Mr. Hagarty: Good advice

Mr. Sitzler: Mr. Threston who is going to represent him wanted to be here with him to explain what the issues are if any and also, I guess to give clear guidance. I think, I will have to look at my resolution since that application was denied it is pretty clear what he has to do, I don't think it was confusing at all but the Board did show some willingness when this first started by giving some accommodations to what it was originally was but I think more importantly is we are worried down the road this looks like a living space just like he thought it was a living space from his testimony because he said it was a garage there that he thought has a living space was approved and we don't want that to happen again. So, it can't look like that anymore.

Mr. Hagarty: Okay

Mr. Sitzler: So, they will be here in November, and I did ask him to start some of the work before he comes here.

Mr. Hagarty: Okay that is a good start. Any other business anybody wishes to discuss?

Mrs. Keyek: Can I get an update on the Temple on Blackwood-Clementon Road regarding that gravel parking lot that they put in without a plan?

Mayor Green: You probably have issue a

Mr. Sitzler: Is that the one that mitigation.

Mrs. Keyek: I'm sorry

Mayor Green: No, the mitigation is supposedly over with you will probably have to issue them a notice

Mrs. Keyek: Okay

Mayor Green: That would be the best case at this point

Mr. Sitzler: That was the one with fighting among the members?

Mayor Green: Right but, that was supposedly resolved a while ago

Mr. Gallagher: I did have a phone call from a Lawyer who said he was now representing them but that was like four months ago wanting to know if they can still come for their application before the Board and I said yes.

Mr. Sitzler: I would only ask the Board that who ever comes here as the Lawyer and the Applicant that you get some clarity that there has been a resolution of the court because if I remember if this is the case I'm thinking of

Mayor Green: It is but I was told it has been resolved

Mr. Sitzler: There was several factions and they all had separate lawyers and they were all fighting about the use so, somebody has to get the court order and show us that they have the authority to gain control of the property and not set us up for a situation where we give some kind of approval and another faction fights that they get it, and it gets no ware. If there has been a resolution by some settlement where some judge has ordered, I would only ask the Board to consider having that lawyer so that you are not dealing with another lawyer down the road saying hay this other faction is wrong. So, I would ask for that, so we don't go through the same process again.

Mr. Hagarty: Good point. Any other old business that anybody wishes to discuss?

New Business:

Mr. Hagarty: How about new business?

Mayor Green: I think the Code Enforcer might want to mention the Pine Hill Tavern.

Mrs. Keyek: The Pine Hill Tavern the lot adjacent to them they purchased and if I understand right, they plan to expand the business, expand the parking lot do an outdoor Tiki-Bar and this is all just verbal nothing official. They started clearing that lot and having taken down a lot of the trees leaving stumps that are

Mayor Green: About 30 inches.

Mrs. Keyek: And currently there are two are two stop orders that have been issued one by the County Soil Conservation District and the second one by Hugh Dougherty and they have been informed that they have to come before the Board before they proceed with any other.

Mayor Green: At this point they have some serious issues

Mr. Dougherty: Th way I went about this, John Greer had called my office and said what was going on out there and I touched base with Les and there is no application to come before the Board. So, I met with Karen out at the site and I viewed the site and they started the whole process but our Ordinance says that any grading or site clearing you have to come before this Board so I know there has been some discussion about them building something on that lot but with out a plan they really can't do anything but maybe take down one or two trees but they cleared an entire section and then they graded the lot so the mere fact that grading and taking down trees is in violation of our ordinance for a site plan they have to come in with a site plan and you can't start work until the site plan is approved. The other thing that is problematic about clearing trees is that our ordinance says that there is compensation plantings for trees of certain size well if you clear the lot you have no idea what was there so it is sort of a double whammy from our ordinance because they are in violation of both sections, the landscaping section as well as the site plan section where they have to come in.

Mr. Gallagher: I was going to say that they did come to me several months ago and ask for an application which I gave to them and explained everything them and I know they had talked to Karen and she explained stuff to them but, when they came back with one set of the application with plans and I told them I needed twenty and they wanted to give me the checks and when I explained to them that before they come before the Board they have to have to have a Land Use Lawyer and a Land Use Engineer and they were like that is what I'm paying you for now and I said no you are paying the cost of the Lawyer and Engineer that advise the Board on their legal matters they do not represent you. You are a commercial entity you need your own professionals to represent you and they threw their hands up and said that is going to cost too much and they left. I thought it was a done deal until I heard the woodchipper going.

Mayor Green: They were also told by the governing body at a council meeting that they needed to reach out to the Planning Board if they were planning to do anything that is when they came to get the application I guess and that was several months ago.

Mr. Sitzler: Can we not look on Google Earth from a few months ago to see what was on there before they cleared it?

Mayor Green: We have pictures, right?

Mrs. Keyek: Yes

Mayor Green: We have pictures of the sizes of the stumps.

Mr. Sitzler: Prior to them clearing?

Mrs. Keyek: The stumps are not removed

Mr. Dougherty: If they had removed the stumps, we would be out of luck but mainly we need to determine the size of the stumps.

Mayor Green: We have pictures

Mr. Gallagher: I think it was three stumps that they actually pulled out of the ground

Mrs. Keyek: Right

Mr. Gallagher: Three or four but they are still there, and you have pictures of them

Mayor Green: I have not seen pictures of them, but I understand we have plenty pictures of the lot, so it is going to be easy to determine how many trees and how many stumps and the size of them, some of them were pretty big.

Mrs. Keyek: They are complying with the stop work order

Mr. Sitzler: Have they been sited to go to Municipal Court or just the stop work order

Mrs. Keyek: Just the stop work

Mr. Dougherty: And that was the County Conservation District they were acted first I think, well simultaneously I got John's call to me and then the County Stop Work Order so they were over five-thousand square feet so that falls under soil conservation control so they were over that so the County Conservation District issued a stop work order and then I looked at it and they were clearly also in violation of our ordinance so I issued a stop workorder as well.

Mr. Gallagher: The County Conservation also called me they were out at the golf course checking on the Trout streams and stuff and I guess they drove by there to check where the storm water runs off at the end of Erial and Cloverdale to make sure no silt was built up in there and called me asking what is going on with these trees and I guess they proceeded from there to issue their stop work order.

Mr. Sitzler: Les have we gotten any indication if they have a lawyer now?

Mr. Gallagher: No indication at all

Mayor Green: They said they have a lawyer, but I have no indication on what that means

Mr. Hagarty: So, I guess with the issuance of the Stop Work Order they have actually stopped work

Mrs. Keyek: They did

Mr. Hagarty: Okay hopefully they are before us in November that would be at least a start

Mr. Gallagher: They are behind the eight ball for the November they have not turned in an application and I have no proof they even have professionals. Pennoni and Associates have forty-five days to review the application once it is turned in so the earliest, they would be able to come in is probably January

Mr. Hagarty: Okay, sounds like we will just have to keep an eye on things, and we will talk about it monthly I guess to see what is happening and to see if anything changes. How about any other new business that anybody wishes to discuss?

Open Floor to the Public:

Mr. Hagarty: Seeing none I will entertain to open the floor to the Public on any matters.

Mr. Ford: I will make a motion to open

Mr. Hagarty: Is there a second

Mrs. Gilson: Second

Mr. Hagarty: Okay, all in favor, opposed

All Present "aye" floor open to the public

Mr. Burke: My name is Terry Burke I live behind Pine Hill Tavern on 1302 Pine Street, there is one other thing that they talked about is solar panels and I was of the impression they wanted the solar panels on the building itself. And is that structure is elongated I'm not sure what that means but forty squares, so I guess they are 8'X4' panels, I guess. I'm not sure if that bypasses anything in coming before the Board or Zoning.

Mrs. Keyek: They did apply for a Zoning permit to add Solar that was going on the roof and that was not in violation of anything related to the site because they would go on the existing structure and only on the roof at this point

Mr. Burke: Okay but keep an eye on them I don't want you to share this information because I live next door and I don't want them to bypass the Zoning

Mayor Green: No, anything they do they are going to have to come before this Board.

Mr. Dougherty: Solar Panels are unique to the State and can be in any Zone, but they still have to come before the Board

Mr. Burke: Okay thank you

Mr. Hagarty: Thank You Terry

Mr. Luste: Regardless of the fear when we modified the ordinance last year I think and has all of the restrictions on there it has the roof on it that was more laxed because it is on the roof if it is on the ground, it has conditions it has to have buffering and distance from property lines exposure to the front of the yard all kinds of conditions have to be meet with a heavy buffer.

Mrs. Keyek: They have not proposed ground mount solar, their application is strictly for the roof

Mr. Sitzler: It sounds like it is a future plan if they are talking to their neighbors to see what their response would be to it which I would assume would to be on the roof but sometimes it is on the parking lot to e installed over the parking lot

Mr. Hagarty: Okay it sounds like this is going to require continual monitoring and with the two stop orders the ball is clearly in their court

Close Floor to the Public:

Mr. Hagarty: Seeing nobody else from the public wishing to speak I will entertain a motion to close the meeting to the public

Mr. Ford: Make a motion to close, seconded by Mr. Hagarty.

Mr. Hagarty: All in favor?

All present "aye"

Motion to Adjourn:

Mr. Hagarty: I will entertain a motion to adjourn this meeting

Mrs. Gilson: Make a motion, seconded by Mrs. Wakeley

Mr. Hagarty: All in favor?

All "aye" motion carried; meeting adjourned at 8:46 PM