

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
August 12, 2021

**Phone Meeting**

- 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, Councilman Robb, Mrs. Jones, Mrs. Gilson and Mrs. Wakeley,  
**Absent:** Mayor Green, Mr. James & Mr. Hagy  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty & Zoning Officer: Mrs. Keyek  
**There was a quorum**
- Correspondence:** **The New Jersey Planner Vol. 82, No. 3**
- Approval of Minutes:** **Mr. Hagarty:** If everybody has had a chance to read the minutes from the meeting of July 8th, 2021. First off does anybody have any questions with respect to the meeting? Seeing none I will entertain a motion to approve.
- Mr. Waddington motioned seconded by Mr. Ford.
- Roll Call Minutes: Councilman Robb Abstained all others “aye” the minutes were approved as written

**Resolution: 2021-14**

**Mr. Hagarty:** The next item on the agenda is Resolution 2021-14; it is a resolution of the Pine Hill Zoning Board granting a Use Variance and Minor Site Plan approval for a Convenience Store and Gas Station to Multani & Sons, LLC for Property Located at Block 131 Lot 30, also known as 101 Cross Keys Road, in the Borough of Pine Hill. If everybody has everybody had a chance to read the resolution, I will first ask is there any questions on the resolution?

**Mrs. Keyek:** Not a question but, I want the Board to know that he has already opened the Convenience Store prior to the signing of the Resolution, and I have photos showing open signs from today. He does not have Construction Permits for a CO he has not applied for a change of use. His CO is for the addition of a storage and office space it was not a construction permit for a convenience store use.

**Mr. Hagarty:** Okay, that is very troubling considering the discussion we had at the last meeting.

**Mr. Dougherty:** He was calling it storage

**Mrs. Keyek:** When He got the permits for the CO from the Construction Office it was for the Storage not for the Convenience Store.

**Mr. Ford:** And it looked like somebody was pulling into the Car Wash when I went by, and I seen it was open and some one was going into the Car Wash. Whether the Car Wash was open I don't know but I seen somebody going in. It used to be a Car Wash and I seen somebody going in there and that is what caught my eye.

**Mr. Gallagher:** Unless they were just pulling behind it is kind of hard to see from the street.

**Mr. Ford:** Yes, I was just turning the corner and I just happened to look over at the Gas Station because the open sign caught my eye that the Store was open, they had their little flashy sign in the window, which was some of the topics that were brought up at the meeting.

**Mr. Hagarty:** Was it in the box?

**Mr. Ford:** No, it was in the window. He said he was not going to have anything like that and that is why I asked that question because all of those stores have stuff like that, one of the Gas Stations I pass by in the morning to go to work actually has the like chaser lights and they are like really bright and then they have all the sticker signs in the window so you can't even see in the store.

**Mr. Sitzler:** Is that a different sign that was in the window.

**Mrs. Keyek:** Yes, that was never there. They even have a banner now open

**Mr. Sitzler:** They were even in violation before you even voted on it.

**Mr. Ford:** Do we table this or not vote on it.

**Mr. Sitzler:** They are not even replacing the one in the box

**Mr. Hagarty:** I agree it looks like he completely jumped the gun

**Mr. Dougherty:** One of the things I will say in other towns at the end of the approval when they approve an application the applicant is read a statement that says this is not an approval it is not an approval until the Resolution is adopted. I think that some people think I got approval so I can start, so they actually instituted that policy and made it a disclaimer that you don't have approval when you come before the Board that night you still have to get a building permit you still have to

**Mrs. Keyek:** So, no Mercantile License and they have three business on one lot

**Mr. Hagarty:** My understanding was that thru the whole discussion that he jumped the gun he stopped and then trying to retract and come in and do it the right way, go through all the approvals and go through all the right steps after the fact and apologize for backdated but he was going to from this point on follow the normal procedures.

**Mr. Sitzler:** Karen did you stop them? Did you put a

**Mrs. Keyek:** I did not

**Mr. Sitzler:** How did he stop, who got him to stop and do a switch over and come before us? Because Hugh, when you did the site visit you said it was in process he had already started.

**Mr. Ford:** I did not take them long to do it. I live on that road, and I drive by all the time it did not take them long at all to put everything in there

**Mr. Sitzler:** To the best of your knowledge the car wash is totally gone?

**Mr. Ford:** I have no idea; I have not gone in there I just somebody pulling in with a car into the back where it looked like a car wash again. Which led me to believe he had three businesses going on. I don't know if he actually maybe understood everything that we were saying.

**Mr. Sitzler:** He had a lawyer he was not just some citizen coming in here that was confused. We don't do that in my other towns, Hugh what actually is read?

**Mr. Dougherty:** It is just said this is not an approval, you must have the resolution read at the following meeting, you must apply for the building permits within thirty days after the resolution is approved.

**Mr. Sitzler:** It should be forty-five days because that is the appeal window. Anybody can appeal but they have, like the silent opposer they don't hire a lawyer and they sit back and let you approve something, and they file an appeal to the court right away figuring you are not going to dot your I's and cross your T's if there is no opposition there or you are much more careful when there is a complaint without looking who has reported. That happens a lot when all of a sudden there is something that you didn't even know was opposed files a lawsuit within 45 days, so they have to wait 45 days. In this resolution if you read the five-year escrow takes place and then he posts escrow ahead of time, but they don't have an Engineer estimate so. I mean it takes place 45 days after today if it is approved today because that is the appeal window, and you never know when somebody is going to appeal.

**Mr. Gilson:** About the signs it was said in the meeting he "replied that they were not going to change any of the existing signs. He also commented that when people come in for gas, they will see the convenience store and it becomes automatic, so the signs are not needed."

**Mr. Sitzler:** Yes, that is in admission

**Mrs. Keyek:** They did not have that I noticed signs that said convenience store but, they did put up the now open banner which I'm assuming is a temporary banner but, there is a sign in the window. There is nothing there that I saw that said convenience store.

**Mr. Sitzler:** Paragraph 16 the hours of operation "there is no need for any new signs, but the Board suggested that an existing box sign related to the car wash could be changed to reflect the store as long as its size remained the same." And number 5 "No new signs shall be permitted:" except for the one in the box to replace the one in the box.

**Mr. Hagarty:** Very Good

**Mr. Ford:** I think and I'm just going with the guy across the street, there is like a convenience store kind of across the street and that is what that guy did he put signs in all the windows so you can't actually see in the store but he is advertising with his window space which is one of the things that would be distracting.

**Mr. Sitzler:** I remember specifically Board members asking him if he was going to put up any commercial signs.

**Mrs. Wakeley:** His exact response was that he has other stores like this, so he knows what to do.

**Mr. Sitzler:** This is not his first Rodeo; he has several other stores and Mt. Teets has done pretty much all of them as far as I know so if you look up Mr. Teets you will see in his resume he specializes in this type of projects and he said as much that he had done several.

**Mr. Dougherty:** Would he be doing this at his own risk Bill?

**Mr. Sitzler:** Well, if that is a sign that did not exist before that is a violation. They told us they had no need for signs they did not necessarily want to put a new sign into the box that the Board was allowing them to do when it already existed just changing from Car Wash to what ever as long as it stayed and did not get any bigger but, that does not look like that doesn't look like an existing neon sign it looks like a new sign. If it is not in that box, then he violated it already.

**Mr. Dougherty:** Just the operation of the convenience store is that considered proceeding at his own risk?

**Mr. Sitzler:** Yes, he is at his own risk

**Mr. Dougherty:** Alright. If the Board adopts this, this evening would we hold up the Resolution?

**Mr. Sitzler:** It is really the Boards decision as to weather you consider this a significant violation so far; we know that he jumped the gun, and he may have a sign issue that is not permitted I don't know of anything else with permits the best thing to do is I guess the Construction Official.

**Mrs. Keyek:** Yes, the Construction Official

**Mr. Sitzler:** They can sight him for that, it is not us we don't have the authority to do that. They can sight him for not having permits

**Mr. Hagarty:** Basically, if you follow the resolution that we are considering the various steps to go through that they were going to meet with the Board Planner and Board Engineer with respect to a landscape plan, permit site inspection prior to implementation of a landscape plan, provide a landscape maintenance plan, comply with all the review letters by the Board Engineer and the Board Planner unless modified by the Board at the Hearing. In the Event that there is a good-faith disagreement with the Board Planner or the Board Engineer with any of the terms and conditions they agree to appear before our Board again and discuss those items and so on and so on. So literally you can almost go one by one and the applicant has missed the boat on all of it.

**Mr. Sitzler:** If the Board was to table this and not vote on it at all, you really can't turn it down because it is a memorialization of action you took but you can table the Resolution which is one option and summon him back at the next meeting if that is what the Board chooses to do and have him explain.

**Mr. Ford:** would any of that also include the County because it is the County Road and whatever construction they may be doing?

**Mr. Sitzler:** He really would not have much County improvements, would he? I understand he intersects two County Roads Correct.

**Mr. Dougherty:** He may need a minor site plan with the County Planning Board. There are no improvements to speak of.

**Mr. Sitzler:** That is what I was thinking. I don't think he would have any consequences with Camden County

**Mr. Ford:** Okay, I was just wondering

**Mr. Hagarty:** Thoughts of the Board, questions, comments

**Mr. Sitzler:** The Board could also memorialize it and still call him back. I would be okay with either option you can memorialize it you can table it either way you can call him back and question him on what he has done or did or why, you can certainly do that

**Mr. Ford:** I will make a motion to table it

**Mrs. Wakeley:** Second

**Mr. Hagarty:** Just before I entertain a motion, I don't disagree. Karen, I don't want to put you in a bad spot to go out there, you have done your job and brought it to the attention, and I would personally like more information, and I think there is a clear understanding of what we agreed to and if for some reason there is some misunderstanding regarding that. I think it gives us some time to go out and at least do an inspection and see what is being done and what is not being done.

**Mr. Ford:** If it is a storage space in back, I don't think he would be pulling a car inside and I clearly saw the car going in that is why I was wondering if the car wash was in operation

**Mrs. Wakeley:** I don't think there is space behind the car wash is there?

**Mr. Ford:** No, unfortunately I have been a customer there for several years since I have lived in town and I know that one well.

**Mrs. Keyek:** I thought at a minimum I would take a photo and let the Board know and see where we go from here. I did reach out to the Construction Official, and he does not have a change of use construction permit in place so he will have to submit two sets of signed sealed drawings for the convenience store and he will be getting a notice from the Construction Official sent out tomorrow. So, it is being handled from the Construction end.

**Mr. Sitzler:** He may be in violation of the Construction Code; I was just trying to see what else he was in violation of. Signs, if it was not that they were so additament that they absolutely did not need a sign because that is what is conflicting here, we didn't try to make him meet our sign ordinance he said he didn't need one.

**Mr. Ford:** Was there anything in there on the yellow lines being painted in front of where the gas pump is now

**Mr. Hagarty:** Yes, it is in here

**Mr. Sitzler:** To be clear I was not going to tell them they could put a sign up when they were not going to do any signs. I didn't want to put a no parking sign necessarily. Everybody knows when you paid the yellow striping, and you paint that front curbing there and the asphalt that it is no parking. You can put no parking in yellow you can paint that there

**Mrs. Keyek:** Right now, they have one of those orange and white crash cushions. The barrels, he has one of them in front

**Mr. Sitzler:** That is probably just a temporary thing

**Mrs. Keyek:** I can go back tomorrow and check inside and see what is going on, see if the Car Wash is indeed vacated or not

**Mr. Hagarty:** Hugh, you have not heard from them with respect to anything

**Mr. Dougherty:** No since the meeting I have had no correspondence from them. They should submit compliance plans, that would be the right course of action. We approve the Resolution then they submit the compliance plans and address the conditions in the resolution we sign off on those plans. Les gets ten sets of them and then they get the rest of the construction permits and such as that. Take not they could be in transition right now where they want something but certainly, they should not be operating without the construction CO.

**Mr. Sitzler:** Did it appear to you that the store was operating as a store

**Mrs. Keyek:** Well, somebody did go in but unfortunately, I did not stay to see if they were coming back out or if they came out with anything

**Mr. Ford:** It looked like it, just telling you what I saw rounding the corner sitting at the light

**Mr. Sitzler:** Well, you can have him come back and explain what he is doing and why he has not done it. He can't use the excuse that he did not have a lawyer represent him and ask questions about it besides the fact that he has multiple stores like this else where he has been, again this is not his first go around with a Gas Station/Convenience Store he probably has several of these in different places.

**Mr. Hagarty:** Okay given the light of the information and the discussion that we have had I will entertain a motion to table Resolution 2021-14

**Mr. Ford:** I will make a motion.

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

**Mrs. Wakeley:** Second

**Mr. Hagarty:** Roll Call

**Roll Call Councilman Robb abstained it is a Zoning Issue all others "Aye" Resolution tabled until the September 9<sup>th</sup> meeting.**

**Mr. Sitzler:** Does the Board want to consider a motion in conjunction with that either I or Hugh will notify them that they need to appear next month, and the motion will be remiss before we vote it and have discussed on what they have done and what they have not done.

**Mr. Gallagher:** So, would that be amending the motion?

**Mr. Sitzler:** It would be a second

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

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

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

**Mr. Sitzler:** Hugh do you want to contact them or do you want me to

**Mr. Dougherty:** The Lawyer has a little bit more clout

**Mr. Sitzler:** I will contact their Lawyer; he has represented them before

**Mr. Hagarty:** Lets do a roll call on that

**Roll call: Councilman Robb abstained since it was a Zoning issue all others “aye” motion carried for Mr. Sitzler to Contact the clients Lawyer to have the applicant come before the Board at the September 9<sup>th</sup> Meeting**

**Mr. Hagarty:** Being that we have tabled the Resolution and we will recall the Applicant I don’t believe I need to open the floor to the public to discuss that resolution.

**Old Business:** **Mr. Hagarty:** Is there any old business that anybody wishes to discuss

**New Business:** **Mr. Hagarty:** Any new business?

**Mr. Waddington:** I have a question. That strip store on the corner of Branch Ave and Blackwood Clementon Road does that sign meet compliance? It is like a brand-new sign that just showed up

**Mrs. Keyek:** It is on their Site Plan. I don’t know the date they did apply for a Zoning permit and a construction permit

**Mr. Waddington:** It just looks big that is all

**Mrs. Keyek:** I did not measure it but on paper it was correct

**Mr. Waddington:** When you see it; it’s huge

**Mr. Hagarty:** We have our next meeting on September 9<sup>th</sup> now especially since we recalled the Applicant. Any other new business that anybody wishes to discuss?

**Open Floor to the Public:** **Mr. Hagarty:** Seeing none I will entertain a motion to open the floor to the public on any issue

**Mr. Ford:** Motion to open to the public; seconded by Mr. Waddington  
Roll Call all “aye” Motion carried

**Mr. Hagarty:** The meeting is now open to the public to discuss any issues is there anything you wish to say

**Dr. Williams:** "New School Superintendent" Hi

**Mr. Hagarty:** Welcome and best wishes

**Close Floor to the Public:**

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

**Mr. Hagarty:** Is there a seconded

**Mr. Ford:** Second

Mr. Hagarty: All in favor  
all "aye" Motion carried

**Motion to Adjourn:**

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

**Mr. Waddington:** I will make the motion to; second by Mrs. Gilson,

**Mr. Hagarty:** All in favor  
All "aye" motion carried; meeting adjourned at 7:55pm