

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
December 09, 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. James, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Jones, Mrs. Gilson, and Mrs. Wakeley,  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty & Zoning Officer: Mrs. Keyek  
**There was a quorum**
- Correspondence:** **New Jersey Planner VOL. 82, No. 5**
- Approval of Minutes:** **Mr. Hagarty:** In your Packet is a copy of the meeting minutes from November 11<sup>th</sup>, 2021, meeting. First off, I will ask if anyone has questions on the meeting minutes? Seeing none I will entertain a motion to approve.  
**Mr. Hagy:** Motion to approve seconded by Mr. Ford  
**Roll Call Minutes Approved: Mr. James, Mayor Green, Councilman Robb, and Mrs. Gilson abstained all others present "aye". Minutes approved**

**Resolution: 2021-17**

**Mr. Hagarty:** The first matter before us this evening is Resolution 2021-17, Angelo Horiates Jr. for a Microbrewery, 300 & 302 Erial Road, Block 75 Lots 9.01 and 12, For a Minor Site Plan approval.

**Mr. Hagarty:** A copy of the resolution is in your packet. I will first ask if you all had the chance to review the Resolution and if there are any questions.

**Mr. Hagarty:** Seeing none I will entertain a motion to open the floor to the public for Resolution 2021-17.

**Mr. Waddington:** Make a motion: seconded by Mr. Ford

**Mr. Hagarty:** The floor is now open to the public is there anyone from the public that wishes to speak on Resolution 2021-17?

**Mr. Hagarty:** Seeing none I will entertain a motion to close the floor to the public to the public for 2021-17.

**Mr. James:** Motion to close: seconded by Mr. Waddington.

**Mr. Hagarty:** The floor is now closed, and I will entertain a motion to approve Resolution 2021-17.

**Mrs. Wakeley:** Motion to approve: seconded by Mr. Ford

**ROLL CALL: Mr. James, Mayor Green and Mrs. Gilson all abstained all others present "aye" Resolution 2021-17 approved.**

**Application 2021-8**

**Mr. Hagarty:** The next matter before us is Application 2021-8, for the Borough of Pine Hill 9 W 4<sup>th</sup> Ave, Block 75 Lot 13 for a Minor Subdivision.

**Mayor Green:** Mr. Chairman I have to stepdown from the kiosk because this is about the Borough of Pine Hill.

**Councilman Robb:** I also have too stepdown.

**7:35 PM Mayor Green and Councilman Robb moved to Audience for the remainder of the application.**

**Mr. Patterson:** Good evening, Mr. Chairman and Board members. David Patterson the Attorney for the Borough of Pine Hill representing them this evening for a minor subdivision first I apologize for not having a tie during my dinner I some how spilled something on it.

**Mr. Hagarty:** That is perfectly acceptable.

**Mr. Patterson:** Let me introduce Matt Magill who is the Borough Engineer, Mayor Green who may be offering a few comments and John Greer the Business Manager for the Borough and he may offer some comments if necessary. I would like to have all three of them sworn in if I could.

**Mr. Sitzler swore in Matt Magill, Mayor Green and Administrator Greer**

**Mr. Patterson:** As a matter of record Mr. Magill is a licensed New Jersey Engineer and is the Borough Engineer and I would request he be recognized as an expert.

**Mr. Sitzler:** Does any of the Board have questions as to the qualifications of Mr. Magill?

None of the Board members had any questions.

**Mr. Patterson:** This is an application for a minor subdivision for Block 75, Lot 13 and you all should have received a copy of the application, a copy of the Plan and a statement as to why we are making this application. This property is presently owned by Mr. and Mrs. Arthur Seifert at 9 West 4<sup>th</sup> Avenue and we are seeking a minor subdivision and as the application indicates this is for a long overdue drainage improvement of the property and part of the property will remain to be the Seifert's where the Borough has agreed to make some minor improvements to their property In the agreement that you have with the application but the other part of the property will be part of the minor subdivision in order for the Borough to make these drainage improvements across that property with the agreement such forth in a condition that the Borough Planning Board would adopting a Resolution to make that minor subdivision. The Minor Subdivision will be filed by deed not by plan because with those two pieces of property that is the easiest way to file. At this time, I would like ask Mr. Magill to just briefly describe the subdivision and address the comments made by Mr. Dougherty.

**Mr. Magill:** Good Evening everyone, I think you all have the plan, correct? I'm going to briefly go through what Dave had talked about.

Mr. Magill covered the drainage problem from Third Avenue to Fourth Avenue and how they were going to correct the problem. This will include the drainage from Third Avenue to be directed from the Seifert's property and curbing along Fourth Avenue in front of the Seifert's house to prevent runoff and putting an inlet to take the runoff back away from the property. He covered the comments from the Planning Board Engineer and would be working with him on the concerns.

**Mr. Dougherty:** Late this afternoon I sent an Email over to the Borough Engineer regarding the plan. This Application if you remember we brought it up two meetings ago and it would be a courtesy review because the Borough is exempt from their own regulations so it would come to the Board as a courtesy review and say this is what we are doing. For instance, Public Works if they were doing something, they would come before the Board and say this is what we are doing. You are a recommendation body you don't really have jurisdiction when it comes to the Borough. In this particular case because it is actually real property a subdivision of land that is being transferred from a property owner to the Borough then we have to approve by resolution the subdivision so they can legally file so, that is really the only reason we have to have a public hearing and have a Resolution and all of that. I looked at the plans and the Borough Engineers is confident with regard to the survey, they put this together and worked with the property owner and we just had a couple of little minor things about four or five items that would make it easier to file a plan. Some dimensional differences from the plan verses the legal description. One of the questions that I did have was whether they are filing by Plat or by Deed. The Attorney had mentioned that they were filing by Deed so that the plan itself doesn't need signatures. Les and I usually get signatures for the plans, it doesn't need signatures since we are going to file by Deed therefore, we want to make sure the Deed represents what is on the plan. They were a couple of my comments, and the Borough Engineer did state he would make those changes before filing so I really don't see a problem with this moving ahead. That is all I have Mr. Chairman.

**Mr. Hagarty:** Thank you.

**Mr. Patterson:** I would like to indicate if you mark your exhibits that the Plan be marked #1 as part of this application and a few things that I should have commented on at the beginning. I did Email Mr. Gallagher a copy of the Affidavit of publication but this is the original and I ask that this be marked, and I also have a letter from the Camden County Planning Board and due to the nature of the reviewed application, a staff review concluded that the proposed activity would have no effect on any County facility and therefore will not need a Camden County Planning Board vote so they have waived any County jurisdiction. I would like these marked also.

**Mr. Gallagher:** I would mark these the same as the plans A-1 thru A-3

**Mr. Patterson:** Mr. Mayor would you like to add anything?

**Mayor Green:** Just that we are trying to fix a problem that was caused by the Borough about fifty or sixty years ago and the Seifert's had requested that we fix it.

**Mr. Hagarty:** Does the Board have any questions?

**Mr. Hagarty:** Seeing none I will entertain a motion to open the floor to the public on Application 2021-8.

**Open Floor to the Public:**

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

**Mr. Hagarty:** The floor is now open to the public for Application 2021-8, any of the public that wishes to speak can come forward. Seeing none I will entertain a motion to close the floor to the public on application 2021-8.

**Close Floor to the Public:**

**Mr. James:** Motion to close; seconded by Mr. Ford

**Mr. Hagarty:** Floor is now closed on this application. Seeing no questions, I will entertain a motion to approve Application 2021-8 for a Minor Subdivision at 9 West 4<sup>th</sup> Avenue Block 75 Lot 13.

**Mr. Ford:** Make a motion to approve seconded by Mrs. Wakeley

**All Planning members present “aye” Application 2021-8, Block 75 Lot 13 was approved.**

**7:45 Mayor Green and Councilman Robb re-entered the meeting.**

**Old Business:**

**Mr. Hagarty:** Old Business the first matter to discuss is ALFA Services 119 E Clearview Avenue and I think members have in there packet an Email sent from Joe Threston to Karen on December 9<sup>th</sup> at 11:52 AM explaining their current situation anyway Karen it may be helpful in your own words what has been done.

**Mrs. Keyek:** The four of us met on site and we walked around, and I really wanted to take photos unfortunately we were encouraged not too. They did not want photos because it was a State-run facility even though no residents that were in that home were inside the garage. I did not want to push the issue so we walked around taking notes and there are a couple of things in the letter but walking around and taking notes neither one of us could remember if there was a stove or not or whether there was a water heater or not. In the Letter I recommend that they be removed if they are there and any of the work that requires permits. I know that he said the heater which is old has been there, I did speak to Jim Gallagher the Construction Official and he confirmed that even though it is there, they would still have to get a permit for the heater itself but being that it is in a garage there is a construction code requirement for the flame height as well as having a bollard or some kind of protection for that heater all of which would require permits and of course there are no permits for any of the work even if it is dating back to their prior ownership.

**Mr. Sitzler:** Karen could you address to the Board, because you gave to the applicant some options to let certain things stay or remove them. My instinct is they are not going to remove more than they have too. So can you tell the Board what the mandatory things in your letter are other than they have to

allow the space for two cars and garage doors for potentially for two cars. Other than those being mandatory what else would be mandatory.

**Mrs. Keyek:** The interior walls have to come out, the door which is considered a man door needs to come out and put in either a large garage door to accommodate two vehicles or two separate garage doors whatever it would take so you can pull in two garage doors, but they would not necessarily have too. There is an electrical panel in there now that can stay but that did not get a permit either, so we want to make sure that electrical panel was installed per code, and it is in compliance. A toilet is not typically in a garage so if he keeps that in there the next owner that comes along may say this is great, I can convert this so they would have to definitely take out the toilet, the shower stall would definitely have to come out. The sink is their choice I mean you can have a sink in a garage there are two sinks in there as of right now and if they do want to keep them, they would have to get permits because again they would all have been added without a plumbing permit. All of them that are removed would have to be capped and considered abandoned. Other than that, there was not a whole lot in there, again everything in there was put in either before them or by them without permits.

**Mr. Hagarty:** For the two sinks now is there an age difference in the two sinks the type of sinks.

**Mrs. Keyek:** One is a small kitchen sink, and one is a typical sink you would see in a bathroom with a vanity. I did not see any harm in letting them keep them as long as they were put in properly and tapped into the drainage properly.

**Mr. James:** Are you saying this is a State Facility?

**Mrs. Keyek:** Correct

**Mr. James:** Is this the same facility that came before us maybe two or three years ago that had the garage?

**Mr. Sitzler:** Right, they have not returned it to a traditional garage and that is the issue

**Mr. James:** Okay

**Mr. Hagarty:** So basically, and we heard at the last meeting no action has taken place, no work has been done.

**Mrs. Jones:** If memory serve me, he did that work. When he was here last, he said it bought that in that condition, but if you look back at your paperwork, he did that work I think purposely to move a young man into that particular area. So, when he came here that was not true what he said.

**Mr. Sitzler:** That was in fact their application to make it into an apartment, that is what they asked for.

**Mr. James:** I believe Mrs. Green provided photos that showed that the garage doors were not dilapidated where he testified that they were.

**Mr. Hagarty:** How about interior partitions, what did the interior look like.

**Mrs. Keyek:** When you would walk in where the garage doors were I don't know if it was exactly dead center but there is a wall there that went this way and then the small kitchen area had some walls as well making a small kitchen and then there was another back wall put in to make a back room and the bathroom that had a toilet, shower and vanity sink.

**Mr. Sitzler:** My recollection of Mr. Respes' testimony last time was that there was no kitchen there because I think I was the one that asked him that question.

**Mr. James:** If I recall I think there was a shower stall and a bathroom existing.

**Mrs. Keyek:** If it was the shower stall had been replaced the only item that looked old was the existing heater but again if you are going to have that in a garage when you could pull a car in it would not prevent a possible damage if not properly protected.

**Mr. James:** When he originally applied for it, it was not a State Facility I don't think he applied for it as a State Facility.

**Mayor Green:** It was already

**Mr. Sitzler:** I think he obtained funding prior to him coming before us, that is why I think he made the mistake that he could just go ahead and remodel everything and do a few things before getting approval. I'm speculating a little bit on that but my belief on how the funding works he was given funding from the State to create the facility and that may also be the reason why he delayed this because he is waiting for funding from the State to undo what he did and I don't know if that is going to happen but he is responsible for it, he was the applicant not the State. The State wasn't involved in the application directly before us.

**Mr. Hagarty:** Any questions of Karen anybody has? Since you are our eyes and ears out there, we are relying on you.

**Mayor Green:** What is the next step?

**Mr. Sitzler:** We need Mr. Threston if you did read much of his email, I received it today so I'm assuming everyone got one. He has some personal issues in his family and that Mr. Respes apparently has contracted COVID so they could not be here, so they are asking for it to be adjourned. I believe the Board, correct me if I'm wrong gave them a March date to remediate everything.

**Mr. Gallagher:** March the 10<sup>th</sup>

**Mr. Sitzler:** March the 10<sup>th</sup> so I could not do the Amended Resolution because I don't know what they are going to do because they have a couple of options to do or not do and what I need from Mr. Threston to tell me exactly what they are going to do and as long as it is consistent with Karen's review letter then that would be what the Amended Resolution is going to require but I would be putting things in that I would be guessing since she is giving them some options on what they could do not everything that is why I asked her what was mandatory so, they have options and we need to know what specifically they intend to do and I guess because of his explanation in the email they are delayed in doing that and he also kind of referenced he could not contact his client because of his illness.

**Mayor Green:** So right now, there is nothing we can do going forward until March.

**Mr. Sitzler:** That was the deadline that the Board gave.

**Mayor Green:** Right, if he does not have it resolved by March 10<sup>th</sup> that is his problem and then we have to take the next step.

**Mr. Hagarty:** Because the March date again they had asked for ninety days and that basically gives them almost one hundred and twenty days we gave him a grace period in there.

**Mayor Green:** He has had a grace period of about three years.

**Mrs. Keyek:** That March date is a completion date

**Mayor Green:** The Board doesn't need to take any additional action he has to get it done. He really only has to let you know what he is going to do but he doesn't need to have another hearing before the Board.

**Mr. Sitzler:** If they write a letter to the Board saying this is what we are going to do that would be sufficient than rather just come here and say it in person. I think that should be sufficient and then I could make a Resolution that would require that I can still go back, and I discussed this at nauseum I guess with Mr. Threston it says in paragraph one in a general sense to convert it back so that two cars can go in there with the garage doors. There are some other things of course that we never knew how developed that was but that was the minimum and they didn't even don't that.

**Mr. Hagarty:** Any other questions on this matter? Any other old business that anybody wishes to discuss?

**Mr. Dougherty:** I was going to bring up, Joanne had asked about the carwash, and I touched base with Karen real quick and the carwash at the Conoco Station, the store is up and running the carwash is

legitimately closed so it is just the one use which is the store now and he has all of his ducks in a row building permits and everything.

**Mrs. Jones:** Good because that was Erica's question.

**Mrs. Wakeley:** I drove by there and I said uh-oh, it had the open sign in the window. Is that okay

**Mr. Dougherty:** That was originally there

**Mrs. Keyek:** I know originally, they were not supposed to have it

**Mrs. Wakeley:** It is not like huge but

**Mr. Sitzler:** They were supposed to relace it in that box.

**Mayor Green:** Is it an outside sign or inside?

**Mrs. Wakeley:** It is in the window, and it blinks. It is not in the box it is actually in the window.

**Mayor Green:** Every business in town has one of those

**Mr. Sitzler:** It is just in the wrong spot, Mayor they were replacing it in a box they already had there if they were going to have an open sign instead, they put it on the glass.

**Mr. Hagarty:** Any other questions on that matter? How about any other matters of old business? Seeing none move to new business.

**New Business:**

**Mr. Hagarty:** We have our reorganization meeting scheduled for January 13<sup>th</sup> at 7:30 pm. How about any new business that anybody wishes to bring up?

**Mr. Dougherty:** One thing Mr. Chairman I would like to bring up. The mayor at one point had asked us to look at the ordinance for fencing, basin fencing and it really cam to light with the self-storage where you have chain-link fencing around the basin verses some other things. Joe Luste in my office our planner in looking through the ordinance and gathering information so technically an ordinance would go through Council and not through the Board, but I thought it would be a great opportunity to bring it to the Board to see what the Board would favor. I think that split rail fence is kind of an attractive fencing as long as it can be safe for what we were concerned about the safety of children from getting in there so Joe Lust is going to present something to the Board probably early next year at one of the buildings and I will work with Les to get it on the agenda and then ultimately like I said go to council for approval. In the process in looking at the fencing we also noticed that we have a provision in our

ordinance with regard to landscaping that we have to document trees of a certain size that are being cut down in an inventory and then it says to be compensated for at the discretion of the Board but there is no real standard for that so Joe and I were looking at other ordinances in the area that have a standard for replacing where if you take a tree out that is 12 inches in diameter you have to replace it with something as opposed to just leaving it up to the Board which could almost be arbitrary so we are also going to present that to the planning board and ultimately to council if they want to act on something like that is technically called a tree compensation plan so that would be for every tree you take down of a certain size not a little thing but a tree of a certain size should be compensated for so we are working to present those early next year to the Board. We would just recommend it based on the applicants that we have had to do that

**Mr. Sitzler:** So, what the Planning Board does is we look at the recommendations of the professionals the Planner specifically and if we do come up with recommendations by letter to make a recommendation to town council that they consider since it is their duty to do that so basically, we are just a referral body and recommending body. If Council passes it then they will send it back to us and that would happen later on.

**Mrs. Jones:** Where do we stand on the lot behind the Pine Hill Tavern? They started to clear again

**Mrs. Keyek:** They have a stop work order and to my knowledge they have been complying with that.

**Mr. Gallagher:** I don't know if this is compliant or not compliant, but they have not dug anything up but all the trees behind the three houses behind them they went through and cut them all down to like three-foot stumps. The other week the neighbor across the street called and said they were out there.

**Mayor Green:** They were actually on private property not theirs.

**Mr. Sitzler:** Was that after the stop work order Les?

**Mr. Gallagher:** Yes

**Mr. Sitzler:** So, they have a potential civil problem

**Mayor Green:** I think they had permission from the owners.

**Mayor Green:** How long before they have to do something about it? The stop work order can go on for twenty years.

**Mr. Sitzler:** Karen, you can bring them to court for the violation previous to the stop work order.

**Mayor Green:** They have never filed an application before the Board, and this has been going on for what three months now.

**Mr. Sitzler:** Their options are two, they come to us and say they messed up, we would like to do this can you review it and we decide yes or no in terms of the conditions or they just ignore it which in this case at that point the only recourse would be to charge them with a violation for doing things without approvals and then the judge would end up sending them back to us most likely.

**Mayor Green:** What happens if they just don't come back?

**Mr. Sitzler:** They will have to appear in Municipal Court if they get charged.

**Mayor Green:** Right and then the judge just kicks them back to us, he just dumps them off

**Mr. Sitzler:** You then let the court know that they disregarded the court order and actually the judge is only going to kick it back realistically when the prosecutor for the Municipality suggest that when there is an agreement with what ever lawyer if they have a lawyer that represents them to bring it here. SO if they make a consensual agreement and the judge orders it on a consent and then they don't show up that is even a worse thing to be ordered by a judge without the consent.

**Mayor Green:** So, do we need to send them a letter to see where they are at.

**Mr. Sitzler:** How long has it been in other words when did the violations start and how long had that been until the stop work orders were issued? I would need the chronology

**Mayor Green:** The stop work order was issued within twenty-four hours after the start

**Mrs. Jones:** I think the mayor should know they came before him

**Mayor Green:** I think that was back in August maybe September

**Councilman Robb:** I think it was September

**Mr. Gallagher:** I think they started in August

**Mr. Dougherty:** My records show it was October when we got something from the County Conservation District and that same time frame early October, we provided a stop work order.

**Mayor Green:** So, it was October?

**Mr. Sitzler:** Are they operating as a Corporation of LLC?

**Mr. Dougherty:** They have not filed anything, so we don't know

**Mr. Gallagher:** They did come in and see me in August and picked up an application and when they came back in August with the application and found out that with their escrow fees our Engineer and Engineer would not be represent them and they would have to have their own engineer and lawyer they took the check and application back and said this is highway robbery and walked back out.

**Mr. Sitzler:** You should notify them Karen; I mean the Board can pass a motion for Karen to effectively tell them they have a drop-dead date to either apply here or face potential charges in Municipal Court that is the only thing that I can suggest to the Board based on your vote and obviously if it goes back that far they know what they are supposed to do and they haven't exactly displayed good faith but if that is what happened as Les just described it. So, they knew what they were supposed to do but when they found out they had to post escrow money they decided to walk away so.

**Mrs. Jones:** They are leaving a terrible eyesore on Erial Road, so if they just walk away what happens?

**Mr. Sitzler:** They are not just walking away they are in potential violations under the CODE of doing things without approvals generally speaking that is an ordinance violation for not following proper ordinance requirements they can be fined by a municipal court judge on a daily basis for everyday it stays that way. It can be a daily fine and be astronomical if they think escrow fees are high it is obvious, they are not familiar how the system works.

**Mayor Green:** Can we just put them on the agenda for January?

**Mr. Gallagher:** Right now, on the agenda for January besides Reorganization, is Carl Pursell coming back asking for an extension

**Mayor Green:** No, I'm just saying we can put it under old business make sure it is on the agenda

**Mr. Sitzler:** We also have Mr. Washburn from that large project that needed to the environmental clean-up.

**Mayor Green:** Amboy Bank

**Mr. Sitzler:** Because the DEP allowed them to not do any thing during COVID gave them an extension and they are just asking for a duplicate extension from the town because they had to stop doing clean-up during the last year and a half due to COVID, so he is asking for the identical extension period that DEP gave him to finish the job.

**Mr. Hagarty:** Okay, I think that is good

**Mayor Green:** Maybe between now and January they come in with an application if not we will do them in February.

**Mr. Sitzler:** I think though at some point the Board should consider it at the January meeting maybe.

**Mayor Green:** That is what I said put it on the agenda

**Mr. Sitzler:** Yes, they can't just ignore everything

**Mr. James:** I just have a question. There is a homeowner in Bromley Estates that is having construction stuff brought in and placed at the curb on every garbage day.

**Mayor Green:** Give me the address

**Mr. James:** I think it is either 1706 or 1707, they have multiple garbage cans. Every day right before trash day a truck comes in and they pile it into all of these garbage cans.

**Mayor Green:** The Street

**Mr. James:** It is just Bromley Estates, at first, I thought they were just doing renovations in the house, but this has been going on for months.

**Mayor Green:** Trash Day is Monday?

**Mr. James:** Yes

**Mrs. Keyek:** That is 1706?

**Mr. James:** it is the last in the 1700 series, so it is the highest number I don't know if it is six or eight, but it is the last one

**Mr. Hagarty:** Any other new business that anybody would wish to discuss.

**Open Floor to the Public:**

**Mr. Hagarty:** I will entertain a motion to open the floor to the public to discuss any issues.

**Mr. James:** Motion to open the floor to the public, seconded by Mr. Ford

**Mr. Hagarty:** Okay, all in favor, opposed

**All Present "aye" floor open to the public**

**Mr. Hagarty:** Seeing none of the public present I will entertain

**Close Floor to the Public:**

**Mr. Waddington:** Motion to close, seconded by Mr. Ford

**All present "aye"**

**Mr. Hagarty:** The floor I now closed to the public

**Motion to Adjourn:**

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

**Mr. Ford:** Make a motion to adjourn, seconded by Mr. Waddington

**Mr. Hagarty:** All in favor?

**All "aye" motion carried; meeting adjourned at 8:12 PM**