

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
APRIL 14, 2022

Call to order: **Call to Order by Mr. Hagarty 7:31pm**

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, Mrs. Wakeley
Absent: Mr. James
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Planner: Joe Luste and Zoning Officer: Mrs. Keyek

There was a quorum

Correspondence: **Letter's from Joseph T. Threston, III Esq., Fine Touch Remodeling (reference 119 E Clearview Ave) and Stop Construction Order from Zoning Officer Karen Keyek.**

Mr. Hagarty: The first order of business before us you have in your packet a series of correspondence. You should have a March 2nd, 2022, letter to Karen Keyek from the Law Offices of Joseph Threston and all of this is in response to a matter that has been before us several times 119 E Clearview Avenue. So, we start in the packet a letter from March 2nd, 2022, and attached to that letter is an undated letter from Fine Touch remodeling additionally you should have a letter dated March 8th, 2022, again from the Law Offices of Joseph Threston to Karen Keyek. We have a stop work order that was issued by the Construction Office dated March 11th, 2022 and then also you should have in your packet a letter

dated April 12th, 2022, from the Law Offices of Joseph Threston to Jim Gallagher the Construction Official. First off as the matter of business is Mr. Threston or any other party present with respect to this matter?

Mr. Gallagher: I don't see them present

Mr. Sitzler: I believe that they were noticed that we were going to discuss the matter and that they were but invited, is that correct Mr. Gallagher and in writing?

Mr. Gallagher: That is correct

Mr. Sitzler: For the record since this was scheduled and since the letter from Mr. Threston negated that because of Religious Commitments tonight he could not be here and I don't think we can make his client appear without his lawyer being present so, neither of them are here but I spoke with Karen Keyek today as a follow-up to this because there were some things that were conflicting that I was hearing from both Mr. Gallagher and the letter that was sent to me by Mr. Threston and Karen reported back to me so I would just like to defer to Karen, I can tell the Board in light of this location that I did call Mr. Threston late this afternoon and I did speak to him about what Karen had told me about what was discovered late this afternoon.

Mr. Hagarty: Okay, Karen your up

Mrs. Keyek: I will start with the most recent and work my way back, on my way home I drove by and the red, when ever a stop work order is issued for those of you who don't know from the construction office there is a red placard that is placed on whatever it is that you are supposed to stop working on. So, there was a red placard, and it has since been removed and penalties can be issued for that by the construction office, and both garage doors have been replaced so, the two garage doors have been reinstalled. Backtracking from that no construction permits are on file with the construction office at this time. They still need to get their permits in, they are not supposed to be working over there until and the work is supposed to be done by licensed contractors the contractor they had does not have a home improvement contractors license the last I checked or the last the construction office checked so he would not be eligible to do the work and that is where we stand at this time.

Mr. Hagarty: Okay

Mr. Sitzler: So, all of that was conveyed to me by Karen except but the last which she started out with, but you went and inspected after we had spoke and you then told me the door had been replaced. So that the board is aware when she says the placard has been removed and it is not supposed to be removed there is a fine for removing a stop work order.

Mayor Green: I watched it being removed and I have the pictures.

Mrs. Keyek: Right and a contractor has come in since then and I told him it had to be put back on the building.

Mr. Sitzler: I called Mr. Threston and all of these events were news to him. That's the way I can sum it up without getting into every detail. He was under the impression that his client was getting a contractor to do the work and he was unaware that the doors had already been done, he did know about the stop work order but did not know that it had been removed and I had a discussion with him about his client not doing whatever he is telling his client to do, he seems to either do what he is told not to do or the opposite to that extreme at times so, I explained to him that I did not know what the board or how the board was going to react to this. Among the options of course was the board could authorize Mrs. Keyek to issue violation notices for this, for those events that she has talked about. Mr. Threston left it with that he was calling his client to find out how and why all this has occurred and that is where we left it. He indicated that he could not be here tonight but that he would call his client.

Mr. Hagarty: My comments going back to the March 2nd letter that we have where he attached a letter from Fine Touch Remodeling, Karen I guess this is the contractor you were referring to

Mrs. Keyek: Yes

Mr. Hagarty: So, this individual seems to be kind of taking the position that at some point in his opinion that no work needs to be done or at least limited with respects to the bathroom and the kitchen area.

Mr. Sitzler: What I only get inferentially, Karen Correct me if I'm wrong, he thought he could do this work himself like a homeowner could do on their own property without permits and I think the construction office advised him that because he does not live there, he can't use the residential homeowner exception he needed to get a contractor. It is serious business to represent yourself as a home improvement contractor and not be licensed in fact it is a criminal offence in New Jersey under the Statutes in fact I know it is enforced in Burlington County I don't know how it is treated in Camden County, but I do know that unlicensed contractors, well we don't have any evidence that they did any work other than

Mrs. Keyek: Other than the doors no.

Mr. Sitzler: Well, any work as an unlicensed contractor is not supposed to be done

Mrs. Wakeley: It's not on letterhead or anything.

Mr. Sitzler: So, that's where we are. The work has been done and done without permits and of course the whole basis for permits is so that officials can inspect the work and see that it is done properly and there is a fee for that inspection and that is what has been avoided here by avoiding permits.

Mr. Hagarty: Some of my thoughts and comments and then I will let other members of the Board give their thoughts and standpoint. I think the Board has bent over backwards to try to accommodate him. I think we; they have been in we have given them time we have been very sympathetic for COVID and the impacts of COVID that kind of was factored into the schedule that we provided to allow him flexibility literally we took the time that they had requested and added time to it to get that issue out of the way. The issue while we are sympathetic it seems to be a recurring theme that we are seeing. Even the letter dated March 2nd from Mr. Threston to Karen they are requesting an additional 30 days and they wanted to address at the April meeting, and I think he should address the schedule you would think he would figure out the schedule and know if he had a conflict a religious conflict before writing it. I think as we go through that and following up on March 8th and April 12th letters that is his request or statement I will say that the work is going to be completed by the end of May 2022, and here we are in the middle of April and he has not come in and has not applied for permits not done anything I would have to say I got almost no faith that is going to get accomplished. I don't see any understanding I guess from this applicant that they haven't demonstrated even with the board accommodating him the willingness to resolve this issue which seems to be hanging around month after month after month. I think the confidence has waned, I have no confidence whether it is May, June, July or whatever that they are going to do the right thing that is just the troubling thing that this is becoming unfortunately repetitive, so I'm open to fellow board members hearing their thoughts, but the sympathy that we have had throughout this process is starting to wane. We tried from the meeting to even you going out there back in November pointing out what needed to be done so it seems there is no real intent to try to get this issue resolved. Comments?

Mrs. Wakeley: This actually goes back to the beginning of COVID right because I know he came in November, but it has been a couple of years.

Mr. Sitzler: It has been a couple of years because the actual resolution of denial to use the garage as a living facility was given to them and specifically had a condition that he had to replace back as a garage in one of the paragraphs and then there was a long period of time before COVID ever became that no work was done to redo it and we started contacting them and then COVID hit and we were giving them more and more time because of COVID. I think that is correct.

Mr. Hagarty: Yes, that is correct

Mr. Sitzler: What got him in front of us in the first place was because he remodeled the garage with no permits am I correct Karen?

Mrs. Keyek: That is correct

Mr. Sitzler: So, the work he had to undo he did with out permits and now to redo it back to the way it was he apparently, he has no permits.

Mayor Green: So, the option is that basically Karen can issue a notice of violation and at some point, it can wind up in court and he can be fined on a daily basis, correct?

Mr. Sitzler: From my understanding that is how it works.

Mayor Green: That takes time so, you can't give a 10-day notice and by the time you get to the court

Mr. Sitzler: There is no appeal of the stop work order I'm taking

Mrs. Keyek: Not that I'm aware of, let me see the date on that, it was March 11th, and they have 15 days to appeal it and it is expired.

Mr. Sitzler: Right so it is expired so there is no appeal

Mayor Green: So, the Board should have Karen issue a notice of violation and start that process

Mr. Sitzler: I did advise Mr. Threston that could happen

Mrs. Jones: It does go back quite a few years and we have been more than generous with him to allow him to keep coming back and tell false stories back when this all began there was no COVID, and no shortage of supplies and we are just going down a long road.

Mr. Hagarty: Any others?

Mrs. Keyek: Sounds like you want a 10-day notice to get the permits in or submitted? Because he is not going to be able to get the permits in and everything done in 10 days.

Mayor Green: Is there anything wrong with making it 10 days to have it restored? Because what is going to happen is at the end of 10 days you are going to have to give him a second notice anyway and set up a court date and that court date is going to be 3 or 4 weeks from now.

Mr. Sitzler: I suspect you will hear from Mr. Threston right away

Mrs. Keyek: it can be longer than 10 I mean the minimum is 10

Mayor Green: Give him 20 days for permits and completion of the project because in my opinion, because after that you are going to have to file another notice and you have to get put on the court calendar and that is a 3 to 4 week out period and add that to the 20 days that is two months before you ever get him to court and the Judge could back fine him if he chose to but I don't know what the Judge will do.

Mrs. Keyek: He probably wouldn't based on other

Mayor Green: Right, that is what I'm saying so, if you give him 10 days to get the permits then they screw around again and then 30 days from now you give them another 10 get it done. So, I don't know so, you tell him he has 20 days to get it all completed and get it done if not he gets a date before the Judge.

Mr. Ford: I think that was our last statement when he was last in here. We asked are you sure you are going to have that done in this amount of time and he said yes, and then he hasn't done it

Mr. Sitzler: Karen, you haven't had a chance to see what if anything has done on the inside

Mrs. Keyek: No, I have not

Mr. Sitzler: There are no permits pulled for anything

Mayor Green: There has been no work done on the property since the stop work order was issued other than taring the stop work order down.

Mr. Hagarty: In conclusion I guess the proposal is that we give him 20 days for completion of the project.

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

Mr. Hagarty: Roll Call

Roll call all present "aye" for Mrs. Keyek the Zoning office to issue a 20-day violation notice to have the applicant obtain permits and have the work completed.

Approval of Minutes: **Mr. Hagarty** In your packet are the minutes from February 10, 2022, are there any question? Motion to approve

Mr. Hagarty: Make a motion for approval; seconded by Mrs. Wakeley

Mr. Hagarty: Roll call

Mr. Ford and Mayor Green abstained they were absent at that meeting all others present "aye" minutes approved

Curtesy Review:

Mr. Hagarty called for the curtesy review for the Pine Hill MUA, 109 MT. Clement Block 98 Lots, 156-159 for T-Mobil Generator Installation.

Mr. Mintz: Mr. Chairman, members thank you Robert Mintz on behalf of the applicant as the board may recall this is for the approval of the Senior Housing Project.

Mr. Dougherty: Mr. Mintz this is a T-Mobil application for Pine Hill MUA

Mr. Mintz: I'm sorry

Mayor Green: Actually, he will be quick

Mr. Dougherty: Yes, he will be quick

Mayor Green: If you don't mind can we do the Pine Valley Developers first this will only be a couple of minutes

Mr. Mintz: In the old day's seniors use to go first so I appreciate it.

Mr. Hagarty: Let me just correct the record then so we at least have it clear.

Application 2020-2:

Mr. Hagarty: Before us we have application 2020-2, Pine Valley Developers LLC, 501 W Branch Ave, Block 15.01 Lot 1, for an Extension Request

Mr. Mintz: Thank you, this application is with respect to an extension of the approval within a month of the Municipal and County Utility approvals we filed with the DEP. I think Mr. Dougherty can confirm that the DEP has been slowed up both during COVID and generally we have anticipated months to go although we are getting good cooperation. There is a unique section of the extension statute where the board generally has capacity to grant an extension on discretionary there is one section under 40:55D-52d it says if you are before other agencies and you have tried to move the project forward that it can be granted under that section which does not use up your discretionary extensions. So, we would ask that effective August 12th, 2022, which is the expiration date that the extension date for one (1) year would kick in.

Mr. Sitzler: So, Mr. Mintz you are asking for an extension until August 12th, of 2023?

Mr. Mintz: 2023 correct

Mr. Hagarty: Any questions for Mr. Mintz?

Mr. Dougherty: Mr. Chairman that would be a routine thing the DEP, I concur the DEP is a hold up and it an outside agency approval that neither the applicant nor we have any control over so, I would have no objection to extending it.

Mayor Green: I will make a motion to grant the extension, Mr. Ford seconded the motion.

Mr. Hagarty: I have a motion and a second for a one-year extension that will bring it to August 12th, 2023. Roll call please

Roll call all present "aye" motion passed to extent application 2020-2 until August 12th, 2023

Mr. Mintz: Thank you all, I appreciate your curtesy

Curtesy Review:

Mr. Hagarty: Now we have before us a curtesy review, the Pine Hill MUA, 109 MT. Clement Ave, Block 98 Lots 156-159, T-Mobil Generator Installation. Can you just state your name and address for the record?

Mr. Gilmore: My Address

Mayor Green: Name and address

Mr. Gilmore: My name is Donovan Gilmore my address is 210 Andover Court, Quakertown, PA 18951. Do you want me to introduce the project?

Mr. Hagarty: Yes, it is your opportunity to

Mr. Gilmore: I'm here for a curtesy review for T-Mobil to install a diesel generator on the existing pad at the site of 109 MT. Clement Avenue in Pine Hill.

Mayor Green: Do you represent T-Mobile or the company doing the construction?

Mr. Gilmore: T-Mobile

Mr. Hagarty: So, you are a consultant to T-Mobile?

Mr. Gilmore: Yes

Mr. Hagarty: And you are with smartlink?

Mr. Gilmore: Yes

Mr. Dougherty: Mr. Chairman if I could, the Pine Hill MUA owns the property, so it is the MT. Clement tank at this facility and on the tank are antennas and also a lot of ground equipment that supports those antennas so, its T-Mobile, AT&T is up there and there is another one too Sprint maybe so, the Pine Hill MUA because they are a Utility and also the Cell Towers are a Utility they are basically exempt from some of our regulations however this would be an application before the board had it not been for Pine Hill MUA owning this property. The fact that Pine Hill MUA owns it exempts it from our review, but a curtesy review is pretty common that they are putting something up even if Pine Hill MUA for instance were putting up a tank, they don't have follow our setbacks or anything like that, but they would still come before the board and say we are putting up a tank. In this case there is an existing pad that is there that maybe had some equipment or maybe was there for future expansion but, they are adding an emergency generator and so I thought it was important that they come to the board for a curtesy review, it is in a neighborhood, there is a generator out there that wasn't there before but one of the things that makes this somewhat unique is it is on the Pine Hill MUA property and addition to that the generator is being necessitated if I'm correct is being necessitated by a Federal Regulation that they have to have some backup power. But none the less we don't want a generator going up in town and all of a sudden neighbors say what happened there and the board has no knowledge of it at all, but it doesn't have to meet our setbacks and I did do a letter on behalf of Pine Hill MUA where they are meeting the sound decibels, it will be obscure it is behind the tank it is behind the building really and its necessary for emergency power in the event that the cell tower goes out, is that fare.

Mr. Gilmore: Correct

Mr. Dougherty: So, again it is just a curtesy review, there is nothing that the board really has to do but we should be aware of it as board members.

Mr. Hagarty: I agree, and I appreciate you coming before us as a curtesy review but, I guess in terms of your letter did you or were you able have a discussion and get a response to the points that you raised

Mr. Dougherty: Right and this is between the Pine Hill MUA and the generator installer, and I believe the applicant has agreed to do all of that stuff, we have been working with Dominick the new Executive

Director and they have agreed to the terms of that letter. Just for the boards sake the anticipated exercise of the generator is that once a month do you know off hand?

Mr. Gilmore: I think that was part of what we sent back to you in the Email, it does a self-test for about 15 to 30 minutes at the time of your choosing and its once a week. It runs for about 15 to 30 minutes and you guys can determine what time during the day, during the week whatever that is up to you.

Mr. Dougherty: Right and we may leave that up to the Pine Hill MUA because there is also a generator for the Pine Hill MUA wells at that same site so, my recommendation is to leave that up to the Executive Director for the time, so they are not both going off at the same time.

Mayor Green: This is a diesel generator right

Mr. Gilmore: Yes

Mr. Hagarty: So, you are satisfied at lease to the terms of the letter

Mr. Dougherty: Yes

Mr. Dougherty: Any question that any board members have?

Mrs. Wakeley: My only question would be is that the testing and everything wouldn't affect any of the residents in the area, right?

Mr. Dougherty: It is pretty typical for these type of emergency generators that they do test once a week and it is really just to make sure they don't fail when you need them. So out generators for the Pine Hill MUA really do the same thing and it is automatic nobody is out there turning a key it just automatically comes on at that scheduled time so, the Executive Director will specify a time and it will come on at that time it won't be the middle of the night and most likely it won't be weekends it will be during the day it is a routine thing. In theory with this with 65 decibels or less you are not going to hear it any more than a truck rolling down the street but like I said I didn't want multiple generators going off 10 minutes from each other so you should probably pick two separate days.

Mr. Hagarty: Yes, and like you said we can leave this up to the MUA. Technically speaking you have to test it every so often

Mr. Dougherty: Right, it's a legal requirement

Mr. Hagarty: Typically, what happens you are able kind of program the testing and you can generate reports and have all of the stuff that you need to comply legally with the testing of the generator. So, it can be programed to do the testing at what ever the appropriate time that is deemed least disruptive to any of the neighbors around the site.

Mrs. Wakeley: Okay

Mr. Hagarty: Any questions, do we need a motion on a curtesy review.

Mr. Sitzler: Not necessarily, no. Mr. Gilmore the Federal agency that required this do you know which

Mr. Gilmore: The FCC

Mr. Sitzler: The FCC, just so the board knows we can not generally speaking regulate anything that the FCC does besides the fact that it is on Municipal property. But, the generator itself being required by the FCC, Federal Communication they are also likewise exempt

Mr. Hagarty: So, if we don't need a motion, you are good, thank you.

Application 2022-1:

Mr. Hagarty: The next matter before us is application 2022-1, Icarus Group, LLC (Karate Studio), 300 & 302 Erial Road, Block 75 Lots 9.01 & 12, here for a Use variance & Site Plan Waiver

(8:05pm)

Mayor Green: Mr. Chairman since it is a use variance, I have to abstain from the hearing both myself and Councilman Robb. You guys will get us when you are ready?

Mr. Hagarty: Yes, absolutely

Ms. Kinback: Good evening, Chairman and members of the Board my name is Danielle Kinback, I'm an attorney with Bisgaier Hoff and I represent the applicant Icarus Group, LLC. We are here today for a waiver of Site Plan Application the property that is subject of the application is located at 300 & 302 Erial Road Known as Block 75 with Lots 9.01 & 12 and the property is located in the Central Business District or CBD Zone. The Board may recall the applicant received a minor site plan approval for a waiver in September 2021 and that application approve the microbrewery on Lot 9.01 and continued office use on Lot 12 with associated site improvements including parking lot and landscaping. The application tonight seeks a site plan waiver and approval to operate a Martial Arts Studio on Lot 12 which was previously approved for the office space. As part of the 2021 approval the Board granted a waiver for the number of onsite parking spaces provided and the bases for the Board granting that was that the office space and Microbrewery complemented each other by operating at

different times and that arrangement will continue the Microbrewery and the Martial Arts Studio will not be open to the public during the same hours. Additionally, the proposed Martial Arts Studio is not expressly permitted in the CBD Zone but we believe it meets all the requirements for a conditional use in the CBD Zone so it should be permitted as a permitted use. Here with me tonight I have Engineer Jack Gravlin and he will provide testimony as to the ordinance requirements on the conditional use, we also have the owners of both properties here could answer any questions for the Board and we have Chris Galli who is the tenant that will be operating the Martial Arts Studio. Nothing is changing with respect to the Microbrewery Operation as part of this application with the exception of modifying the hours that were part of the condition of the prior approval. Before Mr. Gravlin comes up, I do have some exhibits that I can distribute to the Board, the first if we want to mark this A-1 is the Site Plan that was presented with the prior approval.

Mr. Dougherty: Mr. Chairman just so you are aware of it, Joe and I did not prepare a letter for this. I was the one that suggested a site plan waiver because the Site Plan has been previously approved by the Board but as the applicant's attorney had mentioned it was Office and Brewery now it we have a different use in there Karate Studio and Brewery. The Site Plan is approved and I think the testimony is going to be that Site Plan does not change thus the Site Plan Waiver we are not going to redo the site plan but the question is whether or not they have sufficient parking because it was Office/Brewery before now it is Karate Studio/ Brewery does the site plan still hold and the testimony should be there is no changes to the site plan and there is ample parking for both uses on the site. That is why it is a site plan waiver; its an additional use and Joe and I did not prepare a letter for this.

Ms. Kinback: Thank you Mr. Dougherty. Then for exhibit A-2 I have a little more of a detailed floor plan than what was submitted with the package it has some dimensions. For them I would like to bring Mr. Gravlin up will he need to testify of his qualifications or will the Board accept

Mr. Hagarty: Mr. Gravlin's fine, he has been before us before

Mr. Gravlin: Thank you Mr. Chairman. Good evening, Jack Gravlin I'm an Engineer and I prepared the original Site Plan for the site. Tonight, we are not concerned with the entire site, the application actually involves 300 Erial Road it is Block 75 Lot 12, it is a 2250 square foot lot within the Central Business District and the Lot is currently approved for the one-story commercial building. Our proposal is to replace the previous office use within 300 Erial Road with a Karate Studio which is an instructional place. At the end of last year, we received a Site Plan Approval for an Office use within that building with connection of the Microbrewery located immediately adjacent at 302 Erial Road. The proposed parking for the subject lot 300 Erial Road will be located on the 302 Erial Road parcel. For the record we are not proposing any changes at all to the Site Plan with the exception that I will be submitting performance plans for permanent reparation of the Site Plan and in that if the Board allows, I will also modify the use the reflect the proposed use of the Karate Studio. It is my understanding it is a conditional use, and the CBD Zone allows the use under conditional use subject to satisfying core standards listed within the CBD District Ordinance. The first one from the ordinance the use will not injure or detract from the use of the neighboring property or detract from the character of a neighboring property so, to the neighboring

property is the Microbrewery owned by the Applicant and his family and therefore the replacement of the Office use to the Karate Studio will not detract from the proposed Microbrewery use. The second condition is that the property is suited for the intended use and the use will serve the best interest of the Borough. Its use as a limited parking demand that makes it especially suited for this application because it is shared parking with the adjoining lot it is a typical neighborhood use that is consistent with other permitted uses in the CBD Zone. Number three that the use will not adversely affect public sewers and other facilities such as water, police and fire services and will not adversely affect drainage in adjacent neighborhoods the building is currently connected to public utilities including sewer. This use does not present a lengthy impact to police or fire services and is certainly not a nuisance type use. The proposed parking lot on the Microbrewery site will be improved with minimal impacts to drainage this was discussed at length during our previous site plan approval testimony before the Board. Number four that the use will not adversely affect the flow of traffic and that adequate roadways are present, this is where the parking really enters in, I believe. Now the site is a corner lot located on a County Road, Erial Road this site is also on Third Avenue, improvements to both road frontages were required as part of the site plan approval that includes full curb and sidewalk along both roadways. The roads are absolutely adequate for this use as well as the Microbrewery use, I believe the impact of parking for the Karate Studio is nearly identical to the previous office use. Listed off of the Site Plan I have indicated that the Office Application required ten spaces using the ratio listed in the Pine Hill parking schedule section 10 paragraph 36 for studios, these are instructional studios, dance I believe is in the appropriate fit for that designation even requires one space for fifty square feet for floor area if used for giving instructions so it isn't the entire floor plan that is used only the portion of the building where they give instructions and that makes sense from a planning standpoint because there is no other reason to be on the site for this use unless you are within that instruction area within the building when you go through the numbers it equates to approximately 11 spaces verses the 10 that were approved for the office use so it is an identical parking demand on paper. The applicant has also defined the hours of both uses and it is indicated that there is no overlap in the timing of both business uses so that when the Karate is open requiring the 10 spaces perhaps the Microbrewery will not be vice versa for the Microbrewery. As a comparison Cherry Hill Township which has a very detailed parking ordinance has the identical classification for Studios and they require 1 for 100 square feet so the Pine Hill Ordinance requires twice as many spaces as the Cherry Hill Ordinance does. I'm going to give the Board an indication so, I believe that this really indicates that the parking needs for both businesses can be satisfied with the proposed parking on 302 Erial Avenue. I would also like to point one more thing out to the Board that by us joining the corner property number 302 there is an outlet for off street parking theoretically we could continue that office use with another owner, and he could continue without any parking at all, so I think for the future needs of the Borough it is absolutely a benefit to connect these two properties together providing parking for both. Now we went through the parking extensively at the hearing when we got the Brewery approved so I don't believe that has really changed on the bases that the new parking demand is nearly identical to what was proposed it is therefore my opinion that the applicant has satisfied all 4 conditions and all standards of a conditional of use and that is the extent of my testimony and I hope the Board agrees with my contention that the proposal is valid that it will result to a substantial improvement of the site and also to the adjoining area of the town.

Mr. Hagarty: Thank you. So, in terms of the applicant maybe it might make some sense that, and I don't know if Mr. Horiates wants to be the one that does it, but I think some testimony with respect to the hours of operation, so we are clear about that.

Ms. Kinback: I don't know if the Board has a letter from my office, I sent 20 copies to Mr. Gallagher's Office

Mr. Hagarty: Yes, we do

Ms. Kinback: Just to summarize my letter it sets forth that the Martial Arts Studio will operate Monday thru Thursday, and this is just when they are open to the public giving instruction an employee may be there outside these hours getting ready or doing office work but, Monday through Friday from 4pm-8pm, Friday and there is an error I want to verify I have 4pm to 6pm but I think Mr. Galli can confirm I thought he said 3:30 and will end at 6pm, Saturday and Sunday there are no regular classes scheduled but Mr. Galli will testify how he may use the property on occasion from 8am to 2pm on Saturday and Sunday. Then for the Microbrewery they would operate being open to the public again they may have two or three employees making beer on the off hours but open to the public Friday 6pm to 10pm and Saturday and Sunday from 2pm to 10pm. So, this is Angelo Horiates the III from Icarus Group if I can have him sworn in and Mr. Galli Sworn in.

Mr. Sitzler swore in Mr. Angelo Horiates III and Mr. Galli

Mr. Hagarty: Okay in no particular order maybe we will start with Mr. Galli in terms of the Karate the Martial Arts Studio for your hours and I think you know the hours are going to be big on this so it is a fundamental issue so I think in terms of that obviously we have the hours that were provided but if you could just kind of go through why these hours and not other hours. What I don't want to kind of do is to have you where you are pigeonholed, I will say, will be the term I will use in the hours that you think are going to be acceptable but may not work for your business I want to make sure it works for your business beside just picking the hours.

Mr. Galli: I have been doing Karate for over 34 years and teaching for 17 every place I have worked these are pretty standard hours. When kids get out of school, kids usually get out of school about 2-2:30 go home and do homework and then basically get in and start about 3:30-4:00 to start the first class as of right now since I don't have, these aren't students with white belts and basically everybody will be white belts when they start I do it by age. I would do like the 4-5-6-year old's they would come in at a certain time when they are done the next age group would be come in and I just break it down by age groups.

Mr. Waddington: How long are the secessions?

Mr. Galli: 45 minutes, Friday they would be ½ hour

Mr. Hagarty: Saturday and Sunday how do you intend to use

Mr. Galli: Saturdays and Sundays we will technically be closed except for Birthday Parties or some kind of events I would never have an event more than a couple of hours. A standard Birthday Party is 45 minutes on the mats teaching the kids a couple of moves and then 45 minutes eating the cake and opening presents so that is about an hour and a half and the latest I would be out of there would be about 1-1:30 cleaning up myself and I would give parents time like 10 to 11:30 to pick where you want the hours to have the party so any kind of cars would be gone before they want to start.

Mr. Hagarty: In terms of the traffic that you have and again we don't have actual experience, so it is based on your experience else where in terms of do you have drop-off's or is there people staying

Mr. Galli: There are always going to be a few parents who stay behind and hang out and watch what their kid does mainly the youngest but, other than that it is mainly a drop off pick up kind of thing. The good thing about Erial Road is you got the Dollar General, you got Dunkin Droughts, Rita's you got all of these things that parents can go do really fast and then come back and pick up their kid. It is mainly just pick up and every place I ever worked at was in a strip-mall with a lot of other stores going on at the same time so it doesn't really clutter that much at the same time it shouldn't be too many cars in the parking lot.

Mr. Hagarty: I guess the main thing obviously because it looks like, and we will await testimony from Mr. Horiates it looks like based on the letter anyway Monday through Thursday the Microbrewery is not intended to be open so there is kind of no conflict on those days it is just looking at Friday, Saturday and Sunday as the critical days to kind of focus on and I guess you said on Friday, it is a little bit different Monday through Thursday I'm not trying to put words in your mouth because the classes are shortened in terms of duration in terms of the amount of hours you have to end at 6:00 and then Saturday and Sunday is occasional days for parties and such but not regular classes.

Mr. Galli: No, no classes on weekend

Mr. Hagarty: Okay

Mrs. Jones: Can I ask when you have additional hours when you are having parties for the children are there additional hours added on to that time?

Mr. Galli: Normally it is an hour and a half if somebody ask if they can do a two hour thing I'm sure we could comply with that but, I would make sure that we that everybody is out of there by 1 o'clock and there is no clutter by the time they come in so I would have them pick a time from anywhere from like 9 to 11 would be the start time so we would be out of there.

Mr. Hagarty: Mr. Galli, I just want to get on the record we talked about the hours now I want to take it one step higher from a calendar standpoint given you get all of the approvals when are you looking at being open for business?

Mr. Galli: I was actually shooting for April 30th in a couple of weeks.

Mr. Hagarty: I think we have already established there will be 10 or 11 parking spots that were needed for the Karate Studio is that correct.

Mr. Galli: Yes, give or take

Mr. Hagarty: Focus on exhibitions and you said you are going to have them on Saturday and Sunday?

Mr. Galli: Testing's?

Mr. Hagarty: I said exhibitions

Mr. Galli: Oh, exhibitions like a

Mr. Hagarty: Match or something

Mr. Galli: First off, I just moved here 5 or 6 months ago. I don't know anybody around here, I don't know anybody runs all the other schools so for me to actually plan something with them it is going to be a little odd I would think, and I have no plans on running any kind of competition there. If we were going to do any kind of tournament, I would probably rent out a hall or a room at a hotel that is normally what we did to hold tournaments and invite other schools, but they accommodate a lot of people.

Mr. Hagarty: That is off site

Mr. Galli: Completely off site, I don't think I have the room in there to accommodate people

Mr. Hagarty: That is all my questions

Mr. Hagarty: Anybody have any other questions for Galli:

Mrs. Gilson: What is your average class size?

Mr. Galli: as I'm starting out it is hard to say, let's just say about a year from now I would say about 10 to 12 students. That is sometimes stretching it, I mean a lot of times students sign up and only come once or twice a week so I would say the average 10 maybe.

Mr. Hagarty: Any other questions from the members for Mr. Galli? Thank you, Mr. Galli, if we need you to come back, we will get you back up. Mr. Horiates you are up, so the Microbrewery the same stuff obviously we went through extensive testimony in terms of hours when you had the office space and all of that. It looks like the hours you are proposing are not being open Monday through Thursday so there is obviously no conflict in those times.

Mr. Horiates III: That is what my brother told me Monday through Thursday that we are not open.

Mr. Hagarty: Then on Friday it is basically 6:00 to 10:00 is what you are open to the public

Mr. Horiates III: Yes, that is when my brother would be running the Brewery 6 to 10 on Friday Night

Mr. Hagarty: Okay and then on Saturday and Sunday you are 2 to 10 so you have the longer hours, but the Friday Studio is already kind of close there during that period of time.

Mr. Horiates III: Yes, sir just so there is no overlap

Mr. Hagarty: Okay, so the big picture of stuff so we can kind of get some kind of perspective on when all of this starts and granted your schedule, your crystal ball might not be real crystal but when do you roughly see the Microbrewery, given you get all of the approvals and get all of that, so you open for business. I'm trying to get some parameters like when this would actually be an issue where both businesses would be open.

Ms. Kinback: We will get Mr. Horiates Jr. to talk about the State permitting

Mr. Sitzler swore in Mr. Angelo Horiates Jr.

Mr. Hagarty: Good evening Mr. Horiates, if you are listening to the question, I'm trying to get an idea the best you can obviously it is subject to change but to give the Board members some parameters when will both businesses be open at the same time? What would be the time frame to get the Microbrewery open so when will all of this dual opening would start.

Mr. Horiates Jr.: We are looking at approximately a year with both businesses being open at the same time, not the same hours but the same time. We still have to go through the Alcohol, Tobacco and Firearms to get the license and permit takes a long time and then once we get that then we go through the State ABC for their approval and then again based on what they say, what the auditors say at the ABC State Agency you are looking at a minimal of a year so, we are looking at a year in the mean time we are going to start working on the property I'm just waiting on approval for permits and once this comes through we can start working piecing it together according to the plans we submitted again we are looking at close to a year thereabouts.

Mr. Hagarty: Okay, for the opening of the Microbrewery business not the site plan completion

Mr. Horiates Jr.: Oh no, no the site plan is going to start as soon as we start getting approvals in and that will be an ongoing process and will take us maybe a year to do it all it is a big, big project the remodeling and to fix the parking it's a big process.

Mr. Hagarty: I guess the issue, thinking through the Karate Studio opens for business and at the same time working on the site plan you are going to have to at the same time you are construction the site plan you are going to have to manage the parking.

Mr. Horiates Jr.: Once we get the approvals for the cement work which will be on the perimeter, we are going to have to take presidents over everybody put the cement down, the curbs, sidewalks and driveways.

Ms. Kinback: We testified at the last hearing that the length along 3rd Avenue does provide enough space for at least eight (8) off site so for the interim especially along the drop off can accommodate most of the students.

Mr. Horiates Jr.: In addition, you can access the parking lot through Erial Road entrance, once the cement guy starts his work, he is going to dig his trenches whatever he's got to do. I'm sure he is going to put some yellow tap and orange cones around.

Mr. Hagarty: All of the safety

Mr. Horiates Jr.: But you can still enter from the Erial Road, I'm going to have him do that first, fix the driveway first on that side of the property before he approaches all of the other aspects so you can get in from there. It is going to take a while I'm not kidding it could be a year or two or close to it by the time, we get all of the cement work, asphalt work, the plantings of the trees, lights out there we are looking at a lot of work.

Mr. Hagarty: Anybody have any questions for Mr. Horiates Jr. or Mr. Horiates III.

Mrs. Wakeley: My only concern was the parking because like it says the Karate Studio closes at 6 and then the Microbrewery opens at 6, you have the workers that are inside you have the workers for the brewery, and we have 11 spots that is the only thing that makes me a little nervous.

Mr. Hagarty: Mr. Horiates I guess you can answer this, I think there has been some testimony that the people on site before the it opens to the public you have like 3 people working on site

Ms. Kinback: Yes, and there is like 20 onsite parking spots its just that part of the calculation for a dance studio which is similar to this type of studio that calculation requires 11 spaces.

Mr. Horiates Jr.: We are looking at like 1 night per week that would come into play on Friday Evening, the hours are from 6 to 10 and we don't expect people knocking down the door to get in.

Mrs. Wakeley: You never know

Mr. Horiates III: with the 20 spots on the parking and 8 on the street it would be a great problem to have.

Mrs. Wakeley: So, there is going to be parking on the street I thought we weren't, am I wrong?

Ms. Kinback: It is not included in the packet but there is parking on site

Mr. Hagarty: It is no dedicated per the calculations

Mrs. Wakeley: Okay

Mr. Sitzler: Ms. Kinback it looks like the only competitive between the two businesses would be the Friday since Saturday and Sunday it is only going to be the occasionally operation of the Karate Studio

Ms. Kinback: Yes, it is not every weekend they are going to do an event.

Mr. Sitzler: So, everybody knows I have to do a resolution and that resolution has to be, let me put it in the right phrase. We have to assume both of these businesses are widely successful because we can't come back and review your hours after we agreed to that. You may not think it is going at first to evolve but we have to assume both are widely successful in terms of the number of clientele because we have to assume what is reasonable. My only concern is the minute to minute period because the world that we live in especially having five children myself with personal experience and I think everybody shares this we all should be on time we all should leave at 10 o'clock when we are told to leave by business people we should all get in our car and leave then you have kids that don't necessarily and they are poking along and your 10 minutes there and your 10 minutes and so we have widely successful businesses where it is to the minute. What I'm getting at we don't want to have neighbors complaining about congestion if you are both successful because people are diligent, some people love to come early so if their Karate Class starts at 6 they are going to be there 15 minutes before and some people aren't and some people come and leave late so, my only concern is the minute to minute breakdown so you absolutely start and stop to the minute and I bring that up so the Board has an understanding.

Ms. Kinback: I understand your concern, to refresh the Boards to the prior when it was an office and had 10 spaces was open until 6pm and the brewery was opening at 4 pm so there was an actual overlap for a similar demand. I know the picturing it as widely successful businesses I just don't see a practice you know 30 vehicles rushing to the brewery at the same time. Mr. Galli how popular are the Friday Evening classes verses Monday thru Thursday?

Mr. Galli: I would not say there is any difference it is just another day it is not like oh it is the weekend lets go party! It is just like a Monday, or Tuesday I wouldn't say there is any real difference.

Mr. Sitzler: But you do realize if you become widely successful and that is what everybody hopes for.

Mr. Galli: I realize that

Mr. Sitzler: You might be limited to the number of people that you will be able to, you might have a bunch of people that say they would like to come, and you are going to have to tell them you can't do that.

Ms. Kinback: That space would limit the number of kids that are in each class

Mr. Galli: I came from a school that had 360 kids, we had 360 students and the most I ever saw in a class was 22-23 students, even if that was the case here, I could only fit 20 on the mat comfortably and I would have to change up my plan for that class would have to do relay races and stuff like that. I really wouldn't be able to do much because of the mat space. Assuming that I would have the most 20 kids there I would then have to start putting other kids like my sons in like the next age group so going down the line you will have white belts, yellow belts, green belts and then I will start breaking up the classes like that too but honestly as far as the first question I have never experienced it.

Mr. Sitzler: Just so both of you realize that the Board decision I think they will correct me if I'm wrong really hinges on the parking, we really don't have an issue with your conditional use but the parking we can't change that down the road. What we do today because you are not actually up and running yet you may not be up and running for a year, but we have to look at it, so you know that is going to be a serious condition of approval if we approve both that the parking is adhered to whatever the Board decides to do.

Mr. Galli: I can always end the classes on Friday earlier and that way we will be done by 5:55 so that is a good 5 minutes for break down. I realize you can't go on my say so

Mr. Sitzler: Like I said the Board has to look, prognosticate for a better term that you are going to be widely successful other wise we would be doing you a disservice, both of you and we don't want you to have neighbors come latter on and complain that you are widely successful and we as a Board really can't do anything because we didn't anticipate that today that is all I'm saying.

Mr. Galli: I understand

Mr. Hagarty: Anybody have any questions for Mr. Galli, Mr. Horiates Jr., or Mr. Horiates III?

Mr. Dougherty: Mr. Chairman, I just have a question so, the statement by Mr. Galli with regard to the place where you came from with like 300 students, that was a much bigger facility potentially?

Mr. Galli: I would venture to say it was pretty much the same size except that was more square and I'm rectangular over here but the mat space is pretty much the same size.

Mr. Dougherty: So, the 300 was spread out over different hours than what you have here, another words what you are anticipating over here you could not accommodate 300 people that is what I was trying to get at. Then the other thing was because I know in the previous application, we had no overnight parking and I know it was mentioned in the letter so that is still going to be a condition there is no overnight parking for anybody the brewery.

Mr. Galli: I can't see any overnight parking for me

Mr. Horiates: Me either

Mr. Dougherty: As far as the over lapping times I did see that as somewhat compatible they actually have adjusted the Microbrewery hours significantly less than was previously approved and if there is a straggler like the minute to minute that Bill is talking about you have a straggler and then you have some people anxious to get to the brewery you still have 20 spaces to fill plus the on street, and the on street parking is public parking like anybody can park there it could be filled by somebody walking down to the dollar store or something I don't know but, they are also available so you have ample parking for that cross over period it is not significant it's to Bill's point you have half and hour overlap if you have a straggler who forgets his shoes and has to come back but it is still half and hour so I don't really see with that many spaces we are going to have an issue.

Mr. Hagarty: Any other questions comments?

Mr. Gallagher: For the record I have one as the secretary Mr. Galli how do you spell your last name?

Mr. Galli: GALLI

Mr. Gallagher: Mr. Sitzler should we also mention that the resolution if this is approved tonight won't be voted on to be memorialized until next month.

Mr. Sitzler: Yes, let me just point that out I'm sure Ms. Kinback will mention that to her client. The resolution of approval if adopted tonight it won't be voted on formally until the next meeting which is May 12th and addition to that what I usually put in the resolution is that the applicant operates at their own risk because there is a 45 day window after the next meeting when it is approved and published that anybody in the world who decided to not show up tonight but hide in the weeds because they don't want you to do this in a neighborhood or something could file a court action to appeal it so you are really doing things technically at your own risk after the May 12th for 45 days. Many people do it anyway because they don't anticipate anything.

Mr. Galli: Oh now

Mr. Sitzler: Somebody could file a court action

Mr. Galli: I thought you meant they could do that now

Mr. Sitzler: Oh no, and I don't know that anybody, at least since I have been here, I don't think anybody has filed an appeal of an approval, but they can do it and the reality is they are allowed to do it under the law, so I just wanted to let both of you know that. It won't affect you guys for the brewery because you are not going to open up for a while. It could affect you but listen to what Ms. Kinback tells you but there is a 45-day window before no one can appeal your approval

Mr. Galli: Okay

Mr. Sitzler: That is from the May meeting, I can only say it is unlikely that somebody would but there seems to be a trend with Land Use Lawyers who decided not to come to meeting to oppose it because they get on the record so they just sit back and wait and on the 43rd day they file a court action but, I don't see that happening and I just wanted to let you know that I have to put a condition in the resolution that you can operate but I would just ask you to rely on your lawyer.

Mr. Dougherty: One other thought that I just had so right now the way this stands the resolution will be written with the conditions of these specific hours for both the Karate Studio and the Microbrewery so if they become widely successful and they want to increase hours during the week they would have to come back to the Board right.

Mr. Sitzler: Yes, just so you know if you did want to change your hours both of you. You have to come back before the Board and present an application, it could be like an amended application, it would probable be like a waiver again really, but you would have to come in to change it because it is an important condition, if I'm not mistaken the original parking was supposed to be 53 and we accepted 20 at the last application so if you change the hours it is important because of the lack of parking that the hours be staggard between businesses so if you decided to change something you would have to come before the Board.

Mr. Galli: Would it only be for Friday or Monday through Friday

Mr. Sitzler: What Ms. Kinback put in here with the amendment it would be 3:30 to 6:00 on Fridays

Ms. Kinback: Did you want to change anything on Monday through Thursday for the class times?

Mr. Hagarty: My suggestion since the brewery is not open Monday through Thursday and this is going to be memorialized in the resolution that this would be the time to change to whatever hours you think.

Mr. Galli: Just say 3:30 everyday just so it is there.

Mr. Sitzler: Okay so it would be 3:30 to 8pm Monday through Thursday and 3:30 to 6pm on Fridays.

I think what our chairman in trying to tell you there is no one going to be there before 3:30 so if you wanted to extend.

Mr. Galli: I understand now it is clicking in, my assistant is saying 8am

Mr. Waddington: I mean do you plan on doing anything during the summer when kids are out of school like earlier during the day?

Mr. Galli: I actually

Mr. Waddington: Because if you do now is the time to make that change

Mr. Sitzler: You don't want to come back and try to make that change

Mr. Waddington: Just so I know you want to change your hours from 9am to 8pm Monday thru Thursday and 9pm to 6pm on Fridays

Ms. Kinback: Yes

Mr. Sitzler: Okay, you are the only business open during those hours. It doesn't mean you have to do those hours

Mr. Hagarty: It gives you the flexibility to open within that window where if you narrowly define it and you decide to expand you have to come before us. Just so I'm clear we are looking at the Karate Studio/Martial Arts Studio Monday through Thursday 9am to 8pm Friday 9am to 6pm and then Saturday and Sunday 8am to 2pm. I think that is what we at least talked about

Ms. Kinback: Yes, I think we agree

Mr. Hagarty: And then for the Microbrewer Friday 6pm to 10pm, Saturday and Sunday 2pm to 10pm and Monday to Thursday you are closed to the public so, are we good with that

Ms. Kinback: Yes, we agree

Mr. Hagarty: Any questions? Okay on the matter before us for a Use Variance and Site Plan Waiver Icarus Group 300-302 Erial Road, Block 75 Lots 9.01 & 12, we have heard a good amount of testimony from Mr. Gravlin in terms of the Use Variance and for the Karate/Martial Arts Studio and the conditions I think we also heard a number of testimonies from the applicant Mr. Galli, Mr. Horiates Jr. and Mr. Horiates III in terms of the hours of the various operations and I think we kind of memorialized that at least in terms of our discussion so if there are no other questions I will entertain a motion to approve the Use Variance and Sit Plan Waiver. We can do that as one or should

Mr. Waddington: You should open the floor

Mr. Sitzler: You should probably do them separate

Mr. Hagarty: That is true I should probably open it to the public. So, I will entertain a motion on Application 2022-1, Use Variance and Site Plan Waiver motion to open the floor to the public

Mr. Waddington: So, moved, seconded by Mr. Ford

ALL PRESENT IN FAVOR FLOOR OPEN

NO PUBLIC

Mr. Waddington: Motion to close, seconded by Mrs. Wakeley

ALL PRESENT IN FAVOR FLOOR CLOSED

Mr. Hagarty: The floor is now closed to the public and now I will entertain a motion for approval of the Use Variance and Site Plan Waiver for Application 2022-1

Mr. Ford: I make a motion to approve, seconded by Mrs. Wakeley

Mr. Hagarty: Roll call please

Roll call all present "aye" application 2022-1 approved

8:59 Mayor Green and Councilman Robb reenter the meeting

Mr. Hagarty: The next matter before us we have a letter from Pat Hendricks to Les on the Ordinance number 2022-2014 amending Chapter XXIII of the code of the Borough of Pine Hill Captioned "Land Use"

Mayor Green: Mr. Chairman if I may on Ordinance 2022-1014 the Borough is going to introduce an Ordinance as I spoke to the Planning Board some time last year this ordinance what was at that time the Borough of Pine Valley now it is part of the Borough of Pine Hill. The property at the current time technically doesn't have any zoning and as I stated back last year the plan is to designate the entire area that use to encompass the Pine Valley Borough as a "PRC" Planned Recreation & Conservation District that continues to the adjoining property which is the Boy Scout Reservation, and a vast majority of the Trump National Golf Course is also designated PRC as well. So, it fits well within our Master Plan as we presently have so the Board was to introduced this ordinance which was on for adoption Monday Night if the Board has any questions or comments now would be the time to let us know.

Mr. Hagarty: Okay, to the Board members hearing what the mayor has just said does anybody have any questions comments that you wish to raise with respect to Ordinance 2022-1014.

Mayor Green: If the secretary will just shoot an Email to Mrs. Hendricks on Monday saying the Board discussed it and there were no comments.

Mr. Sitzler: What we should do I think, and Joe correct me if I'm mis speaking, I think we do have to say that it is consistent, that we do find it consistent with our Master Plan. I think that is what our review is here at the Planning Board we can offer comments, but the Council can do what they want except our comments are not binding. I think the one roll we have to do in our motion if we can convey this back to the Council if the Board finds this consistent as the mayor suggest that it is and it does seem to be that it is consistent with our Master Plan.

Mr. Hagarty: So, we should take a motion on that one item

Mr. Sitzler: Yes, and then our Board Secretary how ever reconvey it from the Board and let the Council that we do find that this ordinance is consistent with our Master Plan.

Mr. Dougherty: Just to clarify that and Joe you could certainly clarify too the PRC Zone already exists here in town, so we are just expanding it to include that area to include the new Pine Valley. It certainly is consistent with the Master Plan because the PRC Zone already exists for that purpose.

Mr. Luste: Exactly

Mr. Sitzler: And to the use that they are using it is consistent with that Zone

Mr. Luste: The use is also consistent correct.

Mr. Hagarty: Any questions that anybody has with respect to Ordinance 2022-1014? Seeing none I will entertain a motion that, we are going to take a motion on this that defines it from the Board that we have reviewed the Ordinance and find it consistent with the Master Plan and the use is compatible with the Master Plan so with that comment and the testimony that we have heard I will entertain a motion to approve.

Mr. Waddington: I will make the motion, seconded by Mr. Hagarty

Mr. Hagarty: Roll call

**ROLL CALL MAYOR GREEN AND COUNCILMAN ROBB ABSTAINED ALL OF THE OTHER MEMBERS PRESENT
"aye" THAT THE BOARD FINDS THE ORDINANCE CONSISTENT AND COMPATIBLE WITH THE MASTER
PLAN**

Mr. Gallagher: I will notify the Borough Clerk in writing

Mr. Hagarty: So that takes care of that matter of business

Mr. Gallagher: It is not on the agenda but in your packet, there are two revisions of ordinances that you have previously reviewed. Joe had asked me to put those in the packet they were discussed at the February meeting.

Mr. Sitzler: They are not in front of Council yet

Mayor Green: No, if the Planning Board decides they want to move forward then the recommendation to the Governing Body to consider changing the ordinances to reflect the changes that appear to be forthcoming from the Board it is nothing that has to be done Monday night but that would be the process.

Mr. Luste: What we attempted to do was take the comments from the February Meeting digest them and insert them as a change and the changes are in bold so you can pick them out to see what the needs were and the concerns.

Mr. Hagarty: I think that is great with the bolding it makes it easy to follow so I appreciate that

Mr. Gallagher: I'm just the secretary and not a Board Member and since it is not pressing that the Mayor and Council vote on it right away, I would suggest that you take the time to peruse that and see that everything is fine and at the May meeting we can vote on passing this on to Mayor and Council for their approval and then implementing that and updating the ordinances.

Mr. Hagarty: I think that is wise to take the time to read through it. Obviously, I appreciate with the bolding with each one of them with respect to landscape and retention basin fencing it is easy to follow as to what the changes are so it probably makes sense to take time to read it carefully instead of trying to do some quick review through that so any comments from the Board in terms that we take that process of taking it home and review it and talking about it in the May meeting and then we can take an action on it at that point.

Mr. Luste: On the landscaping one for the trees the Borough Engineer himself should also take a look at these because some of that enforcement is in his lap.

Mayor Green: Once the Board looks at this and they recommend that Council look at this then the governing body would take a look at this and the engineer and ultimately, they would determine the ordinances

Mr. Sitzler: Yes, the council has the ultimate authority to change the ordinance anyway they feel, we are a referring recommending body. Not always do we give them a whole ordinance that is drafted from

scratch so they may accept it in whole or in part, but they do have the authority to change it. Also, when they send it back to us which they will when they come to a final draft we just see if it is consistent with the Master Plan and review it but ultimately ordinances are the purview of the council and we can only make recommendations we can not insist that they provide it as we would like it because it is their authority they do give us weight because we are the supposed land experts of the town so they do give us weight I'm sure.

Mr. Hagarty: So, if anybody has questions right now, we can entertain those questions. If there are no questions the recommendation that we will take the time between meetings to review and comment and we can have a discussion next meeting and then vote to take an action.

Mr. Sitzler: The advantage of having Councilman Robb and the Mayor here is that they know what we would talk about, and they hear it firsthand and although they may not participate or vote at that level, they bring back that information, so they are the resource to council

Mr. Waddington: I have one question about the fencing before I finish reading this on the first page under "B" the way I'm reading this on public roadways they have to install a chain link fence. I thought we disused using the split rail fence with another fence behind it like a screen with a split rail instead of the chain link on the

Mr. Luste: Well, the thing with the chain link as opposed to the split rail is safety with the public people can walk in there, children can be attracted to let's go see what is in there and can easily get into the retention basin and since they are deep a smaller child couldn't even be seen in there where with the chain link fence on the public right-a-way it offers a safety.

Mr. Waddington: I understand that, and I think that is what is in our current ordinance but, I thought we discussed at the meeting two months ago I guess it was that we would use the chain link fence in areas where not on public roadways like. When I say public roadways, I think of Branch Avenue and I will use the storage across from the apartments we allowed them to put a split rail fence up there and we did the same thing on Cross Keys Road with the Landscaper to put a split rail around that was another fence to be decided instead of the chain link fence because of the eyesore and I thought that was what we talked about at the last meeting but the way I'm reading this is we are going to have a chain link fence on those public roadways like Cross Keys Road and Branch Avenue

Mr. Dougherty: I think we definitely we wanted that option I will have to check back on my notes, but I think

Mayor Green: That is what originally started this discussion was that the six-foot-high chain link fences weren't astatically pleasing and don't necessarily really serve a purpose and a lot of cases it is way over kill on what is needed and a lot of the detention basins on these properties are dry to begin with.

Mr. Dougherty: That is a good point, So I think that is the boards preference and I agree the split rail does look verry nice along the public right-of-way.

Mr. Waddington: Right and I thought that was what we discussed having something in there on public roadways we would have the option of the split rail fence and then on, I will use if you go onto the development I will call the cul-de-sac off of Country Club Road they have the chain link fence there which is perfectly fine because it is not a major highway and there is a lot of kids but Branch Avenue or Cross Keys Road have a split rail fence so that was my question.

Mr. Luste: I think it is best to leave the decision up to the Board whether it be a split rail or chain link and then

Mr. Sitzler: I remember a discussion about per-existing businesses that may have either chain link already or if an adjacent open lot got approved would the Board want to see to consistent matching so it wouldn't be like be like one chain link high here and split rail next door and another chain link on the other side would aesthetically not be pleasing, I thought there was some discussion am I wrong about that.

Mr. Dougherty: Alternatives like Joe says

Mr. Sitzler: For a neighborhood where it went along the same neighborhood that it would be consistent rather than one with a chain link one with a split rail and maybe wouldn't be aesthetically going down the same street

Joe Luste: That would be subject to the Board with the site plan approval

Mr. Dougherty: We would have the option right

Mr. Sitzler: If you had the option the Board can say you want the applicant to match up what is next door already existing

Mr. Waddington: I did not read it all the way through on the last sentence it says "The Board with jurisdiction to review and approve the site design shall approve the design of each such basin and the fencing thereof"

Mr. Luste: I concur with that

Mr. Gallagher: Look at 10-7 on page 3

Mr. Waddington: What was that

Mr. Hagarty: “Split rail fencing is allowed as may be determined by the Board depending on locational factors **TO THE EXCLUSION OF DETENTION BASINS ALONG PUBLIC ROADWAYS.**”

Mr. Sitzler: As the Board recalls we had the one really deep narrow Landscaping business that had no choice but to put their basins right up on the front along the driveway which is very rare I don't think we would probably ever see that again and I know that got a lot of wheels turning here as to how to deal with that

Mr. Waddington: Yes, and we approved split rail fencing on both sides of their driveway and the same thing with Branch Avenue with the storage facility we approved the split rail again

Mr. Sitzler: Although flexibility is important although I doubt that the Board will see too many like that

Mr. Waddington: So, to Les' point page three

Mr. Hagarty: It says “to the exclusion of the detention basins”

Mr. Waddington: “To the exclusion of detention basins along public roadways” so to me it read a split rail fence is not allowed along public roadways

Mr. Dougherty: Okay we got to change that

Mr. Waddington: So, we have to take out exclusion

Mr. Luste: Right

Mr. Hagarty: Or depending on location factors

Mr. Waddington: That is all I have

Mr. Hagarty: No, good points keep reading. Any other questions on either of those two?

Mrs. Keyek: I have a question about trees. It references a permit to take down trees if you will, we currently don't have one does the Board want me to put one together and have it for review of the next meeting? Or how do we want to come up with a permit application to remove the trees?

Mr. Sitzler: We don't have the tree ordinance yet to do the permitting to be based on we don't have anything right now to base it on, no statutory authority for the permit

Mrs. Keyek: We don't really have one

Mr. Sitzler: You might want to wait Karen until there is a final approval, when Council finally approves it that is when you are probably want to

Mr. Luste: We need some kind of permitting so people are not just taking trees down randomly

Mrs. Keyek: Absolutely

Mr. Hagarty: Any other questions?

Old Business:

Mr. Hagarty: How about old business?

New Business:

Mr. Hagarty: New Business the next meeting is May and Les has confirmed that we have at least one application and we are going to have resolutions from tonight, so we are going to have a couple of things on the agenda. Any other new business?

Open floor to public:

Mr. Hagarty: I will now entertain a motion to open the floor to the public on any matter

Mr. Ford: I make a motion to open, Seconded by Mr. Waddington

All present in favor of opening the floor.

Mr. Hagarty: Floor now open to the public to discuss any matter seeing none of the public present motion to close the meeting to the public

Mrs. Wakeley: Motion to close, seconded by Mr. Ford

All present in favor of closing the floor.

Motion to Adjourn:

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

Mr. Ford: Motion to adjourn, Second by Mrs. Gilson

All present "aye" meeting adjourned at 9:21 PM