

**Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
March 12, 2026**

CALL TO ORDER:

Chairman Hagarty called the meeting to order at 7:30 pm

PLEDGE OF THE FLAG:

Chairman Hagarty called for everyone to rise and recite the pledge of allegiance to the flag.

SUNSHINE LAW:

Chairman Hagarty announced that the meeting is being held in compliance with the Open Public Meetings Act and has been duly noticed and published by law.

ROLL CALL:

On a roll call vote, the following members answered present by roll call: Mr. Hagarty, Mr. Waddington, Councilman John Robb, Mr. Torrance, Mrs. Robb, Mr. Farlow, Mr. Brannigan, Solicitor Mr. Sitzler, Engineer Mr. Sean Raday, Planner Mr. Gray- Cornelius, Zoning Officer Mrs. Keyek.

Absent: Mayor Green, Mrs. Gilson, Engineer Mr. Clark.

CORRESPONDANCE:

None.

FEBRUARY 2026 MINUTES:

Mr. Hagarty stated that Ms. Wakeley asked to have February 2026 minutes tabled. I will entertain a motion to table the minutes of our February 12, 2026, meeting.

A motion to table February 12, 2026, minutes, was made by Mr. Waddington and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Councilman John Robb – Yes
Mr. Torrance – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that the February 2026 minutes have been tabled.

RESOLUTION 2026-11

Salvador Calixto
34 Hazel Lane

Block 100, Lot 17
Bulk Variance

Mr. Hagarty stated next matter before us is resolution number 2026-11. I'll read the resolution so resolution of Pine Hill Zoning Board granting Bulk Variance to Salvador Calixto, subject to certain terms and conditions, for a shed as an accessory use for the existing residential home, located at Block 100, Lot 17, also known as 34 Hazel Lane. Board members, does anyone have any proposed modifications or changes to the resolution. Seeing none, I will entertain a motion for approval of resolution 2026-11.

A motion to adopt resolution 2026-11 was made by Mr. Torrance and was seconded by Mr. Waddington.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Councilman John Robb – Yes
Mr. Torrance – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that resolution 2026-11 was adopted.

APPLICATION 2026-3

Trump National Golf Course
500 W Branch Avenue
Block 24.01, Lot 1
Use Variance and Site Plan Approval

Councilman Robb stepped down due to application 2026-3 being a use variance. Mr. Peter Rhoades gave his introduction to the board. I'm the attorney for the applicant. We are here tonight seeking a use variance and various other variances in connection with our desire to construct an 80 ft by 120 ft pole barn on the golf course property in the area where Current maintenance activities take place, storage units exist and not much of our equipment sits outside. The purpose of the pole barn is to fit our investments inside with the weather, so it prevents severe damage to the equipment and shortens its life. That is the intent of the application tonight. When we originally filed the application, we believed that this area was part of the overall lot it constitutes the golf course. It was discovered as we went through this that this section of the parcel was somehow carved out of the golf course. We believed inadvertently many years ago, when we entered into a lease. We have utilized that lot since the time the golf course was constructed for maintenance storage. I understand that enough municipality is considering even moving forward with consolidating this separate format into the golf course. If that were to take place, the use variance would not be necessary. However, the Spring is coming, and we felt the need to get moving more quickly than waiting for the municipality. With hat said, I have several witnesses tonight, general manager Eric Quinn who will give testimony of benefit to use and purpose along with historical use and purpose. We also have a professional planner, Christine Winter, and our senior engineer, Christopher Morris.

Mr. Sitzler swore Mr. Eric Quinn, Mrs. Christine Winter, and Mr. Christopher Morris under oath.

Mr. Sitzler swore Mr. Geoffrey Gray- Cornelius and Mr. Sean Raday under oath.

Mr. Christopher Morris, Licensed Professional Engineer, gave his credentials to the board.

Mrs. Christine Winter, Licensed Professional Planner, gave her credentials to the board.

Mr. Rhoades asked Mr. Hagarty, that's the abbreviated version, do you accept the professional engineer for Mr. Morris and planner for Mrs. Winter?

Mr. Hagarty responded to Mr. Rhoades; we agree to accept those.

Mr. Rhoades stated, great. So, I've given you just a short overview of the application for the use variance for this small lot that we always thought was part of the golf course is actually zoned differently than the golf course, but we are aware this will be changing by a municipal action in the near future.

Mr. Morris showed the first exhibit, marked as A-1. This is a color rendering of maintenance plan that we submitted with our site plan package. The site in question tonight is block 15.02, lot 3 measuring 6.9 acres. Site is currently utilized as maintenance yard. There's an existing building, there are storage trailers, there's pavement, use materials and impacted gravel. The site is essentially 100 percent impervious, there is grass along the western side, but essentially 100 percent impervious. That is roughly 1.5 acres and wooded undeveloped area. The site is surrounded by the North residential, South East and West surrounded by wooded areas. Access to the site is made to a private drive off of West Branch Ave, and this drive extends all the way down to the clubhouse area and traverses to the golf course and access to this yard. The applicant is proposing to develop a 3,800 square foot pole barn, 24 feet in height. Structure is situated far enough from the access road here, the entrance to the access road. Vehicles can come in and emergency vehicles won't be prohibited in traversing through the parking area. The area where the full horn was installed previously had metal storage containers. These have now been relocated to the Southern portion of the site. The pole barn will have five open bays utilizing the stored maintenance equipment on the site, tractors, mowers, blowers, and anything used to maintain the golf course. These are currently being stored outside right now. It's not bringing in additional equipment. It's just housing the equipment that's already there. Lastly, the pole barn complies with the bulk standard in the multi-family zone. We acknowledge that the way the ordinance is written, all of the lot lines are consistent with the side yard, so we will update our plans to reflect that. A great standpoint, we're not increasing impervious coverage and we're not serving the area so there is no treatment for water quality. Under existing conditions, site drains east to west towards the access road and then the storm water management constructed beyond that. Overall, the presence of this pole barn structure does not impact drainage. It's not required storm water runoff, not increase any flow rates to existing structure. The pole barn will not have water and sewer service. There is water sewer within this yard area to serve the existing building that would not be impacted at all with this project. Landscaping, we're not proposing any additional landscaping. There is an existing 20 foot wide row trees that separates the residential development from this facility, and that that width is compliant with the screening requirements in section 23-9.5. Lighting, pole barn will be accessible by employees from 5am to 9pm so lighting is required. There

are existing free standing lights within the maintenance area. Those will remain but also be low level lights on the pole barn itself for additional visibility. Parking, there are three spaces in front of the building currently. Employees come and go from this site frequently within the day, many also come by golf cart. The installation of the pole barn does not increase any traffic or parking on the site, and Maintenance yard is not accessible to the public. It is not going to be heavily traveled, for employees of the golf course to cut in and out get their equipment and go on about their day. There's also a long suburbs portion site, there is access. This is just provided for the safety of a crosswalk for the employees, and it allows the street and access site without dealing with a delivery coming or a truck going out. There is a 25 ft separation between the pole barn and storage trailers, so that allows plenty of room for anyone that needs to be there. I just wanted to reflect on a few miscellaneous items in the review letter. We are going to have our plans signed by a licenser surveyor to serve as a survey. We are going to update all items of plan, cover sheet tables on that data to just indicate block 15.02 lot 3 to disseminate parcels. We will also provide a sequence of instructions on our plans.

Mr. Rhoades asked Mr. Morris a question, this is your understanding that the storage pods that are sitting on the property will remain as storage. Correct?

Mr. Morris responded to Mr. Rhoades, yes, they are to remain. To reiterate, these were located in the location of the pole barn, and they were moved south of the location of the pole barn.

Mr. Rhoades asked Mr. Morris a question, this site is not prepared for employee parking. It is strictly for maintenance.

Mr. Morris responded to Mr. Rhoades, yes.

Mr. Rhoades asked Mr. Morris a question, and the lights on the pole barn, do you anticipate any spillover Interference with particularly the department complex that's located to the East to this?

Mr. Morris responded to Mr. Rhoades; there will be no spillover.

Mr. Hagarty asked the board members, does anyone have any questions for Mr. Morris? Seeing none, Mr. Rhoades, we'll let you continue with your presentation.

Mrs. Winter stated, as Mr. Morris stated, this is a 4,800 sq feet pole barn to store existing maintenance equipment as part of the existing golf course. The required variances that have been identified in the planning letter are D-2 for the expansion of the existing facility located in the R-Multi District where such use is not permitted, variance is also required for the continued use of the storage containers on the site. Variance is required because block 3 does not have frontage on an approved Street and the maximum height of existing fencing, which is 8 feet where 6 feet is permitted. The only thing proposed as part of the application is the construction of that 3,800 sq ft pole barn. There are no changes to the use, the number of employees, the hours of operation, the buffers, or anything else that happens on the site. Product is going to provide protection to the golf course maintenance equipment for damage as a result of the elements, as well as the history of the site. This area was declared a Redevelopment Area Council in 1996 and subsequently, the redevelopment plan for the greater action mountain redevelopment area was adopted in 1999. This plan explicitly commits and was written to facilitate construction 18 hole golf course, clubhouse associated improvements such as maintenance. All of this was initially built under the plan.

Unfortunately, that plan expired two years ago. This application is subject to the underlying zoning, but it was fully permitted use when it was constructed. In order to move forward with this variance, the applicant needs to demonstrate to your satisfaction that the action will release peculiar and exceptional practical difficulties or exceptional hardship upon builder subject property resulting from the strict application of zoning ordinance. Or two, that granting a variance to allow departure from the zoning ordinance would advance one of the purposes of the municipal land use law, the benefits of these deviations would substantially outweigh detriment of the variance and possibly the positive criteria must also demonstrate that such variance can be granted without substantial detriment to the public good, without substantial impairments to the intent and purpose of the zoning plan, this would be known as negative criteria as a D-Variance. We also need to demonstrate that this particular site is well suited for the proposed use. As part of the criteria the following MOU purpose is applied, A, B, C, G, I, and J, I'm going to go through them quickly. With the municipal action the appropriate use and land with public, use, safety of general welfare. The pole barn will provide organization on site containment and storage that would otherwise be open unsecured equipment that can cause potential hazard in the event inclement weather and can be an attractive nuisance, things like arson, potential fire, stuff and other unwanted activities. By directing the permanent structure with the foundation to store these materials and vehicles, it will really mitigate the risks, creating a safe environment, both on site and for the neighbors. Purpose B, these for safety for other national disasters as I just mentioned. Purpose C, this is a very small addition to when I speak about the overall offsite, it is less the 0.001 of the site for building coverage. Although it still needs to meet the setback distances, we assume that the parallelized zone regulations were adopted and advanced purposes of Municipal Land Use Law. Purpose G, efficient space, appropriate location for variety, recreational, commercial, open spaces according to the environmental requirements by directing the pole barn within an existing maintenance area, while maintaining existing buffers. Landscaping constitutes an appropriate location for these uses and respects the environmental requirements of the section of Pine Hill. Purpose I, promotes a desirable visual environment to create development techniques, the and specific designs. Direction of the storage building without all the setbacks, creates a more desired visual environment, posing good civic design. Purpose J, promotes conservation open space for conservation of open space for the pole barn to support ongoing maintenance of the golf course, no changes to the property are proposed. Rather than seeking to develop new lands, the applicant is using the existing maintenance facility yard and creating a better situation there by enclosing the maintenance equipment. As for the negative criteria, the question is, can this relief be granted without substantial detriment to the public good per the Master Plan as well as the public good. As I previously stated, that supports the positive criteria for the public good compliance to Master Plan. The last master plan reexamination was done in April of 2025, it references the 2014 re-exam, which identifies the Trump National Golf course was a redeveloped site under that redevelopment plan. While the plan is no longer in effect, it's important to recognize property was planned through that process of redevelopment and the borough adopted the plan. Among those policy goals within the plan were to accommodate a championship 18 hole golf course related facilities, private sector development, stimulate the markets and strengthen and diversify the borough's economic base, recognizing that the existing zoning has changed and no longer corresponds with the golf course. The 2025 Master Plan recommends that the borough rezone the portion of block 24.01 which is a greater golf course area it is currently zoned in several zones, including our borough and GPD, as well as institutional and the recommendation is to rezone it to the PRC to reflect that it is a recreational element in the township. And this 2025, master plan goes further and suggests adopting standards for the PRC, which includes things like lot area lot width primary setbacks and other full requirements which don't really exist today in relation to those recommendations and

those standards this will form will be in full compliance, while such recommendations have not yet been actuated, the grant has been released, identified will not be decimated to the borough's master plan, as far as the zoning plan, the maintenance chart is an existing non-conforming the addition of a storage building will not impact the zone plan will provide improved site utilization, redevelopment also corresponds, in conforms with both requirements of the existing zoning and the R-Multi for the previously stated reasons, while the recommendations of the 2025 master plan have not yet been effectuated, would be as it is. I can be granted without judgment, let alone substantial judgment. Lastly, site suitability for D-variance, we need to demonstrate that, and it has been a golf course for over 20 years, for that time, and it has functioned well in that capacity. All we are proposing is to continue to make the site utilization better, protect the equipment, and no other changes are proposed. We haven't changed any of the operational systems in place. All the existing buffers and landscaping are proposed to remain so the proposed accessory pole barn in the existing maintenance yard is going to better organize the site and provide for the upkeep for the existing golf course, it does not change the nature of existing use. Importantly, it's my professional opinion this property is well suited.

Mr. Rhoades asked Mr. Eric Quinn, Eric tell the about your current employment and how long you've been there.

Mr. Quinn stated, I'm the general manager. I was hired at this property in October of 2000. I've been overseeing the property for over 26 years. I know most of you I've been in front of this board, this is my third time. So, I've seen the building of the property, I've seen the acquisition of the property, and I've seen the rebuilding of the property.

Mr. Rhoades asked Mr. Quinn, Eric, when you and I first talked about this, you were under the impression that this particular area was part of the golf course, correct?

Mr. Quinn responded to Mr. Rhoades, correct, that's accurate. For over the 26 years, anytime we filed for any type of permits, we've always used the same block and lot for the entire property. It came to my surprise that it was not part of that property.

Mr. Rhoades asked Mr. Quinn, Let's talk about the storage and maintenance you have. You have several pods and containers at the bottom of the maintenance yard. Can you describe to the board what they're used for, and why you should keep them?

Mr. Quinn responded to Mr. Rhoades, yes. We have a 43,000 square foot clubhouse. We don't have adequate storage, so those containers have been used for 26 years to store now pool furniture, so that it doesn't shorten its life by being outside all winter long. We store all of our decorations for all the respective holidays down there. And we've also stored records and financial records over the years. I know it seems like there's a lot of trailers, but at the same time, there's a lot of stuff on that, because it's a big investment. So, nothing has changed other than it being used for just storage.

Mr. Rhoades asked Mr. Quinn, how long have those containers been on the site?

Mr. Quinn responded to Mr. Rhoades, 26 years.

Mr. Rhoades asked Mr. Quinn, is this the first time that you have been made aware of the variances needed?

Mr. Quinn responded to Mr. Rhoades, yes.

Mr. Rhoades asked Mr. Quinn, do you feel they are necessary to maintain the golf course?

Mr. Quinn responded to Mr. Rhoades, absolutely.

Mr. Rhoades asked Mr. Quinn, there are no employees that occupy any portion of this property day to day basis?

Mr. Quinn responded to Mr. Rhoades, correct. The maintenance staff goes down there to park, they go out, they work all day, they come in for a break, they go back to work, they punch out and go home.

Mr. Rhoades asked Mr. Quinn, there is no office space?

Mr. Quinn responded to Mr. Rhoades, there is a small office space in the existing building for the superintendent's assistants and a break room there as well, which has been there the whole time.

Mr. Rhoades asked Mr. Quinn, tell the board why you think it's necessary to get your equipment inside.

Mr. Quinn responded to Mr. Rhoades, right now, it's not shown here. There's a little chain-link area where we put our equipment. As I said, I've been there over two decades. The equipment's life expectancy does not last because we're outside every single day in the winter, and then also, we are surrounded by apartment complexes. Kids get curious, we've had a lot of vandalism over the years. Yes, there's cameras, but the motor is not \$40,000 - \$50,000 now it's \$70,000 - \$80,000 so we're buying new mowers and clean equipment, and we want to keep them inside stored to protect it so I can get 7-9 years out of a piece of equipment, not 5 years.

Mr. Rhoades asked Mr. Quinn, the access to this site is only off the access road. It has no ingress or egress except for Branch Avenue. Is that correct?

Mr. Quinn responded to Mr. Rhoades, that is correct.

Mr. Rhoades asked Mr. Quinn, and there are no changes to that?

Mr. Quinn responded to Mr. Rhoades; nothing has changed except for that particular place where the containers were.

Mr. Rhoades asked Mr. Quinn, here tonight we have this paperwork for drains. Can you tell the board how it drains and where the stormwater goes.

Mr. Quinn responded to Mr. Rhoades, I sit on the Pine Hill Conservation easement retention ponds that go along here, and part of the project since the development that was part of the original conservation easement, why they exist.

Mr. Rhoades asked Mr. Quinn, and in your experience over the time you've been here, effectively, has it ever flooded your road?

Mr. Quinn responded to Mr. Rhoades, no.

Mrs. Robb asked Mr. Quinn a question, what was there previously?

Mr. Quinn responded to Mrs. Robb, open space. Nothing has been taken moved or down.

Mr. Rhoades asked Mr. Quinn, was it previously paved for impervious?

Mr. Quinn responded to Mr. Rhoades, Yes, everything has always been paved. If we are granted to do this, the only change will take place on this entire lot is being paved up to the bottom of this building next to because there is a little bit of space, nothing is changing other than the bottom side.

Mr. Hagarty asked the professionals to go over their portion of the review letter. Id like to seal with the issue of completeness of the application as the first step then hopefully go on from there.

Sean Raday went over his portion of the review letter. This letter is dates February 27, 2026. This is a completeness letter for Major Site Plan. There are a few items that we do have no objection to for a waiver being granted. These are items 1, 2, 3, 4, 8, 10, 11 and 12. All of those, as I said, have no objection to those waivers being granted. Item number 5, this is the boundary licensed New jersey land surveyor. We heard testimony that they were going to provide that we would do that in condition of approval. Number 6, the existing building coverage of square feet and as a percentage of the lot area, that will be done as a condition of approval. Number 7, for the existing and proposed impervious lot coverage in acres or square ft as a percentage of the lot area, we are also asking that to be done as an additional approval. Number 9, we would ask for some testimony to be provided for any kind of additional refuse to be generated on site. There was testimony given about what was going to be used for, tractors, mowers and blowers. We would just ask additional testimony for any refuse.

Mr. Rhoades asked Mr. Quinn, Eric, you anticipate any additional generation of trash or refuse as a result of this structure being on site?

Mr. Quinn responded to Mr. Rhoades, no.

Mr. Rhoades asked Mr. Quinn, any existing refuse that generated trash to dispose of? Tell the board of your recycling.

Mr. Quinn responded to Mr. Rhoades; we have a recycling container that picks up 3 times a week. We have a trash compactor that during season is dumped weekly, and that is used for the entire property. That is the same thing we've had ever since we opened.

Mr. Rhoades asked Mr. Quinn, you don't Anticipated change?

Mr. Quinn responded to Mr. Rhoades; nothing changes other than equipment goes inside.

Sean Raday continued his portion of the review letter. Lastly, numbers 13 and 14, testimony was also provided for that, as I said, they testified that tractors, motors, and blowers would be stored in this. testimony was provided for additional employee parking. You said there's three spots for that, and then any plans for the improvements site lighting and testimony was provided for the new light as well as the existing lighting on site. Section B, number 1 as we said, conditions for signed preliminary site plan performance, resolution of approval. We would do that as a conditional approval as well as number 2, which is the construction schedule. The construction sequence shall be provided as a condition of approval. Lastly, for completeness on page 4, number 1, a boundary survey of the property by a licensed New Jersey Land Surveyor, certified on a date within 6 months of the date of submission, with a condition of approval. With that step, we have no further comments on that.

Mr. Hagarty asked the board members, any questions with respect to the issue of completeness?

Mr. Brannigan asked Mr. Quinn, is there a concrete floor.

Mr. Quinn answered yes to Mr. Brannigan's question.

Mr. Brannigan asked Mr. Quinn, is there draining inside for any power washing that would be done?

Mr. Quinn answered Mr. Brannigan's question, no. Same as the building we have now.

Mr. Hagarty stated, the first thing again that we're dealing with is just the issue with completeness, so let's go through that. You've heard testimony from our professionals going through those items in terms of the items that have been mentioned with respect to the conditions of approval. Do you take any exceptions?

Mr. Rhoades responded to Mr. Hagarty, we take no exceptions and agree to those as a condition of approval for completeness.

Mr. Hagarty responded to Mr. Rhoades, ok.

Mr. Raday stated, at this stage with the conditionals of approval and other waivers we have no we see no reason not to approve this for completeness.

Mr. Hagarty stated, I will entertain a motion to deem application 2026-3 complete.

A motion to deem application 2026-3 complete was made by Mr. Torrance and seconded by Mr. Brannigan.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-3 has been deemed complete.

Mr. Hagarty stated, now that we are finished with the issue of completeness, I will turn it back to the professionals to go through the rest of their review letter.

Mr. Gray- Cornelius went over his portion of the review letter. This is still our review letter dated February 27, 2026. Jump into page 4 of the Use Variance comments, as it was indicated in the applicant's testimony. This site is part of the larger Trump golf course, but it's technically a separate parcel. There are some questions about whether it was a single consolidated parcel or a separate parcel. In our judgment, it was actually a separate parcel that falls entirely within the R-Multi District, whereas the rest of the golf course falls within a separate parcel, as they also mentioned in the reexamination report that was recently adopted, the rest of that parcel, which is currently spread between 3 or maybe 4 different zoning districts, we recommended for consolidating all of that under the PRC district, correct and observation. In all honesty, we didn't even recognize that this small parcel was part of the larger golf course and if you look at the zoning map, you would have just assumed that it's part of the larger apartment complexes around it. We have discussed; we're currently working on adopting a new land use plan element that will be appropriate for this parcel to be part of the PRC zone. However, currently the zoning is the R-Multi District. With that being said because it is a separate parcel, the proposed use is technically a principal use of the site, as opposed to if it was part of the larger parcel, it would be an accessory use to the larger golf course. Given that it is a separate parcel, we would identify it as a principal use and all the bulk standards would apply. Maintenance facilities, storage and or golf course facilities are not currently permitted in the R-Multi District pursuant to section 23-7.9.4.a. The site is currently approved and used for maintenance and storage in support of the adjacent golf course, therefore any key to variance for the expansion of a non-performing use is required for the proposed construction of a pole barn. Just have a little bit of context, the site, both the larger golf course parcel as well as the smaller one, was previously subject to a redevelopment plan that permitted the development of the golf course as well as the associated maintenance facility. That that plan had a 25 year lifespan and has since expired, but the site was developed as a legal conforming use under that plan. Since it expired, it is now lethal, not performing use. But since they are expanding it, that's why they are here tonight. Just to confirm, the site has never received another D-Variance or another Use Variance for this site.

Mr. Rhoades stated, I was not able to discover the resolution, neither was your municipality able to locate one going back 25 years.

Mr. Gray- Cornelius stated, presumably if there was one, it would have reach an expiration of the redevelopment plan. The applicants planner provided testimony about how the site meets the positive and negative criteria. We had a couple of comments about that in our letter. And just the one thing, I think the biggest concern regarding the negative criteria would be how the site potentially impacts the adjacent residential existing Chalet Gardens and believe you gave testimony that there is an existing landscape buffering, we'll get to that when we get to the bulk variance comments, but can you just talk about the potential impact of the operations of the site as it affects the adjacent residential?

Mr. Rhoades asked Mr. Quinn, can you just describe that?

Mr. Quinn explained, the buffer is right here with the trees so in the Wintertime, you're going to have them not in bloom then in the summertime, you will. We've never had any issues with this. Its the same exact landscape that's been there since I started. They are matured trees; they are lot larger tree at this point; they're not small trees. They've been there since I've been there.

Mr. Rhoades asked Mr. Quinn, you've never had any complaints from people that might reside in the apartments concerning the maintenance?

Mr. Quinn responded to Mr. Rhoades, no, never.

Mr. Rhoades asked Mrs. Winter, do you believe this is going to negatively affect the apartment complex?

Mrs. Winter responded to Mr. Rhoades; no, I do not believe it would. Its going to enclose the site. Currently, things are out in the open, they are going to be hidden within the building I think that's going to be an improvement for the neighbors. There is buffering, we're not proposing any changes to the buffering, but what is currently there.

Mr. Gray- Cornelius continued his portion of the review letter. Page 6, Bulk Variance comments, the standards of the R-Multi those are detailed in the table a couple pages back again. There are some questions about how to quantify this pole barn is used for storage. The growth is for utility sheds and garages, one more thing, but those are really for residential, as opposed to this. Nonresidential is also significantly bigger than those uses, so this should be considered a principal use, bulk standards applied accordingly. Comment B, as was discussed, the site is not accessible by a public right of way. Again, if you look at this as the entire target, the golf course, there is an access road that runs by the site that connects it up to Branch Ave that this this site ties into, but technically, this site does not have frontage along a public right of way, and just by a quirk of the way that the definitions are in the zoning ordinance, identifying the front lot lines based on the lot line that runs adjacent to the public right away, given that there's no right of way adjacent to this, there's no front lot line. The rear lot line is defined as what's parallel to the front lot line. So, there's no front outline. There's no rear lot line. The side lot line is defined as anything that's not a rear or front lot line. This site has four sides lot lines for side yard setbacks, of which they propose improvement, as well as the existing improvements. Comment C, so present to Section 23-9.11.b.3 each lot must front upon improved street at least 50 feet in width. As we said, that's not the case so a variance is required for that. Pursuant to the New Jersey Municipal Land Use Law Section 55D, no permit for the direction of any building or structure shall be issued unless the law reflects the street giving access to such proposed building or structure. You also encourage the zoning board to provide relief to that as well. You will just need to act on that as well. Comment E, some existing wood fence running parallel to the western boundary, which is 8 feet tall, just follow the maximum permitted height for fences, running alongside yard lines, 6 feet into section 23-7.8.5.d.2, a variance is required. We asked to provide testimony detailing the need for the existing eight foot fence and clarify if there are any proposed changes to the fencing along the

Mr. Quinn responded to Mr. Gray- Cornelius, existing fence was actually there before I arrived in 2000 and that was the construction site where everything was stored, the original maintenance blade. I don't know anything about it couldn't have been taller than 6 feet. It's always been there for over 27 years. There are no proposed changes to the fence, the fence is in good repair, if it needs to be repaired, we will make a repair. But there's no modifications to the fence.

Mr. Rhoades responded to Mr. Gray- Cornelius, an 8 foot fence provides more buffering than a 6 foot particularly when we're asking for a Use Variance.

Mr. Quinn responded to Mr. Gray- Cornelius, I would like to add to that, that's for customers and members coming in and out, that's why we need it.

Mr. Gray- Cornlius asked Mr. Quinn, is it 8 feet around the entire property?

Mr. Quinn responded to Mr. Gray- Cornlius, it is not, its just along that roadway. Its actually from here to here.

Mr. Rhoades responded to Mr. Gray- Cornelius, there is an 8 foot chain-link.

Mr. Quinn answered yes to Mr. Rhoades.

Mr. Rhoades added, around the maintenance yard and the buffering.

Mr. Quinn added, there is a chain-link fence around the entire 365 acres and that has been there.

Mr. Sitzler made a comment, just to point out, if I can Mr. Gray- Cornelius, this was a redevelopment area inclined for a golf course but we don't know why the consideration was made by the borough when it was first constructed, but the testimony we have is that they've always been there either was the ordinance back then or an grant of access and for whatever reason of being the nature of the golf course. Mr. Quinn has testified that they do have some curious kids that sometimes try to get onto the golf course. But I just want to point that out to the board, the testimony seems to be that this has always been there.

Mr. Hagarty responded to Mr. Sitzler, ok.

Mr. Gray- Cornelius continued his portion of the review letter. Additional planning comments, starting at the bottom of page 6. We have some questions about the area identified as the existing concrete pad. They have provided testimony that they're moving at least some of the existing storage containers to that part of the site.

Mr. Rhoades responded to Mr. Gray- Cornelius, these have already been moved. This is their current location. There was no change.

Mr. Gray- Cornelius asked Mr. Quinn a question, have all the storage containers that were in the previous location been moved?

Mr. Quinn responded to Mr. Gray- Cornelius, there are 13 storage containers; we got rid of 3 storage containers.

Mr. Gray- Cornelius asked Mr. Rhoades a question, I have a question about the access and circulation within the site. In particular the applicant shall discuss the use of the southern paved driveway.

Mr. Rhoades responded to Mr. Gray- Cornelius, So the main access is going to be here. That's where vehicles will go, there is a smaller access here that would be wide enough for golf carts, and that's to basically keep people off the access.

Mr. Gray- Cornelius continued his portion of the review letter. Comment D, we talked about the parking the R-Multi District just require 1.5 spaces per unit, which is quite small, so that that's for residential that's usually superseded by residential site improvement standards. We noted that, for reference, the industrial district that permits warehousing and storage facilities would require one parking space for every 200 feet of building, or 1.5 per employee, whichever is greater, 4800 sq ft for the new building, that would be 24 spaces, as well as the space in the existing building. Again, that's just if we're looking at it through the industrial district. The applicant provided testimony that there won't be any parking on site, but also no employees will be working full time and on the site. Is that correct?

Mr. Rhoades responded to Mr. Gray- Cornelius, we have three or four parking spaces.

Mr. Quinn Responded to Mr. Gray- Cornelius, we have these designated in front here, and then the rest of the maintenance department park along here. As stated, they're coming and going. Some guys come in no fairways, and they're gone in three hours, other guys may stick around, some guys just come on weekends. So, there is a float of staff in and out.

Mr. Sitzler asked Mr. Quinn a question, did you ever calculate the fill number of parking that you currently have?

Mr. Quinn Responded to Mr. Sitzler, no, I didn't.

Mr. Sitzler asked Mr. Quinn a question, can you give us a ballpark?

Mr. Quinn asked Mr. Sitzler a question, of how many cars are there at any given time?

Mr. Sitzler responded yes to Mr. Quinn's question.

Mr. Quinn Responded to Mr. Sitzler, we don't have more than 14 people on the staff if everyone is there any given time. If everyone's there, probably half of those that don't drive or get dropped off. That fluctuates maybe more in the summertime. I have eight people.

Mr. Sitzler asked Mr. Gray- Cornelius a question, do they need a waiver?

Mr. Gray- Cornelius answered Mr. Sitzler's question, no, they met that. Even though they are in the R-Multi District, that only technically requires 1.5 spaces per unit. If we consider this to be one unit in the existing facility, to be one unit so they only need three spaces.

Mr. Sitzler told Mr. Quinn, so you're over.

Mr. Gray- Cornelius continued his portion of the review letter. Comment E, touch back to the Evergreen planting strips. The section 23-9.5.c, requires a 20 foot evergreen planting strip separating uses. They have provided testimony that there are deciduous trees in that planting strip, but that it is 20 feet wide, that would be the only thing my recommendation would be to consider

adding to the buffer to ensure that there really isn't conflict between the residential and non-residential uses. General comments, touch back to what we said about the separate parcel lots. This is considered a single smaller lot, not the larger parcel, the impact of evidence is concrete. We reconsider it as such, but in many ways, considering it as a separate, smaller parcel simplifies the application for the zone standards.

Mr. Rhoades stated, it would have been nice to know before I sent the notices out.

Mr. Gray- Cornelius responded to Mr. Rhoades, yea, we were still trying to figure it out.

Mr. Raday continued his portion of the review letter. Under Gener comments, B, we have just ask to have a revised title of the site plan, just to show that the subject property is 15.02 lot 3, as well as for new plans to be revised to include the legend identifying the hatches shown in the Maintenance Layout Plan. Both of which can be done with condition of approval. With that, we have no further comments.

Mr. Hagarty asked Mr. Rhoades, any exception of any of the testimony in question?

Mr. Rhoades responded to Mr. Hagarty, no.

Mr. Hagarty asked the board members, does anyone have any questions for the applicant or professionals at this time? Seeing none, entertain a motion to open the floor to the public with respect to application, 2026-3, and only 2026-3.

A motion was made to open the floor to the public with respect to application 2026-3 was made by Mr. Waddington and seconded by Mr. Torrance.

Mr. Hagarty stated, All in Favor "I".

All present stated, "I".

Mr. Hagarty stated, the meeting is now open to the public with respect to application 2026-3 and only 2026-3. Any members of the public wishing to speak, I just kindly ask that you step forward and state your name and address for the record. Seeing no members of the public wishing to step forward, I'll entertain a motion to close the meeting to the public with respect to 2026-3.

A motion was made to close the floor to the public with respect to application 2026-3 was made by Mr. Waddington and seconded by Mrs. Robb.

Mr. Hagarty stated, All in Favor "I".

All present stated, "I".

Mr. Hagarty stated, the meeting is now close to the public with respect to application 2026-3. I'd like to deal with this really on two pieces first we will deal with the use variance, so we can address that, and then we'll deal with the site plan approval piece after the use variance.

Mr. Rhoades commented, very briefly. Chairman, I would mention aside what we've presented already, this property including the parcel here tonight is owned by the Borough and that it is leased to my client on a long term lease. I think he can take judicial notice the fact it expressly police permit use to have maintenance facilities on the property while technically we would need a use variance we are hoping that our need for that is granted.

Mr. Sitzler commented, I reviewed these agreement amendments, because it's been leased and has been renewed up to the current time, and it clearly states in the lease that the borough grants the applicant as the receipt of the property of the borough. The right to do those types of things that Mr. Rhoades has just pointed out to the board, including anything that would be applicable to a championship golf course. In addition to what they're proposing for the pole barn for maintenance, police say that they can do whatever is necessary to make them compliant. I can't tell the board what the criteria is for a championship golf course. The only thing that comes to mind I would think that professional golf, PTA tour, they have their professional golf tournaments, is ones that are most recognized as championship golfing events. Of course, there's a competitor now that also has them all over the world, but the ones in the United States, I'm sure they have certain criteria that they look for. I'm sure there's things like stands for the public to come and sit in on major holes, like the last bullet, all kinds of things like that. They're not here asking for things like that, but I just wanted the board to know that that's what the lease provides. And the lease is a lease purchase agreement. So, at the termination of the lease, it indicates that they, the applicant, can purchase this from the borough for a set figure in the lease, and that it can also be renewed. They don't want to purchase it, it's possible to renew it again for another 10 year period, and for improvements such as this that is being proposed in this application, that if they choose to walk away from this at the end of their term and not renew the lease and not purchase the property, those improvements that they've made would revert back to The borough, so they become just like the golf course. All the improvements would if they were not movable. A pole barn is not movable, logic, so that, but if they purchase it where they review the lease that becomes their property. The lease was rather lengthy; I think 69 pages if I recall that correctly. I went through all of it and I wanted to make sure the board that we didn't do anything was contrary to the lease. That's always a consideration when there's an overly legal obligation between the borough and the applicant, which there is, that we don't do something that counter man's the conditions of the lease, those are the basics. What they are proposing would be consistent with what they're allowed to do in the lease, but it also says that they have to come before appropriate boards or authorities in the borough to get approval, and that's why they're here in front of us for those types of things. Mr. Rhoades, is there anything you would like to add to that?

Mr. Rhoades responded no to Mr. Sitzler's question.

Mr. Hagarty stated, you two are the attorneys, but my reading of the lease also was, in fact, in the various pieces were literally in my reading of it says the premises shall be used and occupied for the purposes of a championship golf course, but also facilities ancillary there too, which includes maintenance as it was specifically mentioned there. I believe you're right; it is consistent with the lease. Thanks for that. We'll deal with the use variance first, but we've heard testimony that with respect to anomalies with the zoning with respect to this particular parcel of the project there anyway, and it is kind of an anomaly that we're dealing with. I that what's being asked for the D-2 Variance, is a high standard, I believe that the testimony is convincing with respect to the fact that you provided satisfying both the positive and negative criteria. You spelled out all the various things that with respect to the positive criteria, I think eloquently with respect to the fact it cleans up the

area, tightens it up, provides not only from an organizational cleanliness standpoint, but from a security standpoint, a safety standpoint. I think not having equipment outside, having it contained inside, not only helps in terms of the operations of the court, but also in terms of the general environment sense from that side. And I think I've been convincing with respect to the fact that in the cleanup that, essentially, there's little if any negative criteria. I think that is convincing. I think that we seem to be agreement in any request for additional information, or whatever that that's going to be a condition of approval, no exception to that. I think the testimony has been spelled out not only by the applicant, but I think our professionals, this actually is good use. It provides a lot of value and benefit without really a detriment. With that being said, I'll entertain a motion for approval for the use variance.

A motion to approve the use variance was made by Mrs. Robb and seconded by Mr. Torrance.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that the use variance for application 2026-3 has been approved.

Mr. Hagarty stated, congratulations, we are now past the use variance. Now with respect to the site plan, so a lot of the site plan, again, with the testimony provided, we've heard a lot of it has to do with existing conditions. A lot of it has to do with existing conditions. From the fencing and all the rest of it that it was preexisting or at the time, the beginning of Mr. Quinn's tenure at the golf course. A lot of the stuff with respect to the fencing, and the height of the fencing and location of the fencing, the other things I think that understand in some cases here we're talking about the storage containers and the use of the storage containers, the need for the storage containers and it makes sense for why they would be needed. I think with the pole barn in this area in conformance with the general location of the storage containers, that there's no additional impact on what I've heard in terms of parking traffic disruption. With respect to the lighting, it's low level lighting through the usage of all that. From the standpoint you've done a great job of trying to implement this, to clean it up without seriously impacting anything else out there. From that standpoint of this case, we're looking at really, in terms of the site plan approval, in any of the comments from our professionals with respect to information of conditional approval. I think you know the general comments, the title and the cover of the site plan. We talked about legend identifying the hatches shown on the maintenance layout plan. From what I heard, Mr. Rhoades, you don't take any exception.

Mr. Rhoades stated, no exception.

Mr. Waddington asked if they need a variance for the fence even though that is preexisting?

Mr. Sitzler responded to Mr. Waddington, yes just to clean it up, it's good for them to. If they come back before the board, we're going to assume that they come here down the road, this will all be a PRC district. But still, we don't have bulk standards the PRC. If you don't get to the variance now,

and they come in for something else they will still need it. So they're here. They have an application now.

Mr. Waddington asked Mr. Sitzler, and they would need a variance for the storage containers since they are preexisting?

Mr. Sitzler responded to Mr. Waddington, yes, they have been reduced from 13 to 10. They would need a variance for the storage containers.

Mr. Gray- Cornelius stated to Mr. Sitzler, If you think there should be a separate action on relief for the section of MLUL requiring site access along the right of way that wouldn't be a variance from the borough ordinance that would be relief from the MLUL requirement, okay,

Mr. Sitzler stated, ok, I see what you're saying. all right, and we have the authority to do that.

Essentially, what this is the MLUL law allows us as a board, to allow us to grant that relief to them, but it's not a variance from our own ordinances or requirement. It's an allowance that you can make given the unusual nature of how this site was developed and configured without resting access to remain access to a main road comes into a private drive that was in the redevelopment plan I suspect back in 1996.

Mr. Hagarty asked Mr. Sitzler, good catch. Should we do a separate action?

Mr. Sitzler responded to Mr. Hagarty, no, I think you can include that in your motion that they were asking for relief under the Municipal Land Use Law to also be granted as they cant create a public road as they have a private entry, so they need that relief. And in fact, they've been operating that way for over 25 years, so they're not changing anything.

Mr. Hagarty stated, So let me try to summarize what we're doing, since we're kind of going through this a little bit so that so we're going to ask for a motion for First off, granting relief from municipal land use law with respect to access to the site for emergency vehicles. You know that we're basically utilizing private streets to access the site. Given the length of time that this has occurred and the history of what has occurred to grant that relief. As Mr. Waddington said, we're looking for a variance, even though it's been an existing condition since essentially it was developed. It's our understanding of the height of the fence, the fence, and we're looking for an existing variance with respect to storage containers that have now been moved, but obviously the plan has been referenced in their current location. It's been reduced from 13 to 10, Mr. Quinn has provided you know that testimony, and then all the numerous waivers that our professionals summarized for the board this evening.

Mr. Hagarty stated, with that being said, I'll entertain a motion for approval of the site plan, variances and conditional approval for the multiple waivers for application 2026-3.

A motion to approve application 2026-3 for site plan approval, variances, and waivers was made by Mr. Waddington and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes
Mr. Torrance – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-3 has been approved.

Mr. Hagarty stated there would be a 2 minute break before the next application was heard, at 8:49pm.

Mr. Hagarty stated, let the record is reflected that it is 8:53pm and the meeting would resume.

APPLICATION 2026-5

Hildebrando Perez Cabrera
262 New Freedom Road
Block 131, Lot 30.03
Bulk Variance and D(2) Expansion of a Non-Conforming Use Variance

Mr. Kevin Diduch gave his introduction to the board. I am here this evening for my client Hildebrando Perez Cabrera, 262 New Freedom Road, block 131, lot 30.03. This property is zoned GBD, general business district. We are here tonight to get two reliefs, the first one being the use variance, specifically a D-2 variance and the second is three bulk variances. All in connection with an existing single family home with two primary additions. The first, a porch on the property and secondary to that is the construction of the shed. This application is seeking as I mentioned two use variances specifically for a non-conforming use as residential uses are not permitted in the ordinance with respect to properties in this zone for 3 bulk variances, front yard setback, side yard setback, and the size of the shed. We do have two individuals this evening. The first is Mr. Samuel Agresta, he is the professional planner and the second is Mrs. Natalie Perez, who is here on behalf of the applicant as well.

Mr. Sitzler swore Mr. Samuel Agresta and Mrs. Natalie Perez under oath.

Mr. Sitzler asked Mrs. Perez, will you be interpreting potentially for your father this evening?

Mrs. Perez answered yes to Mr. Sitzler's question.

Mr. Sitzler asked Mrs. Perez, You also swear you will accurately translate from English to Spanish and from Spanish to English accurately as your father is conversing with the board?

Mrs. Perez answered I do to Mr. Sitzler's question.

Mr. Sam Agresta gave his credentials to the board; I am the principal engineer planner of the firm Agresta engineering planning. I'm a licensed engineer as well as a licensed professional planner in the state of New Jersey. Both of my licenses are currently active and in good standing. I provided expert testimony, both in the capacity of engineer as well as planner numerous boards throughout the state, probably in excess of 100 boards.

Mr. Diduch asked the board if they would accept Mr. Agresta to speak before the board?

Mr. Hagarty stated, we accept Mr. Agresta.

Mr. Agresta stated, If you don't mind, I'd like to just log in all three exhibits really quickly to spin through them. The first one will label exhibit A-1, it is the existing aerial. exhibit A-2, will be the site survey. Lastly, exhibit A-3, will be the plot plan. As Mr. Diduch has stated, the lot is identified as 262 New Freedom Road, which is in fact the county road. The lot in question is this sort of seven or L shaped lots, this being Cross Keys Road and this being New Freedom Road right here. Some of the surrounding area, we have several residential properties as we head down New Freedom Road across the street, some commercial development with primarily residential behind it. As we work our way toward Cross Keys and New Freedom Road intersection, there is some developed farmland there, as well as some commercial facilities. So again, we are in the GBD District, the general business district zone. On an existing site, on the site as it sits today, just to get a feel for some of the existing features, again, we have this sort of L shaped block here. Our existing structure sits right here on New Freedom Road this way. We're about 62.6 feet back from the right of way, which in fact is an existing non conformity bulk standard on the site. The footprint of the building as it sits today is about 1300 sq ft. As Kevin has stated, we have an existing non conformity of 3.8 feet set back with our side yard our neighbor as we work our way towards Berlin-Cross Keys Road. Some of the site improvements we're proposing are a fairly straightforward project when it comes to site improvements, or improvements to the structure itself. So again, this is our approximately 1300 sq ft footprint, we're proposing a 530 square foot Porch type area here, as well as a patio enclosure, which I believe 191 sq ft. Additionally, there will be steps to access the basement. so relatively smaller site improvements. The last one is a proposed shed to a little bit further back from the site meeting all the setback requirements. However, we are proposing slightly in excess of the 140 sq ft requirement, we are proposing 168 sq ft. We are in the GBD Zone, and we are seeking the to use variance to permit expansion of an existing non conformity, very similar to the variances that was requested here earlier this evening. We've heard about the positive and negative criteria; I'm going to just kind of jump into that. I don't think we need any further explanation as to what those are. When we look at the special reasons, they're under the Municipal Land Use Law, they're identified by lower case letters. I only want to touch on maybe four or five that pertain to our application. The first one is Item A to promote or guiding municipal action for development of land in a manner which promotes health, safety, morals and general welfare. I like to pluck two maybe points out of that. When we look at like public health and safety, as the building sits today, it's in disrepair, it appears to be vacant. These tend to be nuisances, magnets for vandalism, children going inside, things like that. When we're able to take a building like this, rehabilitate it, I always look at it as public, I take it as a positive that certainly satisfies that safety portion of it, as well as the general welfare. The last thing we want to see is a vacant or underutilized building structure that's falling into disrepair. They're looking at improving this site, bringing it up to a more current standard, a more current look to the building. Item standard of that is, can we permit the use and still provide adequate light, air and open space, as we can see on the survey here, the lot is 1.76 acres, our existing structures here and we still certainly have plenty of open space, air, light, etc. We have this whole strip here that isn't proposed to be developed at the moment. Item number D, the proposal will not conflict with any neighboring municipalities or the state as a whole. When you look at some of the other uses that are permitted on this site, it's a business district. We have uses such as restaurants, retail, these tend to be higher traffic generators. A simple residential site would have 2 to 3 trips in a day out and 2 to 3 trips out in a day. It's a relatively low traffic generator when we look at some of the other uses that are, in fact,

permitted on the site. I don't see this conflicting with anything and the improvements that we're proposing, of what we're seeking a D-2 are relatively minor in nature, just small additions to add to the facade, kind of bring the house more up to date, so the impact is relatively minimal. I don't see granting relief where it would cause any disturbance or conflict with any of our neighbors, or anything of that nature. Item G, under the special reasons, that is to provide sufficient space for a variety of residential uses. When we look at some of the surrounding areas and some properties down New Freedom Road, those in fact are residential. We are a preexisting non conformity, therefore it would certainly blend within the existing other residents. It's not an uncommon use in the areas we look directly across the street; it's very well developed residential as well as just down New Freedom Road. Again, I do feel that this, in my opinion, is an appropriate use for this site. It's been residential. Unfortunately, the house fell into disrepair and now the applicant seeks to improve the house and bring it up to a more modern standard, so I do feel that it is, in fact, an appropriate use. Lastly, under special reasons, item I, you heard this earlier, is to create a desirable visual effect through creative development techniques. One of the variances we are seeking, I think, is directly supported by this is the front yard setback of 62.4 ft, and we are looking to decrease it to 54.8 ft. If you look at the improvements to the building, yes, we are adding a little bit to the front, but it gives it a cleaner streamline modern facade as the older antiquated look as it sits today. I do feel that the desirable visual environment is certainly supported by that addition and the request for relief. Some other improvements to the site, we are promising a driveway. I don't believe that there's any curb cuts along the site as it sits today, but there will be a driveway which will certainly have adequate capacity to accommodate any people who enter the building. I believe there's a total of two parking stalls available for that so certainly conform with any RSIS. I believe the borough has an ordinance for a plot plan requirement that would be submitted in accordance with any additions that are added. That would then be reviewed for everybody municipality, subsequent any approvals that we received this evening. Lastly, we look at the negative criteria. The use will not substantially harm the public good. In my professional opinion, I don't really see where a simple residence and some minor expansion would cause any harm to the public good. Again, some of the other uses, in comparison, we are much lower intensity, much lower traffic generator, I certainly feel that it supports that. In fact, it certainly enhances it by bringing an unmaintained house up to a more modern standard, next to look nicer facade, etc. Lastly, under the negative criteria, our proposal will not significantly impair the purpose or intent of zoning ordinance or master plan. We are seeking several Bulk Variances, some of which are preexisting, that being the side yard setback and the newer one would be the shed, as well as the front yard setback at 54.8 ft. I don't feel that this is offensive any way to the zoning ordinance seeking such minor relief, to bring an older structure that was built, probably previous to any existing, current zoning ordinances, up to a more current look, more modern look, and a better asset for the community. I don't see any conflicts in a brief review of the master plan; I don't see where this would conflict with any of the goals outlined in the master plan. In reviewing things like the master plan, municipal ordinance, my personal opinion and my professional opinion, I feel that this is certainly will be an asset to the community and doesn't impact the zoning ordinance or master plan in any negative way.

Mr. Hagarty asked the board members, does anyone have any questions for Mr. Agresta at this time?

Mr. Hagarty asked Mr. Diduch, do you want to bring up Mrs. Perez, and then afterwards what we can do is have our professionals go through their portion of the review letter.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, the improvements that you are going to be placing on this property are you going to be doing them yourself?

Mrs. Perez answered yes to Mr. Diduch.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, do you have experience making those improvements on similar properties?

Mrs. Perez responded to Mr. Diduch, yes, I used to have a private contractor company.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, is it your intention when you make these improvements, are you going to occupy the property yourself, or do you plan to sell a property to another person?

Mrs. Perez responded to Mr. Diduch; I just want to live there with my wife.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, can you just describe for the board some of the improvements.

Mrs. Perez responded to Mr. Diduch, what he's planning to do is the house only has two bedrooms, so he's adding one extra bedroom, and he wants to add a porch so he can enjoy mornings there. Once of the bedrooms he would like to make a little bit bigger. He wants to level off the roof because right now it's a little bit higher, so she wants to make it all one height.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, can you tell me how tall the shed is going to be?

Mrs. Perez responded to Mr. Diduch, 8 feet.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, do you know if the property serviced by the septic system?

Mrs. Perez responded to Mr. Diduch; he has a well.

Mr. Diduch asked Mrs. Perez to ask Mr. Perez a question, that's fine, and as a condition of approval, we also agree to comply with any obligations that the borough has with regards to constructing the property.

Mrs. Perez responded yes to Mr. Diduch.

Mr. Hagarty asked the board, does anyone have any questions for Mr. Perez? Seeing none, I would like our professionals to go over their review letter. Lets first, so we can get the record clear deal with the issue of completeness.

Mr. Raday stated, regarding completeness, for the use variance, section 23-8.9, ordinance outlines the submission procedures for the variances. The applicant has submitted all required items for a use variance application.

Mr. Hagarty stated, so our professionals have no issue with the issue completeness. With respect to the issue of completeness, just so we make the record clear on entertain a motion to deem this application complete.

A motion was made to deem application 2026-5 complete was made by Mr. Waddington and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-5 has been deemed complete.

Mr. Gray- Cornelius went over his portion of the review letter. This letter is dated January 28th, 2026. I will start with use variance comments on the bottom of page 2, all residential uses are prohibited in the general business district pursuant section 23-7.10.1.d.2, therefore a d-2 variance for the expansion of a nonconforming used is required for the proposed renovation and expansion of the existing residential dwelling. The resident provided testimony for the positive and negative criteria, one thing we've asked is for testimony regarding the degree to which the proposed work is repairing the existing dwelling, versus renovation, versus adding new investments to the existing building, particularly as it relates to adding improvements within the side yard setback. Just to clarify so within one of the proposed improvements is on the side of the home that's closest to the 3.8 ft side yard setback, and that is increasing the height a little bit so that it matches the rest of the dwelling, is that correct?

Mr. Diduch responded to Mr. Gray- Cornelius, correct. more for consistency then anything.

Mr. Gray- Cornelius asked Mr. Diduch, I just wanted to confirm this site, to best of your knowledge, has not received the previous variance for this site. Correct?

Mr. Diduch responded to Mr. Gray- Cornelius, that is correct. My research concluded that there have been no other prior approvals.

Mr. Gray- Cornelius continued his portion of the review letter. If they did have prior approvals for a D-1 variance before and it wouldn't be eligible for 2 variances, expansion of the non-conforming use, but given that that's not the case. Moving on to bulk variance comments, comment A, the existing structure is setback 62.6 feet from the front property line, which is already less than the minimum requirement of 100 feet pursuant to section 23-7.1. The applicant proposes to construct a front porch protruding from the existing structure, which will result in a front yard setback of 54.8 ft, so a variance is required. Unfortunately, that 100 ft setback is specific to the general business district. All of the residential districts have permit single family dwellings. The setback distance is significantly less than that, I believe 50 feet on those I think even less. If this home were in a residential zone, it would exceed the front yard setback distance. Comment B, the existing building is setback 3.8 ft from the side property boundary with block 131 lot 30, which is less than the

minimum requirement of 25 ft pursuant to Section 23-7.1 of the zoning table. Proposed setback distance will remain at 3.8 feet, but as we heard they will be increasing the intensity a little bit by increasing the size of the home in that area, so they will need a variance for that. Comment C, 168 sq ft shed relocated to the northwest of the dwelling, but the maximum permitted area for utility sheds is 140 sq ft, pursuant to section 23-7.8.8.b.7. A variance is required. The applicant has provided testimony that the shed will be 8 ft in height, I just ask for them to clarify, that it will be less than 12 ft that is permitted for a shed. Additional planning comments, comment A, asking for clarity on any proposed landscaping, fencing or screening, if any is proposed, especially on New Freedom Road. Also, if you could clarify the part about the ground asphalt driveway parallel to the property.

Mr. Agresta responded to Mr. Gray- Cornelius, at the moment, there is New Freedom Road here and then there is gravel driveway that runs parallel there and that's what you're referring to.

Mrs. Perez stated, there is a gravel part that my father uses to get on the property, but the driveway is only enough to park 2 cars.

Mr. Agresta stated, ok, so they do currently utilize that however, they are aware that there is a property line there, and there will be a new driveway constructed that will tie into New Freedom Road that will be utilized exclusively for the residents.

Mr. Gray- Cornelius responded to Mr. Agresta, ok.

Mr. Agresta responded to Mr. Gray- Cornlius, and you asked about some landscaping as well.

Mr. Agresta asked Mrs. Perez, are you doing any trees planting or foundation plantings along New Freedom Road?

Mrs. Perez responded to Mr. Agresta, decorative trees.

Mr. Agresta responded to Mrs. Perez, that's what I assumed, a couple decorative trees along the front of the property that they'd be planting to the standard to what you see in any type of residential type neighborhood. That's what I suspected.

Mr. Gray- Cornelius responded, ok. If you're looking at this site on Google Maps, from one year to the next one, the original view is very well waited and then the next year, that's all been cleared. Did that all happen prior to the applicant owning the property?

Mr. Agresta asked Mrs. Perez, has your father cleared any trees since he has owned the property?

Mr. Perez responded yest to Mr. Agresta's question.

Mr. Agresta asked Mrs. Perez, do you remember how many trees?

Mrs. Perez answered Mr. Agresta's question, he did clear some trees, but he doesn't remember a specific number. He said there were a lot of trees, probably 50.

Mr. Agresta responded to Mrs. Perez, so even when you look at trees, there's a certain caliper that would be a concern. When you say you took out 50, maybe you took out some of them were

probably dead and diseased, I would assume. Some are probably 3 inches small; it's not like you went and took out 50 inch trees. There were probably some dead ones. I would say that we could probably work with this township to come up with some supplemental planning with the ordinance, that's something that we can certainly work out to provide some additional planning to accommodate that.

Mr. Gray- Cornelius responded to Mr. Agresta, Yes, I'd have to check the ordinance to review it.

Mr. Agresta responded to Mr. Gray- Cornlius, I reviewed it, but I don't know it off hand.

Mr. Gray- Cornelius responded to Mr. Agresta, for the applicant's benefit, having more screening separating them and New Freedom Road.

Mr. Agresta responded to Mr. Gray- Cornlius, absolutely, I'll be happy to work with you on that.

Mr. Gray- Cornlius continued his portion of the review letter. Comment D, I have a question about this survey and the location of the property boundaries. The center line is New Freedom Road, indicating the line for future expansions, just want some clarification.

Mr. Agresta responded to Mr. Gray- Cornlius, this is probably one of the surveys where the property was technically in the middle of the road, but that appears to be a 12 foot wide indication for road widening, it's pretty difficult but with it being Camden County on a County Road.

Mr. Gray- Cornlius continued his portion of the review letter. Comment E, just to clarify, the application listed the existing height as 21 feet and the proposed height as 27 feet, but the cover sheet and elevations and section set have the new roof matching the existing roof height of 13 feet. If we can clarify what the existing proposed height is.

Mr. Hagarty stated, it looks like the site plan is to match the existing height of the roof.

Mr. Gray-Cornelius stated, it is still under 35 feet allowed.

Mr. Agresta stated, well under the 35 feet.

Mr. Gray-Cornelius stated, the GBD allows 50 ft, for residential it is 35 ft in residential zones.

Mr. Agresta stated, we would not exceed either of those requirements.

Mr. Gray- Cornlius continued his portion of the review letter. General comments, A, the applicant has provided testimony regarding parking and access to the site. They currently use that easement for the adjacent site, but they would be planning to have direct access off of the site which isn't a curb.

Mr. Agresta responded to Mr. Gray- Cornelius, we can certainly stop using that just to access the property, but there will be installed at a hard surface driveway, asphalt or concrete, something of that nature for dedicate use of the residents.

Mr. Gray- Cornelius responded to Mr. Agresta, they would need a county approval to access directly along the county road, or if they were to continue to use the adjacent gravel driveway as some sort of access.

Mr. Agresta responded to Mr. Gray- Cornelius, I would think county approval would be the correct direction.

Mr. Raday went over his portion of the review letter. General comments, A, looking for updated plans for parking for the lot. We've identified a minimum of 2 parking spots for the 3 bedrooms. Per testimony given by the applicant, there would be an additional bedroom added, which would bring the total to 4 bedrooms.

Mr. Sitzler corrected Mr. Raday, expansion of the bedroom.

Mr. Raday responded to Mr. Sitzler, I heard 3 bedrooms plus an additional bedroom.

Mrs. Perez stated, no, an addition to the bedroom and an additional bathroom.

Mr. Raday responded to Mrs. Perez, ok. Then with that, the 2 parking spaces would be compliant with that. My only question, would it be asphalt?

Mr. Agresta responded to Mr. Raday; it would be some type of hard surface. Yes. Asphalt or paving, I'm not sure what the final verdict of that is.

Mr. Raday responded to Mr. Agresta, ok. That would be acceptable for that. They also provide a testimony for what they're going to do with the 50' easement. They would primarily be using that for a new parking spot. With that, I have no further questions for them.

Mr. Hagarty asked the board, any questions for the applicant or their professionals?

Mr. Torrance asked Mr. Agresta a question, I have a question, since it's on a county road but is being used for residential purposes, is there a requirement for a sidewalk where it starts from the county road ?

Mr. Agresta answered Mr. Torrance's question, that would come up when we submit to the county, every roadway I find is a little different. I know, down in Gloucester County, pretty much every new building they make you put in a sidewalk with that would certainly fall under their jurisdiction. If they tell them to do it, we have to.

Mr. Hagarty stated, that usually falls under the county Review Approval.

Mr. Agresta responded to Mr. Hagarty, ok. They've been pushing for a little bit. They have my experience and the applicant is willing to do that if it's necessary. I don't know that I've had anything recently on New Freedom Road, but several other roads that I've done things on that have required it. I'm not sure off the top of my head.

Mr. Hagarty asked the board, any other questions for the applicant or their professionals?

Mr. Sitzler asked Mr. Agresta a question, is that a dedicated easement? From speaking with the applicants last month, it appears that's how they were getting to and from the property. I just wanted to know if that's been something that's dedicated or just inconvenience sort of use.

Mr. Agresta responded to Mr. Sitzler, I see noted on here. And this doesn't necessarily mean it's a dedicated easement, but I do see a 55' easement, so I don't know. I also see utility running up here. We can certainly look into it and see, I would assume that there is.

Mr. Sitzler responded to Mr. Agresta, I'm assuming from their testimony they aren't going have a use for that.

Mr. Agresta responded to Mr. Sitzler, I personally am not a big fan of access easements.

Mr. Sitzler responded to Mr. Agresta, that's why I was asking. I didn't want it to create issues does the road.

Mr. Hagarty stated, seeing no other questions for the applicant or professionals, I'll entertain a motion open the meeting the public with respect to application 2026-5 and only 2026-5.

A motion to open the floor to the public with respect to application 2026-5 was made by Mr. Waddington and seconded by Mr. Torrance.

Mr. Hagarty stated, All in Favor "I".

All present stated, "I".

Mr. Hagarty stated, the meeting is now open to the public with respect to application 2026-5 and only 2026-5. Any members of the public wishing to speak, I just kindly ask that you step forward and state your name and address for the record. Seeing no members of the public wishing to step forward, I'll entertain a motion to close the meeting to the public with respect to 2026-5.

A motion was made to close the floor to the public with respect to application 2026-5 was made by Mr. Waddington and seconded by Mrs. Robb.

Mr. Hagarty stated, All in Favor "I".

All present stated, "I".

Mr. Hagarty stated, the meeting is now close to the public with respect to application 2026-5. I'd like to deal with this really on two pieces first we will deal with the use variance with respect to the D-2 variance. The standard is high with respect to the use variance, particularly with respect to the positive criteria and negative criteria, I think Mr. Agresta's testimony was convincing with respect to the various aspects of the positive criteria, with respect to the existing condition of the house and the dwelling, in need of repair. The fact that in its current location there is plenty of open space that doesn't conflict with the character of the neighborhood or the surrounding area. I think the improvements provide a desired visual improvement to what exists out there. With respect to the negative criteria, again, essentially given the residential component of it, lower traffic generator and lower intensity. Again, there doesn't appear to be any impact or definitely not significant

impact, but also any impact with respect to the general public, with respect to the negative criteria. I think that the conditions for granting use the D-2 variance have been met the testimony they provided.

You've touched on the master plan, I think you've provided everything we need with respect to information there. I don't see any need for additional information we need to make it any conditional pieces as well. With that being said, I'll entertain a motion for granting the approval of the D-2 Variance.

A motion to approve the D-2 use variance was made by Mrs. Robb and seconded by Mr. Waddington.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that the D-2 variance has been approved for application 2026-5.

Mr. Hagarty stated, we can now move on to the second part of the application, and that has to do with the bulk variances. What we're looking at is three primary bulk variances with respect to the side yard setback, the front yard setback, and the size of the shed again. Given the testimony that's provided with respect to that, I think we have a pretty good understanding in terms of what you're doing there. I think the request would be as we move into this for additional information is that, as part of the approval process, having plans that would show us the location of the new driveway that's being constructed out there, so we have the additional information for that. We've touched a little bit on the landscaping and the planning, and I think the need to work with our engineers in terms of what needs to be done out there. There's testimony, but there was a lack of definitive detail with respect to number of trees and types of trees, and to what extent the condition of the trees were removed and all that. I'm satisfied, if the agreement of the applicant to work with our professionals, we can figure out how to come up with something that makes sense and the general condition of all these things and getting the county approval and the Pine Hill code office.

In terms of any of the items that I've discussed, is there anything that causes any questions?

Mr. Diduch responded no questions to Mr. Hagarty.

Mr. Hagarty asked the board, if anyone has any questions? Seeing none, I'll entertain a motion for granting these bulk variances that we've just discussed.

A motion to approve the bulk variances for application 2026-5 was made by Mr. Torrance and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes
Mr. Torrance – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated application 2026-5 has been approved.

OLD BUISNESS:

None.

NEW BUSINESS:

Mr. Hagarty stated, I know there is a meeting on April 9th at 7:30pm. If there are any members unable to make it, please reach out to Ms. Wakeley. Any other new business? Seeing none, I will entertain a motion to the public to discuss any issues.

A motion to open the floor to the public was made by Mr. Waddington and seconded by Mr. Brannigan.

Mr. Hagarty stated, All in Favor “I”.

All present stated, “I”.

Mr. Hagarty stated, the meeting is now open to the public to discuss any issues. Seeing no members of the public present, I will now entertain a motion to close the meeting to the public.

A motion to close the meeting to the public was made by Mr. Waddington and seconded by Mrs. Robb.

Mr. Hagarty stated, All in Favor “I”.

All present stated, “I”.

Mr. Hagarty stated, the floor is now closed to the public. I will now entertain a motion to adjourn the meeting.

A motion was made by Mr. Waddington and seconded by Mrs. Robb to adjourn the meeting.

Mr. Hagarty stated, All in Favor “I”.

All present stated, “I”.

Meeting adjourned at 9:39 pm

Nicole Wakeley,
Planning Board Secretary