

**Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
April 9, 2025**

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, Mayor Green, Councilman John Robb, Mrs. Gilson, Mrs. Robb, Mr. Farlow, Mr. Brannigan, Solicitor Mr. Sitzler, Engineer Mr. Clark, Planner Mr. Gray- Cornelius, Zoning Officer Mrs. Keyek.

Absent: Mr. Torrance

Mr. Hagarty stated, before we get into our agenda, just like to make an announcement, we have a full agenda tonight, and with the full agenda, we will follow our policies and procedures that we will hear no new applications after 10/3 so at that magic point, the applications will not hear any new applications, and then there will be no testimony after 10pm.

CORRESPONDENCE:

The New Jersey Planner Vol. 87, No. 1

FEBRUARY 2026 MINUTES:

Mr. Hagarty first asked if everyone has had a chance to review and if there are any questions or proposed changes to those meeting minutes. Seeing none, I will entertain a motion to approve the minutes of our February 12, 2026, meeting.

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

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Mayor Green – Abstain
Councilman John Robb – Abstain
Mrs. Gilson – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that the February 2026 minutes adopted.

MARCH 2026 MINUTES:

Mr. Hagarty first asked if everyone has had a chance to review and if there are any questions or proposed changes to those meeting minutes. Seeing none, I will entertain a motion to approve the minutes of our March 12, 2026, meeting.

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

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mayor Green – Abstain

Councilman John Robb – Abstain

Mrs. Gilson – Abstain

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that the March 2026 minutes adopted.

RESOLUTION 2026-12

Resolution Appointing Sherry Stettler as the Planning and Zoning board Secretary.

Mr. Hagarty stated at this time, I'll entertain nominations for the Planning and Zoning Secretary position. Seeing none, we'll close nominations at this time for appointment of the Board Secretary. I will entertain a motion for Sherry Stettler as the Planning and Zoning Board Secretary.

A motion to adopt resolution 2026-12 was made by Mayor Green and was seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mayor Green – Yes

Councilman John Robb – Yes

Mrs. Gilson – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Mr. Hagarty stated that resolution 2026-12 has been adopted.

RESOLUTION 2026-13

Trump National Golf Course

500 W Branch Ave

Block 15.02, Lot 3

Use Variance and Site Plan Approval

Mr. Hagarty stated next matter before us is resolution number 2026-13. I'll read the resolution so resolution of Pine Hill Zoning Board granting a D (2) use variance and certain bulk variances and waivers, together with preliminary and final major site plan approval, subject to certain terms and conditions, to Trump National Golf Club Philadelphia for property located a Block 15.02, Lot 3, also known as 500 West Branch Avenue, in the Borough of Pine Hill, County of Camden, State of New Jersey. Board members, does anyone have any proposed modifications or changes to the resolution. Seeing none, I will entertain a motion for approval of resolution 2026-13.

A motion to adopt resolution 2026-13 was made by Mr. Waddington and was seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mayor Green – Abstain

Councilman John Robb – Abstain

Mrs. Gilson – Abstain

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Abstain

Chairman Hagarty stated that resolution 2026-13 was adopted.

RESOLUTION 2026-14

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. Hagarty stated next matter before us is resolution number 2026-14. I'll read the resolution so resolution of Pine Hill Zoning Board granting a D (2) use variance and certain bulk to Hildebrando Perez Cabrera, for the renovation and expansion of a nonconforming residential property, subject to certain terms and conditions, for property located in the GBD, at Block 131, Lot 30.03, also known as 262 New Freedom Road, in the Borough of Pine Hill, County of Camden, State of New Jersey. Board members, does anyone have any proposed modifications or changes to the resolution. Seeing none, I will entertain a motion for approval of resolution 2026-14.

A motion to adopt resolution 2026-14 was made by Mr. Waddington and was seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Mayor Green – Abstain
Councilman John Robb – Abstain
Mrs. Gilson – Abstain
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that resolution 2026-14 was adopted.

RESOLUTION 2024-10

Hilliard's Properties, LLC.
231 Erial Road
Block 95, Lots 19-26
Requesting a 1-year extension.

Mr. Hagarty stated, there is a letter from Mr. Brennan addressed to Mrs. Stettler requesting a one year extension based off of the resolution 2024-10 that was approved. This letter is dated March 31, 2026.

Mr. Dennis Tuohy, Esq. gave his introduction to the board. He stated, Behalf the applicant, Dennis Tuohy from Hyland Levin Shapiro on behalf of reforestation of the applicant Hilliard's Properties, LLC., with you tonight on behalf of the applicant Dimitry Poyarkov. We're here tonight to request a one year extension of our preliminary final site plan approval, which this board granted by unanimous vote in 2024 as the board knows were entitled of the maximum of three extensions pursuant to the law. This is our first request, and hopefully our only request for such an extension, the discretionary to the board, but are generally liberally granted, so long as there haven't been any major zoning changes and the applicant gives reason for the delay. And here, the zoning of the property has not changed. The project is viable; the applicant is ready and willing to proceed. It's important to add that the applicant's small business owner, and unfortunately, the delay just relates to extenuating circumstances on the rest of personal family matter. We just want to reset the clock here for a year in which we'll be better on track.

Mr. Dimitry Poyarkov gave his introduction to the board. He is the owner of the LLC.

Mr. Sitzler swore Mr. Dimitry Poyarkov under oath.

Mr. Sitzler stated, you can identify yourself and explain why you have not been able to move forward, seems like in any respect on this project.

Mr. Poyarkov explained, like, certain permanent circumstances, and also, figuring out the project myself and we were trying to secure the financing to develop the lot. We prepared for this this year.

Mr. Sitzler asked Mr. Poyarkov, realistically, how far away are you from starting? We can only grant you a one year extension right now, so how far down the road in this one year period do you think before you will be able to make some progress?

Mr. Tuohy stated, I think what we want to just sort of emphasize is the reason for the delay up till now has just been a relatively sensitive family matter, and now that that is completed and dealt with. We will be pretty prompt and getting things on track. As we said, small business to the one man operation, and legalize on him being present and available, which he wasn't about to be due to family circumstances, and now he should be able to tackle financing everything. Is that accurate Mr. Poyarkov?

Mr. Poyarkov responded to Mr. Tuohy, that is correct. You will see the change and progress in the next few months.

Mr. Sitzler responded to Mr. Poyarkov, we just wanted clarification of where you are in this process. If you do not start significantly by the end of the year, you will probably have to come back before the board and request another one year extension. We can only give one year extension at a time.

Mayor Green asked Mrs. Keyek, I believe we have some issues with this property as far as maintenance, correct?

Mrs. Keyek responded that is correct to Mayor Green.

Mayor Green stated, Mr. Tuohy, your client cleared all the trees and then walked away from the property. It is overgrown, there is trash.

Mrs. Keyek stated, snow removal was an issue, it's not an issue now.

Mayor Green stated, sidewalks weren't cleared for the snow storms. The corner was overgrown, we may have gone out there and cut the corner, I'm not sure. It is a condition that the property needs to be maintained.

Mr. Tuohy asked Mr. Poyarkov, do you understand that you have to comply with municipal ordinances to maintain the property? Any Notice of Violations that they town may send you; you have to obey as soon as you get them?

Mr. Poyarkov responded to Mr. Tuohy, yes.

Mr. Hagarty made a comment to Mr. Poyarkov, as the mayor said, the reason for the lack of maintenance was it again, was it your family? I don't want to put words in your mouth.

Mr. Poyarkov responded to Mr. Hagarty, yes, that was part of it, there were major changes here and out of state. I had to go there and take care of the property. I asked some relatives to help but now I'm back here now and will comply with the requirements.

Mr. Hagarty asked the board, does anyone have any questions for Mr. Poyarkov?

Mrs. Keyek asked Mr. Poyarkov a question, is the property still under Hilliard's?

Mr. Poyarkov responded to Mrs. Keyek, it is still under Hilliard's.

Mayor Green asked Mrs. Keyek, are there any outstanding violations at this current time?

Mrs. Keyek responded no to Mayor Green.

Mr. Hagarty asked the board, does anyone have any other questions for Mr. Poyarkov? The matter for us is granted you a one year extension, and the condition with that one year extension will be based on your testimony that you're now prepared to move forward with it, but also to keep the conditions regular maintenance of the property, including removal of trash, if we could get to the snow season again in another period of time, snow removal, debris removed.

Mayor Green added a comment; the grass needs to be maintained.

Mr. Hagarty asked Mr. Poyarkov, do you understand that?

Mr. Poyarkov responded to Mr. Hagarty, yes.

Mr. Tuohy responded to Mr. Hagarty, your township has standards. Just in terms of terminology, the conditions of approval, the original resolution are still there and still have to be followed by Mr. Poyarkov. And then, in addition to those conditions from that 2024 approval, he certainly has to follow your municipal law to keep everything the same.

Mr. Hagarty stated, given the conditions we talked about following the municipal ordinance with respect to maintenance, I'll entertain a motion for granting the one year extension with respect to resolution 2024-10.

A Motion for a (1) year extension was made by Mayor Green and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mayor Green – Yes

Councilman John Robb – Yes

Mrs. Gilson – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that the (1) year extension was granted for resolution 2024-10.

APPLICATION 2026-6

Conner Flack

1019 Crest Road

Block 147, Lot 5

Bulk Variance

Mayor Green and John Robb stepped down to application being a bulk variance.

Mr. Sitzler swore Mr. Conner Flack under oath.

Mr. Hagarty stated, good evening, Mr. Flack, give us an overview of what you're trying to do.

Mr. Flack stated, I just want to put a house on the property and move there with my wife and golden retriever. I want to put a 3 bedroom, 2 bathroom house.

Mr. Sitzler asked Mr. Flack, if you know the dimensions of the house, can you explain that to the board?

Mr. Flack responded to Mr. Sitzler, 1200 square feet.

Mr. Sitzler asked Mr. Flack, is it a rancher?

Mr. Flack responded to Mr. Sitzler, yes.

Mr. Sitzler asked Mr. Flack, do you know the exact dimensions?

Mr. Flack responded to Mr. Sitzler, 37 feet (W) by 49 feet (D).

Mr. Hagarty asked Mr. Flack, did you receive a copy of Pennoni's review letter by any chance, dated March 18th 2026, with respect to this application?

Mr. Flack responded yes to Mr. Hagarty's question.

Mr. Hagarty stated, what I'd like to do is maybe use that letter, and go through it. We're going to try to do this in two steps.

Mr. Flack responded to Mr. Hagarty, ok.

Mr. Hagarty stated, the first step is going to address the completeness of your application. So, completeness, you've already heard Mr. Sitzler saying he's been satisfied with the notices.

Mr. Sitzler swore Mr. Bryan Clark and Mr. Geoffrey Gray-Cornelius under oath.

Mr. Clark went over the completeness section of Pennoni's review letter. We reviewed the application for completeness in March and issued a letter on March 18, 2026, there were two items that needed to be addressed. Sketch plan and architectural plan. We originally recommended the application be incomplete. The applicant has, however, provided both those items tonight, so we recommend the application to be deemed complete.

Mr. Hagarty asked Mr. Flack, do you have any questions with respect to completeness?

Mr. Hagarty asked Mr. Flack, any questions at this stage? Seeing none, based on the testimony of our professionals, I will entertain a motion to deem application 2026-6 complete.

A motion to deem application 2026-6 complete was made by Mrs. Gilson and seconded by Mr. Waddington.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Mrs. Gilson – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-6 has been deemed complete.

Mr. Hagarty stated to Mr. Flack, you're past the first stage of stuff. We use this letter as a guidance and that you're not and then our professionals can go through the letter, and then you can have the opportunity to respond.

Mr. Gray- Cornelius went over his portion of the review letter. The letter is dated March 18, 2026. He stated, starting at planning comments on page 2, so the first comment is just a clarifying question, the lot is currently an empty lot, is that correct?

Mr. Flack responded to Mr. Gray-Cornelis, that is correct.

Mr. Gray- Cornelius continued his portion of the review letter, and previously it was single family detached dwelling, right?

Mr. Flack responded to Mr. Gray-Cornelis, that is correct.

Mr. Gray- Cornelius continued his portion of the review letter, when you purchased the property, was the dwelling there?

Mr. Flack responded to Mr. Gray-Cornelis, it was already an empty lot.

Mr. Gray- Cornelius continued his portion of the review letter, the previous use of the site was single family detached dwelling, will be returned to a single family detached dwelling. These are permitted uses. This is permitted use in the medium density residential district. Next comment, that parcel is approximately 8750 square feet in area and 70 feet in width, which is not conformed to the minimum lot area requirements of 11,250 square feet and the minimum lot width requirement of 75 feet for the medium density residential potential district. These are both existing non-conformities that will not be altered by the proposed development. It's my understanding that there are homes on the parcels on either side. Is that correct?

Mr. Flack responded to Mr. Gray-Cornelis, that is correct.

Mr. Gray- Cornelius continued his portion of the review letter. Ok, there's no easy way to expand the lot and make it into a conforming lot. next comment, on the applicant's original submission, the survey did not show the actual location of the proposed dwelling, the applicant has provided that tonight, we just wanted to confirm that all the other bulk variances for the district would be met,

and upon review, it appears that each of those both variances are met. Next comment was about existing trees and landscaping. Can you talk about what's currently there and proposed?

Mr. Flack responded to Mr. Gray-Cornelis, to be honest, I love taking care of my property so I will take care of all the grass, landscaping, and trees myself.

Mr. Gray-Cornelius asked Mr. Flack a question, are there any trees on the site currently?

Mr. Flack responded no to Mr. Gray-Cornelius's question.

Mr. Clark asked Mr. Flack, as far as grading the site, you're submitting a gradating plan and getting a construction permit with the borough. What's the impact of stormwater runoff, do you know?

Mr. Flack responded to Mr. Clark; I don't know to be honest.

Mr. Clark asked Mr. Flack, you're going to try bringing that to the street and away from the neighbors?

Mr. Flack responded to Mr. Clark, yes, absolutely.

Mr. Clark asked Mr. Flack, And then, as far as the house required architectural plans, this is a single story?

Mr. Flack responded to Mr. Clark, yes.

Mr. Clark asked Mr. Flack, it fits in with the character of the neighborhood.

Mr. Flack responded to Mr. Clark, yes.

Mr. Clark asked Mr. Flack, will there be lighting outside?

Mr. Flack responded to Mr. Clark, yes. There will be lighting on the house by the front door. Just typical, normal lighting.

Mr. Clark asked Mr. Flack, directed down?

Mr. Flack responded to Mr. Clark, yes, exactly.

Mr. Clark asked Mr. Flack, you said it was three bedrooms?

Mr. Flack responded to Mr. Clark, yes.

Mr. Clark asked Mr. Flack, for the residential site improvement standards, you have to provide parking for two cars, do you have that between your garage and driveway?

Mr. Flack responded to Mr. Clark, yes.

Mr. Clark stated, that is all we have Mr. Chairman.

Mr. Sitzler asked Mr. Flack a question, regarding the design of the house, is it going to have the same standard layout? Facing the house, is the garage going to be on the left side?

Mr. Flack responded to Mr. Sitzler, yes, that is correct.

Mr. Sitzler stated, I thought so, I just wanted to make sure.

Mr. Clark asked Mr. Flack a question, are you going to live in the house or are you going to sell the house?

Mr. Flack responded to Mr. Clark, I am going to move in, it will be me, my girlfriend and my dog.

Mr. Hagarty asked the board, does anyone have any questions for Mr. Flack?

Mr. Sitzler asked Mr. Gray-Cornelius, can we go over the variances that would be needed, the lot area, lot width?

Mr. Gray-Cornelius responded to Mr. Sitzler, that's it.

Mr. Hagarty stated, its just the lot area and lot width, they are both existing non-conformities.

Mr. Gray-Cornelius responded to Mr. Hagarty, with the exception of changing the building.

Mr. Clark stated, that was going to be one of our 1uestions we had coming here wondering if there wasn't a plan to show if there could be a verify variance that would be required, but we got a chance to look at the plan and we are satisfied.

Mr. Hagarty responded to Mr. Clark, ok.

Mr. Gray-Cornelius stated, last thing worth noting is that the dimensions are not exactly the same, but looking at the previous dwelling that was there, it appeared that that was closer, potentially did infringe upon the side yard setback, so removing that previous dwelling, even though the lot is currently empty.

Mrs. Keyek stated, the borough demolished that house.

Mr. Sitzler made a comment to Mr. Flack, If the board approves you, it sounds like its likely you cannot change the footprint of this house without coming back before us because there are setbacks within all of the requirements right now with this plan. So, if you should change your plan, you should talk to someone here in the borough, because you may come back in front of us again if it's a drastic change.

Mr. Flack responded to Mr. Sitzler, Ok.

Mr. Sitzler continued, so we're approving based off of this plan.

Mr. Flack responded to Mr. Sitzler, Ok.

Mr. Sitzler asked Mr. Flack, do you understand that?

Mr. Flack responded to Mr. Sitzler, yes.

Mr. Sitzler stated, as far as the footprint.

Mr. Flack responded to Mr. Sitzler, yes, I understand.

Mr. Hagarty stated, at this time, I'll entertain a motion to open the meeting to the public with respect to application 2026-6 and only application 2026-6.

A motion was made to open the meeting to the public with respect to application 2026-6 was made by Mrs. Gilson and seconded by Mr. Waddington.

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 2026-6 and only 2026-6. Any members of the public wish to speak with respect to this application, please step forward and state your name and address for the record.

Rasheem Turbeville, 1017 Crest Road, I am the neighbor next door. The house is great, when we first got the paper, it was brief, there were no specifics about what was going to be built there. The only thing I have a problem with the property is they have a big tree next to our property. The house that was previously there was next to the house. My only thing, is can they cut that tree down? It is a big pine tree. When they tore the house down, my wife called the township and they said it had good roots, but I just don't feel safe because when they do start the construction, I'm worried the tree will fall down. The tree is on their property side next to my house, I've been cutting what comes on to my property because its so big but once they start working on the site, I wanted to know if they could cut that tree down, so it doesn't fall on my house.

Mr. Sitzler asked Mr. Turbeville, where is the tree located in reference to your house? Have you seen the house plan?

Mr. Turbeville responded to Mr. Sitzler, I didn't see the house plan, I only seen the lot.

Mr. Sitzler asked Mr. Turbeville, is this right on the borderline?

Mr. Turbeville responded to Mr. Sitzler, yes.

Mr. Hagarty asked Mr. Turbeville, how big is the tree?

Mr. Turbeville responded to Mr. Hagarty, it's huge.

Mr. Sitzler asked Mr. Turbeville, what have you been doing, trimming it back?

Mr. Turbeville responded to Mr. Sitzler, yes. Ive been trimming the branches and getting rid of the pine cones that come on to my property. During the spring and summer, I trim it back the best I can but it's actually touching my house.

Mr. Clark asked Mr. Turbeville a question, is the tree healthy?

Mr. Turbeville responded to Mr. Clark; the tree is healthy.

Mr. Hagarty asked Mr. Flack, are you aware of this tree?

Mr. Flack responded to Mr. Hagarty, I'm ok with taking the tree down.

Mr. Sitzler stated, what you probably both don't know, is that we have a tree ordinance. That is why the question was asked about how healthy it was. However, this is a kind of unique situation where it's actually touching the neighbors house. It has to be a gigantic tree if it touches the neighbor's house.

Mr. Sitzler asked Mr. Turbeville, how close is your house to the property line?

Mr. Turbeville responded to Mr. Sitzler, I don't know off the top of my head but its close.

Mr. Sitzler responded to Mr. Turbeville, ok.

Nicole Turbeville, 1017 Crest Road, I have pictures.

Mr. Sitzler asked Mrs. Turbeville, do you mind if we pass it around so the board can see the picture?

Mrs. Turbeville responded to Mr. Sitzler, no, not at all.

Mr. Sitzler asked Mr. Turbeville, and where is your house?

Mr. Turbeville responded to Mr. Sitzler, this one.

Mr. Sitzler asked Mr. Turbeville, this picture is old from when the house was there?

Mr. Turbeville responded to Mr. Sitzler yes, that is correct.

Mr. Sitzler asked Mr. Turbeville, so you're the house on the right?

Mr. Turbeville responded to Mr. Sitzler yes, that is correct.

Mr. Sitzler stated, the old house that has been torn down is the one closest to the tree on the left.

Mr. Turbeville stated, this picture was quite a while ago, so the tree is a lot bigger now.

Mr. Hagarty stated, that was a few years ago when the other house was there.

Mrs. Keyek stated, they tore the house don last year.

Mrs. Turbeville stated, last August I believe.

Mr. Clark asked Mr. Turbeville, is the tree closer to your house?

Mr. Turbeville responded to Mr. Clark; the branches are close.

Mr. Clark asked Mr. Turbeville, how far would you say it is from your house?

Mr. Turbeville responded to Mr. Clark; I'd say maybe 15 to 20 feet.

Mr. Waddington stated, it looks like their house is about 8 feet from the property line. They have an 8 foot fence between.

Mrs. Turbeville stated, when they removed the house, they hit the tree so there was a dent in the tree. I told the Borough because I was afraid the tree was going to fall because it was damaged. There were people out there collecting a whole bunch of branches, and they said they're going to come back and clean it more.

Mr. Sitzler stated, the house on the left is the demolished house.

Mr. Waddington stated, that's the one they took down on the left.

Mr. Sitzler stated, and the tree is bigger today than it was then.

Mr. Gray- Cornelius stated, generally speaking, we discourage taking down trees but in certain circumstances it is appropriate.

Mr. Clark stated, there are exceptions in the tree ordinance, anything under a quarter acre of a dwelling. It sounds like this would satisfy that and not go against the tree ordinance.

Mr. Sitzler commented to Mr. Clark, I think we heard on record no issues about the applicant cutting the tree down.

Mr. Flack responded to Mr. Sitzler, as long as I don't get a bill for cutting the tree down and its not \$10,000 then I'm ok with cutting the tree down, as long as its not anything crazy. I also don't have a problem with as long as the tree looks nice to just keep it well maintained and trim the branches.

Mr. Hagarty made a comment to Mr. Flack, So what I'm hearing is that, at least in the testimony been provided, there's an issue with the tree. The testimony is the tree is damaged. Based off of looking at the pictures, as a minimum, it looks like there's maintenance that's required on the tree and to take care of it.

Mr. Flack responded to Mr. Hagarty, I understand it would be my responsibility.

Mr. Hagarty made a comment to Mr. Flack, then what would be looking for as our professionals have said the borough has a tree ordinance. What we typically do is discourage taking down healthy trees but there are exceptions to it that this would seem to be the case, and we typically

look for compensatory planning, if a tree goes down then another one tree gets planted. The request would be, if we grant this application, at a minimum you would maintain the tree.

Mr. Clark asked Mr. Hagarty, condition of approval, the applicant can provide a letter from arborist evaluating the trees in the state that it's healthy.

Mr. Hagarty asked Mr. Flack, does that sound fair?

Mr. Flack responded to Mr. Hagarty, to get a letter from an arborist? Yes.

Mr. Hagarty stated, ok, I think that's a good compromise.

Mr. Flack responded to Mr. Hagarty, yes.

Mr. Hagarty stated, and then its always your discretion based off of that report.

Mr. Hagarty stated, at this time, seeing no other members of the public stepping forward with respect to application, 2026-6, I'll entertain a motion to close the meeting for the public with respect to application 2026-6.

A motion was made to close the meeting to the public with respect to application 2026-6 was made by Mrs. Gilson and seconded by Mr. Waddington.

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

All present stated, "I".

Mr. Hagarty stated, the meeting is now closed to the public with respect to application 2026-6.

Mr. Hagarty made a comment to Mr. Flack, we're encouraged by what you intended, I always like to do positive stuff. I think that with the motion I'm going to ask for consideration is the granting of your two bulk variants that you have with respect to lot area and lot width of existing non-conformities. But the condition of this approval will be that you need to hire an arborist and regardless of what it is, is that the tree gets maintained so that the neighbor doesn't have to maintain the tree.

Mr. Flack responded to Mr. Hagarty, yes.

Mr. Hagarty asked Mr. Flack, are there any issues with that?

Mr. Flack responded to Mr. Hagarty, no.

Mr. Hagarty stated, with that being said, I'll entertain a motion for approval of the two bulk variances and conditional approval for application 2026-6.

A motion to approve application 2026-6 for two bulk variances was made by Mrs. Gilson and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Mrs. Gilson – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-6 has been granted.

Mr. Hagarty stated there would be a 2 minute break before the next application was heard, at 8:15pm.

Mr. Hagarty stated, let the record is reflected that it is 8:20pm and the meeting will resume.

APPLICATION 2026-7

Tides of Pine Hill
141 Berlin- Cross Keys Road
Block 131.01, Lots 37.04 – 37.51
Block 131.02, Lots 1 – 6
Block 131.03, Lots 1 & 38
Preliminary and Final Major Site Plan and Subdivision

Mr. Hagarty stated, let the record reflect that Mayor Green and Councilman John Robb re-joined the meeting.

Mr. Sitzler stated, well, that's the issue that we were discussing. So, the applicant came in for use variance with one entire application that was not bifurcated until right before we heard the use variance and the applicant felt was in the best interest to bifurcate because that application was heard by the zoning board. The rule of law on that issue generally is that the zoning board became jurisdiction of the subsequent preliminary and major site plan. I didn't want to come out and be consistent with that, unless Mr. McGowan may disagree with that, but with speaking with him, which is already just took that recess. He agrees with me. So unfortunately, I don't think, Councilman Robb or Mayor Green can sit in on this because this was one full application without a separate time period where the zoning board did not retain jurisdiction. For example Mr. Chairman, if they had come in front of us for a use variance with a basic idea of what they wanted to do, and we gave us enough information, and then a year later, they give him the brand new application for site planning, preliminary and major that may have jurisdiction, may be where the zoning board regain jurisdiction, where the planning board could have heard of that. But because this is following through with the same similar application, that was both the use variance and they asked for all that relief in the same application, and they're back in a relatively short period of time, and they had their plan pretty much not in detail we're seeing it tonight, but in enough detail for us to know what they were trying to do. I think it's the zoning board that has to hear.

Mr. Robert McGowan stated, my name is Robert McGowan, and I represent the applicant and unfortunately, I agree that for there not to be any challenge to the proceedings I think it should be heard by the zoning board tonight. This is truly part two of the continuing application.

Mayor Green and Councilman Robb excused themselves from the meeting as application 2026-7 is a zoning board application.

Mr. McGowan stated, good evening, everyone. I am the attorney representing 2G Pine Hill LLC. This is part two of the application we were here last year. You remember, and at that time, we presented a fairly good description of what we were going to be doing there in support of our request for use variance and conditional use variance, permit two warehouses property and to permit two residential apartment structures, which will be deed restricted for senior residents in the front of the property. Tonight, what we want to present to you is the detailed site plans with both parcels.

Mr. Sitzler asked Mr. McGowan if they had anyone new speaking tonight that was not there at the last meeting.

Mr. McGowan responded to Mr. Sitzler, we do have a new planner, Mark Remsa. Everyone else is the same.

Mr. Sitzler swore Mr. Mark Remsa under oath.

Mr. Sitzler stated, all of the other professionals that were here at the last meeting are still under oath because this is a continuation of application.

Mr. Mark Remsa gave his qualifications to the board.

Mr. Hagarty asked the board members, does anyone have any questions for Mr. Remsa? Seeing none, we accept your qualifications as a professional planner.

Mr. Hagarty stated, we're going to get through completeness first. But if you want to get, I guess, in terms of, you know, obviously we're going to go through the completeness aspect. But if you want to hear some of the stuff first, there may be some things that you could touch on that may help in that matter.

Mr. Josh Hanrahan, Engineer, re-introduced himself to the board. I testified Infront of this board previous for this application for the use variance.

Mr. Hagarty stated, the first matter before us is we're going to get through the matter of completeness.

Mr. Hanrahan stated, I am just going to give a brief summary of the project. We've already discussed the lots that the project is located in the borough. This project is located along Berlin Cross Keys Road, which is along the east side of the project, here. The project is that the northwest corner of where Berlin Cross Keys Road meets the Conrail right away line. Conrail is going along this side of the property here, to the southwest here. To the northwest, we have undeveloped wooded areas, high tension power lines behind the property. To the north, there are some existing single family developments. To the northeast, we have a project site under construction and an existing carwash facility. There is a paper right away right now for Lake Tahoe Boulevard that is on the northeast corner of the property that we'll be proposing to develop with a roadway our next exhibit that I have, and then across the street from the property, on Berlin Cross Keys Road, you have a mix of commercial and other residential properties. The site itself is mostly undeveloped.

There are some remains of an old single family development that was abandoned there, so there is some curbing, some water and sewer infrastructure that is in place that will all be removed as part of the proposed project. There is a pond to the north west of the site that our drainage will eventually empty into, and there is a spillway that goes to the west and drains down into the South Branch of the big Timber Creek. This property is also pretty well buffered to the south west and north, and we will be maintaining those existing buffers that you'll see in our proposed rendering. Site is located within the GBD District, which will go over any of the completeness items that are in our testimony. I just wanted to show the proposed rendering for the project. I don't

Mr. Sitzler stated, can we name this exhibit? I don't know what your last exhibit number was, but can we call this A-1-SP for sight plan.

Mr. McGowan agreed with Mr. Sitzler about the name of the sight plan.

Mr. Hanrahan stated, this is the area view and then this is a site layout rendering for the proposed development.

Mr. Sitzler stated, let's call that A-2-SP.

Mr. Hanrahan stated, as you can see on the site layout rendering exhibit that we've labeled A-2-SP, we have two warehouses that we are proposing in the rear of the property one in the back warehouse number one is 119,140 square feet, with 8,500 square feet of office space and 17 loading docks. Warehouse number two located closer to the front of the site is 93,500 square feet, including 11,500 square feet of office space and 16 loading docks. There will be a shared loading dock between the two warehouses, and also parking around each warehouse, with some parking here to the north and west of this warehouse building, and we have parking on this side and to the east of this warehouse building. Then in the front of the site, you have two four story residential buildings totaling 138 age restricted units. 68 units in building one, and 70 units in total in building two, for a total of 138. We'll also have associated driveways, parking areas, trash and recycling closures and stormwater management facilities. Stormwater management facilities are located all throughout the site to handle groundwater recharge, water quality and detention, which I'll touch on a little later in the testimony. There is a proposed subdivision of the property that would go along the border between these two and go out to Lake Tahoe Boulevard. It basically just separates the two uses into two separate proposed lots, with the rear lot being block 131.01 in the rear and 131.03 being in the front. going along with the existing block number, and that was in the area. For parking, we're going to have 261 spaces required for the residential development front, where we have 263 spaces provided. There are 217 spaces required for the total warehouse use in the back, where we have 211 spaces provided, including 13 EV spaces and 53 green banks. So, we are a little short of the use of the parking in the warehouse, but I can talk about it later, and our planner can testify to that this common, general warehouse use just doesn't really meet the industry standards for the parking that is required. It's just not as strict as your ordinance requirement, where your ordinance requirements will be, there's just not that much of a need for that much parking for this type of use. It's not fulfillment center, it's not a data center, there won't be as many employees here, but we can touch on that. Access to the site will be from Berlin Cross Keys Road as well as off Lake Tahoe Boulevard. So, we'll have an access here for the warehouse coming off of Lake Tahoe Boulevard as well as an access for the residential development there. And then there's another access down here off of Berlin Cross Keys Road, and there will be a cross access easement and drainage easement that will be granted from the residential lot to the warehouse lot, so that there is

access to and from the warehouse lot to Berlin Cross Keys Road in this triangle area down here. We also have some drainage finding that we're picking up cross access to. The project proposes a landscape package of 121 trees, including 1,530 shrubs, oriental grasses and perennials. There will be a six foot privacy fence along this subdivision line that subdivides the two uses to provide a buffer, and we've also supplemented that with some additional landscape plantings. I know one of the comments in the Pennoni letter was to provide a little bit more buffering, that's definitely something we can do to provide as many plantings as we can in that area to increase the buffer between the two uses. Trash and recycling for the multifamily portion of development will be handled by trash enclosures that are located in each building. Trash recycling when taken by the apartment tenants to the outdoor enclosures, we expect the pickup of the trash recycling to be handled by a private caller twice a week, and then trash and recycling for the warehouses will be handled by traction filters within the loading dock areas here, and those will also be handled by a private caller with a minimum of once a week pickup. Lighting will be all LED fixtures full cut off dark sky compliant with no light spillage onto a joint properties. Utilities will be new water, sanitary gas, electric and telephone that will all be underground. All of these will be made off of existing utilities on Berlin Cross Keys Road. Solar management has been designed to comply with local borough, county, DEP, storm water management regulations for water quality, water quantity, detention and groundwater recharge. The project stormwater management system will be the requirements for 50% reduction in two years, 25% reduction in 10 years, and a 20% reduction in 100 years storm of infiltration basins, underground chambers, manufactured treatment devices and forest pavement within some of the parking lot. These stormwater management DMPS will help to detain storm water, recharge the groundwater and tree runoff with water quality and safely convey the runoff by a proposed storm sewer system to the existing pond in the rear, which has a small spillway and then jump into the timber creek in the back. Project also proposes the rerouting of an existing 24 inch pound storm line that cuts through the development. This line will be rerouted along the southwest side of the property to go around our proposed warehouse development and then jump into the same pond in the back. For signage, we're going to have two monument signs along the frontage, one in each main driveway along Berlin Cross Keys Road. We've already submitted for the bulk of our outside agency approvals. We obviously can't submit yet for DEP, water and sewer or it, but we've already submitted for our wetlands loi, our njdp, FHA verification, Camden County Planning Board site plan application and Conrail crossing, because we do have a crossing of this rail line, and we'll need to do like a jacket or to get underneath that's tied to the sanitary that's located within Atlantic Ave, down here. That's the only major offsite improvement that we have to do, where to go out to the site and tie into the sanitary. I think that's pretty much the summary of the project, and I will answer any other questions you have regarding the project.

Mr. Hagarty stated, I think it might make sense if we go through the completeness review, let's simply get through that stuff with completeness, and then that we can use the Pennoni's review letter to guide our way.

Mr. Clark stated, thank you Mr. Chairman. We reviewed the application. For major site plan and final, there are two items that were missing. One was a one regarding trade services information that would be available for occupancy of the building, and then the construction schedule. Both of those items are minor and can be provided as a condition of approval. We recommend the board grant this application deemed complete based off of the condition of approval.

Mr. Hagarty asked the board, does anyone have any questions for the professionals?

Mr. Hagarty stated, you have a letter before you a review letter from Pennoni. There were two items that deemed the application to be insufficient, the letter stay in utility service will be available before occupancy, structures and a construction schedule for both of those, it's conditional approval. Are there any issues with that?

Mr. McGowan responded to Mr. Hagarty, no issues with that.

Mr. Hagarty asked Mr. McGowan, any questions from the applicant at this stage? Seeing none, based on the testimony of our professionals, I will entertain a motion to deem application 2026-7 complete.

A motion to deem application 2026-7 complete was made by Mrs. Gilson and seconded by Mr. Waddington.

ROLL CALL:

Mr. Hagarty – Yes

Mr. Waddington – Yes

Mrs. Gilson – Yes

Mrs. Robb – Yes

Mr. Farlow – Yes

Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-7 has been deemed complete with the two conditions that was discussed.

Mr. Hagarty stated, now that we are finished with the issue of completeness, I will turn to the applicant's professionals to go through the rest of their review letter as a guidance.

Mr. Hanrahan went over items that pertained to him in Pennoni's review letter. For the next section, for the use variance approval, comment A, Resolution 2025-17 granted d(1) use variance and conditional use variance approval to permit apartment buildings, which are not permitted in the GBD Business District and warehouses which are a conditional use. Comment B, we did break down and did an analysis, because we don't have many bulk variances, but there will be a bulk variance for lot width and lot frontage for the warehouse lots. We only have along here Lake Tahoe Boulevard meets 71.7 feet where 100 feet would be required for lot width for the frontage. For the next section for the planning comments, ill have to defer that to our planner.

Mr. McGowan asked Mr. Hanrahan a question, the reason the warehouse is designed like that is to trap the noise from the loading dock. Is that correct?

Mr. Hanrahan responded to Mr. McGowan, that is correct. We also have a pretty substantial wooded buffer to.

Mr. McGowan stated, as far as the traffic issues are concerned, we do have a traffic engineer here and he has testified here extensively about the traffic and so forth. Does anyone have any questions.

Mr. Hagarty stated, no questions.

Mr. Hanrahan continued, Landscaping section, comment 1, talks about compensating plantings for this little landscaping. We do have some trees we're moving on site, but for the most part, a lot of our developed area is already clear or meta. There are a lot of open trails and dirt paths out there. Some of the trees that we do, most of them are not in the short row of trees. But we will work with the board engineer and, you know, provide as many plantings as possible that we have to for the replacement trees that we can. As I discussed, we'll add more plantings along the buffer between the residential and warehouse use wherever possible and we'll work with the engineer and planner to add more landscaping.

Mr. Hagarty responded to Mr. Hanrahan, ok.

Mr. Hanrahan continued, storm drainage, these are more technical comments, where we just have to go back in our design and touchup on a few things to improve, but nothing that was detrimental to design, just things we have to work through to send to your engineer. We have no issues addressing all those comments.

Mr. Hagarty responded to Mr. Hanrahan, ok.

Mr. Hanrahan continued, off-street parking requirements, comment 1, as I testified, the residential meets the required parking, and we are short on the warehouse by 6 spaces for the industry standard. Not only does it meet the industry standard, but we have extra areas where we have green banks, if we feel the need to use that to add additional parking we can.

Mr. Clark asked Mr. Hanrahan, how many spots were available in the green bank parking?

Mr. Hanrahan responded to Mr. Clark, 53 spaces total.

Mr. Clark responded to Mr. Hanrahan; I think that was accounted for in those numbers. We're still 6 short.

Mr. Hanrahan responded to Mr. Clark, yes.

Mr. Clark stated, before we move on, there is a nuance to the ordinance for warehouses. Another item says the application right whether the vehicles are expected using the connection business, because the ordinance says that it's 1500 or one person, there's also a little line there about any additional helping vehicles. So, I just want to get testimony. Are there any company vehicles that would be left there?

Mr. Hanrahan responded to Mr. Clark, not that we anticipate.

Mr. Clark asked Mr. Hanrahan, you are 6 spaces short but to get them, you would be sacrificing landscaping?

Mr. Hanrahan responded to Mr. Clark, yes, that is correct. We'd be losing some landscape areas. We'd be adding more impervious. We just feel it's not very warranted for that. The site will be remediated with all the necessary environmental regulations. We spoke about the bulk variance for the lot width and frontage of the warehouses along Lake Tahoe Boulevard. Any other comments

that the board engineer has we will be sure to address that. I believe in the general engineering comments, those were all pretty straight forward with the plan, and revision. We will still reach out to the Borough's fire marshal. We'll definitely sit with them and send them plan package for them to review. Like I stated, we have submitted to the other outside agencies.

Mr. Hagarty stated, thank you for going through that, based on my understanding this Pennoni review letter dated March 10th, 2026, Mr. Clark and Mr. Gray- Cornelius It doesn't appear to take exception to the comments that have been provided.

Mr. McGowan responded to Mr. Hagarty, we take no exception.

Mr. Gray- Cornelius went over his portion of the review letter. Bottom of page 3 and top of page 4, as the engineer stated, this application was previously granted for a D(1) use variance and conditional use variance. Where the front buildings were not permitted, in the general business district, warehouses which conditional use. Second comment was related to the zoning table that was initially provided. The initial zoning table was for the entire track we asked for clarification of the two zoning applied to the two subdivided lots, and then, as was discussed, based on the way that the definitions are written in the ordinance. Technically, that little sliver of the warehouse parcel that runs along Lake Tahoe Boulevard, that is the only front yard on the warehouse parcel, the minimum width is 100 feet, and that is only 71 and change feet, there would be a bulk variance that's required there. One other clarification regarding the setbacks, again, the way that the definitions are in the ordinance. Front yard is any yard that runs along street. A rear yard is any lot line that is roughly parallel to a street but not intersecting any street. So that would make for the residential parcel, the lot line that runs roughly parallel to for Berlin Cross Keys Road, because that touches Lake Tahoe Boulevard that would be a side yard and therefore require a 25 foot setback. Is there any conflict?

Mr. Hanrahan responded to Mr. Gray- Cornelius, no, there are no setback issues and actually the rear inside is the same. So, there are no setback issues. We'll clarify that on our plans.

Mr. Gray- Cornelius responded to Mr. Hanrahan, with the exception of a rear yard that backs up to non-residential.

Mr. Gray-Cornelius continued his portion of the review letter. Additional planning comments, comment A, have to do with the impact of these very different uses, and wanting to minimize the impact largely of the warehouse on the residential uses. They provided testimony that they're willing to work with us to provide landscaping, I would say as much of a buffer as possible. Comment B, talked about the direction of the warehouses being away from the residential to minimize the noise impact. Can you talk about, if you thought about any sort of sound wall or anything further to try and minimize the impact.

Mr. Hanrahan responded to Mr. Gray- Cornelius, we feel pretty good about the location of it and how that front warehouse will block any of the sound from going over to the residential portion, plus the surrounding uses and how there's a lot of wood buffer around this site, and not much to the south of us. We also have the Conrail block too. So, we feel like in the city the warehouse uses, there's no other residents there.

Mr. Clark asked Mr. Hanrahan, how tall are the warehouses?

Mr. Hanrahan responded to Mr. Clark, 48 feet high.

Mr. Gray- Cornelius asked Mr. Hanrahan, and the apartment complex?

Mr. Hanrahan responded to Mr. Gray- Cornelius, its four stories so its almost 50 feet.

Mr. Gray- Cornelius responded to Mr. Hanrahan, with the exception of a 50 foot sound wall, to some degree, the residential is kind of be looking out onto the warehouse, so it's impossible to fully block the visual.

Mr. Sitzler asked Mr. Hanrahan a question, is there any thought given to the planes? I don't know what the distance is. A distance from building to building from residential?

Mr. Hanrahan responded to Mr. Sitzler, I want to say, its about 80 feet.

Mr. Sitzler asked Mr. Hanrahan a question, any thought to when you do the evergreen, will it be all season buffer?

Mr. Hanrahan responded to Mr. Sitzler, yes.

Mr. Sitzler stated, one of the large warehouses in the town I represent, got built and had an existing residential neighborhood, and most of these people were very much against this warehouse. What we convinced the applicant to do seems to be, as it's fully built, to make the trees that you're planting look larger and not sort of step up against the residential people further away than what you're doing. Is any thought given to mounting some of these evergreens, because when you plant them, they're not going to be fully grown, and it seems to have given them a head start when you look at it now visually. I can only go for this one example, but when you go by there, now you can see that even though the trees aren't fully grown, they did a pretty good job because they were mounted up and there was a good buffer between the residential.

Mr. Hanrahan responded to Mr. Sitzler, we can look into that. There might be some area that we are able to do that. we will have to solve the privacy defense along the border as well.

Mr. Clark asked Mr. Hanrahan a question, what's the hours of operation?

Mr. Hanrahan responded to Mr. Clark, we have someone else talk about operations in the operations document prepared, its not 24/7. I believe its 7am.

Mr. Hagarty stated, if I can just interrupt, I was just looking at, I it looks like to be, primarily be from 6am To 8pm daily during the weekdays, 8am to 2pm Saturday.

Mr. Hanrahan responded to Mr. Hagarty, ok, thank you.

Mr. Gray-Cornlius continued his portion of the review letter. My final comment B, on set access to ingress and egress and how the two different uses would be accessing the two different types, whether or not the residential portion would be separated out from the truck.

Mr. Hanrahan responded to Mr. Gray- Cornelius, they are separated coming off of Lake Tahoe Boulevard. This is the entrance for the residential and this is the entrance for the warehouse. There is a shared area here where they could go out, but the residential does have its own separate entrance off of this, and this is the like shared access area that I talked about, where this would be shared access granted from the residential lot to the warehouse.

Mr. Gray- Cornelius asked Mr. Hanrahan a question, you may mention this previously, but roughly how many trucks do you anticipate?

Mr. Hanrahan responded to Mr. Gray- Cornelius, its hard to say, maybe 10?

Mr. Gray- Cornelius stated, its worth noting that the Lake Tahoe Boulevard is technically a public right away will be improved so the end of that street, shared access.

Mr. Clark asked Mr. Hanrahan, it will remain public right of way, right?

Mr. Hanrahan responded to Mr. Clark, So we are vacating all the internal right of ways that we submitted a right of way vacate, all the other existing single family lots will be vacated as well as the interior.

Mr. Clark went over his portion of the review letter. Would you like me to go over all 34 questions from the review letter?

Mr. Hagarty stated, I'm taking the applicants word. They got the letter; they said they're going to comply with everything in there. They take no exception.

Mr. McGowan responded to Mr. Hagarty, that is correct, no exceptions.

Mr. Clark went over his portion of the review letter. Traffic, comment 1, we reviewed their prepared professional manor with respect to the current traffic practices. Environmental, comment 1, they provided testimony about Lake Tahoe Boulevard will remain a right of way. The agreed to address our subdivision comments and agreed to address all of our engineering comments

Mr. Hagarty asked Mr. Gray- Cornelius, can we have a summary of what waiver and variances.

Mr. Gray- Cornelius responded to Mr. Hagarty, 71.7 feet where 100 feet are required.

Mr. Clark responded to Mr. Hagarty, they will also need a design waiver because they are short of 6 spaces for the warehouses.

Mr. Hanrahan responded to Mr. Hagarty, a variance for the frontage as well.

Mr. Hagarty asked the professionals, any other questions or comments?

Mr. Clark responded to Mr. Hagarty, no.

Mr. Hagarty asked the board members, does anyone have any questions or comments?

Mr. Sitzler asked Mr. Hanrahan a question, the entrance, is both residential and commercial?

Mr. Hanrahan responded to Mr. Sitzler, Lake Tahoe Boulevard? Yes, they would both come in there, and then there's a separate entrance for the residential off of that.

Mr. Sitzler asked Mr. Hanrahan a question, trucks won't be able to go in from there?

Mr. Hanrahan responded to Mr. Sitzler, they can't go into the residential lot. They're just going to go straight into their warehouse lot.

Mr. Sitzler asked Mr. Hanrahan a question, are there both Cross Keys and Watson town entrances?

Mr. Hanrahan responded to Mr. Sitzler, there is another one down here as well.

Mr. Sitzler asked Mr. Hanrahan a question, will there be a red light?

Mr. Hanrahan responded to Mr. Sitzler, no, the traffic engineer could get into that but there wasn't enough traffic for a signal.

McGowan responded to Mr. Sitzler, we have been in discussion with the county.

Mr. Hanrahan responded to Mr. Sitzler, we are coordinating with the county on the improvements that they're doing along Berlin Cross Keys Road. We're going to make sure that we get our driving curb cuts in as part of those improvements.

Mr. Hagarty asked Mr. Hanrahan, you've already had coordination media?

Mr. Hanrahan responded to Mr. Hagarty, yes, we've already had coordination media, they've already seen our full site plan application, and we've coordinated that with them already, so that that will be placed when they do those improvements. I believe this year.

Mr. Clark asked Mr. Hanrahan, I know when you came before the board last time, you did not have a tenant in place. Is that still the case?

Mr. Hanrahan responded to Mr. Clark, we don't have a tenant yet.

Mr. Clark asked Mr. Hanrahan, there is no chance of this becoming a data center, right?

Mr. Hanrahan responded to Mr. Clark, no it will not be a data center, and it will not be a fulfillment center.

Mr. Sitzler asked Mr. Hanrahan a question, Is the second access for the tractor trailers mostly?

Mr. Hanrahan responded to Mr. Sitzler, yes, the warehouse and truck traffic.

Mr. Sitzler asked Mr. Hanrahan a question, I don't know how you're looking at it, but I know in another jurisdiction where there was dual access to the residential, commercial. All they did was prioritize one of them for commercial. Not that you can't use both, but they agreed to direct the

most of their truck traffic trying to use the one entrance rather than the other one, if possible. And that sort of almost made it like separate entrances, but understanding they both can use either one. Again, I'm wondering if you have thoughts or like prioritizing, just saying, if possible, try to tell the trucks to use one entrance, and tell the residents, if possible, to try to use the other entrance.

Mr. Hanrahan responded to Mr. Sitzler, Yeah, we could look at that.

Mr. Hagarty asked the board, any other questions or comments?

Mr. Hagarty stated, if you don't mind, maybe the logistically, the better way to do it is to open the floor to Mrs. Potts, you're able to then ask the Engineer questions, we'll give her another opportunity. At this time, I'll entertain a motion to open the meeting to the public, with respect to application 2026-7 regarding engineering.

A motion was made to open the meeting to the public with respect to application 2026-7, engineering aspect, was made by Mrs. Robb and seconded by Mr. Waddington.

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 2026-7 and only 2026-7. We're going to deal with only the engineering aspect of the application. 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.

Mrs. Potts, 155 Berlin Cross Keys Road, that's why my house is facing that way. Atlantic Avenue is on this side and I have a problem with the lighting part. Want to make sure it's not going to be coming straight into my house, because I have to leave my two windows in my dining room with no curtains, because I am claustrophobic, so I have to have it open. I don't want that bothering me. When I go to sleep, I don't want lights shining in my home.

Mr. Hanrahan responded to Mr. Mrs. Potts; to meet the borough's requirement, we can have any light spillage off of our property. It will be angled down.

Mr. Hagarty stated, his testimony is based off of the Municipal ordinance, he is not going to have any light spillage onto your property.

Mrs. Potts asked Mr. Hanrahan, and you're saying something about the railroad tracks here, and you can't do that, because there's going to be the business opening up on Atlantic Avenue again, and I come in and off Atlantic Avenue. We will have a clash.

Mr. Hanrahan stated, there will be a separation of the railroad tracks.

Mrs. Potts stated, there will not be much of a separation. With all this traffic, the new people coming in won't like not being able to get out of their homes because of the traffic. Are you going to have any foundation, like basement? Because with the high water table there, that's going to be fun.

Mr. Hanrahan responded to Mrs. Potts, no basement.

Mrs. Potts stated, I know the time that they put that fire hydrant in, the machine went right into the water. They got him out just in time, he would have drowned.

Mr. Hagarty asked Mrs. Potts, at this time. Do you have any other questions or comments with respect to that engineering aspect of this application?

Mrs. Potts stated, well its going to be an annoyance, but I guess that's the only thing so far.

Mr. Hagarty stated, Thank you. Okay, any other members of the public wishing to speak with respect to the engineering aspect of this application. Seeing no members of the public stepping forward, I'll now entertain a motion to close this meeting to the public with respect to the application 2026-7, the engineering aspect.

A motion was made to close the meeting to the public with respect to application 2026-7, engineering aspect, was made by Mrs. Gilson and seconded by Mr. Waddington.

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

All present stated, "I".

Mr. Hagarty stated, the meeting is now closed to the public with respect to application 2026-7, for the engineering aspect.

Mr. Hagarty asked the professionals, is there any questions with respect to the traffic report in particular?

Mr. Clark stated, no.

Mr. Hagarty asked if there were any questions for the planner?

Mr. McGowan asked Mr. Remsa, you reviewed the review letter, and you went over the request as far variances.

Mark Remsa, Planner, responded to Mr. McGowan, as well as the design exception regarding parking. There are two bulk variances associated with the application, one with the lot width and the other with the lot frontage. And essentially, the width and frontage deficiency is associated with the entrance from Lake Tahoe Boulevard into the warehouse, and the location of the drive is the same location that was established when the residential subdivision was approved many years ago and never completed. So, the location for the driveway is where the lot lines would be located, and also the lot line separate from the location of the apartment. In my opinion, it's the best location, the best design, if you will, for locating that. And the issue here is, what type of bulk variances is this? This is called the c2 flexible C variance that's associated with this results in better design, better zoning, even though it's deficient in the wildlife. And in my opinion, it is serving because it does not harm or affect the use variance that was granted last year. And in this case, it actually

effectuates the use variance that you approve for this property. And so, the proof has to talk about a couple of things. So one is, is there actually a better result from the deviation from importance? And in my opinion, it is because, again, it's the location where it was originally located for the subdivision at the back, we're utilizing the same entry point from Lake Tahoe Boulevard. Also, it has to promote the purposes of municipal land use law. And there are several that I found associated with this deviation from the MLUL, that's NJSA 40.50 5d-2. What I'm going to do is give you this small letter. I'm going to paraphrase, so what is seen to provide adequate light air and open space, if what it does, it actually honors the location where it was originally proposed for the subdivision, as well as under the use variance, and so it doesn't harm or lessen or decrease any of the light air and open space in that area of the property. Also see it helps to provide the sufficient space and appropriate locations for land use, residential and in this case industrial. And again, the use variance established the two uses for the property and this proposal, even though it's a little narrower than what's required. It helps put into effect the use variance I to provide a desirable visual environment and the location where the driveway entrance is, and with the landscaping and the location of the apartment, of what I find, the combination of the design along with the landscaping will provide the desirable visual environment right at that vicinity. We're talking about right here, and you can see the natural curve that's coming in a nice green area out front of landscape. Even though this is a little shorter, it actually has the appearance of an actual public road, if you will. Even though, from Lake Tahoe Boulevard into the property. J prevents an urban sprawl. We're actually reusing a difficult piece of property in a long history, and even though we have the narrow lot width and frontage. Again, sorry to be repetitive, but it will effectuate the experience and cause no detriment and more efficient use of land. Again, the location is the ideal location that will provide access to the warehouse lot, and then a promote the Public Health Safety model welfare, and I base that on all the foregoing purposes that's being promoted. The other part that we have to look at is there any substantial detriment to having a slightly narrower block with the last frontage. And we have to look at, does that affect the adjoining properties and surrounding properties? Well, certainly to the north, where you have all the woodlands and the residents that are far north, far north here, going back a two you can see on A-2-SP, you can see how far away it is from any affecting any residents or woodlands farther north certainly will have no negative impact on car wash or any of the commercial uses there. South of Berlin Cross Keys Road, we have a mix of commercial and residential. Again, this area right here is so far away. And then to the south, again, it's separated by the property of railroad. And then you have some of the residents down here close to closer to the road, and then you have some industrial type uses, and then woodlands to the back. I see the fact that having slightly narrow road frontage and with having no substantial detriment to those properties. Then finally, does it hardly zone planning and zoning ordinance, meaning the master plan. I went through your 2014 Master Plan examination report that's on the borough's website. Certainly, there's a couple of things it says that wants to promote the development of underutilized land, key, underutilized piece of property, and the location and design of the subdivision will help effectuate that. I see the bulk variances can be granted for those two efficiencies now, in terms of the parking, the parking design exception, or the design waiver being short six spaces, you heard Josh talk About the fact that industry standards really talk about not requiring so much parking for general warehouse. More parking is required for fulfillment centers and the other types of warehouses that have high traffic generation. This type of general warehousing is very low traffic generation and also has very low point as well compared to those others. Could we achieve the additional six I looked at the site plan and about we could, but what it means is taking away some green space for some of the trees and then also some of the planting areas. And is there any major benefit from achieving the additional six as opposed to not even really needing those six spaces? I think the balancing act is that we really don't need that extra six as

matter of fact, we're banking 53 spaces, and that tells us that there really isn't that need for those spaces. But in case they are coordinated, certainly the 53 can be implemented. But in my opinion, the industry standards really require less parking for this type of general warehouse use. In conclusion, I believe that the design waiver can also be granted.

Mr. McGowan asked the board, any questions.

Mr. Hagarty asked the board, does anyone have any questions or comments in respect to the planning side of this application? Seeing none, I will now entertain a motion to open the floor to the public with respect to application 2026-7, planning aspect and only planning aspect of application 2026-7.

A motion was made to open the meeting to the public with respect to application 2026-7, planning aspect, was made by Mrs. Gilson and seconded by Mr. Waddington.

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 planning aspect of application 2026-7. 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.

Mrs. Potts, 155 Berlin Cross Keys Road, can they not open so early in the morning and stay open so late at night, we're close to these guys. How could it be in our backyard? We're not going to pick up and move we've been here for years.

Mr. Hagarty responded to Mrs. Potts, the testimony you just heard regarding the planning side of the application, do you have any questions about that?

Mrs. Potts stated, no they are going to do what they want to do anyways.

Mr. Hagarty stated, at this time, seeing no other members of the public stepping forward with respect to application, 2026-7, I'll entertain a motion to close the meeting for the public with respect to application 2026-7.

A motion was made to close the meeting to the public with respect to application 2026-7 was made by Mrs. Gilson and seconded by Mr. Waddington.

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

All present stated, "I".

Mr. Hagarty stated, the meeting is now closed to the public with respect to application 2026-7.

Mr. Hagarty stated, Mr. McGowan, do you want to do a summary?

Mr. McGowan responded to Mr. Hagarty, I think we answered all of your questions to comply with the very long list. We have looked at and agreed to comply. I think we well described what was planned, carefully got over and continued to be used and corrected as needed. This is a perfect development for this site. As acknowledged by the use variance I think we're developing it consistently.

Mr. Hagarty responded to Mr. McGowan, thank you. Anybody else have any other comments at this point? Thank you for the testimony provided. I think you know, first off, you're correct, there is pretty comprehensive list of items in the Pennoni letter dated March 10, 2026, your agreement to work with our professionals and providing that information helps alleviate a lot of this work through it. I think in terms of your cooperation with the application review comments and all that is kind of made, yeah, so I think that side of it's going well. It was very comprehensive, a lot of comments, but you know, the willingness to work through what I think goes along way. From an engineering standpoint, based on the testimony and the questions, I think the key parts that I think that you've gone through are concerns with respect to light spillage, and the agreement in terms of addressing that. When you sort of outside of your property, the light spillage on it, I think you kind of worked through that. I think you know, from the landscaping plan and the buffering, we've got some testimony and heard all that. Providing you know that offering, not only from, surrounding the property, but also between the warehousing aspect and the residential aspect separated, obviously, that's a key part of this thing.

Mr. McGowan responded to Mr. Hagarty, we want the property to be attractive and be a key interest.

Mr. Hagarty responded to Mr. McGowan, And I do agree, heard some stuff with the aspects with respect to burns and other things that can kind of help and even further eliminate some of those areas. I don't think you know the concept is enough buffering between. It creates clear separation from the boundary and all that. I think with respect to the planning aspect of it, I think, Mr. Remsa's Testimony is very convincing with respect to c2 variance and the design waiver. With that being said at this time, I'll entertain a motion for granting this preliminary and final site plan approval that's being requested, including the 2 C(2) variances with respect to lot width and lot frontage and the design waiver for the parking spots.

Mr. Sitzler stated, before we do that, Mr. McGowan, where are we with the paper streets? knew you had consulted with me, and you're working with the borough attorney?

Mr. McGowan responded to Mr. Sitzler, correct.

Mr. Sitzler responded to Mr. McGowan, And the council will eventually, I'm assuming, do an ordinance to vacate. how far? Because I'm talking really about a couple of conditions of approval, of course, that the streets be vacated, then you're going to get rid of all the lots to be consolidated into two.

Mr. McGowan responded to Mr. Sitzler, Yes, that is correct, and that is part of the application for the site plan.

Mr. Sitzler responded to Mr. McGowan, so when we have those, I would ask that the deeds be provided to both the engineers, when you come up with living vacated provide those to the board

Professionals. I'm assuming it was done by ordinance, a copy of the ordinance stating all the streets are vacated when you do come to your subdivision, proposed deed be provided, using the same block numbers as you said earlier. We'll rely on the tax office to coordinate with the tax law. I'm looking at from my hands some of that cleaning that up when you have your final subdivision. Before you file, any Deed says you sent copies of them for the two box that remained after everything is all cleaned up to both the board engineer to look at the needs and downs for myself to look at the language. That should be a conditional of approval.

Mr. McGowan stated, no objection at all. The Borough attorney was waiting to see how this meeting went tonight, so we are as far along as we could go.

Mr. Hagarty stated, I appreciate that. Are there any other conditions you can take up with perspective? There is cleanup with the subdivision, along with the preliminary and final major site plan approval. As Mr. Sitzler clarified that there, there is work to be done with respect to the subdivision approval there, and that'll be a condition of approval of this application. With that being said again, the approval of the 2 C(2) bulk variances for lot width and lot frontage, and the design waiver for the granted for the shortage of the six parking spots for the warehouse portion of this property, I'll entertain the motion for approval of the final major site plan application and subdivision.

A motion to approve application 2026-7 was made by Mrs. Robb and Seconded by Mrs. Gilson.

ROLL CALL:

Mr. Hagarty – Yes
Mr. Waddington – Yes
Mrs. Gilson – Yes
Mrs. Robb – Yes
Mr. Farlow – Yes
Mr. Brannigan – Yes

Chairman Hagarty stated that application 2026-7 has been approved.

OLD BUISNESS:

None.

NEW BUSINESS:

Mr. Hagarty stated, I know there is a meeting on May 14th at 7:30pm. 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 Mrs. Gilson and seconded by Mrs. Robb.

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 Mrs. Gilson and seconded by Mr. Waddington.

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 Mrs. Gilson and seconded by Mrs. Robb to adjourn the meeting.

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

All present stated, "I".

Meeting adjourned at 9:51 pm

Nicole Wakeley
Nicole Wakeley,
Planning Board Secretary