

**Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
June 11, 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, Mayor Green, Councilman John Robb, Mrs. Gilson, Mr. Torrance, Mrs. Robb, Mr. Farlow, Mr. Brannigan, Solicitor Mr. Sitzler, Engineer Bryan Clark, Planner Mr. Gray- Cornelius, Mrs. Keyek.

Absent: Mr. Waddington

**SWEAR IN FOR ANTHONY WILSON:**

Mr. Hagarty announces that we will be moving the swearing-in until next month, as it seems as though Mr. Wilson was not in attendance.

**APRIL 2026 MINUTES:**

Mr. Hagarty stated that Ms. Wakeley asked to have April 9, 2026 minutes tabled. I will entertain a motion to table the minutes of our April 9, 2026, meeting.

A motion to table April 9, 2026, minutes was made by Mayor Green and seconded by Mrs. Gilson.

**ROLL CALL:**

Mr. Hagarty – Yes  
Mayor Green - Yes  
Councilman John Robb – Yes  
Mrs. Gilson - Yes  
Mr. Torrance – Yes  
Mrs. Robb – Yes  
Mr. Brannigan – Yes

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

**MAY 2026 MINUTES:**

Mr. Hagarty states that the next matter to the floor will be the May 14, 2026, minutes. He asks if everyone has had a chance to review the meeting minutes. He then asks if anyone has any proposed changes or modifications to the minutes.

Seeing none, he entertains a motion for approval of the minutes from May 14, 2026; this was made by Mr. Rob and Mrs. Gilson.

**ROLL CALL:**

Mr. Hagarty – Yes  
Mayor Green - Yes  
Councilman John Robb – Yes  
Mrs. Gilson - Yes  
Mr. Torrance – Yes  
Mrs. Robb – Yes  
Mr. Farlow - Yes  
Mr. Brannigan – Yes

Chairman Hagarty stated that the May 2026 minutes have been approved.

**LAND USE PLAN ELEMENT:**

Mr. Hagarty stated that this is a public hearing that has been duly advertised for compliance with the Sunshine Law. The purpose of this public hearing is to allow the public to ask questions and comment on our Land Use Plan Element and the proposed Land Use Plan Element. The Element Draft has been filed and is available for inspection at the Borough office.

Mr. Sitzler states that there is a prepared presentation on the range of the land element of the master plan and that there is nobody in the public in attendance.

Mr. Hagarty turns it over to Mr. Grey-Cornelius for the presentation.

Mr. Grey-Cornelius starts by stating for the record that he is a licensed professional planner in the State of New Jersey, and a certified planner with the American Institute of Certified Planners. He is also the board planner. He states that there is a lot of information, so he is going to try to touch on as much as possible, and that if anyone has any questions, feel free to stop him, or they can ask questions at the end. For those who were on the planning board last year, the Master Plan reexamination was adopted in April. This report was a legally mandated assessment of the 2014 reexamination report, which in turn was a required assessment of the 2002 reexamination report, and then going back to the 1993 master plan. It is important to note that the 1990-1993 Master Plan is still the base document that's serving as the master plan for the borough, even though it has undergone multiple updates of reexamination over the years. The land use plan element from that 1993 master plan is what currently is the 2025 reexamination report. That 2025 reexamination report recommended a number of amendments to zoning ordinances and the zoning map that the governing body of the Borough Council can adopt. New Jersey municipal land use law requires that zoning ordinances be substantially consistent with housing plan elements and land use plan elements of the Master Plan, so this must happen before the Borough Council can adopt the ordinances; in turn, we must make sure that those are consistent with those instances.

A new housing plan element was adopted last year in June as well, and tonight the new land use plan element is up for consideration by this board. So, as I said, the current land use plan element, dating back to 1993, is not substantially consistent with the amendment proposed in the 2025 reexamination report, just by virtue of those recommendations; the 1993 report was subject to slightly different statutory requirements there has been a number of new things that are required from the land use plan element. After the new land use plan element is adopted, the governing body can adopt those amendments to the zoning ordinance. Going to the statutory requirements of what is required under the New Jersey Municipal Land Use Law. These are each of the requirements of the language plan element, so you need to save their relationship to the state objectives, principles, purposes, essentially the goals and objectives, housing plan elements, other discretionary master plan elements, and state the existing proposed location, extent, and intensity of development of land. The existing proposed location of airports and air safety zones has a statement of standards of population density and development intensity recommended for the municipality. The existing and proposed location of military facilities, if any. Statement of strategy concerning smart growth, and the big one that we're going to go into detail tonight is the climate change-related hazard vulnerability assessment. These are all the summits from the municipal land use law. So, now we go back to the recommendations from the 2025 pre-examination report that will be reaffirmed in this land use plan element; for those people who are on the board, this will look familiar. But it is important to remember that the reexamination report is related but is a separate requirement, and as we said, the prerequisite for the governing body to adopt the zoning ordinance is consistency with this land use plan development. So, there were some changes to the definitions, adding and clarifying definitions for building coverage, building line coverage, length, and width. All these changes have come about over the years, and these changes are mainly to clear up the zoning ordinances and address things that have come up as we have seen applications over the years. This will essentially make things more efficient and stay in line with the way the borough is currently being used. Under establishment of districts, reorganizing and updating the standards for residential zones, trade zones, and special use zones, basically reorganizing the bulk standard table for clarity and consistency. The table to the left is what is current, while the one to the right is what we did to clean it up a little. This one is more standardized and easier to follow. So, within the residential table, everything that is highlighted is changing or being added, so changing from building block coverage to building coverage. It is mentioned a few different ways through the ordinances, so just having more consistency, or just a single term, separating the standards in the R Multi district for departments in townhouses and duplexes. Currently, it is a single standard, even though there are two different types of uses, and you want to have two different standards there, and then adding impervious surface coverage for each residential zone. There is a building coverage standard, but not an impervious coverage standard, and then removing the parking standards from this from the residential zoning districts because these are governed by New Jersey residential site improvement standards. Essentially, everything that is in there gets overruled by the RSI and standards, so removing the redundancies. In the trade zones again, changing from building lot coverage to building coverage, and changing from impervious surface coverage to surface coverage and just being consistent while keeping uniform and adding the combined side setbacks in the general business district, the limited business district, and the industrial districts. Currently, there are parking standards, and when increasing the rear yard setback from zero feet to ten feet when adjacent to the commercial uses for the central business district, and then again removing the parking standards from here. That is only because there is a separate section in the ordinance that specifically covers parking, so taking away those potentially conflicting areas of the ordinance. For special use zones, providing the gold standards for the institutional and plant recreation and

conservation zones. Currently, there are no gold standards for those, which then leaves it open for, technically, you can build right up to the property line; it builds whatever amount of building coverage you would like, so this creates actual standards for those. This leaves it open for, technically, you can build right into the property line; it builds whatever amount of building coverage you would like, so this will create the standards for them. Then removing the agriculture and floodplain zones, which are listed in the ordinance, but not farm on the zoning map. There are a couple of other odds and ends, so in general regulations, many language changes to clarify the intent to remove redundancy or fences, utility sheds in residential districts, moving permitted uses with conditions in the R-Medium residential district to a new conditional uses section, again, that is just cleaning up a little bit, seeing the many different languages for the consistency from the sections. Removing to the senior citizen district, there is a small section within the borough currently where it is no longer anticipated that there is going to be senior citizen-specific housing within the trade district, and remove the conditional uses listed for the DBD, CBD, and LBD, as well as the industrial districts. These really do not need conditions, so they are more just general language, whereas conditions should really be specific, so it should be generally an enhanced condition. This is where the condition standard will say, let's say, a 50-foot setback, but conditional use might be well for industrial use; you would want a 100-foot setback. For example, that was not really what was there. So that is just removing the language that takes away the ambiguity, then adding billboards subjects to the meeting. Meeting the requirements of the billboard section as a condition to use in the GBD and LBD zones, and then for the recreation facility, revising the minimum recreation facilities requirements. The second part of this is the zoning map amendments, which are based on the current map that we use. Reminder that the zoning map must be substantially consistent with the future land use map. Before making any of these changes, this plan needs to be substantially consistent with these changes. On the back end of that, the way you do it is that the future land use map- and we are talking about the existing zoning map- you would then put those proposed zoning amendments on that map, so that's what it looks like. The orientation looks a little different, but it is essentially the same thing even though we are looking at a couple of small changes. First is to rezone the existing residential neighborhoods, which are currently in the PRC, to be medium-density residential to reflect the fact that these are built-out residential neighborhoods, extending the R multi-zone to cover the existing apartments that are currently in the PRC zone, rezoning in the central business district south of Clearview Ave to medium-density residential again, just to reflect the existing residential, and the fact that there's not much commercial, if any, during the stretch, and that is pretty much everywhere south of the fire station. Re-zoning the public worksite, from conservation to institutional, again to reflect the current use of the site, to rezone the undeveloped natural areas where the scout site is along New Freedom Road from GDB to PRC. Again, to reflect a more accurate reflection of what its use is than to extend the PRC zone to cover the entirety of Block 24, Lot 1, which is the Trump National Golf Course, which is currently split between partially PRC as well as some institutional rural residential, and GBD, so just to change it all to a single zoning district. We have zoned a small section of our senior citizen to R-medium density residential, and then a new recommendation to change on the zoning map that was not included in the reexamination report, was if you remember a couple of months ago, Trump Golf Course was in here seeking a Use Variance because a small portion of a parcel that they own was used for maintenance of the golf course was technically within our multi-family residential. At the time, we noted that that was more appropriate for the PRC, so that would fall under the rest of the golf course property as a PRC. So that is all the reaffirmation of the land ordinance and zoning application recommended changes. I'm going to switch gears a little to one of the new requirements of the Land Use Plan Element, and this is really the largest portion of the Land Use Plan Element. So, Climate Change Related Hazard Vulnerability

assessment is one of the newer requirements, and it was a result of a law in 2021, so all new Land Use Plan Elements need to include a Climate Change Related Hazard Vulnerability assessment. New Jersey municipal land use law has several requirements for these, so they must include an assessment of current and future threats and vulnerabilities to time-change-related natural hazards, including a build-out analysis of future development, and the identification of critical facilities, utilities, roadways, and other infrastructure and analysis of natural hazards impact on relevant components of master plan strategies and design standards to reduce the risk associated with natural hazards. This is a statement on consistency, coordination, and integration with existing and proposed natural hazard mitigation plans, floodplain management plans, comprehensive emergency management plan, emergency response plans, post-disaster recovery plans, and/or capital improvement plans. Then, there is another requirement that the CCRHPAs rely on the most recent natural hazard protections and best available science provided by the New Jersey Department of Environmental Protection, which is standard. New Jersey is a pretty data-rich state, so a lot of the best data is provided by the NJDEP, which makes our job easier when we're trying to do this. There is one definitive source a lot of times to get a lot of information that is going to go into the maps of production, so the first three are really the bulk of the CCRHPAs, and that is what took most of my time. It takes a majority of the CCRHPA in the actual report itself, so we will focus on those. That first one is the assessment of current and future threats as well as vulnerabilities to climate change-related natural hazards, so in New Jersey, throughout the state, one of the biggest threats, especially from a land use perspective, is flooding. Obviously, coastal communities are going to have a unique threat, as well as the entire communities, even within proximity of the Delaware River. Not an issue in Pine Hill, but fluvial and riverine flooding is a minor issue. If you can see, just toggle back and forth, you can see the purple areas popping up on the map. These are areas within the borough that fall within the 100-year floodplain, so areas that, in any given year, have a 1% chance of flooding. In a climate change-related aspect, those areas that were originally a 1% chance of flooding are happening more frequently than it previously was. In some ways, that kind of thing is usually missed over these days, emphasizing the importance of being cognizant of where you're building and staying away from building within floodplains. It is also fluvial for flash flooding; there is often a relationship between the areas with high levels of impervious coverage. This map shows areas that are covered by impervious surfaces within the borough, so we will come back to this, but to the borough's benefit in this regard, most of the borough is still open and undeveloped. That helps act as a natural sponge to soak up excess stormwater and prevent flash flooding. Related to impervious coverage is the increase in temperatures. If you look at this map; this is the land surface temperature area is purple are cooler than yellow and orange are warmer, and there is a relationship between areas that have high levels of impervious coverage and those land surface temperature places that have a high amount of impervious coverage create a heat island; in fact, it helps to trap the excess heat and keep it down. This is the impervious surfaces overlaying on top of those temperatures, so drought and wildfires essentially scatter throughout the more natural areas. The more wooded the areas are they are to have an increased threat of wildfires, as those areas are drier during the dry season. A couple of others don't have a corresponding map, so something to be aware of, like the increase in hurricanes and other extreme weather-related events, as well as air quality released to increasing temperatures making the air quality worse. I am going to jump to the third one, the identification of critical facilities, utilities, roadways, and other infrastructure. The first one is identifying critical community facilities; this is the number of borough facilities, borough hall, fire, police, municipal utilities authority, public works, schools, senior citizen center, gas stations, basically places that are important in the event of an emergency happening in a potential evacuation center. Something we will get back to is potentially vulnerable populations, and then the overlay is also the threat of

flooding, so the three down towards the bottom are three critical facilities that are within a floodplain or at least the property intersect it. That is the utility authority and one of the water towers, and then one of the schools. The school building itself doesn't intersect, but the property does, even though there is a good amount of buffer. This is something to be aware of in the event of a major flooding event: these locations could potentially become compromised during the event. In the context of flooding, looking at parcels and buildings that intersect with the floodplains, everything in orange is parcels that that are fully or partially intercepts with the flood plain. If you zoom into a little bit where those floodplains are present with the borough, I know it is a little tough to see this from there, but this shows the buildings that are within the floodplain. Up here near the scout reservation, there are a few scout buildings and a few single-family homes that all fall within the floodplain. Down in the southern portion of the borough, there are a number of townhouses and single-family homes that are currently within a floodplain, these are a few areas to call out, but by and large, most of the borough is outside of the floodplain, these are the areas that could be compromised but be aware this could be much worse. It would be much more concerning if you had a much larger portion of the borough that's fallen within or near floodplains. Some of the major roadways and railroad tracks are transportation networks within the floodplain that you would want to be concerned about in the event of a major flooding event. I think one of the beneficial things is that most of these roads with an exception for Madison Ave, are the only road here that intersects with a floodplain, and there is no alternative route to get around if you live at the end of Madison Ave, you can potentially be flooded in there. Every other road way that intercepts with floodplain, there is an alternative road to get out. Looking now at public transportation, with this time the context of increasing temperatures, you can see all of the bus stations within the borough largely correspond to the major roadways within the borough, and they often stop near some of the dense housing, which is good in terms of access and being able to have that connection. However, because of being denser, having more housing and higher-density housing, those areas could benefit from more site-specific improvements to make sure people waiting at a bus stop are not at an adverse risk with respect to elevated heat. Especially with the population density in the context of areas where there is a higher population density at greater risk, this is not an outside risk or particularly heightened risk for areas that had higher population density, if anything, you can see the areas with the larger floodplains are generally further away from the areas of greater population density. Then looking at vulnerable populations, or a population that you want to be cognizant of as they could be at elevated risk, such as elderly children, and these are census blocks that have a greater average percentage of children under age 18 as well as the location of schools and again except for the one school down here, that intersects with the floodplain, but the building is still couple hundred feet away. All these census block groups are not at an elevated risk of flooding. Also with the poverty level, the redder it is, the higher the poverty level, and make sure that these groups are not at an elevated risk. Again, these are not anywhere that there is a higher risk of flooding or any of the other natural hazards. Then look at the overburdened communities; this is a term NJDEP came up with. It is any census tract or census block that has greater than 35% of households low income, greater than 40% of households limited to speaking English, or greater than 40% of households with minorities, and these areas fit that definition. None of these areas are at an elevated risk of flooding. Fortunately, over any of the other natural hazards, these are areas that have slightly higher density housing, more than rental housing. By virtue of having higher density housing, higher appropriate surfaces, higher surface temperatures. Then affordable housing, this ties back into the recent housing plan element, last year's housing plan element, which identified these two locations as where the borough will be meeting its affordable housing requirement, and again The Greens of Pine Hill and The Mansions Apartments, either of them is an elevated risk, with the exception being relatively high-density having that correlation with higher

surface temperatures. Alright, now we turn to the second of the three larger ones, the build-out analysis for future development. How we did this, was first looking at the areas protected from development, either public open space or areas that are on an area that is recreational open space inventory. These are identified as places that you wouldn't expect development to occur. We looked at areas that are already developed within the borough, essentially areas that met most of the property classifications and had some sort of development that matched that property classification. Predominant roadways within the borough, and already developable, then that would give you this map on the right of non-developable areas. Everything in yellow's production development; everything in pink colors is developed areas, and then there are some in this kind of purple color. All that together accounts for eighty-eight and a half percent of the borough; basically, almost ninety percent of the borough is considered non-developable for one reason or another. Then, conversely, that remaining eleven and a half percent is what would be considered developable for this build-out analysis, so of that developable area totals 366.7 acres; 136.5 of it, or just over a third of it, are areas that have no floodplains or wetlands constraints. 230 acres, which is almost two-thirds of it, are areas that are constrained by floodplains or wetlands. Essentially, those floodplains and wetlands are an additional constraint that would make it even less likely for that area to be developed. NJDEP has strict requirements on what development can occur in those locations, but again, this plan is reiterating that it is prudent not to develop in those areas. This is the kind of inverse of that map we saw a moment ago. This shows the remaining areas that are shown as developable; the green ones are what you are left with as the developable area without wetlands or floodplains restraints. Anything orange often under the wetland, those can shape by the wetland, and then areas in red are areas that developable areas that intersect floodplains, some intersect both floodplains and/ or wetlands. The next step in here is to look at what the underlying zoning is for these developable areas and break it down by the number of parcels, the number of acres that fall into each, so both for the development areas that have no wetlands and floodplain constraints, and then those that do have floodplain wetland constraints, and then focusing it on the areas that have no floodplains or wetlands constraints, so these are really the undeveloped areas that you could realistically expect to see some form of development, so that those 136 acres within the burnout, alright, so then taking that under 136 acre, under 136 acres, breaking it down by the different zoning districts where it falls, and looking at the minimum lot size, you could get a potential number of parcels if those were subdivided out to the maximum number with that minimum lot. Currently, we only have 63 conforming parcels; if you subdivided them, you could get up to 314, and similarly, looking at that, if you did develop each of those according to the maximum permitted impervious coverage as proposed. Because, again, some of the zoning editions don't currently have maximum impervious coverage. In theory, you could add 80.7 acres of impervious coverage to the borough, and 80.7 is not nothing, as it would increase the borough's impervious coverage from 18.6% to 21.2%. So, still within that, only 1/5 of the borough would be covered by impervious coverage, so you still have that pretty good buffer of four-fifths of the borough; essentially, is the impervious coverage that will act as a natural sponge for a lot of these to prevent these natural hazards. In conclusion, of this build-out analysis in the CCRHPA, very few developable areas remain. Most of the borough is undeveloped, and potential for new development is limited. In the context of wanting new gradeables, maybe not in the context of resiliency, that is a benefit. So, developable and developed parcels are generally not at an elevated risk of climate change-related hazards, same with vulnerable populations are not at elevated risk, and fundamentally this confirms the soundness of the borough's existing zone plan and its overall obsolete characteristics. We did not have to make additional amendments or changes to the zone plan based on those levels of the analysis. There are a few more site-specific, large strategies and design standards to reduce the risks associated with these natural hazards. These fall into these

categories of adaptive reuse and redevelopment, resilient site design, discouraging impervious coverage, parking lots, and driveway design to minimize impervious coverage, relatedly surgery street canopy, that's more site specific. In the areas where bus stops are in areas with high Impervious coverage to increase tree cover, development in floodplains, corrective stormwater management improvements, encouraging renewable energy, and continue to review and monitor best practices. Okay, so that was the climate change-related hazard vulnerability assessment. I know I went through a lot quickly with you, just to wrap up the next steps. After the public hearing, the Planning Board determines that the notice was appropriate, and we had that tonight. Planning Board can adopt by resolution the land use plan element. If that's been adopted, then Borough Council can amend the land use ordinance and zoning map to effectuate the recommendations of the land use plan element and date back to the reexamination report.

Mr. Grey-Cornelius asks if there are any questions.

Mr. Hagarty stated, no, but on behalf of the board, thank you and the team for the work that they have done and being a part of the meetings that have gone through. I am impressed with the comprehensiveness that went through and the communication throughout the process, and thank you for the nice presentation.

Mr. Waddington stated, yes, great presentation.

Mr. Brannigan asked Mr. Grey- Cornelius, Is this going all the way from '93 to present? Everything that was introduced was to just make it simpler for putting it on the data, basically getting it up to standards.

Mr. Grey-Cornelius responded to Mr. Brannigan's question, that there is a requirement for it all, that the last master plan was the 1993 plan. There is a state requirement that you reexamine every 10 years, but it is still the three plans that were in effect in 1993; it may not be fair, but it is efficient. According to the current requirements, it certainly does not meet the current requirements. Over the years, new requirements have been added, most recently with this climate-related housing assessment that was added in 2021 or 2022. This land use plan element, if adopted, will replace the previous land use plan element of the master plan. The rest of that master plan is still in effect, with the exception of changes that have been made in the reexamination over the years.

Mr. Brannigan stated, I am no expert; when things change, or if it is adopted, it's more productive or makes sense. It sounds like we are moving forward. We are an old town, and we must adapt to getting new commercial sites here that are good for business.

Mayor Green states that this is also important because if you do not have up-to-date information to comply with what meets regulations, it can open you up to lawsuits for applicants who were denied for items now being addressed in the new land-use plan element. A lot of this information that was presented and proposed to change came from lawsuits in other towns over the years and changes that have come in from a state level, and that is why it needed to be severely updated.

42:00

Mr. Hagarty mentioned, this cleans up any impunities that might have come through any reviews or processes that we may have had questions, which allows us to clean up some of that.

Mr. Brannigan asked Mr. Gray-Cornelius a question, we're following state recommendations; is that what we are doing? I don't mean to make a big deal but that we are bringing the town up to speed with the standards of today.

Mr. Gray-Cornelius states that by having the requirement to use the best available data as provided by the State of New Jersey Department of Protection, that does standardize each town that goes through this process between the municipalities.

Mr. Brannigan stated, thank you, you made it all clear.

Mr. Hagarty commented, does anyone have any other questions for Mr. Gray-Cornelius? Great work. At this time I will entertain a motion to open this hearing to the public.

A motion to open the meeting to the public was made by Mr. Robb and seconded by Mrs. Gilson.

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

All present stated, "I".

Mr. Hagarty states that the hearing is now open to the public with respect to the land use plan element. Any members of the public wishing to speak, please step forward, state your name and address for the record. Seeing no members of the public present, I'll now entertain a motion to close the meeting to this public meeting to the public with respect to the land use plan element.

A motion to close the meeting to the public with respect to the land use plan element was made by Mayor Green and seconded by Mrs. Gilson.

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

All present stated, "I".

Mr. Hagarty stated, the public hearing for land use plan element is now closed to the public. I will now make a motion to adopt the land use plan element that has been presented.

A motion to adopt land use plan element was made by Mrs. Gilson and seconded by Mrs. Robb.

ROLL CALL:

Mr. Hagarty – Yes

Mayor Green - Yes

Councilman John Robb – Yes

Mrs. Gilson - Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow - Yes

Mr. Brannigan – Yes

Mr. Hagarty states the Land Use Plan Element has been adopted and will be sent over to Borough Council.

**OLD BUISNESS:**

Mr. Sitzler stated, some members of the board wouldn't be familiar with it, I copied Mr. Hagarty, Mayor Green, John Greer, the business administrator, and the borough solicitor Dave Patterson about potential changes in our application process for matters to come for both the zoning and planning boards. There are two applicants, and I've had the pleasure and honor of serving this board, 12 plus years. Mayor Green swore in George and himself. They never really had a problem with people paying the escrow fees for bills that were submitted, and just so the board realizes the work that both the board planner, the board engineer, and, in this case, all are from Pennoni Associates, and then myself doing the legal work. We bill on those applications for what was required to be done under the law, and we review that, I am the last one to do something on the application because I must do the resolution on the board's action as to whether the application was approved or denied, what conditions there may be if it was approved, and what the reasons for denial so if there is something there if the applicant wants to either appeal to a denial in court or question the circumstances under which they are required to operate with that approval; those are conditions of approval, which this board does make in its decision by holding a hearing. What has happened unfortunately, is that few applicants have not replenished. They are required when they first come in; our ordinance requires them in our process to replenish when the funds are drawn down. Usually, the board planner and engineer are the ones who submit their bills first, because they have to do the review letter. They're going to go over the plans in great detail; I'll also go over the plans, but not nearly in as much detail. They do a review letter, which sets up what they feel the board should consider, whether it is consistent with what the applicant is presenting or inconsistent for the board to decide to make the applicant follow what they feel is the best process for that particular development. If they run out of money that they initially deposited, they are supposed to, under the MLUL, replenish the escrow account over the last couple of years- well over the last two to three years- a couple of the applicants have not been doing that. What the normal process is, our board secretary contacts the applicant and says, "Your escrow is short; you have to replenish it because the bills are due now." The applicant doesn't have to just take our bills at face value; they have a right under the municipal land use law to appeal the bill if they feel our bill is unreasonable. There is something that should be included. They have the right to go to the Camden County Construction Board of Appeals; they file that within 45 days after they see a copy of the bill, and they do have the right to challenge it. That has only happened, I don't know; I've only had one question in all these years. I know that Pennoni has had a couple here and there, but not many, and usually we talk with the applicant; we either contact them or they contact us, and they will say, "Why did you bill for this much time?" and we will discuss it, and sometimes we can resolve it. We will say that we will reduce it; we can find a place where we can reduce it to some degree. We basically can come to some sort of resolution before they go to the board of appeals. But that is their right to have the Construction Board of Appeals to hear the matter, we would have to appear, and we try to defend what we're doing as far as billing. They try to say what they think is unreasonable, and the Construction Board of Appeals decides, and that resolves the matter. These applicants are not challenging the bills; there have been no challenges presented. They are not appealing to the Construction Board of Appeals, and the 45 days are long gone. They have been notified by both the board secretary and, I assume, the chief financial officer, who has been charged with monitoring the finances in the escrow accounts, and, on occasion, myself. I know when Hugh Dougherty was here, he had some conversations with a couple of applicants about

bills. One account, I know the borough actually reimbursed me, was a denial that this board did was the applicant who did not pay any bills, and of course, most of the bills that are left, unfortunately, as I said, I am the last to bill, so usually I am the one who doesn't get paid at the end. Although Pennoni has also, at the end, not been paid on some bills, what happens there is that every resolution that any board does, that an attorney does, the board always has, and you will notice this is a condition of approval: all escrows must be posted according to the long pay, meaning they have a right to appeal it. But they must post it; it's a condition of approval, just like saying they are going to build a certain way, and they cannot go beyond that or deviate from what was approved by the board in that resolution of approval. That was always a condition. The two applicants, and again Pine Valley Developers, which was a very big, large, I believe, condo or townhouse project.

Mayor Green states it is a single-family home or single-family development.

Mr. Sitzler continues that it was a few years ago, and Bob Mintz, those of you who were on the board long enough, was their attorney through the whole process. Unfortunately, Bob passed away about a year and a half ago or two years ago, and Bob had filed an extension of our approval because they were running out. That is what you do when your approval runs out, because they were having trouble with third-party improvements from state entities, DEP things like that that were being held up. Bob came in a couple of times, and I think they were on their third extension when he passed away. Just to give the board an idea, my bill for that extension was less than \$400, and for some reason the principal of that applicant has refused to pay them. I think township council authorized Dave Patterson to bring an action against the other person who was in the denial, and I don't think it is written there. I don't know if you know where that litigation is authorized by Council and Mayor Green, but that was a substantial bill that, because he was denied, he just refused to pay and just did not pay. Multiple letters was saying, if you do not pay it, that we were going to take you to court and its now for our borough solicitor's hands because one thing that has to know is neither Pennoni nor myself or any board professional has the right to chase their bill, I cannot chase my bill, I cannot sue on behalf of my bill, I have to rely on the borough, the governing body to do that for us. So, we don't have that right. We must rely on the authorization to do that. One of the things I think we can do, and the other is Hillard's, and those of you know that Hillard's was just here with their lawyer and asked for an extension. I did the resolution; I think I billed for somewhere around \$600, and that is not a super high bill. I have not heard from them. I know Amy is new, and I asked Nicole, but she said she has not heard anything either. But I don't think they paid anything either. The only thing that I think can be done by the boards, which is why I am bringing this up, is you can schedule it, both Hillard's and Pine Valley Developers, the applicants themselves, and they can bring their lawyers if they're corporations. In fact, they must if they are corporations or LLCs. I think they both are. They must bring their lawyers with them to come in, in what we would call court proceedings, to show cause. Why should the extension that they were given be revoked by the board for failure to comply with the conditions of approval. I don't know if they are complying with all the other ones, but other than our fees, I don't know if they have any outstanding bills with Pennoni.

Bryan Clark clarified that no, they do not.

Mr. Sitzler continues that he is always the last to bill; you would not like to get a room of planning and zoning board lawyers in to complain over how many times they've been short. Working on getting their bills done quicker, but it is common. It is not indigenous to Pine Hill; it happens

everywhere, just because of the nature of the way they have it all set up. I bill last, so you can bring them back. I was going to ask the board to consider bringing them back to explain that they haven't appealed to the bill for 45 days, which is long gone, so I don't know what reason is, other than they just don't want to pay. You can bring them in, and then if they do not appear, the board can take whatever action they feel, including, I believe, you could revoke their extension that was granted because it is a violation of the condition of approval. You don't, as they say in this world, there is no free lunch; you don't get something for nothing, and they're required to pay when every applicant's required to pay the reasonable and necessary fees that are put in escrow, and that is what they sign when they first apply. Now, getting back to that, because of this issue, I did send Mike, as Chairman, the Mayor, John Greer as the Business Administrator, and Dave Patterson. I don't know if I copied you guys; just some language changes in our application to make it abundantly clear, the one that we have that is possibly in litigation, which was a substantial amount of money, and just so that the board knows, I guess the council authorized to pay me out of their funds. Which they did not have to do; they could have made me wait until the litigation was over, but they did reimburse me, and they are going after the individual that walked away and wouldn't pay anything. In that case, he was not the owner of the property; when someone owns a property, you see that often they come in, and they have the right to authorize a third-party developer to come in there and do the application on behalf of the property. That's common. It happens very, very often. You've probably seen that it's not the actual owner who's in here; it's a developer saying they have a contract agreement with the landowner. If they get approval, their contract with the landowner- whatever that would be would probably be consummated. So those third party applications, it really needs to be made clear to the landowner who decides to enter into a contract with a developer on the condition this board approve the development, they know that at the end of the day, if the developer walks away, either because they are denied or because they just don't want to pay the bill, not that they appeal it, they just don't want to pay for whatever reason, that the landowner could be responsible for the replenishment of the escrow. Which I believe is permissible to do that. The second factor is that I have asked this prior and again a second time: what happens in most places and most towns is that the board secretary, in conjunction with the finance officer responsible for the escrow accounts, stays in communication with every pending application. Because, believe it or not, by the time they come in front of the board for their actual hearing, sometimes they are completely depleted; there is almost no money in the escrow, and the law is the municipal land use law says if there is not enough money in the escrow, they have no right to come in front of us to be heard. What we would do is postpone that until they replenish the escrow to cover whatever the outstanding bills are from either the planner, the engineer, or usually it's not me when the application hasn't been heard. Sometimes the planner and engineer have bills that are unpaid, and there's no more money in there. If I can give an example, and I don't fault them, the Trump application we had recently- they were short by the time they were ready to come in. During the week of the application, I spoke to Nicole because I realized it was going to be a substantial bill on my lot, and I just wanted to make sure the money was in there and there wasn't money before they came to us. Our meeting was on a Thursday, so that Tuesday, we checked and found out that the escrow was not sufficient. There was hardly anything left. What we ended up doing was that Nicole notified the General Manager of Trump, and he immediately came in the day with a check to cover the escrow, so there were no issues with the Trump application because they responded immediately. They did what the law really requires them to do, and they did that. Unfortunately, not everybody does that. I don't know if the board knows that sometimes people, I don't know if they don't know, ran out of money or whatever their situation is on a personal level, but there have been times where I would submit my bill after the application is over, and I eventually will get paid, and sometimes it's as much as three to four months later. So, I always

used to tell people when I worked in Mount Laurel as their public defender, they were behind in paying their bills to some of the professionals, including myself, and whenever I talked to the finance people, I used to say "I don't know what you know, how you get paid yourself, but I guess people must think attorneys must be independently wealthy I wish that were the case, but you know it's hard when you have an office to run and bills yourself to pay. It's hard to keep up with things when people don't pay you for months. I understand it's natural, but I decided to undertake being a planning board attorney; I knew that this happens. So, it's not so much the delay in getting paid; it is the people refusing to pay, and they don't even respond, or they just ignore it. They don't answer, and Nicole, if she were here, could tell you all of that; she could give conversations, because she tells me what the response is like. They just don't respond to her when she was the secretary. What I did recently was send John and everyone some amendments. When a third party comes in and authorizes someone to apply on their property, if they realize it must be replenished, the application might get stalled because there is not enough money, meaning we are not going to hear it. You would just say postponing it because the escrow is deficient. That happens in every other town in New Jersey all the time when people are deficient, and it is amazing how quickly some will come in immediately and replenish it because they want to be heard. They have time limits themselves, especially the big corporations. They usually don't do this, which is certainly not for small amounts of money, I guess not so surprising about Hillard's, but it is about Pine Valley Developers, but it is what it is. If I haven't bored you to death with that whole diatribe, just wanted to give you the whole background of it all and I was going to ask if the board would consider asking the applicant, Pine Valley Developers, to put them on our agenda to come in and explain why they're refusing to pay and replenish the escrow they have. They both are at risk for their extensions, meaning what happens if you lose your extension time, you lose your application rate, whatever we approve goes down the drain for them.

Mayor Green asked Mr. Sitzler, do you need a motion from us?

Mr. Sitzler responded to Mayor Green, that for them to add Pine Valley to the agenda, asking them to come. I can draft the letter for Amy from the board, if the board authorizes, basically saying, you know, you have to come in and tell us why not, because otherwise one of your conditions of approval is that you replenish, and since we don't have any record of an appeal. Like if they appeal to the Construction Board of Appeals. They would notify me and say, "You must appear; there is a hearing, and I'd be ready to do that, but neither of them had done that.

A motion was made by Mayor Green and seconded by Mr. Torrance.

**ROLL CALL:**

Mr. Hagarty – Yes

Mayor Green - Yes

Councilman John Robb – Yes

Mrs. Gilson - Yes

Mr. Torrance – Yes

Mrs. Robb – Yes

Mr. Farlow - Yes

Mr. Brannigan – Yes

Chairman Hagarty stated, motion approved. Thank you, Mr. Sitzler, for bringing this to their attention and that it was important to have the background.

Mr. Sitzler states I really don't understand the gentlemen from Pine Valley Developers, and I think what got lost there is, I think when Bob Mintz passed away that somehow there was a communication issue or something, maybe the owner can explain it.

Chairman Hagarty states at least well give him an opportunity so thank you for bringing it to our attention.

Chairman Hagarty asks if their any old business?

Karen Keyek states that I just wanted to let you know that Hillards, that property, is now up for sale.

Mr. Sitzler states Yes, he put it up for sale and that a couple of people pointed it out to him. It was immediately the day he left here. He cannot sell the plan if he does not get the extension, and also, I might add that if the borough does take an action against him and the property that he sells, he better put the prospective buyer on those because there could be a municipal lien on the property. It's not going to be a dramatic lien, but the new owners won't get any building permits either.

Mayor Green states he meant that their approvals expired, so they got nothing.

Mr. Sitzler states that yes this is true if the board decides to revoke their extension.

**NEW BUSINESS:**

Mr. Hagarty stated, our next meeting is July 9<sup>th</sup>, 2026, at 7:30pm , what else have we got on the agenda.

Amy Zuggi states that we have 921 Kayser because they asked for an extension until next month because they did not have everything submitted.

Chairman Hagarty states that so far that is it?

Amy states Yes and the swearing in of Anthony Wilson.

Mayor Green states that there may be one uncompleted application?

Mr. Hagarty stated, 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 Mayor Green and seconded by Mrs. Gilson.

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 Mayor Green and seconded by Mrs. Gilson.

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 8:38 pm

Nicole Wakeley  
Nicole Wakeley,  
Planning Board Secretary