

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
February 14th, 20189

- Call to order:** **Call to Order by Mr. Waddington 7:35 pm**
- Pledge of the Flag:** **Led by Mr. Waddington**
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Roll Call:** **Present:** Mr. Waddington, Mr. Hagy, Mr. Ford, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Hagarty and Mrs. Jones,
Absent: Mr. James, Mr. Castor and Mrs. Gilson
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty,
- Approval of Minutes:** **Mr. Waddington:** If you had a chance to read the minutes from January 10th, 2019 I will entertain a motion to approve.
Motion made by Mr. Hagarty to approve second by Mr. Hagy all were in favor of approval
- Correspondence:** **none**
- Resolution 2019-9** **Mr. Waddington:** 2019-9 Do you have something Mr. Sitzler?
Mr. Sitzler: Yes I just wanted to let the Board know that I got a call from the applicant's attorney Mr. Facenda after I sent him a copy of the proposed resolution.

Mr. Sitzler: He called me about the use variance and I know Les spoke to him too. He had some concerns and I told him they were not concerns about how something was worded; but one of the things that I even had some confusion from the testimony and my notes and the minutes that Les had typed. And I don't think the board will have any concern with which was the difference when his one and a half employees are going to be there verses when it was going to be open to the public. There was almost like two different standards; so what I did I thought it was more important to this board since they were only going to have one employee and a half employee to be there which is as minimal as any business you are going to find. So I explained to be what was more important to us was the hours for the tenants on Sunday 6am to 10pm like the rest of the week (and it is). He confirmed it is and that the employees will only be there from 10 am to 2 pm on Sunday's. So reading the minutes it can be a little confusing and if you want it amended you would vote on that I told him I would bring that to the board's attention.

Mr. Waddington: Should the resolution reflect that?

Mr. Sitzler: The resolution if you want to reflect what time the employees are going to be there

Mr. Waddington: No I'm not worried about that

Mr. Sitzler: I thought it was more important the time it was open for tenants was more important to this board

Mr. Waddington: So do you have a different resolution than I have showing Monday thru Saturday, but it is actually going to be 6am to 10pm Monday thru Sunday

Mr. Sitzler: No the same one, it is in the condition when you flip to the condition of approval it is there in item 10 and the conditions of approval are more important. Other than that there are no real changes unless the board has some they want to make. He also told me they made a good agreement with the MUA and I guess that will satisfy the Fire Marshall

Mayor Green: It will satisfy the Fire Marshall

Mr. Sitzler: So he also told me he may be looking at another property in Pine Hill. I just wanted to bring that out because I don't normally get a call from an attorney; so if the board has any questions. As I said he was the last one to call me on the use variance and on this one as well

Mr. Waddington: Does anyone else have questions regarding resolution 2019-9? If no questions I will entertain a motion to approve

Mayor Green: Motion to adopt; second by Mr. Hagy

ROLL CALL: Mr. Ford Abstained all others “aye” resolution was adopted

Old Business:

Mr. Waddington: Do we have any old business?

New Business:

Mr. Waddington: New Business our Next Meeting March 14th 2019 at 7:30 PM

Mayor Green: I have some new business as well. Two things actually First there is no ordinances on file that regulate how billboards can be placed around town. I respectfully request the Planning Board write a letter to the Borough Council asking them to promulgate the rules and regulations with input from the Planning Board Engineer and Planning Board Planner to adopt ordinances regulating billboards.

Mr. Waddington: Okay

Mayor Green: I would like to make that in the form of a motion: seconded by Mr. Hagy

ALL WERE IN FAVOR

Mayor Green: The other thing was on the books we have the fencing for the retention ponds where we have a six foot regulation and quite frankly it is probably over kill. I know Mr. Castor is not in favor of changing it but there are some towns that do not have any fencing at all and others have much smaller fencing. It can become a problem and quite frankly this storage shed putting a 6 foot fence around isn't very attractive at the end of the day and sometimes it becomes a quality of life issue as well. I'm not sure how the Board feels but we need to take a look at changing that at some point in time.

Mr. Sitzler: I will tell the Board now that the Mayor brought that up; that was a question that he also had for me. He said I don't want to get the board upset with me; "Mr. Facenda indicated that his client wanted to know does the six foot fence apply to the retention ponds" and I told him my notes and the review of the minutes said the board did want it a complete six foot fence including the retention pond. His client wanted to know if they could make it a shorter fence around the retention pond rather than the six foot.

Mayor Green: I don't think Winslow Township requires anything to the best of my knowledge at least they did not when I was working there and we had some huge retention ponds. I've also seen other towns where three foot fences can be satisfactory it could be a wood fence, it could be black aluminum. But a six foot chain-link fence there are a couple of projects that could be coming down the road shortly and I can tell you that may be an issue because the border of the retention ponds would have to be at the base of the obscure part of the buildings.

Mr. Waddington: That is on the books now?

Mayor Green: Yes, it has been for a while. Joe may have been part; I know he has been opposed of this for years. Supposedly many; many years ago a child in Gloucester Township drowned in a retention pond. So maybe 30 years ago the town passed an ordinance that you now have to have a six foot fence. I understand that a child's life is worth something but then the borough should eliminate pools, they should eliminate streets and not let people drive

Mr. Ford: You can bandage yourself in bubble wrap and it does not matter someone is still going to get hurt

Mayor Green: I agree you need to put something up around them; but I just don't need this big six foot fence up. Not sure how everyone feels

Mr. Hagy: Does the state have any ordinance requiring it

Mayor Green: No

Mr. Hagy: Height or fence at all

Mayor Green: No; there are plenty of towns around here that have No fences

Mr. Dougherty: The only this the State said; you don't need a fence at all but they call for safety ledges so if the base if really steep you won't go all the way down into the water you would go down onto a ledge and then go down; but that is really the only precautionary requirement. The other this is the six foot high fence for an emergency response is harder to get over if there was an emergency; so you can go both ways on that. Like the Mayor has said I have seen the split rail fence with chicken wire they are low and attractive

Mr. Waddington: The WAWA right on Cross Keys Road that is what they have around their retention pond

Mayor Green: Right I don't think Gloucester Township has one I know when I worked over in Winslow they did not we had huge retention ponds and there was nothing around it

Mr. Ford: What determines what it is? If it always has water in it is it a regular pond? When they build these buildings and it always has water in it is it still a retention pond? I know I like to go fishing and I know of people throwing fish in the retention pond and the six foot fence does not keep them out and when the police show up it makes it harder for them to get them

Mr. Hagarty: It makes sense to have the flexibility project by project

Mr. Dougherty: There is a detention/dry basin that only holds water when it rains and then a retention pond or a pond; if they designed it to collect the storm water they generally call that a retention pond that will hold water all the time. Anymore a pond and retention pond they are the same thing the only thing that is probably not is like a farm pond

Mr. Hagy: What is the requirement for residential properties that have swimming pools? Is there a six foot fence required?

Mr. Ford: I thought it was four foot; my neighbors unfortunately put a fence in years ago and I had to show up because there were 16 boys on the street and putting up a little four foot fence was not going to stop any of them from going and just into a new swimming pool. So they were kind enough to put up a six foot fence

Mr. Hagy: I was just using that as an argument that someone in the neighborhood that may have been required to put up a fence and then see something like this and nothing is required

Mayor Green: I don't know if I would say personally don't put any fence up, I was more leaning to bringing down the height and not necessarily demanding it be chain link

Mr. Sitzler: The fence I have in my own yard is a black aluminum with points and even a four foot with points is pretty much a deterrent. As a kid you can't climb over them it is pretty much like climbing over barbed wire. It is straight aluminum you can't get a grip on it with a cross bar where you can put your foot on it to hike over it. You almost need to pole vault over it to get into my yard.

Mr. Waddington: I remember they asked about a branch style fence then they asked about a Wrought Iron Fence and I remember Mr. Castor said no

Mr. Sitzler: They are narrow and the cross bar is down at the bottom so unless you are really big and supper tall and then you're not a generally not a kid just saying but people can always try to find ways to get over it.

Mrs. Ciotto: Question I'm not against lowering it but say something happens could someone come back and say if you did not lower it

Mr. Sitzler: No I don't think they would have a case every property owner has to secure their property

Mr. Waddington: So you would need a letter from us to take a look at it

Mr. Sitzler: Right now you can waive that right

Mr. Dougherty: Right it is a design standard

Mr. Sitzler: So you can waive that but the people that were forced to have a six foot fence may be a little upset and may come back latter but if you have a good reason you can waive that requirement

Mr. Dougherty: Right just like a bulk variance if they give you some rational as to why they don't need it

Mr. Waddington: So they would just have to submit a letter

Mr. Hagy: Like Terry I'm concerned about our exposure to this, is there something that we can put in writing to keep the fences at a minimum given this requirement to a maximum giving another requirement so that it is defined when situations like this arise. Language like a minimum of a four foot fence around a retention pond up to a maximum of six feet if these situations exist

Mr. Sitzler: It is like the old story people who want to get in or kids who want to get in are going to find their way around it. Like someone mentioned bubble wrap, you can't make a law. I've seen some with the rails painted white and they look very attractive but a kid could put their foot on those and climb right over. So what is it designed to do

Mr. Hagy: But with the wire that is my target the toddlers that might get away from their parents or guardians might be able to slip under a fence like that but a fence that is four foot high whatever the design as long as it has wire to keep situations like that to keep toddlers from slipping through would be okay in my mind.

Mr. Sitzler: From what I understand that was Joe's reasoning with the one we just had with 315 was the fact that we had apartments with kids right next door, so you may want to wait and see where it is and if the retention ponds are close to a bunch of residents or if it would be harder for a kid to get there before you decide to waive a fence or put something lesser up

Mr. Dougherty: You specify a type fence like a split rail fence or chain link you know what I mean you could identify them and if you identify the height you could say if they are four feet or less with a split rail fence but if it gets to ten feet you want a height fence but I would have to look at that. I think if you give options then the board would have to say okay or the developer would say I want to put a split rail in here then would not have the option to say no we want a chain link in that case because of the apartments or whatever. So to give them options in the ordinance is something you may want to entertain but the way it is now the board can grant waivers. Instead of waiving it all together you could also make it a condition of waiving that they would have to put in a four foot split rail. Unless someone came up with a black and white; and if that is something you are looking for we can look at that.

Mr. Hagy: If that a four foot with a backing?

Mr. Dougherty: Yes I would go with that and that would at least keep the toddlers out

Mr. Hagy: I'm okay with that

Mr. Hagarty: I think some of the things you are trying to accomplish a balance between the safety the functionality side of it and then the aesthetics and some of that will depend on where that is located already. If it is out in the back corner hidden from every body and doesn't have the visibility from heavy traffic and all; it's like one shoe doesn't necessarily fit everyone

Mr. Sitzler: The applicant can always cover that when Hugh does their review letter and they can always address that and you can address that with them and they will know when they come in here if they don't want to put up a big fence they will know what they need and they can say and give us reasons.

Mr. Sitzler: Part of what happened the other night was like you wanted us to put a fence up; it was like it was the first time they even thought about it; even after they talked about fencing in the entire property with chain link; it was almost like an afterthought that they were just thinking about it as they were right in front of us. So they hadn't really given it a lot of thought before they came here. In my opinion they did not have enough ammunition in standing there sort of in the cold and trying to come up with reasons off the top of their head. If they could have come up with some reasons we could have modified it or maybe lowered it

Mr. Dougherty: If the Board wants we could take a look at it and look at other towns that have ordinances I know there are some that say if it is visible from a road it is one type if not visible you can landscape it.

Mr. Hagy: You're talking about established ordinances

Mr. Dougherty: Yes that somebody else

Mr. Hagy: That Pine Hill does not have

Mr. Dougherty: We do but it is six foot, so it is just to see what other towns do you don't really see the six foot you see the split rails you the split rails with chicken wire, the aluminum fences are expensive but you see some of them. A lot of people are going with the vinyl fence with post in between, solid vinyl not so much but you do see some and the only problem with that you can see what is going on behind that fence

Mr. Waddington: I think it would be a good idea to look at the ordinance. I think having the option makes it good for us. I'm glad I don't live across from there because I would not want to look at a six foot fence the way they are putting it up now. I'm opposed of not having some type of fence.

Mr. Waddington: Does anyone have any other new business?

Mr. Gallagher: I sent everyone an email about training; there are several videos on there about storm water management. This is something I was not aware of but as Planning and Zoning Board members approving applications this is something everyone has to be trained on mainly on retention ponds. I will have a sheet at the March meeting with everyone's name I would just need you to sign and put the date you completed the training

Mayor Green: I have one more thing the Zoning Official Mike Scardino has given his two week notice so the Borough will be working on a replacement

Open Floor to Public:

Mr. Waddington: At this time I will entertain a motion to open the meeting to the public.

Mr. Hagy: Motion to open the meeting to the public; seconded by Mr. Ford

All "aye" Meeting opened to the public but there was no public

Close Floor to Public:

Mr. Waddington: I will entertain a motion to close

Mr. Hagy: Motion to close; seconded by Mrs. Ciotto

All "aye" floor closed

Motion to Adjourn:

Mr. Waddington: I will entertain a motion to adjourn

Mr. Hagy: Motion to adjourn: seconded by Mr. Hagarty

All in favor of adjournment