

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
March 14th, 2019

- Call to order:** **Call to Order by Mr. James 8.01 pm**
- Pledge of the Flag:** **Led by Mr. James**
- 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. James, Mr. Hagy, Mr. Ford, Mayor Green, Councilman Robb, Mrs. Gilson and Mrs. Jones,
Absent: Mr. Waddington, Mr. Castor, Mrs. Ciotto and Mr. Hagarty
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Raday, Planner: Mr. Luste and Zoning Officer: Mrs. Keyek
- Approval of Minutes:** **Mr. James:** If everyone had a chance to read the minutes from February 14th, 2019 I will entertain a motion to approve.

Motion made by Mr. Hagy to approve second by Mr. Ford
Mr. James and Mrs. Gilson abstained all others present were in favor of approval: Motion Carried
- Correspondence:** **Mr. James:** We have 2 for pieces of correspondence one is a letter from Mayor and Council on an updated Ordinance on Billboards in Pine Hill and the second if a letter from the NJDEP on Freshwater Wetlands on an Application for Berlin-Cross Keys Road Improvements Project.

Application 2019-1:

Mr. James: We are going to move the agenda up a little for Application 2019-1 ALFA Services; 119 E Clearview Ave Block 48 Lots 88,90,92,94 Change of Use and Use Variance.

Mr. Threston: If it pleases the Board Joseph Threston Attorney for ALFA Services Principal for the Association. Prior to the meeting we had a discussion with the Board Solicitor we were advised there was presently a conflict with the Board Engineer tonight. The Engineer had previously represented my client with a different Corporate Entity with an Application in Cherry Hill and therefore there is a conflict of interest and we cannot proceed tonight. I also spoke with the Solicitor and Mr. Respes would not be available for the April Meeting.

Mr. Sitzler: At that is what I understand so the Board is familiar with that Mr. Raday who is substituting for Mr. Dougherty tonight who could not be here did represent the applicant in an application in Cherry Hill but was not aware because of the different entity name. We are going to have to postpone because Mr. Respes has a prepaid vacation at that time in April it will have to be postponed until May 9th at 7:30 PM. So Ladies and Gentlemen in the audience is here and wants to hear or be heard on this application we will not be rescheduled until May 9th at 7:30 PM right here in the Borough Hall; that means that Mr. Threston and his client Mr. Respes do not have to re-notice. So this is your notice if you would like to be here there will not be another public notice. It will be carried until May 9th 7:30 PM. Any Questions from the Board and as Mr. Threston has indicated he does waive the 45 days for the Board to act.

Extension 2017-10:

Mr. James: Okay for the Extension 2017-10: Carl Pursell 121 Cross Keys Road; Block 131 Lot 34

Mayor Green: Mr. Chairman before we proceed I just wanted to introduce our new Zoning Official Karen Keyek she was appointed by the Borough last Monday Night.

Tyler Prime: Good evening Mr. Chairman and members of the Board my name is Tyler Prime of Tyler Prime Law in behalf of Carl Pursell. The matter is kind of simple and I know your Borough Solicitor and Engineer are aware. Essentially project Block 131 Lot 34 which was a minor subdivision which was approved in May 2017 and the Resolution was June 8th 2017 as you may or may not be aware we have 190 days under the statute to effect the sub-division. The sub-division was not effected due to some external control of the County that took a little longer than expected. Everything is now ready to go we are just asking for the Board to adopt a resolution granting an extension of time signed by the Chairman and Board Secretary so we can file.

Mr. Sitzler: For the record I did have some Email communication on this extension and I believe that Mr. Pursell has been doing everything that has been required of him in a timely fashion. So it would not be anything unusual under these circumstances in giving him an extension.

Mayor Green: This is just a simple administrative matter so quite frankly I will make a motion to grant the extension.

Mr. James: Is there a second?

Mrs. Gilson: Second

Mr. James: Roll Call

Roll call all "aye" motion passed

Tyler Prime: Thank you; I have one more question would the Board have any objection adopting the Resolution orally the only reason being we have a lease for a large portion of the property and this is the only hold up so we would like to have this as soon as possible

Mr. Sitzler: Les; do you have a Resolution Number for this

Mr. Gallagher: The Resolution number would be 2019-10

Mr. Sitzler: If the Board was to adopt tonight I can prepare the Resolution and indicate it was adopted verbally

Mayor Green: I make a motion that the Resolution 2019-10 be adopted verbally with the Attorney following up with a written version.

Mr. Hagy: Second

Roll Call all "aye" Motion Passed

Chairman and Secretary signed the document for the verbal Approval

Informal Hearing:

Mr. James: Next we have an informal hearing 712 Erial Road Block 71 Lot 1; Vidas Restauradas Church

Mr. Schwartz: Good evening my name is Lenard Schwartz representing the Church. I have various Board Members and the Pastor here with me.

The Church presented their desire to have a Church at 712 Erial Road they currently have about 120 members and have out grown their present facility in Williamstown NJ.

They did have prior conversations with Mayor Green and Mr. Gallagher about an informal hearing. They went over their times of occupying the building for services and what they believe would have to be done to the building to use it for services. They stated the current parking spaces and what was required for a Church was adequate per our Ordinances. They would like to come back with a use variance and minor site plan. They also stated they have no intention of changing anything on the site other than some minor changes inside the building. They are aware this is an informal hearing but wanted to find if there was any objection so they could try to get it on the May agenda.

Mr. Sitzler stated that to his understanding you would like to have the use variance application and minor site plan on the May Agenda unless the board gives you some reasons to separate them.

Mr. Schwartz replied that he had spoken to Hugh Dougherty and he had no problem with combining them

Mr. Raday went over what would be required on the site plan

Mr. Luste then had questions relevant to the planning such as number of children and if the entire congregation would be attending. He also questioned if there would be any other uses and the availability of restroom facilities.

Members of the board then asked questions about service times and days of meetings as well as prospective growth of membership

Mr. Schwartz and Church leaders answered these questions stating the building would only be used for services and during the summer for a week Vacation Bible School there would be additional days of use

Mayor Green: Mr. Chairman I would say per the Engineer a Major and Minor Site Plan is needed. We should have them apply for an application and go from there

Mr. Sitzler: I did speak with Mr. Dougherty and Mr. Raday and they are comfortable with just a Minor Site Plan

Mr. Raday: Than is correct

Mr. Schwartz: Would that include the inside of the building?

Mr. Sitzler: Yes showing where the existing bathrooms are located and if you are planning to relocate them and if you are making any changes to the inside of the building

The board asked more questions about parking lot and outside building lighting and times and length of services. They also asked what was going to happen with the Ice cream Store attached to the building

One of the Church Leaders responded that the Ice Cream Shop Owners had another building that they owned and would be moving

Old Business:

Mr. Gallagher: I have the sign in sheet here for any member that has completed the storm water management training videos. I just need the date that you watched the video

Mr. Sitzler: I do see we have on the agenda the Letter from the Administrator for Ordinance 2019-976 which I believe is the Ordinance Amendment for the signs to include Billboards which are currently not consistent with our Master Plan

Mr. Luste: Yes you may recall when we had the Billboard application for Cross Keys Road and we went through a long process. So we had two options we could write a new article or bring it to the existing ordinance for signs.

Mr. Luste when over some of the changes that was needed in the ordinance. He covered how they would help strengthen the wording in the ordinance on signs for the section on billboard and what other Municipalities had in their ordinances for reference

Mr. Sitzler: The next step would be for the board to submit a letter to Mayor and Council ASAP stating they have reviewed it and found it to be consistent with the Master Plan and the Reexamination Report from 2014. We can recommend but we do not legislate only Council can do that so if we can reiterate that in the form of a letter to the Mayor and Council so if the board would approve that with a recommendation to the Mayor and Council that would be the action tonight. Having said that are there any questions. I will let the Board there was a case before the State of New Jersey that found some regulations were over burdensome because that particular town allowed static billboards but no digital and the Supreme Court looked at it and said what is the difference. So we are not looking at banning them just regulating them.

Mr. Luste: So we have already set guidelines with the one we approved on Cross Keys Road with setbacks and all. We are adding the distance between them at 3000 feet. So anything different they would have to come before the Board for approval.

Mr. James: So do I have a motion to submit the letter on the Resolution?

Mr. Ford: I make a motion that the Board authorizes Mr. Gallagher to draft and send a letter to Mayor and Council stating that the Board has reviewed the Ordinance with the assistance of Mr. Luste and find that it is not inconsistent with the Master Plan or the Reexamination Report of 2014

Mrs. Gilson: Second

Roll Call the Mayor Green and Councilman Robb abstained and all others "aye" motion passed

Mr. Gallagher: I will have that letter prepared tomorrow for Felix's signature

New Business:

The next meeting is April 11th at 7:30 PM

Open Floor to Public:

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

Mr. Ford: I'll make a motion to open the meeting to the public; seconded by Mrs. Gilson

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

Close Floor to Public:

Mr. James: I will entertain a motion to close

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

All "aye" floor closed

Motion to Adjourn:

Mr. James: I will entertain a motion to adjourn

Mrs. Gilson: Motion to adjourn: seconded by Mr. Hagy

All in favor of adjournment