

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
May 9<sup>th</sup>, 2019

- Call to order:** **Call to Order by Mr. Hagarty 7.45 pm**
- Pledge of the Flag:** **Led by Mr. Hagarty**
- Sunshine Law:** **Read by Mr. Gallagher:** 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. Ford, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Hagarty, Mrs. Jones and Mrs. Gilson  
**Absent:** Mr. James, Mr. Waddington, Mr. Castor and Mr. Hagy  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Maddonni, Planner: Mr. Luste and Zoning Officer: Mrs. Keyek
- Approval of Minutes:** **Mr. Hagarty:** If everyone had a chance to read the minutes from April 11<sup>th</sup>, 2019 meeting I will entertain a motion to approve.  
**Motion made by Mrs. Ciotto to approve second by Mayor Green**  
**All present were in favor of approval: Motion Carried**
- Correspondence:** **Mr. Hagarty:** It is my understanding we have no correspondence at this time  
**Mr. Gallagher:** Correct

**Application 2019-1:**

**Mr. Hagarty:** Next we have Application 2019-1 ALFA Services; 119 E Clearview Ave Block 48 Lots 88, 90, 92, 94: Change of Use and Use Variance. It is my understanding that the applicant would like to request a postponement.

**Mr. Threston:** Yes Joseph Threston on behalf of ALFA Services; prior to the meeting I had a discussion with the boards Solicitor regarding hearing this matter tonight. Given the number of votes required and the number of the quorum that is limited here tonight we request that we be heard at another time; I believe we discussed July because unfortunately my client is out of town on the June hearing.

**Mr. Sitzler:** Alright the record should reflect that Mr. Threston is correct. I was advised tonight that when I arrived that we may have some people for various reasons not here due to illness or being out of town for work. We have the minimum quorum of five (5) this is a use variance and it is required that a minimum of five (5) of the normal seven (7) votes a vote of 100% will be required to pass a motion. So to give the applicant the opportunity to be in front of the full board where 100% would not be required has always been my policy.

**Mr. Sitzler:** First of all Mr. Threston; do you waive all timeline requirements?

**Mr. Threston:** Absolutely

**Mr. Sitzler:** So any time limitations the applicant in exchange for the adjournment; and again it is just coincidental that applicant is out of town on our next meeting. I know he had a prepaid vacation last time the following month. So my recommendation to the board is to adjourn the matter; I would also recommend the announcement that anyone that is here on this matter the records should reflect that historically we are scheduled for 7:30 and that clock seems to that it is 7:52 when we started. We are well into it so if anyone has come for this matter should have been here by now so we are not going to require you re-notice and I'm going to make that announce that now. I also for the record want to bring up why we are here. We had agreed as we discussed the last time you were here it was discontinued for the weather or not there was a conflict with our board engineer Pennoni and associates and I had an opportunity to discuss this with you and I will put this in writing. I did some research it is a fact sensitive issue contracts with professionals; Pennoni also researched this internally and they came back to me and said they don't feel there is conflict under the law and essentially what happened was Mr. Raday who was apparently representing your client as the Engineer in a different application for a different entity but he is the same principle for both legal entities.

**Mr. Threston:** Correct

**Mr. Sitzler:** So that is a step removed from the normal conflict because the Law recognizes that LLC's or Corporations unto themselves are legal entities and even though they may have the same principle it is not exactly the same; also it happened in Cherry Hill. Talking with your client there has been no discontent, the board expressed no interest and they could have also taken a position but they have not indicated to me any concerns of a conflict so looking at it from a clear perspective I don't believe there is any true conflict in fact our normal board Engineer could have not been here tonight anyway. We have do you want to introduce yourself?

**Mr. Maddonni:** Sure: I'm Jim Maddonni I'm one of the associates and Vice President of the Firm Structural Engineer and Certified Municipal Engineer

**Mr. Sitzler:** So Mr. Dougherty who normally sits on this board could not be here tonight either; and certainly we would not expect Mr. Raday to come back just in case and I will replay that to you.

**Mr. Threston:** I appreciate that

**Mr. Sitzler:** Ladies and gentleman anyone who is here because of this application that is the ALFA services on 119 E Clearview Avenue for a use variance we are going to adjourn this case until July the 11<sup>th</sup> at 7:30. This is the only notice we are not going to require that there be any other public notice; anyone that got the original public notice was also told this the last time we adjourned it. If you want to be here make sure that you are here on that date in July at 7:30 and you will have an opportunity if you choose to be heard. Are there any professional people evolved here tonight? I guess not. Any questions Mr. Threston?

**Mr. Threston:** No and thank you

**Mr. Sitzler:** Thank you we will see you in July

**Mr. Hagarty:** I would like to ask for a motion to adjourn Application 2019-1: ALFA Services; 119 E Clearview Ave; Block 48 Lots 88, 90, 92 and 94 for change of use/ use variance. The Applicant has asked for a two month adjournment until July 11<sup>th</sup> and has agreed to waive all time limitations with respect to the adjournment.

**Mr. Ford:** I make a motion; seconded my Mrs. Ciotto

**Roll call: Mayor Green and Councilman Robb abstained since it was a use variance all others present were "Aye": Motion passed to adjourn Application 2019-1 until July 11<sup>th</sup> at 7:30 PM**

**Application 2019-3:**

**Mr. Hagarty:** Okay the next application before us is Application 2019-3 Carl Pursell; 248 New Freedom Road; Block 131 Lots 26 and 28 Minor site plan

The Engineer for the applicant set up a site plan of the property for the board to see

**Mr. Prime:** My name is Tyler Prime from Prime Law on behalf of the applicant. The project is on Block 131 Lots 32.02, 26 and 28 and we are here tonight for an amended site plan approval to permit the installation of a driveway essentially going from New Freedom Road which was a cut that was part of the county approval to the existing improvements on the site we are attaching Plan A to B. This road is the driveway connecting those plans that is the entire purpose of the application. The Applicants Engineer can testify to the two letters

**Mr. Sitzler:** I can swear them in:

**Mr. Gravlin:** I'm Jack J Gravlin Jr. I'm a professional Engineer; a Graduate of Drexel University. I'm a member of the American Society of Civil Engineers and I have been doing this for over 30 years. I designed the original section that exists out there by Carl Pursell.

**Mr. Sitzler then swore in Mr. Gravlin**

**Mr. Gravlin then gave a 5 minute dissertation of the property and what they were proposing to do with the paved roadway from New Freedom Road to the original building on Lot 32.02 built in 2005 showing on the displayed site plan where everything was to be**

**Mayor Green:** Does the road have a name or will it have a name?

**Mr. Pursell:** Yes

**Mayor Green:** Is it going to be a private road

**Mr. Pursell:** Yes

**Mayor Green:** Will you have any signage out there saying this is not a cut through

**Mr. Pursell:** Yes and we have in the past

**Mr. Prime:** There is an existing sign out there with the existing driveway and we can certainly add additional signs

**Mayor Green:** As long as there are some out there, and the existing asphalt road will be removed

**Mr. Prime:** Yes

**Mr. Hagarty:** Do you remember when you got the approval from the County?

**Mr. Prime:** I was the Engineer on that project and that was Key Engineers. I will tell you what I can do I have the plan from Key Engineers and that probably indicates the date; I believe it was last year in 2018. I don't have the documentation but I believe it was in 2018.

**Mr. Hagarty:** Do you have the soil conservation or the actual application?

**Mr. Prime:** We have the actual certification

**Mr. Maddonni:** The use of the stone area on lot 26

**Mr. Pursell:** That is for employee parking

**Mr. Gravin:** That is additional parking along the current Pursell building that backs up to that Lot 32.02. It is alternate to this basin so any drainage that will be coming off will end up in the basin.

**Mr. Maddonni:** We did ask for and someone did mention during testimony the design of the new basin and how it is consistent with the existing basin and how does it work; is it a sand bottom, out fall, fence enclosure

**Mr. Gravin:** Yes and we have agreed to all comments in there regarding fencing and I will put together a storm water maintenance report that is required. I also forgot to indicate we are construction a swale along the

edge of the road for best management practices and it adds to pretreatment of the runoff before it ever gets into the basin.

**Mr. Maddonni:** As to future Development of Lots 26 and 28

**Mr. Gravlin:** As I indicated one lot is well over 2 acres so it may become useful and on the site plan we will most likely extend this new basin and put it in conjunction with this road way.

**Mr. Maddonni:** And the well and septic on lot 26 has been properly abandoned?

**Mr. Pursell:** Yes it was when we took down the building. The well was capped for future irrigation use

**Mr. Maddonni:** Provide us some information on what the expected number of vehicles and hours of operation. How many vehicles and will it be 24 hours a day access?

**Mr. Prime:** The new use for the one that is under construction I think the hours in the resolution will be until 9 PM. I think the operating hours are from 7 to 9. I think that since there are three (3) access points it should just be normal access for each employee; as a reminder these businesses are normal businesses they are not retail they are not expecting any come and go traffic it should just be deliveries or cars coming and staying for the workday.

**Mr. Maddonni:** So there will be truck traffic and cars

**Mr. Prime:** That is correct

**Mr. Gravlin:** It could certainly be trucks and I would suspect it would be mainly automobiles with wishing to avoid traffic on Cross Keys Road. People that work on this site will be aware of this entrance I really doubt the public will know. I would expect it to be limited to deliveries and employees.

**Mr. Maddonni:** Thank you that is all I have at this time

**Mr. Hagarty:** Anyone have any questions? Seeing none; motion to open the floor

**Mayor Green:** Motion to open the floor to the public; Second by Mr. Ford

**All present were in favor of opening the floor to the public**

**Mr. Sitzler:** If there is anyone in the public that would like to be heard on this application you can come forward

**Mayor Green:** Motion to close the floor to the public: Seconded by Mr. Ford

**ALL present were in favor of closing the floor to the public**

**Mr. Hagarty:** Can I have a motion

**Mayor Green:** Make a motion to approve the minor site plan: Seconded by Mrs. Ciotto

**Roll Call all present voter "aye" motion passed**

**Old Business:** None

**New Business:** The next meeting is June 13<sup>th</sup> at 7:30 PM

**Open Floor to Public:** **Mr. Hagarty:** Can I have a motion to open the floor to the public.

**Mayor Green:** So moved; seconded by Mr. Ford

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

**Close Floor to Public:** **No Public comment**

**Mayor Green:** Motion to close the floor to the public; seconded by Mrs. Ciotto

All "aye" floor closed

**Motion to Adjourn:** **Mr. Hagarty:** Do I have a motion to adjourn this meeting

**Mr. Ford:** Motion to adjourn: seconded by Mayor Green

**All in favor of adjournment**