

Borough of Pine Hill  
Meeting  
Planning and Zoning Board of Adjustments  
February 13, 2020

- Call to order:** **Call to Order by Mr. Michael Hagarty 7:41pm**
- Pledge of the Flag:** **Led by Mr. Hagarty**
- 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. Hagarty, Mr. Waddington, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto and Mrs. Jones,  
**Absent:** Mr. Castro, Mr. James and Mrs. Gilson  
**Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Zoning Officer Mrs. Keyek  
**There was a quorum**
- Approval of Minutes:** **Mr. Hagarty:** If everybody has had a chance to read the minutes from the meeting January 9, 2020 I will entertain a motion to approve  
  
Mayor Green motioned seconded by Mr. Waddington and all present agreed. Minutes were approved as written
- Correspondence:** **Mr. Hagarty:** I believe everybody should have in their packet the New Jersey Planner Vol. 80, No. 6

**Application: 2020-1**

**Mr. Hagarty:** We had some discussion prior to the meeting we are expecting application 2020-1, for the Guru Nanak Sikh Society of Delaware Valley; Block 1.04 and 1, Lots 3.05 and 3.12 Minor Site Plan Application to be heard tonight and obviously they are not present at the meeting so does anyone want to comment on that for the record.

**Mr. Dougherty:** Mr. Chairman I do have a letter dated January 29<sup>th</sup> and the application as it currently stands is incomplete so the Board shouldn't really take any action this evening. Since I declared it incomplete at this point the clock would not start until they address the completeness issues.

**Mr. Sitzler:** I also informally advised the Board before the meeting I'm aware there is litigation among various groups, membership groups of the applicant. That is the Guru Nanak Sikh Society and the litigation I'm told is pending in Camden County Superior Court in front of a Judge. There is at least 3 maybe 4 different groups of people with different lawyers fighting over who has real authority and control. The Applicant may have some have something to do why they are not here. I was also told by Mr. Gallagher that he has no evidence that they advertised for this meeting. Is that correct?

**Mr. Gallagher:** That is correct

**Mr. Sitzler:** So, I don't know if the Board would like me to reach out. I did speak to one Attorney but I'm not aware of who the other Lawyers are. I don't know if I can reach out to a Superior Court to the Judge and maybe the Judges Law Clerk to find out what the status is and if there are any orders and let them know there are violations pending in this Borough and in leu of the violations they have scheduled a Site Plan Hearing but we don't know who has the authority to go forward if anybody. If the Board authorizes that I will try to find that information out

**Mayor Green:** I make that motion, seconded by Mr. Hagarty

**Mr. Hagarty:** All in favor?

**All "aye" permission granted**

**Mr. Hagarty:** Any more comments or question for public record? Seeing none I also seeing no public I don't thing we need to open the floor to the public on that application.

**Old Business:**

**Mr. Hagarty:** Moving on to old business is there any old business?

**Mayor Green:** Yes, 119 East Clearview Avenue. It was discussed at the last meeting and nothing has been done. I can tell you from the Borough's side we are getting ready to file a motion in Superior Court on another issue because they seem to not want to move forward on anything.

**Mr. Sitzler:** To follow up on the Mayors comment, their lawyer told me he would speak with Mr. Respes who is the principal of ALFA Services which was the applicant in front of us and he said there would be some action taken and that was well before the last meeting so it has been well over a month and I've been told there has been no contact with Borough and there has been none with me. I would suggest my contacting his lawyer again and giving him until then end of the month or the Borough I would assume be authorizing issuing citations which could have originally gone out for creating a garage without approvals and would have to let his lawyer know that. If the Board recalls and I know we don't have the resolution in front of us, I gave them 90 days or the ability to ask for an extension if they gave us a good reason why he needed more time to reconvert back to a garage. He has neither asked for an extension and I believe the 90 days is way past

**Mr. Gallagher:** Yes, it was finalized months ago

**Mr. Sitzler:** I don't know if the Board has any comments on what I just said

**Mayor Green:** I suggest that the Board start to move because based on my dealings with the applicant with the Borough he has no intention of doing anything he is not legally compelled to do

**Mr. Hagarty:** Any other questions from anybody?

**Mr. Waddington:** What are our next steps?

**Mr. Sitzler:** Based on my last conversation or at least my email, I did have a conversation and sent an email. One of the things his lawyer brought up was the other issue he is having with the borough and how that has tapped his resources

**Mayor Green:** He has done nothing on that issue

**Mr. Sitzler:** I don't know what that means, I only heard that side

**Mayor Green:** We asked for various things over the last six months and have gotten nothing. We were getting literally ready to commence court action because that is the only way to get it done

**Mr. Sitzler:** I would ask to let me give his lawyer a heads up, does the Board want to authorize how much time, I mean all he needs to do initially is tell us when he is going to start or have some kind of communication; there has been no communication.

**Mayor Green:** I would give him until the end of the month

**Mr. Sitzler:** That's my suggestion

**Mr. Hagarty:** That sounds reasonable

**Mr. Sitzler:** The other issue is totally separate that is the Borough's issue

**Mayor Green:** Right we are handling that and have the same issue and we have given them more than enough time

**Mr. Hagarty:** Is that the one with the resources and utilities that are obstruction the other property?

**Mayor Green:** It is not related to this Board, but it is the same thing we have sent them letters and given them ample time to respond

**Mr. Sitzler:** Is it the lawyer representing him on that

**Mayor Green:** Yes

**Mr. Waddington:** He hasn't done anything with the garage doors or anything

**Mayor Green:** He hasn't done anything

**Mr. Hagarty:** So, I guess the motion before us is to grant Mr. Sitzler to until the end of February

**Mr. Sitzler:** To Authorize that the Board will give until the end of February to let us know when he is going to start. Obviously, it will take him a little bit of time to do that but when he going to start doing it or at least respond in some fashion to the Board because he hasn't responded to this point nor has his lawyer.

**Mr. Hagarty:** I guess we would ask for that response to be formerly in writing

**Mr. Sitzler:** In writing, yes that is what I expected that we would get something in writing

**Mr. Hagarty:** So, I will entertain a motion

**Mayor Green:** I will make the motion seconded by Mr. Hagarty

**Mr. Hagarty:** All in favor?

**Response all "aye" motion carried**

**Mayor Green:** In other old business there was a woman that sent letters to me and I believe the Board last month on West 2<sup>nd</sup> Avenue

**Mrs. Keyek:** Yes, she is going to apply for the variance

**Mr. Dougherty:** She did actually submitted an Application that I picked up

**Mayor Green:** I did speak to her and at first she was very combative but when I explained the pictures I had from google earth of her property she went very quiet and calmed the situation

**Mr. Gallagher:** She has been in contact with Mr. Jim Gallagher in Construction and he is going out to look at the property tomorrow to see what she needs before she submits an updated application

**Mr. Sitzler:** She was the lady that did this herself

**Mayor Green:** Yes, she hired a contractor and did not like the price, so I gather she googled on U-Tube how and did it herself, and then tried to tell me it had been there for a while. When I said I had pictures on Google Earth and at the end of the day she confessed everything

**Mr. Hagarty:** So, the understanding is she is going to come before the Board

**Mr. Gallagher:** She did turn in an application and she then asked me to hold on to it after I had already given a copy to Mr. Dougherty, and once Mr. Gallagher from Construction verifies everything and sits down with her she will submit revised drawings and application

**New Business:**

**Mr. Hagarty:** New Business the next meeting will be March 12<sup>th</sup> at 7:30pm

**Mayor Green:** We do anticipate the 91 Senior Homes, so that is a major site plan so it is imperative that everyone be here

**Mr. Waddington:** I will not be here that night I will be in Florida

**Mr. Gallagher:** That is the Pine Valley Developers on West Branch Avenue

**Open Floor to the Public:**

**Mr. Hagarty:** At this time I will entertain a motion to open the floor to the public

**Mr. Waddington:** Make a motion seconded by Mr. Ford.  
Roll Call all "aye" Motion carried

**Close Floor to the Public:**

**Mr. Hagarty:** Seeing none of the public wishing to speak, motion to close to the public.

Mr. Ford: Motion seconded by Mr. Waddington

**Mr. Hagarty:** all in favor?  
all "aye" Motion carried

**Motion to Adjourn:**

**Mr. Hagarty:** I will entertain a motion to adjourn

**Mr. Ford:** Motion to adjourn; second by Mrs. Ciotto, all "aye" motion carried