

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
March 12, 2020

- Call to order:** **Call to Order by Mr. Michael Hagarty 8:01pm**
- 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.
- Swearing in of New/
Reappointed Members**
- | | |
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| Class IV Member: Joanne Jones | Expires: 12/31/2020 |
| Alternate #1: Renee Gilson | Expires: 12/31/2020 |
| Alternate #2: Erica Lunn | Expires: 12/31/2021 |
- Roll Call:**
- Present:** Mr. Hagarty, Mr. James, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Jones, Mrs. Gilson and Mss. Lunn,
Absent: Mr. Waddington, Mr. Ford and Mrs. Ciotto
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Farrell, Planner: Mr. Luste and 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 on February 13, 2020 I will entertain a motion to approve
- Mayor Green motioned seconded by Mr. Hagy.
Mrs. Geilson, Mr. James and Mss. Lunn abstained
Minutes were approved as written
- Correspondence:** **Mr. Hagarty:** I have the Cards for New Jersey Planning Officials Member cards signed so I can distribute them after the meeting.

Mr. Hagarty: I believe everybody has in their packet a letter from Mr. Joseph Threston Esquire addressed to Les Gallagher dated March 6th 2020, regarding 119 E Clearview Avenue.

Mayor Green: Mr. Chairman Can we hold that letter off until old business?

Mr. Hagarty: Sounds Good

Application: 2020-2

Mr. Hagarty: Next we have Application 2020-2 Pine Valley Developers LLC Block 15.03 Lot 1 Major Subdivision; I believe there is representation here

Mr. Mintz: Mr. Chairman thank you; Robert Mintz on behalf of the Applicant and with me this evening is Larry Divietro our Planner, Andrew Hogg our Engineer as well as Tom Kelly who is the Principal.

Mr. Sitzler then swore in those individuals

Mr. Mintz: We had submitted the application and had advertised for a preliminary subdivision this evening along with some bulk standard variances. We would ask that the principal part of the application that is the subdivision requested it's self be carried to the next Board meeting date in order that we can provide some additional information and we would ask that the Board would consider the variances that had been advertised and listed which would allow us to establish the design standards for the follow on completeness at the time of the subdivision with the expectation that we will meet with your professionals ahead of time and use those standards if the Board considers the variances appropriate. Additionally, we would agree to the extension of the time clock and that would be to the next meeting date which hopefully is a month but if it goes beyond due to the virous considerations and State considerations we understand that that consent to extension would also go on. With that the application if the Board will recall with a respect to a property that is in a significant wetlands area and requires significant buffers. The property itself is in the Low Density Residential, and when we came before you previously and you approved 91 single family senior homes. The design that we have come up with has reduces that to 85 and there will be subdivided lots for open space and things like that, but the number of residential units have been reduced. The consideration for the variances is to help us to define the design standards and because we are in the Low Residential Area as you well know there is a bulk design

standard. Not only are we asking to move from that to something and that is what we want to define by the variances, but we are trying to come as close to the senior standard as possible although our variance request is from the Low Residential to what we are asking for. And that would allow us to define what lots can look like and what their standard design would be; so with that outline for you we have Larry Divietro who has appeared before you previously and has been acknowledged as an expert and if that category carries forward we can have him testify as a planning expert. Larry, did you want the Engineer to go first?

Mayor Green: Sir we need to go over the completeness application first

Mr. Sitzler: Are we going to be deferring completeness as to the subdivision request

Mr. Mintz: As to the subdivision, yes. We are only asking for the variances

Mr. Sitzler: Okay, so we are clear on the record we are not deeming the subdivision portion on this application complete this evening, but we will allow you to go forward because we understand that in the event that these bulk variances you are requesting aren't granted it would cause a major redesign and that would affect completeness as well. So we are clear on the record we are going to defer completeness until the next meeting, however we are going to allow the applicant based on all the conditions that were put forward including the time waiver for the Board to act, but the completeness issue as to the subdivision we are not going to act or rule on today and we are going to wait until the next meeting. However they do want to go forward so they know what they are facing if they are granted the bulk variances, so we intend for the Board to hear those tonight and make a determination so they can see if they can go forward with the plan as they envision it right now. Is that a fair statement?

Mr. Mintz: That is accurate

Mr. Mintz: Larry Could just introduce yourself to the Board and identify the aerial view of the plan that is before them and can we mark that as exhibit A-1. Is there any others that we need to mark?

Mr. Divietro: Yes, I also have the actual sets of the planned types of units

Mr. Mintz: It may be helpful for the Board to see the types of units that we are proposing that would be A-2. And that is a packet of several Ryan Homes.

Mr. Divietro: I will show it to the Board and then pass it around. It is several models of proposed Ryan homes who would be doing this project which they call lifestyle community and there are four different floor plans with the four different elevations with attached floor plans to go with it.

Mr. Sitzler: Going to mark that as A-2

Mr. Divietro: Yes, A-2

Mr. Divietro: Good evening everyone I'm Larry Divietro, I'm from Land Dimensions Engineering. Our firm prepared the Zoning Plans for the project known as Fairway Pines. We came before your Board before and I testified as a Professional Planner for the consideration and granting of the use variance. As Mr. Mintz had said the property is currently in the Residential Low-Density Zone, the actual Use Variance that was granted that we presented to the Board. The Board Stipulated that the Use variance was permitted to allow age restricted housing consistent with your area bulk standards for your R-Senior Citizen Zone. The Variances that I'm outlining are from that Use Variance that stipulated the criteria for the R- Senior Citizen Zone and I'm going to explain where we are varying from that and consequently the need for us to present request for consideration of variances and area bulk variances.

Mr. Divietro then pointed out the site on exhibit A-1 showing the bordering streets and boundaries of the property. He stated the property size and that the layout of the property would be the same as presented at the first meeting with detached single-family homes consistent with the Lifestyle Homes that Ryan Homes is proposing to develop. He also stated that 41% of the property was wetlands which is restricted from development by the environmental regulations. He said since they were last here, they filed with the NJDEP and the NJDEP has been onsite and certified the limits of the wetlands with the 50-foot buffer which the NJDEP considers intermediate transition area and there were no findings of threatened or endangered species during their inspection. He gave further testimony that if they designed the homes for the current property under the current zone there would be a potential of 360 homes but because of the limitations of the property they originally

presented 91 homes and with the actual design plan presented tonight they would be proposing 85 homes on the 72 acre age restricted single family detached homes with 36 acres of the property remaining open space with the corner property on Davis Avenue as future development but that is not part of the current application.

Mr. Divietro: The Actual Variances we are looking for, the Area Bulk Variance under the statutes we need to show particular, peculiar and exceptional practical difficulties with the development of the property or exceptional hardship that exist with the property that may relate to the narrowness challenge for singular land or for exceptional conditions. Most of what exist on this property, the topography has substantial relief if you are familiar with the site that makes it difficult to develop in addition to the wetlands and the wetlands limitations we are just not able to develop with what is consistent with the intent of what the zone plan was to allow age restricted senior housing. We are substantially less than that as is the basis for the request to the variance. The actual variances that we are requesting are that under the Senior Citizen Age Restricted Housing the minimum Lot size is 6000 square feet, 76 of our lots exceed that they are 6325 square feet and 9 of the Lots are under that at 5500 square feet so we are asking for a variance for 9 of those Lots on lot size (he then showed where on the plan those 9 lots were) and we established an open space around the perimeter of the tract but because of the High Tension Wires that travers through the center of the tract and the wetland conditions for those lots we are not able to achieve 115 foot depth which is a typical lot and those lots are 100 foot so they are less than the typical lot size of 6000 square feet and they are actually 5500 square feet. Lot Width the senior citizen zone requires a 60 foot lot width and in order to achieve the density and the placement of the house footprints that are proposed our proposal is 55 foot wide lots so all 85 lots are requesting a variance from the required 60 foot minimum lot width to a 55 foot wide lot that still provides an adequate footprint so that we would have the ability to have independent driveways and garages as you see on the elevations drawings that were submitted and according to the surrounding wetlands conditions so to be able to achieve that we need to reduce the lot width to 55 foot. The front yard setback is 20 foot and we will adhere to that so there is no variance for the front yard setback. A minimum side yard is required a minimum of 10 foot with an aggregate of 25 again to be consistent with the community plan the side yard setback would be 7 ½ feet so you would have a minimum of 15 feet between houses 7 ½ on either side would give you an aggregate of 15 foot side yard setback.

Mayor Green: Now is that for all the lots?

Mr. Divietro: That would be all the lots obviously except for the lots that corner the open space

Mayor Green: Right

Mr. Divietro: The required rear yard is 25 foot and we and we have noted all the lots except for the 9 that I had mentioned that would be 100 foot would have a 20 yard setback which would still facilitates a future deck and if the deck is considered part of the structure than that rear yard setback on all the lots except the 9 would be 20 foot. If the deck is considered part of the structure, then that rear yard setback on all the lots but the 9 would be 20 foot and if the deck is considered part of the structure then the 9 lots that would be an option not available to those homes. So, we would maintain in all cases a 20-foot rear yard from the deck to the property it would be 35 or 30 feet if the decks were not put on. To be consistent we are requesting a variance for 20-foot rear yard on all the lots on 9 of those lots depending on the construction code and the design instruction they may not have a deck at all. The final is the lot coverage the maximum building coverage any current zone is permitted at 30 percent and because of the reduction of the lot sizes on the 115-foot lots we are asking for the building coverage of 34 percent and on the 100-foot lots a building coverage of 39 percent so the 39 percent would be those 9 lots that I spoke about. That basically concludes all the variances. Regarding the positive criteria most of the variances promote the general welfare and the properties are particularly suited for this site currently there is only one other property in the entire Borough that is Zoned for Senior Citizen Housing, at this location we feel that this is appropriate use and the site is particularly suite for common interest if you were to develop under the Low Density Residential it virtually could not be developed with those lot sizes because of the environmental constraints. The negative criteria being granted without substantial detriment to the public good, again the Land Use Law recognizes the ability to have Senior Housing as a benefit and they promote stability in the community and this would be consistent with your Master Plan and the Zoning that you have already established. Both the Positive Criteria and the Negative Criteria with the C variances that we are requesting are consistent with the Land Use Law. Regarding the exceptional conditions of the property obviously with the environmental constraints with the wetlands, the power line that exist

that bisects through the property it is impossible to have a community development plan that could be accomplished without the granting of the variances. Finally, with those Ryan Homes I will give you a summary of that the floor plans run from a range of 1188 square feet to 1720 square feet, homes offer from 2 to 3 bedrooms, 2 bathrooms 2 car garage. Front elevations offer grass elevations with partial stone to sod along with carriage style garage door. The Homeowner Association will be responsible for lawn mowing open space and all large snow removal along walks and driveways.

Mr. Mintz: Can you speak to sidewalk and recreational space

Mr. Divietro: Because of the wetlands and when talked about this partially at the time of the use variance subject to when we came back for the actual engineering plan. We provided sidewalk design on both sides of the road all interior and all in front, and on Branch we provided a sidewalk on both sides of the roads with in the neighborhood cluster here (pointing to cluster on horseshoe drive) and to connecting to the other part of the neighborhood here (pointing to main drive into the property). We are asking for a waiver for required sidewalk to continue down Branch Avenue and that portion of Ashelman Road that would not be developed at this time. As part of the Open Space the consideration was there is adequate open space areas around the site that are not encompassed by development and not encompassed by the wetlands to establish some passive recreation weather it be sitting areas benches, possible gazebos or a favorite to the communities which are firepits around the sitting areas. Once we have a passive woodchipped trails thru the wetlands with a network for the entire development and then certain sitting areas for recreation.

Mayor Green: You are only asking for bulk variance tonight you are not asking for waiver of sidewalks tonight correct?

Mr. Mintz: If the Board would consider it would have to do with design, we would with the understanding we would come back with it.

Mayor Green: Okay

Mr. Mintz: I would just note to the Board because of the segmented portions or phases of the project it is difficult that singular community residential and we are proposing to have those walkways, also it has an impact on the size of the lots that we are asking you for it is not that the

lots are on top of each other and the expanse of the open space and the wetlands we believe more than makes up for the reduction in the lot size at a perspective of them being much greater and larger than proposed. With that we thank you for the consideration if there are any questions that we can answer or consider opening to the public.

Mr. Hagarty: So, Board Members or Professionals any questions?

Mr. James: Why couldn't you just reduce the number of houses that you have?

Mr. Mintz: I will differ to Larry to do that, but it has to do with the wetlands

Mr. Divietro: For the development of the property there are multiple discussion items that we had, one was critical mass to make a community viable to the building company and to market as a living environment, two is the lot sizes to facilitate the type homes that we facilitated and displayed or what they are intending on building to create that footprint in that house on the lots. The 60 foot lots would be additional side yard space and less of a density because of the low density and the development cost that occur as a result of the extreme conditions of the site we can't expand the lots into the wetlands or develop into the wetlands. Consequently, we laid out the lots that work much more efficiently to create the neighborhood and much more efficiently with the environmental restrictions to reduce the lots to 55 foot.

Mr. Mintz: Is it also correct Larry that because of the wetland lines we were not able to make the lots deeper and as a result it limits the square foot and size of the lot, but you get the perspective of being immediately behind the wetlands and therefore the distance of it?

Mr. James: Yea but you also I understand you want to reduce the property on either side, the setbacks on either side of the homes, right?

Mr. Mintz: Correct we are going from 60 feet wide to 55 feet wide

Mr. James: I understand that, but I'm saying if you reduced the homes you wouldn't have to do that.

Mr. Mintz: So, if that were to be accomplished, we believe that there would be insufficient density in order to market the project. The reduction would be 5 feet on each lot and we already lost 6 lots with respect to the design. That would be an additional loss that would almost be 10% of the project as originally anticipated

Mr. James: So, you are talking more the affordably doing the project as apposed what the project could be. Am I correct?

Mr. Mintz: I think it goes even beyond that, because the project weighs out in islands if you will and seconds. The result of that is that the infrastructure expense is accentuated signifyingly so than if we could just run a line which isn't proper. In order to make the project viable the density is important, we are signifyingly under the density that would be allowed in the Senior Zone as well as the Low Residential Zone. So, we felt that it was appropriate with respect to the number to keep the 81 and reduce the Bulk Standard.

Mr. James: I do recognize this, but I think it is more of a profitability standpoint than anything else

Mr. Mintz: I would take your word profitability and switch it to viability. I agree with you no one does anything or a project like this because they think it is nice, they do it because they want to be successful at it. There is a number when even the builder would find it is not viable because it is not worth coming to a site to build "excuse the reference 5% homes" all be it we are at 85. We are sensitive to that as well and we do have a contract that mandates certain requirements.

Mrs. Jones: The walkways that you are talking about are you going to take care of those walkways and build those walkways over the wetlands?

Mr. Mintz: With respect to the maintenance of them?

Mr. Divietro: The homeowner association would take responsibility of snow removal and maintenance of the sidewalks. The sidewalks would be typical sidewalks along the curb and road frontage connecting all the clusters of homes in the development.

Mr. Hagarty: Motion to open the floor to the public

Mayor Green: So moved; seconded by Mr. James

All members present “aye” floor was opened

Mr. Hagarty: This application is open to the public. Seeing none I will entertain a motion to close the floor

Mr. Hagarty: Motion to close; seconded by Mayor Green

All members present “aye” Floor was closed

Mr. Hagarty: Mr. Sitzler do you want to summarize what we are going to vote on to make it clear?

Mr. Sitzler: Yes, if I can have the assistance of Mr. Divietro so that we are on the same page with these variances. I wrote them down as we were going through them.

Mr. Sitzler: The first bulk variance that is being requested is for minimum Lot Size which would be 6000 square feet

Mr. Divietro: Minimum Lot Size would be 5500 square feet for 9 of the 85 Lots

Mr. Hagarty: 9 Lots only

Mr. Divietro: 9 Lots only

Mr. Sitzler: 9 Lots would be 5500 of the 85

Mr. Divietro: Correct

Mr. Sitzler: They would also have 100 feet in depth rather than 115

Mr. Divietro: The Ordinance does not stipulate a minimum lot depth it has a minimum front yard, rear yard setback

Mr. Sitzler: Looking at my notes you said something about the 100 feet

Mr. Divietro: Right there are 9 of the lots that were limited to 100 feet due to the constraints of the property therefore those are the 9 lots that need the area variance.

Mr. Sitzler: So, 9 lots need the 5500 rather than the 6000 square feet. So, that would be Bulk Variance number 1

Mr. Sitzler: Number 2 would be there is 60 feet in with required and you are asking for 55 feet and that is for all the lots

Mr. Divietro: Yes, all 85 Lots

Mr. Sitzler: The front yard has no variance requirements but the side yard which normally would be 10 feet or 25 feet in the aggregate you are requesting it be reduced to 7 and ½ feet with 15 feet in the aggregate

Mr. Divietro: Correct

Mr. Sitzler: The next one would be where the rear yard is 25 feet required there would be a 20-foot rear yard rather than 25 feet for all the Lots

Mr. Divietro: Correct

Mr. Sitzler: Another one I think this is number 6, the maximum building coverage required is 30% based on this plan the building coverage would be 34% maximum for most the 9 Lots however would be 39%

Mr. Divietro: Correct

Mr. Sitzler: So, for all but 9 lots it would be 34% maximum building coverage rather than 30 and for the 9 Lots it would be 39% rather than 30%. Is that correct Mr. Divietro?

Mr. Divietro: Yes

Mr. Sitzler: I believe that is it

Mr. Divietro: As far as the variances, Yes

Mr. Sitzler: And then Mr. Divietro did give the Board his analyses as to why it meets the positive and negative criteria

Mr. Luste: He did satisfy the criteria in the Land Use Law

Mr. Sitzler: I was not sure if you wanted to be heard on that, and these are "C" Bulk Variances and that is based on 85 total lots in the proposal and again we are doing this so they will have guidelines when they go forward with the Major Subdivision and a site plan down the road. Preliminary and Final so when they know that they are able to do the general design concept that they just laid out before the Board which requires for them to stick with their design concept currently these Bulk Variances. Is there any questions?

Mr. Farrell: From an engineering perspective the only question I would have is with these reduced side yards do you feel you could adequately drain these Lots without have any issues with standing water.

Mr. Divietro: In the detailed plans we have set up the entire drainage with yard grading both front and rear and the side. The reality is the current ordinance is 10 feet and we are reducing it by 2 and ½ feet on either side so it ends up being a total of 5 feet but adequate room to provide the grading and drainage design that is there and we have already proven that out which we will be able to work out in detail in the drainage plans.

Mr. Hagarty: Any questions

Mr. Sitzler: Joe anything further on the planning prospective from what you have heard?

Mr. Luste: Some of our concerns are for actual design and maybe some waivers. Like in terms of planning the park is unique because it is full of wet soil and the testimony that I have heard would support Bulk Variances but I'm not saying it supports all of them, but we anticipate a meeting with the applicants professionals to iron out the details.

Mayor Green: Mr. Chairman this town does not have any Senior Housing at the present time, and this is a viable option to provide much needed Senior Housing in town it is a difficult tract and the applicant could have come in here and attempt to try to put Senior Town Homes in or something like that which would have no rear yard setbacks so I think this is probably the highest and best use for the property and that much I would make a motion that the Board approve the Bulk variances.

Mr. Hagarty: Do I hear a second

Councilman Robb: Second

Mr. Hagarty: Roll Call

Roll Call all "aye" that were present

Mr. Mintz: Mr. Chairman and members thank you. With that we would like the matter be adjourned on the record until the next date I had to advertise previously but I had advertised for preliminary and final and with that I would not have to advertise again.

Mr. Sitzler: Let me just make an announcement. I do see some people in the audience so there will not be a re-advertisement of the subdivision preliminary and final when they come next meeting. Les the Next Meeting is?

Mr. Gallagher: April the 9th at 7:30

Mr. Sitzler: April the 9th at 7:30, so there will be a continuation of the preliminary and final subdivision as advertised so there will be no further advertising If you want to come here it and you want to be present we will continue this and everyone can come back on April 9th at 7:30 PM. Thank You, so there is no need then for you to re-advertise.

Mr. Mintz: We will see you in April and everyone stay well

Mr. Hagarty: You as well

Mr. Hagarty: Moving on to old business we have the matter that Mayor Green be held off until old business which is the letter that we had received from Joseph Threston Esquire to Les Gallagher dated March 6th, 2020 regarding 119 E Clearview Avenue. Has everyone had a chance to review the letter?

Mayor Green: I would agree with the Attorney that one garage door does meet our ordinance, I don't know if we have an argument that he has to put two garage doors in.

Mr. Sitzler: Well I don't necessarily agree with that Mayor and the reason is in a vacuum if he were coming in as a new project and said that our ordinance allows either one or two because there was no requirement, but that is not the case here what he did was he replaced

two garage doors that were pre-existing without approvals and made the garage into a living area without approvals until he was cited and then was referred from Municipal Court to the Board to review whether he was intitled to a Use Variance and of course the Board denied that Use Variance. I'm not saying that the Board can not agree because he did put in that one door where one of the doors an entry sort of normal door where one of the garage doors was. It is the Boards choice; I don't agree that gives him an absolute right to one garage door. I think it is still up to the board discretion if you want him to replace that as it was before totally or allow him to just put the one garage door either way I don't have a problem with it but I don't agree with the argument that the attorney is making that it is something that he is entitled too. Given the circumstances because the work was done and there was two preexisting doors, I don't think it is something he is entitled too. I think what he is suggesting is it is an expediency and cost saving measure for the applicant. If he can get just putting one garage door in there and again it would comply with our ordinance with one garage door. So, I leave it up to the Boards discursion, I just didn't want you to think that you were mandated to do it.

Mayor Green: No, one of the other things I wanted to say and again I have no problem with one door but the stipulation is that both the Zoning Inspector and the Construction Official have access to the quote un quote garage area and verify that it is a garage. A garage may have sheetrock in it, but it doesn't have flooring and carpeting. It doesn't have room dividers, it doesn't have a kitchen area, it doesn't have a bathroom area. A garage is a garage.

Mr. Sitzler: Mayor I think there was testimony that there was some whether it was approved work or not. There was apparently according to testimony as I recall, there was I believe a bathroom in there

Mayor Green: But if it wasn't approved isn't that the same thing? I mean being able to put a garage door on and then in the inside they seal up the garage door and still use it as a living space, because I know people who have garages and just sealed those garages up and then turned the garage into space. It should look like a garage and not look like living space that someone just divvied up and stuck a garage door on it to look like a garage.

Mr. Sitzler: I Think what the resolution if I remember, I don't have it in front of me, but I think it required them to make sure that the garage

doors actually, I think I said both doors needed to be replaced and that was my understanding what the Board wanted and that two cars could actually fit in there. And that means of there is any impediments such as a bathroom or interior paneling that would get in the way of two cars fitting in there then that would not be satisfactory. That is what I thought the Board's intent was.

Mayor Green: That is fine if that is what the resolution says

Mr. Sitzler: I believe it is

Mr. Gallagher: I go and grab the resolution, but I remember it does specifically saying it has to be restored to the way it was.

Mr. Sitzler: Unfortunately, the only testimony we had there apparently an old bathroom in there and I don't know, and we don't know who put that in there. I don't think the applicant did since he put a new one in to replace the old one.

Mayor Green: I guess a tub and shower; I think the average person could walk into a building like this and make a determination whether or not it is a garage or really an apartment with a garage door in front of it.

Mr. Sitzler: I think there is no doubt that our Zoning Official would have to go through and make sure that the work was completed and make sure that it meets the criteria of a garage.

Mr. Hagarty: I agree with Mayor Green the issue from my perspective is not one or two garage doors.

Mayor Green: I guess you can put up one large garage door if two cars can fit in, but you can't put one garage door in that only allows one car and the rest of the garage can be converted so I think that becomes the issue. How he gets there I don't care he's got but he's got to get two cars in and demonstrate that two cars can be parked in there which probably would be cheaper for one large garage door as opposed to two small ones but that is his fault.

Mr. James: I just think that during the testimony there was deception, because I believe Mrs. Green came up and showed us pictures of the garage doors and they didn't seem to be rotted at all. It was more like he said it was dry rotted and based upon the pictures it didn't seem that

way at all; there was nothing that showed the garage doors were rotted or anything of that nature. So, I would think he would definitely have to put it back to the way that it was. If you came before us and testifying and were not being truthful, we should not be making it easier to do something that you did intentionally and then try to deceive the Board.

Mr. Hagarty: I agree

Mr. Sitzler: And there was a photo that they did not seem to deny, Mr. James recollection I believe is correct. So, the issue Mr. Threston raises is, he says they can put one garage door in 30 days if the Board insists that two garage doors must be placed that they were asking for 60 days to accomplish that.

Mr. Hagarty: That one door that he is talking about is it the large door if it is then it would be fine

Mr. Sitzler: I guess we can give him the option of one large door where they could fit in two cars or two single car garage doors, or his other alternative is one single garage door leaving that regular door opening.

Mayor Green: Yes, but I think you want to get back to the point that you want to see two cars in that garage because if not

Mr. Sitzler: Yes, that's what pre-existing it was a two car garage that is why his argument about what our code would require if it was a new construction really isn't applicable here because what he did was he converted a pre-existing two car garage into a living unit

Mayor Green: He has to convert it back to a two-car garage, how he gets there I don't care, but he has to get back to a two-car garage as a garage. And we have to inspect that which means they have to let the Zoning Official on to the property and open the place up for the Zoning Official and quite frankly the Construction Official because all this work was done without permits; to inspect and really in their best judgement it is a two car garage

Mr. Sitzler: So, I think that is what the Board needs to consider. I think we are all on the page that it has to be a garage and it was a two car-garage before he started any work without permits. So, it is up to the Board my Resolution I think inferred that it had to go back to the way that it was which was a two car-garage. I don't think it is any difference if

it is cheaper for him to put one single door for two cars. I think that may be an option you can offer him rather than two single doors, but there certainly was not a singular door on the front which they now have because it was going to be an entry door for a living area and that is the reason that door was put there.

Mr. Hagarty: So, just I guess putting the garage door aside in all that conversation I think in all that conversation the Code inspections are absolutely warranted. I'm more concerned with the time frame, I guess if we find that there have been improvements made inside and he has not acted on the improvements then the 30 days or 60 days for doors it is less important for me if then the inside is not done.

Mr. Sitzler: I think it is clear and I told Mr. Threston that he makes sure he rereads the Resolution about returning it because he was given an option. I believe he was given an option if he couldn't finish it in 90 days from the Resolution to restore it back he could come before the Board with a letter saying I need additional time and this is the reason why I'm having trouble getting this done in 90 days and the Board would likely grant him time, but he didn't do that in fact in all these many months later he never did that until now

Mrs. Jones: He did have plenty of time

Mr. Sitzler: Yes, he has had more than enough time to deal with it and he is dealing with issues that are not under the jurisdiction of this Board with the Lot unrelated to this and I guess he's marshaling what ever resources, financial resources in dealing with that and that may have delayed him, but he could have easily wrote to us and told us all of this. I that from his lawyer but not from anything himself the applicant has done. I think the gravamen is that our Zoning Office inspects it has to be in a condition with the garage doors so that whether it is one big garage door for two cars or two singular ones, that two cars could be parked there. They could fit in with the doors down and nothing from impeding that from happening. I will leave that to the Board, but I think that would satisfy getting it back to a garage. There has to be room for two cars to be in there.

Mayor Green: Yes

Mr. Hagarty: So, your recommendation is I guess in terms of a response to this letter

Mr. Sitzler: Yes, he is asking the Board his options, he didn't ask for the option for a single door for two cars but someone brought that up and I don't see a problem with that as long as two cars can get in if it is a one singular double door or two just as long as it was for two cars originally and that is the way it should be and with the inspection. He seems to say that he thinks in the alternative if the Board insists in two garage doors must be replaced my client would do so in 60 days; that's in paragraph 4 of his letter.

Mayor Green: Tell him he has 45 days from today to install garage doors that will accommodate 2 cars and that the Zoning Inspector has to be permitted on site during those 45 days to do both an exterior and interior inspection of the garage to verify that not only is it a garage but it a garage that can hold two automobiles

Mr. Sitzler: I would concur with that

Mr. Hagarty: I would agree. Any questions?

Mr. James: Is that the motion

Mayor Green: If that is what it has to be then yes

Mr. James: Then second

Mr. Hagarty: All in favor?

All present "aye" motion passed

Mr. Sitzler: So, it would be 45 days and as long as two cars could fit it can be either one large double door or two single doors

Mr. Hagarty: Any other old business

New Business:

Mr. Hagarty: Any New Business

Mayor Green: Just for everybody's information, with the virus and the issues going on the Borough is updating the Borough WEBSITE daily for the latest and greatest information from the various, State, Federal and County agencies and there is also a link to the CDC on the Borough WEBSITE as well. We do not take any validity to these updates because they are changing constantly, but it is an issue that is going to be a

bigger issue so check the Borough WEBSITE daily so you will know what we know and it is changing every couple of hours. That is the best we can do

Mr. Sitzler: My wife is a teacher and she was telling me that the scuttlebutt is they are going to be shutting down her school which is Pemberton in Burlington County and the kids are going to have to be doing their school work from home on the computer for at least a couple of weeks

Mr. Gallagher: As soon as they can figure out how to feed the kids that are on free and reduced lunches

Mr. Sitzler: Yes, that is the big inner city problem, and that is true there in Pemberton there are a lot of low income children that attend the school there, they count on the schools for more than just schools work and they may be worst off being at home being un-supervised

Mr. Hagarty: This is changing latterly daily

Open Floor to the Public:

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

Councilman Robb: Motion second by Mr. Hagarty
Roll Call all "aye" Motion carried

Close Floor to the Public:

Mr. Hagarty: Seeing no public present, motion to close to the public.

Mr. James: Motion seconded by Mr. Hagarty

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

Motion to Adjourn:

Mr. Hagarty: I will entertain a motion to adjourn

Mr. Hagarty: Motion to adjourn; second by Mrs. Gilson,
all "aye" motion carried