

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

Phone Meeting

- Call to order:** **Call to Order by Mr. Michael Hagarty 7:31 pm**
- 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.
- Mr. Hagarty:** This meeting is being held on a phone conference call by way of FreeConferenceCall.com access to the meeting is granted by dialing 1-701-802-5052 and entering access code 7579017. I would ask all speakers to state their name prior to speaking
- Roll Call:** **Present:** Mr. Hagarty, Mr. Waddington, Mr. James, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Jones, Mrs. Gilson and Mss. Lunn,
Absent: Mrs. Ciotto
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty
There was a quorum
- Approval of Minutes:** **Mr. Hagarty:** If everybody has had a chance to read the minutes from the meeting of July 9th, 2020 I will entertain a motion to approve

Mr. James motioned seconded by Mr. Ford.

Roll Call Minutes Mr. Waddington Abstained all others “aye” the minutes were approved as written
- Correspondence:** **none**
- Resolution: 2020-10** **Mr. Hagarty:** The first resolution we have before us is Resolution 2020-10; it is a resolution granting a front yard setback variance subject to the terms and conditions to Branda Warnick for

property located at Block 84, Lot 75, also known as 121 West 2nd Avenue in the Borough of Pine Hill. Has everybody had a chance to read the resolution?

All members answered yes

Mr. Hagarty: Are there any questions? Hearing none I will entertain a motion to approve.

Mayor Green: Motion to approve, seconded by Mr. James

Roll call: Mr. Waddington Abstained all others “aye” Resolution was approved

Resolution: 2020-11

Mr. Hagarty: The next resolution we have before us is Resolution 2020-11; it’s a resolution granting a minimum and aggregate side yard setback variance subject to certain terms and conditions to Rashida Morrison for Property located at Block 101, Lots 23 and 24, also known as 19 hazel lane in the Borough of Pine Hill. Has everybody had a chance to review the resolution?

All members answered yes

Mr. Hagarty: Are there any questions on the resolution? Hearing none I will entertain a motion to approve.

Mr. Ford: Motion to approve, seconded by Mrs. Gilson

Roll Call: Mr. Waddington Abstained all others “aye” Resolution was approved

Resolution: 2020-12

Mr. Hagarty: The next resolution we have before us is Resolution 2020-12: it’s a resolution determining that a use variance is not required for this application and further granting preliminary and final major site plan approval, together with waiver and variance relief, subject to certain terms and conditions to Pine Hill DG, LLC, For property located at Block 71, Lots 1 and 33, also known as 712 Erial Road, in the Borough of Pine Hill. Has everybody had a chance to review the resolution?

All members answered yes

Mr. Hagarty: Are there any questions on the resolution?

Mr. Sitzler: I just wanted to make sure that Les did send and that the Board Members did receive the final draft of the revised version after I received it today from the Attorney for the Dollar General

Mr. Gallagher: They should have I sent it. It was basically the Lawyer's name change and a few small modifications.

Board members responded they had received after 3pm

Mr. Hagarty: Sounds like everybody has confirmed receipt. Does anybody have any questions on the resolution? Hearing none I will entertain a motion to approve.

Mr. James: Motion to approve, seconded by Mr. Hagarty

Roll Call: Mr. Waddington Abstained all others "aye" Resolution was approved

Resolution: 2020-13

Mr. Hagarty: The next resolution before us is 2020-13, it's a resolution granting preliminary and final subdivision approval together with certain variances and waivers subject to certain terms and conditions to Pine Valley Developers, LLC for property located at Block 15.03, Lot 1 also known as 501 West Branch Avenue, in the Borough of Pine Hill. It is my understanding Bill that you had a couple of comments that you wanted to make on the resolution before we vote on it.

Mr. Sitzler: I got an Email back after reviewing it from Bob Mintz the Lawyer for the Applicant and he pointed out, I want to direct the Board to paragraph 23 on page 4 of the resolution, I did not put that specifically that the Board granted all of those so I have revised it and sent a copy to Bob Mintz and he is fine with it he responded to me late this afternoon, so on paragraph 23 if the Board would follow along where it says. "WHEREAS, the Board made a MOTION TO APPROVE the Variances requested SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS;". And I should have had and now added for your consideration, Les now has a copy of the corrected version "and NOW THEREFORE BE IT RESOLVED that the following Variances are GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS". So wanted the Board to be aware of that before the vote. That was from an earlier meeting if you all read that resolution, I had to use the minutes from earlier meetings because they

did not come back until July from March, so I had to also take care of the variances in this one resolution from the March Meeting and the July Meeting.

Mr. Hagarty: Were all the Board Members able to follow along with what Mr. Sitzler was saying? What the addition was?

Board members replied they understood

Mr. Hagarty: Are there any questions on the resolution? Hearing none I will entertain a motion to approve.

Mr. James: Motion to approve with the corrections by Mr. Sitzler; seconded by Mr. Hagarty

Roll Call: Mr. Waddington Abstained all others "aye" Resolution was approved with change to paragraph 23.

Old Business:

Mr. Hagarty: Is there any old business matters that anybody wishes to discuss?

Mr. James: I was driving by the car wash on Blackwood Clementon Road and we granted them to have an Oil Changing Bay provided that they moved it to the other bay. The oil changing station is in the exact same position that it was when they come to us.

Mr. Waddington: I was going to bring that up tonight also I drove by a couple weeks ago and they were supposed to move into one of the wash bays and the oil change is in the exact same bay.

Mr. James: It causes a hazard when people come around the front into that bay and they agreed to improve it that was back in March or February I don't remember maybe before then. I believe it was back in 2019.

Mayor Green: I could not sit because it was a use variance, but were they given any time to get that work done? Does anybody recall

Mr. James: They were supposed to do that in order to have the oil changing bay. They had approved it on condition that the oil changing bay was a drive through in order to do so. We agreed to, they could keep

it if they moved it to one of the wash bays so there would not be a conflict of traffic.

Mr. Hagarty: I recall the same as you Felix on what the conditional approval was

Mr. Sitzler: I don't obviously have that in front of me, I would like to review that resolution I agree with Mr. James comment but I do think that exactly what the resolution says if they were to move it, but I don't recall if they were given time to do that. It maybe someone such as Karen could be asked to visit the property and speak to the manager to see why or what the reason is that they haven't moved the bay. I don't know if COVID-19 has anything to do with that but I do agree with Mr. James that approval was long before the COVID-19 outbreak.

Mr. Dougherty: Looking back at my notes that was approved at the September 12th, 2019 meeting so that was quite a while ago.

Mayor Green: I would make the recommendation to the Board that Mr. Sitzler send them a notice asking them what the story is. If it has been a year no use sending Karen out there, we should send them a Legal Notice saying you are in violation of you agreement of condition for use that you contact us immediately with your plans to comply or the Variance or what ever was granted is going to be revoked.

Mr. Sitzler: I would be happy to do that, and I think that is the thing to do. I do have to read the resolution so I can reference it I don't remember who the lawyer was.

Mr. James: They did have a Lawyer and they said it would not be an issue to move it

Mr. Sitzler: I do remember that specifically. I will contact the Attorney and see if he still is representing them if not then I will contact the applicant.

Mr. Dougherty: Looking at my notes Michael Amino was the Attorney from Woodbury New Jersey

Mr. Dougherty: Is anybody in disagreement that the next course of action should be Mr. Sitzler should draft a letter and send to their

Attorney and if unable to reach the Attorney then to the Applicant himself.

More discussion was had on how to stop him from the business of the oil change and the safety of the customers of the carwash having an accident with the unsafe conditions as well as the direction arrows and signs that were approved under the conditions set forth in the resolution. Mr. Sitzler stated if would have to be from litigation and the Superior Court to make the decision on stop and desist action and the Courts would turn it back to the Board for their action.

Mr. Hagy: Asked if there was a time limit on the applicant complying to the approvals.

Mr. Hagarty: Asked if a time limit could be in the letter

More conversation took place on the safety and whether or not it would be Mr. Sitzler of the Borough Solicitor that was file with the Superior Court for a cease and desist order.

Mr. Waddington: I make a motion to send the letter, seconded by Mr. James

Mr. Hagarty: Just in the interest in making the record clear let's have a roll call vote. The Roll Call being the authorization of Mr. Sitzler to draft a letter on behalf of the Board spelling out that the conditions of the approval and that they are in violation of those conditions and giving to them, I will leave it to Mr. Sitzler a reasonable period of time but not too reasonable to respond to his letter. And hopefully with all that we will have a report by our next meeting.

Roll Call: All members "aye" motion passed to have Mr. Sitzler send out the letter

Mr. Sitzler: The first thing I will do is call the Attorney in the morning trying to accelerate the process, and find out if I can get him on the phone to see if he still represents them and if he does, discuss that the Board finds this an urgent matter and follow-up with a letter. If he no longer represents them, I have no problem it trying to get the phone number of the owner applicant. I will follow up with a letter on each telephone conversation, I think it will accelerate the process if I call first.

Mr. Hagarty: Any other old business matters that anybody wishes to discuss?

New Business:

Mr. Hagarty: How about new business? Our next meeting is Thursday September 10th at 7:30 pm. I do not believe we made a call yet

Mayor green: Les do we have any applications?

Mr. Gallagher: No

Mayor Green: Right now, we have no applications, so we will notify you exactly how the meeting will be held, since we may very well still have this other issue hanging out it may very well be another a conference call. Nobody submitted an application it is going to be very difficult at this point is anybody submits one to get them to notify the newspaper and all of that stuff in time.

Open Floor to the Public:

Mr. Hagarty: Hearing no other new business at this time I will entertain a motion to open the floor to the public

Mr. Hagy: Motion second by Mr. Ford
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. Hagy

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

Motion to Adjourn:

Mr. Hagarty: I will entertain a motion to adjourn

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