

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
October 8, 2020

Phone Meeting

- Call to order:** **Call to Order by Mr. Michael Hagarty 7:30 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.
- Roll Call:** **Present:** Mr. Hagarty, Mr. James, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto, Mrs. Jones, Mrs. Gilson and Mss. Lunn,
Absent: Mr. Waddington
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 review and read the minutes from our August 13th, 2020 meeting, I will entertain a motion to approve
- Mr. James:** I have a correction on page 5 where Mayor Green spoke it says I could not site because of the use variance should be "sit".
- Mr. James motioned seconded by Mr. Hagy.
- Roll Call Minutes Mrs. Ciotto Abstained all others "aye" the minutes were approved as written with correction to top of page 5
- Correspondence:** **The New Jersey Planners; VOL. 81, No. 3 & No. 4**

**Informal/Concept
Review:**

Mr. Hagarty: The first order of business tonight is an Informal/Concept Review for the MUNA Center of South Jersey Inc., Block 74 Lots 1, 13, 26 and 57 at 400 Erial Road. So, I would kindly ask that all speakers clearly state your name prior to speaking.

Mss. Kinback: Good evening Chairman and members of the Board my name is Danielle Kinback I'm an Attorney with the Law Firm of Bisgaier Hoff on behalf of the Applicant MUNA of South Jersey.

She introduced the Applicant's Engineer Jack Gravlin and the representative for the Applicant Mohammed Kabir. She then gave the background overview of the prior approvals and that they wanted to correct the mistake the applicant made by doing work outside the approved area of the original application that was brought to the applicant's attention by the Borough Zoning Officer. She Stated they were here for an informal review to see what the board was requesting for the measures on Storm Water Management and compensatory planting for the Trees that were taken out.

Mr. Gravlin: My name is Jack Gravlin, I'm a Civil Engineer.

Mr. Gravlin gave his background information to qualify him as a professional then continued with the background of the property and the initial disturbance of the portion of the rear of the property/ existing building where the initial disturbance took place. He informed the Board that when he was made aware in March, he devised an initial Erosion Control Plan and provided that to the County Soil Conservation Office. He gave an overview of the site in question and that he had a land surveyor go out and do a topographic survey so he could engineer an erosion control plan. He went over the Conceptual Drawings provided to the Board Members as well as what was removed some trees and the rest was brush and weeds. He also informed the Board that the property was used by the previous owners as a dumping grounds for concrete paving from the roadways. He stated he did not think there was any environmental issues because concrete was often used as a fill and was not a hazards substance. He then covered his conceptual pain and what he called the three key elements to cover the stabilization of the property and the storm water management. He stated what they did was

an expansion of the site plan and it was not approved he apologized and said that Mohammad could also come up and apologize. He said what they did was a mistake but was well intentioned and that the contractor was out there with his equipment and offered to clear the area and make it safer. He said the current plan was to make this area a passive open space for the children to run and play.

Mayor Green: I have a couple things.

The Mayor went over the February meeting where the board was assured that nothing was going to be done with the back of the property, so this was not a mistake. Work was done on the weekend when no one was around and cleared the back out when no one was looking. He also added that after the stop work order was issued the work still continued. In his opinion this was deliberate work that was done in that area. The Mayor continued about the dumping that was done in the 60's and how the ground is unsafe and about a large fire in the late 60's from the heat caused from decomposing trees that were dumped and that fire burned for 3 to 5 months because of the voids on the property in the back area. The Mayor also addressed that off West 4th Ave that was a Paper Street and it was Borough Property and any debris that was pushed in there had to be removed and he wanted to know what was going to be done to stabilize that area to prevent the Resident at the end of West 4th being flooded out. He also believes Stormwater management is needed to prevent erosion and this should be worked out with the Board Engineer before any consideration is made on anything along with trees that were removed are replaced since some were between 4 and 5 feet in diameter.

Mr. Dougherty the Board Engineer then commented on the concept plan and the compensation plan were adequate compensation with the fence line and the tree buffer. He stated when you look on Google Earth there were substantial Oak Trees that were removed and need to be compensated per the Ordinance. He stated what was needed was an amended site plan, with the testimony that it was passive recreation the amended site plan should indicate that that area was only to be passive recreation with not structures being constructed. He talked about the storm water management basin because the location is was on the Concept Plan would ruin the passive open space area and some alternative would need to be looked at for storm water because of the area that was or would be disturbed. He would work with the applicant's

Engineer to ensure runoff is reduced and storm water is addressed in some fashion.

Mayor Green: Part of my concern is that is going to come out the back and the side and end up in the Guy's next door on 4th Avenue back yard because that whole area slopes and they made it worse by taking the trees and ground cover off of there and there is nothing there to suck up that water anymore and we have had some pretty bad rain storms recently. I don't know what they are going to do with the water, but it can't be just pushed in the back lot or it will wind up in this guy's back yard next door.

Mr. Dougherty: I would say because I don't see any outfall structure on the proposed basin and I know it is just conceptual, but we would have to look at some kind of diversion type thing that gets it safely down that slope for any type of storm water that would be generated from this site. As far as the compensation we need a lot more detail on the compensation so what you are proposing on that buffer I see you have a six-foot-high vinyl fence and details for that area would be required. This would all be laid out on an amended site plan so that going forward the Borough would know what is back there. This is a concept plan so it is really not binding on the applicant he wanted to come in and share this because of the work that was done on that back lot that was not approved so before he proceeds to make a full design if anybody had any thoughts on it and again it is non-binding but we can share with the applicant any other thoughts we would have on that. To the Mayor's point there are some drainage issues out there already on 4th Avenue that would have been exacerbated by the clearing of the lot so that is something you should look at as a design standpoint where that runoff is going coming off of 4th Avenue side of the property.

Mr. Gravlin: That is why we are here, and I appreciate the Mayors comments. That's why we came in so I can address it right up front and now I know the procedure that you are looking for and we will satisfy you. We were wrong on this it is absolutely no doubt about that, and we will make it right even if we need to do things along 4th Avenue that were not anticipated. I understand where the Mayor is coming from and we will address that.

Mr. Hagarty: Does your client have any interest in coming up and saying anything before the Board?

Mr. Kabir: My name is Mohammad Kabir. I would like to thank everybody for coming tonight to give us an idea on the concept plan. I was actually talking to Mr. James when he was in my business office and he advised me that I should come before the Board and find out what I should do and I appreciate that advise and I talked to my Attorney and that is how we came tonight. I would like to apologize actually because for any damage that was done back there was not intentional we did not have any idea it was going to be a big thing but because of that thing we have to wait a long time and can not provide prayer because of that mistake and we have to spend a lot of money for that so this is a mistake that leads on to another. When the contractor said he could push everything to the back and make it better I did not know the problem it would make it is my mistake and I'm just apologizing. We do want to follow the law it was not intentional we don't want to do any destruction to the neighbor we come to ask your to accept our apology we want to follow the law we will do what we need to do, again we appreciate your time and I appreciate your comments Mr. Mayor.

Mr. Hagarty: Your apology is accepted

Mr. Gravlin: I will contact your Engineer and sit down with him next week at some point and I will work on this plan and we won't be back until this plan is satisfactory to the Board. Additional trees, stabilization, 4th Street drainage I will pay particular attention to that Mr. Mayor I promise.

Mayor Green: Thank you

Mr. Dougherty: I do have one additional question; Jack no additional parking for this passive recreation it is just purely passive recreation, right?

Mr. Gravlin: There will be no parking in the back, hopefully in the years ahead with confirmation if it grows to the point that we do need some additional parking we will be back in at that point. For the immediate future we feel that the parking (pointing to the 5th Avenue side of the building) we feel that will be adequate.

Mr. Hagy: You mentioned in that area behind the building you were going to allow children to play in that area. Is that something you are going to go longer with?

Mr. Gravlin: As a passive area, perhaps after the service it will be a place for them to go there will be no athletics there. We want it to look attractive, we want it to be safe for the children of course and we would prefer it to be a lawn area as apposed as a wild concrete filled field back there and that is our intention to bring it up in that sort of situation.

Mr. Hagy: Are there any structures planed like playgrounds, gazebos anything like that?

Mr. Gravlin: None of that at all absolutely not and if we were to do that in the future, we would come back in but in the immediate absolutely not. Our primary concern is to get the Worship Center open of course and to also to rectify the situation that has occurred in the back.

Mr. Hagarty: Any other questions from the Board?

Miss. Kinback: Our professionals will work on what we need to submit.

Old Business:

Mr. Hagarty: Is there any old business that anybody would like to discuss?

Mr. James: I would like to mention the fact that I was driving down Cross Keys Road and the Tractor Trailer Park that we approved for Tractor Trailers only has RV's in in and has a sign up there saying leasing for RV parking.

Mrs. Keyek: Tomorrow I will review what was approved and then drive out there.

Mr. Sitzler: We specifically left out any other vehicles.

Mr. Hagarty: Any other old business that anybody would like to discuss?

Mrs. Jones: I was just asking Les about the carwash with the Lube. Has that been addressed?

Mr. Dougherty: They did submit what we call a compliance plan showing what the improvements that the Board approved are so we are signing off on that plan and I think the plan is they are going to start construction on that moving the oil lube over to one of the bays

Mrs. Jones: Did he give any reason that all this time has passed, and he didn't act on what he agreed to

Mr. Dougherty: When he dropped off the plans, he mentioned something to Les I think

Mr. Gallagher: He said he was waiting on us, and I told him once it was approved, he was supposed to bring us the completed plan showing what we approved, and he never did.

Mr. Sitzler: When I contacted his lawyer, he got back to me and was very apologetic he said it was his client that didn't follow through. He was unaware that he did not follow through with it. From what I understand the applicant came in right away, right Les

Mr. Gallagher: He came in right away with the plans and went to the Construction Office

Mrs. Keyek: He did pick up permit paperwork and he knows he can't submit it until he has an approved plan.

Mr. Hagy: Did we put a time limit on this on when the work is to be completed?

Mr. Sitzler: I think Hugh is on top of this as far as the compliance plan and the Zoning Officer knows when they are supposed to start with the permit, I guess that is the way we can monitor it.

Mr. Dougherty: It should move quickly; I mean if they don't file the permits in a month or so then Karen could bring it back to the Board and say hey, we got to do something

Mrs. Jones: Has he stopped using that bay until he does it correctly?

Mr. Gallagher: He has not there have been a few times I have been in there getting my car washed and I noticed there was someone in the oil bay getting their oil changed.

Mrs. Keyek: Is he not permitted to do oil changes until he moves the bay

Mr. Sitzler: Pretty much, His approval of the Resolution was that he was approved under the condition that the bay was moved so he should have a stop order until he moves it.

Mrs. Keyek: Okay

Mr. Hagarty: Any other old business?

Mrs. Keyek: Is there any update regarding the gravel parking lot at the Sikh Temple on Blackwood Clementon Road

Mr. Gallagher: The only thing I have was probable six weeks ago I had a call from a Lawyer that said he was representing them, and he was wanting to know if it was too late to move on it. I said no they would have to bring in the application and I have not heard from anyone after that.

Mr. Sitzler: The information that I received from one Attorney that there were several factions fighting it out in Superior Court as to who had the authority to do anything. So I would recommend to the Board that if a new attorney comes in we need some proof that the matter in Superior Court has either been resolved, decided or settled in some fashion and that they have the authority to appear in front of us. In todays world it is pretty hard to track Court Proceedings

Mr. Hagarty: Any other old business?

New Business:

Mr. Hagarty: How about new business?

Mr. Gallagher: Currently right now we have no applications and the deadline has passed for the next meeting scheduled for the November 12th Meeting.

Mr. Hagarty: So, it looks like we may not have a meeting on the 12th most likely.

Mayor Green: We will have to wait to see after the 1st to see if someone comes in with an informal request or something else comes up. People have called about different properties, but nobody has moved on anything but, there is probable more interest in properties in the last six weeks than there has been in the last two and a half years.

Mr. Hagarty: any other new business?

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

Mr. Ford: 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. Ford: Motion seconded by Mr. James

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

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

Mayor Green: Before we adjourn Mr. Chairman, this is Mrs. Ciotto's Last meeting with us she is moving out of town as of tomorrow so she will no longer be a member of the Planning Board.

Everyone thanked her for her service and wished her luck

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