

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
May 13, 2021

- Call to order:** **Call to Order by Mr. Hagarty 7:49pm**
- 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, Mr. James, Mayor Green, Councilman. Robb, Mrs. Jones, Mrs. Wakeley,
Absent: Mrs. Gilson
Professionals: Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Planner: Mr. Melvin, Zoning Officer: Karen Keyek
There was a quorum
- Correspondence:** **New Jersey Planner Vol. 82, No. 1**
- Approval of Minutes:** **Mr. Hagarty:** In your packet you have two sets of minutes. We have the meeting minutes from March 11, 2021 that was tabled at our last meeting so if everybody has had a chance to review the minutes from March 11th, 2021, I will entertain a motion to approve!
- Mr. James:** Make a motion to approve; seconded by Mr. Hagy.
Mr. Hagarty & Councilman Robb abstained all others present “aye” minutes approved.
- Mr. Hagarty:** Also, in our packed is the minutes from April 8th, 2021 so first off does anybody have any questions on those set of minutes? If

everybody has had a chance to review the meeting minutes, I will entertain a motion to approve!

Mr. Waddington: Make a motion to approve; seconded by Mr. James.
All present “aye” minutes approved.

Extension of Application:

Mr. Hagarty: Before us tonight we have a request for extension of approvals from Carl Pursell 121 Cross Keys Road, Block 131 Lots 34.01, 34.02 and 34.03. In your packet you should have a letter from April 16th, 2021 from Ms. Sara Werner, ESQ to Les Gallagher and it gives the background in terms of the request that is being made. Mr. Sitzler do you have any comments?

Mr. Sitzler: This is in abundance of caution that the Applicant Mr. Pursell, even though he has been to the best of our knowledge working on these buildings continuously since his approval. This is normally what people will do if they are delayed and have not started or have stopped for a long period of time to protect the approval, they ask for an extension of time but, from what I understand I will stand corrected if anyone has any other information Mr. Pursell has been working on all these continuously so I guess in abundance of caution his Lawyers are asking for an extension. Now there are asking for one retrospectively for a year and then 2 prospectively. The Board has the option to really to grant them year by year you do not have to grant all three at one time, but you can and since they are asking for one retrospectively really what they are asking for is a second and third extension the statute is three one-year extensions. So, the Board should consider two years or three if you consider three then Mr. Pursell will not have to come back for any extensions and again, he will not need one if he was continuously working on the project. So, they are asking for one which is there right, and they can do it by letter they don't have to appear in-person and this Board can address it just by letter.

Mr. Hagarty: Any other questions?

Mrs. Wakeley: I actually was not on the Board at that time can I vote tonight?

Mr. Sitzler: Yes, it doesn't matter that you were not on the Board at that time.

Mr. Hagarty: Yes, it is just an extension.

Mr. James: I have a question what is this in reference to again? What was the project?

Mayor Green: It was the warehouses out on Cross Keys Road in the Pine Hill Business Park.

Mr. James: Oh, all those warehouses out there!

Mr. Sitzler: Yes, and he hasn't finished all of the warehouses yet.

Mr. Hagarty: Any other questions or comments?

Mr. Dougherty: Generally, a project is held up by permits or things like that in this case the project is ongoing. Every now and then Carl will come in for a little change of use, but he just wants to keep his approvals active. The Board can wait and approve the 2020 to 2021 and 2021 to 2022 and have them come back in 2022 for the next year extension.

Mr. Sitzler: That is what I meant the two years and then the third year or all there now. You are not required to approve all three years now.

Mayor Green: He is actually moving forward it is not like the project is languishing and nothing is getting done I think he has 4 buildings up.

Mr. Sitzler: Yes, and he has come back when there was a different use then what he originally applied for or represented what he had hoped for and I know that happened at least once.

Mr. Hagarty: Any other questions or comments from the Board? Okay, so the applicant is requesting three extensions for one year each with the first extension commencing retroactively on May 11th, 2020 and the last such extension expiring on May 10th, 2023.

Mayor Green: I would make the motion that we grant the retroactive and also the two one-year extensions.

Mr. Hagarty: Do I hear a second?

Mr. Ford: I will second it.

Mr. Hagarty: Roll Call

ROLL CALL ALL "aye" 1 year retro with a total of three-year extension approved.

Application 2021-3:

Mr. Hagarty: Next we have before us Application 2021-3 Main Street Deli 300 Blackwood-Clementon Road, Block 8 Lot 1, Use variance. Good evening gentleman, mam.

Mayor Green: Mr. Chairman since this is a USE Variance, I cannot sit neither can Councilman Robb will be leaving. I personally have nothing else on the agenda so I will not be returning so, everyone have a good evening. **THEY DEPARTED AT 7:59**

Mr. Gordan: Good Evening Committee Members my name is Roy Gordon I'm Council for Kishan and Khushbu, INC, which owns the Main Street Deli. I'm here with Neela Patel who is the owner as well as Bruce McKenna who is our Engineer. We are asking for a use variance at this location 300 Blackwood-Clementon Road. She already operates a convenient store at that location, and we are asking for a use variance for her to operate a rental of U-Haul trucks there as well. I would like to first introduce Neela Patel. Neela Patel would you please introduce yourself to the Board?

Ms. Patel: My name is Neela Patel, I'm the applicant and I have owned the Main Street Deli since 2003 and I rented U-Haul trucks from 2017 through 2020 so, I stopped in 2020.

Mr. Gordan: How Long have you owned and operated the convenient store?

Ms. Patel: 18 years since 2003 I start so I guess 17 years.

Mr. Gordan: And you believe there is a demand in this area for U-Haul trucks?

Ms. Patel: From 2017 to 2020 because of my long hours I was convenient to the public and I do want to continue with the company.

Mr. Gordan: Just to make it a little more clear she did say she did have a U-Hall operation there at one point and she did not know she needed

use variance for the property. As soon as she was informed that she needed a use variance she immediately stopped and that is why we are here today to see if she can go back to doing that. With that I would like to introduce Bruce McKenna who is going to go over some of the positive and negative criteria and tell you things that I'm not an expert of, but he is.

Mr. Mc Kenna: Do you want to swear me in?

Mr. Sitzler: Mr. Gordan how many people to you anticipate will testify?

Mr. Gordan: Just the two.

Mr. Sitzler swore in Ms. Patel and Mr. McKenna.

Mr. McKenna presented his credentials and qualifications before the Board as a qualified Engineer to testify.

Mr. McKenna: I guess we need to do the completeness first?

Mr. Dougherty: Mr. Chairman I have a second letter dated April 19th, 2021 which is my second letter dealing with some completeness issues. Now I noticed tonight Mr. McKenna submitted a signed Survey and that was one of the issues that it was submitted but it was not signed and sealed by the surveyor. He Submitted it as of tonight and also, they are requesting a site plan waiver and at this point I don't recommend the waiver but they have submitted a site plan that is sufficient to render opinions on the use, it is not quite a site plan but it is enough of a site plan that we can get by for tonight so the application is actually complete as of this evening because of the site plan and the sealed survey so I don't know if the board has to take action because I can declare it complete because everything is here unless the Board would want to declare it complete.

Mr. Sitzler: If it is complete, we should have a motion to declare it complete because the Board Engineer in his letter did declare it incomplete but is a satisfied it is complete tonight. Are you satisfied?

Mr. Dougherty: Yes, it is sufficient as is.

Mr. Hagarty: Okay I agree to clean it up can I have a motion to approve completeness?

Mr. James: I move that we received the plans making it complete.

Mr. Hagarty: Is there a second?

Mr. Hagarty: Second

ROLL CALL ALL 'aye" application is complete.

Mr. McKenna: As Neela was saying the property right now is a convenience store on the corner of Beach Street and Clementon Blackwood-Clementon Road, it has 2400 square feet and six parking spaces delineated on the site and it is basically centered on the lot. In the packet I have given you an arial photograph to help you understand the surrounding area it is basically surrounded by an Apartment Complex on two sides and a vacant house on the other side of Beach Street. What Neela wants to do is she wants to revitalize a use of a U-Haul facility to provide U-Haul trucks on the site and you might know she operated that use for several years until it was deemed that the use was not permitted in the Zone and that is why I am here tonight. What I do have is another photograph that I would like to enter in tonight if I may. This is a street scape of the site that shows where the U-Haul trucks were parked so everybody can get acquainted with the site and know why we are here this evening. The intent is to show where the trucks were located and where Neela would like to have them again. She had about 3 trucks that were located on the Beach Street side of the building in the paved area. Most of her arrangements for the rentals were done through the internet, it was not like people driving up checking out the vehicles and then leave most of the arrangements from made by way of the internet. They basically came in picked up the truck and went about their business and then either returned the truck to this site or went to another site where they would leave that. We are asking for a waiver of a siter plan we are not really proposing any other improvements at this time, one of the things that I did notice was we were going to provide a handicap parking space it was a space that was not really delineated that I do show on the variance plan that I provided so we can provide the proper signage and striping on the site. It is a good area for this since you have several multi family and residential rental units in the surrounding area not only in the rear of the property but also across the street where those people can use the trucks to come and go and to move and to leave their rental apartments and will have the ability to get a rental or leased vehicle to make the move. There are also several self-storage facilities in the area with one currently being built on Branch Avenue so they will also benefit with the ability to use the truck and store their merchandise and their material and return the trucks accordingly. My observation at the site were that I did not see all six parking spaces filled at one time I was there several times for several hours, but I would say that about one third of the patrons and customers to the site were walk-ins they were accessing and coming to the site from the Apartment Complex or from the neighborhood and so forth. We felt that the six parking spaces they should be refreshed and redesignated with boundaries for the patrons for the convenience store we would not expect any additional parking requirements for the site due to the trucks beside the fact that there is room for them already, but they were not delineated before. We feel that the ability for the people to use the site it is located on a County Road and from that perspective we feel it is uniquely situated in this area that will benefit the community as a whole to utilize the trucks. We realize that the negative would be the fact that they are directly increasing the traffic but from my understanding is that from operating for several years there was no detriment to the neighborhood and the people were not impacted by the use of the trucks and the leasing and therefor we don't expect it to be more than what is already there.

Mr. James: Two questions!

Mr. McKenna: Can you do me a favor and speak up I have a hard time hearing?

Mr. James: Two Questions! (1) how many trucks will be on the site at one time and what is the maximum size of the trucks?

Mr. McKenna: Neela do you want to talk about this?

Ms. Patel: The smallest truck is 10-feet and the largest is 26-feet. There will be maximum of six trucks they will be three and three. If there are more I will call and say send no more because my parking lot is full, and they won't send any more.

Mr. James: So, you say the maximum will be six and they will be three and three.

Ms. Patel: Yes, three and three

Mr. James: Three 20 and three 10

Ms. Patel: The smallest one is 10 and the largest is 26 but, it is not all the time big.

Mr. James: Right but there could be a time when there is a combination of them but no more than six.

Ms. Patel: No more than six.

Mr. Gordan: The way that U-Haul works someone can pick up one and if they move to a different area, they can leave the truck at a different U-Haul.

Ms. Patel: Yes

Mr. James: My question is more or less having trucks stacked up and then they start using the parking spaces in front of the building also. That is why I asked the question.

Ms. Patel: If that happens, they do not come right away I have to put it in the front, but they do come and take it in a couple of hours.

Mr. Dougherty: Mr. Chairman if I could just follow-up. Because the site plan does not meet our site plan criteria per say I noticed on the site plan that was submitted there are three truck spaces showing where would the other three be?

Mr. McKenna: Those three trucks would temporarily be on the West side of the building because the pavement extends beyond the building, they would actually be parked behind the building on that side there and they would be utilized from there.

Mr. Dougherty: I did notice there was a trash dumpster over there and that is one of the reasons why I think we really need a Site Plan. I really don't want to get into the Site Plan detail because if you are successful and get the Use Variance only and then come back with a full-blown Site Plan that shows some of the things that are in the latter part of my letter under site plan comments, they incorporate what is our current standards for site plans.

Mr. McKenna: I get it.

Mr. Dougherty: It is just the site and all to Show six (6) trucks and did I understand it was 26-feet or was it 20.

Mr. James: Three 10-foot and three 20-foot

Ms. Patel: it is 10, 15, 20 and 26 that is the size, but 26 and 28 are the bigger trucks and sometimes I get the bigger truck and they go back, I call for them to come pick it up.

Mr. Dougherty: You are saying 2,6

Ms. Patel: Yes 26 that is the biggest one.

Mr. James: I think if I am correct, she is saying that a 26 would be one that someone dropped off and it would be returned she would carry 20's and 10's.

Ms. Patel: Yes 26 is if only dropped off they call, and it is picked up it is not going to stay all the time in my parking lot. I cannot say no it is not going to come because of the contract.

Mr. Dougherty: I just wanted to make that clear incase the Board wants to proceed with that so 20-foot would be the expected maximum but there would be an occasional 26. As long as the Board is okay with that, I was just trying to get the range of the minimum to the maximum. So, we are going to say a maximum of six (6) trucks total for that site.

Ms. Patel: It will not always be six sometimes, sometimes two sometimes one. Depends on how many people move.

Mr. Dougherty: We are just looking at the capacity of the site. Then again because it is a use variance the Board can put certain restrictions on this property. So, it would be a maximum of six at any time and that would be depended on the condition of approval of six (6) trucks maximum with a maximum of 26-foot long and again I am just trying to get the range that is all.

Mr. James: I have a couple of additional questions just to be clear. Are trucks delivered to you when someone reserves them, or will they be sitting there and someone just comes in and picks up one.

Ms. Patel: They reserve online.

Mr. James: Okay they reserve online and then they drop off the trucks to you and the people come in and get them?

Ms. Patel: Right, I can give you an example that makes more sense. If I had one (1) truck at my location and if they want a 15-foot truck and they register online to pick up at me, they bring the truck or if they want a 15-foot truck and they pick it up somewhere else they can take it back there or bring it to me.

Mr. James: Just to be clear, I understand that people reserve them online that I understand. My question is do you have trucks sitting there that people can that people can go online and order or do they go online and reserve a truck and then U-Hall delivers those trucks to you for them to come pick up.

Ms. Patel: No, only what I have.

Mr. James: Okay only what you have on location at the time is what they can rent.

Mr. McKenna: There is one more positive criteria that I wanted to bring up. In my search for other U-Haul facilities in the area and what I found was the closest one was actually in Somerdale so this one could potentially bring more revenue into Pine Hill.

Mr. James: Isn't there a U-Haul Over by the

Mrs. Wakeley: In Lindenwold

Mr. James: No not Lindenwold

Mr. Waddington: On Blackwood-Clementon Road at the Storage Unit

Mr. James: Yea but doesn't the gas station have U-Haul Trucks?

Mr. Waddington: No not any more

Mr. James: He use to have them.

Mr. Gallagher: They were also written up and they chose not to come before the Board.

Mr. Waddington: But across from Kentucky Fried Chicken there is a U-Haul Rental there.

Mr. McKenna: Neela can you explain about the supplies, tape, boxes and so forth do you supply any of those type of supplies for any kind of moving?

Ms. Patel: Only Blanket. I don't take the boxes and small things I don't take because I don't have storage. I can only provide the truck and the blanket.

Mr. James: So, no hand trucks or dollies?

Ms. Patel: Yes, those I have.

Mr. Dougherty: And the hand trucks and blankets they are inside the truck?

Ms. Patel: Inside the truck, yes, not the outside.

Mrs. Jones: Can I ask a question? You have the dumpsters on one side where are they going to go once you put the trucks there?

Ms. Patel: They come once a week every Monday and I make sure on Monday those spots are empty. They come the same time every Monday. So, on Sunday Night if we have any trucks there, we move the trucks to the other side so they can come and take the trash.

Mrs. Keyek: I Have a question. I know in the past one of the issues was parking trucks on Beach Street are you going to insure this does not happen this time?

Ms. Patel: Absolutely

Mr. Melvin: One issue brought up in the Planning Letter had to do with parking and the Deli and this additional use diagramming would help and also given some of the dimensions of the trucks and looking at Bruce's survey the problem could be fixed it is like one of those tight puzzles that with out a site plan you can't make sure all the pieces fit properly between the truck parking the dumpsters and the customer parking for the Deli would be helpful and buffers that may or may not be asked of by the Board. Specifically, the dimension of things there is depressed curb on Beach so the 26-foot truck on that side could be in conflict with that dimension, but it may work on the other side so some of those things have to probably worked out. Parking would be a great attachment on that plan.

Mr. McKenna: Once again in Hugh's letter regarding the site plan issues such as the parking, he also talked about the landscaping island in the front and the trash enclosure which would have to be provided on the site here so we can clean that up as well. I think there is a lot of room for certain things, and I think we can work this out. Like I said some things may double up where we can extend the parking spaces and get a couple more parking spaces, three or four over by the apartment complex and this area (pointing to the temporary plan) can be used for the trash enclosure and larger truck parking so they can solid back in here and still provide parking for the smaller trucks on this side of the parking spaces.

Mr. Hagarty: I hear what you are saying, I think what you are hearing from the professionals, Mr. Dougherty, Mr. Melvin and some of the Board members is that we understand that you have a lot of space and you have space to work with. We are just trying to figure out the configuration of how that works so short of moving stuff around and all of that it helps when you can visualize the layout of all that so we can see exactly how it works.

Mr. McKenna: What I am visualizing on site is that the three smaller trucks can park on the East side of the existing building and we solidify a couple more parking stalls for the deli which I believe will not be used all that much because I did not see that much traffic utilizing those type spaces. Then you have the cut and paved area behind the side of the building which could then accommodate the trash enclosure and additional larger trucks for the overflow which she may or may not need. So, I believe there is room there unless the Board wants to limit the amount of trucks she has but to my understanding she has never had more than six (6) trucks on the site at any given time.

Mr. Hagarty: I guess that the other thing is helpful is the number of trucks the size of the trucks and all the rest of it is again if there is space and you would be able to move around but the fact that you previously had trucks on Beach Street shows me that obviously there were instances that it didn't work there or you had to resort to that so it makes it more important that we have to take a look at how you propose that and on paper we can visually see how it works.

Mr. James: Why were the trucks on Beach Street? What caused you to park trucks on Beach Street?

Ms. Patel: It was a very long truck and since then I won't have it again.

Mr. Hagarty: I have a question. Will there every be a situation where someone comes to rent a truck and leaves their vehicle there?

Ms. Patel: Yes, if there is some one that comes to rent a truck and they come back I can ask them to park their car where the truck was parked and when you come back you take your car and park the truck that is the only way we allow. If you are taking the truck somewhere else, you cannot park in my location.

Mr. Hagarty: So, if that happens, they have to park where the truck was.

Ms. Patel: Yes, only where the Truck was.

Mr. Hagarty: Does anyone else have any questions or comments?

Mrs. Wakeley: I apologize but I do not see any land scaping on here.

Mr. Dougherty: That is what we are suggesting on this, right now the way we are looking at it is for Use only. So, if you were to approve the Use of having the trucks. Then eventually we do want to address the Site Plan issue which would be landscaping and all those such type of things so that is a good question.

Mr. Melvin: I noticed on your photograph at the time there was an additional sign on the pylon sign advertising the U-Hall as an option. Has anybody done any calculations of that sign to see if it is in compliance with the communities' standards in terms of the Boroughs Regulations?

Ms. Patel: That is their sign.

Mr. Melvin: Are you going to put that back up?

Ms. Patel: It is already there.

Mr. McKenna: It is an existing sign and I located it on the survey, and I did not know if it was grandfathered in from being there and she just changed it for this type of accessory.

Mr. Melvin: Well, it is advertising something you are asking a Use Variance for so I would conservatively say it is not permitted then you might want to get relief.

Mr. Sitzler: It would not be grandfathered in it is not a permitted sign.

Mr. McKenna: But she can use it for something else related to the business could she not?

Mr. Sitzler: I guess that depends.

Mr. Dougherty: Only if it is compliant, it is a condition of the Use. If the Board grants its use, we can condition the site for other things so the signage, any nonconforming signage we can make the sign compliant. The sign should comply with our ordinance and they maybe I'm not sure. That would be something that would come out again we can defer some of this stuff to the Site Plan. The question would be whether or not we would want to permit the maximum of six trucks, maximum foot length of 26-feet with the parking that they have and eventually we would layout a full site plan that addresses all these other issues. For the Board's benefit do we think there is enough room on here on this site to accommodate all of this and can you address some of these other issues regarding landscaping and I think those conditions of the Use is important. We want landscaping to mitigate this Use, they have trucks stored there all the time and looking at the Site with the photos provided, the aerial and the street view there is no landscaping. It is an older site this was one of the sites that was previously approved or maybe we didn't have some landscaping criteria and now we do so that would come out in the Site Plan, but we can petition the Use Variance and say yes you must comply with all of our Site Plan Conditions and come back in with a full-blown Site Plan.

Mr. Sitzler: Another reason for the Site Plan, and Hugh correct me if I am wrong. It highlights everything that is permitted and viable from the Boards decision so if the Applicant were to sell this as an ongoing Deli/U-Haul business the New Owner would not be able to say he did not have a Site Plan to look at. They could make changes that she would not know about, expanding it in some way adding more trucks. The Site Plan will limit and show where everything is supposed to be for any prospective buyer should she decide at some point in the future to sell. As I understand the principal Use is not a permitted Use in that Zone right now. Am I correct Hugh?

Mr. Dougherty: Correct

Mr. Sitzler: So, this is another use that is also not permitted. So, you may want to for the protection of any future owner of the property as well to have a Site Plan. I think that is another reason to have one as well.

Mr. Dougherty: Yes, it will memorialize it. The argument about not having to have trucks parked on the street, the Site Plan would delineate then where those trucks are going to be they are not going to be on the street and that kind of thing. It is then going to give Karen some enforcement because now it is really unclear other than the U-Hall use was not permitted at all but the other Site issues she could say okay we can't have parking on the street, the landscaping is not proper and that sort of thing. She would actually have something to enforce.

Mr. Hagarty: I think you have high lighted it and the difficulty we are having from the Board asking these questions is how important it is you know the number of trucks the size of the trucks all of that is important because we are trying to visualize how it works here.

Mr. McKenna: As Hugh said you can make a use variance approval subject to site plan approval that proves the numbers. So, you could "hypothetically" approve a Use Variance for U-Haul Trucks up to six max but not guaranteed six if the Site Plan does not support it.

Mr. Waddington: That was going to be my question, so I am glad you answered it for me. I mean I'm looking at this plan and I see no dimensions so how do I know how many U-Hauls can fit other than the picture that I see that has two in it and no others. The applicant said they want to put three on each side how do I know it will fit three on each side it could be two on one side and three on the other. For me to do a final approval you really need to have the dimensions for us to know what we are looking at.

Mr. James: And the Site Plan would give us that correct?

Mr. Waddington: Yes

Mr. Sitzler: They can seek certain waivers at the Site Plan?

Mr. Dougherty: At the Site Plan, Yes

Mr. James: So just to be clear at this point we are only trying to decide is whether or not we want to allow a Variance for U-Hauls to be used at this location.

Mr. Gorgon: That is correct and a Use for a Maximum.

Mr. Waddington: Than this location would have two uses then.

Mr. Dougherty: The Current Use that already exist and then the U-Haul would be a separate use. Yes

Mr. Sitzler: I Think U-Hauls practice from what I have been told their whole promotion of their business is that if you have a small business what ever it is you can consider it as a secondary business the U-Haul Business.

Mr. Hagarty: My understanding is that there is stand alone businesses and that is all they do and then there are ones that are secondary to a small business.

Mr. McKenna: It is slightly smaller like she was saying it is not one of those where you get all the extras like you would at one of those larger U-Haul locations it is just that you would rent the trucks here.

Mr. Dougherty: There was one other comment in our letter with regard to how the trucks would be serviced. I don't know if that is a contract with U-Haul or how that happens. How does changing of the oil, engine work how happen.

Ms. Patel: If there is any problems I just call and they come look at it and if need fixed they pick up the truck and take away.

Mr. Dougherty: Okay, so, it is just diagnostics and look at it on site and if it something else they are going to have to take it. You are not going to be working on trucks there. Okay so that would be an observation there would be no service or repair on site.

Mr. Sitzler: They deliver the trucks full of gas?

Ms. Patel: That is the customer, you come to my location and if the truck is half tank, you bring back with half tank.

Mr. Sitzler: You bring it back with what ever it was marked at when you take it.

Ms. Patel: Yep

Mr. Hagarty: Any other questions or comments?

Mr. Hagy: This may be too early, the truck signage for where the actual trucks are to be parked where is it will be just trucks and no customers.

Ms. Patel: No, No the right side is for bigger trucks and the left side for smaller trucks.

Mr. Hagy: The customers coming to the Convenience Store are they designated to park directly in front?

Ms. Patel: No

Mr. Hagy: They can park where the trucks are?

Ms. Patel: Yes, on either side

Mr. Hagy: Not U-Haul Trucks I'm talking about regular customers for the mart itself. Is this a Convenience Store Les?

Ms. Patel: Yes

Mr. Hagy: Is it operational with people coming and going?

Ms. Patel: Yes

Mr. Hagy: Do they have to park directly in front where those lines are?

Ms. Patel: Yes

Mr. Hagy: If the truck was not there can the customer park there?

Ms. Patel: They usually park in front but once in a blue moon, someone parks over there.

Mrs. Jones: Looking at the picture I noticed that your curbing or driveway in to the property is in disrepair have you thought about repairing that.

Mr. McKenna: I can tell you that when I surveyed the curbing along the intersection had just been replaced. The right of way is actually right into the sidewalk and a lot of the sidewalk has been replaced and I can tell you this part has not and a lot of this has to be removed and replaced by the County.

Mrs. Jones: But if you are going to have bigger trucks and they are going to do more damage to this if it is not replaced.

Mr. Dougherty: We can deal with that at the Site Plan as well but that is a good point. I did have another comment as Mr. McKenna had mentioned that there is a lot of walk-up traffic so just to be clear that the

testimony said six parking spaces is enough for the Deli and then you have a lot of walk-up traffic, so you are not going to have people parking out on the road so six parking spaces out front and walk up is your main business, I guess.

Ms. Patel: Yes

Mr. Hagarty: I think in your testimony that just in case somebody does drive up you are able to use the parking that you have to accommodate if they leave their car there.

Mr. McKenna: Right, I think she said that if they are taking that truck and they are returning to this location she is allowing them to park their car in the spot where the truck was, so it is not taking up any of those six spots it is just replacing the truck while they are gone with the truck and then come back and take their car.

Mr. James: Did you also state you would have additional customer parking spaces on the side of the building or no? Or did I mishear that?

Mr. McKenna: There is room along the Western side possibly I would have to mark spaces to accommodate the Deli we have to look at that, but again I need to look at the depth after we include the trash enclosure to accommodate the length she had mentioned. But we believe there is enough space for at least two more parking spaces there.

Mr. James: Okay for the trucks.

Mr. Sitzler: Okay so, you are saying you would have six parking spaces for the Deli and still have space for the six trucks?

Mr. McKenna: Correct

Mr. James: Did you say something about the Handicap parking space as well?

Mr. McKenna: Handicap, yes, that is one of the things I was proposing was to designate a space.

Mr. James: Okay so there is not one there now.

Mr. McKenna: No there is not one specifically delineated. It is not ADA compliant, and it will become a construction issue.

Mr. Dougherty: Mr. Chairman just for an update the latter part of our letter Site Plan on the bottom of page three (3) and page on to page four (4) it says include landscaping which the Board brought up and signage which was brought up that these will be dealt with at the Site Plan stage so before the Board

proceeds with this you would approve the Use Variance contingent upon the corrected Site Plan so, coming back to the Board with a full blown Site Plan.

Mr. Sitzler: And the Board could at the recommendation of the Planner approve no more than six. It could be less but no more than six depending on how the Site Plan is configured.

Mr. Gordon: If the Board is inclined to advance the Use Variance, I feel that what was in the memo and addressed in testimony by Mr. McKenna expressing the positive and negative criteria I believe that those two requirements have been met and fulfilled. If you need help with that let me know.

Mr. Hagarty: I think that is a good point so I'm going to ask just for clarification's sake if you can summarize the positive and negative again since we had a lot of comments.

Mr. McKenna: Well, the positive we were looking at where it has the ability to provide the ability to provide the neighborhood, the fact that you have multi-family and rental units it would be beneficial to access the trucks for the moving in and moving out since they have a tendency to move more often than a single type of family housing. You have several types of apartment complexes surrounding this site and the fact that she only leases these vehicles through the internet access in other words it is not a full-blown store where someone drives up and inspect the vehicle and leave with the vehicle, they usually rate the truck come in sign the paperwork get the truck and leave. We thought it would be beneficial to the neighborhood in that sense. We also feel that it encourages additional businesses to come to the community with the fact that you have access to the U-Haul that large customers of this sort are people that don't own or operate a vehicle and they have the ability to access the site by walking on they have the ability to get the truck from that perspective and also believe that as far as the negative we don't feel that it effects the Master Plan since we are revitalizing an existing business in the site we are accommodating an axillary use to the site and there by allowing to promote the community and the residents from that respect. The fact that she was able to operate this for about 2 years and only recently it was determined it was not permitted unless there were some violations that I'm not aware of she was able to coordinate this with little or not impact on the neighborhood and people were using them as a as needed basis. That is why it is beneficial to the community and why I think it would work. One think I believe, and it would up to the Board if they were to limit the number of trucks, she was experiencing no more than six trucks at a time if you feel that the site would not accommodate it is up to the Boards discretion and we would work from there.

Mr. Gordon: Just to go back to the positive criteria one more time one of the ways to show positive criteria is to show the site is particularly situated for this type of business and since there are multiple multi-family units in the area, I think that it is particularly situated for this in particular.

Mr. Sitzler: Just to reiterate to the Board and I think it was pointed out by Mr. McKenna that the storage facility place is in the area and had been approved recently and he is in the Pine Hill area and they sometimes goes hand in hand with rental people that move sometimes into an apartment they need a

moving truck and they need storage for excess property that they can't fit into their apartment. Is that fair representation?

Mr. Gordon: Absolutely

Mr. Sitzler: So, they are asking the Board to consider that as a positive.

Mr. Hagarty: So, Mr. McKenna just so I'm understanding and clear with the testimony I guess, and you mentioned only internet and signing up and all of that it is my understanding that if someone comes up and the truck is on the property and somebody is in the apartment and comes down and it is there, they can rent the truck.

Ms. McKenna: When I was there doing survey work and field work, I saw about a third if not twenty percent of the clientele were all walk-in, they were coming from the apartment complex and walking down and accessing the site that way and I believe they are the same clientele that would benefit from this due to the fact of the close proximity to their apartment and so forth and the use of the vehicle would be directly available to them.

Mr. Gordon: And just to address that a little bit as some one who uses U-Hauls often even if you see one on the site, I know that I would want to go on the internet and check to reserve it just because if it is on the site someone else may have already reserved it and you may walk down there and they well yes there is a truck here but someone else already reserved it and they are picking it up. So anytime I have done it I went online first rather than go down there and they say this truck is not for you.

Mr. James: I just want to be clear because I thought the testimony was that it is only online reservations. Am I correct that there is no walk-up, walk-in and

Ms. Patel: No, they do some walk-in and they do online also. But everything is online, if they go online, they can check what truck and it is not necessarily one I have but if I do have, they say how long they need it and if they say four hours if I have available, I say yes I do have it but if I don't have it I can send to different location.

Mr. Gordon: So, I think what she is saying the majority of the people are doing it online and checking to see if trucks are available.

Mr. James: Okay it was just something I missed. Do you also do the vans and pick-up trucks?

Ms. Patel: No Pick-up I only have Van and Trucks.

Mr. James: You do have Vans though.

Ms. Patel: It depends if I receive it from different location then I have it until it goes different location

Mr. James: I understand I just want to make sure; we are saying trucks and sometimes vans. So, I would say no more than U-Hail vehicles as opposed to just trucks.

Mr. Sitzler: The longest is twenty-six feet is that correct?

Mr. McKenna: Correct

Mr. Sitzler: So, the longest is twenty-six feet and the shortest is the van.

Mr. Hagy: Will the hours of operation coincide with the mart? The convenience store that is there? That is, you are not going to deal with rentals after hours or before hours.

Ms. Patel: No, No. It will operate whatever time I do and my hours from 9:00 to 9:00.

Mr. Sitzler: So, the Deli hours are from 9am to 9pm and that will be the same hours.

Ms. Patel: Same hours

Mr. Hagarty: Again, just to be clear, when somebody drops off a truck your practice has been if someone drops off and you are at capacity already. Let's use the example you are at capacity what do you do if somebody wants to come in and drop off the truck?

Ms. Patel: We already know if somebody is taking the truck, the only reason somebody brings the truck is if they looking for the location and they did not find anything and my store was closed and they come and drop off the truck and put the key in the box I have no control. When business was open and somebody come in, I schedule a pickup of the truck, if truck belongs to me that is only one that comes to me otherwise, I tell them the location they have to go.

Mr. Gordon: Correct me if I'm wrong Neela when you reserve the truck don't you have to put in where you are going to drop off.

Ms. Patel: Yes, that is what I said is they contact me during regular time I can tell them this is where you have to drop off. When I tell them how many I have and no more than six trucks here they can't drop off my location.

Mr. Hagarty: In the past has your practice been unlimited whatever you can accommodate is what you have done is that kind of how you worked?

Ms. Patel: In those three years I operated the most I had was ten trucks, but I had no more than ten. It don't happen all the time maybe once in a blue moon did I have ten but not more than ten.

Mrs. Jones: Are these trucks registered to you?

Ms. Patel: No

Mr. Waddington: Mr. Melvin do you feel they have met the positive and Negative criteria with their testimony today?

Mr. Melvin: Yes, I think they have. Mr. McKenna did address the Positive Criteria of the site. He did not specifically talk about the purpose of the NLUL but he did hit the edge of that where usually use that for variance purposes and you have to accommodate that appropriately throughout the community and that is one of the purposes of Zoning. In terms of the Negative Criteria he did mention it was not negatively detrimental to the public good, I think it is important that they talked about that six may fit seven you start to park on the adjacent street that is not for the public good when you start doing that also that the variance does not substantially impair the intended use of the Master Zoning Plan it is preexisting commercial use and as it testimony it was shown it is not an unusually associated or uncustomary accessory use to the site. So, in short yes.

Mr. Waddington: Thank You

Mr. Sitzler: Mr. McKenna for house keeping purposes we are going to mark this photo of the Street View exhibit A-1, the second photo the aerial view as exhibit A-2 and your sketch plan of the site as A-3.

Mr. Gallagher: which was A-3?

Mr. Sitzler: A-3 would be what I would characterize as a Sketch Plan of the site not a formal Site Plan. The one that Mr. McKenna has on the board that he has been pointing to tonight.

Mr. Dougherty: He is referring to that as Use Variance Site Plan Exhibit. So, that would be A-3

Mr. Hagarty: Any other questions? Obviously, you have heard a lot of discussion and I think it has been good dialog and I think on behalf of the Board and our Professionals I guess a good aspect of this is once our Zoning Officer flagged you on it you shut down the business until getting the right approvals. So, I commend you on going through the right steps and coming in here. Obviously, you heard through the bulk of the questions the importance of the Site Plan and getting on the same page with respect to what is in the site plan. So, Board members I'm going to entertain a motion to open the meeting to the public on this particular application.

Mr. James: I make a motion to open the floor to the public for this Use Variance, seconded by Mr. Waddington.

Mr. Hagarty: All in favor?

All "aye" floor open to the public

Mr. Hagarty: The floor is now open for Application 2021-3. Seeing no members of the public present I will entertain a motion to close the meeting to the public.

Mr. Waddington: So, moved seconded by Mr. Ford.

Mr. Hagarty: All in favor?

All "aye" floor closed to the public.

Mr. Hagarty: The meeting is now closed to the public for Application 2021-3 and now I will entertain a motion to approve a Use Variance for Application 2021-3 conditioned on the approval of a Site Plan with Board approval and conditioned on no more than six U-Haul vehicles to be demonstrated by the site plan up to six vehicles and conditioned on your testimony that no service or repair is going to be conducted on this site and also conditioned on your statement that there will be no parking on the street associated with this operation is there anything any Board Members.

Mr. Sitzler: The hours of operation.

Mr. Hagarty: And that the hours of operation does not vary.

Mr. Waddington: Also, a maximum of twenty-six feet.

Mr. Hagarty: Maximum of twenty-six feet. So, under those conditions I will entertain a motion to approve a Use Variance.

Mr. James: I make the motion to approve the Use Variance.

Mr. Hagarty: Is there a second?

Mr. Hagarty: I'll second

Mr. Hagarty: Roll Call

ROLL CALL ALL PRESENT 'aye' approving Use Variance pending approval of all conditions.

Old Business: **Mr. Hagarty:** Is there any Old Business anybody wishes to discuss?

Mr. James: Do we have an update on the truck storage place on Cross Keys Road? Is he in compliance?

Mrs. Keyek: Sorry having trouble hearing.

Mr. Gallagher: Is IMAGE Beauty staying in compliance with their truck parking approvals?

Mrs. Keyek: Yes, there was a problem with their sign or banner but as far as parking they have had no RV's, no campers it has been strictly truck parking.

Mr. James: Is there an update on the carwash?

Mr. Gallagher: The carwash did move their oil changing to that one bay and they are doing the drive thru. They are just using the old bay for storage oil, belts and such.

Mr. James: Okay

Mrs. Keyek: They are in compliance as well.

Mr. Hagarty: Any other old business?

Mr. Dougherty: I want to give an update on the MUNA Church since we are going through some applications we have already approved. That one seems to be lagging behind, but the Engineer just submitted to Les and I a compliance set of plans that I am going to review that and that should be ready to go providing they have their "T's" crosses and "I's" dotted so they can move ahead.

Mr. Hagarty: Excellent

Mrs. Keyek: Is there an update on the Sikh Temple where they put in the gravel parking?

Mr. Gallagher: I have not heard from them in at least four months.

Mr. Sitzler: These are the ones that are in split litigation?

Mr. Gallagher: Yes

Mrs. Jones: Karen the girl we had remove the vinal on West 2nd Avenue.

Mrs. Keyek: She did go to the Construction office and get her permits.

Mr. James: Was that the lady that was buying the house that needed some renovations to it?

Mrs. Keyek: No, that was the one who built the covered porch, and she did not meet the setback, so she needed the bulk variance.

Mr. James: Oh, do we have an update on the woman who was buying the house that needed the renovations?

Mr. Sitzler: The one where the rain was coming in?

Mrs. Keyek: Yes, she had a tremendous permit issues, but she is getting through them she had to change contractors.

Mr. Hagarty: But she is working through it that is good to hear. Any other old business that anybody is wishing to discuss? Seeing none, new business.

New Business:

Mr. Hagarty: Does anyone have anything under new business that anybody wishes to bring up? I know we have next a meeting.

Mr. Gallagher: Yes, at this time the next June Meeting on June 10th we do applications at this time. And time is short if this applicant wants to come to the July meeting, they only have 11 days to get their Site Plan in before the cutoff. So, anything after the 24th of this Month is going to be on the August Meeting.

Mr. Hagarty: Any other new business anybody wishes to discuss?

Open Floor to the Public:

Mr. Hagarty: **At this time** I will entertain a motion to open the meeting to the public on any issue.

Mr. Ford: Make a motion to open the floor to the public seconded by Mr. Waddington.

All members present "aye" but no public present.

Close Floor to the Public:

Mr. Hagarty: Seeing no public I will accept a motion to close the floor to the public.

Mr. Waddington: So moved seconded my Mr. James.

All Members present "aye" Floor closed.

Motion to Adjourn:

Mr. Hagarty: will entertain a motion to adjourn this meeting.

Mr. James: Motion to adjourn seconded by Mr. Hagarty.

All present "aye" meeting adjourned 9:05 PM