

February 2011 - Minutes

Borough of Palmyra

Land Use Board

Regular Meeting Minutes

~ February 22, 2011 ~

I. Call to order

Chairwoman Riener called to order the regular meeting of the Borough of Palmyra Land Use Board at 7:30PM on February 22, 2011 in Borough Hall. Chairwoman Riener read the open public meetings statement into record as follows:

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Board Secretary in the following manner:

- i. Posting written Notice on the Official Bulletin Board at the Palmyra Borough Hall on January 26, 2011.
- ii. Mailing written Notice to the Burlington County Times on January 24, 2011; for publication on January 26, 2011.
- iii. Notice to All Board Members.

II. Roll call

Bridget Elmes, Board Secretary conducted roll call. The following persons were present:

Mr. Steve Neely

Mr. Timothy Beck

Mr. Brian O'Kane

Mr. Michael Stokes

Councilman Robert Bostock Absent

Mayor John Gural

Vice-Chairwoman Roberta Locke Absent

Chairwoman Carol Riener

Alt. 1 Mrs. Bridget Elmes – EDC Chairwoman – Board Secretary

Alt. 2 – Position Open

Borough Official	Position Open
Solicitor	Andrew Brewer, Esq.
Consulting Engineer	Position Open

III. Approval of meeting minutes from December 14, 2010

A motion was made by Mayor Gural, seconded by Mr. Beck to accept the minutes as read with no corrections or additions. The vote was unanimous with the exception of Mr. O’Kane who abstained and the motion carried.

IV. Approval of meeting minutes from January 18, 2011

A motion was made by Mr. Neely, seconded by Mr. Beck with an amendment. Mr. Neely seconded the motion to close the public portion of the meeting. The vote was unanimous with the exception of Mr. O’Kane who abstained and the motion carried.

V. Approval of the executive session meeting minutes from January 18, 2011

A motion was made by Mr. Beck, seconded by Mayor Gural. The vote was unanimous with the exception of Mr. O’Kane who abstained and the motion carried.

VI. Resolutions

* Resolution R-2011-08 Appointment of Environmental Resolutions, Inc. as the Land Use Board Engineer

Chairwoman Riener asked the Mayor to explain how we got to this appointment. Mayor Gural stated that during the fall of 2010, the Borough of Palmyra solicited Request for Proposal (RFP). In response to that, several Engineering firms submitted proposals to be considered as Land Use Board Engineer. “One of which was Environmental Resolutions, Inc. ERI is currently the Borough’s Sewer Engineer and special projects Engineer. Mr. William Kirshner does an excellent job on our behalf, very professional and thorough. They submitted the proposal along with Land Engineering. We had a presentation at the meeting from both firms. Mr. Fox’s firm presented a proposal however did not submit a resume for the Engineer”, stated Mayor Gural. After several attempts by the Mayor and a written request from Secretary Mrs. Elmes, a resume was not provided to the Board for review. Chairwoman Riener and Mayor Gural received an email from Mr. Fox apologizing for this situation and that he would not be able to follow through with a resume. The alternative was for Mr. Denton to represent the Board and that was not an option available per the Board. Mr. Fox asked if he may address the Board, Chairwoman Riener denied his

request. Mayor Gural sent Mr. Fox a message thanking him and explained that it was unfortunate that things did not work out. Mayor Gural continues to mention how the Borough has an excellent rapport with ERI. Mr. Hirsh addressed the Board and stated that his firm enjoys working with the Borough and looks forward to continuing their relationship. Mr. Neely asked Mayor Gural if these gentlemen had submitted a resume. Mayor Gural confirmed that yes they did and their resumes were included in the original proposal packets in November.

Chairwoman Riener entertained a motion for the appointment of Environmental Resolutions, Inc., as Land Use Board Engineers. Motion was made by Mayor Gural, seconded by Mr. Beck. Roll call was taken. The vote was unanimous and the motion carried. Mr. Hirsh and Mr. Darji were sworn in by Mr. Brewer.

VII. Old Business

*** Update Application 2010-04 Bombi, 213 East Broad Street**

Bombi was scheduled to come before the Board for memorialization, however due to the site plan inadequacies, this has been postponed. Mrs. Kilmer had asked Mr. Hirsh from ERI to take a look at what the County and Borough has asked for and to confirm that they coincide. Bombi does still need to complete items from the resolution. Mrs. Kilmer asked if Mr. Hirsh could comment on the letter from the County. Mr. Hirsh stated that the approved site plan on file does not include the sidewalk over the grass area which the County is requiring at the exit only area. Chairwoman Riener asked Mr. Hirsh for the date on the site plan he was referring to because the Board has not received a revised site plan. Mr. Hirsh and Mrs. Kilmer both stated that the site plan they are working from was signed by the Engineer on 12/6/2010. Mr. Hirsh stated that they are working with a revised copy with the required changes and is indeed not a final copy. Mr. Hirsh states that the County is requesting to have the grass over area filled in with concrete. This is the area where the sign is knocked down by exiting vehicles. They also asked to have the "do not enter" sign moved away from the exit area in the South direction. Chairwoman Riener mentioned that the adjoining business owner has come before the Board requesting to have the sign moved over toward the Sunoco property. This is what was submitted and the County is stating that it will not work. Mr. Hirsh states that the County wants the apron widened where the sign is proposed. Mr. Neely addressed Mr. Hirsh and mentioned that adjoining business owner; JT's Vac & Sew stated his customers are finding the sign a detourant for entering his property. Mr. Neely continued to explain how the Board is trying to have the gas station patrons enter from Maple Avenue and not Broad Street. Chairwoman Riener mentions that

there must be two "Do Not Enter" signs. Mr. Hirsh mentions that the letter from the County referenced an enclosed plan which their firm and Mrs. Kilmer did not receive. Furthermore, Mr. Hirsh still is not clear where the County wants the change without looking at the plan they were referring to. Mr. Hirsh states that Bombi must comply with the County to receive their approval before they can seek the Boards approval. Mr. Hirsh will contact the County and mention the issue with JT's and see if there is a compromise or alternative method. Mr. Neely asked if there were other methods. Mr. Hirsh states there could be more stripping. Chairwoman Riener asked Mr. Hirsh to please visit the site so he can see for himself what the Board is addressing. Chairwoman Riener also mentioned to Mr. Hirsh that Palmyra is a walking school district. Gas station patrons currently pause on the side walk area until they gas attendant can service their car. The Board would like to prevent this from happening and would also like to create a circular flow of traffic.

VIII. Committee Reports

Economic Development Committee Report

Chairwoman Elmes received approval from Council allowing the Committee to advertise for the two open positions on the EDC. The Committee quickly received a response from Rutgers and is waiting to hear back from them.

Borough Council Update

Mayor Gural mentioned Governor Christie's budget address but is not prepared to speak about it at this time. He also mentioned that there may be more layoffs and the next budget meeting is on March 5, 2011.

ADHOC Housing Committee Report

Chairwoman Riener stated the Committee will be meeting on February 23rd at 7PM and she will be prepared to present a report to the Board next month.

Chairwoman Riener entertained a motion to open the meeting to the public. Mr. Beck moved the motion, seconded by Mr. Neely. The vote was unanimous and the motion carried.

Hearing from no one in the public, Chairwoman Riener entertained a motion to close the meeting to the public. Mr. Beck moved the motion, seconded by Mr. Neely.

Mayor Gural asked Mrs. Elmes to please add Mr. Stokes to the list of 2011 Land Use Board Members. Mayor Gural mentioned that there are two open positions on the Land Use Board, one of which is a Borough Official and the second is an alternate. He states that he may have someone in mind for the alternate position. The Borough Official is a four year appointment and will take some time to fill that position.

Mayor Gural asked Mrs. Kilmer about the three outstanding warrants for Mr. Kobolak and the

procedures on such. Mrs. Kilmer stated that the Judge will issue a failure to appear and then a warrant after that. Chairwoman Riener asked Mr. Brewer if the Board needs to go into executive session to discuss the Kobolak case. Mr. Brewer stated that an executive session was not necessary since there is not pending litigation with this Board. There have been several notices of violation issued and Mr. Kobolak has not responded in court. He has had several conversations with Mr. Kobolak's attorney Ms. Gaskill. She has finally come to the understanding that several of the conditions of the 1998 approval were never met or satisfied. She was pointing to the sub division deed that was signed by the Chair at that time. Mr. Brewer pointed out to Mrs. Gaskill that the signing of the deed is not a statement that all conditions have been met. He further explained to Mrs. Gaskill that these conditions have to be satisfied or she needs to get an amendment to the subdivision approval. Mr. Brewer states that is something the Board has to do. Mrs. Gaskill has recently requested an application. Chairwoman Riener mentioned that the Board wanted to add them to the agenda March just to clear them off our docket. Since there will be a new application, that process would not be necessary. Chairwoman Riener asked Mr. Brewer how there could be a new application when they haven't closed the old one. Being able to finalize the site plan meant they needed to satisfy all the conditions back to 1998 and also the several remaining engineering issues or have the 1998 approval amended. Mr. Brewer states that they have stalled and the current open issues will be addressed before the Board when the new application is submitted. In order to stop the issuance of violations, they need to satisfy all of the open conditions. Mr. Brewer continued to state that even though one of the properties have changed ownership, the Board should not offer any approval for any new application until all the conditions on the old application have been met. Mr. Kobolak's warrants and fines are issued from the Court, and do not have anything to do with the Board. Chairwoman Riener entertained a motion to adjourn the meeting at 8:11PM was moved by Mr. Beck and seconded by Mr. Stokes. The vote was unanimous and carried.

Respectfully Submitted,

Bridget Elmes

Planning Board Secretary