

Borough Official	Position Open
Solicitor	Andrew M. Brewer, Esq.
Engineer	Joseph R. Hirsh, PE, CME, CPWM

III. Approval of work session minutes from April 18, 2011

A motion was made by Mr. Beck, seconded by Brian O’Kane to accept the work session minutes as read with no corrections or additions. The vote carried with abstentions from Councilman Bostock and Vice Chairwoman Locke.

IV. Approval of regular meeting minutes from April 18, 2011

A motion was made by Mr. Beck, seconded by Mr. O’Kane to accept the regular session minutes as read with no corrections or additions. The vote carried with abstentions from Councilman Bostock and Vice Chairwoman Locke.

V. New Business

Mr. Brewer swore in Mrs. Kilmer and Mr. Hirsh.

Application 2011-03: Kobolak, The Wash Line

Mrs. Elmes recused herself from this application stating she knows the applicant on a personal level.

Mrs. Gaskill addressed the Board and introduced Mr. Tiber Kobolak and Mr. Erno Kobolak. They were then sworn in by Mr. Brewer.

In the interest of time, Mrs. Gaskill reviews the letter from Mr. Brewer dated May 16, 2011. The letter outlines the Acceptance/Execution of Deeds; Conditions 1, 2 and 3.

A modification of the easement is being re-recorded with the County to reflect the location of the parking spaces and to include a picture for clarification.

Condition 1; Easement providing for access and parking for the benefit of Lot 9.01 and Lot 10. Mr. Neely requested copies to be made for the Board of the map Mrs. Gaskill is addressing the Board with. Mrs. Gaskill states for the record that she feels that there was a typographical error in the Easement for Condition 1. The Easement mentions Lot 11 when it should have read Lot 9.01.

Mr. Erno Kobolak enters his testimony into record.

Mr. Brewer states that the Board will need to approve this explanation. He recommends that it should be reflected in all subsequent Resolutions back to 1998. If the Board accepts Mr.

Kobolak's testimony, Condition 1 will be satisfied.

Condition 2; Easement providing access and parking for the benefit of Lot 11 and Lot 10. Mr. Brewer stated that when a notarized letter from the owner of Lot 11 giving up those parking spaces on Lot 10 is appended to all the Resolutions on this property, this condition will be satisfied.

Condition 3; Easement providing access for the benefit of Lot 12.01 through Lot 10. Mr. Brewer stated with the testimony given, Condition 3 is satisfied. Mrs. Gaskill states that the applicant does not want the access easement to be in place. Mr. Hirsh states that the Easement should not be any formal access easement granted or in place. Vice Chairwoman Locke recommends there to be a sewer access easement in place. Mrs. Gaskill stated for the record that there is such an easement filed with the County and will forward a copy to the Board.

The Board request Mr. Brewer to prepare a Resolution stating the details of the how the Applicant will be required to satisfy all three Conditions.

Mrs. Gaskill discusses two Engineering points. One of which is the planting to hide the electrical area. Mr. Kobolak states that they have tried to keep Arborvitaes in the pots and have not had success. Mr. Hirsh requests the Applicant to do something aesthetically pleasing. Second point is the parking bollards. The Applicant is having a difficult time with the installation due to the fact that the customers will have limited space to back out of a parking spot once the bollards are spaced to the way the plan directs. Mr. Kobolak enters his testimony for the record. Chairwoman Riener suggests for Mr. Kobolak to hire an Engineer to work on a plan to incorporate the required bollards.

The Board request for the Applicant to continue the application to the next meeting in June but to have the bollard work completed. Mr. Neely requests the Applicant invite the two adjoining properties to the next meeting or provide a written statement. Mrs. Gaskill will send an invitation to the June meeting via certified mail and will also knock on their doors.

Mr. Hirsh mentions two other outstanding issues from the previous Engineer. One of which was a sidewalk repair which has not been completed and the asphalt repair. The Applicant states that the asphalt repair is complete.

Since the Application has been carried to next month, the Board is not required to open the meeting to the public.

Chairwoman Riener has left the room to answer an emergency phone call.

Vice Chairwoman Locke will introduce the next application.

Application 2011-03: Charles Krepelka, Use Variance For Auto Repair at 616 Jefferson Street; Block 136, Lot 6

Mr. Brewer states that Councilman Bostock is stepping down as a member of Borough Council and is leaving the room for this application.

Vice Chairwoman Locke confirms with Mr. Brewer that this application will require five affirmative votes. And there are six voting members present.

Mr. Niall O'Brien, Attorney for Mr. Krepelka; CK Colors addresses the Board. Mr. O'Brien introduced Mr. Krepelka and Mr. Richard Ricciardi, NJ Licensed Professional Planner and Environmental Engineer.

Vice Chairwoman Locke states for the record that she works with Archer & Greiner but does not feel it will impact her ability to hear the application. Mr. O'Brien agreed.

Chairwoman Riener states for record that she works on Fourth Street and does not feel it will impact her ability to hear the application. Mr. O'Brien agreed.

Mr. Brewer agreed that neither of these disclosures will pose a conflict for the application.

Mr. Brewer swore in Mr. Krepelka and Mr. Ricciardi.

Mr. O'Brien stated for the record that the Applicant is seeking Use Variance Approval to allow use of the building for minor auto body repair and auto body part repair and part painting service. This is not a specific permitted use in the "I" zone. Applicant seeks interior modification are proposed including the installation of a self contained paint booth to paint the parts. Mr. Krepelka enters his testimony. Mr. Krepelka states that his business is minor repair work, most of which comes from local dealerships, i.e. F.C. Kerbeck and Cherry Hill Lexus. Mr. Krepelka states that his business would handle on average five cars at a time with a one to two day turn around. Mr. Krepelka states that he chose this location due to the fact that it is only a block away from F.C. Kerbeck. The building has three overhead doors and will only be using two of the bay doors. The business will operate Monday through Friday 9am-5pm and Saturdays from 9am- 3pm. Mr. O'Brien asks the Board if they have any questions for Mr. Krepelka.

Vice Chairwoman Locke asked Mr. O'Brien what the building was used for prior to Mr. Krepelka. Mr. O'Brien states that the building is owned by Keystone Automotive Plating and the adjacent building is still operated by Keystone.

Mr. Neely stated that Mrs. Kilmer inspected the property in June of 2010. She found that Mr. Krepelka was operating his business without the proper approvals. A court summons was issued and the applicant is scheduled to appear in Palmyra Municipal Court in May 2011. Mrs. Kilmer found during the June 2010 inspection that Mr. Krepelka was installing a drive thru paint booth instead of a stand alone paint booth which was approved. Mrs. Kilmer

also states that Mr. Krepelka was found to be painting without approval.

Mr. Ricciardi, NJ Licensed Professional Planner, Certified by American Institute of Certified Planners, employed by Marathon Engineering. Mr. Ricciardi enters his testimony. Orientation of other businesses in the area is similar to type of business Mr. Krepelka is proposing. Mr. Ricciardi states that Mr. Krepelka's business is compatible and consistent with the other businesses in the area. The buildings use can be established in the existing footprint with minimal disturbance to the outside.

Mr. Krepelka states for the record that he intends to give up one of the three bay doors.

Mr. Ricciardi states for the record that Mr. Krepelka does not do extensive auto body repair. Automobiles will only be on the premises for three to four days.

Mr. Neely asked Mr. Ricciardi how the Applicant plant to lock down a bay.

Mrs. Kilmer asked how the cars will be able to enter and exit the building since the paint booth has already been dug on the other side of the building.

Mr. Hirsh asked the Applicant to supply a floor plan of the inside of the building to include the circulation of automobiles utilizing the paint booth.

Chairwoman Riener recommended to the Applicant to come up with a more comprehensive plan before appearing before the Board.

Mr. Brewer recommended to the Applicant to answer the questions on the Engineers report in writing and to submit a floor plan with exhibits. He also recommends the Applicant continue the application at the June 20th meeting.

Mr. Krepelka stated that he restored the fire alarm system. Mrs. Kilmer stated that there was not a permit pulled and testing on the system has not been completed.

Mr. Ricciardi will contact the owner of the property in regards to the fire alarm system.

Chairwoman Riener called for a five minute recess. Meeting continued at 9:16pm.

Application 2011-04: Lapteff/Veitenheimer; Use Variance; 3 East Broad Street; Block 83, Lot 17

Chairwoman Riener stated for the record that she is recusing herself from this application. She is bias to the application and is stepping down.

Mr. Brewer states for the record that Chairwoman Riener has stepped down and has left the room. Mr. Brewer has informed the Applicants Attorney; Mr. Thorndike, Esq. that there are now five Board members and the Applicant will need five affirmative votes in order for the application to receive approval. The Applicant has decided to move forward with the application.

Mr. Neely stated for the record that he knows the Applicant. He does not feel that this will affect his vote on the application.

Mr. Thorndike addressed the Board. The Applicant seeks three forms of alternative relief. 1- challenge the decision of the Zoning Official; 2 – for the Board to interpret the Zoning Ordinance to permit the use that the Applicant has proposed; 3 – alternative, ask the Board to grant the Applicant use variance relief to permit the specific activity.

Mr. Thorndike states for the record that there are permanent cosmetic enhancements already being performed in town. Tattooing is also a permanent coloring enhancement but it is not limited to the face, Mr. Thorndike suggests that the TC Zone would be the most likely zone for type of use.

Ms. Lapteff testified that the intended use is to have a free art gallery for local artist to display their work, supported by the tattoo parlor position of the business. The parlor will be physically separated for the art gallery. The applicant will employ two qualified tattoo artist. The business will operate Monday to Saturday, 11 am to 10 pm.

Ms. Ferrell entered her testimony for the record. Ms. Ferrell will be the curator for the proposed art gallery. Ms. Ferrell testified that there is no conflict between an art gallery and a tattoo parlor and a combined use is already being done in Philadelphia.

Mr. Francisco entered his testimony for the record. Mr. Francisco has an Associates degree in fine art, painting and sculpting. He testified about his apprenticeship and the technical and sanitary requirements. Mr. Francisco has been a tattoo artist for four years and it is his full time occupation.

Mr. Brooks, owner of the property, entered his testimony for the record. He stated that the property has been vacant for fourteen months and the Applicant is the only prospective tenant. He explained the problems with the condition of the driveway were caused by winter plowing of the nearby pharmacy. He further testified that he will address the needed driveway repairs as set forth in the report of Mr. Hirsh.

Vice Chairwoman Locke entertained a motion to open the meeting to the public. Mr. Neely moved the motion, seconded by Mr. Beck.

Several members of the public, including Mr. Fratto and Mr. Dunlap, spoke in favor of the Application.

Vice Chairwoman Locke entertained a motion to close the public portion of the meeting. Mr. Neely moved the motion, seconded by Mr. Beck.

Mr. Hirsh asked the Applicant how the public will know that there is a tattoo parlor there. The Applicant responded it would be done by word of mouth.

Vice Chairwoman Locke entertained a motion to approve the Resolution. Mr. Neely moved the motion, seconded by Mr. O’Kane. The motion was affirmative and carried.

VI. Resolution Memorialization

Resolution 2011-01 Miller’s Temple Church

Chairwoman Riener entertained a motion for the Memorialization of this Resolution. Mr. Neely moved the motion, seconded by Mr. Beck. The motion carried with the abstention from Vice Chairwoman Locke.

Resolution 2011-02 David Dorworth

Chairwoman Riener entertained a motion for the Memorialization of this Resolution. Mr. Neely moved the motion, seconded by Mr. Beck. The motion carried with the abstention from Vice Chairwoman Locke.

Chairwoman Riener entertained a motion to close the meeting to the public. Mr. O’Kane moved the motion, seconded by Mr. Beck.

Chairwoman Riener entertained a motion to accept Application 2011-01 with the conditions met that were stated in Mr. Hirsh’s report. Mr. O’Kane moved the motion, seconded by Mr. Neely. The vote was unanimous and the motion carried.

VII. Committee Reports

Economic Development Committee Report

No Meeting

ADHOC Housing Committee Report

No Meeting

Borough Council Report

Council not in attendance.

Vice Chairwoman Locke entertained a motion to open the meeting to the public. Mr. Neely moved the motion, seconded by Mr. Beck. The vote was unanimous and the motion carried. Hearing from no one in the public, Vice Chairwoman Locke entertained a motion to close the meeting to the public. Mr. Neely moved the motion, seconded by Mr. Beck.

Vice Chairwoman Locke entertained a motion to adjourn the meeting. Moved by Mr. Beck, seconded by Mr. O’Kane. The vote was unanimous and carried.

Meeting adjourned at 11:17PM.

Respectfully Submitted,

Bridget Elmes

Planning Board Secretary