

July 2010 -- Minutes

BOROUGH OF PALMYRA LAND USE BOARD July 19, 2010 ~ Conference minutes

The meeting was called to order by the Chair at 7:00 pm who read the open public statement into the record follow by roll call.

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

- A.** Posting written Notice on the Official Bulletin Board at the Palmyra Borough Hall on December 29, 2009.
- B.** Mailing written Notice to the Burlington County Times on December 29, 2009; for publication on December 31, 2009.
- C.** Notice to All Board Members.

PRESENT: Reiner, Locke, Neely, O’Kane, Jackson, Stokes, Dunn-Sanders

ABSENT: Gural, Norcross, Beck and Elmes

The members of the Board reviewed the agenda and Mr. Brewer commented on the 1st item which was application 2007-10A Kobolak. Mr. Brewer spoke in reference to a subdivision which had occurred previously and the need to have a letter or copy of easement which needs to be provided in order for the Board to continue. The letter provided by Mr. Robinson doesn’t meet all the requirements; he needs to provide whatever it takes for the Board to move forward. The letter needs to be absolutely clear with no show of doubt.

Vice Chair Locke questioned the easement for the sewer line and questioned if a portion of that was on the neighbors property stating not the sewer form the building to Delaware Avenue but from Mr. Shea’s property.

Mr. Brewer commented that didn’t need an easement.

Chairwoman Riener questioned Mr. Brewer if he had ever heard back form Mrs. Gaskill, Esq.; Mr. Brewer stated no but that he would call Mrs. Gaskill first thing in the AM.

Mr. Brewer continued to inform the Board the notice sent to the neighbors within 200ft of the property for Star Cars gave the wrong hearing date in their notice, which was caught just before the meeting tonight.

There were no questions concerning application 2009-07A and Chairwoman Riener continued and read the letter from Mr. Iqbal Ahmed into the record concerning application 2010-01 and stated she would read it again at the meeting.

To: Board Secretary – Zoning and Planning Borough of Palmyra

From: Mr. Iqbal Ahmed

Subject: 16E Broad Street Palmyra, NJ 08065

I am requesting to postpone the July 19, 2010 hearing on this property to the September 20, 2010 meeting.

Signed: Mr. Iqbal Ahmed

Chairwoman Riener continued and questioned if anything additional was received or if a new application was received for Krepellka. The answer was no nothing had been received but that Mrs. Scott-Forman had sent a letter to the Attorney requesting the information.

Chairwoman Riener requested from Mr. Brewer a listing of what's appealable and what isn't.

Chairwoman Riener brought up the driveway ordinance and discussed with the board members the need to have a meeting in August specifically for the purpose of reviewing ordinances and named the driveway ordinance, outside display and outdoor eating. She also commented commercial businesses needed to be reviewed also.

Mrs. Kilmer stated she had sent Mrs. Bessica questions and comments.

Chairwoman Riener asked if everyone would be available including the Professionals; the Board members agreed to a meeting for the third Monday in August and Mrs. Scott-Forman was instructed to advertise the meeting for Monday, August 16th for 6 pm.

Vice Chair Locke stated she would like for Mrs. Bessica to be able to address all problems concerning driveways. She also questioned if Mr Gerkens would be available for all outside dining questions.

Mrs. Scott-Forman was instructed to inform and invite Mr. Gerkens to the meeting.

Vice Chair Locke moved a motion to adjourn the conference meeting

Mr. O'Kane seconded the motion

All approved the adjournment by voice vote

The conference meeting was adjourned at 7:28 pm

BOROUGH OF PALMYRA
LAND USE BOARD
July 19, 2010 ~ Regular meeting minutes

The meeting was called to order by the Chair at 7:30 pm followed by the flag salute and roll call.

PRESENT: Reiner, Locke, Neely, O'Kane, Jackson, Stokes, Dunn-Sanders

ABSENT: Gural, Norcross, Beck and Elmes

Chairwoman Riener read the open meeting statement into the 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:

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- B.** Mailing written Notice to the Burlington County Times on December 29, 2009; for publication on December 31, 2009.
- C.** Notice to All Board Members.

Mr. Brewer, Esq. swore in Mr. Dave Denton, Engineer and Mrs. Tracy Kilmer, Zoning Officer.

Mr. Stokes moved a motion to approve the June meeting minutes

Mr. Neely seconded the motion

The June meeting minutes were approved with the following roll call vote.

YES: Reiner, Neely, Stokes

NO: None

ABSTAIN: O'Kane, Locke, Jackson, Dunn-Sanders

Vice Chair Locke moved a motion to approve the professional vouchers submitted
Mr. O'Kane seconded

A unanimous affirmative voice vote was recorded

Chairwoman Riener called application 2007-10A and requested Mr. Brewer to explain the process.

Mr. Brewer explained that following the previous meeting discussion there is a need for the original application in 1988 and what were the requirements for the cross easement for benefits of certain lots. It's an outstanding easement and the Board decided not to approve until it was satisfied. Mr. Kobolak chose to seek a waiver. The letter received from Mr. Robinson dated April and signed to day doesn't satisfy all the requirements. There's a sentence in the letter which states the easement will remain and doesn't state he is the property owner.

The Board stated they do not accept the letter and requested Mr. Brewer to contact Mrs. Gaskill first thing in the AM.

Mr. Brewer stated he should be placed on the September agenda as a continuation.

Chairwoman Riener commented the applicant 2010-09 would be asking for a continuance and requested the approval from Epworth Methodist (2009-07A) to allow them to go prior to their application. They agreed.

Mr. Ken Smith, Esq. stated he was representing Star Cars and although the application had been filed correctly the notifications to the neighboring property owners within 200 ft listed July 7, 2010 at the hearing date. He also commented the public notice was printed correctly. He then asked for a continuance to the September 20th hearing. Mr. Smith commented he would file the correct paper work with Mrs. Scott-Forman. A plot plan would also be submitted as per the comments of the engineer.

Mr. Brewer stated Mr. Smith stipulates the letter gave the date of July 19, 2010, and that he would review the information.

Chairwoman Riener called Epworth Methodist Church application 2009-07A and thanked them for their understanding.

Mr. Michael J. Ward, Esq. reintroduced himself as the attorney for Epworth Methodist and commented they had been before the board previously for a continued use application for

the purpose of a food pantry "Bread of Life". He continued that they would like to seek an update or modification to the approval to allow refrigeration and freezer equipment to be able to provide perishable items.

Mr. Brewer swore in Mr. Neas who indicated they noticed almost immediately they were being donated a lot of perishable foods that they couldn't accept. With the refrigeration they would be able to provide eggs, hamburgers, chicken legs etc. like other pantries.

Chairwoman Riener asked if this would increase the number of people serviced.

Mr. Neas said nothing else would change.

Mr. Ward questioned Mr. Neas if the hours of operation would still be the same and if they would still follow the same guidelines as stated previously.

Mr. Neas said the only thing that would change is the additional food products.

Mr. Denton stated he had no comments as did Mr. Brewer.

Mr. Neely questioned if any the pantry would be doing any food preparation and questioned the seating.

Vice Chair Locke questioned if they are accepting produce from people

Mr. Neas informed the Board he had "a lot of wonderful stories to tell and that the Borough would be very proud of their community, town and youth. The pantry has been a real success."

The question was asked if the church had any contention from the neighbors and Mr. Neas stated he had not received any.

Mr. Ward indicated to the Board the Pantry is a potential recipient of a grant from Shop Rite providing they can provide the refrigeration.

No members had any questions.

Vice Chair Locke moved a motion to open application 2009-07A to the public for comment

Mr. Neely seconded the motion

A unanimous affirmative voice vote was recorded

No members of the public were present to comment on the application

Mr. Neely moved a motion to close the floor for public comment on application 2009-07A

Mr. Stokes seconded the motion

A unanimous affirmative voice vote was recorded

Vice Chair Locke moved a motion to approve the amendment to application 2009-07A to allow refrigeration and freezers to the pantry for use.

Mr. Neely seconded the motion

A unanimous affirmative voice vote was recorded

Chairwoman Riener continued with the agenda and read the following into the record concerning application 2010-01's request for a continuance.

To: Board Secretary – Zoning and Planning Borough of Palmyra

From: Mr. Iqbal Ahmed

Subject: 16E Broad Street Palmyra, NJ 08065

I am requesting to postpone the July 19, 2010 hearing on this property to the September 20, 2010 meeting.

Signed: Mr. Iqbal Ahmed

Vice Chair Locke moved a motion to open the meeting to the public for comments

Mr. Neely seconded the motion

A unanimous affirmative voice vote was recorded

Chairwoman Riener informed the public a meeting will be scheduled for August 16, 2010 at 6 pm for the Board to discuss and review ordinances and that no applications would be heard.

No members of the public wished to comment.

Vice Chair Locke moved a motion to close the floor to public comments

Mr. O'Kane seconded the motion

A unanimous affirmative voice vote was recorded

Mr. Brewer informed the Board that the courts upheld Tracy's recommendations concerning QMA and that they had put in a lot of challenges, but that the Appellate division upheld the decision. QMA could however appeal to the Supreme Court.

Chairwoman Riener asked if there were any questions on the Zoning report or Code Enforcement reports submitted.

A questions arose about check cashing at the Sunoco and if they were allowed to sell lottery. Mr. Neely stated his recollection was that lottery was included.

Someone questioned the property at 2 Memorial Avenue and Mrs. Kilmer stated a lien was placed upon the property for \$250,000 but reduced to \$20,000.

Chairwoman Riener commented on the gentleman who came before the board last month and questioned who would be enforcing the driveway ordinance and if there was an alternative.

Mr. Brewer commented that any enforcement entity has discretion and to use discretion.

Mrs. Kilmer commented she hasn't pursued violations, no summons have been issued only zoning violations to people parking on grass.

Mr. Denton gave a report concerning Parry Avenue street reconstruction and that the pipes are being replaced first and the plans are almost ready to go.

Vice Chair Locke moved a motion to adjourn the meeting

Ms. Jackson seconded the motion

A unanimous affirmative voice vote was recorded

The meeting adjourned at 8:15 pm

Respectfully submitted,

Pamela Scott-Forman

LUB Secretary