

## **December 2011 - Minutes**

**Borough of Palmyra**

**Land Use Board**

### **Regular Meeting Minutes**

**~ December 13, 2011 ~**

#### **I. Call to order**

Chairwoman Locke called to order the regular meeting of the Borough of Palmyra Land Use Board at 7:30 PM on December 13, 2011 in Borough Hall. Chairwoman Locke 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 3, 2011.
- ii. Mailing written Notice to the Burlington County Times on December 29, 2010; for publication on January 3, 2011.
- iii. Notice to All Board Members.

#### **II. Roll call**

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

Chairwoman Roberta Locke  
Vice-Chairman Timothy Beck          Absent  
Mayor Karen Scheffler                  Absent  
Mr. John Gural, Borough Official  
Councilwoman Carol Riener  
Mr. Steve Neely

Mr. Brian O’Kane  
Mr. Michael Stokes                      Absent  
Mr. Richard Dreby                      Absent  
Alt. 1 Mrs. Bridget Elmes - Board Secretary  
Alt. 2 – Position Open  
Solicitor                      Andrew Brewer, Esq.  
Engineer                      Joseph R. Hirsh, PE, CME, CPWM

**III. Approval of work session meeting minutes from September 19, 2011**

A motion was made by Councilwoman Riener, seconded by Mr. O’Kane to accept the work session meeting minutes as read with no corrections or additions. The vote was unanimous and the motion carried.

**IV. Approval of regular meeting minutes from September 19, 2011**

A motion was made by Councilwoman Riener, seconded by Mr. O’Kane to accept the regular session meeting minutes as read with no corrections or additions. The vote was unanimous and the motion carried.

**V. Approval of executive session meeting minutes from September 19, 2011**

A motion was made by Councilwoman Riener, seconded by Mr. O’Kane to accept the executive session meeting minutes as read with no corrections or additions. The vote was unanimous and the motion carried.

**VI. Swearing in of Professionals**

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

**VII. Old Business**

Tibor Kobolak-2007-10A Amended Site Plan Application;  
Changes to the placement of parking bollards and parking bumpers on Lot 10.

Mr. Brewer offered and stated to the Board an overview of the application.

Mr. Hirsh offered and stated to the Board an overview of the application.

Mr. Brewer swore in the applicant Mr. Tibor Kobolak. His Attorney Kate Gaskill stated her presence for the record.

Mr. Gural asked if he was allowed to hear this application. Mr. Brewer stated that he can hear this application unless he has a personal reason to recluse himself.

Ms. Gaskill began her testimony for the Board. Ms. Gaskill asked the Board to please consider the testimony of Mr. Kobolak, Sr. from the May 16, 2011 meeting.

Mr. Brewer stated that since the Applicant did not send out proper notice, Mr. Kobolak's testimony cannot be considered for tonight's meeting.

The Board asked for the Applicant to have Mr. Kobolak, Sr. come before the Board this evening and offer his testimony again.

Tibor Kobolak has contacted and requested his father to enter his testimony at tonight's meeting.

Ms. Gaskill continued with her testimony. She stated that her client has agreed to all of the recommendations from Mr. Hirsh's review letter.

Mr. Hirsh stated that Mr. Shea requested to not have parking bumpers installed at the entrance to the property. Mr. Hirsh recommended for there to be a combination of parking bollards and bumpers painted yellow.

Mr. Tibor Kobolak stated for the record that he is willing to do whatever the Engineer recommends.

Councilwoman Reiner asked if there was still an issue with the walkway.

Mr. Tibor Kobolak stated that if damage occurred from the new sewer line installation that he

would make any needed repairs. However, since the sewer line was installed in a different location, the issues to this walkway are preexisting and not his responsibility. Mr. Hirsh agrees with the Applicants request.

Mr. Tibor Kobolak entered exhibit pictures of the property for the Board's review.

Chairwoman Locke asked Mr. Tibor Kobolak how the Board can be assured that the required work will be completed. He assured the Board that the work can be completed within seven days.

Councilwoman asked Mr. Brewer if the approval of the application can be contingent on the completion of the work. He stated that approval can be subject to the completed work required by Mr. Hirsh.

Chairwoman Locke entertained a motion to open Application 2007-10A to the public. Mr. Neely moved the motion, seconded by Councilwoman Riener.

Mr. Brewer swore in Mr. Shea. He stated for the record that he agrees to the plans.

Mr. Hirsh stated for the record that he proposes three parking bollards and three parking bumpers.

Chairwoman Locke entertained a motion to close Application 2007-10A to the public. Mr. Neely moved the motion, seconded by Councilwoman Riener.

Chairwoman Locked asked Mr. Brewer for direction on a Resolution. Mr. Brewer recommended a Resolution directing and requesting the Board to direct Council to prepare a Resolution that will be voted on and memorialized at the next meeting approving the amendments to the site plan.

The Board asked the applicant to have the work completed before January 10, 2012.

Chairwoman Locke entertained a motion to Mr. Brewer's recommendation. Mr. Gural moved the motion, seconded by Mr. Neely. The vote was unanimous and the motion was carried.

Tibor Kobolak 2007-10B Amended Resolution in Application 98-06  
Reconfiguration of lot lines for Lot 9.01, 10 and 11.

Mr. Kobolak, Sr. entered his testimony.

Chairwoman Locke asked the Board and the Professionals if they had questions for Mr. Kobolak, Sr. No questions were asked.

Chairwoman Locke entertained a motion to open Application 2007-10B to the public. Mr. Neely moved the motion, seconded by Councilwoman Riener. The vote was unanimous and the motion was carried.

No questions were asked of the public.

Chairwoman Locke entertained a motion to close Application 2007-10B to the public. Mr. Neely moved the motion, seconded by Councilwoman Riener. The vote was unanimous and the motion was carried.

Chairwoman Locke asked Mr. Brewer for a proposed Resolution. Motion was moved by Mr. Neely, seconded by Mr. Gural. The vote was unanimous and the motion was carried.

#### **VIII. New Business**

##### **\* Board Professional Payment Vouchers**

Chairwoman Locke asked the Board for questions in reference to the current vouchers before they are submitted for payment. No questions were asked. Chairwoman Locke entertained a motion to accept the vouchers as submitted. Mr. Gural moved the motion, seconded by Mr. O'Kane. The motion carried with one abstention from Councilwoman Riener.

#### **IX. Closed Session:**

Resolution #2011-11, Discussion of Pending Litigation. Resolution excluding the public from certain meetings pursuant to Section 8 of the Open Public Meetings Act C 231 P.L. 1975 (personnel, negotiations, contracts, litigations).

Chairwoman Locke entertained a motion to go into Executive Session at 8:50 PM. Motion was moved by Mr. Neely, seconded by Mr. O'Kane. The vote was unanimous and the

motion was carried.

Chairwoman Locke entertained a motion to close Executive Session at 8:55 PM. Motion was moved by Mr. Neely and seconded by Councilwoman Riener. The vote was unanimous and the motion carried.

**X. Resolution #2011-12, Authorizing Execution of Settlement Agreement.**

Chairwoman Locke entertained a motion to accept the settlement agreement. Mr. Gural moved the motion, seconded by Mr. Neely. The vote was unanimous and the motion carried.

**XI. Committee Reports**

*ADHOC Housing Committee Report*

No report

*Borough Council Report*

No report.

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

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

Chairwoman Locke entertained a motion to adjourn the meeting. Motion moved by Councilwoman Riener, seconded by Mr. Gural. The vote was unanimous and carried.

Meeting adjourned at 9:00 PM.

**Respectfully Submitted,**

**Bridget Elmes**

**Planning Board Secretary**