

**LAND USE BOARD
MINUTES-REORGANIZATION
JANUARY 15, 2013**

CALL TO ORDER

Chairperson Locke called to order the reorganization meeting of the Borough of Palmyra Land Use Board at 7:20pm. Secretary Elmes read the open public meeting act notice into the record:

- A. Posting written notice on the Official Bulletin Board at Borough Hall, Palmyra NJ on January 2, 2013.
- B. Mailing written notice to the Burlington County Times on December 19, 2012; for publication on December 21, 2012.
- C. Notice to all Board Members.

Roll Call:

Present: Chairperson Locke, Vice-Chairperson Beck, Mayor Scheffler, Mr. Gural, Mr. O’Kane, Councilperson Riener, Mr. Dreby.
Absent: Mr. Stokes.

Pledge of Allegiance.

Swearing in of new members: Mr. Maraziti swore in Mrs. Riener and Mr. Gural to a one year term on the Land Use Board.

Reorganization of the Board

Board secretary Mrs. Elmes opened the nominations for Chairperson. Mrs. Riener nominated Roberta Locke for Chairperson, Mayor Scheffler second the nomination. At the call of the roll, the vote was:

AYES: Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

ABSTAIN: Mrs. Locke.

Board secretary Mrs. Elmes opened the nominations for Vice-Chairperson. Chairperson Locke nominated Timothy Beck for Vice-Chairperson, Mrs. Riener second the nomination. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

Mr. Maraziti swore in Chairperson Locke and Vice-Chairperson Beck.

Executive Session. Mayor Scheffler made a motion to hold an executive session for the discussion of personnel, Vice-Chairperson Beck second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

The Board returned to public session.

Chairperson Locke opened the nominations for board secretary. Mrs. Riener nominated Barbara Sheipe, Mr. Gural second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

Mr. Maraziti swore in Barbara Sheipe as the board secretary for the 2013 year.

Chairperson Locke opened the nominations for Land Use Board Solicitor. Chairperson Locke nominated Maraziti, Falcon & Healey, Mayor Scheffler second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

Chairperson Locke open the nominations for Land Use Board Planner. Mr. Gural nomination Heyer, Gruel & Associates, Mayor Scheffler second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

Chairperson Locke open nominations for Land Use Board Engineer. Mrs. Riener nominated Environmental Resolutions, Mr. O’Kane second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

RESOLUTIONS.

Resolution 2013-1, Resolution Appointing Maraziti, Falcon & Healey As The Land Use Board Solicitor.

Resolution 2013-2, Resolution Appointing Environmental Resolutions As The Land Use Board Engineer.

Resolution 2013-3, Resolution Appointing Heyer, Gruel & Associates As The Land Use Board Planner.

Resolution 2013-5, Resolution Appointing Roberta Locke As Chairperson Of The Land Use Board.

Resolution 2013-6, Resolution Appointing Timothy Beck As Vice-Chairperson Of The Land Use Board.

Resolution 2013-7, Resolution Appointing Barbara Sheipe As the Land Use Board Secretary.

Mr. Maraziti informed the board that the resolutions were formally adopted when the nominations were presented and voted on.

Resolution 2013-4, Resolution Designating The Burlington County Times As The Official Newspaper For The Land Use Board and Establishing Schedule Of Meetings Dates. Chairperson Locke discussed holding the meetings on the second Wednesday of the month, due to conflicts with the third Tuesday by the solicitor and board members. Mr. Dreby informed the board that he had another meeting that night but would attempt to attend when he is available. Mayor Scheffler made a motion to approve the resolution, Vice-Chairperson Beck second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O’Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None.

Swearing in of Professionals.

Mr. Maraziti swore in Tracy Kilmer, zoning official and Joseph Hirsch as engineer.

Approval of Minutes. Vice-Chairperson Beck made a motion to approve the minutes of November 15, 2012-work session and regular minutes, Mr. Dreby second the motion. All members present voted in favor of the motion.

Borough Council update. Mrs. Riener informed the board that council had held reorganization on January 7th. Mayor Scheffler reported that David Dorworth is the new council president for 2013 and that it is budget time for the borough.

New Business.

- A. **Pointe Properties LLC-430 Cinnaminson Avenue: Block 87, Lot 10:01. (use variance).** Attorney Jeff German of Moorestown represented John Heller in his application for a use variance to create a residential apartment on the first floor which currently was used as a medical office. Att. German explained to the board that Mr. Heller was looking to change the existing medical office on the first floor of his duplex into a residential unit. The unit already has everything needed for an apartment, except the kitchen. Mr. Heller testified that the apartment has the necessary plumbing and electrically for the kitchen. The utilities were never removed when the kitchen cabinets and appliances were removed. Att. German discussed that there would be no detriment to the neighborhood, since the duplex is already there. Mr. Heller explained that there are several duplexes in the current neighborhood and that there are actually more apartments than single family homes. Mr. Heller discussed that the second floor apartment has been rented by the same individual since he owned the property and that he attempted to rent the medical space, but most people are looking for housing. Att. German requested that Mr. Heller inform the board about his business. Mr. Heller replied that he is the owner of Point Properties and lives in Riverton NJ. The company buys, rents and sells properties. He also owns 327 Garfield Avenue in Palmyra and that his properties are well maintained. Mr. Heller explained that previously the duplex was used by Dr. Williams for over 25 years and that the variance was granted from the zoning board at that time for a medical office. The upstairs unit has 2 bedrooms and 1 bath and the downstairs unit is the same except the kitchen has been removed. There are separate entrances for each apartment and off-street parking for over 7 cars. Att. German inquired of Mr. Heller as to why he would like to do a residential unit over a commercial space. Mr. Heller replied that a residential unit will fit into the neighborhood and that he has been trying to rent the unit as commercial space and no one is interested. Mr. Heller explained that he will replace the kitchen as shown on the diagram before the unit is listed for rent. Att. German marked photos of the property as exhibit applicant 1. There are pictures of the garage, parking area and building. Mr. Heller explained that the garage is used for storage by a neighbor for antique furniture. There are an additional two parking spaces in front of the garage, but the tenants do not park there. The building photo shows the two separate entrances and the common entrance to the basement and hallway. Att. German inquired if Mr. Heller has completed any improvements to the property. Mr. Heller replied that he has spent over \$13,000 in landscaping and painting of the property. He still plans to add an additional washer and dryer in the basement if given approval for the variance. Mr. Heller discussed that the amount

of traffic will be reduced also since there will not be patients coming to visit the doctor's office. Att. German inquired if Mr. Heller thought that there was any negative impact to the neighborhood? Mr. Heller replied that there should be no adverse impact on the area. Att. German marked the application as exhibit applicant 2. Mr. Heller informed the board that the draw and design of the kitchen was included in his application to the board and that the apartment would not require any structural work. Mr. Hirsch inquired about the basement and the plans for it. Mr. Heller explained that there are two entrances to the basement, one outside and one through a common door. There is currently a washer and dryer in the basement, but that he would like to add an additional washer and dryer for the new unit. Mr. Hirsch inquired if the garage was actually leased out? Mr. Heller explained that he has it leased to an area neighbor but does not allow any business out of the garage. Mr. Hirsch discussed the need to have an apron for the garage and also the need to improve the parking area. Mr. Heller agreed to have an apron constructed for the garage. Mr. Hirsch expressed his concerns about the pooling of water on the parking lot and that he is recommending that the parking area be improved as part of the approval. Mrs. Kilmer informed the board that Mr. Heller has improved his properties in the borough and that as the fire official she has no problem with the property. Chairman Locke inquired if there is parking now in front of the garage. Mr. Heller replied that he does not allow the tenants to park in front of the garage, so that the person leasing the garage can have access to it. Mr. Hirsch informed the board that the land use ordinance requires 2.3 parking spaces for a 2 bedroom apartment and that there is plenty of space in the lot. Chairperson Locke inquired if lot 17 was part of the same tax bill. Mrs. Sheipe replied that the property is considered all one lot, by the tax records. Chairperson Locke inquired if a proper notification was given to the surrounding property owners. Mrs. Sheipe informed the board that she was in possession of the green certificate cards that were mailed out. Mr. Dreby recommends improving the parking lot and repairing the asphalt. Mr. Heller discussed that he will clean up the area. Mr. Gural discussed that the improvement of the lot would be positive for the neighborhood. Mr. Gural inquired as to why the tenants cannot park in front of the garage if it is part of the property and that it would free up some green space in the yard for parking. Mrs. Kilmer explained that since it is listed as commercial property the owner is allowed to have the entire lot as a parking area. Mr. Hirsch recommend having the spaces stripped or marked out, so that there is no parking on the lawn area, since it will be all residential if the board grants the waiver. Mr. O'Kane inquired as to whom pays for the electric for the washer and dryer now. Mr. Heller replied that he will have an additional washer and dryer installed and each tenant would pay for their own. Mr. O'Kane discussed that the property is well maintained and that he does not see the garage as a major issue. Vice-Chairman Beck inquired if the parking area was over the impervious coverage for the lot. Mr. Heller explained that the parking lot was completed by the previous owner and he does not know have any record. Mr. Hirsch discussed that the board has the ability to limit the garage to storage and residential parking of vehicles so that no commercial business can be run out of the garage. Mr. O'Kane explained that it is not needed since a variance would be needed if someone wanted to run a business. Mr. Mazoriti informed the board, that the garage could be a condition of approval. Chairman Locke discussed that if included with the approval, it does not leave any room for interruption later.

Vice-Chairperson Beck made a motion to open the application to the public, Mr. O'Kane second the motion. All members present voted in favor of the motion.

Mr. Valentino-Garfield Avenue was sworn in by Mr. Maraziti. Mr. Valentino handed out the below information to the board and read the comments into the record.

Valentino I
4/15/13

Argument Opposing the Proposed Variance Relief of 430 Cinnaminson Avenue

Submitted by: Will Valentino

Summary

When Mr. Heller purchased this property several years ago, it was zoned as an office with an apartment above. During the time Mr. Heller has owned the property he has rented the apartment and until recently, the Doctor's office has been occupied and rented. It is important to note that 430 Cinnaminson Avenue has been an office since the 1930's when the property was a Real Estate Office. (See Exhibit "B"). Research may confirm suggestion that it may have been built specifically for this reason. A business office has successfully occupied this property for over 75 years. If Mr. Heller is unhappy with his purchase, perhaps he would consider selling the property or converting the property to a single home, which would be the only change a proactive concerned community would make. As a business however, it offers far more in economic development to the community. As an office it brings nonresidents into the community who will spend money here and frequent other businesses. As an apartment it serves only Mr. Heller.

The facts here speak for themselves. (See Exhibit "A") I am being conservative in my presentation of only a 2 block survey on the same street as the property's location. Shockingly, out of 35 properties surveyed, only 8 are single homes. Yet 63 apartments already exist within this small perimeter. Since the property owned by Mr. Heller is so close to Broad Street proper, I counted 10 viable offices and business within these 2 blocks which are contributing to our community. Please consider the statistics above and ask yourself, ***Does Palmyra need more apartments or does it need to move forward? My Biggest Concern*** Beyond economics and statistics my biggest concern is that if the variance for 430 Cinnaminson Avenue was changed, it opens the door to a proposal that would be potentially forthcoming from Mr. Heller to construct and add on to this property with even more apartments on the unused parking lot rendered excessive if this property is no longer an office. **If** variance relief is granted, stipulation must be placed that this cannot ever be allowed in our community

Some Additional Facts to Consider:

FACT: At the height of its successful gentrification, the Borough Of Collingwood, New Jersey successfully converted 150 duplexed homes back to single family owned properties (Source: Collingwood Borough)

FACT: Duplexes and triplexed homes converted into apartments place a larger burden on public utilities such as trash removal in already financially strapped communities like Palmyra.

FACT: Owners of these properties (duplexes, apartments) do not live locally and make the lowest aesthetic choices that hurt the community. You need only to review the properties in the review zone to see examples of this.

I thank the Mayor and Council representing the Borough of Palmyra for their time in this matter.

Will Valentino

Palmyra Resident and Homeowner

EXHIBIT "A"

Surveyed statistics were taken within 1 block from the property to Broad Street and 1 block to Fifth Street (within a 2 block radius)

Apartment Address

Address	How Many Apartments
500 Cinnaminson	2
506 Cinnaminson	6
515 Cinnaminson	2
511 Cinnaminson	2
431 Cinnaminson	2
427 Cinnaminson	2
423 Cinnaminson	2
417 Cinnaminson	2
415 Cinnaminson	2
407 Cinnaminson	5
400 Cinnaminson	6
418 Cinnaminson	4 (plus Garage Apartment)
420 Cinnaminson	4
426 Cinnaminson	2
515 Cinnaminson	2
511 Cinnaminson	2
Total # of apartments	43

Businesses with Apartments

Address	How Many Apartments
508 Cinnaminson	3
512 Cinnaminson	6
516 Cinnaminson	2 (Business Office)
520 Cinnaminson	2
539 Cinnaminson	1
537 Cinnaminson	1
535 Cinnaminson	1
533 Cinnaminson	1
531 Cinnaminson	1
527 Cinnaminson	1
525 Cinnaminson	1
Total # of apartments	20

Single Homes

Address
502 Cinnaminson
507 Cinnaminson
503 Cinnaminson
501 Cinnaminson
411 Cinnaminson
403 Cinnaminson
410 Cinnaminson
412 Cinnaminson
Total # of single homes = 8

Survey Statistical Overview:

- 10 Businesses or offices are viable and producing income within the same radius.
- Total of 63 apartments
- Total of only 8 single homes
 - 430 Cinnaminson has been a business since the 1930's, when it was a Real Estate Office -(Exhibit B) and has been a viable business contributing to the community for over 75 years.
- Businesses such as Doctor's offices are economic bolstering, and bring people and their money that do not live here. It is an asset to our community.

No one else from the public wishing to be heard, Vice-Chairperson Beck made a motion to close the public portion, Mr. O’Kane second the motion. All members present voted in favor of the motion.

Mr. Gural inquired if Mr. Heller was going to do any further construction to the site? Mr. Heller replied that he was not adding any additional apartments and that the apartment was already there, except for a complete kitchen. Mr. Hirsch advised the board that they could limit the number of units at the property. Mr. O’Kane discussed that there are rules already in place to regulate the number of units, and that Mr. Heller would need a site plan and variance for more units. Mr. O’Kane inquired if the parking spaces in front of the garage and the additional parking are grandfathered in since they were granted with a previous variance. Mr. Maraziti explained that the board should be mindful of the current application, when attempting to limit control over the property. There are conditions that can be placed on the property with the granting of the variance. Mr. Maraziti recommend that the board authorize Mr. Brewer to prepare a resolution for approval at the February meeting subject to a list of the conditions from the board’s recommendations. Mr. Hirsch listed the conditions: apron for the driveway, stripping for the current parking area, separate washer and dryer for each unit located in the basement, no business or commercial business in garage, limit to two units. Mr. German discussed that the limiting of the units is not necessary and that the parking area

should not be part of the new variance since it is already in place. Mr. Gural discussed that Mr. Valentino had a few good points about the need for single family units and the restriction on the parking. The Land Use Board cannot consider economics with approvals. (Mr. Valentino from the general public spoke out of order under the board's discussions). Mr. Gural discussed that leaving some green space in the yard is better than the whole area being a parking lot and that the neighbors would not like to see a parking lot full of cars, if Mr. Heller wants the units to become all residential. Mr. Hirsch listed as a condition that the number of cars is limited to 6, 4 in the parking lot and 2 in front of the garage with the rest of the parking area being convert to green space. Mr. German explained that the applicant was in front of the board to request a variance for a residential use and to install a kitchen for the downstairs unit. Chairperson Locke discussed that the lot should look more like a residential area with some off-street parking provided. The spaces should be designed with the residential neighborhood in mind and there should be a sign that indicates no parking on other areas. Mr. O'Kane discussed that he prefers no parking in front of the garage with the 6 spaces in the lot, there is enough room in the lot, without blocking the sidewalk in front of the garage. Mr. Hirsch explained that the parking area of the lot ends at the garage, Mr. Dreby explained that the grassline runs the depth of the garage. Chairperson Locke recommend that the condition be 4 parking spaces on lot 2 in front of garage and no parking in rest of area. Mr. O'Kane made a motion to have Mr. Brewer prepare the resolution for approval for the variance with all of the conditions the board request, Mr. Gural second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairperson Beck, Mr. O'Kane, Mrs. Riener, Mayor Scheffler, Mr. Gural and Mr. Dreby.

NAYES: None. Mr. Mazoriti will have Mr. Brewer prepare the resolution for the February meeting.

PUBLIC SESSION. Vice-Chairperson Beck made a motion to open the meeting to the general public, Mr. O'Kane second the motion. All members present voted in favor of the motion.

Mr. Valentino-Garfield Avenue inquired if the wording in the resolution would prevent any further additions to the property. Mr. Hirsch replied that the applicant would have to reappear in front of the board for a variance to add any additional apartments.

No one else from the public wishing to be heard, Vice-Chairperson Beck made a motion to close the public portion, Mr. Dreby second the motion. All members present voted in favor of the motion.

ADJOURNMENT. Mr. Gural made a motion to adjourn the meeting at 9:45pm, Vice-Chairperson Beck second the motion. All members present voted in favor of the motion.