

**LAND USE BOARD
BOROUGH OF PALMYRA
MINUTES-February 19, 2014**

CALL TO ORDER. Chairwoman Locke called the meeting to order at 7pm

OPEN PUBLIC MEETINGS STATEMENT

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

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall On January 8, 2014.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on January 8, 2014.
- C. Notice to All Board Members.

PLEDGE OF ALLEGIANCE.

ROLL CALL.

PRESENT: Chairwoman Locke, Vice-Chairman Beck, Mayor Scheffler, Mrs. Riener, Mrs. Myers, Mr. Dreby, Mr. Gural, Mr. O’Kane, Mrs. Tait.
ABSENT: Mr. Stokes, Mrs. Byrem.

APPROVAL OF MINUTES Chairwoman Locke requested a correction in the minutes concerning the motion for Chairperson. Chairperson Locke requested that the minutes reflect that Mayor Scheffler made the motion and it was second by Mrs. Riener.

Mrs. Riener made a motion to approve the minutes, Mr. Dreby second the motion. All members present voted in favor of the motion.

BOROUGH COUNCIL UPDATE. Mayor Scheffler reported that budget meeting is on March 1st at 8am. The school will be working on obtaining a grant from the Municipal Alliance Program. The award of the sewer plant improvements was awarded to Eagle Construction. Chairwoman Locke inquired about the ordinance for the Land Use Board to review. Mrs. Riener explained that she will be meeting with Mrs. Kilmer about the fences, sidewalks and front porches. After the meeting Mrs. Riener will refer the recommendations to Chairwoman Locke and Vice-Chairman Beck for their review and presentation to the board. Chairwoman Locke requested that anyone having any suggestions for the ordinance to email them to her or Vice-Chairman Beck. Mrs. Riener discussed the Master Plan and the need for an update of the Master Plan. Mr. Gural replied that books were ordered today about the Master Plan and what procedures the board and council will have to take. Mayor Scheffler announced that Read Across America is on March 3rd and if anyone wants to read

to the children, please contact Charles Street School. Palmyra Day has been put on hold, but the police department will be holding a public safety day.

RESOLUTIONS.

Resolution 2014-9, Resolution of Memorialization In the Matter Of 803 Lincoln Avenue. Mrs. Riener made a motion to approve the resolution, Mr. Dreby second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Vice-Chairman Beck, Mrs. Reiner, Mr. O’Kane, Mr. Dreby, Mr. Gural, Mrs. Tait, Mrs. Myers.

NAYES: None.

ABSTAIN: Mayor Scheffler.

OLD BUSINESS.(Mayor Scheffler and Mrs. Riener left the meeting).

A. **Application 2013-04, 745 Highland Avenue-Dr. Weingarten-(use variance).** Attorney Polino represented Dr. Weingarten in his request for a use variance for conversion of the current office in the downstairs area to become a residential apartment. Mr. Polino explained that he had submitted paperwork that the board had requested and inquired as to how many members were eligible to vote this evening. Chairwoman Locke explained that there are 5 members present who can vote and that Mrs. Tait and Mrs. Myers have not listen to the tape of the previous meetings so they are not eligible to vote. Mr. Polino informed the board that he would like to present the application this evening but hold taking a vote till the next meeting when there may be more eligible members. Chairwoman Locke requested that members who were not present at the meeting when the previous application was present to listen to the tapes before the next meeting. Mr. Martin-license architect from Riverton reported that he had prepared a survey of the property and a conceptual plan for the interior. The upstairs apartments will remain unchanged in square footage and bedrooms. The current handicapped ramp will be used for the first floor apartment. There are no exterior changes being made. Mr. Martin gave the sizes of each apartment’s square footage as presented in the plan. Each unit will have its own entrances and the basement will have an entrance off of the common area for all of the tenants. Mr. Polino explained that there are exterior lights at every entrance and that there is also an existing garage that Dr. Weingarten uses for personal workshop. Mr. Martin discussed that there is plenty of off street parking for the apartment units and that there is also a space in front of the garage. The house is located in a residential neighborhood.

Mr. Hirsch-engineer discussed that the applicant is apply for a waiver of a site plan and to use off street parking. The concrete apron should be replaced and the handicapped ramp if remaining should be update to meet current standards. Mr. Hirsch explained that the handicapped signage is also outdated and needs to be corrected with the new language and penalties. The sidewalk should also have a ramp installed that allows someone parking in the handicapped space to access the sidewalk. Mr. O’Kane inquired if the handicapped space on the street would remain since it is no longer needed for a doctor’s office. Mr. Hirsch replied that the Borough actually places the handicapped spot on the street.

Mrs. Kilmer-zoning officer discussed that she does not think that there is enough room for the fire escape that is required since the property will become a multiple unit if approved. Mr. Martin explained that he would like to attempt to fit the fire escape on the property without returning to the board for another variance. Mrs. Kilmer reviewed the side yard issues and that the applicant should also be considerate of the neighbors with the placement of the fire escape. Mr. Polino explained that the fire escape could be placed in another location without requiring a variance. Mr. Gural inquired if the fire escape is an accessory structure. Mr. Hirsch replied that according to the ordinance it is an accessory structure and would have to be approved by the board or Mrs. Kilmer.

Mr. Martin discussed that the fire escape could be either wood or metal frame and that it could go across the roof. Mr. Polino informed the board that they will design the fire escape without the need for another variance and will present the plan to Mrs. Kilmer. Mrs. Myers inquired about the common areas and the basement entrance. Dr. Weingarten explained that the only common area would be the entrance off the back for the residents to enter the basement. Vice-Chairman Beck inquired if the current windows are upto code for egress. Mr. Martin replied that since the unit will be remodel it will have to be bought upto code in all areas and there will be some windows replaced according to the fire code. Chairwoman Locke inquired about the shared laundry in the basement. Mr. Martin explained that the residents will have access to the basement through the common area and that it will be maintained by Dr. Weingarten. Chairwoman Locke discussed the fire escape and the parking requirements. Mr. Hirsch explained that the fire escape as shown on the current plans would require a variance from the board for the location. The parking requirement is 5.9 spaces and there is currently 6 spaces shown on the plans using off street parking.

Mr. Dreby made a motion to open the application for public comment, Vice-Chairman Beck second the motion. All members present voted in favor of the motion

Mr. and Mrs. Lake-Highland Avenue inquired about the sewer and water usage and if it will be shared by everyone. Mr. Martin replied that there will be individual meters for each apartment. Mr. Gural discussed that the borough is looking into water usage for sewer billing. Everyone would pay a base rate for a certain amount of gallons used and after that they would be billed per gallon. Mrs. Lake discussed that there are a lot of rentals in the Borough that bring down the property values. The rentals also raise the cost of the schools for the homeowners in the Borough. Mrs. Lake discussed that renters do not care about the town as much as someone who owns their home. Mrs. Lake inquired as to who would be responsible for the upkeep and landscaping on the outside of the home. Mr. Drollas explained that the owner of the property is responsible for the upkeep of any property. Mrs. Lake discussed that with the downstairs unit being handicapped accessible, it does not mean that a handicapped person would move in there. It could be a family with a handicapped child, which is additional cost to the school. Mrs. Lake discussed that it is not fair that her children do not have the programs in school that they need due to the high amount of rentals.

Mr. O'Kane made a motion to close the public portion, Mr. Dreby second the motion. All members present voted in favor of the motion.

Chairwoman Locke requested that all members not present during the previous presentation and also the members absent this evening to listen to the tapes, so that a vote can be taken at the March meeting on the application.

NEW BUSINESS.

A. Application 2013-7, Ghuman Enterprises Block 107, Lots 12 and 13, 111-113 North Broad Street-site plan and use variance. Mr. Rosetti, attorney for the applicant explained that they are requesting a use variance to permit a first floor apartment when only upper level apartments are permitted. Mr. Gregory Fusco from Key Engineers explained that the applicant had appeared in front of the board in 2007-2008. At that time the property had been used previously as a train, hobby store. The Borough had done streetscape improvements out front. With the original application there was five (5) parking spaces created as well as stormwater management improvements for two apartments on the second floor. There are currently two commercial offices on the first floor. Mr. Fusco explained that the owner has attempted to rent the commercial space but has not been successful. The stormwater drainage system is working and the apartments are in high demand due to the train station. They are requesting a variance to allow an additional residential unit on the first floor, part of the space will be taken from the commercial area. The access to the apartment will be the same as the other apartments on the side of the building. Mr. Fusco explained that the variance will have a positive impact on the area and that the building will

still be commercial and residential as required per the ordinance. There are no master plan issues and parking is not an issue as there is on street parking as well.

Mr. Hirsch-engineer discussed that the grading and site plan was approved with the previous application, but when he did an inspection of the property the required parking and handicapped signage was not there. The signs need to be maintained with the current penalties and regulations. The trash enclosure that was approved in the previous plan was not installed and the fencing that was required is missing. Mr. Fusco explained that because the Borough has recently went to the trash carts they will not fit within an enclosure on the side of the building. Mr. Hirsch expressed his concerns about the trash being on the property around the containers and that with another apartment there will be additional trash. Chairwoman Locke inquired if the property would be required to obtain private trash hauling. Mr. Gural replied that the Borough picks up downtown business trash and that they are not required to hire private haulers. Mr. Hirsch also requested that they follow the stormwater maintenance schedule that was approved with their previous application. Mr. Ghuman explained that there is not a problem with the storm drain and that it has never clogged up. Mr. Fusco discussed that there used to be trees in the back that cause problems but they have been removed and there does not seem to be an issue with the stormwater management.

Mrs. Kilmer-zoning official inquired about the utilities in the basement and the heater for the building. Mr. Ghuman explained that the heater is in the basement and that there is an outside entrance for the basement. Mrs. Kilmer explained that if the application is approved it will become a multiple unit and be inspected by the state instead of the borough. The property will need a fire escape due to the number of units. Mr. Fusco will review the site plan for a location of the fire escape.

Chairwoman Locke discussed that between the property and the firehouse there is a section of property that should be improved. Mr. Fusco explained that in the original application there was a suggestion of a solid fence, but after discussion with the fire department, they did not want the fence placed. Chairwoman Locke suggested that perhaps some shrubs would look better to line the property. Mr. Dreby explained that the fire department does not own the area and that it belongs more to Mr. Ghuman. The fire department would be fine with a fence or some shrubbery. Chairwoman Locke inquired if additional parking was needed for the approval of the apartment. Mr. Hirsch explained that they had received parking approval with the original application; but that the fire escape would have to meet current code or they would have to return for a variance. Mr. Drollas informed the board that the applicant would have to return with a site plan amendment if the fire escape is not workable. Mr. Hirsch explained that the trash enclosure is already encroaching on parking spaces and that the fire escape needs to be worked into the plan. Mr. Fusco requested that the fire escape placement be part of the approval and if an agreement cannot be reached with the engineer and zoning official, they will return to the board.

Vice-Chairman Beck made a motion open the application for public comment, Mrs. Tait second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mr. Dreby made a motion to close the public portion, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.

Mr. Dreby inquired if he was eligible to vote on the application since he was a member of the Fire Department. Mr. Drollas explained that since the fire department was next door to the property, he should abstain from the vote. Chairwoman Locke explained that she was a member of the Ladies Auxiliary and should she abstain. Mr. Drollas explained that since the Ladies Auxiliary does not hold an interest in the real estate of the fire department, she is eligible to vote.

Chairwoman Locke requested that Mr. Drollas review the propose resolution. Mr. Drollas explained that the applicant is looking for the board to approve pertaining to the engineers report and conditions that the board has requested per the fire escape, trash enclosure, parking and shrubbery between the building and the fire department, subject to plan review by the zoning officer and engineer. If the conditions cannot be worked out, the applicant would have to return to

the board. Mr. Gural made a motion to approve the application with the conditions, Mrs. Myers second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Vice-Chairman Beck, Mr. O’Kane, Mr. Gural, Mrs. Tait, Mrs. Myers.

NAYES: None.

ABSTAIN: Mr. Dreby.

B. Application 2013-8, Santander Bank-Block 83, Lot 13.01, 21 East Broad Street-minor site plan-sign application. Mike Rubin, attorney representing Santander Bank explained that the bank has bought the previous Sovereign Bank property and is requesting new signage across the board. Mr. Rubin discussed that they will comply with all of the engineers report. There will be some minor adjustment to the sign, but no new signs added. Mrs. Kilmer informed the board that there is additional signage requested, by adding more on the drive through as a wraparound sign. Mr. Rubin explained that the bank is attempting to modernize the look.

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

Vice-Chairman Beck made a motion to approve the application, Mr. O’Kane second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Vice-Chairman Beck, Mr. O’Kane, Mr. Dreby, Mr. Gural, Mrs. Tait, Mrs. Myers.

NAYES: None.

MATTERS TO BE PRESENT BY THE PUBLIC. Vice-Chairman Beck made a motion to open the meeting to the public, Mrs. Tait second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mr. Gural made a motion to close the public portion, Mr. Dreby second the motion. All members present voted in favor of the motion.

ADJOURNMENT. Mr. O’Kane made a motion to adjourn at 8:55 pm, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.