

**LAND USE BOARD
BOROUGH OF PALMYRA
MINUTES-MARCH 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, Mrs. Myers, Mr. Dreby, Mr. Gural, Mr. O’Kane, Mrs. Byrem, Mrs. Tait.

ABSENT: Mrs. Riener, Mayor Scheffler.

APPROVAL OF MINUTES Mr. Hirsch requested that under the application of 745 Highland Avenue it should state that it is not an accessory building. Mr. Dreby made a motion to approve the minutes, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.

BOROUGH COUNCIL UPDATE. Mr. Gural reported that Palmyra Day will be held on May 3rd. The ordinance requiring that landlords register their rental property is being looked at for a few amendments. The budget was introduced and will be adopted on April 21 after a public hearing.

RESOLUTIONS.

A. **Resolution 2014-10,** Resolution Approving The Application Of Ghuman Enterprises Block 107, Lots 12 and 13, 111-113 Broad Street For An Use Variance. Mr. Dreby made a motion to approve the resolution, Mr. O’Kane second the motion. At the call of the roll, the vote was:

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

NAYES: None.

B. **Resolution 2014-11,** Resolution Approving The Application Of Santander Bank Block

83, Lot 13.01-21 East Broad Street For Signs. Mrs. Myers made a motion to approve the resolution, Mr. Dreby second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairman Beck, Mr. O’Kane, Mrs. Myers, Mr. Dreby, Mr. Gural, Mrs. Tait, Mrs. Myers.
NAYES: None.

OLD BUSINESS.

A. Application 2013-04, 745 Highland Avenue-Dr. Weingarten-(use variance). Chairwoman Locke inquired about the shortage in the escrow account for Dr. Weingarten. Attorney Polino assured the board that the escrow shortage will be paid in full and that it can be a condition of the approval. Mr. Hirsch discussed the requirement for the fire escape and the location of the fire escape. There are two options available for the location of the fire escape. The applicant is requesting a waiver of the site plan. If a variance is required for the location of the fire escape the applicant would have to be returned to the board for a site plan. Mr. Polino explained that the fire escape should fit into the current plans without regards to the site plan. The applicant will agree to all of the conditions listed by the engineer. Mr. Hirsch would like to see the requirement of the sketch for the location for the fire escape is made part of the approval as well. Vice-Chairman Beck discussed that he is concerned about the waiver of the site plan and would like to know where the fire escape will be located. Mr. Hirsch explained that the applicant will have to show on the survey of the property the location of the fire escape. Mr. Dreby discussed that the board needs to know where the fire escape will be located. Mr. Hirsch explained that there is also the replacement of the sidewalk sections and the apron for the handicapped parking. Mrs. Kilmer discussed that the survey shows about 11.5 feet for the location of the fire escape and the set back is 8 feet. Attorney Polino discussed that the design will show that the fire escape will not encroach on the set back requirements. Mr. Stokes discussed that the applicant would have to return to the board for a variance if the fire escape does not fit. Chairwoman Locke inquired about the normal size of a fire escape. Mr. Hirsch explained that they can be all different sizes and that it has to fit in a 3 ½ foot section and that it will have to have footings as well. Mr. O’Kane inquired if the applicant is willing to return to the board for a variance if the fire escape does not fit. Mr. Hirsch requested that he needs to see the drawings for the fire escape and detail of the location from the architect. The plan needs to show the width and height of the escape. Mr. Drollas explained that as a condition of approval the board can require that a survey with the location and a detail plan of the fire escape be submitted to the engineer. If Mr. Hirsch is not comfortable with the plan and location the applicant has to return to the board for approval.

Vice-Chairman Beck made a motion to 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, Mrs. Tait made a motion to close the public comment, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.

Mr. Drollas explained that the approval is subject to the conditions set in the engineer’s letter and condition that the garage is for the owners use, the survey is submitted with the location of the fire escape, set back limits and details, a construction drawing is submitted and approve by the Boroughs professional staff. Mr. Gural requested that the escrow being paid in full is also a condition of the approval as well as the repairs to the handicapped ramp apron. Vice-Chairman Beck made a motion to approve the application with the conditions, Mr. O’Kane second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairman Beck, Mr. O’Kane, Mrs. Myers, Mr. Dreby, Mr. Gural, Mrs. Tait, Mrs. Myers.
NAYES: None.

A. Application 2014-1, Block 108, Lot 6-227 West Broad Street-use variance. Mr. Gaughan and David Anderson were sworn in for the application. Mr. Gaughan discussed that they had bought the property back in 1986 and there was a beauty salon downstairs and an apartment upstairs. In 1999 he convert the second floor to a business use and now no longer needs a business on the second floor. He would like to create an apartment for his son on the second floor. Mr. Hirsch inquired about the third floor. Mr. Anderson explained that the third floor is storage unit. Mr. Gural discussed that the previous application had to submit floor plans to the board to show the location of the units. Mr. Drollas inquired if the applicant had any drawings to show what is there now and what is planned. Mr. Anderson explained that there always was a business on the first floor and that the second floor had been changed to a makeup room and professional office space. There were no structure changes, the rooms are the same. Mr. Anderson explained that he lived there since he was young and still lives there today. He would like to turn the second floor back into residential and that he is looking into buying the property. Mr. Hirsch discussed that he had complete a field visit to the site and that the old site plan improvements were not kept up with the maintenance. The landscaping that had been required was cleared out and the handicapped sign needs to be update and the lot needs restriping. Mr. Anderson explained that the businesses use the parking out front and that the other parking is really not used. Mr. Hirsch explained that the previous site plan that was approved needs to be held too unless the applicant comes before the board to change the approvals. Mr. Drollas explained that the site plan and use variance stays with the property not with the owners. Mr. Anderson agreed to update the sign and paint the parking area lines. Mr. Hirsch inquired about security lighting for the area. Mr. Anderson replied that there are four located on the perimeter in the corner as well as a flood light that illuminates to back of the gas station. Mr. Hirsch discussed the number of parking spaces for the business. Mr. Anderson replied that there are 16 parking spots and another 12 out front on the street. Mrs. Kilmer discussed that she knows the property quite well but does not know condition of apartment. Mr. Anderson explained that everything is up to date, except the kitchen needs to be updated. Mrs. Myers inquired if they were going to convert makeup room in to a condition. Mr. Anderson explained that he will reinstall all hardware back in the kitchen and that he will use the third floor as additional living space. Mrs. Kilmer explained that a fire escape is required for a multiple unit dwelling over 2. Mr. Gural discussed that he would like to see a sketch of the inside of the property and the location of the apartment. Mrs. Kilmer explained that she does know the layout of the second floor and is not concerned. Mr. Dreby inquired about the second floor lay out. Mr. Anderson replied that there is a bathroom, kitchen and three bedrooms. Mr. Hirsch inquired about the square footage. Mr. Anderson stated that the rooms are 12 by 10 about 1100 square feet. Chairwoman Locke inquired if Mr. Anderson will be living there. Mr. Anderson replied that starting April 1st he will be living there and his children will be staying there when they visit. Mr. O’Kane made a motion to open the application for public comments, Vice-Chairman Beck second the motion. All members present voted in favor of the motion. No one from the public wishing to be heard, Mr. O’Kane made a motion to close the public portion, Vice-Chairman Beck second the motion. All members present voted in favor of the motion. Mr. Drollas discussed that the board can approve the application on the condition of the engineers letter, restriping of the lots, updating the handicapped space. Mr. Gural made a motion to approve the application with the conditions, Mr. Dreby second the motion. At the call of the roll, the vote was:

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

NAYES: None.

NEW BUSINESS.

Chairwoman Locke discussed the fence ordinance and front porches and that she had requested any comments from the board. Chairwoman Locke asked Mrs. Kilmer if a permit was required to replace a section of the fence. Mrs. Kilmer replied that it is not necessary for a section just if the majority of the fence was being replaced. Mrs. Kilmer discussed that if a fence is being replaced in kind a fence permit is still required. Mr. Hirsch discussed who is responsible for maintaining the fence if its on the property line. Mr. O’Kane inquired if two sections of fence are being replaced is a permit required. Mrs. Kilmer explained that it is on a case by case base because it is a gray area in the ordinance, depending on the size of the sections. Chairwoman Locke explained that she did not get a lot of feedback from other members and agrees with Mr. Hirsch that if the fence is the same kind and size they should not have to appear in front of the board to replace the fence. Mrs. Kilmer discussed that she is concerned with the residents that want to exceed the front location of the property or replace the fence that is out front, as they are against the code now. Mr. Hirsch explained that the ordinance could have a section that deals with the length and height of the fence as far as appearing in front of the board that would give Mrs. Kilmer some direction to follow. Chairwoman Locke discussed the front porch and the required setbacks. Mrs. Kilmer explained that there are set back for the front porches and that it does not fit all of the areas of the borough. Mrs. Kilmer explained that if all the neighbors porches are past the front setbacks, it makes sense that the porch is allowed to be placed in line with the other neighbors. Chairwoman Locke inquired as to the process if someone wants to enclose their porch. Mrs. Kilmer replied that you are allowed to enclose the front porch if the correct foundation is there. It would still require permits. Mr. Hirsch advised adding the front porch to the principla structure definition and then they would have to meet the setback requirements of the homes. Chairwoman Locke requested that Mr. Drollas prepare something in writing that the board can present to council with their comments and also for Mr. Rosenberg to review. Mr. Drollas explained that the council would have to send the ordinance to the board for comments after first reading and the board would be able to give additional input into the ordinance at that time.

MATTERS TO BE PRESENT BY THE PUBLIC. Mr. O’Kane made a motion to open the meeting to the public, Vice Chairman Beck 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. O’Kane second the motion. All members present voted in favor of the motion.

ADJOURNMENT. Vice-Chairman Beck made a motion to adjourn at 8:20pm, Mr. Gural second the motion. All members present voted in favor of the motion.