

**August 21, 2013
LAND USE BOARD
BOROUGH OF PALMYRA
MINUTES**

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 July 31, 2013.
- B. Mailing written notice to the Burlington County Times, and the Courier Post Newspaper on July 31, 2013.
- C. Notice to All Board Members.

PLEDGE OF ALLEGIANCE.

ROLL CALL.

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

ABSENT: Mrs. Byrem.

ALSO PRESENT: Mr. Hirsch-engineer-ERI and Mrs. Kilmer-Zoning Officer.

APPROVAL OF MINUTES Mr. Dreby made a motion to approve the minutes from June 19, 2013, Mr. Gural second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Mr. Gural, Mr. O’Kane, Mr. Dreby, Mr. Stokes.

NAYES: None.

ABSTAIN: Vice-Chairman Beck, Mayor Scheffler, Mrs. Riener.

BOROUGH COUNCIL UPDATE. Mayor Scheffler reported that the rental ordinance and the ordinance requiring a certificate of resale were amended at the last council meeting. The housing inspector qualifications will be going out to bid soon. There is also a provision to allow for temporary certificate of occupancies. The Lt. Governor conducted a tour of the Borough and held a roundtable with a few of the business owners to help promote small business.

RESOLUTIONS.

- A. **Resolution 2013-10,** Resolution Memorialization Hana Lapteff And Adam Veitenheimer

For MUSE. Chairperson Locke requested that the resolution state that Ms. Lapteff and Mr. Veitenheimer are the tenants of the property and not the owners. Mr. Dreby made a motion to approve the resolution, Vice-Chairman Beck second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Mr. Gural, Mr. O’Kane, Mr. Stokes, Mr. Dreby.

NAYES: None.

ABSTAIN: Vice-Chairman Beck, Mayor Scheffler, Mrs. Riener.

B. Resolution 2013-11, Resolution Memorialization Of Route 73 Fuel Stop Inc. 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: Chairwoman Locke, Mr. Gural, Mr. O’Kane, Mr. Stokes, Mr. Dreby.

NAYES: None.

ABSTAIN: Vice-Chairman Beck, Mayor Scheffler, Mrs. Riener.

Mayor Scheffler and Mrs. Riener left the meeting.

NEW BUSINESS.

A. Application 2013-4, Michael P. Weingarten-745 Highland Avenue-use for two apartments. Joseph Pinto, attorney for Dr. Weingarten presented exhibit A-1 a survey of the property to the board members. Chairwoman Locke inquired if there was also a survey of the interior of the property and a site plan/drawing of the interior. Mr. Brewer explained that they were asking for a waiver of site plan. Mr. Hirsch replied that it was not required as part of the application. Mr. Pinto explained that they wanted to present the application to the board before having the expense of architectural drawings completed. They will testify to the interior of the building as well as have Mr. Higgins planner, testify to the application. Dr. Weingarten was sworn in by Mr. Brewer. He testified he was owner of the building as part of his corporation since 1975 and that the property was enlarged after applying to the Borough in 1989 by about 1000 square feet. The survey present shows the current building and previous approval of the increase in the back of the property. Dr. Weingarten testified that when he purchased the property there was a doctor’s office located on the property and an apartment upstairs. He had originally purchased the property with another doctor who has since passed away. Dr. Weingarten conducted a medical office till February of 2009 and then he gave up the practice. Mr. Pinto explained that Dr. Weingarten has been looking for another doctor to use the office with no luck. There are not many individual doctors looking for a small town practice. The apartment has been occupied and he would like to make the entire property residential units. Dr. Weingarten testified that the downstairs has a large waiting room, staff and record area, plus nine (9) examing rooms and a supply area for the drugs. There will need to be major changes inside for the apartments but no real change to the outside. Dr. Weingarten explained that there is a concrete ramp on the outside for ADA patients and three entrances. Mr. Pinto inquired if Dr. Weingarten intended to make any major changes to the outside of the building. Dr. Weingarten replied that no changes would be made to the outside unless required by the Board. He testified that the square footage inside is around 2800 square feet and that the two (2) units requested downstairs would conform to all building codes. There is no off street parking and never has been. Dr. Weingarten testified that when his practice was opened all the patients would park on the street and the neighbors never complained. There is a garage in the back of the lot and Dr. Weingarten testified that he would still continue to use that for his personnel items and it would not be available for parking for a tenant. Dr. Weingarten informed the board that he had replaced about seventeen (17) sections of sidewalk with concrete in March and that he would leave the handicapped ramp in place for a disabled tenant to use. Mr. Pinto explained that there are several multiple unit homes in the area and that there is not a problem with the parking on the street. They are requesting a waiver of site plan since there will be no changes to the outside. Mr. Pinto explained that there is no detriment to the

neighborhood, and that it will upgrade the property for the neighborhood. Mr. Pinto discussed that economically it is not a useable property as a doctor's office. Mr. Brewer informed the board, that the last few comments by Mr. Pinto are an opinion only and not based on fact.

Mr. Higgins, planner for the applicant was sworn in. Mr. Higgins informed the Board that he has experience and a background in real estate, a bachelor degree in planning and has represented over 200 towns as a consultant. Mr. Higgins also explained that he has testified in front of over 200 boards as a planner and also teaches the NJPO classes that are required by the State of New Jersey for all Land Use Board members. Mr. Higgins testified that he had review the Boroughs Master Plan and engineers report. There is about 94 feet of frontage and it is currently a two story building with a one story garage. There has never been onsite parking and that the area is a residential use. There are several two family dwellings in the area and that single family is permitted within the zone. The application for the multiple unit dwelling is not permitted in the zone and they are requesting a use variance to allow for two apartments on the first floor and one on the second floor. The office is a pre-existing use that is now not permitted in the zone. The parking demand would be less for the apartment than a doctor's office and that there seems to be enough parking on the street. Mr. Higgins explained that the three times he has visited the site the parking has not been an issue. There is not impact on the Master Plan or the zoning; it is a residential use and more in character with the neighborhood than a doctor's office.

Mr. Hirsch-ERI discussed the square footage of the home and that the application states it is 3100 feet and inquired how big the second floor unit is. Dr. Weingarten replied that the second floor units are 2000 square feet and that the unit occupies the second and third floor. Mr. Hirsch explained that the handicapped ramp would have to be inspected to see if it meets current standards for ADA. The sidewalk in front of the garage as well as the driveway apron should be repaired. Also there should be a sign at the corner of Highland and Wallace, no parking here to corner for site triangle issues.

Mrs. Kilmer-Zoning Officer discussed that a floor plan is needed, there need to be certain windows for all the bedrooms as well as the common areas need to be shown. Mr. Pinto explained that the apartment units would be self-contained. Mrs. Kilmer inquired about the laundry and if it would be in a common area or would each have its own laundry. Dr. Weingarten replied that the laundry would be in the basement and everyone would have access to the basement. There would be separate entrances for each apartment. Mrs. Kilmer explained that is why the floor plan is needed so that all of the areas can be reviewed including the common areas. Mrs. Kilmer explained that she does not want the burden of approval of a floor plan and that the board needs to review it first.

Mr. O'Kane inquired if the applicant was asking for approval without a site plan or floor plan. Mr. Pinto replied that he understands that this is the first phase for the application and was trying to deter the expense of the floor plan and site plan since there were no changes on the outside. Mr. O'Kane explained that the board would like to have the floor plan so that there is no misunderstanding with any approvals or stipulations.

Mr. Gural discussed that it does not benefit the Master Plan or Zoning of the Borough. There are too many variations that the floor plan could be, so a plan has to be presented. Mr. Gural explained that he feels that there should only be one apartment on each floor and that there was an application to have a multiple unit on the street and the board required a single family home. Mr. Stokes explained that the garage is bad, but that the property is clean and should be allowed to have three units. Mr. Gural explained that a two unit building or a single family is more suited to the neighborhood and that two additional units would also have an impact on the school system with additional children.

Vice Chairman Beck discussed that he agrees with other board members that a floor plan is needed especially for the common areas and the arrangement/number of the bedrooms for each unit.

Mr. Stokes discussed that if the floor plan is 2800 feet and understand that each unit would be about 1400 square feet the apartments would be suitable.

Mr. Dreby discussed that he needs clarification about the entrances. Dr. Weingarten explained that the back entrance leads into a hallway and there is a doorway to the right for the basement, private entrances would be added for the two units on the first floor off of the hallway. The front of the building there is a staircase for the second floor. Mr. Dreby agrees that a floor plan would benefit the professionals reviewing the application.

Chairwoman Locke discussed that she is concerned about the number of units and that smaller units for seniors would not impact the school system. The floor plan is needed so that Mrs. Kilmer has a set approval for permits from the board. The parking is not an issue.

Mr. Higgins-planner discussed that the Lt. Governor is pushing Smart Growth and that the property is close to the downtown business district. The state has been working on closing the gap between low and moderate income housing. The working population also needs affordable units to rent.

Mr. Pinto-attorney explained that the ramp makes the unit available for seniors or a disabled person that will not impact the school system.

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

Steven and Sharon Lake-Highland Avenue were sworn in by Mr. Brewer. They discussed that they are concerned about their property values and that there are a lot of apartments and home rentals in the Borough. Many of the homes are vacant and that there needs to be a solid plan for the property. Mrs. Lake explained that taxes have gone up and that more children would tax the school system. Dr. Weingarten replied that his taxes are \$8,000. Mrs. Lake discussed that with three apartments and three bedrooms there could be as many as ten (10) children living there. Mrs. Lake discussed that she is glad that the Borough has made some code changes and that if a disable person moves in the units more parking will be taken up by a handicapped spot. Mr. Lake discussed that the planner talked about low income housing and that the Borough has plenty of apartments and is concerned about the outside maintenance of the property.

No one else from public wishing to be heard, 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.

Mr. Brewer explained to the board the various options that the applicant has. They can request a continuance, ask for a board vote or withdraw the application. Mr. Pinto requested that the board carry the matter till next month and that he appreciates the board’s opinions and discussion on the application. Chairwoman Locke informed the public that the matter would be continued till the September 18th meeting at 7pm.

B. Application 2013-5, Gary Young-728 Parry Avenue-variance for fence. Mr. Brewer explained that Mayor Scheffler and Mrs. Riener were able to vote on this application, since it was for a fence variance and not a change of use. Mr. Gural stepped down since he was listed on the property list of 200 feet. Mr. Brewer swore in Mr. Young. Mr. Young explained that he had read the review from Mr. Hirsch the engineer and is prepared to answer the questions. Mr. Young explained that he moved to town about 6 years ago and has lived here full time. There was a picket fence when he bought the property and has replaced it with the fence in the picture. The first part of the fence is non-conforming and he was not aware that he needed a permit for the fence till he talked to Mrs. Kilmer. He is attempting to create order and boundaries between his property and the neighbors. The neighboring property is a rental and he has had a lot of properties with the trash and dogs. The neighbors were parking large trucks in their driveway and also the previous tenant had a dog that would just walk across the driveway. Mr. Young testified that the picket fence is wooden and adds value to the area. There will be no site problem with backing out of the driveway. Mr. Young explained that there is no negative impact to the area, because it is an attractive fence and adds to the value of the property.

Mr. Hirsch-ERI requested that the applicant is just replacing the fence. Mr. Young replied that the fence is the same length and same post placement as the old fence that he took down. Mr. Hirsch recommend that the shrubs be trimmed back off the sidewalk.

Mrs. Kilmer-Zoning Officer discussed that Mr. Young maintains a nice yard and also the fence is an asset. Mrs. Kilmer explained that she had taken the neighbors to court before they moved due to extra-large trucks in the driveway and other zoning issues.

Mr. O’Kane inquired if the home next door was vacant now? Mr. Young replied that it is currently vacant, but due to the size of the home there are usually a lot of children in the home that run across his property.

Chairwoman Locke discussed that if there is no site problem then she does not have an issue with the fence.

Vice-Chairman 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. Corsello-Parry Avenue was sworn in by Mr. Brewer. He discussed that the fence is better than what was there and that he has no problem with the location or look of the fence.

Mr. Gural-Parry Avenue was sworn in by Mr. Brewer. He explained that the yard and house is an excellent condition and has no problem with the fence. The dogs were running loose and that there needs to be a barrier between the two properties.

No one else 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.

Mr. Brewer informed the Board that the approval would be for a variance for placement and style of a fence as set forth in the survey. Mr. Dreby made a motion to approve the application, Mr. O’Kane second the motion. At the call of the roll, the vote was:

AYES: Chairperson Locke, Vice-Chairman Beck, Mr. O’Kane, Mr. Stokes, Mr. Dreby.

NAYES: None.

MATTERS TO BE PRESENT BY THE PUBLIC. Mr. Dreby made a motion to open the meeting to the public, Mr. Gural second the motion. All members present voted in favor of the motion.

Mr. Norcross-Temple Blvd. discussed that he was going to have borough council relook at Ordinance 2009-12 the Land Use Development Code. He will ask council to review the zoning section concerning RV’s and trailers over 21 feet being parked in the driveways. Mr. Norcross explained that the average RV or mobile home is larger than 21 feet and that the length should not matter as long as it is not parked in front of the house. There are several vehicles in the Borough that do not meet the code. Chairwoman Locke thanked Mr. Norcross for advising the board that council was going to discuss it.

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. Gural inquired from Mr. Brewer what the procedure for amending the Land Use ordinance was. Mr. Brewer explained that Borough Council introduces the amendments to the ordinance on first reading, then the ordinance is sent to the Land Use Board for their review and comments, council than holds the public hearing on the ordinance for second reading. Mr. Brewer explained that if the Land Use Board sends the request to amend an ordinance to Borough Council before first reading, the council does not have to send it back before the public hearing, since it already has been discussed at the Land Use Board. Mr. Brewer also discussed that Borough Council should

prepare the ordinance. Mr. Gural explained that the Land Use Board does not have funds in their budget for additional legal work on ordinances.

ADJOURNMENT. Mr. O’Kane made a motion to adjourn at 9pm, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.