**BOROUGH OF PALMYRA**

**LAND USE BOARD**

**SEPTEMBER 19, 2018**

 **MINUTES**

**CALL TO ORDER.** The Land Use Board meeting of the Borough of Palmyra is hereby called to order at 7:02 p.m.

**ROLL CALL:** Chairwoman Locke requests roll call:

PRESENT: Mr. Dreby, Mr. Gural, Mr. O’Kane, Councilman Yetter, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

 ABSENT: Mr. King, Mr. Stokes

**OPEN PUBLIC MEETINGS ACT.**

Public Notice of this meeting pursuant to the Open Public Meetings Act, has been given by the Board Secretary in the following matter:

1. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on January 23, 2018.
2. Mailing written notice to the Burlington County Times and Courier Post on January 23, 2018
3. Notice to all Board members.

**PLEDGE OF ALLEGIANCE AND PLEASE SILENCE ALL CELL PHONES.**

**APPROVAL OF THE MINUTES**. Chairwoman Locke asks if there are any questions or changes to the proposed minutes. Hearing none she requests a motion to accept the regular Minutes of July 18, 2018 as written. Mr. O’Kane makes a motion to accept the minutes and Mr. Dreby second. At the call of the vote;

AYE: Mr. Dreby, Mr. Gural, Mr. O’Kane, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

NAY: None

ABTAIN: Councilman Yetter, Mayor Arnold

**OATH OF OFFICE**: Chairwoman Locke asks Attorney Brewer to swear in of Rick Dreby to the Land Use Board as a Class IV for the remainder of Andrew Blaisdell’s term due to his resignation.

**MAYOR APPOINTMENTS**: Chairwoman Locke advises that there were a couple of appointments for alternates to the Land Use Board but one is unable to accept because he is a paid employee of the Borough of Palmyra and the other submitted a letter of non-acceptance.

**CORRESPONDENCE.**  Chairwoman Locke asks if everyone has reviewed the correspondence and if there were any comments of questions. Regarding the letter from the State of New Jersey, Chairwoman Locke confirms with Mr. Brewer that there is no further action required and is advise that there is not.

**MEMORIALIZATION OF APPLICATION: NO: 2018-LUB02,** Block 74, Lot 5, 609B West Broad Street, Bulk Variance Application. Chairwoman Locke asks the Board if there are any questions regarding the Resolution. Hearing none, she asks for a motion to accept the Resolution as submitted. Vice Chairman Beck makes the motion to accept and Mr. Dreby second the motion. At the call of the vote:

AYE: Mr. Dreby, Mr. Gural, Mr. O’Kane, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

NAY: NONE

ABSTAIN: Councilman Yetter

The Resolution is memorialized.

**BOROUGH COUNCIL UPDATES.**  Mayor Arnold advises that there will be a questionnaire distributed by the Green Team about diversity on boards and council. Councilman Yetter advises that it is being revised and not ready yet for distribution.

**OLD BUSINESS:** Chairwoman Locke advises that, regarding the Master Plan subcommittee, she has asked that Dave Gerkins close the online survey and to have the results to the subcommittee. She would like to be able to present the results and the Master Plan at the October meeting if possible depending on when the results are compiled. And once they are complete there will have to be another subcommittee meeting to review them. Mr. Gural confirms that Mr. Gerkins did request the survey be closed.

**NEW BUSINESS:** Chairwoman Locke presents the Draft Ordinance 2018-13 Allowing for Outdoor Cafes and Seating and Draft Ordinance 2018-14 regarding Allowing for Placement of Sidewalk Furniture as proposed by the Borough Council. She states that this issue had been previously reviewed numerous times by the subcommittee reviewing the Master Plan and it had been determined at that time to keep the ordinances in place and this would be considered on a case by case basis because each facility has different setbacks and access. Chairwoman Locke asks the Board if they have reviewed the ordinances and if there are any questions or comments. Mr. Gural comments that the documents provided are not draft ordinances. They have already been introduced so therefore they are the final documents. Chairwoman corrects her statement and states that these are the final documents. Councilman Yetter comments that the purpose of these ordinances is to try to ease and streamline the process for some of the small businesses. Chairwoman Locke inquires if the Borough Council has reached out to the County regarding the setback lines and County roads. Mr. Gural comments that there is no doubt that the areas in question are in the County’s right of way. However, the Governing Body does adopt ordinances and resolutions that affect provisions in the right of way all of the time. He can’t speak to whether the County is required to be contacted and believes that the County does not have the final say on whether the governing body has the ability to affect their right of way. The provisions in the Ordinances do stipulate that and are modeled after Federal ADA requirements. The Borough Engineer did confirm that what was being built into the Ordinance and utilized conforms to Federal requirements regarding public right of ways. Mr. Dreby makes a statement that he is not against having the ability to have outside dining but feels that there is no way for anyone to be kept from sitting down at any given time at the tables and has concerns regarding the controls that are going to be put in place regarding the actuality of allowing them to have the outside dining. Chairman Yetter replied that this was discussed among Council and it was realized that there is no way to control anyone from sitting at the outdoor seating. Mr. Beck states he has concern the consumption of alcohol may be permitted in the outdoor café and asks if it will be served in glass bottles since there is nothing in the ordinance? He understands the food and plates but whether glass bottles going to be permitted. Mr. Gural explains that there are provisions in the Ordinances for the types of utensils that can be used but it does not allow establishments permission to serve alcohol outside at the table. The permission to serve can only be granted by the State Alcoholic Beverage Commission. The Ordinance allows for that provision as long as they amend their license accordingly and get that permission but this Ordinance does not. Chairwoman Locke asks Mr. Brewer about the procedure regarding the next step regarding the Ordinances. Mr. Brewer explains that the Land Use Board has to make a motion as to whether or not the Ordinances are consistent with the Master Plan and to make a recommendation as to whether or not to approve. Chairwoman Locke requests a motion. Mr. Dreby asks the long standing board members if this if consistent with the Master Plan. Vice Chairman Beck states that it is not at this time. Mr. Gural asks Mr. Brewer a question regarding Class I, Class II and Class III members and if any of them have a conflict potentially given that they will or may have to vote on this matter. Mr. Brewer explains that the Governing Body has to listen to the report and if the recommendation comes from the Board that it is inconsistent with the Master Plan and should not be adopted the Governing Body can overrule that by a vote from the majority of the full authorized members. He does not see a conflict as this is a recommendation only. Chairwoman Locke makes a motion to not recommend both Ordinances as they are not consistent with the Master Plan. Mr. O’Kane second the motion.

 AYE: Mr. Dreby, Mr. O’Kane, Vice Chairman Beck, Chairwoman Locke

 NAY: Mr. Gural, Councilman Yetter

 ABSTAIN: Mayor Arnold

Motion to not recommend the Ordinances is approved.

**OPEN TO THE PUBLIC.** Chairwoman Locke requests a motion to open the meeting to the public. Mr. O’Kane makes the motion and Vice Chairman Beck second.

Mindie Weiner, 25 West Charles Street. Ms. Weiner states that she is very disappointed. She comments there have been conversations regarding putting new language in the Master Plan that enhance the value of the community and quality of life in the Borough. She explains the reasons for her disappointment and responds to Board member comments. Ms. Weiner comments that the she believes there have been no applications regarding outdoor dining and seating because of costs and that County approval is a non-issue because seating in other towns on County roads have no problem.

Laura Craig, 208 Cinnaminson Avenue. Ms. Craig expresses disappointment with no being allowed to comment prior to voting. She shares her opinion with the Board regarding the outdoor seating, the Boards reasons and the vote. She believes it would being more foot traffic to the businesses, bring a sense of community and will draw businesses. Ms. Craig makes comments about the survey regarding the Master Plan, the ability to make comments and the comments not being considered. Chairwoman Locke advises that the Master Plan revisions have not been complete. Mrs. Craig hopes that the survey results are considered when making the revisions and requests that the survey result be made public. Ms. Craig asks Chairwoman Locke how she can volunteer to make herself an alternate on the Land Use Board.

Michael Defner, 608 Parry Avenue. Mr. Defner expresses his disappointment regarding the Ordinances. He makes a comment about updating the minutes on the Borough of Palmyra website.

Bill Koltonuk, 7 West Broad Street. Mr. Koltonuk expresses extreme disappointment regarding the decision made. There are business owners in this town that are trying to make things look better and are getting no support and feels that other towns do not have any of the problems that the Board has express concerns about. Mr. Koltonuk makes a reference regarding the Master Plan and how this topic has been discussed for some time and also comments on the costs that a business must incur to start a business in town.

Lauretta Kelly, 834 Highland Avenue. Ms. Kelly states that she is on the Green Team and the regional team is the Delaware Valley Planning Commission of which Burlington County is included. The Commission has a long term plan called Connections 20-25 of which there are five key principals are listed for sustainable communities. One is to enhance existing town centers this include amenities that people want such as walkability, unique architecture, access to transit, a mix of housing and social connection. Social connection would include outdoor seats or seating. This would be a place to meet and gather for social interaction. She urges the Board not to make their decisions on fear or emotion but on the data. She request that the survey be available to the public.

Anthony Fratto, 17 East Broad Street. Mr. Fratto states that he also very disappointed. He questions if the the Board is trying to improve our town and asks the Board if this is what they are doing by taking something that has proven successful all over the area and allowing it in Palmyra. He states costs are also a problem. He states that Palmyra has a reputation throughout the area as a very difficult town for businesses to come to and become a part of. He implores the Board and Borough Council to come together and find a way to make this community more welcoming.

Steve Schwering, 209 Broad Street. He states that what is going on in the town is not working. There are many empty stores downtown and small businesses are struggling to get started. He hopes that the Council will override this decision.

Jim Quinn, 629 Elm Terrace, Riverton. Mr. Quinn states he is on councilman for the Borough of Riverton. He feels that Palmyra and Riverton are two distinct towns but are one community. He comments that having the public speak after taken seems counterproductive. He questions how this topic is inconsistent with the Master Plan if it has been brought before the board on several times. Mr. Beck explains that this topic has come before the Board but never been brought to the Master Plan before. He further explains that the subcommittee is talking now about doing changes to the Master Plan to add an arts district but the way the Master Plan is written this is not part of it. Chairwoman Locke advises that this Board was asked by the Council to consider an arts district and it has been written in to the revisions of the Master Plan. She further explains that over the last three revisions and at that point no one had ever asked to make changes to that section of the Master Plan. Mr. Quinn further explains his opinion and comments on Mr. Dreby’s concerns. Mr. Dreby responds and also advises that there were only two choices regarding the vote, either it is consistent with the Master Plan or it is not and as it is written at this time, it is not. Mr. Quinn asked if it was possible, after hearing the comments just made, to take another vote regarding the Ordinances and is advised that it is not. Mr. Brewer explains the Board does not generally reconsider the vote. He explains the reasoning.

Chairwoman Locke comments on the section of the Master Plan to allow for outside dining. She states each application has to be made on an individual basis and has to be heard. Chairwoman Locke advises that the costs are not set by the Land Use Board but are set by the Borough Council. Conversation ensues regarding costs.

Bruce Smith, 324 Van Sant Drive. Mr. Smith has opposition to the previous public comments and inquiries about County approval, whether there is ADA approval and if there is enough room for tables and chairs. A conversation ensues.

Chairwoman Locke, seeing no one else wishing to comment, requests a motion to close the public portion of the meeting. Mr. O’Kane make the motion to close the public portion and Mr. Dreby second. All in favor none opposed.

There being no other business Chairwoman Locke request a motion to close the meeting. Mr. O’Kane makes a motion to close and Vice Chairman Beck second. All in favor, none opposed.

Meeting concluded 8:07 p.m.

Respectfully submitted,

Marie L. Nagle

Secretary, Land Use Board

Borough of Palmyra