

**LAND USE BOARD
MINUTES
NOVEMBER 19, 2014**

CALL TO ORDER

OPEN PUBLIC MEETINGS STATEMENT

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Borough Clerk in the following manner.

- A. Posting written notice on the official bulletin board at the Palmyra Borough Hall on January 16, 2014.
- B. Mailing written notice to the Burlington County Times and the Courier Post Newspaper on January 16, 2014.
- C. Notice to All Board Members.

PLEDGE OF ALLEGIANCE.

ROLL CALL:

PRESENT: Chairwoman Locke, Vice-Chairman Beck, Mrs. Barron, Mr. O’Kane, Mr. Dreby, Mr. Stokes, Mrs. Myers, Mr. Blaisdell.

ABSENT: Mayor Scheffler, Council President Riener, Mr. Gural, Mrs. Byrem, Mrs. Tait.

APPROVAL OF MINUTES. Mrs. Myers requested a correction to the minutes under new business about her statement. Mr. O’Kane made a motion to approve the minutes from October 15, 2014, Mr. Dreby second the motion. All members present voted in favor of the motion.

BOROUGH COUNCIL UPDATE. Chairwoman Locke reported that Borough Council adopted the sidewalk ordinance and that the fence ordinance is still being worked on.

RESOLUTIONS.

A. **Resolution 2014-14,** Resolution Approving The Application Of Block 23, Lot 8-621 Washington Avenue. Chairwoman Locke requested a clarification on the third line of the first paragraph that starts with Whereas, Mr. Hirsch explained a variance was not needed for being too close to the neighbors fence, since the ordinance states that if a neighboring property driveway is up to the property line, the neighbor may also place his driveway up to the line. Mr. Hirsch will measure the driveway so that vehicles will not infringe on the sidewalk area. Mr. Drollas discussed that the resolution reflects the board’s motion of approval. Mrs. Myers 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, Mr. O’Kane, Mr. Dreby, Ms. Barron, Mr. Blaisdell,

NAYES: None.

ABSTAIN: Mr. Stokes.

NEW BUSINESS.

A. Application-2014-3-The Auto Store-1250 Route 73 North-Block 141 Lot:1.03-Use Variance Mr. Drollas swore in Maurizio Cassetta, owner of the The Auto Store. Mr. Ehrhardt, attorney for The Auto Store informed the board that the applicant is applying for a variance so that he may repair and service the vehicles that are sold or leased by them. Mr. Cassetta purchased the site in 2008 in Palmyra, before that he was renting a property in Pennsauken. The property has always been an auto business and van rental business was there also. The previous owner shut down his business and stored cars there for a while. State Motor Vehicle requires the approval of the town to run a used car business. Mr. Ehrhardt explained that they are just continuing the same business that has always been there. Mr. Ehrhardt present exhibit A-1 the application to the state to have a used car business. Mr. Cassetta was under the impression that he could do minor repairs on the cars that he was selling when he purchased the property, since there is a hydraulic lift under the floor and also there is a cut out for bay doors in the office area. Mr. Cassetta did some renovations to the site, by fixing the roof, electric, sprinklers and new landscaping on the Route 73 side. Mr. Cassetta discussed that he has spoken to a landscaper and that he would like to place some trees that are manageable and a flower bed at the bend. Sale hours are 9-7, Mon-Fri and 9-5 Sat. the repair work would only be done from 9-5 in the garage area. There should not be an issue with noise since the traffic noise drowns out everything. Mr. Cassetta testified that the cars parked along the back of the wall belong to Joshua Motor Cars and not him. There is a gate that is shut on the back of the property that belongs to someone else. The parking is usually in front of the store and the vehicles exit out the back. The exit is actually located on the adjoining property, but he has a verbal agreement with the owner to use the exit. The back exit is easier than trying to get out on Route 73. Cars for sale are parked on the site and customers park in front. Mr. Ehrhardt explained that there are other car lots on Route 73-Kerbeck, Auto Direct, Star Cars, Route 73 Auto Mall, American Auto and that they perform repairs on site. Mr. Cassetta explained that he has had to outsource his repairs for the last year and a half, but it causes him to lose control over when the cars are ready for the customers. If he is allowed to make repairs on site for his vehicles, he could give the car back in a few hours. Mr. Cassetta offers his customers warranties on many of the vehicles for three (3) months and needs to be able to repair the warranty work.

Mr. Hirsch –engineer discussed that he is concern about the closing of the gate. Mr. Cassetta explained that he would attempt to purchase the property with the gate if it was up for sale. Mr. Hirsch expressed his concern about the 19 foot wide aisle and that it might be tight for emergency vehicles to use. Mr. Dreby replied that it should not be a problem for the fire truck or squad to get on the property. Mr. Hirsch explained that any planting bed on Route 73 has to be contained on the property otherwise permission from the state has to be granted. The height of any shrubs should be cautious of the site line for the traffic.

Mrs. Kilmer-zoning officer inquired about employee parking. Mr. Cassetta replied that they park on the street. Mrs. Kilmer inquired about the support post for the gate and does it impede clearance. Mr. Hirsch explained that 18 feet is required and that the parking pattern that is on site is different from the plan. Mr. Cassetta explained the cars are parked so that they draw attention for sale.

Mr. Stokes inquired about what Mr. Cassetta would do if someone buys the property with the gate and does not allow him to use that exit. Mr. Cassetta would open the other exit on Route 73 so that there is a flow and would probably shrink some of the inventory to make sure there was enough room. Mr. Ehrhardt explain that a formal agreement should be obtained from the two owners about the gate. Mr. Cassetta explained that at the current time Joshua Motors are paying rent for the other lot. Mr. Drollas explained that a variance runs with the land under the conditions set by

the board. Ms. Myers discussed Mr. Hirsch's letter on page 3 section c about the state right-of-way. Mr. Hirsch replied that the applicant has removed it from the plan. Mr. Dreby inquired if Mr. Cassetta thought about opening the gate and relocating the cars so that there is an ingress and egress. There could be an opening off of Madison. Mr. Blaisdell inquired if it would affect business if the display ready cars were along the front instead of the repair cars. Mr. Blaisdell emphasizes the point that the second egress remains open as an additional point. Mr. Cassetta explained that his trucks come down Madison and unload on the street and the cars are then moved to the lot. Mr. Blaisdell inquired if sidewalks could be completed. Mr. Hirsch replied that the owner would have to receive state approval for the sidewalks. Ms. Barron inquired if the repair section of the building is ready with sprinklers. Mr. Cassetta explained that the set up shop has fire extinguishers; there would be a tank for the oil and anti-freeze. Mr. Cassetta assured the Board that there is plenty of room for vehicles in the display area. Chairwoman Locke discussed that a verbal agreement can easily be terminate and that it should be done as an easement or written agreement. Mr. Ehrhardt discussed that he understands the issue with the easement and will review the board's recommendations. Mr. O'Kane explained that if the gate is closed than other arrangements have to be made and how would the board be aware of it. Mr. Drollas explained that unless it is a condition of approval that if the back gate is closed off the owner would have to return to the board as it becomes a zoning issue. Mr. Hirsch explained that if customer's parking spaces are moved and an 18 foot aisle is created to exit the area, they could use two of the display spaces to make room for an exit. Mr. Drollas discussed getting the board's approval now for when or if the gate exit goes away, that way they would not have to return to the board. Mr. Hirsch discussed that the approval could be based on condition of engineers approval if gate is closed for the moving of the parking spaces.

The Board took a 10 minute break so that the applicant could confer with his attorney.

Mr. Hirsch reviewed the approval needed: the use variance would be granted with conditions, the landscaping beds on Madison and Route 73 would be no higher than a site line would permit for traffic, there would be stripping for customer parking, relocate spaces r3 and r4 with spaces d23 and d24, revisions to the plans as a condition of approval would include if the entrance on Vanderveer Street was no longer useful the site will be revised to eliminate spaces d2, d3, d4 for exit and include revisions for customer parking and removal of directional signage, also if gate is closed there will be 4 customer spaces, 4 repair spaces and 22 display spaces. No repairs outside of business hours are allowed unless emergency and only customer's vehicles are allowed to be repaired.

Vice-Chairman Beck made a motion to approve the application as stipulate by Mr. Hirsch, Mrs. Myers second the motion. At the call of the roll, the vote was:

AYES: Chairwoman Locke, Vice-Chairman Beck, Mr. O'Kane, Mr. Dreby, Ms. Barron, Mr. Blaisdell, Mr. Stokes.

NAYES: None.

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

No one else from the 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.

ADJOURNMENT. Ms. Barron made a motion to close the meeting, Vice-Chairman Beck second the motion. All members present voted in favor of the motion.