

**BOROUGH OF PALMYRA
LAND USE BOARD
APRIL 15, 2015
MINUTES**

CALL TO ORDER.

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:

- A. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on February 22, 2015.
- B. Mailing written notice to the Burlington County Times and Courier Post on February 22, 2015.
- C. Notice to all Board members.

ROLL CALL.

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

ABSENT: Mayor Scheffler, Mrs. Byrem.

MINUTES. Approval of the minutes from February 18, 2015. 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 UPDATES. Councilwoman Tait discussed that the sidewalk ordinance is being finalized by the committee and that it will be sent to Land Use Board members for comments. Mr. Gural reported that the Borough’s budget has been approved.

RESOLUTIONS.

A. **Resolution 2015-7,** Resolution Memorializing The Action Of The Land Use Board On The Application Of 722 Park Avenue For A Bulk Variance. Mr. Dreby made a motion to approve the application, Mr. Stokes second the motion. At the call of the roll, the vote was:

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

NAYES: None.

ABSTAIN: Mrs. Tait.

B. **Resolution 2015-8,** Resolution Memorializing the Action of the Land Use Board on the Application for 310 rear West 3rd Street For An Use Variance. Mr. Dreby made a motion to approve the resolution, Mrs. Myers second the motion. At the call of the roll, the vote was:

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

NAYES: None.

NEW BUSINESS.

A. Application 2015-3,-535 Cinnaminson Avenue-use variance. Mr. Stokes stepped down from the dais. Mr. Drollas swore in Jin Hua Yan, owner discussed that she had bought the property three years ago and that she needed to make repairs. Ms. Yan explained that she had hired a real estate agent and still could not find a tenant for the store. Chairwoman Locke explained to Ms. Yan that the board cannot base the application on financial issues, they have to look at the benefit to the community. Ms. Yan discussed that she lives there now and that way it is not an empty space. Mr. Drollas inquired if Ms. Yan owned the building. Ms. Yan replied yes for the last three years. Mr. Drollas inquired about the previous use of the building. Ms. Yan replied that it was a printing/graphics company, but that it had been empty for several years. Mr. Drollas inquired if Ms. Yan has attempted to get a tenant. Ms. Yan explained that the store is too small and needs a lot of work. Mr. Hirsch discussed that a use variance is needed since the property is zoned commercial/retail. Ms. Yan has to give testimony about the use so that the Board can act on the application. Mr. Hirsch inquired if the properties next to her have any first floor apartments. Ms. Yan replied that she is not sure, but there is a barbershop on her block. Mr. Hirsch inquired as to where Ms. Yan and the other tenant’s park? Ms. Yan replied that she uses street parking and that there is a lot behind her building also. Ms. Yan discussed that a lot of the apartments in the business district do not have parking due to the tenants using the train. Mr. Hirsch discussed that the business district is zoned town commercial and has mixed use buildings, but apartments are not allowed on the first floor according to zoning. The businesses provide service and bring in the customers to the Borough from the apartments. Mr. Drollas explained that a use variance needs special reasons to support approval. The applicant must show that she can satisfy positive criteria and that it will not be a detriment to the Master Plan. Ms. Yan explained that she was using the first floor as a living space and that it would be helpful to her as the landlord to live there. Chairwoman Locke explained that Ms. Yan lived there till Mrs. Kilmer, zoning officer told her that it is not allowed to be a resident. Ms. Myers discussed the difficulty of having no parking for a storefront. Mr. Dreby explained that he saw the inside of the apartment, when responding to a fire call there and is concerned that it is in the business district and goes against the Master Plan. Mr. Gural agreed with Mr. Dreby and that the downtown is struggling and allowing an apartment on the first floor will make it more difficult as other businesses will want to do the same thing. Mrs. Bell inquired how long the building was vacant before Ms. Yan bought the building. Ms. Yan explained that it was vacant when she bought the property three years ago. Chairwoman Locke discussed that she is concerned about the lack of parking and following the master plan. Other applicants were denied previously by the Board for the same request. Chairwoman Locke explained that it is difficult to enhance the downtown and to find ways to bring business into town if the first floors become apartments. Mrs. Bell inquired about the square footage of the unit. Ms. Yan explained that exhibit A-1 shows the drawing of the first floor with the exterior footage, it shows that it is 35 feet by 39 feet. Ms. Yan discussed that she is just trying to make some money with the building.

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

Mr. Stokes-Cinnaminson Avenue, Mr. Drollas swore in Mr. Stokes. Mr. Stokes explained that his building is across the street from Ms. Yan and that when you purchase a property you have to take into consideration the area and what you need to fill the space. Mr. Stokes explained that as a business owner, he is against using first floors in the district as residential living space. It would change the dynamics of the area.

Mrs. Cecchi-River Bank explained that she owns the property next door to the applicant and has two commercial units downstairs and two apartments upstairs. She charges less rent for the storefront so that she can keep a business in there. Mrs. Cecchi discussed that you have to factor expenses into the purchase of a commercial building at the time of expenses and she is looking forward into the business district coming around and is not in favor of residential units on the first floor. Ms. Yan explained that she still has to pay for everything even if the unit is empty or not.

No one else from the public wishing to be heard, Vice-Chairman Beck made a motion to close the public portion, Mrs. Bell second the motion. All members present voted in favor of the motion.

Mr. Drollas discussed that if the Board wants to approve the application they would have to grant a use variance for the property to be allowed to have a residential unit on the first floor and agree that there is no detriment to the Master Plan and zoning. The vote would have to be five (5) in the affirmative to be approved since it is a use variance. If the board is inclined to deny the application then the motion would be for denial of the use variance. Mrs. Bell made a motion to deny the use variance, Mr. Dreby second the motion. At the call of the roll, the vote was:

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

NAYES: None.

Mr. Stokes returned to the dais.

Chairwoman Locke discussed that Ms. Yan should talk to Mr. Gural the administrator and see if the Borough can help. Mrs. Myers explained that finding a business tenant is hard and that Ms. Yan should reach out to some of the other owners in the district.

Ms. Bell inquired if each unit stands on its own matter. Mr. Drollas explained that the Board can take into consideration the area of the units, but it can also cause a domino effect. The zoning ordinance can only be changed by Borough Council. Mr. Drollas discussed that the Land Use Board should follow the Master Plan.

MATTERS TO BE PRESENT BY THE PUBLIC. Please state your name and address for the record.

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

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