

**BOROUGH OF PALMYRA
LAND USE BOARD
SEPTEMBER 18, 2019
MINUTES**

CALL TO ORDER. The Land Use Board meeting of the Borough of Palmyra is called to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE.

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 January 23, 2019.
- B. Mailing written notice to the Burlington County Times and Courier Post on January 23, 2019.
- C. Notice to all Board members.

ROLL CALL: Chairwoman Locke requests a Roll Call:

PRESENT: Councilwoman Weiner, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke, Ms. O'Connor, Mr. Yetter

ABSENT: Mr. Gural, Mr. Norcross, Mr. O'Kane

APPROVAL OF THE MINUTES. Chairwoman Locke states that there is a change for the minutes. Change the date of the meeting from June 17, 2019 to July 17, 2019. She asks if there are any comments or other corrections. Hearing none she asks for a motion to accept the minutes of July 17, 2019 as corrected. Mayor Arnold makes the motion to accept and Vice Chairman Beck second. At the call of the Roll:

AYE: Councilwoman Weiner, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke, Ms. O'Connor.

NAY: None

ABSTAIN: Mr. Yetter

CORRESPONDENCE FOR REVIEW: Chairwoman Locke reviews the correspondence. She asks for comments or questions regarding the correspondence and hears none. She asks for questions and comments regarding the Resolution from Borough Council authorizing the Land Use Board to undertake a preliminary investigation as to whether the property commonly known as Block 80, Lot 6 is an area in need of redevelopment in accordance with the procedures of the local Redevelopment and Housing Law, and to provide recommendations to the Mayor and council. Discussion ensues.

REVIEW OF INVOICES Chairwoman Locke asks if there are any questions or comments regarding the professional invoices from CME and Marazitti & Falcon. There are none.

Councilwoman Weiner asks if there is any further discussion regarding the Resolution and is told no by Chairwoman Locke. Ms. Weiner asks that if the property is not sold would it be another month for council to ask the Land Use Board to move forward. Mayor Arnold and Chairwoman Locke explain.

BOROUGH COUNCIL UPDATES. Mayor Arnold advises that an interim redevelopment agreement for the property on the south side of Route 73 has been signed. There is a 120 day due diligence period. The PNC Bank property is moving along. She advises that there was a dedication of the new park. There is a new grant opportunity available that council is submitting to the County and that will be for Veterans Park.

OLD BUSINESS: Memorialization of Application 2019-LUB01, Block 78.01 Lot 1, 1.01, 2, 2.02, 2.03, 2.04, 723 Public Road, application for subdivision. Mr. Brewer states that there are a few revisions. He explains the revisions. The property address was incorrect, Ken Ridgway is not a licensed surveyor but a Surveyor and added after plat “to be reviewed by the board attorney and engineer prior to filing.” And finally after “be it further resolved” the date was incorrect. Mayor Arnold points out a typographical error on page 3. Chairwoman Locke asks if the provisions that were required of Mr. Greco to provide in the way of a revised plat are included. Mr. Brewer advises the Resolution will cover those provisions that are required before completion. Mr. Winckowski advises that the map will need to be signed confirming that all the conditions of the approval are satisfied. Chairwoman Locke requests a motion to approve the Resolution as corrected and submitted. Vice Chairman Beck makes the motion and Chairwoman Locke second. At the call of the Roll:

AYE: Vice Chairman Beck, Chairwoman Locke, Ms. O’Connor

NAY: None

RECUSE: Councilwoman Weiner, Mayor Arnold, Mr. Yetter

Motion is approved.

NEW BUSINESS: Application 2019-LUB02 Maiko De Souza, Block 61, Lots 4 & 4.01 Allen Ettenson, Esquire introduces himself, his client, Maiko De Souza and Mariella Gaspar. Ms. Gaspar was asked to attend to assist Mr. De Souza as a translator if he should have any problems understanding or speaking relative to this application. His primary language is Portuguese but he speaks and understands English. It is noted that she is not a certified interpreter. Ms. Gaspar is a friend who is fluent in Portuguese, English and Spanish.

Chairwoman Locke and Mayor Arnold disclose that they both have had prior dealings with Mr. Ettenson but it has been many years. Mr. Brewer advises that based upon the general agreement that the business relationship ceased many years ago with both parties he sees no conflict.

Mr. Brewer swears in Mr. De Souza, Ms. Gaspar and Mr. Winckowski. Mr. Ettenson asks Ms. Gaspar to state her address. She states 113 Henry Street, Riverside, New Jersey, 08075. He asks Mr. De Souza to state his address. He states Hunter's Glen, Apartment 58A, 3001 130 South, Delran, New Jersey, 08075. Mr. Ettenson states that his client currently owns the property at 511 West 6th Street, Block 61, Lots 4 and 4.01. It is two lots and 4.01 is a very narrow lot. Mr. De Souza has owned it for about a year and wishes to construct a second floor addition as well as an attached garage. He wishes to occupy the premises with his family and build it into a four bedroom house. Mr. Ettenson continues to state that the house is currently in substantial disrepair. Mr. Ettenson states that he and his client are before the Board for variances. When he sent out his notices, for both publication and mailing to property owners within 200 feet he noticed for about six difference variances. Many of these variances are pre-existing. For example, the Borough requires 7500 square foot lot area and this premises is only 5000 square feet, it is pre-existing. The lot depth requirement is 125 feet and the premises only has 100 feet, it is pre-existing. The front yard is 10 ½ feet and 30 feet is required, it is pre-existing. The two primary variances are the side yards. The minimum side yard is 8 feet and on one side, it is pre-existing, it is 5.9 feet and the minimum combined after he puts in his garage is 20 feet and he will have 15.6 feet. Mr. Ettenson submits photographs and documents into the record as exhibits. The photographs are marked A1 to A4. He marks the architects drawings and elevation as A5 and A6. He marks the architect's preliminary project plans done by Bishop & Smith for the addition/renovation as A7. He will need a variance for the 20 feet requirement and he is asking for 15.6 feet. Mr. Ettenson states that the reason for the variances are that this is a C2 variance under that Statute and he believes that the benefits of the deviation greatly outweigh any detriment. This is a building that should probably come down and Mr. De Souza is going to make it beautiful and move in with his family. Mr. Ettenson begins questioning Mr. De Souza. Mr. Ettenson asks Mr. De Souza what he does for a living and he responds that he builds homes and framing for 22 years. Mr. Ettenson asks him if he will be doing most of the work himself, other than electrical and plumbing and Mr. De Souza replies yes. Mr. Ettenson confirms with Mr. De Souza that he is the owner and he bought the house in December 2018. He also was asked why he bought the property. Mr. De Souza responds to make a house to live in with his family. He is asked how many in his family beside himself. Mr. De Souza responds it is his wife and two children. Mr. Ettenson confirms with Mr. De Souza he does not plan on renting the house or flipping the property. Mr. De Souza responds that he plans on living there. Mr. Ettenson confirms that the height of the house is below the other homes and no variances are being asked for. He asks Mr. De Souza how does the height of the house compare to others on the street. Mr. De Souza responds it is about four feet below the other houses. Mr. Ettenson asks that when he builds the house will there be a little part of an addition in the rear of the property and will there be a basement or a slab. Mr. De Souza advises there will be a basement. Chairwoman Locke asks if it is an existing basement and will he be extending the basement and he confirms yes. Mr. De Souza is asked if he plans to widen the driveway and he confirms he will be. Mr. De Souza advises it has to be a minimum of 18 feet to fit two vans and to put one car in the garage. Mr. Ettenson asks him if he is adding a garage and Mr. De Souza responds yes. Mr. Ettenson completes his questioning. Chairwoman Locke asks Mrs. Kilmer if she has any questions. Mrs. Kilmer asked if any interior work has been started and is advised that he is only cleaning out the property as there is trash and debris that was left in the house. Chairwoman Locke asks for any questions from the professional. Mr. Winckowski asks Mr. De Souza how much is he salvaging of the original structure? Mr. De Souza replies he is keeping the 1st floor walls, the decking, he will fix any bad joists, some studs and make the second floor. Mr. Winckowski confirms that he will be salvaging the first floor framing, foundation and decking. He confirms that the applicant

wants to make the driveway wider and in asphalt. Mr. De Souza states he would like to make it a concrete driveway. Mr. Winckowski advises that if this application is approved a plan will be needed to show it is a concrete driveway. He asks if the bump out of the living room space is going to be maintained on the first floor and not the second floor. Mr. De Souza replies yes. He asks for an existing sealed survey and Mr. Ettenson advises he has one. Regarding the extension along the wall line Mr. Winckowski states that the side setback is taken from the cantilevered extension. He states that the survey needs to be revised to show the extension because the roofline extends over it. Therefore, the setback is actually 3.9 feet existing and Mr. De Souza is not changing that. He is told no. Mr. Winckowski states that the variances needed are while existing the one side yard is 3.9 feet and the survey is going to be revised to reflect the cantilever extension but the second floor is going to be 5.9 feet from the side setback where 8 feet is required. That is a new variance. The combined is actually 13.6. Mr. Ettenson states that the survey indicates it is 5.9 but it does not mention the cantilever extension and confirms with Mr. Winckowski that he would like a revised survey. Mr. Winckowski confirms and advises that he also include the proposed driveway location and concrete driveway footing. Mr. Ettenson asks for confirmation from Mr. Winckowski that he would like the revision to show the driveway as it is planned. Mr. Winckowski confirms and states that he will need it for the building permit. Ms. Weiner asks Mr. Winckowski to explain. He explains that he is making sure that the dimensions and any relief that the Board grants is accurate. He states that it was testified that the setback was 5.9 feet but it is based on the survey that was submitted with the application but that survey failed to show the cantilever extension. Mr. Winckowski asks for clarification regarding the front yard. He states the zoning requires 30 feet and the existing house is 10 ½ feet from the property line and they are doing a second floor addition and that will bring the building façade second floor above that 10 ½ feet. The applicant is not going any closer but they are creating a larger vertical wall. He states that the Code does allow for an encroachment into the front yard setback of 30 feet provided that it is consistent with the rest of the block. Mr. Winckowski advises that by adding the garage the setback is encroached. He states because the grade separation between where the existing grade and the first floor, the applicant has to do an internal platform to walk up into the proposed kitchen. That will required more space in order to have enough garage width for a car and steps that go into the side entry kitchen. Mr. Winckowski requests, if approved, that a deed of consolidation to make the property one lot if it has not been already consolidated. Mr. Ettenson agrees. Mr. Brewer has no questions. Chairwoman Locke asks for questions from the Board. Ms Weiner asks a questions regarding the backyard and the size. Mr. Ettenson advises that with the addition it will be 38 feet. She asks how much space the addition is adding to the back of the house. Mr. De Souza advises that there is 40 ½ feet before construction and a proposed 38 feet after construction. Mr. Winckowski advises that all that is required is 25 feet. Ms. Weiner states that there are no windows in the second story side view of the addition above the garage and feels that aesthetically it would benefit the home to have a window in that area. She is told by Tracy Kilmer that for fire safety requirements only one window is required. A discussion ensues. Mr. De Souza states he has no problem putting a window in as requested. Mr. Brewer confirms that there is going to be a window on the second story of the side of the house. The right side elevation above the garage. Vice Chairman Beck has no questions at this time. Mr. Yetter's question is regarding the driveway. It is confirmed it is concrete. Chairwoman Locke asks if the concrete driveway affects impervious coverage and is advised no. She has no further questions. Ms. O'Connor has no questions. Mayor Arnold states that she is so glad this home will be owner occupied. She has a question about the garage, the height of the garage and the back of the garage and how will that affect the view of the neighbors. Mr. Winckowski states that he does not believe so, he prefers it this way because it

will give a deeper driveway for more off street parking. Mayor Arnold asks Ms. Kilmer a question regarding the setbacks if it is still within the requirements for safety and access for emergency responses. And is told yes. Chairwoman Locke has no further questions. Mr. Ettenson states that the negative criteria regarding this application submits that the variances can be granted without any detriment to the public good. He states that he believes his client is enhancing the public good to the contrary and is not substantially impairing any intent of the zoning. Vice Chairman Beck states he would like to clarify with Mr. Ettenson that the presented drawings aren't the final drawing. He confirms they are not. Mr. Brewer advises that they will be conditions in the Resolution. The concrete driveway, the window and the changes made will be conditions of approval. Vice Chairman Beck confirms that the Board has no say in the fact that there is no back door or anything regarding the siding, windows or sliding glass doors. Mrs. Kilmer explains that what is approved at the meeting and is signed off by the Board is what is submitted to her office and that is what will be build. If there is a change after the applicant would have to come back to get a revision from the Board. Vice Chairman Beck asks if the Board should wait to get the new plans regarding the concrete and such. Mr. Winckowski explains that that is a Resolution compliance issue, if the plans presented are within substantial conformance to what is testified to then they will be signed and let Mrs. Kilmer know it is acceptable to issue building permits. Discussion ensues.

OPEN TO PUBLIC: Chairwoman Locke asks for a motion to open the meeting to the public regarding this application. Vice Chairman Beck makes the motion to open the meeting and second by Mr. Yetter. All in favor, none opposed.

Seeing no one wishing to speak regarding this application, Chairwoman Locke asks for a motion to close the public.

Vice Chairman Beck makes the motion to close and Mr. Yetter second. Chairwoman Locke asks Mr. Brewer for a motion. All in favor, none opposed.

Mr. Brewer states that there was some testimony, and it seems to be of interest to the Board that this property be owner occupied and not be a flip, is that a condition that the Board would like to impose? The Board says yes, it is what the applicant has testified too. Mr. Brewer states that this is a motion to approve the application for all the variances as put in the application and amended at today's hearing. The applicant will revise the plans to depict the proposed concrete driveway and the plans are to be reviewed and approved by the engineer. Applicant will revise the survey to show the correct setbacks pursuant to the testimony provided. It will also reflect the changed setbacks. The combined setbacks will be 13.6 feet. One of the existing sideyard setback will be 3.9 feet. The applicant will file a Deed of Consolidation to make it one lot if not already done. The applicant will add a window to the right side elevation above the garage and the plans will be changed to depict the location of that window. Chairwoman Locke asks for a motion to approve the motion as stated. Mayor Arnold makes the motion to accept and second by Vice Chairman Beck. At the call of the Roll:

AYES: Councilwoman Weiner, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke, Ms. O'Connor, Mr. Yetter

NAYS: None

ABSTAIN: None

Application is approved.

Mr. Ettenson thanks the Board and Mr. De Souza is welcomed to the community by the Board

OPEN TO THE PUBLIC:

Chairwoman Locke requests a motion to open the meeting to the public. Mayor Arnold makes the motion to open the meeting and Mr. Yetter second. All in favor, none opposed

Seeing no one wishing to speak Chairwoman Locke requests a motion to close the public portion. Vice Chairman Beck makes the motion and second by Mr. Yetter. All in favor, none opposed.

Chairwoman Locke asks the Secretary for any pending items. Discussed were the mandatory classes and scheduling for the Fall and Spring. The secretary will keep her updated. The secretary advises that there are no applications submitted as of this time. Chairwoman Locke advises the Board that she will not be available for the next meeting. Mr. Brewer states that there was a Resolution adopted by the governing body referring a property for the Board to conduct a study and asks if it was discussed. Chairwoman Locke advises that the Board will conduct a study. Chairwoman Locke asks Mr. Brewer if she should select a committee and he advises no that he recommends that it be the planner and that someone contact them to prepare a report. They will have to prepare the map to be ready and report. Once that is done, even in draft form, then a hearing can be scheduled and do the correct notices. Mayor Arnold asked if there is a formal action that the Board must do regarding the report and is advised by Mr. Brewer there is not. Chairwoman Locke states that she will reach out to the Borough Administrator to start the action.

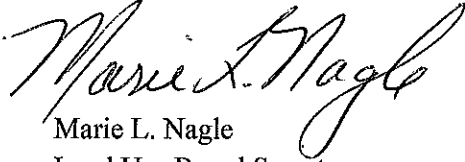
Ms. Weiner comments on the monthly report submitted by Mrs. Kilmer and asks Mrs. Kilmer about the zoning difference between the property previously owned by Devece & Schaffer and the new glass distributor owner. Mrs. Kilmer advises that there was previously only one business prior to it being sold and they are adding another business which would intensify the use. Ms. Weiner asks if a business was there by itself it would be acceptable and is told yes. Ms. Weiner asks Chairwoman Locke about a previous meeting of there being a discussion regarding revisiting the driveway ordinances specifications. Chairwoman Locke responds that there was an amendment a few years ago and maybe there was a discussion on it but she is unaware of it changing again. She believe if anything it was done in the revision of the Master Plan. Ms. Weiner states that she was under the impression it was something that was going to be looked into this year. Chairwoman Locke states there have not been any applications or problems in the last five years of so. Ms. Weiner asks Mrs. Kilmer if she has had many residents asking or applying and being denied for this issue. Mrs. Kilmer states that she has been working with the resident to resolve any issues. Discussion ensues.

Chairwoman Locke asks for a motion to adjourn. Vice Chairman Beck makes the motion and Mr. Yetter

seconds. All in favor and none opposed.

ADJOURNMENT. Meeting adjourned at 8:06 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marie L. Nagle". The signature is written in black ink and is positioned above the printed name and title.

Marie L. Nagle
Land Use Board Secretary