

BOROUGH OF PALMYRA
LAND USE BOARD MEETING MINUTES
OCTOBER 21st, 2020 -7:00 PM, VIA ZOOM

CALL TO ORDER

The Borough of Palmyra Land Use Board meeting was called to order by Chairman Yetter at 7:04 pm.

ROLL CALL

Chairman Yetter requested a roll call.

PRESENT: Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. Keisler, Mr. Rossignol, Mrs. Melvin, Ms. O'Connor, Vice Chairman Beck, Chairman Yetter

ABSENT: Mr. O'Kane, Mrs. Hui

The pledge of Allegiance was recited.

OPEN PUBLIC MEETINGS ACT

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Borough of Palmyra does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, the meeting of the Borough of Palmyra Land Use Board will be a Virtual Meeting. Members of the public are invited to "attend" the Virtual Land Use Board Meeting but all members of the public participating in the meeting may be muted and their video image disabled. Notice of this meeting was published in the Burlington County Times on January 19th, 2020 and notification was sent to the Burlington County Times on October 8th, 2020. Notice was posted on the Municipal Door, Official Bulletin Board and the Borough of Palmyra Website and electronic signs on October 8th, 2020 and notice was given to all Land Use Board Members.

SWEARING IN/OATH OF OFFICE

Dwayne Robinson

Attorney Joseph Maraziti, Jr. administered the oath of office to Mr. Dwayne Rossignol making him a Class IV member of the Palmyra Land Use Board

APPROVAL OF THE MINUTES

Chairman Yetter asked if there were any questions or comments regarding the September 16th, 2020 Land Use Board minutes. Hearing none, he requested a motion to approve the minutes as written. Mr. Gural made the motion to approve the minutes as written and Mr. Rossignol second the motion. Chairman Yetter asked for a call of the roll.

At the call of the roll:

AYES: Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. Keisler, Mr. Rossignol, Mrs. Melvin, Ms. O'Connor, Chairman Yetter

NAY: None

ABSTAIN: Vice-Chairman Beck

CORRESPONDENCE

Chairman Yetter asked if there was any correspondence.

Board secretary, Ms. Jackson indicated the following correspondence had been received:

E-Mail, Resignation from Board - Bryan Norcross

Please accept this email as my resignation from the Land Use Board. With my new job and current work hours it will be difficult for me to attend meetings. It was an honor to serve on the board and be part of Palmyra growing into the future.

Respectfully,

Bryan Norcross

E-mail, Resignation from Board- Mindie Weiner

Please except this email as notification of my resignation to the Land Use Board due to employment in the Tax office. I look forward to the opportunity of serving at another time.

Mindie Weiner

Resolution 2020-200 – Received from Palmyra Borough Council

A Resolution Authorizing the Palmyra Urban Renewal Entity, LLC to submit site Plan and Subdivision to the Palmyra Land Use Board

**BOROUGH OF PALMYRA
RESOLUTION 2020-200**

**TO AUTHORIZE THE PALMYRA URBAN RENEWAL ENTITY, LLC TO SUBMIT
SITE PLAN AND SUBDIVISION APPLICATION TO THE PALMYRA LAND USE
BOARD**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the "Act"), authorizes municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in order to stimulate redevelopment, the Borough, by resolution designated certain properties in the Borough located adjacent to the southbound side of Route 73 (the "Route 73 South Redevelopment Area") as areas in need of redevelopment in accordance with the Act; and

WHEREAS, the Borough, by ordinance adopted the Borough of Palmyra Redevelopment Plan, Route 73 South Area, dated April 28, 2003 (the "Redevelopment Plan"); and

WHEREAS, on September 21, 2020, the Borough approved and executed a Redevelopment Agreement ("Agreement") with Palmyra Urban Renewal Entity, LLC ("PURE") to redevelop the Route 73 South Redevelopment Area; and

WHEREAS, pursuant to the terms and conditions of the Agreement, PURE must submit all plans for Site Plan and Subdivision approval to the Borough prior to submission to the Land Use Board in order for the Borough to approve the submission of such plans to the Land Use Board; and

WHEREAS, PURE has submitted plans entitled "Redevelopment Area Site/Subdivision Plan for TAC PAL Logistics Center" prepared by Hammer Land Engineering, a copy of which are attached to this Resolution ("Plans"); and

WHEREAS, the Borough has reviewed the attached Plans and find them to be in conformance with the Agreement and wish to approve and authorize the submission of the attached Plans to the Borough of Palmyra Land Use Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGHS OF PALMYRA:

1. That the attached Plans be and hereby are approved and found to be in conformance with the Redevelopment Agreement between the Borough of Palmyra and the Palmyra Urban Renewal Entity, LLC.
2. The Palmyra Urban Renewal Entity, LLC be and hereby is authorized to submit the Plans attached to this Resolution to the Borough of Palmyra Land Use Board.
3. That this Resolution shall be effective immediately.

CERTIFICATION OF CLERK

Record of Council Vote on Resolution 2020-200

COUNCIL PERSON	MOTION	SECOND	AYE	NAY	Abstain	Absent	COUNCIL PERSON	MOTION	SECOND	AYE	NAY	Abstain	Absent
Brandon Allmond			X				Michelle McCann			X			
Laura Cloud		X	X				Bernadette Russell	X		X			
Farrah Jenkins			X				President Timothy Howard			X			
Mayor Gina Ragomo Tait													

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the
Borough of Palmyra at the Council Caucus Meeting held on October 5th, 2020

Doretha R Jackson, RMC

BOROUGH COUNCIL UPDATES

Councilwoman Cloud indicated there were no additional updates currently, other than to make sure everyone stopped in Borough Hall to pick-up their documents for the PURE LUB application 2020 LUB03, noting it was a lot of information and documents.

OLD BUSINESS

Redevelopment Study of 321 East Broad Street, Block 80, Lot 6.

Chairman Yetter noted we are rehearing the Redevelopment Study as the owner indicated he had not received notice, due to Covid-19. Mr. Gural noted the property owner indicated he had been unable to get to the property to retrieve the notice, so as a curtesy we were rehearing the study so he could participate. Mr. Maraziti indicated the purpose of the hearing tonight is to determine, based upon evidence, if the property does or does not qualify for designation as a property in need of redevelopment under the redevelopment laws in the state of New Jersey. Mr. Maraziti explained the governing body has made a recommendation for a study to be undertaken to determine if the property qualifies as a condemnation area in need of redevelopment.

Mr. Maraziti then swore in Mr. Gerken, AICP,PP to present his report.

Mr. Gerken indicated he is a New Jersey licensed Professional Planner for nineteen years and has served the Borough for many years.

Mr. Maraziti asked Mr. Gerken if he had been asked to prepare a report to determine if the subject property qualifies as an area in need of redevelopment under the criteria of New Jersey redevelopment law.

Mr. Gerken replied yes.

Mr. Maraziti asked if it was the report dated June 2020 titled Redevelopment Study Block 80 Lot 6.

Mr. Gerken replied yes.

Mr. Maraziti asked Mr. Gerken to explain his analysis and conclusions as stated in the report, and whether, in his opinion it meets the standards in the Local Redevelopment Housing Law to be declared an area of redevelopment.

Mr. Gerken reviews the report with the Board noting the following bullet points.

Mr. Gerken stated the property is known as the former Knights of Columbus building.

The building is about one-half acre in size, constructed in approximately 1925 and is about 4,000 square ft covering two floors, and has served as a social club for the past two decades. Mr. Gerken noted the building is configured for that limited purpose. Mr. Gerken indicated the first floor has an open foyer, two large meeting rooms, a men's and ladies' restrooms; the second floor is a large space which was used as a banquet room/bingo hall and the basement is a full bar and restaurant style kitchen. Mr. Gerken explained on pages 6 and 7 of the report it explains the criteria for a property to be designated as a redevelopment area under New Jersey redevelopment law, noting the two types of redevelopment condemnation or non-condemnation. Mr. Gerken noted criteria (d) on page 6 of the report; indicating the property qualifies for redevelopment as it meets the criteria noted. Mr. Gerken indicated the study is in conformance with the Borough's Master Plan and the 2018 Master Plan reexamination report. Mr. Gerken indicated the building meets the criteria of a building in commercial zoned area or permitted uses for TC zoning, however the building is not configured for such use, is undersized for multiple uses, and has a parking lot too small for such multiple uses. Mr. Gerken noted the building has been vacant for two year and is showing signs of dilapidation. The design and layout of the building has limited potential for an active use. Mr. Gerken noted the property is a gateway into Palmyra as you travel west. Mr. Gerken stated therefore it is recommended that the Borough pursue a condemnation area redevelopment designation for the property, which would provide Palmyra with the best opportunity to ensure that the property is redeveloped.

Chairman Yetter polled the Board to see if there were questions. There were no questions.

Chairman Yetter asked for a motion to open to the public. Vice-chairman Beck made a motion to open for comments from the public. Mayor Tait second the motion.

All members of the board voted in favor of the motion.

Mr. Baker, attorney for the property owners indicated he had some questions and noted the appearance of his clients the property owners. Mr. Baker asked Mr. Gerkens if he had an opportunity to speak with the property owners or if he had spoken with them

Mr. Gerkens indicated no.

Mr. Baker asked if Mr. Gerkens was aware that the property owners had just recently purchased the property and had intentions of developing the property.

Mr. Gerkens indicated no.

Mr. Baker asked if Mr. Gerkens was aware that the LLC that owned the property had two members, one whom tragically passed earlier this year, and as a result their moving forward was stopped at that time.

Mr. Gerkens indicated no.

Mr. Baker asked Mr. Gerkens if his report made any recommendations for the future use of the property.

Mr. Gerkens indicated it does not, noting it would be in the redevelopment plan after the Boards findings.

Mr. Baker asked when did Mr. Gerkens commence or was contacted to complete this report.

Mr. Gerkens indicated the governing body directed the Land Use Board to undertake the investigation in May of 2020.

Mr. Baker asked if the investigation took Mr. Gerkens inside the property.

Mr. Gerkens indicated no.

Mr. Maraziti sworn in Mr. A. Jenin.

Mr. Jenin asked Mr. Gerkens who asked him to perform the study.

Mr. Gerkens indicated, Palmyra Borough Council.

Mr. Jenin asked Mr. Gerkens if he was aware as to when they purchased the property.

Mr. Gerkens indicated no.

Mr. Jenin indicated due to covid-19 and the death of his partner he has been unable to move forward or to get into Borough Hall to speak with anyone regarding the property. Mr. Jenin indicated the timing of the request to complete the study was interesting as in May we were right in the mist of the pandemic

and everything being shut down. Mr. Jenin indicated he would challenge the notion that the building is showing dilapidation.

Mr. Maraziti explained the entire process of where the area qualifies or does not qualify to be declared an area in need of redevelopment. Mr. Maraziti explained this is just the beginning of the process noting the governing body would have to adopt a resolution to determine that it is an area in need of redevelopment. Mr. Maraziti stated if that happened the next step would be to develop a redevelopment plan, which would determine what could or could not be done in that redevelopment area.

Mr. Maraziti then swore in Ms. Iannucci.

Ms. Iannucci indicated she sold the property to owners. Ms. Iannucci asked if they were looking at redevelopment when the Knight's of Columbus owned the building, as nothing has been done with the building since the Knights of Columbus owned it.

Mr. Gerkens indicated that question would need to be directed to the governing body.

Ms. Iannucci stated the current property owners updated some of the interior. Ms. Iannucci asked if there was something on the master plan that indicates where redevelopment areas are.

Mr. Gerkens indicated there is nothing in the Master Plan or the reexamination of the Master Plan that indicated specific parcels are designated for redevelopment other than the southside of Rt 73.

Mr. Gural indicated there is nothing automatic about the process. Mr. Gural noted this is an in-depth ongoing process that the governing body is undertaking.

Ms. Iannucci stated it does not seem to be ongoing as this started in May of 2020.

Mr. Gural indicated this does have to go back to the governing body for final determination and resolution assuming the Land Use Board recommends that the area does meet the criteria specified in the report.

Mr. Maraziti again explained the determination of need of redevelopment process.

Mayor Tait stated if Borough Council decides this property is in need of redevelopment it does not mean we are taking the property; it means we are trying to help you, guide you and open opportunities up for you. Mayor Tait indicated we want that property to look the best that it can look, that benefits the town. The Borough does not want to own property. Ms. O'Connor stated this process is not a slight against you or anything personal against you as property owners. Ms. O'Connor stated she would like to hear what your plans were for the property.

Ms. Iannucci indicated she should show the property to investors earlier this week and they were interested in converting the building over into high-end condominiums. Ms. Iannucci indicated there are issues with the building and a lot of updates need to be done. Nothing she had other people that wanted to bring in antiques or oriental rug stores.

Mr. Gerkens noted that current zoning does not permit for condominiums or apartments in that building on the first floor, however redevelopment law/plans supersede the current zoning for a particular area. There was some additional discussion regarding redevelopment, redevelopment law and the opportunities available with redevelopment. There was discussion regarding the current approved uses for the zoning in the area where the building is located. Mr. Gerkens stated all the current approved uses available in the zone. Mr. Gural asked Ms. Kilmer to explain the process to change the use of a building. Mr. Kilmer explained the commercial application process to change the use of a building to anything other than what it was being used for.

Ms. Kelly inquired if Mr. Gerkens recommended to the board was for redevelopment.

Mr. Gerkens indicated yes.

Mr. Maraziti asked Mr. Gerkens if he heard any testimony tonight that would have him change his opinion in his report under study area findings and recommendations, specifically on page 16, "The property's small size (one half acre), the undersized structure itself and its outdated design as evident in the dated configuration of its floors and uses within have rendered the structure obsolete."

Mr. Gerkens indicated no.

Mr. Maraziti asked Mr. Gerkens if the finding/conclusion support a determination that the area qualifies under sub-section (d) of the redevelopment law as an area in need of redevelopment.

Mr. Gerkens indicated he believes it does.

Mayor Tait noted that Borough Council originally requested the Land Use Board request this study be done in September 2019 by Resolution 2019-216 dated September 16, 2019.

Mr. Maraziti indicated the legal notices was sent by certified return receipt.

Chairman Yetter requested a motion to close the public comments. Councilwoman Cloud made a motion to close the public comments portion. Vice-Chairman Beck second.

All voted in favor of the motion

Chairman Yetter after consulting with the Board members requested Mr. Maraziti prepare a resolution for consideration of the Land Use Board at the next meeting recommending that Block 80 Lot 6 be deemed an area in need of redevelopment based upon the evidence in the report.

NEW BUSINESS

Chairman Yetter stated, new Application, 2020-LUB02 206 West Spring Garden Street. Block 34, Lots 1 & 1.01. regarding a bulk variance will now be heard.

Mr. Maraziti swore in applicant Critias Klouse.

Mr. Maraziti indicated Mr. Brewer indicated all the proper notices have been served and the record regarding notices is acceptable.

Mr. Maraziti swore in Land Use Board Engineer, Mr. Winckowski.

Mr. Winckowski indicated the existing condition of the existing fence in relationship to the house, he explained and showed where the existing 4-foot fence around the property. Mr. Winckowski stated the applicant wants to replace the existing chain like fence with a solid 6-foot vinyl. which would match the perimeter of the lot itself along Spring Garden across the back and side yard up to about 8 ft in front of the house which faces Filbert. Mr. Winckowski indicated than on a corner lot the fence can not extend out beyond the foundation of the home, so the applicant is requesting a variance of about 18 feet to place the 6 foot vinyl fence where the existing current 4 foot chain link fence is. Mr. Winckowski indicated 6-foot fence is permitted. Mr. Winckowski also stated the applicant is desirous on placing the side yard fence (on Filbert Street) beyond the allowable side yard building line an additional 8 feet. Mr. Winckowski expressed a concern about the 6-foot solid fence and not having a good sight line when backing out of the yard, also noting a gate opening out onto or over the sidewalk.

Ms. Klouse asked how far back you would want the fence to be. Mr. Winckowski indicated about 10 feet.

Ms. Klouse stated she wanted privacy in her back yard as it sits right across from the park and she has a pool in the back yard. Mr. Klouse indicated she has two rather large dogs that want to chase other dogs and people as they can see thru the current fence, noting she is across the street from the dog park. Mr. O'Connor asked if the fence would open into the yard or out over the sidewalk. Ms. Klouse indicated she would open into the yard. Ms. Klouse indicated she would move the fence back 20 foot in the back if that would help her neighbor with their sight line backing out onto the street. Mr. Winckowski asked

Ms. Klouse if she was aware of any other fences in the neighborhood that are solid 6 foot or higher that are that close to the street. Ms. Klouse indicated there are five in the immediate vicinity of her home and showed pictures of the various fences.

Mr. Gural suggested she angle the corner of the fence to allow for more of a sight line. Mr. Winckowski indicated he thought it was about 18 feet back noting that would allow for the fence to open and not impede the sidewalk also would allow a car length for sight view. Ms. Klouse indicated she would like that. Mr. Winckowski indicated they could work out the angle. After some additional discussion Chairman Yetter sked for a motion to open to the public. Mr. Back made a motion to open to the public. Mayor Tait second the motion. All voted in favor of the motion.

No on wanting to be heard Chairman Yetter requested a motion to close the public comment. Mayor Tait made a motion to close the public comment, Vice-Chairman Beck seconded to motion. All voted in favor of the motion.

Mr. Winckowski indicated he recommended the relief be granted for the two variances. Mr. Winckowski indicated he would provide updated drawings at the next meeting. Mr. Maraziti indicated there seems to be a consensus to grant the relief requested subject to meeting the engineer's requirements. Mr. Gural made a motion to request Mr. Maraziti complete a resolution to grant the relief sought be the applicant subject the recommendations of the engineer. Vice-chairman Beck second the motion.

Chairman Yetter requested a roll call. At the call of the roll

AYES: Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. Keisler, Mr. Rossignol, Mrs. Melvin, Ms. O'Connor, Vice-chairman Beck, Chairman Yetter

NAYS: None

PUBLIC COMMENT

Mr. Yetter request a motion to open to the public.

Mayor Tait made a motion to open to the public for comment. Vice-Chairman Beck second the motion.

All voted in favor of the motion.

Chairman Yetter requested everyone commenting state their name and address for the record.

Ms. Kelly-

Ms. Kelly asked if the Land Use Board would be interested in information on a grant offer by NJ dept of Human Services. The grant program is an initiative designed to provide funding opportunities for

communities to promote inclusive practices with the health and wellbeing of individuals with disabilities in the communities where they live. Ms. Kelly indicated the letter on intent is due by October 26th, 2020. Mayor Tait asked her to send the information to her. Mr. Gural indicated the Land Use Board does not have the authority to do this however could recommend that Borough Council try and pursue the grant. Mr. Gural indicated she should send the information to him and Mayor Tait and they would handle it administratively to get the letter of intent out then allow Mr. Gerkens to look it over and determine if it is worth pursuing.

No one else wishing to speak, Chairman Yetter asks for a motion to close the meeting to the public. Councilwoman Cloud makes the motion to close the public comment. Mayor Tait second. All voted in favor of the motion.

ADJOURNMENT

There being no further business to be conducted Chairman Yetter requests a motion to adjourn. Councilwoman Cloud makes the motion to adjourn the meeting and Vice-Chairman Beck second. All in favor of the motion.

Meeting adjourned at 8:57 p.m.

Respectfully Submitted,

Doretha R Jackson

Doretha R Jackson

Land Use Board Secretary