

**BOROUGH OF PALMYRA**  
**LAND USE BOARD REORGANIZATION VIRTUAL MEETING**  
**JANUARY 20<sup>TH</sup>, 2021 -7:00 PM**

**CALL TO ORDER**

The Borough of Palmyra Land Use Board Reorganization meeting was called to Order by Land Use Board Secretary, Doretha Jackson at 7:00 pm.

The pledge of Allegiance was recited.

**OPEN PUBLIC MEETINGS ACT**

Secretary Jackson read the following into the record:

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 and Executive Order No. 196 issued by Governor Murphy on November 16, 2020 declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Borough of Palmyra Land Use Board does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of the board the meeting of the Land Use Board will conduct a virtual reorganization meeting. Members of the public are encouraged to attend and participate virtually. Those participating virtually may be muted and their video image disabled, however all members of the public attending will be afforded the opportunity to participate during the public portion of the meeting. Notice of this meeting was published in the Burlington County Times on January 19<sup>th</sup>, 2020 and notification was sent to the Burlington County Times on January 14<sup>th</sup>, 2021. Notice was posted on the Municipal Door, Official Bulletin Board, and electronic signs on December 18<sup>th</sup>, 2020 and on the Borough of Palmyra Website on January 14<sup>th</sup>, 2021 notice was given to all Land Use Board Members.

**SWEARING IN OF NEW LAND USE BOARD MEMBER APPOINTEES**

Mr. Brewer administered the oath of office to the following people:

John Gural – Class II, one-year term expiring 12/31/2021

Dr. Laura Craig Cloud – Class III – one-year term expiring 12/31/2021

Jessica O'Connor – Class IV – four-year term expiring 12/31/2024

## **ROLL CALL**

Secretary Jackson called the roll of the board:

PRESENT: Mayor Tait, Mr. Beck, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. O'Kane, Mr. Robinson, Mr. Rossignol, Mrs. Melvin, Mrs. Hui, Mr. Yetter

ABSENT: None

Also present, Tracy Kilmer, Zoning Officer

## **REORGANIZATION**

Ms. Jackson asked for nominations for the position of Chairperson of the Board.

Mayor Tait nominated Mr. Yetter. Mr. Beck second the nomination

Ms. Jackson asked for any further nominations, seeing none she closed the nominations with a motion from Mayor Tait, second by Mr. Gural. Mayor Tait made a motion to accept the nominations of Mr. Yetter as Land Use Board Chairperson. Mr. Beck second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Mr. Beck, Councilwoman Cloud, Mr. Gural, Mr. O'Kane, Ms. O'Connor, Mr. Robinson, Mr. Rossignol, Chairman Yetter, Mrs. Melvin, Mrs. Hui

NAY: None

Motion carries

Mr. Brewer then administered the Oath of Office to Chairman Lewis Yetter.

Ms. Jackson congratulated Mr. Yetter and turned the meeting over to him.

Chairman Yetter asked for nominations for the position of Vice-Chairperson of the Board.

Mayor Tait nominated Mr. Beck. Mr. Gural second the nomination

Chairman Yetter asked for any further nominations, seeing none he closed the nominations with a motion from Mr. Gural, second by Councilwoman Cloud. Councilwoman Cloud made a motion to accept the nominations of Mr. Beck as Land Use Board Vice-Chairperson. Mayor Tait second the motion.

At the call of the roll the vote was as follows:

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

NAY: None

ABSTAIN: Mr. Beck

Motion carries

Mr. Brewer then administered the Oath of Office to Vice-Chairman Timothy Beck.

## LUB RESOLUTIONS

Chairman Yetter then read the following resolutions:

**LUB Resolution 2021-1** Notice of Annual Scheduled Meeting/ “Open Public Meeting Act” of Palmyra Land Use Board for 2021

**BOROUGH OF PALMYRA**  
**LAND USE BOARD RESOLUTION 2021-1**  
**NOTICE OF ANNUAL SCHEDULED MEETINGS**

Notice is hereby given by the Land Use Board of the Borough of Palmyra that the following is a list of the regular meeting dates of the 2021 Land Use Board of the Borough of Palmyra, County of Burlington, State of New Jersey.

**REGULAR MONTHLY OFFICIAL PUBLIC MEETINGS**

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, all meetings will be held on the third Wednesday at 7:00 PM and ending no later than 10:30 PM, meetings may be virtual or at the Municipal Building, 20 W Broad Street, Palmyra, New Jersey. Information regarding meeting will be placed on the Borough of Palmyra website prior to each meeting. Formal action may be taken at any and all scheduled meetings. The Land Use Board reserves the right to enter into closed session and The Land Use Board also reserves the right to schedule additional meetings on an “As Needed” basis.

February 17, 2021	August 18, 2021
March 17, 2021	September 15, 2021
April 21, 2021	October 20, 2021
May 19, 2021	November 17, 2021
June 16, 2021	December 15, 2021
July 21, 2021	January 19, 2022 (Reorganization)

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Chairman Yetter asked for a motion to approve Resolution 2021-1. Vice-Chairman Beck made a motion to approve LUB Resolution 2021-1. Mayor Tait second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice-Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O’Connor, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Chairman Yetter

NAY: None

Motion carries LUB Resolution 2021-1 is approved

LUB Resolution 2021-2, Designation of Official Newspaper for Notifications to the Public

**BOROUGH OF PALMYRA**

**LAND USE BOARD RESOLUTION 2021-2**

**WHEREAS**, the “Open Public Meetings Act” requires that advance written notice of all meetings of the Land Use Board be posted in one public place designated by the Land Use Board and emailed, mailed, telephoned, faxed or hand delivered to two newspapers designated by Resolution and mailed to all persons requesting a copy of the same.

**Now, therefore, be it resolved** by the Land Use Board of the Borough of Palmyra, County of Burlington, and State of New Jersey, that,

Section 1. All advance written notices of the Land Use Board meetings shall be posted by the Secretary on the Official Bulletin Board located in the Borough Municipal Building.

Section 2. All advance written notices of the Land Use Board meetings shall be given to the two newspapers:

**Burlington County Times**

**Courier Post**

Section 3. All advance written copies notice of the Land Use Board meetings throughout the year shall be mailed to all persons requesting copy of the same, after payment by such persons of fee of \$50.00, News Media shall be exempt from such fees.

Section 4. The schedule of regular official Land Use Board meetings and regular work sessions for the period from and after this reorganization meeting in January 20, 2021 shall be in accordance with Resolution #2020-1, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Chairman Yetter asked for a motion to approve Resolution 2021-2. Vice-Chairman Beck made a motion to approve LUB Resolution 2021-2. Mayor Tait second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice-Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O’Connor, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Chairman Yetter

NAY: None

Motion carries LUB Resolution 2021-2 is approved

LUB Resolution 2021-3, Resolution Appointing Doretha R Jackson as Land Use Board Secretary for the Palmyra Land Use Board

**BOROUGH OF PALMYRA  
LAND USE BOARD  
RESOLUTION 2021-3**

**RESOLUTION APPOINTING DORETHA R JACKSON AS THE LAND USE BOARD  
SECRETARY FOR THE BOROUGH OF PALMYRA**

**BE IT RESOLVED**, by the Land Use Board of the Borough of Palmyra in the County of Burlington and State of New Jersey, that Doretha R Jackson is hereby appointed secretary of the Land Use Board of the Borough of Palmyra, term to expire December 31, 2021.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Chairman Yetter asked for a motion to approve LUB Resolution 2021-3. Vice-Chairman Beck made a Motion to approve LUB Resolution 2021-3. Councilwoman Cloud second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice-Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. O'Kane, Mr. Robinson, Mr. Rossignol, Chairman Yetter

NAY: None

Motion carries LUB Resolution 2021-3 is approved

Chairman Yetter asked for nominations for the position of Land Use Board Solicitor.

Mayor Tait nominated Mr. Andrew Brewer of Maraziti Falcon, LLC. Vice-Chairman Beck second the nomination.

Chairman Yetter asked for any further nominations, seeing none he closed the nominations with a motion from Vice-Chairman Beck, second by Councilwoman Cloud.

**BOROUGH OF PALMYRA**

**LAND USE BOARD RESOLUTION 2021-4**

**RESOLUTION AUTHORIZING THE APPOINTMENT AND AWARD OF CONTRACT FOR  
PROFESSIONAL SERVICES OF LAND USE BOARD ATTORNEY TO ANDREW BREWER, ESQ.  
OF MARAZITI FALCON, LLP**

**WHEREAS**, there exists a need for a Land Use Board Attorney and;

**WHEREAS**, the Borough Council of the Borough of Palmyra has a need to acquire a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4: and

**WHEREAS**, Andrew Brewer, Esq., of Maraziti Falcon, LLP has performed the required professional services in previous years, and in an effort to keep continuity with the current redevelopment projects,

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Palmyra, in the County of Burlington, and the State of New Jersey, that Andrew Brewer, Esq. of Maraziti Falcon, LLP is hereby appointed as Land Use Board Attorney for the Borough of Palmyra Land Use Board for a period of one (1) year, said appointment to expire December 31<sup>st</sup>, 2021. This appointment and/or any contract pursuant thereto, is awarded without competitive bidding as a "Professional Services", in accordance with *NJSA 40A: 11-5(1) (a) et seq.* of the Local Public Contract Law, and/or awarded with *N.J.S.A 19:44A-20.4 et seq.*; the above-named Professional is licensed to practice in the State of New Jersey.

Pursuant to NJSA 40A:11-5(1) (a) the following information is set forth:

- A. Duration of Contracts: All terms are for one-year.
- B. Amount of Contracts: All specified per contract and budget appropriation.
- C. This resolution and the above-mentioned contract will be on file and available for public inspection in the office of the Clerk of the Borough of Palmyra.

The Chairperson and Land Use Board Secretary are hereby authorized and directed to execute agreement.

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification be placed on file with this resolution.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Councilwoman Cloud made a motion to accept LUB Resolution 2021-4 the appointment of Mr. Brewer of Maraziti Falcon, LLP as Land Use Board Solicitor. Vice-Chairman second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice=Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. O'Kane, Mr. Robinson, Mr. Rossignol, Chairman Yetter

NAY: None

Motion carries LUB Resolution 2021-4 is approved

Chairman Yetter asked for nominations for the position of Land Use Board Engineer.

Mayor Tait nominated Mr. James Winckowski of Consulting & Municipal Engineers. Vice-Chairman Beck second the nomination.

Chairman Yetter asked for any further nominations, seeing none he closed the nominations with a motion from Councilwoman Cloud, second by Vice-Chairman Yetter.

**BOROUGH OF PALMYRA**

**LAND USE BOARD RESOLUTION 2021-5**

**RESOLUTION AUTHORIZING THE APPOINTMENT AND AWARD OF CONTRACT FOR PROFESSIONAL SERVICES OF LAND USE BOARD ENGINEER TO JAMES T WINCKOWSKI OF CONSULTING AND MUNICIPAL ENGINEERS**

**WHEREAS**, there exists a need for a Land Use Board Engineer and;

**WHEREAS**, Requests for Qualifications and Proposals were solicited through a fair and open process in accordance with N.J.A.C. 19:44A-20.5 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Palmyra, in the County of Burlington, and the State of New Jersey, that the Chairperson and Land Use Board Secretary are hereby authorized and directed to execute agreement for the following qualified professional:

**SECTION I:**

James T. Winckowski of Consulting and Municipal Engineers as Land Use Board Engineer, term to expire December 31, 2021.

**SECTION II:** These contracts are awarded without competitive bidding as “Professional Services”, in accordance with *NJSA 40A: 11-5(1) (a) et seq.* of the Local Public Contract Law, and/or awarded with *N.J.S.A 19:44A-20.4 et seq.*; the above-named Professional is licensed to practice in the State of New Jersey.

Pursuant to NJSA 40A:11-5(1) (a) the following information is set forth:

- A. Duration of Contracts: All terms are for one-year.
- B. Amount of Contracts: All specified per contract and budget appropriation.
- C. This resolution and the above-mentioned contract will be on file and available for public inspection in the office of the Clerk of the Borough of Palmyra.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Councilwoman Cloud made a motion to approve LUB Resolution 2021-5 the appointment of Mr. James Winckowski of Consulting & Municipal Engineers as Land Use Board Engineer. Vice-Chairman second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice=Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. O'Kane, Mr. Robinson, Mr. Rossignol, Chairman Yetter

NAY: None

Motion carries LUB Resolution 2021-5 is approved

Chairman Yetter asked for nominations for the position of Land Use Board Planner.

Mayor Tait nominated Susan Gruel of Heyer Gruel & Associates. Vice-Chairman Beck second the nomination.

Chairman Yetter asked for any further nominations, seeing none he closed the nominations with a motion from Vice-Chairman Beck, second by Mr. Gural.

#### **BOROUGH OF PALMYRA**

#### **LAND USE BOARD RESOLUTION 2021-6**

#### **RESOLUTION AUTHORIZING THE APPOINTMENT AND AWARD OF CONTRACT FOR PROFESSIONAL SERVICES OF LAND USE BOARD PLANNER TO SUSAN S GRUEL, P.P. OF HEYER, GRUEL AND ASSOCIATES**

**WHEREAS**, there exists a need for a Land Use Board Planner and;

**WHEREAS**, Requests for Qualifications and Proposals were solicited through a fair and open process in accordance with N.J.A.C. 19:44A-20.5 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Palmyra, in the County of Burlington, and the State of New Jersey, that the Chairperson and Land Use Board Secretary are hereby authorized and directed to execute agreement for the following qualified professional:

#### **SECTION I:**

Susan S Gruel, P.P. of Heyer, Gruel & Associates as Land Use Board Planner, term to expire December 31, 2021.

**SECTION II:** These contracts are awarded without competitive bidding as "Professional Services", in accordance with *NJSA 40A: 11-5(1) (a) et seq.* of the Local Public Contract Law, and/or awarded with *N.J.S.A 19:44A-20.4 et seq.*; the above-named Professional is licensed to practice in the State of New Jersey.



Pursuant to NJSA 40A:11-5(1) (a) the following information is set forth:

- A. Duration of Contracts: All terms are for one-year.
- B. Amount of Contracts: All specified per contract and budget appropriation.
- C. This resolution and the above-mentioned contract will be on file and available for public inspection in the office of the Clerk of the Borough of Palmyra.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Councilwoman Cloud made a motion to accept LUB Resolution 2021-6 the appointment of Susan Gruel of Heyer Gruel & Associates as Land Use Board Planner. Vice-Chairman second the motion.

At the call of the roll the vote was as follows:

AYES: Mayor Tait, Vice=Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. O'Kane, Mr. Robinson, Mr. Rossignol, Mrs. Melvin

NAY: None

Motion carries LUB Resolution 2021-6 is approved

## **CORRESPONDANCE**

Vice-Chairman Beck acknowledged the letter of resignation received from Mr. Kenneth Kessler.

## **BOROUGH COUNCIL UPDATES**

Councilwoman Cloud stated, Council held its Reorganization Meeting earlier this month and had assigned committee appointments. She noted she was looking forward to getting to work but had nothing further to report currently.

## **OLD BUSINESS**

### **LUB Resolution 2021-07**

#### **Chairman Yetter read LUB Resolution 2020-7**

LUB Resolution 2021-7 Resolution of for Subdivision Approval Preliminary and Final – Major Site Plan Approval Preliminary and Final – Warehouse and Affordable Housing

Application #2020-LUB03 Palmyra Urban Renewal Entity, LLC – 201 & 351 Route 73 South; Block 156, Lots 1,101,1.02,2,2.01,3.01,4.01,5.01,6.01

Mr. Brewer stated he prepared the resolution for the PURE application for the Route 73 South Redevelopment Warehouse and Affordable Housing, noting the applicant had a court recorder prepare

a transcript which he used to prepare this resolution. Mr. Brewer stated there were several conditions which were to be included with the approval. Mr. Brewer indicated Mr. Nehmad sent a letter which Mr. Brewer indicated was disseminated to the Board. Mr. Brewer stated there seems to be a difference of opinion regarding two of those conditions. Mr. Brewer addressed the two stipulations in question noting the following: Mr. Brewer asked everyone to go to condition D on page 12 of the resolution, stating the applicant shall work with the Municipality in dealing with the NJDOT to seek approval for a cross light to allow easier crossing of Rt. 73, a copy of such request and results thereof to the board engineer, which came from the transcript on page 88. Mr. Brewer went on to note exactly what was stated in the transcript. Mr. Brewer stated there is no requirement to build anything. Mr. Brewer indicated he interpreted the transcript as them agreeing to do something. Mr. Brewer stated it is up to the governing body to determine if they agreed to do anything.

Mr. Brewer stated the second condition which they dispute is condition I on page 13 of the resolution, reading: the applicant shall evaluate with the NJDOT the possibility of a deceleration lane on Rt. 73 upon entering the project site and provide a copy of such evaluation and results thereof to the board engineer. Mr. Brewer again noted there is no requirement to build it. Mr. Brewer noted page 148 of the transcript at the bottom where he noted exactly what was stated in the transcript. Mr. Brewer stated he interpreted it as having to do something. Mr. Brewer indicated again it is up to the governing body to determine if they agreed to do something.

Mr. Brewer indicated the items mentioned above are why he included them in the resolution as conditions. Mr. Brewer asked the board to determine if these were conditions, they felt would be met when they voted on the application. The determination is up to the board.

Mr. Beck asked Chairman Yetter if he wished to entertain comments from Mr. Nehmad. Chairman Yetter indicated he would like to hear from Vice-Chairman Beck as to what his expectation was as it was part of his comment.

Mr. Beck indicated there is no cross walk for people to get across Rt. 73 and that is what he was talking about also noting they agreed to extend the sidewalk to Rt. 73 for a possible bus stop. Mr. Beck stated they did not agree to build it but he thought they agreed to go to DOT to see if they could do something as he understood. Mr. Winckowski stated that he thought they were speaking about a pedestrian crossing a cross light, as there is no way that NJDOT is going to put in another signal along this frontage because of the distances. Mr. Winckowski stated the applicant can agree to do it or he could write a letter on behalf of the Board to NJDOT telling them that the Board is interested in a pedestrian crossing at this location asking them to consider it when they review that when you review the DOT access permit application. Mr. Brewer indicated he would change the resolution to note cross walk not cross light and indicating it as a condition they will be investigating.

Mr. Nehmad asked permission to be heard. Chairman Yetter indicated yes.

Mr. Nehmad stated he wanted to make sure there was not a miscommunication regarding these two items. Mr. Nehmad indicated as noted with his comment, he was speaking about a cross light and why he indicated it was very difficult to get waivers from DOT. Mr. Nehmad indicated he did not mean to

imply an answer on behalf of his client to agree to put in a pedestrian crossing. Mr. Nehmad indicated they would have no objection to looking into it.

Mr. Nehmad stated Ms. Pehnke indicated there is an application pending with the DOT and that they contemplated widening of the shoulder. There was discussion regarding the deceleration lane.

Mr. Nehmad noted he asked Ms. Pehnke if the largest designed vehicle could make the turn, she noted as with the improvements being made along the Rt. 73 right-of-way the largest WB76 vehicle can safely make the turning maneuver. Mr. Nehmad indicated the deceleration lane is not needed as it would prohibit the redevelopment of the small lots along the front of the redevelopment area in Phase II of the project. Mr. Nehmad agreed that they would look into it.

Ms. Gable noted there was discussion regarding replacing the cattail feature on the residential lot, she noted the applicant did agree to change it but did not see it as a condition in the resolution. Ms.

Ms. Gable went over the testimony as recorded as noted in the transcript and asked it should be added to the resolution as a condition. After some discussion it was noted that it should have been added to the resolution as a conditional and instructed Mr. Brewer to add it as the following condition: the playground area may be a gazebo, recreational or other elements to be designed to the satisfaction and agreement of the board professionals and applicant. Mr. Stock and Mr. Nehmad agreed.

Chairman Yetter asked for a motion to approve LUB Resolution 2021-7 with amendments noted.

Mayor Tait made a motion to approve LUB Resolution 2021-7 with the amendments noted. Mr. Gural second the motion.

**BOROUGH OF PALMYRA**

**LAND USE BOARD**

**RESOLUTION 2021-07**

**FOR PRELIMINARY AND FINAL MAJOR SITE PLAN AND SUBDIVISION APPROVAL**

**Application No. 2020-LUB03**

**Applicant: Palmyra Urban Renewal Entity, LLC**

**Premises: 201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01**

**WHEREAS**, Palmyra Urban Renewal Entity, LLC (the “Applicant” or “PURE”) made application to the Land Use Board of the Borough of Palmyra (the “Board”) for preliminary and final major site plan and subdivision approval for its proposed redevelopment of two warehouses, and a residential development with public open space dedication and various site modifications (the “Development” or “Project”) on property designated as Block 156, Lots **1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01** on the Tax Map of the Borough of Palmyra, commonly known as 201 & 351 Route 73 South (the “Property” or the “Site”); and

**WHEREAS**, the Applicant is the contract purchaser of a portion of the Property and, as to Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01 and 6.01, the Applicant or its related and affiliated entities, hold a Judgment of Foreclosure, and the entire Property is located within an area in need of redevelopment; and

**WHEREAS**, Applicant published a hearing notice in an official newspaper of the Board and provided notice of the Application to those required to receive the same in accordance with law and filed proofs of publication and of service with the Board Secretary; and

**WHEREAS**, the Board determined that proper notice had been given to establish jurisdiction to consider the Application and held a hearing on the Application on November 18, 2020, reviewed reports filed by the Applicant and reviewed the reports of the Board Engineer, James Winckowski, P.E., CME, the Board Planner, Heyer Gruel (all reports attached hereto), considered the questions and comments of the public, and considered the testimony and exhibits presented by the Applicant; and

**WHEREAS**, a public hearing was held on November 18, 2020 during which Stephen Nehmad, Esq. represented Applicant.

**NOW, THEREFORE, BE IT RESOLVED**, on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on November 18, 2020 when it granted the requested preliminary and final major site plan and preliminary and final major subdivision approval, with conditions and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. As requested in its Application dated October 2020, the Applicant seeks the following relief from the Board:
  - Preliminary and Final Major Site Plan and Preliminary and Final Major Subdivision approval for the construction of two warehouses, containing 1,025, 640 SF and 702,450 SF, and 102 affordable housing units located within five (5) multi-family apartment buildings. A total of 320 loading docks, 619 trailer stalls, and 1,541 parking spaces are proposed.
2. At the public hearing on November 18, 2020, Exhibits A-1 through A-18 were entered into evidence:
3. In addition to the marked Exhibits, the Applicant submitted, and the Board considered the following documents, which were made part of the Application:
  - Applications for Preliminary and Final Major Site Plan and Subdivision.
  - Disclosure of names and addresses of stockholders of partners owning at least 10 percent interest in a corporation or partnership of an application.

- Certification that taxes are paid with respect to Block 156, Lots 1 and 1.01 and, with respect to the remaining six lots, specifically Lots 2, 2.01, 3.01, 4.01, 5.01 and 6.01, the Board acknowledges that real estate taxes are in arrears with respect to these properties however Applicant has agreed as a condition of approval that all real estate taxes shall be brought current prior to the Applicant seeking any construction related permits for the development that is the subject of this application.
  - Preliminary and Final Site Plan entitled “Preliminary and Final Major Site Plan, Route 73 South Phase 1 Redevelopment Project, TAC PAL Logistics Center, The Cove at Palmyra” prepared by Hammer Land Engineering, dated October 2, 2020, and consisting of seventy-eight (78) sheets.
  - Set of plans entitled “Preliminary & Final Major Subdivision,” consisting of one (1) sheet, prepared by DPK Consulting, dated September 24, 2020, unrevised.
  - Set of plans entitled “Boundary and Topographic Survey,” consisting of fifteen (15) sheets, prepared by DPK Consulting, dated March 15, 2020, last revised September 1, 2020.
  - Architectural drawings of the warehouses, consisting of six (6) sheets, prepared by Mitchell and Hugeback Architects, dated October 7, 2020, unrevised.
  - Architectural drawings of the residential buildings, consisting of fifteen (15) sheets, prepared by Marsh & Woods Architects, LLC., dated November 18, 2020, unrevised.
  - Stormwater Management Report, prepared by Hammer Land Engineering, dated October 2, 2020, unrevised.
  - Permeability Testing Summary Letter, prepared by SESI Consulting Engineers, dated September 14, 2020.
  - Geotechnical Investigation Report, prepared by SESI Consulting Engineers, dated July 27, 2020, last revised September 14, 2020.
  - Geotechnical Investigation and Report, prepared by SESI Consulting Engineers, dated January 24, 2020.
  - Operation and Maintenance Manual, prepared by Hammer Land Engineering, dated October 2, 2020, unrevised.
  - Traffic Impact Study, prepared by Langan Engineering, dated October 2, 2020.
4. The Board considered the following submittals from its Consultants:
- a. Reports of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated November 12, 2020, (attached hereto); and
  - b. Planning Report of Elena Gable, PP, of Heyer Gruel and Associates, dated November

12, 2020; and

5. The Board carefully considered public comments as well as the following testimony at the public hearings:
- Applicant produced Joe Hanrahan, PE of Hammer Land Engineering. Mr. Hanrahan testified as to his qualifications and was accepted as an expert in civil engineering. Mr. Hanrahan testified that the Project covers approximately 162.54 acres. He testified about the past uses of the property and that the proposed development would not require any variances from the Route 73 South Redevelopment Plan.
  - Mr. Hanrahan further testified that the proposal had three elements. First, capping environmentally impacted areas with two warehouses with a total of approximately 1,728,090 SF. Second, the construction of 5 multifamily residential buildings to satisfy the Borough's affordable housing obligation. Finally, the dedication of approximately 31 acres of open space to be added to the Cove Nature Park.
  - He testified that the subject property currently is comprised of nine individual lots. The proposed Subdivision would consolidate those nine lots into four lots, with one lot for each warehouse, one lot for the affordable housing project, and one lot for the open space to be added to the Cove Nature Park.
  - Mr. Hanrahan testified that all three components are designed to allow emergency access and circulation. The warehouse component will provide 1,276 parking stalls, whereas 987 are required. The residential portion will provide 265 spaces, whereas 203 parking spaces are required by RSIS. The roadways were designed to accommodate the largest tractor trailers permitted in New Jersey, the WB-67.
  - Mr. Hanrahan testified that the Applicant would comply with all of the requirements contained in the November 12, 2020 report of the Board's engineer, James Winckowski, PE. Mr. Hanrahan testified that the proposed signs are in conformance with the Redevelopment Plan in terms of size, location and setbacks and will not interfere with sightlines or traffic safety.
  - Mr. Hanrahan further testified with respect to proposed Lot 3.02, which contains approximately 31.34 acres and is to be dedicated as open space and become part of the Palmyra Cove nature park. The witness testified that there is no need to provide for a street and road system within this lot as it will become part and parcel of the existing Palmyra Cove nature park and since no development is proposed to take place on this lot, there are no proposed buildings which need to abut a street as otherwise required pursuant to N.J.S.A. 40:55D-35. The witness opined that a variation is accordingly

warranted pursuant to N.J.S.A. 40:55D-36 for this particular lot as no buildings are proposed to be constructed thereon as part of the application for development.

- The Applicant provided testimony from Larry Valenza, a licensed Architect. Mr. Valenza testified as to his education and qualifications and was accepted as an expert in the field of architecture.
- Mr. Valenza testified as to the design, material, and colors to be used on the two warehouse buildings. He testified that both buildings are 52 feet in height, whereas 100 feet is permitted.
- The Applicant provided testimony from Nigel Paul Marsh, a licensed Architect. He testified as to his education and qualifications and was accepted as an expert in the field of architecture. Mr. Marsh testified about the design of the affordable housing portion of the project. The proposed project will provide one, two and three-bedroom units and satisfy the Borough's affordable housing obligation.
- Mr. Marsh testified as to the amenities to be provided in the affordable housing units, including washers and dryers, a fitness room, a club room, and a tot lot just to the northwest of Building 3.
- The Applicant provided testimony from Kerry Pehnke, P.E. Ms. Pehnke testified about her qualifications and was accepted as an expert in traffic engineering.
- Ms. Pehnke testified that the Applicant had submitted an application with New Jersey Department of Transportation ("NJDOT") for approval related to the driveways and access to and from Route 73. She further testified that the driveway and on-site circulation are designed to accommodate a WB-67 truck. She further testified that the design of the Project provides for safe and efficient ingress and egress, complies with the requirements of the Redevelopment Plan, and will operate safely and efficiently.
- The Applicant provided testimony from Tiffany Morrissey, P.P. Ms. Morrissey testified about her qualifications and was accepted as an expert in planning.
- Ms. Morrissey testified that there are no variances required as part of the site plan or subdivision applications. She further testified that the Application provides for a realistic opportunity to satisfy the Borough's affordable housing obligation.
- The Applicant provided testimony from Mr. Glenn Stock. Mr. Stock testified about the various NJDEP and NJDOT permits that would be required, including wetlands, waterfront, tidelands, and flood hazard.
- During questioning from the Board, the Applicant agreed, with input from Borough officials, to request that New Jersey Transit permit a bus stop in the vicinity of the

affordable housing portion of the Project and agreed that such efforts would be a condition of approval.

- During questioning from the Board, the Applicant agreed to work with the Municipality in dealing the NJDOT to obtain approval for a cross light to allow easier crossing of Route 73 and agreed that such efforts would be a condition of approval.
- During questioning from the Board, the Applicant agreed to apply to the NJDOT to permit sidewalks to Route 73 from the properties that are the subject of this application for development and agreed that such efforts would be a condition of approval.
- During questioning from the Board, the Applicant agreed to investigate the potential to combine the sidewalks and bike paths to provide a wider pedestrian path to Route 73 from the affordable housing portion of the Project and agreed that such efforts would be a condition of approval.
- During the testimony of the Board Engineer Mr. Winckowski, P.E., the Applicant agreed to all of the items in Mr. Winckowski November 12, 2020 review letter.
- During questioning from the Board, the Applicant agreed to provide white vinyl fencing around the loading areas and agreed that such efforts would be a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to provide Mr. Winckowski with a complete striping package as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to provide Mr. Winckowski with supplemental directional signage as a condition of approval.
- During the hearing, the Applicant agreed to evaluate with the NJDOT the possibility of a deceleration lane on Route 73 upon entering the Project site.
- During questioning from the Board, the Applicant agreed that the width of the proposed walkways in the passive open space area will be designed in accordance with the management of the Nature Cove, with the input of the Board Engineer and Fire Chief and agreed that such efforts would be a condition of approval.
- During the hearing, the Applicant agreed to amend the site plans to depict the location of bike racks on the residential portion of the Project.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the lighting specifications for all proposed signage as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the landscaping around the proposed signs as a condition of approval.
- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the location of "anti-idling" signage as a condition of approval.



- During questioning by the Board's Engineer, the Applicant agreed to revise the plans to show the location of any proposed irrigation system, and if no changes are made, the future installation of an irrigation system will require amended site plan approval.
  - During questioning by the Board's Engineer, the Applicant agreed to revise the plans to include lighting along the northern access drive to match the lighting in the residential community as a condition of approval.
  - During the hearing, the Applicant agreed to revise the plans to provide bollard lighting in the courtyard area as a condition of approval.
  - During questioning by the Board's Engineer, the Applicant agreed to revise the plans to include fencing around the tot lot in the vicinity of Building 3, with the type and size of fencing to be reviewed and approved by the Board Engineer, as a condition of approval.
6. With regard to the Property and the Development, the Board finds the following:
- The Property is located in the Route 73 South Redevelopment District.
  - The Property consists of approximately 162.54 acres.
  - The Applicant seeks preliminary and final major site plan and preliminary and final major subdivision approval for its proposed redevelopment of two warehouses, and a residential development to provide 102 units of affordable housing in five buildings, with public open space dedication (the "Development") and various site modifications.
7. The Site Plan for the Affordable Housing component and the Site Plan for the warehouse component conform to the requirements of the Route 73 South Redevelopment Plan and require no variances.
8. The Subdivision conforms to the requirements of the Route 73 South Redevelopment Plan and requires no variances.
9. The Board specifically finds that the proposed Development adequately provides for grading, storm water drainage, and soil erosion as well as for adequate screening landscaping and proper location of structures, in compliance with the Board Engineer's requirement and current NJDEP requirements.
10. The Board specifically finds that the proposed roadway system provides for adequate means for public ingress and egress. The roadways will also provide for adequate use by emergency vehicles.
11. The Board acknowledges that Applicant is the redeveloper for the property in question pursuant to a resolution adopted by the governing body of the Borough and that its proposed plan to redevelop the site provides an integrated and coordinated approach with a single redeveloper being responsible for all redevelopment agreement obligations including, without limitation, providing the land and capital for the development of the Borough's affordable housing

obligations.

**NOW, THEREFORE, BE IT RESOLVED**, on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on November 18, 2020 when it granted the requested preliminary and final major site plan approval and preliminary and final major subdivision approval with conditions and a variation pursuant to N.J.S.A. 40:55D-36 to allow a lot, specifically proposed Lot 3.02, to not have frontage on an improved public street, and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. Preliminary and Final Site Plan Approval are hereby granted as depicted on the aforesaid plans, subject to the conditions hereinafter set forth.
2. Preliminary and Final Subdivision Approval is hereby granted as depicted upon the aforesaid plans.
3. Site Plan and Subdivision Approval is subject to the following conditions:
  - a. Applicant shall, with input from Borough officials, request that NJ Transit permit a bus stop in the vicinity of the affordable housing portion of the Project, and provide a copy of such petition, and the results thereof, to the Board Engineer.
  - b. Applicant shall work with the Municipality in dealing with the NJDOT to seek approval for a crosswalk to allow easier crossing of Route 73, and provide a copy of such request, and the results thereof, to the Board Engineer.
  - c. Applicant shall apply to the NJDOT to permit sidewalks to Route 73 from the proposed development, and provide a copy of such application, and the results thereof, to the Board Engineer.
  - d. Applicant shall investigate the potential to combine the sidewalks and bike paths to provide a wider pedestrian path to Route 73 from the affordable housing portion of the Project, with review and approval of such investigation to be approved by the Board Engineer.
  - e. Applicant shall comply with all of the items in the November 12, 2020 letter of James Mr. Winckowski, P.E.
  - f. Applicant agreed to provide white vinyl fencing around the loading areas, and shall revise the plans to depict such fencing, with such revisions to be reviewed and approved in writing by the Board Engineer.
  - g. Applicant shall provide the Board Engineer with a complete striping package, with such striping package to be reviewed and approved in writing by the Board Engineer.
  - h. Applicant shall provide the Board Engineer with supplemental directional signage to be reviewed and approved in writing by the Board Engineer.

- i. Applicant shall evaluate with the NJDOT the possibility of a deceleration lane on Route 73 upon entering the Project site and provide a copy of such evaluation and the results thereof, to the Board Engineer.
  - j. Applicant shall design the width of the proposed walkways in the passive open space area in accordance with the management of the Nature Cove, with the input of the Board Engineer and Fire Chief, to be reviewed and approved by the Board Engineer.
  - k. Applicant shall revise the site plans to depict the location of bike racks on the residential portion of the Project.
  - l. Applicant shall consult with the Board Engineer and Planner to design the courtyard area on the affordable housing component to potentially include a gazebo or calming / Zen recreational element.
  - m. Applicant shall revise the plans to show the lighting specifications for all proposed signage, with such revisions to be reviewed and approved by the Board Engineer.
  - n. Applicant shall revise the plans to show the landscaping around the proposed signs with such revisions to be reviewed and approved by the Board Engineer.
  - o. Applicant shall revise the plans to depict the location of “anti-idling” signage.
  - p. Applicant shall revise the plans to show the location of any proposed irrigation system, and if no revisions are made, the future installation of an irrigation system will require amended site plan approval.
  - q. Applicant shall revise the plans to include lighting along the northern access drive to match the lighting in the residential community with such revisions to be reviewed and approved by the Board Engineer.
  - r. Applicant shall revise the plans to provide bollard lighting in the courtyard area with such revisions to be reviewed and approved by the Board Engineer.
  - s. Applicant shall revise the plans to include fencing around the tot lot in the vicinity of Building 3, with the type and size of fencing to be reviewed and approved by the Board Engineer.
  - t. All real estate taxes with respect to all lots that are the subject of this application for development shall be paid and brought current prior to the Applicant seeking any construction related permits for any of the development approved in this resolution.
4. Prior to execution of the Final Plat and Site Plan:
- i. Applicant shall obtain all of the following approvals and/or permits:
    1. From NJDEP:
      - a. A flood hazard permit; and
      - b. A wetlands Letter of Interpretation (“LOI”) and permits/waiver; and
      - c. Waterfront; and

- d. Tidelands; and
2. NJDOT approval for major highway access; and
- ii. Applicant shall obtain all other State, County and agency approvals required; and
5. The Applicant shall be bound by and comply with all the representations made by Applicant and the Applicant's witnesses and professionals before the Board at all public hearings and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable against the Applicant and any developer of a particular section or parcel as if those representations were made conditions of this approval.
6. Prior to the execution of the Site Plan, all plan revisions as required elsewhere in this approval shall be submitted to the Board Engineer for review and written approval.
7. If any of the individual findings, conclusions, or conditions as stated in this resolution are subsequently declared invalid, then the remaining findings and conclusions shall be deemed sufficient to support the decision of the Board and the remaining conditions.
8. The Board Secretary shall provide a copy of this Resolution to the Borough Attorney and to the Construction Official within 20 days of the date hereof.
9. This Resolution shall take effect as provided by law.

**BE IT FURTHER RESOLVED** that the Applicant shall pay all outstanding professional fees and bills in connection with this Application within thirty (30) days after receipt of billing. Should the Applicant fail to pay such professional fees and bills within thirty (30) days, then the Applicant's approval hereinbefore set forth shall be deemed null and void and said approvals shall be deemed withdrawn with no further force and effect; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution of Memorialization and Findings of Fact and Conclusions to which it is attached be sent to the Applicant within ten (10) days from the date of adoption, the Borough Clerk, the Borough Construction Official, and any other person who may request a copy of the decision; and the Applicant shall publish a brief notice of this in the official newspaper of the Borough of Palmyra.

Lewis Yetter, Land Use Board Chairman

Doretha R, Jackson, Secretary

Chairman Yetter asked for a roll call vote, **at the call of the roll the vote was as follows:**

AYES: Mayor Tait, Vice Chairman Beck, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol,  
Chairman Yetter

NAY: None

## **NEW BUSINESS**

Chairman Yetter stated, we will be hearing new Application 2020-LUB04.

**Application 2020-LUB04** Sylvia Hunt - 414 West 5<sup>th</sup> Street, Block 62, Lot 9

**requesting design waiver variance of section 237-36. A of the code of Borough of Palmyra – paver sidewalk**

Mr. Brewer swore in the applicant, Sylvia Hunt

### **Presented Exhibits**

<u>Exhibits #</u>	<u>Document Description</u>
A-1	Photos of sidewalks

Ms. Hunt stated the sidewalk in front of her home was deteriorating for years. Ms. Hunt noted in 2019 her family gifted her the sidewalk of pavers which unbeknown to her required a permit. Ms. Hunt noted the sidewalk was completed using gray pavers to create a beautiful safe and functional sidewalk. Ms. Hunt stated that after it as completed, she was notified by Mrs. Kilmer, the Zoning Officer that no zoning application was submitted, and the new sidewalk was not to code. Ms. Hunt stated she submitted the zoning application for a permit, but it was denied as the code does not allow for paved sidewalks noting that sidewalks must be replaced with concrete. Ms. Hunt indicated at the point she submitted the application to the Land Use Board for hardship relief variance. Ms. Hunt noted that because the Land Use Board variance process is a costly process the community gathered together to help her monetarily with donations so she could come before the Land Use Board. Ms. Hunt thanked the community which helped he come before the board today. Ms. Hunt presented pictures, exhibit A-1, of the sidewalks in as they currently are and what they looked like before. Ms. Hunt thanked the board for listing and noted she hoped they would approve the application.

Chairman Yetter asked Mrs. Kilmer, Zoning Officer to explain why the application did not meet approval. Mrs. Kilmer stated the zoning application submitted could not be approved because it did not meet the standards outline in the Borough of Palmyra code, chapter 237-36. A. Ms. Kilmer read the code.

Mr. Winckowski noted the sidewalks in their current state do not meet the standards which the code stipulates. Mr. Winckowski stated, structurally, the brick pavers are ok it is just not in consistent with other sidewalks. Mr. Winckowski also noted the homeowner is responsible for maintenance so it is not a burden the Borough would be taking on. Councilwoman Cloud noted that although the sidewalks do not meet the requirements of the code it meets the spirit of the code as it is safe and engineered appropriately. Mr. Winckowski agreed. Ms. Kilmer noted concern of the compressive strength of the pavers. Mr. Winckowski indicated the pavers will exceed the concrete requirements. There was some additional discussion regarding the importance of knowing that permits are required and the possibility of the Land Use Board recommending to the governing body that the code of the Borough may need to be updated to allow for paved sidewalks and requirements for them.

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

Mr. Brewer swore in the individuals wishing to speak.

Lakisha Grimes, Kim Robinson, Rachel Keisler

Residents spoke on behave of the resident and indicated how nice the property looked currently, noting the condition of the sidewalk prior to the paver install. They noted how smooth and safe it currently is and indicated their support of the application indicating although it does not meet the code but meets the spirit of the code.

Seeing no more comments, Chairman Yetter asked for a motion to close the public comment.

Councilwoman Cloud made a motion to close the public comment. Vice Chairman Beck second the motion. All voted in favor of the motion.

Chairman Yetter asked for a motion to approve Application 2020-LUB04 for design waiver variance of section 237-36. A of the code of Borough of Palmyra – paver sidewalk. Mayor Tait made a motion to grant requested design waiver variance - 2020-LUB04 application. Councilwoman Cloud second the motion.

**Record of Board Vote on LUB Application 2020-LUB04 as follows:**

AYES: Vice Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. Robinson, Mr. Rossignol, Ms. O'Connor, Mr. O'Kane, Chairman Yetter

NAY: None

Motion Carried, 2020-LUB04 Application was granted approval.

## PUBLIC COMMENT

Chairman Yetter requested a motion to open the meeting to the public for comment. Vice Chairman Beck made a motion to open the meeting for public comment. Councilwoman Cloud second the motion. All voted in favor of the motion.

Chairman Yetter asked anyone making comments to state their name and address for the record.

Comments:

Robert Rader noted he wanted to restate comments he previously made regarding the Rt.73 Redevelopment Area project and traffic. Mr. Rader stated the two proposed warehouses will be the size of thirty football fields with 176 loading doors, 323 trailer stalls and 492 car stalls plus 120 affordable housing units behind them. Mr. Rader stated currently there is only one entrance to the property. Mr. Rader asked was the additional traffic considered in the resolution passed tonight.

Chairman Yetter indicated yes.

Mr. Rader asked additional questions about the entrances to the redevelopment area. Members explained. Mr. Gural indicated Mr. Rader should call into the office in the morning and additional drawings could be provided to indicate where the entrances are located.

Seeing no one else wishing to comment, Chairman Yetter requested a motion to close the public comment portion of the meeting. Mr. O'Kane made a motion to close the public comment portion. Councilwoman Cloud second the motion.

Having no further business, Chairman Yetter requested a motion to adjourn the meeting. Mayor Tait made a motion to adjourn the meeting. Councilwoman Cloud second the motion.

Meeting was adjourned at 8:48 pm

Respectfully Submitted,

*DRJ*

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra