

**BOROUGH OF PALMYRA**  
**LAND USE BOARD MEETING MINUTES**  
**May 19<sup>th</sup>, 2021-7:00 PM, VIA ZOOM**

**CALL TO ORDER**

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

The pledge of Allegiance was recited.

**OPEN PUBLIC MEETINGS ACT**

Chairman Yetter 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 26<sup>th</sup>, 2021. Notice was posted on the Municipal Door, Official Bulletin Board, and electronic signs on April 20<sup>th</sup>, 2021 and on the Borough of Palmyra Website on May 14<sup>th</sup>, 2021 and notice was given to all Land Use Board Members

**ROLL CALL**

Secretary Jackson called the roll of the board:

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

ABSENT: Mrs. Melvin

## **APPROVAL OF THE MINUTES**

Chairman Yetter asked if there were any questions or comments regarding the March 17<sup>th</sup>, 2021 Land Use Board Meeting minutes. Hearing none, he requested a motion to approve the minutes as written. Vice-Chairman Beck made the motion to approve the minutes as written and Councilwoman Cloud second the motion. Chairman Yetter asked for a call of the roll.

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

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

NAY: None

## **CORRESPONDENCE**

Chairman Yetter acknowledged the resignation letter received from Mr. O'Kane.

Chairman Yetter requested a motion to accept the letter of resignation from Mr. O'Kane. Mr. Gural made a motion to accept the letter of resignation from Mr. O'Kane. Vice-Chairman Beck Second the motion.

All voted in favor of the motion.

Chairman Yetter read Borough Council Ordinance 2021-08, An Ordinance of the Borough of Palmyra in the County of Burlington, New Jersey Prohibiting the Operation of any Class of Cannabis Business Within its Geographical Boundaries, into the record. Chairman Yetter indicated Borough Council was requesting comments from the Land Use Board.

Mr. Brewer explained the ordinance and noted that Borough Council was seeking comments from the Land Use Board regarding the consistency of the ordinance with the Master Plan of the Borough of Palmyra. Chairman Yetter stated the board should review it. Mayor Tait indicated that the governing body must decide by August 2021 regarding what the Borough is willing to allow regarding the sale, growing and distribution of cannabis within the boundaries of the Borough of Palmyra. Mayor Tait indicated the governing body decided to not allow the sale, growth and distribution of cannabis for now, but would reconsider cannabis in five years after seeing how the remainder of the state fairs over that period of time. Chairman Yetter asked Mr. Brewer to prepare a resolution for the Land Use Board to consider at the next meeting.

## **BOROUGH COUNCIL UPDATES**

Mayor Tait noted to all the ground-breaking for the TAC-PAL Logistics Center will be held on Friday May 21<sup>st</sup>, 2021, at 11:00 am. Mr. Gural stated that tomorrow we will receive the first payment of 2.5 million from the redeveloper for the affordable housing construction on the southside of Rt. 73. Mr. Gural indicated those funds would be placed in a trust account specifically for the construction of the 102 affordable housing units. Mr. Gural noted additional payments will be made totaling approximately 5 million total.

## **OLD BUSINESS**

Chairman Yetter noted there was no old business

Mrs. Melvin joined the meeting at 7:15 pm

## **NEW BUSINESS**

### **Application 2021-LUB03 – Gerard Caruso – 501 Maple Avenue, Blk 81-Lots 1 & 2**

Mr. Brewer sworn in Mr. Gerald Caruso, testifying regarding the application 2021-LUB03. Mr. Caruso indicated the application was for a minor subdivision. Mr. Caruso indicated he and his wife owned 501 and 507 Maple Avenue and were applying to move the property line between the properties about 13 feet. He noted they chose the middle of the driveway as a dividing point which would add additional side land to 501 Maple Avenue and take the footage away from 507 Maple Avenue. Mr. Caruso stated it was originally done in 2001 but he did not complete the memorialization by finalizing the deed. Mayor Tait asked what the proposed size of the new lots would be. Mr. Caruso indicated 501 Maple Ave would be approximately 63 feet by 150 feet and 507 Maple Avenue would be 87 feet by 150 feet. Mr. Yetter asked if there were questions or comments from the Board. Mr. Winckowski indicated in their review letter they noted the lot line adjustment indicating the application was straight forward. Mr. Winckowski indicated there are some additional things the application would need to complete if the application is approved. Mr. Winckowski indicated they are preparing a subdivision plot which accurately describes the subdivision, contacting the county or local tax assessor regarding the potential of new lot numbers and descriptions of each lot, as well as prepare new deeds for each lot.

Chairman Yetter asked for a motion to open the application to the public for comment. Councilwoman Cloud made a motion to open the application to the public for comment. Mayor Tait second the motion.

All present voted in favor of the motion.

Hearing no comments Chairman Yetter asked for a motion to close the public comment portion. Mayor Tait made a motion to close the public comment for application 2021-LUB03. Mr. Gural second the motion.

All present voted in favor of the motion.

Chairman Yetter asked for a motion to approve Application 2021-LUB03 subdivision subject to the conditions set forth in Mr. Winckowski's letter dated May 10<sup>th</sup>, 2021. Mayor Tait made a motion to approve Application 2021-LUB03 subdivision subject to conditions set forth in Mr. Winckowski's letter dated May 10<sup>th</sup>, 2021. Councilwoman Cloud second the motion.

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

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

NAY: None

Chairman Yetter then moved to: **Application 2021-LUB01 – Kaffir Thai, LLC – 16 E. Broad Street, Blk 26 Lots 2.01 & 1**

Chairman Yetter asked the applicants for Application 2021-LUB01 to come forward and be sworn in. Mr. Brewer stated the escrow account of the applicant Kaffir Thai has been depleted. Mr. Brewer indicated that normally that would be a completeness item needed to be completed before appearance before the board. Mr. Brewer noted that if the board choose to move forward and hear this application tonight then they could direct him to make it a condition of any resolution or him to prepare a resolution which would be voted on and memorialized at the next meeting after the escrow account had been fully funded.

Mr. Thomas Ehrhardt, Esquire introduced the applicant and various individuals that will be testifying before the board.

Mr. Brewer swore in the following giving testimony for the Kaffir Thai, LLC Application 2021-LUB01:

Mr. Michael Galante, Engineer

Mr. Richard Johnson, Architect

Samatha Khampouseane, Applicant for Kaffir Thai, LLC

Sandy Harris, Manager, Kaffir Thai, LLC.

Mr. Ehrhardt stated the application before the board is for Kaffir Thai, LLC noting the Kaffir Thai is an existing restaurant located on Broad Street in Palmyra. Mr. Ehrhardt noted it is a take-out restaurant and the application is to expand their services to include sit-down dining, using the connecting building adjoining them and reconfiguring the corner building at Garfield and Broad, which is currently a residential building, to place office space on the first floor and residential on the second and third floors. Mr. Ehrhardt introduced Sandy Harris the manager at Kaffir Thai, LLC. indicated the building was purchased in 2015 and it took about two years to open the restaurant due to zoning, renovations and approvals required. Ms. Harris noted they are open Tuesday thru Saturday from 11:00 am to 10:00 pm and on Sunday from 12:00 noon until 9:00 pm; stating the hours of operation would not change but remain the same. Ms. Harris indicated there are five employees currently working but noted the employees would increase to about eight people per shift. Ms. Khampouseane stated they are hoping to attract more business and will be expanding the menu of the restaurant due to the in-door seating. Ms. Khampouseane indicated the first floor of the building next door would be a professional office building. Ms. Khampouseane indicated refuse and recycling from the apartments and office would be placed in the dumpster area located behind the building. She noted food deliveries are currently twice a week between 10:00 am to 2:00 pm and she did not expect the delivery schedule to change due to the reconstruction and increased volume.

Mr. Winckowski asked how many seats are in the existing restaurant and how many would be in the restaurant after the renovations. Ms. Khampouseane indicated currently there are no seats and it will have 30 seats after the renovations. Mr. Winckowski asked about the employee number noting it would affect the parking in and around the building. Mr. Winckowski stated there are nine parking spaces in the front off-street and six in the back. Mr. Winckowski noted Mr. Galante would need to explain how the parking will be accommodated and the one trash enclosure proposed, will it accommodate the restaurant as well as the residential apartments and office space. Ms. Khampouseane noted the trash enclosure will be for everyone as well as the restaurant. Mr. Winckowski noted the enclosure would need to be big enough to accommodate all the recycling and trash and the frequency of pick-up will be adequate. Mr. Winckowski asked if it were two apartments with two bedrooms each and would they be rentals along with the office space. Ms. Khampouseane indicated yes and she would be managing it. Mr. Winckowski indicated currently the location is three lots which they would like to merge together creating one multi-use lot which would include a restaurant with 30 seating capacity, residential use

which would consist of two, two-bedroom rental units and an office use with about 1,400 sq. feet of rental office space.

Mayor Tait asked Ms. Khampouseane if she owned all the buildings. Ms. Khampouseane indicated she did not own the buildings her sister-in-law, Linda Phan did but she had power-of-attorney over the properties in Palmyra.

Mayor Tait inquired about parking. Ms. Khampouseane indicated the tenants would have their own designated parking spaces and she was hoping to utilize some off-site parking. Mr. Winckowski indicated are going to need a variance relief for parking noting that based on the uses proposed and the Borough's code requirements, they are required to have 38 off-street parking spaces and they are providing 14 on two separate on-site parking lots.

Mr. Galante indicated he is a licensed Engineer in the State of New Jersey, Pennsylvania, Maryland, has testified before this board previously along with testify before several boards in various municipalities in the State of New Jersey. Mr. Galante indicated he is the municipal engineer in five other municipalities in Pennsylvania. Mr. Galante explained the engineering plans submitted. Mr. Galante indicated the first sheet is the cover sheet showing an aerial image of the site located at 16-20 East Broad Street. Mr. Galante indicated to the north of the location is the train station, to the west of it is Wawa, to the east is Garfield Avenue and to the south are residential homes. Mr. Galante indicated the front of the building is a grassy area and there is currently no off-street parking except for the driveway which can accommodate two or three cars. Mr. Galante indicated to the rear of the property is a gravel driveway which is primarily used for trash pick-up and the residential properties. Mr. Galante stated the west side of the location is the Kaffir Thai restaurant, in the middle is the vacant structure which is proposed to be the new seating portion of the Kaffir Thai restaurant and the existing home which is to be converted to office/residential. Mr. Galante indicated they are proposing an off-street parking area with two stalls on the east and in front of the building is a handicap stall along with six parking spaces. Mr. Galante indicated there are two stalls which were deeded from the Wawa and can serve as additional parking. Mr. Galante indicated the middle building is to be demolished and a new 830 square foot addition will be added. Mr. Galante indicated the restaurant will remain and this building will connect the two buildings together. Mr. Galante indicated the rear shed area will be removed and a staircase will replace it for egress and use by the tenants of the apartments on the property. Mr. Galante indicated there is a sideway located along the frontage of the property which connects to a 15 by 25 ft patio/outdoor seating area. Mr. Galante indicated they are proposing new curb and sidewalks with ADA curb ramp around the perimeter of the

site and a rear parking area with six parking stalls and a 13 by 10 ft dumpster enclosure. Mr. Galante indicated the plans propose a total of 14 parking spaces. Mr. Galante indicated included are grading and landscaping plans for the project. Mr. Galante indicated there were comments from the LUB engineer regarding the landscaping and they fully intend to work with the engineer and planner to improve those plans and meet the requirements of the Borough. Mr. Galante indicated there were also comments regarding the lighting of the area and its possible intrusion to residents. Mr. Galante indicated that too would be addressed with the professionals to become Borough compliant. Mr. Galante noted the follows variances which would be required; minimum lot size is 7500 sq. ft.; lot 2 has 2100 sq ft noting the consolidation of the lots eliminates that condition to an existing non-conforming lot. Mr. Galante indicated the same applies to lot 2.01 which has 3900 sq ft. Mr. Galante stated the minimum rear yard set back is 20 ft. and they are proposing 0 ft on lot 1 noting that the consolidation will eliminate the existing non-conforming condition as now there is a different side yard on lot 1.; the existing non-conforming on lot 2 will remain the same at 19.3.6 ft.; the impervious coverage requirement is 80% noting the lot 2.01 has 86.7% and the consolidation will reduce that non-conformity. Mr. Galante indicate the rear yard accessory structure requirement is 5 ft. from the property line and the proposed dumpster enclosure is 2 ft which would require a variance for the deviation of the ordinance. Mr. Galante indicated the total impervious coverage of the consolidated properties is 84% which is a deviation of the ordinance which requires 80% so a variance would be required. Mr. Galante stated the parking requirement of the ordinance is 38 parking spaces and they propose 14, which would also require a variance. Mr. Galante indicated the rear driveway for a commercial use in the TC zone is 5ft from the property line and they are proposing is 2ft from the property line which also would require a variance from the ordinance. Mr. Galante indicated they are requesting waivers from the following: buffer requirement for plantings, the candle requirement for lighting.

Mr. Galante stated that the LUB engineer and planner indicated there were some discrepancies between the plans of the architect and the engineer of the project and clarification was needed as to which are the correct renderings for the project regarding the seating and the parking. Mr. Galante indicate somethings were worked out prior to the meeting regarding those items and the architect would clear up some of those items with his testimony.

Mr. Erhardt asked Mr. Galante to explain the loading as there were questions regarding that point in the review letters from the professionals. Mr. Galante indicated that currently loading occurs at the front of the building but with the proposed site loading would occur in the rear of the building. Mr. Galante

indicated there was 4-5 ft in the rear of the building from the trash enclosure to the rear of the property. Mr. Galante indicated that they might like to move the trash enclosed to one ft from the property line to allow for additional space for loading and unloading in the back. Mr. Galante indicated the ordinance allows for one sign per building on street frontage. Mr. Galante indicated there is currently a sign for the restaurant which the owner will want to make modification to, within the ordinance requirements. Mr. Galante indicated that if the office space user wanted a sign they would probably want it on Broad Street, but it could be placed on the Garfield Street side of the building.

Mr. Brewer asked Mr. Galante to clarify what the desire was from the rear yard setback of the dumpster enclosure. Mr. Galante indicated one ft. although the plans indicate two feet. Mr. Brewer asked if there were signs proposed. Mr. Galante indicated the plans do not reflect signage it was a question asked in the planners review letter. Mr. Galante noted that they are not requesting any signage currently and if they were later, they would have to come back to the board for relief if required. Mr. Winckowski asked how many dumpsters the trash enclosure can hold and if the sizes can accommodate the site trash need. Mr. Winckowski also questioned the loading and unloading of vendors in the rear of the building. Ms. Khamouseane, testified as to how currently the trash is being collected by the township but moving forward, they would hire a private company for trash removal and recycling as they anticipate having to have it removed more than then township currently does once a week. Mr. Winckowski indicated that going from a take-out restaurant and a single-family home to a 35-seat capacity in-door sit down restaurant and two apartments and one office space that the trash will significantly increase, and they need to make sure they can accommodate trash collection and recycling for the entire building. Ms. Khamouseane indicated the residents can continue using the Borough collection services and the restaurant and office would use the dumpsters. Mr. Winckowski noted that the placement of those items needed to be recognized on the plans or indicated as to how they will fit in the enclosure. Ms. Gable questioned how the loading and unloading could occur in the rear of the building with the space being so close to the dumpster enclosure. There was additional discussion regarding the dumpster placement, the doors for loading and unloading, the ability to load and unload with resident parked in the rear of the building, the placement of various HVAC/utilities and the plans presented. Ms. Gable asked about the concrete outdoor seating area and how it was going to be used. Ms. Khamouseane indicated it would be used by the restaurant, and the residents. Ms. Gable asked if lighting would be in the patio area. Mr. Galante indicated yes. Ms. Gable asked if the lighting was only what was attached to the building. Mr. Galante indicated yes. Mr. Winckowski asked if there would be architectural landscaping

or a set wall around the patio. Ms. Khampouseane indicated they were planning on decorating around the patio. Mr. Winckowski stated that if approved drawing would be required to indicate where and what will be placed on, in and around that patio. There was additional discussion regarding the patio and its use.

Mr. Galante explained how the current parking is working and how they propose the parking would work. There was discussion regarding the easement Ms. Khampouseane indicated they had with Wawa regarding two parking spaces in Wawa's lot and the possibility of opening those spaces and making them the entrance to the parking area. Mr. Winckowski indicated he would provide the applicant with the contact information of Wawa's Land Use Attorney if they wished to contact them regarding the matter. Mr. Galante indicated the parking spaces in the rear are intended for the residential tenants and the office personnel but would not be restricted to their use only. Mr. Winkowski asked if any count had been completed to determine if there is on street parking available and what times it is available. Mr. Galante indicated no but it could be completed if the Board requested it. There was additional discussion about the number of required parking spaces, off-site street parking and the parking spaces on site. Mr. Winckowski indicated that there is a lot of things which are "open ended" with this plan when more specifics are needed, noting the difference between the architectural drawings and the site plan, the trash enclosure, the patio, ac unit location, etc. Mr. Winckowski stated that the applicant is getting comments from the board as to things of their concern and perhaps the applicant should come back with refined plans making sure the architect and engineer are in agreement about the various items.

Mrs. Kilmer asked how far the dumpster was from the building. Ms. Khampouseane indicated six ft. Mrs. Kilmer stated the fire code requires 15 ft from the dumpster to the building.

Mr. Johnson stated he has a bachelor's degree in Architecture, he indicated he is licensed in New Jersey, Pennsylvania and Connecticut and has over fifty years of experience as an architect. Mr. Johnson indicated he has appeared before many Boards in the surrounding areas. Mr. Johnson stated the questions in the engineer's review regarding the eight seats outside the front of the restaurant have been eliminated since the plans were drawn. Mr. Johnson also noted the loading area in the rear of the building had been modified to about 10 ft deep and 15 feet wide so it can accommodate a couple of eight feet dumpsters and the mix-use trash containers. Mr. Johnson stated they proposed taking the third floor off the residential building and replace it with an entire new third floor similar to the slop on the existing restaurant. Mr. Johnson indicted the propose to remove the existing stairway in the house and adding new stairways in the front and back having the stairwell in the front completely closed and the stairwell

in the back completely open also adding at the floor level a deck for tenant use. There was additional testimony regarding the differences between the architectural plans and the engineers site plans. Mr. Johnson indicated there is no proposed storage space in this building for the tenants. Mr. Johnson discussed a generator for the restaurant and indicated its probability of its location. Mr. Johnson noted the only change in the existing kitchen of the restaurant is to add a dishwasher and ice machine. Mr. Johnson indicated the office space is about 1400 sq. ft, the apartments are 1200 sq ft. each, and the restaurant is about 3000 sq ft. Mr. Johnson indicated they had no idea of what the materials or the color of the outside of the building would be. Mr. Johnson indicated the building had no historical value that he found. There was additional discussion regarding the parking in and around the property.

Mr. Winckowski indicated the tonight we heard a lot of testimony regarding the operation of the business and the proposed things moving forward however the need exists for a fine-tuned site plan and architectural plans that address the changes and problems noted. There was additional discussion regarding the dumpster and the possibility of trash compaction system. Mrs. Kilmer again noted the 15 ft distance requirement for the dumpster to be from the building under the State fire code; noting that is a state fire code requirement which the Borough cannot grant relief from it. There was discussion regarding placing bollards or large flowerpots in front of the building as well as the outdoor seating area. Mr. Galante indicated there are various variances they are requesting relief from that include; the rear yards setback for accessory structures (requires 5 ft requesting 2 ft) also required to meet the state fire code, the impervious coverage (requires no more than 80% requesting 84%), requesting a variance for parking (required 38 spaces proposing 14), variance for the drive way not being 5 ft from property line in rear, and a waiver from the 6 ft with landscaping surrounding the parking lot, and a waiver from light intensity however working with the board professionals that waiver could be eliminated. Mrs. Kilmer asked how large the basement area was. Mr. Johnson indicated the existing basement is 1200 sq. ft. and will be used for utilities.

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

All present voted in favor of the motion.

Michael Deffner from Parker's Flowers Shop on Parry Avenue.

Mr. Brewer sworn in Mr. Deffner.

Mr. Deffner stated they own the business next to Wawa. Mr. Deffner indicated in the past if they have had issues with Wawa, they have reached out to them and they have been very cooperative. Mr. Deffner indicated parking is an issue, but she owns a restaurant which does not serve breakfast so at 8:00 am parking is not going to be an issue. Mr. Deffner indicated most of the business in the restaurant is around 7:00 pm and perhaps the parking in front of the municipal building could be consider as during that time they are closed. Mr. Deffner indicated the flower shop has been around for almost 100 years. Mr. Deffner stated he hoped the LUB could do wherever they can to encourage other business to be around as long as Parker's Flower shop has been.

Joe Raynor = 100 East Broad Street.

Mr. Brewer then sworn in Mr. Raynor.

Mr. Raynor indicated there are properties on Garfield Avenue that do not have off-street parking, so they do depend on parking on the street. Mr. Raynor indicated that making Garfield in that area a 2-hour parking would be beneficial to them. Mr. Raynor indicated he did was to see the business succeed and come into town. Mr. Raynor indicated that for instance tonight the Land Use Board would be having a meeting, if it weren't for covid, they would be using the parking spaces in front of the Borough building. Mr. Raynor indicated that until 5:00pm the parking spaces at the train station are usually full and on Fridays the Mosque bring in many people who fill up the whole entire area, noting that he has four business and five apartments right across the street. Mr. Raynor indicated that the tenants utilize the street parking as well as the Riverline parking, he noted that one of the businesses is a chiropractic practice and many of the patients cannot walk that far.

Hearing no comments Chairman Yetter asked for a motion to close the public comment portion. Mayor Tait made a motion to close the public comment for application 2021-LUB03. Councilwoman Cloud second the motion.

All present voted in favor of the motion.

Mr. Brewer indicated the Board could direct him to prepare a resolution memorializing the approval of the updated plans and the vote for approval and memorialization will take place at the next meeting if the Board so choose to approve. Mr. Brewer stated then the board would see all the changes before the approval and memorialization of the application. After discussion it was decided to direct Mr. Brewer to proceed in this manner presented.

## **PUBLIC COMMENT**

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

Chairman Yetter asked for a motion to open to the public for comment. Vice-Chairman Beck made a motion to open the meeting to the public for comment. Councilwoman Cloud second the motion.

All voted in favor of the motion.

Hearing no comments. Chairman Yetter asked for a motion to close the public comment.

Mayor Tait made a motion to close the public comment. Councilwoman Cloud second the motion.

All voted in favor of the motion.

## **ADJOURNMENT**

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

All voted in favor of the motion.

Meeting was adjourned at 9:56 pm

Doretha R. Jackson

Land Use Board Secretary

Approved: September 15<sup>th</sup>, 2021