**LAND USE BOARD**

**MINUTES-REORGANIZATION**

**FEBRUARY 18, 2015**

**CALL TO ORDER**

**Barbara Sheipe, secretary called to order the reorganization meeting of the Borough of Palmyra Land Use Board at 7:15pm**

**Open Public Meeting Act**

1. **Posting written notice on the Official Bulletin Board at Borough Hall, Palmyra NJ on February 5, 2015.**
2. **Mailing written notice to the Burlington County Times for publication on February 5, 2015.**
3. **Notice to all Board Members.**

**Pledge of Allegiance.**

**Swearing in of new members: Mr. Drollas sworn in Brian O’Kane to a four year term and Mr. Stokes to a four year term.**

**Roll Call:**

**Present: Mrs. Locke, Mr. Beck (arrived late), Mayor Scheffler, Mr. Gural, Mr. O’Kane, Councilperson Tait, Mr. Dreby, Mr. Blaisdell, Mr. Stokes, Mrs. Bell.**

**Absent: Joan Byrem, Nancy Myers.**

**Reorganization of the Board**

**Board secretary Mrs. Sheipe opened the nominations for Chairperson. Mayor Scheffler nominated Roberta Locke for Chairperson, Mr. Dreby second the nomination. All members present voted in favor of the motion, Mrs. Locke abstained.**

**Chairwoman Locke opened the nominations for Vice-Chairperson. Chairwoman Locke nominated Timothy Beck for Vice-Chairperson, Mr. O’Kane second the nomination. All members present voted in favor of the motion. Vice-Chairperson Beck abstained.**

**Mr. Drollas swore in Chairwoman Locke and Vice-Chairperson Beck.**

**Chairperson Locke opened the nominations for Land Use Board Solicitor. Mr. Gural nominated Capehart & Scatchard, Mr. Drollas. Mrs. Bell second the motion. At the call of the roll, the vote was:**

**AYES: Chairwoman Locke, Vice-Chairperson Beck, Mrs. Bell, Mr. O’Kane, Mrs. Tait, Mayor Scheffler, Mr. Gural, Mr. Dreby, Mr. Blaisdell, Mr. Stokes,**

**NAYES: None.**

**Chairperson Locke open the nominations for Land Use Board Engineer. Vice-Chairperson Beck nominated Environmental Resolutions, Mayor Scheffler second the motion. At the call of the roll, the vote was:**

**AYES: Chairwoman Locke, Vice-Chairperson Beck, Mrs. Bell, Mr. O’Kane, Mrs. Tait, Mayor Scheffler, Mr. Gural, Mr. Dreby, Mr. Blaisdell, Mr. Stokes,**

**NAYES: None.**

**Chairperson Locke open nominations for Land Use Board Planner. Mr. Gural discussed that the planner through the redevelopment process of determining need was Heyer, Gruel and Associates. Mr. Gural explained that Environmental Resolutions is very qualified, but that the Mayor and Council are discussing redevelopment and Heyer and Gruel would be beneficial to the Land Use Board with their history. Mr. Stokes nominated Heyer & Gruel, Mr. Dreby second the motion. At the call of the roll, the vote was:**

**AYES: Chairwoman Locke, Vice-Chairperson Beck, Mrs. Bell, Mr. O’Kane, Mrs. Tait, Mayor Scheffler, Mr. Gural, Mr. Dreby, Mr. Blaisdell, Mr. Stokes.**

**NAYES: None.**

**MINUTES: Vice-Chairperson Beck made a motion to approve the minutes from November 19, 2014, Mr. Dreby second the motion. All members present voted in favor of the motion, Mayor Scheffler abstained.**

**RESOLUTIONS.**

**Resolution 2015-1, Resolution Appointing Capehart & Scatchard As The Land Use Board Solicitor. Mayor Scheffler made a motion to appoint Anthony Drollas of Capehart & Scatchard, Mr. Gural second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**Resolution 2015-2, Resolution Appointing Environmental Resolutions As The Land Use Board Engineer. Mr. Dreby made a motion to appoint Joseph Hirsch of Environmental Resolutions, Mayor Scheffler second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**Resolution 2015-3, Resolution Appointing Heyer, Gruel & Associates As The Land Use Board Planner. Mayor Scheffler made a motion to approve the resolution, Mr. Dreby second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**Resolution 2015-4, Resolution Appointing Barbara Sheipe As the Land Use Board Secretary. Mayor Scheffler made a motion to approve the resolution, Vice-Chairman Beck second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**Resolution 2015-5, Resolution Approving The Meeting Dates and Time For The Land Use Board For 2015. Mr. Dreby made a motion to approve the resolution, Vice-Chairman Beck second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**Resolution 2015-6, Resolution Approving the Application Of the Auto Store 1250 Route 73 North-Block 141, Lot 1.03. Mr. Dreby made a motion to approve the resolution, Mrs. Bell second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**ABSTAIN: Mayor Scheffler and Mrs. Tait.**

**New Business:**

1. **Application 2015-1-722 Park Avenue-bulk variance. Mr. Drollas swore in David Pallas,**

**owner of 722 Park Avenue. Mr. Pallas present to the board his application to expand his front porch. He would like to build a new porch that will be 6 feet deep by 11 feet wide and will be covered. Mr. Pallas would also like to replace the front steps and the landing. The existing house is 27.62 feet from the property line and the new porch would be 21.62 feet from the property line requiring the Land Use Board to approve bulk variance. Mr. Hirsch inquired if they were going to enclose the porch. Mr. Pallas replied that at the current time there is no plan to enclose the porch. Mr. Drollas explained that the board would be giving approval for the porch to be closer to the property lines than the zoning ordinance allows for. Mayor Scheffler made a motion to approve the application, Mr. Stokes second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

1. **Application 2015-2-310 West 3rd Street rear-use variance. Mayor Scheffler and**

**Councilwoman Tait excused theirselves from the meeting, since they are not allowed to participate in use variance applications. Mr. Drollas swore in Mrs. Louann Bonsignore, co-owner of the property. Mrs. Bonsignore was represent by her attorney Mr. Bier. Mrs. Bonsignore gave some background on the property. There was a subdivision in 2004 that had three lots (5, 6, 7) combined into one lot and lot 8 divide into two lots (8 and 10.01). They bought the lot in 1987 and are now asking to be allow to continue using the back building as an apartment. Mrs. Bonsignore explained that the process started with the need for a rental inspection and that the inspector came out and only the tenant was home. The inspector stated that the ceiling was sagging and needed fixing. They had started repair on the apartment and Mrs. Kilmer stopped them due to needing permits and that the apartment was not a legal use. Mrs. Bonsignore explained to the board that when the tax assessor came out to look at the property he looked at the garage on the other lot and did not review the building where the apartment is located. Mrs. Bonsignore discussed that in their application to the board in 2004, there was discussion about the building, but no one ever questioned it. They have a PSE & G bill from 2001 showing that there is separate electric to the building, the same tenant has lived there since 1987. The bill was marked as exhibit A-1 to show that it existed before the subdivision in 2004. Mrs. Bonsignore discussed the pictures that were included in the board’s packets. The one picture shows that there are separate mailboxes for the front home and rear resident, the other picture shows that there is an electric meter on the outside of the apartment building. Other pictures show that there are other properties with similar apartments in the rear. Mrs. Bonsignore explained that there will be no changes on the outside or size of the building all of the work will be done on the interior. It is a one room efficiency with a separate bathroom. There is just one person living there since 1987. Mrs. Bonsignore discussed that neither property has off street parking and that it never has been a problem unless the church has a large function. Mr. Bier explained that since the apartment building has always been there; it has no negative effect on the neighborhood and that they are not asking for any changes to the building, just to continue the use of an apartment that was not even questioned when they applied for the subdivision in 2004. Mr. Hirsch, engineer reviewed his letter to the board and that there are minor technical issues with pre-existing non-conforming lot size and depth that are already there. Mrs. Kilmer, zoning official discussed that the building needs a lot of work and that they were doing work without permits and that is now she realized that it was an apartment. It is not listed on the property record cards as a separate residence and that is why she determine it to be a garage. The property is unsafe and cannot be occupied without a lot of work. Mrs. Bonsignore replied that they are going to fix the building so that their tenant can move back in. Mrs. Kilmer informed the board that the property does not pay any sewer or taxes on the building and that’s why she has determined it to be a garage. Mr. Stokes discussed that the deed should list if it is a two family dwelling. Chairwoman Locke explained that a deed doesn’t list the number of units a property is. Mr. Blaisdell discussed that he is concerned with the quality of the building. Mrs. Bonsignore replied that they are going to do new drywall, new heater and flooring has well as remodel the bathroom. Mr. Blaisdell inquired if they were doing to do the work or hire contractors. Mrs. Bonsignore replied that they will hire contractors and obtain permits. Mr. Dreby inquired if the property was already occupied when they bought the property and why they let the building get in such disrepair. Mrs. Bonsignore explained that the building had always had a tenant and that the current tenant didn’t want them to fix it up. Mr. Dreby inquired if the rental property was discussed at all when they applied for the subdivision in 2004. Mr. Bier explained that variances were granted with the subdivision and that at the time the board was concern about the lot on the corner and that nothing would be built on the lot. Mrs. Bonsignore explained that originally 308 and 310 were connected and paid sewer, but when 308 was sold the homeowner notified the Borough that it was a single family home, so they removed the second sewer charge. Chairwoman Locke inquired if a new sewer line would be run. Mr. Drollas swore in Mr. Bonsignore to testify. Mr. Bonsignore explained that the sewer lines have never been changed and that there was an old gas pipe to 308 that was disconnected. Mr. Gural explained that the Borough Council has recently adopted an ordinance that gives the Borough the ability to go back six (6) years to collect from residents that have not paid the correct sewer. Mr. Dreby inquired why the rental was not listed when the inspections for revaluation were completed. Mrs. Bonsignore replied that no one ever came out to look at the inside of the property or to inspect but she had talked to the tax assessor about her taxes. Mr. Gural explained that the inspectors for the revalue made three attempts to review each property and if they could not after the third attempt the tax assessor made the assessed value. Mrs. Bell discussed that she is concerned about the issue of mold and the clean-up. Chairwoman Locke explained that the condition of the property would be addressed before a certificate of occupancy is given. Mr. O’Kane inquired about the number of bathrooms and that the property record shows 3 bathrooms. Mr. O’Kane inquired about the type of heat and if a unit can be a livable space without a separate bedroom. Mrs. Bonsignore explained that it can be listed as an efficiency apartment and that they plan to put a heater/cooler unit in the apartment similar to the ones in hotels. Chairwoman Locke explained that she is concerned about the tax records and that nothing was paid additional for the building since the subdivision in 2004. Mr. Drollas reviewed the 2004 subdivision resolution and that it only lists a frame garage and that is on proposed lot 9. Mr. Drollas discussed that the applicant is asking for a use variance to continue the use of the building as an apartment, but it is really asking the board to allow an accessory building to be use as a second residential unit on the same lot. Mr. Drollas explained that special consideration can be given since this structure has been used as a rental unit since at least 1987. Chairwoman Locke inquired if they would have to amend their application to the board. Mr. Drollas reviewed the legal notice given to the newspaper and the notification to the neighbors. The notices stated that the applicant may ask for any other variances that the Board deems necessary so they can amend their application. Mr. Bier explained that this client can only testify that it was a rental unit since they purchased the building in 1987, but there are people in the audience that can testify before 1987 that it was a rental unit.**

**Public**

**Mr. Sandos-discussed that he was born and raised in Palmyra and that he is 77 years old. The rental has been there as long as he remembers, because his uncle lived there. He lived there for 30 years and that it was never a garage. There is a magnificent fireplace in the unit. There had to be a mistake on the property record card. The corner lot had a garage on it but 310 rear was always an address. The owners shouldn’t be punished because the Borough made a mistake.**

**Mrs. Johnson discussed that she is 83 years old and that it never has been a garage. Mr. Prisco lived there and it has always been a house. There have never been any problems with the property. There are other small structures that were used the same way and many have been torn down. 116 Second Street has two structures on the property and there was also an additional structure on the property that Habitat built before they tore it down. Mrs. Johnson requested that the board look at the history and take the application in a favorable light.**

**Mr. Johnson-discussed that he has lived there since 1984, first in the front house and then to the apartment in the back. The building has been around forever. His mail is delivered there and he uses this address for social security. He is currently living in a motel waiting for the place to be fixed. Mr. O’Kane explained that he believes that people lived there, but it has to be made legal. Mr. Johnson does not want anyone to think it is a garage. Mr. Bonsignore discussed that when he bought the property from Mr. Prisco he was told that Mr. Johnson came with the property and that he does not want anyone to think it was ever a garage. Mr. Drollas discussed that no one is calling it a garage. It is shown as an accessory structure. Mr. Johnson explained that vehicles are not parked in there, only humans.**

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

**Mr. Drollas reviewed the motion; the motion would be to approve the accessory structure as a second residential use on the property and the applicant would be responsible for all corrections to the tax and sewer records. The owners are also responsible for all repairs required to obtain a certificate of occupancy. Mr. Dreby made a motion to approve the use, Mr. Gural second the motion. At the call of the roll, the vote was:**

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

**NAYES: None.**

**PUBLIC SESSION. Vice-Chairperson Beck made a motion to open the meeting to the general public, Mr. Stokes second the motion. All members present voted in favor of the motion. No one wishing to be heard, Vice-Chairman Beck made a motion to close the public portion, Mr. Stokes second the motion. All members present voted in favor of the motion.**

**BOROUGH COUNCIL UPDATE- Mr. Gural informed the board that the Borough now owns the Tri-Boro Vets property on Front Street and that it was purchased through liens from sewer. There are ongoing discussions on what to do with the property such as reselling it for a residential unit or tear it down. Mr. Gural reported that there is also discussions ongoing on the sign ordinance.**

**Chairwoman Locke requested a clarification on the rental inspection from Mrs. Kilmer. Mrs. Kilmer explained that after they submit their application and fee an inspection is scheduled. Inspections are once a year for now or at change of occupancy.**

**ADJOURNMENT. Mr. O’Kane made a motion to adjourn the meeting at 8:50 pm, Vice-Chairperson Beck second the motion. All members present voted in favor of the motion.**