

Borough of Palmyra
Land Use Board
Regular Meeting Minutes

~ May 21, 2012 ~

I. Call to order

Chairwoman Locke called to order the **Regular Meeting** of the **Borough of Palmyra Land Use Board** at **7:30 PM on May 21, 2012 in Borough Hall.**

Chairwoman Locke read the open public meetings statement into record as follows:

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Board Secretary in the following manner:

- i. Posting written Notice on the Official Bulletin Board at the Palmyra Borough Hall on January 3, 2012.
- ii. Mailing written Notice to the Burlington County Times on December 27, 2011; for publication on January 6, 2012.
- iii. Notice to All Board Members.

II. Pledge of Allegiance

III. Roll call

Present: Chairwoman Locke, Vice Chairman Beck, Mayor Scheffler, Mr. Dreby, Mrs. Elmes, Mr. Gural, Mr. Stokes

Absent: Councilwoman Riener, Mr. Neely, Mr. O’Kane

IV. Swearing in of Professionals

Mr. Rakesh Darji is in attendance for Mr. Hirsh this evening.

V. Committee Reports

- **Ad-Hoc Committee Report**

Mayor Scheffler stated to Chairwoman Locke that Mr. Bostock had mentioned a meeting scheduled for May 23, 2012. Mayor Scheffler will follow up on that date and get back to Chairwoman Locke.

▪ **Borough Council Report**

Mayor Scheffler stated for the Board that several of the BID members resigned at the May 14th Council meeting including the BID Director. Council is sorting out what they can do moving forward. Ted Rosenberg is reviewing all of Council's options. Mayor Scheffler is meeting with Mr. Bostock, Council liaison to the BID tomorrow night to discuss what they will do moving forward.

VI. Old Business

▪ **Approval of the April 16, 2012 work and regular session meeting minutes.**

A motion was made by Vice Chairman Beck, seconded by Mr. Stokes to accept the minutes as read. At the call of the roll, the vote was:

Ayes: Chairwoman Locke, Vice Chairman Beck, Mr. Dreby, Mrs. Elmes, Mayor Scheffler

Nayes: None

Abstain: Mr. Stokes, Mr. Gural, Mr. Dreby (work session only)

VII. Old Business

▪ **Rt. 73 Highway Commercial/Industrial Zone Sign Ordinance Committee**

A meeting has been scheduled for June and a follow up in September.

▪ **Status Update - Keystone Automotive Industries, Inc.: Application 2012-01 Minor Site Plan; Block 137, Lot 10; 613 Madison Street**

Chairwoman Locke asked Mrs. Kilmer if she had anything further to add. Mrs. Kilmer did not. The Board and Professionals did not have anything to add since the work session.

VIII. New Business

▪ **Mr. and Mrs. Peter Stock: Application 2012-02 Use Variance; Block 17, Lot 5; 719 Morgan Avenue**

Mayor Scheffler has recused herself from this application and has left the meeting.

Mr. Brewer has sworn in the Applicant Mrs. Barbara Stock and Mr. Peter Stock.

Chairwoman Locke asked Mrs. Elmes if the applicant has met all jurisdictional responsibilities. Mrs. Elmes stated for the record that they have been met.

Chairwoman Locke explained to the Applicant that there are six Board members present and they will need five affirmative votes on the application.

Mr. Darji explained to Applicant that he will need to acquire a variance to comply with "Location Ordinance" for an accessory structure stated in section 304F. The accessory structure needs to be at least ten feet away from the rear portion of the principal building. The Board is adding this additional variance to his original variance request.

Mr. Stock enters his testimony for the Board. Mr. Stock mentions that the car port was purchased to protect his wife's collectible Trans Am car. They explored other options for storage and felt that this particular structure was their best option. Their neighbors do not have any complaints about the structure. The structure does match their primary residence in color. It is situated three feet from the side property line as required. The Engineer was concerned about access to the deck. There is one and half feet between the structure and the deck. Access to the deck is not impeded by the structure.

Mr. Darji states that the applicant has shown the burden of proof for needing the Use Variance.

Mrs. Kilmer asked why the applicant does not park the car in their garage. The applicant stated that the garage was built in 1922 and is not big enough to house the car.

Vice Chairman Beck asked the applicant if he could build a concrete slab next to the garage to house the carport. The applicant stated that his yard is only 50 feet wide and would therefore not have any yard space remaining.

Mr. Stokes asked the applicant if they could tear down the existing garage and place the car port there. The applicant responded that he uses his garage for wood working and storage and does not see that as an option.

Mr. Dreby was going to address the same questions as Mr. Stokes had.

Mr. Gural states to the applicant that the Board needs to consider the other residents and neighborhoods when they make this decision. A structure of this sort does not meet our Ordinance for a reason. Mr. Gural further states that the applicant needs to prove to the Board that their property has a unique hardship and needs the Board to grant the Variance. Mr. Gural does not see that their situation meets the criteria for a Variance.

The applicant states that they will suffer a financial hardship if they cannot use the carport. Chairwoman Locke and Mr. Brewer states that the Board is not allowed

considering financial considerations in this matter. Since the car was purchased after the primary residence, this was a self-made hardship.

The applicant asked if there weren't sides to the structure, would it be permitted. The ordinance states that the structure cannot have sides. Mrs. Kilmer is allowing an apron six inches down from the top of the structure.

Chairwoman Locke entertained a motion to open the meeting to the public. Mr. Gural moved the motion, seconded by Mr. Dreby. The vote was unanimous and the motion carried.

Mr. Brewer has sworn in Mr. Christian Deitz of 714 Morgan Avenue. Mr. Deitz complimented Mr. Stock on how nice he keeps his property. He lives directly across the street and did not notice the car port until Mr. Stock told him it was there. He does not have any concerns with the car ports appearance or placement.

Mr. Brewer has sworn in Mr. Joseph Sulock of 717 Morgan Avenue. Mr. Sulock complimented Mr. Stock on keeping his property so nice. He can see the car port from his back porch but does not have an issue with it.

Hearing no one else from the public, Chairwoman Locke entertained a motion to close the meeting to the public. Vice Chairman Beck moved the motion, seconded by Mr. Gural. The vote was unanimous and the motion carried.

Chairwoman Locke asked Mr. Brewer to offer a form of a motion for the Board to consider. Mr. Brewer stated the Board is to consider a motion to approve the application for the Use Variance and the Dimensional Variance in the current application. The applicant will need five votes for an approval. Chairwoman Locke asked for a Board member to make a motion. Vice Chairman Beck made the motion for the Board to consider, seconded by Mr. Dreby. At the call of the roll, the vote was:

Ayes: None

Nayes: Mr. Stokes, Mr. Dreby, Mr. Gural, Mrs. Elmes, Chairwoman Locke, Vice Chairman Beck

Abstain: None

Vice Chairman Beck asked Mr. Stock what the egress is in the back part of his property in case of an emergency. Mr. Stock stated that there is at least ten feet behind his garage and there is also a four foot gate on the other side of his house.

Chairwoman Locke entertained a motion to open the meeting to the public. Mr. Stokes moved the motion, seconded by Vice Chairman Beck. The vote was unanimous and the motion carried.

Hearing no one from the public, Chairwoman Locke entertained a motion to close the meeting to the public. Vice Chairman Beck moved the motion, seconded by Mr. Dreby. The vote was unanimous and the motion carried.

Mr. Stokes addressed the Board about the amount of research Mr. Stock had done on this application. However, the only research he left out was coming to the town to see if it was allowed. Instead of going to his neighbors, he should have come to the town first.

Chairwoman Locke entertained a motion to adjourn the meeting. Vice Chairman Beck moved the motion, seconded by Mr. Dreby. The vote was unanimous and carried.

Meeting adjourned at 8:10 PM.

Respectfully Submitted,

Bridget Elmes
Planning Board Secretary

Approved 10.15.12