

**BOROUGH OF PALMYRA
LAND USE BOARD- DECEMBER 21, 2016
MINUTES**

CALL TO ORDER.

PLEDGE OF ALLEGIANCE with a request from Chairwoman Locke to silence all cell phones.

OPEN PUBLIC MEETINGS ACT.

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

- A. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on March 13, 2016.
- B. Mailing written notice to the Burlington County Times and Courier Post on March 13, 2016.
- C. Notice to all Board members.

ROLL CALL.

PRESENT: Mr. Blaisdell, Mr. O’Kane, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

LATE: Mr. King, Mr. Yetter

ABSENT: Mr. Gural, Mrs. Myers, Mr. Stokes

Also Present: William Kearns, Esquire appearing for Samuel Reale, Esquire, James Winckowski, Board Engineer and Tracy Kilmer, Zoning Officer

PLEDGE OF ALLEGIANCE.

MINUTES. Approval of the minutes from October 19, 2016, Mayor Arnold made a motion to approve the minutes, Vice Chairman Beck seconded the motion. At the call of the roll, the vote was:

AYE: Mr. O’Kane, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

NAY: None

ABSTAIN: Mr. Blaisdell, Mr. King,

OLD BUSINESS: Chairwoman Locke asked Mrs. Kilmer about receiving her monthly reports. Mrs. Kilmer stated that she gives it to the Clerk and the Clerk usually forwards them. Chairwoman Locke stated we will look into that internally. Chairwoman Locke for an update regarding the Delaware Avenue property front porch. Mrs. Kilmer advised that the property is in foreclosure and the bank has been trying to get them out so all work has stopped.

BOROUGH COUNCIL UPDATES. Mayor Arnold announced the Borough reorganization meeting will be Saturday, January 7, 2017 in the courtroom at 10:00 a.m. in Borough Hall. Chairwoman Locke discussed the 2017 Land Use Board meeting dates.

January 18, 2017 Reorganization & Regular
February 15, 2017
March 15, 2017
April 19, 2017
May 17, 2017
June 21, 2017
July 19, 2017
August 16, 2017
September 20, 2017
October 18, 2017
November 15, 2017
December 20, 2017

There being no discussion regarding the dates Chairwoman Locke asked for a motion to accept the 2017 dates. Motion by Vice Chairman Beck and seconded by Mr. King. All in favor, the vote was carried.

MEMORIALIZATION: Memorialization of COAH-FSHC Settlement Agreement between the Borough of Palmyra and Fair Share Housing Center (FSHC) dated November 15, 2016. The Chairwoman opened the floor for discussion. Mayor Arnold stated it was an intense process and commended Kelly Grant and Dave Gerkins. Chairwoman Locke requests a motion memorializing the agreement. A motion was made by Vice Chairman Beck and seconded by Mr. Yetter. At the call of the vote, the vote;

AYE: Mr. Blaisdell, Mr. King, Mr. O'Kane, Mr. Yetter, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke

NAY: None

ABSTAIN: None

NEW BUSINESS: Application 2016-LUB2, 15 Morgan Avenue, Block 101, Lots 4 & 5

Allen Ettenson, Taenzer, Ettenson Stockton & Aberant, represents Timothy Borrow and wife, Andrea, regarding 15 Morgan Avenue, Block 101, Lots 4&5. Mr. Borrer wants to tear down the current garage and replace it with a new and larger garage. This property is in a R-1 Zone. The proposed garage is 24x40x18. There is a need for two C-2 bulk variances. The variances would be for the maximum square footage of 600 square feet required in the Borough, his client is requesting 960 square feet and the other variance for an accessory garage is supposed to be put back no less than 10 feet from the rear of the house. Mr. Ettenson advises that they will be putting it in the exact same position. Mr. Ettenson presents Mr. Borrer to give testimony and he is sworn in by Mr. Kearns. Chairwoman Locke asks the secretary if the notifications have been received and was advised in the affirmative. Mr. Borrer testifies that the property at large is in good condition but the garage is in bad condition. Mr. Ettenson enters photographs as Exhibit A 1-4 showing the current condition of the garage. Mr. Ettenson asks Mr. Borrer why he would like the Borough to approve a larger garage. Mr. Borrer states he has multiple vehicles, motorcycle and a need for storage space because of items that must be kept outside the existing garage and the proposed garage will be able to hold minimum of 4 cars and a motorcycle. Mr. Ettenson asks Mr. Borrer to address the requested

clarifications from the engineer. The engineer would like to know if the architectural features of the proposed garage will be consistent with the rest of the home. Mr. Borrer stated yes. Mr. Ettenson asked if he intends to put a kitchen or a bathroom in the garage and Mr. Borrer stated no and stated only electricity will be run. Will external lighting be installed and Mr. Borrer states that he would like to have external lighting to light up the driveway and possible motion detectors. Do you intend to any modifications to the access driveway coming into the house? The applicant advised that the driveway will have to be widened to approximately the width of the new building. Will this affect any trees or shrubbery? Mr. Borrer states there are two trees that will be affected one is a potential hazard and dying and the other and a pine tree behind the garage must be removed but no other buffering or planting has been planned at this time. Chairwoman Locke asks Mr. Ettenson if he had a problem with her making a decision due to the fact that many years ago she worked in real estate and didn't know if that would be a problem with him. Mr. Ettenson states that he has no problem. Mr. Kearns stated that under ethics law that does not constitute a conflict. Chairwoman Locke opens the floor to the professionals. Mr. Winckowski, the engineer, asked that the application is for a garage that is 24 x 40 and 18 feet in height and that is the maximum height of the building. Mr. Borrer stated yes, the 18 feet is just at the peak. Mr. Winckowski asked if the garage door will be in the front and Mr. Borrer stated that he hasn't decided if it will be one door or two separate doors. Mr. Winckowski stated the plot plan did not show any extension of the driveway on the garage side will that be gravel or concrete. He is advised that it is not determined what will be used but it will not continue to the street, it will be a driving path to get into the garage. Chairwoman Locke opens the floor to the attorney. Mr. Kearns questioned applicant regarding the use of the garage being limited to personal use only and will not be used for commercial repairs of cars which is prohibited by the Borough and if the Board were to approve the application would he oppose a condition being put on the approval prohibiting commercial use. Mr. Borrer stated it will be for personal use only and has no problem with a condition. Chairwoman Locke opens the floor to Mrs. Kilmer. Mrs. Kilmer stated she would like to see gutters and upon final approval applicant must submit a copy of the driveway and the applicant agreed. Chairwoman Locke opens the floor to the Board members. Mr. King stated that as long as there is no commercial use and everything is in order the application should be granted. Mr. O'Kane asked if the limited use transfers with the title of the property and to make sure applicant is aware of the transfer. Attorney Kearns explained that it is a condition that transfers with the property and will be included in the Resolution and is enforceable by the Zoning Officer. Mr. O'Kane asked if there were any setback issued and the attorney advised that the engineer stated none. Mr. Beck asked with not putting in a bathroom will you be running water to the proposed garage and applicant stated no. Mayor Arnold inquired if the property requires flood insurance and is advised no. Mayor questioned the current height of the existing structure and expressed concern about the impact of the additional height and is advised by applicant that he is unsure of the current height but it is lower than 18 feet. What will be the impact on the coverage of the non-pervious surface? The engineer states that it is a double lot and the applicant is below the maximum permitted. The Mayor feel that this is not the right fit for that neighborhood and that area and it is her opinion to not approve this application. Mr. Blaisdall questioned if there will be a drainage issue and is advised that there should be none as long as the run off is done the right way and asked if applicant considered replacing structure with the same size building. Applicant stated that a smaller structure would not suit his needs. Mr. Yetter asked if there will be a loft in the building and is advised no. Mr. O'Kane asked if the entrance to the garage will be facing the street similar to current building so it will be a pull through and how much wider is proposed building than what you have now and is advised 24 feet. Mr. O'Kane asked if the garage wasn't there could that lot be sold. Mr. Kearns advises that if applicant wanted to sell it he would have to come before the

Board for a subdivision. Mayor Arnold asks about the bulk requirement being a maximum of 600 and the proposed building is 960 square feet. Mr. Ettenson explained that the additional square footage will be going deep as opposed to width. Mrs. Kilmer stated that if this application is approved it will be the largest assessor structure that has been approved by the Board and would put one stipulation that there be a new survey showing the height from foundation to feet.

Chairwoman Locke requests a motion to open to the public. Vice Chairman Beck makes the motion and motion seconded by Mr. King. All in favor. No one wishing to be heard, Mr. O’Kane makes a motion to close the public portion and motion seconded by Vice Chairman Beck. At the call of the vote, all in favor.

Mr. Kearns states if the application is approved, it would state particularly, no utilities, no kitchen, no bathroom, only the electrical outlets will be placed in the garage. Also it is required that an as-built survey upon completion showing the structure is built in accordance with the size and height that is approved by the Board subject to approval Board Engineer. Mr. Winckowski requests a revised plot plan showing the driveway extension before construction showing where the driveway will be widened. Chairwoman Locke confirms that applicant will work with the engineer regarding all the requirements and recommendations. Mayor Arnold asked that the stipulation regarding commercial and home-based businesses be included.

Chairwoman Locke requests a motion regarding the application. Motion to accept the application is made by Mr. O’Kane and seconded by Mr. King. At the call of the vote, the vote:

AYE: Mr. King, Mr. O’Kane, Mr. Yetter, Vice Chairman Beck, Chairwoman Locke

NAY: Mr. Blaisdall, Mayor Arnold

ABSTAIN: None

Application 2016-LUB02 is approved.

OPEN TO THE PUBLIC: Chairwoman Locke requested a motion to open the meeting to the public. Vice Chairman Beck made a motion to open to public. Mr. O’Kane seconded. No one wishing to speak, Chairwoman Locke requests a motion to close public portion. Mr. O’Kane made a motion to close the public portion and it is seconded by Vice Chairman Beck. All in favor vote. All say aye, no naves.

ADJOURNMENT. Vice Chairman Beck made a motion to close the meeting, Mr. O’Kane second the motion. All say aye, no naves. The meeting adjourned at 7:57 p.m.

Respectfully submitted,

MARIE L. NAGLE
LAND USE BOARD SECRETARY