

**BOROUGH OF PALMYRA  
LAND USE BOARD  
JUNE 21, 2017  
MINUTES**

**CALL TO ORDER.**

**ROLL CALL.**

**PRESENT:** Mr. O’Kane, Mr Furrer, Mr Yetter, Mr Stokes, Mr. Gural, Mayor Arnold, Vice Chairman Beck and Chairwoman Locke

**ABSENT:** Mr. Blaisdell, Mr. King

**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.

**SWEARING IN OF ALTERNATE MEMBERS:** Richard Dreby is sworn in by Mr. Burns, Esquire as an Alternate 2 for a two year term.

**MINUTES.** Approval of the minutes from April 19, 2017, Mr. Gural made a motion to approve the minutes, Mr. Beck second the motion. At the call of the roll, the vote was:

AYE: Mr. O’Kane, Mr. Furrer, Mr. Yetter, Mr. Stokes, Mr. Gural, Mayor Arnold, Vice Chairman Beck

NAY:

ABSTAIN: Mr. Dreby, Chairwoman Locke

**RESOLUTION:**

Memorialization of Resolution 2017-5, Application No. 2017-LUB1. Block 36 Lot 3. 6 West Spring Garden Street.

Chairwoman Locke asks if there are any question regarding the Resolution. Board Secretary notes that there is a correction on letter “C” on the next to last page. Where it is stated “porch” it should read “carport”. Chairwoman Locke asks if there is any discussion regarding the format of this Resolution. Hearing none she asked for a motion to accept the Resolution with the correction. Mr. Stokes makes a motion to accept the Resolution, second by Mr. Yetter. At the call of the roll, the vote was:

AYE: Mr. O’Kane, Mr. Furrer, Mr. Yetter, Mr. Stokes, Mr. Gural, Mayor Arnold

NAY: Vice Chairman Beck

ABSTAIN: Mr. Dreby, Chairwoman Locke

The motion is carried and the Resolution is memorialized.

Memorialization of Resolution 2017-6, Application 2017-LUB2, Block 15, Lot 8. 828 Parry Avenue.

Chairwoman Locke refers to the Resolution and believes there are corrections to be made and Mr. Gural comments that there was a review prior to the meeting with attorney Burns and gave him an overview and Chairwoman Locke stated she had a conversation with Attorney Grant. Mr. Gural comments that Mr. Burns has some suggested language and Chairwoman Locke refers to Mr. Burns. Mr. Burns ask the Board to turn to the final page of the Resolution. The beginning of the first paragraph is suggested to read “In response to a question from Board Member O’Kane, Zoning Officer Tracy Kilmer offered to withdraw her Notice of Violation on this matter based on the testimony provided by the appellant during the public hearing.” The remainder of the sentence in the draft Resolution will be deleted. Mr. Burns then refers to the last paragraph of page four, the first sentence will now read “The Land Use Board denies Zoning Officer Kilmer’s request to withdraw the notice and elected to overturn the same. The Land Use Board finds that the current use of the pole barn garage conforms to the Borough’s Zoning Ordinance and overturns the Zoning Officer’s Notice of Violation. The Land Use Board’s decision is subject to the following...” Mr. Burns advises that condition number one would change to read that “The January 10, 2017 Notice of Violation issued by the Zoning Officer is hereby overturned.” Chairwoman Locke asks if the Board has any questions and advises that she has also talked to Attorney Grant regarding this Resolution to make sure that it conformed to the correct protocol and procedure to avoid any problems and Ms. Grant assured her that everything was followed correctly. Chairwoman Locke asks for a motion to accept the Resolution with the suggested changes that council has provided. The motion was made by Vice Chairman Beck and second by Mr. Stokes. At the call of the roll, the vote was:

AYE: Mr. O’Kane, Mr. Furrer, Mr. Yetter, Mr. Stokes, Mr. Gural, Mayor Arnold, Vice Chairman Beck

NAY: None

ABSTAIN: Mr. Dreby, Chairwoman Locke

Board Secretary Nagle asks questions regarding the voting procedure. Mr. Burns advised to reopen the motion due to the fact that Vice Chairman Beck was to abstain from voting. Chairwoman Locke reopens the motion for a vote. Mr. Yetter makes the motion to approve the Resolution and second by Mr. Stokes. At the call of the roll, the vote was:

AYE: Mr. O'Kane, Mr. Furrer, Mr. Yetter, Mr. Stokes, Mr. Gural, Mayor Arnold

NAY: None

ABSTAIN: Mr. Dreby, Vice Chairman Beck, Chairwoman Locke

The motion is carried and the Resolution is memorialized.

Chairwoman Locke advised that the application for 423 West 5<sup>th</sup> Street will not be heard tonight due to non-compliance with advertising.

Mr. Dreby excuses himself from the meeting.

**BOROUGH COUNCIL UPDATES:** Chairwoman Locke request any Borough Council updates. Mr. Gural advised that the Governing Body adopted a Resolution asking the Land Use Board to take up the matter of revisiting the Master Plan. It has been introduced by title and the Resolution is being prepared. The Governing Body has adopted it. There will be meeting forthcoming regarding the Master Plan.

**OLD BUSINESS:** None noted by Chairwoman Locke.

**NEW BUSINESS:**

Application 2017-LUB04, Habitat for Humanity, Front & Arch Streets, Minor Subdivision, Variance Relief.

Chairwoman Locke request council and applicant to come forward. Mr. Burns advises the Chairwoman that there are required recusals with this application. Mr. Gural, Mr. Yetter and Mayor Arnold step off the dais. Barbara Casey, Esquire of Ballard Spahr in Cherry Hill introduces herself as the attorney for Habitat for Humanity Burlington County and Greater Trenton Princeton Affiliate being hereafter referred to as Habitat. Ms. Casey states that Habitat and the Borough have negotiated for Block 127, Lot 10, the corner of Arch and Front Streets. This property has been vacant and the Borough acquired it in a tax lien foreclosure and the proposal is for Habitat to assist the municipality in satisfying its requirement for affordable housing to create houses on this site. Habitat would like to build two houses on this site and states there are two proposed ways to do this. One is to request to subdivide it into two smaller lots so that there can be two undetached homes, which is what is requested. The other would have been to do an attached product which would have required a condominium which would have created another level of complexity for the homeowners. The subdivided lots requested are undersized than required by the Borough. Ms. Casey presented three witnesses to make a presentation and respond to questions. Ms. Casey presents the witnesses to be introduced, sworn and the surveyor will need to be qualified because he has not been before this Board previously. David Cummings, Director of Construction for Habitat, 530 Route 38 East, Maple Shade. Samuel Previtera, Taylor, Wiseman & Taylor, 124 Gaither Drive, Suite 150, Mount Laurel and Lori Leonard, CEO of Habitat for Humanity, 530 Route 38, Maple Shade, New Jersey appear as witnesses. Chairwoman Locke asks Mr. Burns to swear in the witnesses. Ms. Casey requests Mr. Previtera to describe his education, degrees held and schools that he has attended. Mr. Previtera advises that he holds a marketing degree from Gloucester College, Rowan College and surveying for over 30 years

and licensed for over 22 years. Ms. Casey states that Mr. Previterra is currently employed with Taylor Wiseman and Taylor and has been in the surveying business for over 30 years and asks Mr. Previterra if he has appeared before Land Use Boards, Zoning Boards in the state of New Jersey and approximately how many? He replies yes he has appeared before Westampton, Mount Laurel, East Greenwich, Hamilton Township, Winslow Township and others. Ms. Casey asks the Board to accept Mr. Previterra as a professional in the field of land survey. Chairwoman Locke agrees. Ms. Casey asks Ms. Leonard to explain the Habitat program in Palmyra. Ms. Leonard explains the Habitat program. Ms. Casey asks Mr. Previterra to explain the subdivision that is being proposed and begin his presentation. Mr. Previterra states that the property was two lots prior to the time the Borough obtained it. Both were odd shaped lots and they are proposing having the lots face toward Front Street due to traffic flow and frontage of the adjacent lot would be maximized. The lots are basically the same, approximately 50 x 100. Ms. Casey refers to the discussion with the Tax Assessor regarding the number of the lots and orientation of the lots and states the Tax Assessor proposed lots ten and eleven and also that they can either face Arch Street or Front Street. Either way they would be odd shaped lots and the 100 feet depth does not meet with the Borough Zoning codes in either direction. Ms. Casey asks Mr. Cummins to explain the housing to be placed on the lots. Mr. Cummins states that the housing proposed would be two 1200-1500 square foot single family homes, two to three bedrooms with one and a half bath and with parking that would conform to site standards. Chairwoman Locke asks if these will be one or two story building and is told one story and not two story because the height would make it difficult for volunteers. Ms. Casey asks Mr. Cummins to explain the off street parking. He states one will be at the rear of Arch Street and the other will be either to the right or left of other property on Front Street. Mr. Stokes asks if there will be parking for one or two cars in the driveway because he has concerns regarding parking on the street and fire safety and is advised it will be for two cars. Ms. Casey reviews and puts on record the variances requested for these lots. Code Section 305d1A for lot size area, minimum being 7500 square feet and they are 5000 square foot lots. The lot width is required to be 60 feet and they are proposing two 50 foot lots. The lot depth is required to be 125 feet and they are proposing 100.02 feet for each lot. The lot frontage is required to be 60 feet and they are proposing 50 feet on each lot. The front yard setback is not a variance but conforming with the ordinance in that the adjacent properties on Front Street are 11.9 feet. Chairwoman Locke asks for comments from the professionals. Engineer Bennett Matlack concurs with the applicant's testimony regarding the setbacks. He asks the applicant about the current condition of the lot. He is advised that the existing building will be demolished once Habitat has the title to the property. Ms. Casey advises that the acquisition is a condition of the subdivision. Assuming approval is granted and subdivision is complete then Habitat will move forward with the acquisition and once it is owned then insurance can be put in place for the demolition. Mr. Matlack recommends that the demolition of the building done before the subdivision is perfected. It can be a condition of the final subdivision approval that the building be demolished. Mr. Stokes asks for an explanation. Mr. Matlack explains that if the subdivision is approved and there is still a building than it is variance so we would want the building to be demolished while it is still on one lot as opposed to two lots. Chairwoman Locke replies that part of the problem is that it could be is that at the point they acquire title and the point the subdivision, the subdivision has to be recorded within 120 days to perfect it. Ms. Casey suggests that a temporary variance to permit the existing building to remain until the subdivision is perfected and they have title and are to remove the building. Chairwoman Locke defers to Mr. Burns. Mr. Burns advises that there may be two issues, is Habitat going to be able to close and are they willing to take title without the subdivision being perfected. Ms. Casey responds that this is not acceptable and gives an explanation. There is a discussion among the parties. Ms. Casey states that she proposes to do the

subdivision by Deed, once there is a perfected subdivision, Resolution adopted and the appeal process has run, than Habitat can close on the property. She believes that would mean, theoretically, if the Borough gave approval tonight, a month from now approved the Resolution, the appeal period ran then the closing could be in September very easily. That would be more than enough time to file the necessary Deeds, 190 days to perfect it and Habitat will be well within that time frame. It is proposed that the Borough signs the subdivision deeds and conveys each of those lots to Habitat as opposed to filing a map since this is a small subdivision. Chairwoman Locke asks Mr. Matlack if that would be acceptable that a subdivision would be created at the time of the filing of the settlement but the building is still on the lot. Mr. Matlack states strictly by the not filing standpoint it is not wanted that the building be there once the subdivision is finalized. Chairwoman Locke asked Mr. Matlack if there was anything that can be put into the Resolution that would satisfy his needs in this matter as opposed to the signing of the deed at settlement. Mr. Burns suggests putting into the Resolution that subdivisions are to be perfected by deed and also include that the building has be demolished within 90 days from closing. He concurs with the engineer with his concerns and believes this is the best way. Ms. Casey agrees with this term. Chairwoman Locke asks if there are any other questions. Mr. Matlack asks that he would like to see the descriptions of the leaps and bounds and Ms. Casey advises that she will be provide the descriptions and also provide the formal deeds to council and the Borough's Council. Chairwoman Locke asks if the Land Use Board will have to sign the Deeds and is told yes the Chairman and the secretary must sign. Chairwoman Locke asks for any questions from the Board. Mr. Stokes asks if the property goes into foreclosure does Habitat take the property back since they finance it. Ms. Casey responds that yes they take the property back and generally put it back in the program for another family. There being no further questions, Chairwoman Locke asks for a motion open the meeting to the public for anyone wishing to speak on this particular matter. Mr. Beck makes the motion and it is second by Mr. Furrer. All in favor. Wanda MacDonald, 828 Parry Avenue, asks a question if the surface area ordinance percentages will apply to these smaller lots and is advised yes. Chairwoman Locke, seeing no one else wishing to comment, asks for a motion to close the public portion. Vice Chairman Beck makes the motion to close and second by Mr. O'Kane. All in favor. Chairwoman Locke ask Attorney Burns for a form of motion if the Board was to vote in favor of the application. Attorney Burns reads a draft form of motion of his facts and finding for the application. Chairwoman Locke request a motion to accept the form of motion as provided by the council has provided as to the variances for the lot size, width, depth, frontage, front yard setback, conditions of demolition and the engineers conditions. Mr. O'Kane makes a motion to accept and second by Vice Chairman Beck. At the call of the roll, the vote was:

AYE: Mr. O'Kane, Mr. Furrer, Mr. Stokes, Vice Chairman Beck, Chairwoman Locke

NAY: None

ABSTAIN: Mr. Gural, Mr. Yetter, Mayor Arnold

The motion is approved.

The members return to the dais.

**OPEN TO THE PUBLIC:** Chairwoman Locke request a motion to open the meeting to the public. Mr. O'Kane makes the motion, second by Mr. Furrer. All in favor. Wanda MacDonald, 828 Parry Avenue, asked how she can obtain a copy of the signed resolution and a copy of the minutes. Board Secretary Nagle states she will e-mail Mrs. MacDonald when completely executed. Mr. Stokes leave the meeting for a fire

call. Chairwoman Locke, seeing no further comments, asks for a motion to close the public portion. Mr. O’Kane makes the motion close and second by Mr. Yetter. All in favor. Chairwoman Locke confirms that correspondence from Mr. Casparro and PSE&G was read and there was no discussion. Chairwoman Locke states that the Grimes application will be heard next month if the advertisement has been done and answer to her question regarding the beneficiary. Chairwoman Locke request a motion to adjourn. Mr. Beck makes the motion and second by Mr. Yetter. All in favor.

**ADJOURNMENT.** 8:03 p.m.

Respectfully submitted,

MARIE L. NAGLE  
LAND USE BOARD SECRETARY