

**BOROUGH OF PALMYRA  
LAND USE BOARD  
JULY 17, 2019  
MINUTES**

**CALL TO ORDER.** The Land Use Board meeting of the Borough of Palmyra is hereby called to order Chairwoman Locke at 7: 04 p.m.

**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 January 23, 2019.
- B. Mailing written notice to the Burlington County Times and Courier Post on January 23, 2019.
- C. Notice to all Board members.

Chairwoman Locke acknowledges receipt of letters of resignation from Richard Dreby and Theodore Scott. She asks for a motion to accept the resignations. Mr. Gural makes the motion and is second by Vice Chairman Beck. At the call of the Roll:

AYES: Mr. Gural, Mr. O’Kane, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke  
NAY: NONE  
ABSTAIN: NONE

Resignations are accepted.

**SWEARING IN OF MEMBERS:** Chairwoman Locke asks Attorney Brewer to swear in Mindie Weiner as a Class III, Bryan Norcross as a Class IV and Jessica O’Connor as Alternate #1. Chairwoman Locke welcomes the new members to the Board and explains the rules and process of a Land Use Board meeting.

**ROLL CALL:** Chairwoman Locke requests a roll call.

PRESENT: Mr. Gural, Mr. Norcross, Mr. O’Kane, Councilwoman Weiner, Mayor Arnold, Vice Chairman Beck, Chairwoman Locke, Ms. O’Connor  
ABSENT: Mr. Yetter

**APPROVAL OF THE MINUTES.** Chairwoman Locke asks if there are any questions or comments regarding the Minutes from December 19, 2018 and January 16, 2019 (Reorganization). Hearing none she asks for a motion to accept the Minutes as written. Vice Chairman Beck makes the motion and Mr. O’Kane second. At the call of the Roll:

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

NAY: NONE

ABSTAIN: Mr. Norcross, Councilwoman Weiner, Ms. O’Connor

Minutes are approved

**CORRESPONDENCE:** Chairwoman Locke refers Board members to the packet of correspondence and ask if there are any questions or comments. Ms. Weiner asks about the correspondence from State of New Jersey regarding Draft Solid Waste Facility Permit and is advised that it is just notification to the Board advising when the hearings are if anyone wanted to attend.

**BOROUGH COUNCIL UPDATES.** Chairwoman Locke asks the council members for any updates.

Mayor Arnold advises that the PNC Bank building appraisal for the Borough has been completed. The owner has been approached and, at this time, they have not agreed on a price. Borough Council is prepared to go forward with eminent domain if that is necessary. Mayor Arnold asks Attorney Brewer if he has anything to add. He comments that it is in the negotiation stage and the developer asked to be involved. Mayor Arnold continues her update with advising that there are several road projects going on in the Borough. The Temple Boulevard project is moving forward. She advises that the official park dedication in honor of Chief Payton I. Flournoy, Sr. will be in September and that the pavers are still available. The application for the purchase of the engraved pavers is on the website. Mayor Arnold advised that bat boxes were discussed at the council meeting.

Councilwoman Weiner reports that while there is quite a bit of roadwork, we received three grants totaling over \$850,000.00. A Resolution was passed to apply for two more NJDOT grants. She states that regarding the redevelopment on Route 73, Council has terminated an agreement with a potential redeveloper. She reports Council is looking into ordinance changes regarding parking. The business and Community Development Committee as well as the Public Safety Committee are joining forces at the request of some of the business owners. They are looking to change the one hour parking and also having permanent parking for the business employees. She shares that there are new Palmyra Borough banners on Market Street and also “Thank Our Veterans” banners.

**OLD BUSINESS:** Chairwoman Locke reminds all members of the Board that it is very important to view the storm water video as it is a requirement.

**NEW BUSINESS:** Chairwoman Locke questions the correspondence regarding a Treatment Works Approval Application from Environmental Resolutions, Inc. dated May 28, 2019 for a sanitary sewer extension to accommodate the elimination of the Public Road pump station. Mr. Gural explains that this is a project that the governing body is working on. We are eliminating that pump station and the State is notifying the Board of the application. He advises the Board does not need to take action.

**Application 2019-LUB01**, Block78.01 Lot 1, 1.01, 2, 2.02, 2.03, 2.04, 723 Public Road, application for subdivision. There is a discussion regarding a question of possible conflict of interest between the

applicant and Mr. Norcross with Mr. Brewer. No conflict was found. Mr. Gural has a question regarding eligibility for voting. Mr. Brewer explains the voting procedure and super majority. Mr. Gural expresses his concern and confirms that the applicant understands that there are only a maximum of six affirmative votes available and not seven and that five is needed. Mr. Brewer states that the applicant can proceed today or can wait until there are seven at the next meeting. Mr. Ehrhardt advises that they will proceed. Chairwoman Locke has a question regarding a possible conflict and questions Mr. Brewer. Mr. Gural also discloses that the Borough of Palmyra also has a contract with the applicant and Mr. Brewer advises that this is something that is understood that it is unavoidable. A recess is taken. It was found that no conflict exists with Chairwoman Locke and the applicant. Mr. Brewer swears in the witnesses, the applicant and the Borough Engineer. Mr. Ehrhardt begins questioning Mr. Greco. He asks Mr. Greco how long he has owned the property and what is his objective is to filing the application. He responds he been there approximately ten years and he has a number of parcels in Palmyra he would like to consolidate into two separate parcels, the house and the garage separately. He advises he had an application with the Cinnaminson Land Use Board regarding adjacent lots and that application was granted. He is asked if there is any new construction or redevelopment being planned and he advises no. Mr. Ehrhardt brings forward Mr. Ken Ridgeway of Robbins Associates. Mr. Ridgeway confirms that Robbins & Associates prepared the plans of this application ten years ago. He states he is a professional licensed surveyor and has been employed with Robbins & Associates for thirty-three years. Mr. Ehrhardt asks if he is familiar with some of the revisions and the aspects of the plans as it exists in the application. Mr. Ehrhardt asks if he understands that one of the things stated in the Borough Engineer's review letter was to widen lot 2 in Palmyra to make it a conforming width and he agrees. He is asked if he looked into it and if this would change the area of the properties and he replied yes. He states the increase from what was on the plan to the new lots, lot 1 would decrease in size to 286,038 square feet and lot 2 would increase to 26,820 square feet. Mr. Ehrhardt confirms with Mr. Ridgeway that by lot 1 he is referring to the larger portion where the landscaping business is located and lot 2 is where the residence is located and Mr. Ridgeway agrees. Mr. Ehrhardt confirms that the square footage being part of the plan was requiring 25,000 square feet and Mr. Ridgeway agrees. Mr. Ehrhardt begins questioning Mr. Galante and asks him to state his titles and professional qualifications. Michael Galante states he is a licensed professional engineer in the State of New Jersey, Commonwealth of Pennsylvania and the State of Maryland. He is also a Professional Planner in the State of New Jersey. Mr. Ehrhardt confirms for the sake of this application, he will be giving his testimony as a Professional Planner. He states his educational background is a Bachelors and Masters of Sciences from Rutgers University and works presently as a Municipal Engineer for clients in Pennsylvania. He does various land development projects and provides planning testimony throughout the State of New Jersey for various projects. Mr. Galante has been licensed as a Professional Planner for approximately 7-8 years. He is asked by Mr. Ehrhardt if he has testified on behalf of the applicant in front of Land Use Boards and he replies affirmatively. He testifies that he has not been before this Land Use Board before. Mr. Ehrhardt asks Mr. Gallante about the application, lot 2 and the use variance. Mr. Galante gives a brief overview of the zoning in the area and the existing site. The variance comes from the fact that the applicant is in the highway commercial zone. The site has frontage on Route 73 and County Route 543, however, there is no way to obtain access to the roadways. There is access on County Route 601 which has a majority of residential uses. The highway commercial zoning aspect of the district, without having access to a major highway, makes it difficult and that is basically the crux of the variance. At this time the applicant has a residential home and landscape business which meets the character more of the surrounding area. The applicant is adjacent to residential

uses R-1 which permits single family, municipal uses and churches. He advises that there are some existing non-conformity variances associated with the district. For example, the lot with the garage has a setback requirement of 50 feet whereas it currently has 38.2 feet causing a deviation of 11.8 feet. There is an existing non-conforming side yard setback of 3.7 feet where 50 feet is required. The Engineer's letter states there was originally a 116 foot lot width and now it will be 125 feet, eliminating the need for a variance. He continues that the surveyor provided testimony regarding the lot area and states that it will still be conforming if this was done. Mr. Ehrhardt asks Mr. Greco, in terms of the upkeep of the property, who maintains them. Mr. Greco responds that he does. Mr. Ehrhardt asks what that entails regarding the residential lot. Mr. Greco states it is maintenance of the trees, the lawn and general care of the property. Mr. Ehrhardt asks Mr. Galante to comment on the desirable visual environment aspect of the property. Mr. Galante states that lot is maintained by the owner and meets the character of the surrounding area. Mr. Ehrhardt asks what makes the site particularly suited to the use that is proposed. Mr. Galante states that there is no proposed use as part of the project. They are actually relocating lot lines but the actual existing uses are of the existing residential properties and a commercial use which is a low intensity landscape yard and a residential home which is compatible with the surrounding uses. Regarding the variance, within the engineer's review letter, it talks about the D 2 variance and the reason the applicant would require a D 2 variance. It is because when the lot lines are reoriented the proposed lot 2 will have a smaller area which would intensify the existing non-conforming residential home. Lot 1 was taken away because that would be not intensifying an existing non-conforming use. The variance comes from the intensifying the residential use but there is really no change to the property. It is just the lot line adjustment. Mr. Galante states that regarding some of the positive and negative criteria associated with the application, the project would positively advance the goals of the ordinance by allowing for the commercial piece of the property to be more conforming while the residential piece would be considered a D 2 variance. It meets the character of the surrounding area and since there are no improvements proposed, as far as negative criteria, the applicant does not see any negative impact as it pertains to the ordinance. There is no proposal for anything new. It is a lot line adjustments, intensifying an existing residential home that has been existing. Mr. Ehrhardt refers to the engineer's review letter and the comments about the billboard on the property and asks Mr. Greco to comment. Mr. Greco states that there is a billboard on the property and Roger Wilco rents it. The billboard has been on the property since he purchased it and to his knowledge it has been there for over 10 years and it is registered with the Department of Transportation. Mr. Ehrhardt submits a document listing the tenant of the billboard from the Department of Transportation and it is marked as Exhibit A-1. Mr. Greco explains that the Exhibit A-1 shows a document from the State that he has the rights to the billboard and who is registered to rent it. Mr. Galante comments that the billboard is a preexisting billboard that has been there for over ten years. Mr. Ehrhardt concludes and asks the Board for any questions. Chairwoman Locke refers to the professionals for any questions. Mr. Winckowski, the Board Engineer, states that there was a review letter dated February 11, 2019 and he has actually meet with the applicant and the professionals. The biggest issues with the application was regarding the uses. The single family home and its non-conforming use and the landscaping business and its non-conforming use. Through discussions with counsel and the applicant a determination was made that a use variance was required for the single family home lot for making the lot smaller and more intense but it did not require a use variance for the landscaping business at this time in that the lots are just being consolidated to one larger tract. However, if the applicant wanted to extend the landscaping business there would be a need for a use variance. He is asking the applicant to put on his plans have it clearly define the limit of the existing landscaping business

and the developed portion of the existing lot. That on the map it be defined so that there are no questions in the future and he would like to make this a request to have this as a condition of the application if this is approved. The applicant agrees. Mr. Winckowski continues that the review revealed that the lot width for lot 2, which contains a single family home, there was a zone changed over a period of time since the plot was originally developed. The actual minimal lot width requirement is actually 125 feet and the applicant had over 100 feet but not 125 feet and they are going to increase the lot width. This will require a portion of the landscape business that abuts the proposed property line to be relocated slightly so it on its own lot and the applicant agrees and also agrees to relocate the buffer between the properties. Mr. Winckowski asks the applicant to show this on the plans and the applicant agrees. Mr. Winckowski states that in the review there were some completion issues with some waivers but they are some minor items. Regarding the use variance, he explains there are positive and negative criteria that the planner explained and asks the board to consider them when making a decision. He recommends that, by the nature of the subject, it be filed by plat. It is considered two county roads that this tract is on. He reviewed correspondence stating the County approved a plat in 2015. Mr. Winckowski asks that the applicant go to the County and make sure all approvals are still valid and if the corrections he requested are still acceptable to the County. Mr. Ehrhardt states that the County indicated that their approval survives but because of the changes of the lot that they will be reapplying. Mr. Winckowski states there is a curb requirement regarding curbs and sidewalks and they will need a design waiver. The frontage is kept well. There is some curbing and sidewalks in and around the locations of the residential development. He states that it would be up to the Board whether they would be required for both properties. Mr. Ehrhardt states that the applicant did make the request to the neighboring Cinnaminson Land Use Board to not have curbs and sidewalks and it was granted and that would be consistent with the properties neighboring the Cinnaminson lot. Mr. Winckowski does not think that there is a concern with the billboard but if the applicant did redevelop the landscaping business or make it larger and intensify the use on that lot then the billboard issue would have to be revisited as being a lot that is non-conforming. Mr. Winckowski concludes. Chairwoman Locke ask Mr. Brewer if he has any questions and he has none. Chairwoman Locke begins polling the Board for questions. Ms. Weiner asked for verification regarding the encroachment of the residential lot, the business lot and the line of shrubbery. Mr. Winckowski explains. Ms. O'Connor asks if there was ever variance relief granted in the past for the non-conforming uses that are existing now. Mr. Greco states he does not think so. Mr. Winckowski asks Mr. Greco if he knows when the house built and is advised over 100 years. Mr. Winckowski advises that the house was constructed and occupied prior to zoning. Mr. Gural asks Mr. Greco if he would consider installing sidewalks and curbs on the residential portion. He explains that curbs and sidewalks would be required by the Borough and this applicant is seeking a subdivision and they are not being requested. Mr. Greco states that there is deteriorating curbing and sidewalks on that lot. Discussion begins and then Mr. Gural again asks if Mr. Greco would replace and put in new curbing and sidewalk on the residential section only. Mr. Galante responds that the house originally had steps that went out into the street and the County made them remove them. Mr. Gural asks if the applicant would put them in if the County approves them. Mr. Greco agrees. A discussion ensues. Mayor Arnold expresses her appreciation for the willingness to comply with the sidewalk and curb if the County approves. Chairwoman Locke has a concern about the sidewalk and curbing and the neighborhood scheme of things because there is not a sidewalk along the adjacent property and there is partial curbing along the other property and so there is one in the middle doesn't look like the neighborhood scheme. She knows it is a requirement of the Borough but considering this is a small residential property in between two commercial properties she

doesn't think she is leaning toward the curbing and the sidewalk. She comments that it again depends on what the County says. She is not in objection to it but she does not feel it follows through with the neighborhood scheme of things along that side of the property. She asked if the applicant will be submitting new drawings with the 125 feet drawn on it. Mr. Brewer states that it would be a condition if approved. Mr. Winckowski advises that revised plans would have to be put on file with the Board.

Chairwoman Locke asks for a motion to open the meeting to the public as to this application. Vice Chairman Beck makes the motion and is second by Mr. Norcross. All in favor, none opposed.

Chairwoman Locke seeing no one from the public wishing to speak asks for a motion to close the public portion of the meeting. Mr. O'Kane makes the motion and second by Mr. Norcross. All in favor, none opposed.

Chairwoman Locke asks Mr. Brewer to put this matter in the form of a motion. Mr. Brewer states it to be a Resolution to approve the application as presented with one provision to revise the lot width of the residential lot to 125 feet with the plans to be reviewed and approved by the Board Engineer. The conditions would be that the plans would be revised to delineate the scope and extent of the existing landscape business to be reviewed by the Borough engineer. The widening of the residential lot will require relocating the landscape business buffer and some of the materials that are part of the business onto the business lot. They will put the relocation on the plans to be reviewed and approved. This application will be protected by filing a plat. The applicant will be reapplying to the County due to the widening of the lot and have agreed to install sidewalks and curbs on the residential lot subject to the County's approving that as part of their application.

Chairwoman Locke asks for a motion to accept the motion as stated. Mr. Norcross makes the motion and second by Vice Chairman Beck. Chairwoman Locke asks for a vote by a call of the Roll:

AYE: Mr. Gural, Mr. Norcross, Mr. O'Kane, Vice Chairman Beck, Chairwoman Locke, Ms. O'Connor

NAY: None

The motion is approved.

There is a discussion regarding conceptual hearings and presentations.

**OPEN TO THE PUBLIC:** Chairwoman Locke asks for a motion to open the meeting to the public. Mr. O'Kane and second by Mr. Beck. All in favor, none opposed.

Managing Representative for Kaffir Thai, LLC, 16 East Broad Street, Mr. Ehrhardt, their engineer and Mr. Johnson, the architect, make a presentation regarding possible expansion of restaurant. Ms. Weiner asks Mr. Ehrhardt if he will be representing Kaffir Thai and answered affirmatively. Mr. O'Kane asks Mr. Ehrhardt how soon he plans to file an application and Mr. Ehrhardt states that once the plans are complete. Chairwoman Locke advises him to talk to the construction office regarding a timeline. Ms. Weiner expresses concern regarding the parking.

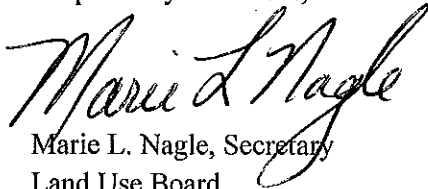
Chairwoman Locke asks if there is any other public wishing to speak. Hearing none, she requests a motion to close the public portion of the meeting. Mr. Norcross makes the motion and second by Vice Chairman Beck. All in favor, none opposed.

Chairwoman Locke asks the secretary for any outstanding items. She is advised that the storm water video needs to be reviewed by everyone and the next mandatory Land Use class schedule has not been released yet. Mr. Winckowski advises that there will probably be an application to be heard at next month's meeting.

Having no further business to conduct, Chairwoman Locke requests a motion to adjourn the meeting. Mr. Norcross makes the motion and second by Vice Chairman Beck. All in favor, none opposed.

**ADJOURNMENT.** Meeting is adjourned at 8:30 p.m

Respectfully submitted,

A handwritten signature in cursive script that reads "Marie L. Nagle". The signature is written in black ink and is positioned above the typed name.

Marie L. Nagle, Secretary  
Land Use Board  
Borough of Palmyra