

**BOROUGH OF PALMYRA
LAND USE BOARD
MINUTES
MAY 20, 2020 -7:00 PM
VIA ZOOM**

CALL TO ORDER. The Land Use Board Reorganization meeting of the Borough of Palmyra is hereby called to order by Chair Tanyika Johns 7:02 p.m.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETINGS ACT

SWEARING IN OF MEMBERS: Chairwoman Johns asks Andrew Brewer, Esquire to swear in Dr. Laura Craig Cloud. Mr. Brewer swears in Dr. Laura Craig Cloud as a Class III for a one year term expiring December 31, 2020.

ROLL CALL Chairwoman Johns request a call of the roll.

PRESENT: Vice Chairman Beck, Councilwoman Cloud, Mr. Gural, Chairwoman Johns, Mr. Keisler, Mr. Norcross, Mr. O’Kane, Mayor Tait, Ms. O’Connor, Mrs. Hui

ABSENT: Mr. Yetter, Mrs. Melvin, Ms. Weiner

APPROVAL OF THE MINUTES: Chairwoman Johns asks the Board if there are any questions or comments regarding the minutes of January 15, 2020. Hearing no questions, she requests a motion to approve the minutes. Mayor Tait makes the motion to approve and Vice Chairman Beck second. At the call of the roll:

AYES: Vice Chairman Beck, Mr. Gural, Chairwoman Johns, Mr. Keisler, Mr. O’Kane, Mayor Tait

NAYS: NONE

ABSTAIN: Mr. Norcross, Councilwoman Cloud

RESOLUTIONS: Resolution amending Resolutions 2019-1, 2019-2 and 2019-3 approved January 15, 2020 due to typographical errors to read as follows:

- A. Resolution 2020-1, Notice of Annual Scheduled Meetings
- B. Resolution 2020-2, “Open Public Meetings Act”

C. Resolution 2020-3, Authorizing Award of Contracts for Professional Services

Chairwoman Johns request a motion to approve the Resolution to amend. Mr. Gural makes the motion and Mr. Norcross second. Chairwoman Johns asks for a call of the roll;

AYES: Vice Chairman Beck, Councilwoman Cloud, Mr. Gural, Chairwoman Johns, Mr. Keisler, Mr. Norcross, Mr. O’Kane, Mayor Tait

NAYES: None.

At 7:10 Mrs. Melvin enters the meeting.

CORRESPONDENCE:

Chairwoman Johns notes the correspondence from Board of Chosen Freeholders County of Burlington dated March 31, 2020 regarding 723 Public Road (Greco) property. No action from the Board is required.

Chairwoman Johns notes the correspondence from Thomas H. Ehrhardt, Esquire dated May 12, 2020 requesting to extend the approvals granted for a period of 180 days from March 26, 2020. Mr. Brewer explains that the applicant, Mr. Greco and his attorney, Mr. Ehrhardt regarding the minor subdivision approval which is good for 190 days. The Municipal Land Use Law provides that in the event that they seek to perfect it but are unable to because of delay or other problems then the Board shall grant them an approval for up to one year. In the letter Mr. Ehrhardt has explained the difficulties that they have encountered. He explains that they have pursued the approvals but because of the most recent executive orders that have to do with the pandemic they have been unable to so. Mr. Brewer states he has prepared a Resolution that grants an extension for six months until August 26, 2020. He states that if the Board is satisfied with the fact that this is being legitimately pursued and points out that according to the Land Use Law states “it shall” grant the approval. Mr. Ehrhardt questions that six months would be September 26, 2020 not August. Chairwoman Johns asks the Board if there are any questions. Hearing none she requests a motion to approve the Resolution as corrected. Mr. Norcross makes the motion to approve and second by Vice Chairman Beck. Chairwoman Johns asks for a call of the roll:

AYES: Vice Chairman Beck, Councilwoman Cloud, Mr. Gural, Chairwoman Johns, Mr. Keisler, Mr. Norcross, Mr. O’Kane, Mayor Tait

NAYES: None

Chairwoman Johns advises the Board member who need to take the mandatory Land Use Board classes that they have been rescheduled for May 30, June 13 and June 27 and to please contact the Board Secretary if you would like to be registered. The classes will be online.

BOROUGH COUNCIL UPDATES

Chairwoman Johns asks if there are any Borough Council updates. There were none.

NEW BUSINESS: 400 Legion Avenue, Block 68, Lots 1, 3, and 13, Application No. 2019-LUB04, Bulk Variance Application.

Mr. Brewer swears in Mr. Frank Cosky, attorney for the applicant. Mr. Cosky testifies that his client bought the building previously known as the DeVece Printing building on 400 Legion Avenue off of Route 73. His client bought the building and tried to get his permits for his windshield business. He was just seeking to store windshields as they come in and sell them as he needs too. He has another building in New York and he was seeking to enter into the Philadelphia market. He thought Palmyra would be a good place to have a business. Mr. Brewer confirms with Mr. Cosky that some of the Board members have had a previous relationship with him. Mr. Cosky was previously the campaign manager for Mr. Keisler and Ms. O'Connor. Mr. Brewer asks that the record reflect that they will not be participating. Mr. Cosky continues to testify saying that his client purchased the building in 2019 and sought to get the necessary permits and was advised that he would not only get permits he had to apply to the Land Use Board in order to open the business. When he was seeking to start his windshield distributorship one of the issues that came up was that the former owner, Mr. DeVece, would be renting from him as he was winding down his printing business. Mr. Cosky was asked to provide, on the survey of the property, delineating where Mr. DeVece was actually going to be using. This is about a quarter to a third of the building for the print shop until he winds down the printing business which will probably be by the end of this year. His client would use the remaining area which is an open space to store and sell his windshields. His client is strictly a distributorship. He does not have general public come to the building and he is not open to the public. He is strictly to house and receive and take out his windshields. Mr. Cosky does not believe that this different from what the current use is. His client saw the building and it fit his needs. It does have a garage door to allow the windshields to be taken in and out. Mr. Cosky states that he knows the engineer had some concerns. Mr. Cosky has submitted the survey, provided the sketch and there were some issues with signage. It is understood that there cannot be two signs on one side of the building. His states that since his client's business is not open to the general public there is no problem with not having signage. His client is only hoping to start up the business. Mr. Cosky states that the engineer has a list of concerns. Regarding the driveway, Mr. Cosky states that everything that currently existing does not currently need any modifications. There will be no modifications, his client will be using the building as it currently exists. Mr. Winckowski, the Board engineer, begins to review his report. He discusses the second review letter dated March 3, which asked for the survey, the sketch and information regarding the signage which Mr. Cosky provided. He states that there only a few questions that the Board has to be comfortable with the answers on. First being the use being as it is described as a windshield distribution facility. Mr. Winckowski asks Mr. Cosky if the windshields are ordered in mass and then are stored in the building and then used as repairs are needed. Mr. Cosky states that his understanding is that they are ordered to some extent in mass but is unsure of the amount due to the current times. It could be a few or it could be a mass but they will be stored and then installed off site. Mr. Winckowski states that the zone allows for glass product manufacturing as well as wholesale establishments and warehouses. He states that there is some documents that were submitted with the application in writing and if the Board is approving of that, it meets the permitted zoning either as glass manufacturing or warehouse storage and distribution. The question that he had is that it is a second permitted use in the building and he does not find anything in the Borough Ordinances that allows only one permit per site especially on a commercial property. He states that without it being in the Ordinance

restricting permitted use, you would be entitled to run two business out of a single building. Mr. Winckowski states that regarding the signs two wall signs are allowed provided you meet the area requirements. The sketch provided by the applicant of the two signs showed the area will be less than the maximum that permitted by code. Provided that the plans and the details are submitted to Mrs. Kilmer and it is approved. The applicant should be entitled to the signs. Mr. Winckowski states that the last comment is due to site plan. It is a change in use. You are adding use to the site and site plan approval is required for that. He asks if the applicant is asking for a waiver of the site plan application and the review of the site plan application. This is where we had asked for improvements to the site, sidewalks along the frontages, loading, parking and how that is all going to be addressed. The site is non-conforming in that regard. There is limited sidewalk on a few frontages or partially. There is no overall onsite parking or driveway. He believes the applicants will utilize the shoulder of the road. Mr. Cosky remarks there a couple of places for parking by what will be the main entrance of the building on 5th Street. Mr. Winckowski advises that there is a curb cut and grassy area on the Legion Avenue that can be used. The Board has to decide if this change of use rises to the level of requiring site plans. Mr. Winckowski completes his report. Chairwoman Johns asks if there are any questions from the Board. Mayor Tait confirms with Mr. Cosky that the applicant will only be storing windshields. There will be no customer. There will be no making of the windshields. Mr. Cosky confirms that his client does not manufacture any windshields. He is strictly a distributor. Councilwoman Cloud asks about glass disposal. Mr. Cosky advises none is needed, his client does not install any of the windshield on the premises. Mrs. Hui asks how are the windshields going to be delivered and what kind of vehicle he will use. Mr. Cosky responds that his understanding is that the windows come in a delivery vehicle. Mr. Winckowski recommends that if the applicant is on the phone maybe he can explain. Mr. Brewer swears in Mr. Rafoul Antoun for testimony. Mr. Brewer states that there was a question regarding how the glass is delivered. Mrs. Hui repeats her questions. Mr. Antoun that most delivery comes in vans. Mr. Winckowski asks how many employees does he have working at the site. Mr. Antoun responds that he has three or four employees. There will be two people on site and the other will be making deliveries. Mr. Winckowski asks where the employees will park. Mr. Antoun advises that they will park in the driveway because this is not a big operation. Mrs. Kilmer states that applicant stated that he will not be making any modifications to the business. She asks how will the two businesses be separated. Mr. Antoun says that the building is already divided. Mrs. Kilmer wants to know if there will be any building modifications after the business has left. Mr. Anton states that he does not know about the future. Mr. Cosky advises that issue can be revisited in the future because it is unknown how long Mr. DeVece will be there. Mrs. Kilmer asks about outside lighting. She states that he is very close to a rental property and the driveway where there will be deliveries. Will there be additional lighting in that area? Mr. Cosky asks Mr. Antoun if there will be any evening hours of operation or will it be daylight. Mr. Antoun states that it will only be by the daylight. Mrs. Kilmer confirms there will be no additional lighting installed and is advised no. Ms. Kilmer asks if he will be storing anything outside. Mr. Antoun advises no. Ms. Kilmer asks how many bathrooms are in the building and if there is enough. Mr. Antoun says that in thinks there are three for the employees. Mrs. Melvin asks a question regarding the sign when the other business leaves the site. Mr. Cosky advises that the sign will be removed once the business has left. Hearing no further questions Chairwoman Johns requests that Mr. Brewer sum up the testimony. Mr. Brewer states that the application is for a waiver of the applicant to get a full site plan and two pre-existing bulk variances which is lot width and lot area. The change in use is permitted and would not significantly change the traffic or the other aspects that would really require a full site plan review. The Board would have to be satisfied with

that testimony. He states that Mr. Winckowski talked about, and he agrees, that there is nothing in the ordinance that prohibits two principal uses on the site. This would also be based upon the conditions that were put on the record that there were no changes being made to the building, there is no additional lighting being put outside, there is no outside storage of material and that when the printing business that is currently there ceases to occupy the property that their sign will be removed from the property. This requires a vote for a waiver of site plan approval with two pre-existing bulk variances and the conditions he stated. Mr. Gural asks that there be another condition that any new tenants would also be required Land Use Board Approval. Mr. Winckowski comments that any new site plan would need to come to the Board but it can be reinforced in the Resolution.

Chairwoman Johns asks for a motion to open to the public. Mr. Gural makes the motion and Mr, Norcross second. All in favor, none opposed.

Hearing none Chairwoman Johns asks for a motion to close the public portion. Mr. Norcross makes the motion and Vice Chairman Beck second. All in favor, none opposed.

Chairwoman Johns requests a motion to approve the application 2019-LUB04 as stated by Mr. Brewer. Mr. O’Kane makes the motion and second by Vice Chairman Beck. At the call of the roll:

AYES: Vice Chairman Beck, Mr. Gural, Chairwoman Johns, Mr. Norcross, Mr. O’Kane, Mrs. Melvin

NAYES: None

ABSTAIN: Councilwoman Cloud, Mayor Tait

RECUSE: Mr. Keisler

Application is granted.

OPEN TO THE PUBLIC

Please state your name and address for the record.

Chairwoman Johns request a motion to open to the public. Mr. Norcross makes the motion and Mayor Tait second. All in favor, none opposed.

Hearing no one wanting to speak, Chairwoman Johns requests a motion to close the open portion. Mr. O’Kane makes the motion and second by Mr. Beck. All in favor, none opposed.

ADJOURNMENT

There being no further business, Chairwoman Johns requests a motion to adjourn the meeting. Mr. Norcross makes the motion and Mayor Tait second. All in favor, none opposed.

Respectfully submitted,

MARIE NAGLE, Secretary
Land Use Board