**BOROUGH OF PALMYRA**

**LAND USE BOARD VIRTUAL MEETING**

 **FEBRUARY 17TH, 2021**

**CALL TO ORDER**

The Borough of Palmyra Land Use Board Reorganization meeting was called to Order by Land Use Board Secretary, Doretha Jackson at 7:03 pm.

The pledge of Allegiance was recited.

**OPEN PUBLIC MEETINGS ACT**

Chairman Yetter read the following into the record:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and in consideration of

Executive Order No. 103, issued by Governor Murphy on March 9, 2020 and Executive Order No. 196 issued by Governor Murphy on November 16, 2020 declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Borough of Palmyra Land Use Board does hereby notify the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of the board the meeting of the Land Use Board will conduct a virtual reorganization meeting. Members of the public are encouraged to attend and participate virtually. Those participating virtually may be muted and their video image disabled, however all members of the public attending will be afforded the opportunity to participate during the public portion of the meeting. Notice of this meeting was published in the Burlington County Times on January 26th, 2021. Notice was posted on the Municipal Door, Official Bulletin Board, and electronic signs on January 26th, 2021 and on the Borough of Palmyra Website on February 12th, 2021 notice was given to all Land Use Board Members

**ROLL CALL**

Secretary Jackson called the roll of the board:

PRESENT: Chairman Yetter, Vice-Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Mrs. Hui

ABSENT: Ms. O’Connor, Mrs. Melvin

**APPROVAL OF THE MINUTES**

Chairman Yetter asked if there were any questions or comments regarding the January 20th, 2021 Land Use Board Reorganization Meeting minutes. Hearing none, he requested a motion to approve the minutes as written. Councilwoman Cloud made the motion to approve the minutes as written and Vice Chairman Beck second the motion. Chairman Yetter asked for a call of the roll.

**At the call of the roll the vote was as follows:**

AYES: Chairman Yetter, Vice-Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Ms. Hui

NAY: None

**CORRESPONDENCE**

Chairman Yetter noted the Summary Comments of the Redevelopment Plan for Block 80

Lot 6 presented by Mr. Gerkens. Mr. Brewer explained the process of adopting the Redevelopment Plan

for Block 80 Lot 6 noting the steps which the Land Use Board had already taken and what Borough

Council had done. Mr. Brewer stated the Borough Council had introduced Ordinance 2021-2, An

Ordinance of the Borough of Palmyra, County of Burlington and State of New Jersey Adopting the

“Redevelopment Plan” for Block 80 Lot 6 Former Knights of Columbus Site, Dated January 2021 in

Accordance with the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7 et seq. on February 8th,

2021 and passed it at the first reading. Mr. Brewer indicated they were awaiting comments from the

Land Use Board and would hold a public hearing and second reading for adoption on March 1st, 2021.

Mr. Brewer explained Land Use Board Resolution 2021-9, Resolution Regarding Consistency of Proposed

Ordinance entitled “An Ordinance of the Borough of Palmyra Adopting the “Redevelopment Plan for

Block 80 Lot 6 Former Knights of Columbus Site, Dated January 2021 in Accordance with the Local

Redevelopment and Housing Law N.J.S.A. 40A:12A-7 et seq.” with the Borough’s Master Plan.

Mr. Brewer then read Resolution 2021-9 into the record:

**BOROUGH OF PALMYRA**

**LAND USE BOARD**

**RESOLUTION 2021-9**

**RESOLUTION REGARDING CONSISTENCY OF PROPOSED ORDINANCE ENTITLED “AN ORDINANCE OF THE BOROUGH OF PALMYRA ADOPTING THE ‘REDEVELOPMENT PLAN FOR BLOCK 80 LOT 6 FORMER KNIGHTS OF COLUMBUS SITE, DATED JANUARY 2021, IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-7 et seq.’ WITH THE BOROUGH’S MASTER PLAN**

**WHEREAS**, the Borough Council has referred Ordinance 2021-02 “An Ordinance of the Borough of Palmyra adopting the Redevelopment Plan for Block 80 Lot 6 Former Knights of Columbus Site, dated January 2021, in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7 et seq.”, for review by this Land Use Board pursuant to N.J.S.A. 40A:12A-7(e) for review and identification of any provisions that are inconsistent with the Borough’s Master Plan and any other matters this Board deems relevant; and

**WHEREAS**, the Land Use Board has reviewed the aforesaid draft Ordinance and considered the matter at the public meeting held by the Board on February 17, 2021,

 **NOW THEREFORE**, be it resolved by the Land Use Board of the Borough of Palmyra on this 17th day of February 2021 that the proposed Ordinance 2021-02 is consistent with the Borough’s Master Plan and it is the recommendation of the Land Use Board that Ordinance No. 2021-02 be adopted in its current form without revision.

Lewis Yetter, Chairman Land Use Board

Doretha R Jackson, Secretary

Chairman Yetter asked for a motion to approve Resolution 2021-9. Mayor Tait made a motion

to approve LUB Resolution 2021-9. Vice-Chairman Beck second the motion.

At the call of the roll the vote was as follows:

AYES: Chairman Yetter, Vice-Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Ms. Hui

NAY: None

Motion carries LUB Resolution 2021-9 was approved

**BOROUGH COUNCIL UPDATES**

Councilwoman Cloud noted the Redevelopment Plan for Block 80 Lot 6 former Knights of Columbus

Site, was introduced, and approved at first reading at the Borough Council Meeting on February 8th,

2021. She noted that the public hearing, second reading and final adoption would be held March 1st,

2021 at the Borough Council Meeting at 6:30 pm.

**OLD BUSINESS**

Chairman Yetter read LUB Resolution 2021-8:

 **BOROUGH OF PALMYRA**

**LAND USE BOARD**

**RESOLUTION 2021-08**

 **RESOLUTION OF MEMORIALIZATION**

**IN THE MATTER OF 414 WEST FIFTH STREET**

**Application No. 2020-LUB04**

**Applicant: Sylvia Hunt**

**Premises: 414 West Fifth Street**

**WHEREAS,** Sylvia Hunt (“Applicant”) is the owner of property located at 414 West Fifth Street Palmyra, New Jersey, more particularly described as Block 62 Lot 9 on the Tax Map of the Borough of Palmyra, (“subject property”) which is improved with a single-family 2.5 story structure; and

**WHEREAS**, the subject property is located in the R-2 Zone; and

**WHEREAS**, Applicant filed an application for a design waiver to allow a previously installed brick-paver sidewalk to remain in place whereas concrete sidewalks are required by Borough Ordinance (“Application”); and

**WHEREAS**, the regulations in the Palmyra Land Development Code applicable to the R-2 Zone provides that sidewalks shall be constructed of concrete whereas the currently installed sidewalk is constructed of brick pavers; and

**WHEREAS**, James Winckowski, P.E. the engineer for the Land Use Board provided a review letter dated December 18, 2020 of the Application which was reviewed by the Applicant; and

**WHEREAS**, the Land Use Board held a public hearing on January 20, 2021; and

**WHEREAS**, the Applicant appeared without representation.

**NOW THEREFORE**, the Borough of Palmyra Land Use Board makes the following Findings of Fact and Conclusions with respect to the Application:

1. The Application requires a variance from § 237-36.A which provides that all sidewalks “. . . shall be constructed of concrete with a thickness of four inches.”
2. The Applicant submitted and the Board reviewed the following documents in support of the Application:
	1. Development Application
	2. Photographs of the subject property

3. During the Application, testimony was offered on behalf of the Applicant by Ms. Hunt.

4. Ms. Hunt testified that her old concrete sidewalk had deteriorated and was cracked and dangerous.

5. Ms. Hunt further testified that her children paid for and installed the new brick paver sidewalk without knowledge that the ordinance required concrete sidewalks.

6. During the hearing, Mr. Winckowski, P.E., testified that the brick pavers used in today’s construction has as the same or better compressive strength as the concrete and would not pose a safety issue.

7. During the hearing, several Board Members and neighbors of the Applicant noted that the installation the brick paver sidewalk was done well, and it was an improvement to the neighborhood.

 9. The testimony offered by the Applicant supports the finding and determination that the proposed design waiver for the brick paver sidewalk is compatible with the adjoining and existing uses, would not impair the intent and purpose of the zone plan or Master Plan and would not be a substantial detriment to the public good.

 **NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Palmyra that the Findings of Fact and Conclusions are hereby adopted as though they were set forth herein at length and made a part of this Resolution; and

 **BE IT FURTHER RESOLVED**, that the relief requested by the Applicant for a variance from Section 237-36.A of the Borough Code as set forth above herein, be and hereby is **GRANTED,** subject to the following Conditions.

1. The approvals contained in this Resolution are conditioned upon the Applicant receiving and complying with any and all other municipal, county, state and federal approvals required and shall comply with all other municipal, county, state and federal rules and regulations; and

 **BE IT FURTHER RESOLVED** that the relief requested by the Applicant is subject to all conditions placed on the record during the hearing held on January 20, 2021; and

 **BE IT FURTHER RESOLVED** that the relief requested by the Applicant is subject to the conditions set forth in the review letter of James Winckowski, P.E.

 **BE IT FURTHER RESOLVED** that the Applicant shall pay all outstanding professional fees and bills in connection with this Application within thirty (30) days after receipt of billing. Should the Applicant fail to pay such professional fees and bills within thirty (30) days, then the Applicant’s approval hereinbefore set forth shall be deemed null and void and said approvals shall be deemed withdrawn with no further force and effect; and

 **BE IT FURTHER RESOLVED** that a certified copy of this Resolution of Memorialization and Findings of Fact and Conclusions to which it is attached be sent to the Applicant within ten (10) days from the date of adoption, the Borough Clerk, the Borough Construction Official, and any other person who may request a copy of the decision; and the Applicant shall publish a brief notice of this in the official newspaper of the Borough of Palmyra.

Lewis Yetter, Chairman Land Use Board

Doretha R. Jackson, Secretary

Memorialization of LUB **Resolution 2021-8** Resolution for Memorialization in the Matter of 414 West Fifth Street Application 2020-LUB04 Sylvia Hunt - 414 West 5th Street, Block 62 Lot 9

Approval of sidewalk design waiver.

Chairman Yetter asked if there were any comments or questions. Seeing none, Chairman Yetter asked

for a motion to approve Resolution 2021-8.

Vice-Chairman Beck made a motion to approve LUB Resolution 2021-8. Mayor Tait second the

motion.

Chairman Yetter asked for a roll call vote.

The call of the vote was as follows:

AYES: Chairman Yetter, Vice-Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Mr. O’Kane, Mr. Robinson, Mr. Rossignol, Ms. Hui

NAY: None

**NEW BUSINESS**

There was no new business for this meeting

**PUBLIC COMMENT**

Chairman Yetter asked anyone making comments to state their name and address for the record.

Chairman Yetter asked for a motion to open to the public for comment.

Mayor Tait made a motion to open the meeting to the public for comment. Vice Chairman Beck second the motion.

All voted in favor of the motion.

Mayor Tait indicated there was a new business opening in town on Broad Street called “Tears”, she noted it is a grief counseling service.

Ms. Kelly – Highland Avenue – Ms. Kelly asked if the property owner was still involved in the process. Mr. Gural indicate yes, noting that the property owner had placed the property for sale. Ms. Kelly asked if Mr. Gerkens indicated that he did not recommend the property be used for residential due to the condition it is in. Mr. Gural stated in the redevelopment plan which he prepared he did not include, as a permitted use, residential housing. Mr. Gural stated he did not say because it was in dilapidated condition, he noted that as a general reason why the property need redevelopment. Mr. Gural stated that if you wished to get a copy of his comments you may request a copy of it.

Chairman Yetter asked for a motion to close the public comment.

Vice-Chairman Beck made a motion to close the public comment. Mayor Tait second the motion.

All voted in favor of the motion.

Having no further business, Chairman Yetter requested a motion to adjourn the meeting. Mayor Tait made a motion to adjourn the meeting. Vice-Chairman Beck second the motion.

All voted in favor of the motion.

Meeting was adjourned at 7:22 pm

Respectfully Submitted,

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra