

**BOROUGH OF PALMYRA**

**LAND USE BOARD MEETING MINUTES**

**July 21<sup>st</sup>, 2021-7:00 PM, HYBRID- IN PERSON/VIA ZOOM**

**CALL TO ORDER**

The Borough of Palmyra Land Use Board Reorganization meeting was called to Order by Land Use Board Chairman, Lewis Yetter at 7:06 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, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the 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, this meeting of the Palmyra Land Use Board will be held Virtually. Members of the public are invited to “attend” the Virtual Land Use Board Meeting but all members of the public participating in the meeting may be muted and their video image disabled. Notice of this meeting was published in the Burlington County Times on January 26<sup>th</sup>, 2021. Notice was posted on the Municipal Door, Official Bulletin Board and electronic signs on June 18<sup>th</sup>, 2021 and the Borough of Palmyra Website on July 16<sup>th</sup>, 2021 and 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, Mr. Gural, Ms. O’Connor, Mr. Robinson, Mrs. Hui

ABSENT: Councilwoman Cloud, Mr. Rossignol, Ms. Melvin

## **SWEARING IN**

Mr. Brewer then swore in Sharmaine Belton.

Ms. Belton is filling the unexpired term of Brian O’Kane, term ending 12/31/22

## **CORRESPONDENCE**

Ms. Jackson indicated there was no correspondence. Mr. Jackson noted the Wilco Properties, LLC application was advertised to be heard tonight, however they have postponed and will be heard at the next meeting August 18<sup>th</sup>, 2021.

## **BOROUGH COUNCIL UPDATES**

Mayor Tait stated a site visit was held today at the Rt 73. Redevelopment area to see the progress which had been made.

Mayor Tait noted the first reading of the amended parking ordinance 2021-12 was held on July 19<sup>th</sup>, 2021, second and final reading will be held on August 16<sup>th</sup>, 2021.

Mayor Tait stated the Palmyra Nature Cove has opened the Community Garden, where you can pick, plant or weed as you like.

## **OLD BUSINESS**

**Application 2021-LUB04 – Thomas E Weber – 603 Lincoln Avenue, Blk 22-Lot 2**

**Resolution 2021-14** Memorialization in the Matter of 603 Lincoln Avenue, Blk 22-Lot 2

Chairman Yetter then read Resolution 2021-14:

### **BOROUGH OF PALMYRA**

#### **LAND USE BOARD RESOLUTION 2021-14**

#### **RESOLUTION OF MEMORIALIZATION IN THE MATTER OF 603 LINCOLN AVENUE**

#### **APPLICATION NO. 2021-LUB04**

**WHEREAS**, Thomas Weber (“Applicant”) is the owner of property located at 603 Lincoln Avenue, Palmyra, New Jersey, more particularly described as Block 22 Lot 2 on the Tax Map of the

Borough of Palmyra, (“Subject Property”) which is improved with a single-family two and one-half story residence, shed and free-standing garage; and

**WHEREAS**, the subject property is located in the R-1 Zone; and

**WHEREAS**, Applicant filed an application for bulk variances to allow for a third accessory structure (above ground pool) where a maximum of two are permitted and hard surface coverage of 59.9% whereas a maximum of 50% is permitted (“Application”); and

**WHEREAS**, James Winckowski, P.E. the engineer for the Land Use Board provided a review letter dated May 10, 2021 of the Application which was reviewed by the Applicant; and

**WHEREAS**, the Planning Board held a public hearing on June 16, 2021; and

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

1. The Application requires a variance from § 158-16D (4) (R-1 Residential District) which provides for a maximum of 50% hard surface coverage whereas 59.9% is proposed; and a variance from Ordinance No. 2013-1 which permits a maximum of 2 accessory structures, whereas three are proposed.

2. The Applicant submitted and the Board reviewed the following documents in support of the Application:

a. Development Application

- b. Property Survey, dated March 3, 2010 by Robins Associates, with sketch depicting proposed pool location
  - c. Pool schematic
  - d. Photographs of the Property
3. During the Application, testimony was offered by the Applicant Mr. Weber.
  4. Mr. Weber testified about the need for the variance relief. He testified that above ground pools, garages and sheds are common accessory structures.
  5. Mr. Winckowski noted that the increase in maximum hard surface coverage is caused by the pool surface, which has a lesser impact than actual hard surface coverage.
  6. The testimony offered by the Applicant supports the finding and determination that the proposed variances for construction of the pool as a third accessory structure and the increase in hard surface coverage 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.

#### **RESOLUTION**

**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 variances from Section 158-16D (4) of the Palmyra Land Use Ordinance and Ordinance No. 2013-1 as set forth above herein, be and hereby is **GRANTED**, subject to the following Conditions.

1. The Applicant shall comply with all representations placed on the record during the June 16, 2021 hearing.
2. 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 June 15, 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.

Chairman Yetter asked for a motion to approve LUB Resolution 2021-14. Mayor Tait made a motion to approve LUB Resolution 2021-14. Mr. Gural second the motion.

Chairman Yetter asked for a roll call vote, **at the call of the roll the vote was as follows:**

AYES: Chairman Yetter, Mayor Tait, Mr. Gural, Ms. O'Connor, Mr. Robinson, Ms. Hui

NAY: None

ABSTAIN: Vice Chairman Beck

ABSENT: Councilwoman Cloud, Mr. Rossignol

## **NEW BUSINESS**

**Application 2020-LUB05 - 614 Kennedy, LLC—614 Kennedy Street, Blk 134 Lots 1, 2.02, 2.03, 3 and 13**  
Kevin Sheehan Esq. of Parker McKay introduced the following applicant and professionals who would be giving testimony regarding Land Use Board Application 2020-LUB05:

Richard Hagemeyer, Kerbeck Manager

Jim Miller, Professional Planner

Bill Nicholson, Engineer with William Nicholson Associates, P.A.

Mr. Sheehan stated that 614 Kennedy, LLC is an affiliated entity with the Kerbeck Automobile dealership. Mr. Sheehan indicated they purchased the property 614 Kennedy Street, which had previously been used as a mechanic shop and located behind the current dealership several years ago. Mr. Sheehan indicated the application before the board is for a "D" variance to permit the existing building to be used as a service facility with 10 bays and also requesting site plan approval and additional variances identified in the review letter from Mr. Winckowski, Board Engineer.

Mr. Brewer swore in the following applicant and professionals for testimony regarding Land Use Board Application 2020-LUB05:

Richard Hagemeyer, Kerbeck Manager

Bill Nicholson, Engineer with William Nicholson Associates, P.A.

James Miller, Professional Planner

Mr. Sheehan indicated a waiver was requested from the impact /traffic study. Mr. Winckowski indicated he did not object to that waiver, if testimony was given regarding the number of vehicles that would typically travel to and from the sight. Mr. Sheehan asked Mr. Hagemeyer to speak regarding this site in relation to the other Kerbeck sites and what customer traffic is anticipated at the facility.

Mr. Hagemeyer indicated the facility is across from the main service facility and this facility will be used only for premium brand cars., Bentleys, Rolls Royce, Lamborghinis, etc. Mr. Hagemeyer stated that they really would not be a lot of volume/traffic that would affect traffic in the area. Mr. Hagemeyer indicated a minimal number of customers would be going in that facility most would be going to the main service facility. Mr. Winckowski indicated that was sufficient.

Mr. Hagemeyer indicated what they were trying to do is give the technicians working on the vehicles more space. He noted there would be two mechanics with five bays each allowing vehicles in for service that are dissembled the ability to stay dissembled until parts are received to complete the repair, instead of have to reassemble then dissemble again to complete a repair. Mr. Hagemeyer indicate they were trying to be more efficient. Mr. Hagemeyer indicated customer are not normally allowed in a mechanical shop however on a rare occasion one maybe to explain a particular repair, customers are greeted in the main service facility and porters move the vehicles from location to location on site.

Mr. Sheehan indicated there are 19 parking spaces proposed in the parking lot and 19 parking spaces on Kennedy Street. Mr. Hagemeyer indicated the spaces have been there since the Bridges owned the property and they don't intend to make changes t those spaces. Mr. Hagemeyer indicated parts are delivered to the main facility and technicians will be working in the building Monday thru Friday from 8:00am to 4:00pm. Mr. Winckowski asked Mr. Hagemeyer when the property was purchased and if improvements were made to the spaces on Kennedy. Mr. Hagemeyer indicated the building was purchased in 2017 and a recoating was done to the spaces on Kennedy Street. Mr. Hagemeyer indicated the building is currently being used for storage.

Mr. Nicholson indicated he held a BS in Civil Engineering from University of Delaware and has been working in the civil engineering land development field in Burlington County. Mr. Nicholson indicated he has had his own firm for 35 years located in Mt. Laurel.

Mr. Nicholson indicated he prepared the site plan and noted most of the facility already exists, they proposed deleting the 18 parking spaces on Kennedy Street and two spaces in the main parking lot of the building, remove some of the existing stones on the front and Orchard side and create a landscape buffer to adjoining lot 2 which is a residential property, also installing some landscaping between Lot 2 and lot 13.

Mr. Sheehan indicated they were requesting some variances for sidewalks and lighting can you explain. Mr. Nicholson indicated in accordance with Mr. Winckowski's letter, we do not feel the sidewalks are appropriate in the setting now as there is no need for pedestrian sidewalks in this neighborhood. Mr. Nicholson indicated the waiver for the size of the parking spaces on Kennedy which currently exist at 16 ft deep, require a waiver which they also wish to acquire. Mr. Nicholson indicated the accessible parking space proposed which needs to be 18 feet deep in accordance with ADA regulation which they will comply with. Mr. Nicholson indicated they do not anticipate lighting as the public does not use the building.

Mr. Winckowski indicated that although you indicated it is existing, it appears to have been completed without any approvals so currently we would like to clean it up and make the site conform to the code. Mr. Winckowski stated we need to make sure the spaces are 18 feet deep and do not encroach into the travel way of Kennedy Street. Mr. Winckowski noted that a portion of the spaces are in the right-of-way, if the Board is ok with that, but they cannot extend into the travel way. Mr. Winckowski indicate he would work with Mr., Nicholson regarding the parking space and make sure the is adequate space in the travel way for emergency vehicles. Mr. Winckowski indicated the landscape buffer is required. Mr. Winckowski inquired as to when the landscape buffer would be put in. Mr. Hagemeyer indicated in would be in by fall. Mr. Winckowski indicated sidewalks are required along property frontages however the board can make that decision. Mr. Winckowski noted there is sidewalk partially along Front Street, but there is no sidewalk on the other three frontages. Mr. Winckowski suggested completion of the sidewalk on Front Street.

Mr. Miller indicated he is licensed in the State of New Jersey and certified by the Institute of Certified Planners as a Certified Planner.



Mr. Miller indicated he had reviewed the application and noted the property is zoned I (industrial) noting the North of the located are a series of commercial Kerbeck buildings; east is a residential garage and an apartment building; south four single detached homes zoned R-1 and to the west are portions of the Kerbeck dealership and those areas are zoned HC (highway commercial), noting the existing site was formally a machine shop. Mr. Miller indicated the proposed use is significantly less intensive than the use that was present on the site in prior years. Mr. Miller indicated they were seeking a "D" use variance as the auto repair and parts facility is not a permitted use in an industrial zone. Mr. Miller noted there were also "C" variances outlined earlier in the hearing. Mr. Miller indicated the positive reasons why he felt the variances sought should be granted, they include purpose A, purpose G and purpose N of Land use Law. Mr. Miller indicated the property is suited for the purposed use as the site has an existing building and parking lot which are ideal for the use purposed, the building was formally used as a machine shop and is readily adaptable to the proposed auto service use; the parking does not meet the letter of the code but the use is going to be intergraded into the overall Kerbeck dealership which has plenty of parking and the site will only have two employees so the parking is more than adequate. Mr. Miller indicated the parking spaces on Kennedy and because the garage bays open onto that road are factors which justify relief of the sidewalk requirement. Mr. Miller indicated he felt the use was also suited because of the surrounding and established land use patterns around it. Mr. Miller also noted this use also puts the building which was vacant into a productive use. Mr. Miller indicated he did not believe there was any detriment to the use of the public and will not impair the intended use of the zone plan.

Chairman Yetter asked for a motion to open to the public:

Mayor Tait made a motion to open to the public for comment. Mr. Gural second the motion.

All voted in favor of the motion.

Chairman Yetter asked if anyone from the public wanted to make a comment:

Ms. Lindsay from Front Street asked if Kennedy Street would utilize to bring in vehicles rather than Front Street. Ms. Lindsay testified that there are many speeding cars and carrier trucks up and down her street. She noted that many children are in the area and she was concern that those heavy-duty trucks, speeding cars and trailers would hurt someone. Ms. Lindsay indicated that Kerbeck keeps their property clean and she would like to see the sidewalks installed. Mrs. Lindsay indicated the vehicle carriers speed down Front Street, where children are playing, if they could be redirected to go down Kennedy Street that would be great. Mr. Hagemeyer indicated he would look address it, noting they should be coming

down Rt 73 and turning onto Kennedy. Mr. Hagemeyer indicated the trucks are coming from GM and they would send them a letter indicating the driver can not go that way.

Ms. Kelly asked what the plan use is of the existing bays is once the new bays are constructed. Mr. Hagemeyer indicated the existing bays will be used will be shared by the two technicians that are working in that building. Ms. Kelly asked if new safety features are being installed in the new bays that don't existing in the old ones. Mr. Hagemeyer indicated if was unsure at this point in the project.

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

Mayor Tait made a motion to close to the public for comment. Vice-Chairman Beck second the motion. All voted in favor of the motion.

Chairman Yetter asked if there were question or comments from the Board or the professionals. Mr. Winckowski indicated the sidewalk issue had not been resolved. Mr. Winckowski indicated the resident requested the sidewalks be installed on the Front Street side and if the were coming before the board with a new application they would be required. Mr. Winckowski indicated is does make sense to extend the sidewalk along Front Street and potentially along the portion of Orchard to tie in the where the existing paved area along Orchard that continues around to Kennedy Street. Mr. Winckowski noted they were also going to remove some of the stone at existing along the curb line of Orchard and Front to put in a green space to separate the parking lot from the curb. Mr. Winckowski indicated that if approved he would work with the applicant and their engineer to develop a stripping plan along Kennedy to make sure the parking is maintained correctly.

Mr. Gural asked Mr. Winckowski to clarify where he recommended the sidewalk be placed.

Mr. Winckowski indicated from the middle of the property on Front Street where it exists, continuing sidewalk on Front to the corner wrapping around and across lot 13 and tying into where the asphalt along the frontage of Lot 1. Connecting to Orchard where a defined drive way can be place so there is a defined driveway for cars to go in and out. Mr. Hagemeyer indicated he would be willing to install the sidewalk and apron as indicated by Mr. Winckowski.

Chairman Yetter asked for a motion to approve the site plan with the "D" and "C" variances presented with the following four conditions:

The buffering landscaping will be installed by the fall

The applicant will copy the board with it contact to GM and other entries which deliver vehicles to

Kerbeck with a reminder that they do not use Front Street

Application amended to provide for installation of sidewalk on Front Street that continues down to Orchard Avenue and a defined apron entrance to the parking lot location to be agreed upon and Review by the board engineer, for Application 2020-LUB05 614 Kennedy, LLC – 614 Kennedy Street, Blk 134 Lots 1,2,02.2.03 and 13.

Vice-Chairman Beck made a motion to approve Application 2020-LUB05 614 Kennedy, LLC. as noted, by Mr. Brewer. Mr. Gural second the motion.

Chairman Yetter asked for a roll call vote, **at the call of the roll the vote was as follows:**

AYES: Chairman Yetter, Vice-Chairman Beck, Mr. Gural, Ms. Belton, Ms. O'Connor, Mr. Robinson, Ms. Hui

NAY: None

ABSENT: Mr. Rossignol, Mrs. Melvin

## **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.

Jerry Caruso asked if any thing else was required of him for the signing off of the board on the deeds, and getting them recorded. Mr. Winckowski indicated he saw the county approval come in but has not seen the revised plans or descriptions. Mr. Caruso indicated he had dropped them of them off at Mr. Winckowski's office yesterday morning. Mr. Winckowski indicated he would locate them review them and if ok would give the sign off for the Board Chairman to sign off on them. Mr. Winckowski indicated the deeds (hard copies) should be sent to Ms. Jackson.

Bob Rader asked why does the Land Use Board allow the public to comment of a general nature after the work section portion of the meeting before adjournment., while the Borough Council eliminated the public opportunity to comment following the work session portion of the meeting. Mayor Tait indicated it is up to the chairman of the Board as to when the public comment portion takes place on the agenda it could be before or after their hearings. Mr. Gural indicated the Land Use Board and Borough Council are different Boards which operate differently. Mr. Gural indicated the public is afforded the opportunity to speak at every meeting of Borough Council. There was some additional discussion regarding public comment an when it takes place at the Borough Council meeting. Mr. Rader asked if all applications to the Land Use Board needed to be presented by a professional attorney. Ms. Jackson indicated not all application need a professional attorney for presentation. Mr. Gural indicated commercial applicants before the Land Use Board must be represented by professional consultants, however resident's do not but can if they wish. Mr. Rader as are their guideline that can be obtained to help prepare the application. Ms. Jackson indicated the application guidelines are on the Borough of Palmyra website along with the application.

Ms. Kelly indicated that council has changed the public comment sections of the meeting. She appreciated Mr. Rader's comment.

No one wishing to make a comment, Chairman Yetter asked for a motion to close the public comment. Mayor Tait made a motion to close the public comment. Vice-Chairman Beck second the motion. All voted in favor of the motion.

Having no further business, Chairman Yetter requested a motion to adjourn the meeting. Vice-Chairman Beck made a motion to adjourn the meeting. Mr. Robinson second the motion. All voted in favor of the motion.

Meeting was adjourned at 8:17 pm

Respectfully Submitted,

Doretha R. Jackson, RMC

Land Use Board Secretary

Approved: August 18<sup>th</sup>, 2021