

**BOROUGH OF PALMYRA**  
**LAND USE BOARD MEETING**  
**April 27<sup>th</sup>, 2022, at 7:00 PM**

**CALL TO ORDER**

The Borough of Palmyra Land Use Board meeting was called to order by Chairman Yetter at 7:04 pm.

The pledge of Allegiance was recited.

**OPEN PUBLIC MEETINGS ACT**

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Land Use Board Secretary in the following manner:

- A. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on January 25<sup>th</sup>, 2022
- B. Mailing written notice to the Burlington County Times and Courier Post on January 25<sup>th</sup>, 2022.
- C. Notice to all board members.

**ROLL CALL**

Chairman Yetter requested a roll call.

PRESENT: Chairman Yetter, Vice Chairman Beck, Mayor Tait, Ms. Belton, Mr. Gural, Mr. Robinson, Mr. Rossignol, Ms. O'Connor

ABSENT: Councilwoman Cloud, Mrs. Melvin

**APPROVAL OF THE MINUTES**

Chairman Yetter asked if there were any questions or comments regarding the March 23<sup>rd</sup>, 2022, Land Use Board Meeting Minutes. Hearing none, he requested a motion to approve the minutes with the correction noted. Mayor Tait made the motion to approve the minutes as written. 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, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: None

Abstain: Ms. Belton

## **CORRESPONDENCE**

Chairman Yetter acknowledged the following correspondence.

Letter from Thomas H Ehrhardt, Esq. Representing Jackson's Estates, LLC withdrawing Application 2022-LUB01– 403 West Broad Street, Block 59 Lot 8.

## **BOROUGH COUNCIL UPDATES**

Mayor Tait noted the upcoming Palmyra Day, Saturday April 30<sup>th</sup>, 2022. Mayor Tait also mentioned the Town Wide yard sale, May 21<sup>st</sup>, 2022 and the upcoming Memorial Day Celebration.

## **OLD BUSINESS**

**Resolution 2022-09** – Memorialization in the Matter of P.U.R.E., LLC Regarding Amended Preliminary and Final Subdivision for **201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01**

### **BOROUGH OF PALMYRA**

#### **LAND USE BOARD**

#### **RESOLUTION 2022-09**

#### **RESOLUTION FOR AMENDED PRELIMINARY AND FINAL SUBDIVISION APPROVAL**

#### **Application No. 2022-LUB02**

**Applicant: Palmyra Urban Renewal Entity, LLC**

**Premises: 201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, 6.01**

**WHEREAS**, Palmyra Urban Renewal Entity, LLC (the "Applicant" or "PURE") made application to the Land Use Board of the Borough of Palmyra (the "Board") for Amended preliminary and final major subdivision approval for its proposed redevelopment of two warehouses, and a residential development with public open space dedication and various site modifications (the "Development" or "Project") on property designated as Block 156, Lots **1, 1.01, 1.02, 2,**

**2.01, 3.01, 4.01, 5.01, 6.01** on the Tax Map of the Borough of Palmyra, commonly known as 201 & 351 Route 73 South (the “Property” or the “Site”); and

**WHEREAS**, the Applicant is the owner of the Property and the entire Property is located within an area in need of redevelopment, and within the Route 73 South Redevelopment Area; and

**WHEREAS**, Applicant published a hearing notice in an official newspaper of the Board and provided notice of the Application to those required to receive the same in accordance with law and filed proofs of publication and of service with the Board Secretary; and

**WHEREAS**, the Board determined that proper notice had been given to establish jurisdiction to consider the Application and held a hearing on the Application on March 23, 2022, and reviewed the report of the Board Engineer, James Winckowski, P.E., CME, (report attached hereto), considered the questions and comments of the public, and considered the testimony and exhibits presented by the Applicant; and

**WHEREAS**, a public hearing was held on March 23, 2022 during which CherylLynn Walters, Esq. represented Applicant.

**NOW, THEREFORE, BE IT RESOLVED**, on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on March 23, 2022 when it granted the requested amended preliminary and final major subdivision approval, with conditions and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. As requested in its application dated January 2022, the Applicant seeks the following relief from the Board:
  - Amended Preliminary and Final Major Subdivision approval to consolidate Lots 1, 1.02, 1.02, 2, 2.01, 3.01, 4.01, 5.01 and 6.01 of Block 156 into four (4) separate lots.

2. At the public hearing on March 23, 2022, Exhibit A-1 (Subdivision overlay) was entered into evidence.
3. In addition to the marked Exhibit, the Applicant submitted and the Board considered the following documents, which were made part of the Application:
  - Applications for Amended Preliminary and Final Major Subdivision.
  - Disclosure of names and addresses of stockholders of partners owning at least 10 percent interest in a corporation or partnership of an application.
  - Set of plans entitled “Amended Preliminary & Final Major Subdivision,” consisting of one (1) sheet, prepared by DPK Consulting, dated November 19, 2021, and revised through December 9, 2021;
4. The Board considered the following submittals from its consultants:
  - a. Report of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated March 16, 2022, (attached hereto); and
5. The Board carefully considered public comments as well as the following testimony at the public hearings:
  - Applicant produced Joseph Hanrahan, PE of Hammer Land Engineering. Mr. Hanrahan testified as to his qualifications and was accepted as an expert in civil engineering. Mr. Hanrahan testified that the Application was seeking approval that had been previously granted by the Board, but later modified and not perfected. He testified that the proposed development would not require any variances from the Route 73 South Redevelopment Plan.
  - Mr. Hanrahan further testified about Exhibit -A-1, which is a subdivision overlay depicting the changes to the previously approved subdivision. He further testified that the subdivision would create

four lots, one for the affordable housing component; one for the NAI warehouse; one for the Fillit warehouse; and one for open space.

- He testified that the Open Space will be dedicated to the State, and that the trails were moved onto private land.

6. With regard to the Property the Board finds the following:

- The Property is located in the Route 73 South Redevelopment District.
- The Property consists of approximately 162.54 acres.
- The Applicant seeks amended preliminary and final major subdivision approval for its proposed redevelopment of two warehouses, and a residential development to provide 102 units of affordable housing in five buildings, with public open space dedication (the “Development”) and various site modifications.

7. The Subdivision conforms to the requirements of the Route 73 South Redevelopment Plan and requires no variances.

**NOW, THEREFORE, BE IT RESOLVED**, on this date the Borough of Palmyra Land Use Board memorializes by means of this Resolution the action taken on March 23, 2022 when it granted the requested amended preliminary and final major subdivision approval with conditions and other appropriate relief. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. Amended Preliminary and Final Subdivision Approval is hereby granted as depicted upon the aforesaid plans.
2. Subdivision Approval is subject to the following condition:

- a. Applicant shall comply with all of the items in the March 16, 2022 letter of James Mr. Winckowski, P.E.
3. Prior to execution of the Final Plat Applicant shall obtain all other State, County and agency approvals required.
4. The Applicant shall be bound by and comply with all the representations made by Applicant and the Applicant's witnesses and professionals before the Board at all public hearings and the same are incorporated herein and are representations upon which this Board has relied in granting the approvals set forth herein and shall be enforceable against the Applicant and any developer of a particular section or parcel as if those representations were made conditions of this approval.
5. Prior to the execution of the final Plat, all plan revisions as required elsewhere in this approval shall be submitted to the Board Engineer for review and written approval.
6. If any of the individual findings, conclusions, or conditions as stated in this resolution are subsequently declared invalid, then the remaining findings and conclusions shall be deemed sufficient to support the decision of the Board and the remaining conditions.
7. The Board Secretary shall provide a copy of this Resolution to the Borough Attorney and to the Construction Official within 20 days of the date hereof.
8. This Resolution shall take effect as provided by law.

**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 if there were any comments or questions, seeing none

Chairman Yetter asked for a motion to approve LUB Resolution 2022-09. Mayor Tait made a motion to approve LUB Resolution 2022-09. Vice-Chairman Beck 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, Mayor Tait, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: None

ABSTAIN: Ms. Belton

## **NEW BUSINESS**

Chairman Yetter stated, we will be hearing new **Application 2022-LUB03** – 201 & 351 Rt.73 South, Block 156, Lot 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, & 6.01, Palmyra Urban Renewal Entity, LLC, (PURE) Amended Preliminary and Final Major Site Plan Approval.

### **Application 2022-LUB03**

**Applicant** – Palmyra Urban Renewal Entity, LLC (PURE) Glenn Stock

**Applicant Attorney** – Cheryl Lynn Walters

**Applicant Engineer** – Joseph Hanrahan, Civil Engineer, P.E., Hammer Engineering

Ms. Walters indicated they were present representing the applicant Palmyra Urban Renewal Entity, LLC. Mrs. Walters indicated they were before the board earlier requesting amended major subdivision approval, and are currently before the board seeking amended Preliminary and Final Major Site Plan

Approval. Mrs. Walters noted the A section of the application referred to the NAI warehouse and affordable housing area Block 156 Lot 1, 1.01, 1.02 and that the B section of the application referred to the Fillit site where the second warehouse will be located Block 156 Lots 2, 2.01, 3.01, 4.01, 5.01, 6.01.

Mrs. Walters indicated that PURE, LLC applied to the Land Use Board in October of 2020 seeking preliminary and final major subdivision and final major sight plan approval. That application was approved with conditions on November 18<sup>th</sup>, 2020 and memorialized in resolution 2021-07 in January 2021. Ms. Walters noted that during that time Fillit filed for bankruptcy which precluded PURE from being able to perfect required subdivision application and due to the bankruptcy certain plan adjustments, storm water management and design changes were required due to the inability at that time to utilize the Fillit site. PURE has since acquired the Fillit site, thus the need to make changes to the approved plans. Mrs. Walters noted that they had appeared before the board last month for amended subdivision approval and are before the board today for amended sight plan approval. Mrs. Walters stated the changes that were previously administratively approved by Mr. Winckowski were also included with the application. Ms. Walters indicated they would be readopting the original stormwater management design as the Fillit property is out of bankruptcy, some proposed revisions to address the impact of the roads, and some field revisions due to ongoing work in the field. Mrs. Walter noted the issues with the Eagles nest and the need to reduce the size of warehouse on the Fillit site. Mrs. Walters stated that none of the changes proposed impact the affordable housing site as it was originally approved. Mrs. Walters noted the approval from the governing body to come before the Land Use Board.

Mr. Brewer sworn in Mr. Joseph Hanrahan, Clinton Miller and Glen Stock.

Ms. Walters introduced Mr. Joseph Hanrahan to explain the amended changes for preliminary and final major site Plan Approval.

Mr. Hanrahan indicated he is a licensed engineer in the State of New Jersey and ten other states and has been working the field of land development for thirty years, noting his involvement in this project for the past three years. Mr. Hanrahan stated he has been licensed in the State of New Jersey since 1997.

Mr. Hanrahan indicated the project had been split into two Phases 1A on the former NAI property consisting of Warehouse 2 and the affordable housing pad area; and Phase 1-B which is warehouse 1 on the former Fillit Property. Mr. Hanrahan noted they were here requesting various changes to the approved site plan.

Mr. Hanrahan gave out a packet to the board with various design layouts displayed and introduced the following exhibits for consideration.



**Exhibit #**                      **Document Description**

A-1 / pg. 2                      Plan approved in November 2020

Mr. Hanrahan indicated this shows how the site plan was approved in 2020 with the two warehouses and the affordable housing community.

A-2/ pg. 1                      Overall Site Layout Exhibit 4/22

Mr. Hanrahan indicated this displays the project that is before the board now, showing warehouse two in its smaller size due to Eagle nest buffer requirement.

A-3/ pg.3                      NAI phase 1-A overlay exhibit dated 4/25/22

Mr. Hanrahan noted the changes requested to the stormwater runoff. Mr. Hanrahan noted the original design took the runoff to the Delaware River indicated the change will now take it to the Pennsauken Creek which is much closer. Mr. Hanrahan indicated the DEP approvals were complete and they also wanted the stormwater runoff to go into the creek noting some environmental improvements with less disturbance of the environmentally sensitive areas.

Mr. Hanrahan noted the request to remove a redundant drive now the Fillit property is back in play.

A-4/ pg.5                      EX07 Qualified Railroad Exhibit 4/25/22

Mr. Hanrahan spoke about the change to a guard rail from timber to NJDOT standard steel guide rail at the back of the NAI site, which is not visible from the roadway.

Mr. Hanrahan noted the tree restoration due to over clearing of the site. Mr. Hanrahan indicated 30 trees would be planted in the area which was over cleared, noting that they will add burring and grading to further enhance the area. Mr. Winckowski added that when it is complete it will look better than it did in its original state. Mr. Hanrahan indicated the projects required the redeveloper to do a burrow habitat enhancement area which is located on the southeast corner of the affordable housing track.

Mr. Hanrahan noted the change of a regular stall to a handicap ADA assessable stall to be added at the north end of the NAI building as required by code.

Mr. Hanrahan noted the preceding were the changes to the Phase 1-A plan and moved on to the Phase 1-B application changes/requests.

A-5/ pg.6                      Phase 1-B Fillit Overlay Exhibit dated 4/25/22

Mr. Hanrahan stated the original building was approved for a million twenty-five thousand sq. ft. which, due to the eagle nest location is being reduced to a 704,182 sq. ft. building, noting that just less than one-third of the building was removed. Mr. Hanrahan noted that because of the building reduction it

would also reduce the trailer parking and loading stalls. Mr. Hanrahan noted that originally there were 784 parking stalls which is now down to 438 and originally there were 300 trailer parking stalls and that is now down to 235 and 216 loading docks and not it down to 145.

A-6/ pg.7 Water Tank Exhibit dates 4/25/22

This plan is also designed incorporating the new legislation for stormwater management. Mr. Hanrahan noted that for firefighting purposes a water tank is required for the project. Mr. Hanrahan indicated it is about 34 feet to the top and 28 feet in diameter. It will be placed in the southeast corner of the warehouse building.

Mr. Hanrahan spoke about raising the grade of the site approximately one foot, noting this was to get the utilities and development further away from the land fill.

Mr. Hanrahan noted they will be replanting 1209 trees for the water front development preservation and 1099 for bald eagle nest enhancement; over 2300 trees will be replanted beyond, what was approved in 2020.

Chairman Yetter asked if it was a pond, to the west of the storm drain. Mr. Hanrahan indicated yes; it is a wetland pond.

Ms. O'Connor asked if the water tank would feed both buildings. Mr. Hanrahan indicated it would only feed the one warehouse. Ms. O'Connor asked if it would be sufficient to feed the building if the building was expanded back to its original size. Mr. Hanrahan indicated yes.

There was additional discussion regarding the entrances into the project, truck circulation around the site and an interim site plan showing the grading conditions and the improvements to be built now for Mr. Winckowski. Mr. Hanrahan agreed.

Chairman Yetter requested a motion to open the application to the public for comment. Vice-Chairman Beck made a motion to open the application for public comment. Mayor Tait second the motion.

All members present voted in favor of the motion.

**All members of the board voted in favor of the motion.**

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

Seeing no comments, Chairman Yetter requested a motion to close the public comment portion of the application. Vice Chairman Beck made a motion to close the public comment portion. Mr. Robinson second the motion.

**All members present voted in favor of the motion.**

Ms. Walters indicated the application presented for Amended Preliminary and Final Major Site Plan approval which requested no variances or design waivers demonstrates thru testimony that the revisions are largely technical in nature and do not alter the overall design of the project as it was previously approved, and are consistent with the redevelopment plan.

Chairman Yetter asked for a motion to approve Application 2022-LUB03, **201** & 351 Rt.73 South, Block 156, Lot 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, & 6.01, Palmyra Urban Renewal Entity, LLC, (PURE) Amended Preliminary and Final Major Site Plan Approval, subject to Mr. Winckowski's letter and conditions placed on the record and all standard conditions.

Vice-Chairman Beck made a motion to approve Application 2022-LUB03, **201** & 351 Rt.73 South, Block 156, Lot 1, 1.01, 1.02, 2, 2.01, 3.01, 4.01, 5.01, & 6.01, Palmyra Urban Renewal Entity, LLC, (PURE) Amended Preliminary and Final Major Site Plan, subject to Mr. Winckowski's letter and conditions placed on the record and all standards. Mr. Robinson 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, Mayor Tait, Ms. Belton, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: none

## **PUBLIC COMMENT**

Chairman Yetter requested a motion to open the meeting to the public for comment. Vice-Chairman Beck made a motion to open the meeting for public comment. Ms. O'Connor second the motion.

All members present voted in favor of the motion.

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

See no comments, Chairman Yetter requested a motion to close the public comment portion of the meeting. Vice Chairman Beck made a motion to close the public comment portion. Ms. Belton second the motion.

All members present voted in favor of the motion.

Having no further business, Chairman Yetter requested a motion to adjourn the meeting. Mr. Robinson made a motion to adjourn the meeting. Mr. Gural second the motion.

All members present voted in favor of the motion.

Meeting was adjourned at 8:06 pm

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra

Approved: July 27<sup>th</sup>, 2022