

BOROUGH OF PALMYRA
LAND USE BOARD MEETING
March 23rd, 2022, at 7:00 PM

CALL TO ORDER

The Borough of Palmyra Land Use Board meeting was called to order by Chairman Yetter at 7:06 pm.

The pledge of Allegiance was recited.

ROLL CALL

Chairman Yetter requested a roll call.

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

ABSENT: Ms. Belton, Mrs. Melvin

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 25th, 2022
- B. Mailing written notice to the Burlington County Times and Courier Post on January 25th, 2022.
- C. Notice to all board members.

APPROVAL OF THE MINUTES

Chairman Yetter asked if there were any questions or comments regarding the January 19th, 2022, Reorganization Land Use Board Meeting Minutes. Hearing none, he requested a motion to approve the minutes as written. Vice-Chairman Beck made the motion to approve the minutes as written. Councilwoman Cloud 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, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: None

CORRESPONDENCE

Chairman Yetter acknowledged the following correspondence.

Letter from Morgan Landis, 713 Morgan Avenue withdrawing Application 2020-LUB06

Borough Council letter/request, regarding - **Ordinance 2024-04** Ordinance Amending the Borough of Palmyra Land Development Code Section 158-27(B) and the Route 73 South Redevelopment Plan to Permit Administrative Review and Approval of Minor Modifications and/or Field Changes relating to Previously Approved Site Plans.

BOROUGH COUNCIL UPDATES

Councilwoman Cloud noted the upcoming street restoration by NJ American Water Company on Charles Street, Hubbs Drive, and

Councilwoman Cloud Noted the following upcoming events, Easter Egg Hunt- April 9th, 2022, Palmyra Day April 30th, 2022, Spring Clean-Up month of April 2022, Spring Yard Sale May 21st, 2022.

Mayor Tait noted the upcoming Free Rabies Clinic April 2nd, 2022, noting the Halloween Parade Committee will be chipping pets for a fee as a fundraiser for the Halloween Parade Committee.

OLD BUSINESS

Resolution 2022-07 – Memorialization in the Matter of 311 West 5th Street, Block 115, Lot 8 & 9 – Application 2021-LUB08

BOROUGH OF PALMYRA

LAND USE BOARD

RESOLUTION 2022-07

RESOLUTION OF MEMORIALIZATION IN THE MATTER OF 311 FIFTH STREET

APPLICATION NO. 2021-LUB08

WHEREAS, Borough of Palmyra School District (“Applicant”) is the owner of property located at 311 Fifth Street Palmyra, New Jersey, more particularly described as Block 115 Lots 8 & 9 on the Tax Map of the Borough of Palmyra, (“subject property”) which is improved with the Borough of Palmyra High School; and

WHEREAS, the subject property is located in the P – Public Zone; and

WHEREAS, The Applicant seeks use variance (N.J.S.A. 40:55D-70(d)) approval to construct a 15-foot high by 40-foot-wide canvas mural on the façade of the Palmyra High School. (“Application”); and

WHEREAS, pursuant to Section 158-82 N of the Borough of Palmyra Code, mural signs are prohibited in the P – Public Zone; and

WHEREAS, James Winckowski, P.E. the engineer for the Land Use Board provided a review letter dated January 12, 2022 of the Application which was reviewed by the Applicant; and

WHEREAS, the Land Use Board held a public hearing on January 19, 2022; and

WHEREAS, the Application was presented by Dr. Brian J. McBride, Superintendent of Palmyra Schools;

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 the following variance:
 - a. Section 158-82 N prohibits mural signs; and
2. The Applicant submitted and the Board reviewed the following documents in support of the Application:
 - a. Development Application
 - b. Supporting materials, including color renderings and a project information fact sheet.
3. During the Application, testimony was offered on behalf of the Applicant by Dr. Brian J. McBride.
4. Mr. McBride testified about the reason for the proposed mural. The Applicant had applied for a grant which was obtained.
5. Mr. McBride further testified that the mural would be painted by students and support school purposes. When installed the mural would be placed facing the parking lot and would not visually intrude on residential areas, nor would there be any spill-over of lighting.

6. The mural is part of the school which is an inherently beneficial use, so the Applicant was not obligated to prove the positive criteria necessary for a use variance.

7. The mural will be affixed to the side of the existing school, will face the parking lot and will not impact the aesthetics of the nearby residential area.

8. The testimony offered by the Applicant supports the finding and determination that the proposed variance 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 Planning 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 158-82 N of the Borough Code as set forth above herein, be and hereby is **GRANTED**, subject to the following Conditions.

1. The approval contained in this Resolution is 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 19, 2022; and

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 2022-07. Councilwoman Cloud made a motion to approve LUB Resolution 2022-07. 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, Mayor Tait, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: None

ABSTAIN: Vice-Chairman Beck

NEW BUSINESS

Resolution 2022-08, Resolution Regarding Consistency of Proposed Borough Ordinance 2022-04 with Master Plan

BOROUGH OF PALMYRA

LAND USE BOARD

RESOLUTION 2022-08

RESOLUTION REGARDING CONSISTENCY OF PROPOSED

ORDINANCE 2022-04 WITH MASTER PLAN

WHEREAS, the Borough Council has referred Ordinance 2022-04 “An Ordinance Amending the Borough of Palmyra Land Development Code Section 158-27(B) and the Route 73 South Redevelopment Plan to Permit Administrative Review and Approval of Minor Modifications and/or Field Changes Relating to Previously Approved Site Plans”, for review by this Planning Board pursuant to N.J.S.A. 40A:12A-7(e) and the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., 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 Land Use Board on March 23, 2022.

NOW THEREFORE, be it resolved by the Land Use Board of the Borough of Palmyra on this 23rd day of March, 2022 that the proposed Ordinance 2022-04 is consistent with the Borough’s Master Plan and it is the recommendation of the Land Use Board that Ordinance No. 2022-04 be adopted in its current form without revision.

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

Chairman Yetter asked for a motion to approve LUB Resolution 2022-08. Vice-Chairman Beck made a

motion to approve LUB Resolution 2022-08. Ms. O'Connor 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, Councilwoman Cloud, Mr. Gural, Ms. O'Connor, Mr. Robinson, Mr. Rossignol

NAY: None

Chairman Yetter stated, we will be hearing new **Application 2022-LUB01** – 403 West Broad Street, Block 59 Lot 8, Jackson Estates, LLC., Unspecified Use in Neighborhood Commercial Zone District.

Application 2022-LUB01

Applicant – Jackson Estates, LLC – Tarren Henry, owner of 403 W Broad Street

Applicant Attorney – Thomas Ehrhardt, Esq

Applicant Engineer – Mike Galante, Engineer

Mr. Ehrhardt indicated the property is a residential single-family home located in the Town Commercial zone. Mr. Ehrhardt indicated the proposed use is to convert the property to a duplex adding a deck to the back of the home. Mr. Ehrhardt indicated it is not a permitted use in the zone thus they are here requesting a use variance.

Mr. Brewer then swore in the applicant, Ms. Henry and the engineer, Mr. Galante.

Ms. Henry stated she was a member of Jackson Estates, LLC with her brother, noting that she currently likes in the Riverfront but intends to move into one of the units when the rehabilitations is complete.

Ms. Henry indicated she had noticed other homes in the area which are duplexes and felt it would be beneficial to her to have a home which also had an income producing capability. Ms. Henry indicated parking is available in front of the home on the street, but there is also a driveway adjacent to the home which can accommodate two cars. There was testimony given regarding the lot size as it currently is, nonconforming. Ms. Henry indicated there is a garage located on the property at the end of the driveway which was intended to be removed.

Mr. Winckowski indicated there are homes in the area which are duplexes however they are two separate lots with homes that are adjoined, or the lots are big enough to have two homes on them individually but have one home on the second floor and another on the first. There was some discussion.

Mr. Galante indicated he was a licensed professional planner and engineer in the state of New Jersey and Pennsylvania and Maryland. Mr. Galante noted he currently serves as engineer for four municipalities in Delaware County and has been practicing engineering for 10 to 15 years and planning for about 8

years. Mr. Galante stated currently we are asking for a use variance. Mr. Galante stated the property is in the Neighborhood Commercial zone. Mr. Galante noted that previously Mr. Ehrhardt stated the property was in the town commercial zone noting that he mentioned it as uses permitted in the town commercial zone are also permitted in the neighborhood commercial zone. Mr. Galante noted the approved uses of the town commercial zone and the neighborhood commercial zone. Mr. Galante noted the property is a nuisance and in need of rehabilitation. Mr. Galante noted the required four parking spaces for the use proposed. Mr. Galante indicated the following justify the use variance request; the need for the property to be rehabilitated/redeveloped, the surrounding area of the property already has the mixture of uses of commercial, attached residential and various types of duplexes, not changing the character of the corridor just enhancing it by rehabilitating the property. Mr. Galante also noted the conserving of value of land and buildings and advancing the goals of the master plan. Mr. Galante noted the negative effect of converting single family homes to multi family homes noted in the Master plan. He indicated he didn't feel this project would have that negative effect on the neighborhood as many others have been converted and the rehabilitation of the property is in dire need. Mr. Galante noted that the zoning allows for a business downstairs with a residential unit on the second floor. Mr. Galante indicated because there is a decline in the business district and there being ample availability in the business district there was not the need for additional business space in this area.

Mr. Gural indicated rehabilitation is different from converting the property from a single-family home to a duplex/ multi-family home. Mr. Gural stated the property can be rehabilitated without being converted to a duplex. Mr. Gural indicated the reason rental units are allowed on the second floor and business on the first floor in the business district is because those building are hundreds of years old and preceded the current zoning and master plan. Mr. Gural indicated he felt it was detrimental to the neighbor. Mr. Gural noted that we have hundreds on rental units in our community and don't feel we need more. Mr. Gural stated it was admirable that the owner wishes to improve/rehabilitate the property however that does not mean it has to be rehabilitated and converted into a multi-family unit. There was additional discussion regarding the master plans' intentions, parking and conditionally only allowing only one unit to be rented and the other always being owner occupied.

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. 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.

Hearing 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. Ms. O'Connor second the motion.

All members present voted in favor of the motion.

After some discussion, explanations from Mr. Brewer and a brief recess the Applicant requested the application be tabled until next meeting when entire board can vote. Mr. Brewer noted no additional notifications would be needed.

Chairman Yetter noted no vote was held and the application will continue at next month's meeting.

Chairman Yetter stated, we will be hearing new **Application 2022-LUB02** – 201 & 351 Rt. 73 South, Block 156, Lot 1, 1.01, 1.02, 2, 2.014, 3.01, 4.01, 5.01 & 6.01 Palmyra Urban Renewal Entity, LLC., (PURE) Amended Preliminary and Final Major Subdivision Approval

Application 2022-LUB02

Applicant – Palmyra Urban Renewal Entity, LLC (PURE)

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 requesting amended major subdivision approval, preliminary and final for the redevelopment area know as the former NAI and Fillit sites/ 201 & 351 Rt. 73 South, Block 156, Lot 1, 1.01, 1.02, 2, 2.014, 3.01, 4.01, 5.01 & 6.01.

Mrs. Walters indicated that PURE, LLC applied to the Land Use Board in 2020 seeking preliminary and final major subdivision approval and preliminary and final major site plan approval. Ms. Walters indicated block 56, lot 1.02 would be the 102 affordable housing project site, lots. 1 and 1.01 being the seven hundred four thousand two-hundred fifty square foot warehouse with associated site improvements and the remainder of the lots originally slated for a one million twenty-five thousand square foot warehouse. Ms. Walters noted the approvals requested were approved November 18th, 2020, and memorialized January 20th, 2022 by resolution 2022-07. Ms. Walter noted that after the approvals were

granted the owner of the Fillit property filed for bankruptcy, noting that because of the bankruptcy PURE, LLC was precluded from perfecting the approved subdivision plot. Ms. Walters noted that because of the bankruptcy plan adjustments were made and design changes were required at the site because the Fillit site could not be developed while bankruptcy was pending. As part of the resolution compliance for the NAI site certain revisions were approved administratively. Ms. Walters stated those changes/revisions will be discussed at the next meeting where an amended preliminary and final site plan approval application is pending. Ms. Walters indicated that currently we are proposing to readjust the lot lines between the NAI and Fillit properties to reflect the approved redevelopment plans, the resolution compliance plans which were signed off by the board in September of 2021. Ms. Walters indicated Borough Council reviewed the application at the March 7th, 2022, meeting and adopted resolution 2022-087 granting approval for the application to be heard by the Land Use Board. Ms. Walters indicated notice of this hearing was published in the Burlington County Times on March 11th, 2022, and notice was given to all property owners on the 200 ft list in Palmyra and Pennsauken Township.

Ms. Walters introduced Mr. Joseph Hanrahan to explain the site plan subdivision changes.

Mr. Brewer sworn in Mr. Joseph Hanrahan. 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 introduced the following exhibit for consideration.

<u>Exhibit #</u>	<u>Document Description</u>
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A-1	Subdivision Overlay exhibit dated 3/18/2022
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Mr. Hanrahan explained the application before the board. Mr. Hanrahan stated the exhibit shows what was previously approved in 2020 and what is currently being proposed, because of the Fillit bankruptcy. Mr. Hanrahan explained the differences noting the adjustment of the lot line approved in 2020 because they did not own the Fillit property. Mr. Hanrahan explained PURE, LLC is no longer subdividing between NAI and Fillit but are still subdividing the affordable housing lot and the open space lot from those two lots. Mr. Hanrahan stated they were putting the lot line back to where it is today and reversing what was subdivided back in 2020.

Mr. Hanrahan indicated no variances or waivers are being requested.

Mr. Hanrahan indicated he had reviewed Mr. Winckowski's report from March 16th, 2022 and agreed with the comments in the report and would comply with those comments. Mr. Hanrahan indicated they were working with the Bridge Commission and the State of New Jersey regarding the open lot land

noting the State of New Jersey must accept the property which will then be managed by the Bridge Commission as part of the park they currently manage.

Ms. Walters indicated more information would be presented at the next meeting with the other application regarding the public use trail and eagles nest buffer.

There was additional discussion regard lot grading. There was some additional discussion regarding easements moving forward.

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. Mr. Robinson 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.

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. Ms. O'Connor second the motion.

All members present voted in favor of the motion.

Chairman Yetter asked for a motion to approve Application 2022-LUB02.

Mayor Tait made a motion to approve Application 2022-LUB02. 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, Councilwoman Cloud, 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. Mr. Gural 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. Mr. Robinson 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. Vice-Chairman Beck made a motion to adjourn the meeting. Mayor Tait second the motion.

All members present voted in favor of the motion.

Meeting was adjourned at 8:32 pm

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra

Approved: April 27th, 2022