

BOROUGH OF PALMYRA
LAND USE BOARD MEETING MINUTES
July 27th, 2022 at 7:00 PM

CALL TO ORDER

The Borough of Palmyra Land Use Board meeting was called to order by Vice-Chairman Beck at 7:00 pm.

Vice-Chairman Beck asked all to turn off or silence cell phones.

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

ROLL CALL

Vice-Chairman Beck requested a roll call.

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

ABSENT: Chairman Yetter, Mayor Tait, Mrs. Melvin

APPROVAL OF THE MINUTES

Vice-Chairman Beck asked if there were any questions or comments regarding the April 27th, 2022, Land Use Board Meeting Minutes. Hearing none, he requested a motion to approve the minutes as presented.

Mr. Gural made the motion to approve the minutes as written. Ms. O'Connor second the motion. Vice-Chairman Beck asked for a call of the roll.

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

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

NAY: None

Abstain: Councilwoman Cloud

CORRESPONDENCE

Vice-Chairman Beck acknowledged the following correspondence.

Letter received from Patrick McAndrew, Esq for Cahill Application 2022-LUB-04 indicated the application was being withdrawn by the applicants.

BOROUGH COUNCIL UPDATES

Councilwoman Cloud indicated she had nothing to report. Mr. Gural indicated the governing body has signed a conditional designation agreement with Elm Office, LLC for the Broad Street Redevelopment area. He explained a little about what the redeveloper would like to place at 331 E Broad and noted the Redevelopment Agreement is being worked on and hope to have it completed soon.

OLD BUSINESS

Resolution 2022-10 – Memorialization in the Matter of P.U.R.E., LLC Regarding Amended Preliminary and Final Major Site Plan Approval Application 2022-LUB03-A for **201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02**

BOROUGH OF PALMYRA

LAND USE BOARD

RESOLUTION 2022-10

**RESOLUTION FOR AMENDED PRELIMINARY
AND FINAL MAJOR SITE PLAN APPROVAL**

Application No. 2022-LUB03-A (PHASE 1A)

Applicant: Palmyra Urban Renewal Entity, LLC

Premises: 201 & 351 Route 73 South; Block 156, Lots 1, 1.01, 1.02

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 site plan 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 has requested that the Board’s consideration and approval of the Application for amended Site Plan approval be granted through two separate Resolutions, one for Phase-1A, on property designated as Block 156, Lots 1, 1.01 and 1.02, consisting of the former NAI Site, consisting of a 702,450 square foot warehouse (“Phase 1A”) and Phase 1B, consisting of the former Fillit Site, consisting of a 704,182 square foot warehouse, water tank and related improvements on property designated as Block 156 Lots 2, 2.01, 3.01, 4.01, 5.01 & 6.01 (“Phase 1B”); and

WHEREAS, this Resolution applies to Phase 1A; and

WHEREAS, the entire Property is located within an area in need of redevelopment; 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 April 27, 2022, reviewed reports filed by the Applicant and reviewed the reports of the Board Engineer, James Winckowski, P.E., CME, (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 April 27, 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 April 27, 2022 when it granted the requested amended preliminary and final major site plan approval for Phase 1A of Application No. 2022-LUB03-A 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, the Applicant seeks the following relief from the Board:

- Amended Preliminary and Final Major Site Plan approval for Phase 1A on Block 156, Lots 1, 1.01 & 1.02.
2. At the public hearing on April 27, 2022, Exhibits A-1 through A-7 were entered into evidence:
 3. In addition to the marked Exhibits, the Applicant submitted and the Board considered the following documents, which were made part of the Application:
 - Applications for Amended Preliminary and Final Major Site Plan Approval.
 - Disclosure of names and addresses of stockholders of partners owning at least 10 percent interest in a corporation or partnership of an application.
 - Certification that taxes are paid.
 - Preliminary and Final Site Plan entitled “Preliminary & Final Major Site Plan, Route 73 South Phase 1A Redevelopment Project, TAC PAL Logistics Center, the Cove at Palmyra,” consisting of sixty-five (65) sheets, prepared by Hammer Land Engineering, dated September 7, 2021, revised through February 4, 2022;
 - Stormwater Management Report for Route 73 South Phase 1A Redevelopment Project TAC PAL Logistics Center, prepared by Hammer Land Engineering, dated February 4, 2022, unrevised;

- Operation and Maintenance Manual for Route 73 South Phase 1A Redevelopment Project TAC PAL Logistics Center, prepared by Hammer Land Engineering dated February 4, 2022, unrevised;
 - REVISED Project Narrative, dated April 8, 2022; and
4. The Board considered the following submittals from its Consultants:
- a. Reports of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated October 26, 2021 and April 21, 2022 (attached hereto); and
5. The Board carefully considered public comments as well as the following testimony at the public hearings:
- Applicant produced Joe 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 as to the changes being proposed by the Application.
 - Mr. Hanrahan testified about the need for the changes to stormwater management. The original application had discharge to Pennsauken Creek, which was then changed to a discharge directly to the Delaware River about one half mile from the project. The present Application returns the discharge to the Pennsauken Creek, as originally

proposed and approved. This change will remove the need to install one half mile of pipe within the bald eagle buffer and wooded areas.

- Mr. Hanrahan testified that an additional change was to land-bank (delay construction) of 136 trailer parking stalls unless and until the tenant(s) of the site required the stalls. Rather than constructing the space, the Application will cover in topsoil and grass seed, with the underground infrastructure installed first.
- Mr. Hanrahan testified about the temporary circulation and the redundant drives that would eventually be removed. He testified that the change in guard rail from timber guard rails to NJDOT standard steel guard rails was an economic decision. The guard rails that are to be changed are in the back portion of the property and not visible from the public road, and will have no impact on aesthetics.
- Mr. Hanrahan testified that the tree restoration set forth on Exhibit A-3 is because the area was inadvertently “over-cleared” and 30 trees were wrongly removed. The Applicant will replant 30 trees to screen the area, and consents to the recommendation by the Board Engineer to add berms.

- Mr. Hanrahan testified that the vernal habitat will be enhanced, and they will add one additional ADA compliant stall by changing one standard stall to an ADA compliant stall.
6. With regard to the Property and the Development, the Board finds the following:
- The Property is located in the Route 73 South Redevelopment District.
 - The total project site consists of approximately 162.54 acres.
 - The Applicant seeks amended preliminary and final major site approval for its proposed redevelopment of a warehouse and related infrastructure on Block 156, Lots 1, 1.01 and 1.02 designated as Phase 1A and various site modifications.
7. The Board specifically finds that the proposed development on Phase 1A adequately provides for grading, storm water drainage, and soil erosion as well as for adequate screening landscaping and proper location of structures, in compliance with the Board Engineer's requirement and current NJDEP requirements.
8. The Board specifically finds that the proposed roadway system provides for adequate means for public ingress and egress. The roadways will also provide for adequate use by emergency vehicles.
9. The Board acknowledges that Applicant is the redeveloper for the property in question pursuant to a resolution adopted by the governing body of the Borough and that its proposed plan to

redevelop the site provides an integrated and coordinated approach with a single redeveloper being responsible for all redevelopment agreement obligations.

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 April 27, 2022 when it granted the requested amended preliminary and final major site plan approval for Phase 1A with conditions. 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 Site Plan Approval for Phase 1A are hereby granted as depicted on the aforesaid plans, subject to the conditions hereinafter set forth.
 - a. Applicant shall comply with all of the items in the October 26, 2021 and April 21, 2022, letters of James Mr. Winckowski, P.E.
 - b. All conditions of prior approvals remain unless specifically referenced herein.
 - c. Applicant shall provide an interim site plan for the land banking to the Board Engineer for review and approval in writing.
 - d. All real estate taxes with respect to all lots that are the subject of this application for development shall be paid and brought current prior to the Applicant seeking any construction related permits for any of the development approved in this resolution.
 - e. Applicant shall obtain all other State, County and agency approvals required; and

2. 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.
3. Prior to the execution of the Site Plan, all plan revisions as required elsewhere in this approval shall be submitted to the Board Engineer for review and written approval.
4. 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.
5. 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.
6. 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.

Vice-Chairman Beck asked if there were any comments or questions, seeing none

Vice-Chairman Beck asked for a motion to approve LUB Resolution 2022-10. Mr. Robinson made a motion to approve LUB Resolution 2022-10. Ms. O'Connor second the motion.

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

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

NAY: None

ABSTAIN: Councilwoman Cloud

Resolution 2022-11 – Memorialization in the Matter of P.U.R.E., LLC Regarding Amended Preliminary and Final Major Site Plan Approval Application 2022-LUB03-B for **201 & 351 Route 73 South; Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01, 6.01**

**BOROUGH OF PALMYRA
LAND USE BOARD
RESOLUTION 2022-11**

**RESOLUTION FOR AMENDED PRELIMINARY
AND FINAL MAJOR SITE PLAN APPROVAL**

Application No. 2022-LUB03-B (PHASE 1B)

Applicant: Palmyra Urban Renewal Entity, LLC

Premises: 201 & 351 Route 73 South; Block 156, Lots 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 site plan 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 has requested that the Board’s consideration and approval of the Application for amended Site Plan approval be granted through two separate Resolutions, one for Phase-1A, on property designated as Block 156, Lots 1, 1.01 and 1.02, consisting of the former NAI Site, consisting of a 702,450 square foot warehouse (“Phase 1A”) and Phase 1B, consisting of the former Fillit Site, consisting of a 704,182 square foot warehouse, water tank and related improvements on property designated as Block 156 Lots 2, 2.01, 3.01, 4.01, 5.01 & 6.01 (“Phase 1B”); and

WHEREAS, this Resolution applies to Phase 1B; and

WHEREAS, the entire Property is located within an area in need of redevelopment; 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 April 27, 2022, reviewed reports filed by the Applicant and reviewed the reports of the Board Engineer, James Winckowski, P.E., CME, (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 April 27, 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 April 27, 2022 when it granted the requested amended preliminary and final major site plan approval for **Phase B** of Application No. 2022-LUB03-A 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:

10. As requested in its Application, the Applicant seeks the following relief from the Board:

- Amended Preliminary and Final Major Site Plan approval for Phase 1B on Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01 & 6.01.

11. At the public hearing on April 27, 2022, Exhibits A-1 through A-7 were entered into evidence:

12. In addition to the marked Exhibits, the Applicant submitted and the Board considered the

following documents, which were made part of the Application:

- Applications for Amended Preliminary and Final Major Site Plan Approval.
- Disclosure of names and addresses of stockholders of partners owning at least 10 percent interest in a corporation or partnership of an application.
- Certification that taxes are paid.
- Preliminary and Final Site Plan entitled “Preliminary & Final Major Site Plan, Route 73 South Phase 1B Redevelopment Project, TAC PAL Logistics Center, the Cove at Palmyra,” consisting of sixty-eight (68) sheets, prepared by Hammer Land Engineering, dated September 7, 2021, revised through February 4, 2022;
- Stormwater Management Report for Route 73 South Phase 1B Redevelopment Project TAC PAL Logistics Center, prepared by Hammer Land Engineering, dated October 2, 2020, unrevised;
- Operation and Maintenance Manual for Route 73 South Phase 1B Redevelopment Project TAC PAL Logistics Center, prepared by Hammer Land Engineering dated February 4, 2022, unrevised;

- REVISED Project Narrative, dated April 8, 2022; and
- Water Tank Plan prepared by Mueller Co., dated May 21, 2013; and
- Fire Water Storage Analysis prepared by Haines Fire and Risk Consulting, dated January 7, 2022.

13. The Board considered the following submittals from its consultants:

- b. Reports of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated October 26, 2021 and April 21, 2022 (attached hereto); and

14. The Board carefully considered public comments as well as the following testimony at the public hearings:

- Applicant produced Joe 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 as to the changes being proposed by the Application.
- Mr. Hanrahan testified that due to the discovery of a bald eagle's nest, approximately one third (1/3) of the originally proposed building was being removed in order to comply with NJDEP regulations. He further testified that the reduction in the size of the warehouse resulted in a decrease in the associated parking and loading spaces.

- Mr. Hanrahan further testified about the use of porous paving and compliance with the new Stormwater Regulations.
- Mr. Hanrahan further testified about the addition of the water tank for firefighting purposes, and agreed with the Board's Engineer, James Winckowski, P.E. on relocating the tank to a better location. He explained that the water tank would feed the sprinkler system of the building.
- Mr. Hanrahan testified the Applicant was raising the grade of the site by one foot to keep the utilities separated from landfill material.
- He testified that the change in guard rail from timber guard rails to NJDOT standard steel guard rails was an economic decision. The guard rails that are to be changed are in the back portion of the property and not visible from the public road, and will have no impact on aesthetics.
- Mr. Hanrahan testified that approximately 2,300 trees were being planted for enhancement of the bald eagle buffer and aesthetic purposes

15. With regard to the Property and the Development, the Board finds the following:

- The Property is located in the Route 73 South Redevelopment District.
- The total project site consists of approximately 162.54 acres.

- The Applicant seeks amended preliminary and final major site approval for its proposed redevelopment of a warehouse and related infrastructure on Block 156, Lots 2, 2.01, 3.01, 4.01, 5.01 & 6.01 designated as Phase 1B and various site modifications.

16. The Board specifically finds that the proposed development on Phase 1B adequately provides for grading, storm water drainage, and soil erosion as well as for adequate screening landscaping and proper location of structures, in compliance with the Board Engineer's requirement and current NJDEP requirements.

17. The Board specifically finds that the proposed roadway system provides for adequate means for public ingress and egress. The roadways will also provide for adequate use by emergency vehicles.

18. The Board acknowledges that Applicant is the redeveloper for the property in question pursuant to a resolution adopted by the governing body of the Borough and that its proposed plan to redevelop the site provides an integrated and coordinated approach with a single redeveloper being responsible for all redevelopment agreement obligations.

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 April 27, 2022 when it granted the requested amended preliminary and final major site plan approval for Phase 1B with conditions. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

7. Amended Preliminary and Final Site Plan Approval for Phase 1B are hereby granted as depicted on the aforesaid plans, subject to the conditions hereinafter set forth.
 - a. Applicant shall comply with all of the items in the October 26, 2021 and April 21, 2022, letters of James Mr. Winckowski, P.E.
 - b. All conditions of prior approvals remain unless specifically referenced herein.
 - c. All real estate taxes with respect to all lots that are the subject of this application for development shall be paid and brought current prior to the Applicant seeking any construction related permits for any of the development approved in this resolution.
 - d. Applicant shall obtain all other State, County and agency approvals required; and
8. 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.
9. Prior to the execution of the Site Plan, all plan revisions as required elsewhere in this approval shall be submitted to the Board Engineer for review and written approval.
10. 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.

11. 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.

12. 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.

Vice-Chairman Beck asked if there were any comments or questions, seeing none

Vice-Chairman Beck asked for a motion to approve LUB Resolution 2022-11. Ms. O'Connor made a motion to approve LUB Resolution 2022-11. Mr. Gural second the motion.

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

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

NAY: None

ABSTAIN: Councilwoman Cloud

NEW BUSINESS

Vice-Chairman Beck stated, there was no new business on the agenda.

PUBLIC COMMENT

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

All members present voted in favor of the motion.

Vice-Chairman Beck asked anyone making a comment to state their name and address for the record.

See no comments, Vice-Chairman Beck requested a motion to close the public comment portion of the meeting. Mr. Robinson made a motion to close the public comment portion. Ms. O'Connor second the motion.

All members present voted in favor of the motion.

Having no further business, Vice-Chairman Beck requested a motion to adjourn the meeting. Councilwoman Cloud 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 7:07 pm

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra

Approved: October 26, 2022