

**BOROUGH OF PALMYRA
LAND USE BOARD MEETING
FEBRUARY 22, 2023 at 7:00 PM**

CALL TO ORDER

The Borough of Palmyra Land Use Board Reorganization meeting was called to Order by Land Use Board Vice Chairman Timothy Beck at 7:02 pm.

The pledge of Allegiance was recited.

OPEN PUBLIC MEETINGS ACT

Secretary Jackson read the following into the record:

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 30th, 2023
- B. Mailing written notice to the Burlington County Times and Courier Post on January 31st, 2023
- C. Notice to all board members.

OATH OF OFFICE:

Ms. Hubbard then administered the Oath of Office to Land Use Board Vice-Chairperson, Timothy Beck.

ROLL CALL

Secretary Jackson called the roll of the board:

PRESENT: Mayor Tait, Vice-Chairman Beck, Councilwoman Cloud, Mr. Gural, Ms. Belton, Mr. Rossignol

ABSENT: Chairman Yetter, Ms. Melvin

Also present, Tracy Kilmer, Zoning Officer

CORRESPONDENCE

Vice-Chairman Beck acknowledged to following correspondence:

Email received from the Burlington County Engineer- Land Development requesting a 30-day extension of their review for application 2023-01 -321 E Broad Street, Elm Office, LLC.

Letter of resignation from the Land Use Board received from Jessica O'Connor.

OATH OF OFFICE:

Ms. Hubbard then administered the Oath of Office to Emily Cooper a Class IV member appointed to a four-year term ending 12/31/2025; and Helen Pappas filling the unexpired term of Jessica O'Connor expiring 12/31/2024.

APPROVAL OF THE MINUTES

Vice-Chairman Beck asked if there were any questions or comments regarding the January 25th, 2023, Land Use Board Meeting Minutes. Hearing none, he requested a motion to approve the minutes as presented. Mayor Tait made the motion to approve the minutes as written. Dr. Cloud 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: Mayor Tait, Councilwoman Cloud, Ms. Belton, Mr. Gural, Mr. Rossignol

NAY: None

Abstain: Vice-Chairman Beck, Ms. Cooper, Mrs. Pappas

BOROUGH COUNCIL UPDATES

Mayor Tait noted the Following upcoming events:

Easter Egg Hunt, April 1, 2023, 9:00 am – Legion Field

Palmyra Day, May 6, 2023

Townwide clean up the month of April

Mayor Tait updated the Board about the redevelopment project on Rt/ 73 South.

Mayor Tait noted the Ms. O'Connor has become a councilperson filling the unexpired term of Brandon Allmond. Mayor Tait explained the hiring of additional staff and the purchase of trash trucks to begin the process on inhouse trash collection.

OLD BUSINESS

Resolution 2023-07– Resolution of Memorialization in the Matter of 501 Garfield Avenue

Application 2022-06 – 501 Garfield Avenue, Block 83, Lot 1, Robert Matthew and Felicia Rinier,
Variance

**PALMYRA BOROUGH
LAND USE BOARD
RESOLUTION 2023-07
RESOLUTION OF MEMORIALIZATION IN THE MATTER OF 501 GARFIELD AVENUE
APPLICATION NO. 2022-LUB06**

WHEREAS, Robert and Felicia Rinier (“Applicant”) is the owner of property located at 501 Garfield Avenue, Palmyra, New Jersey, more particularly described as Block 83 Lot 10 on the Tax Map of the Borough of Palmyra, (“subject property”) which is improved with a single-family two and half story structure; and

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

WHEREAS, Applicant filed an application for a bulk variance to allow the continued presence of a fence constructed on a corner lot located beyond the front setback line (“Application”); and

WHEREAS, the regulations in the Palmyra Land Development Code applicable to the R-1 Zone provides that fences shall not be erected, installed, placed or permitted beyond the front yard setback line; and

WHEREAS, James Winckowski, P.E. the engineer for the Land Use Board provided a review letter dated September 15, 2022 of the Application which was reviewed by the Applicant; and

WHEREAS, the Planning Board held a public hearing on January 25, 2023; 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 § 158-93 D (R-1 Residential District) which Zone provides that on a corner lot the construction of fences are prohibited beyond the front setback line, whereas the currently existing fence was installed beyond the front setback line.

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

- a. Development Application
- b. Photograph package;

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

4. Ms. Rinier testified about the Applicant’s desire to update and improve the property, which included the installation of the fence.

5. Ms. Rinier testified that the fence is located in the front yard setback because the property is located on a corner lot, and provides safety and privacy.

6. During the hearing, Members of the Board noted that the Applicant has made improvements to the existing home and property and the location of the fence is in character with the neighboring properties.

6. During the hearing, Ms. Rinier consented to the condition that she submit to the Board Engineer a sketch indicating the precise distance by which the fence encroaches beyond the front yard setback line.

7. The testimony offered by the Applicant supports the finding and determination that the proposed variance for installation of the fence beyond the front yard setback line 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 158:93 D of the Palmyra Land Use Ordinance as set forth above herein, be and hereby is **GRANTED**, subject to the following Conditions.

1. The Applicant shall submit to the Board Engineer a sketch indicating the precise distance by which the fence encroaches beyond the front yard setback line, which sketch shall be subject to the review and approval of the Board Engineer and attached to this Resolution of Approval.
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 January 25, 2023; 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.

Vice-Chairman Beck requested a motion to approve/memorialize resolution 2023-07. Mayor Tait made the motion to approve Resolution 2023-07. Mr. Gural 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: Mayor Tait, Councilwoman Cloud, Ms. Belton, Mr. Gural, Mr. Rossignol

NAY: None

NEW BUSINESS

Application 2023-01 -321 E Broad Street, Blk 80 Lot 6, Elm Office, LLC, Site Plan Approval

Mr. John Gillespie, Esq, explained what Elm Office, LLC wanted to do with the building noting the desire for office space to pursue innovative new ideas. Mr. Gillespie stated that Mr. Brennan, applicant/ owner of Elm Office, LLC could not be present at the meeting. Mr. Gillespie stated that the application /idea had been presented to the Mayor and governing body on July 18, 2022 as required by the redevelopment agreement and noted that council approved of their presentation. Mr. Gillespie noted that they had very closely followed the redevelop plan approved by the governing body for the redevelopment of the property. Mr. Gillespie stated it is going to be an office for research and development and described some on the various ideas they are pursuing such as water filtration system which is run by solar power, another is a clean air filtration unit which can clean air to hospital grade by removing biological germs, and a third is developing a coating paint that reflects the lite back into space. Mr. Gillespie noted there would be about four employees/ engineers and not a lot of foot traffic. Mr. Gillespie then introduced Mr. Stout from Stout, Caudwell Engineers, LLC., 705 Rt 103, Cinnaminson, NJ.

Ms. Hubbard then swore in Mr. Robert Stout, P.E., P.L.S.

Mr. Stout indicated he was has been a licensed Engineer in the State of New Jersey since 1993 and is a managing member of Stout & Caldwell Engineers, LLC. and has been before this board before. Mr.

Stout indicated he received his degree in civil engineering from Spring Garden College in 1985 and received his license, professional Engineer, and land surveyor in 1993, and is licensed in New Jersey, Pennsylvania, and Delaware. Mr. Stout also noted he was the Township Engineer for Mansfield Township.

Ms. Hubbard asked Mr. Stout if his license was in good standing. He indicated yes.

Mr. Stout noted exhibited A-1- Colorized rendering of site plan included in board packages dated SC# 2104-020 February 2022.

Mr. Stout indicated the olive color is the Knights of Columbus building as it sits today which is about 2,076 square feet. Mr. Stout indicated the area in the brown is an addition they wish to add to the existing building which consists of steps and elevator and access to the building. This will also help make it ADA compliant. Mr. Stout stated there will be no exterior storage/sea box containers at the sight only the four engineers.

Mr. Stout indicated they were bringing the building up to code. Mr. Stout indicated they would be doing the following:

1. The back parking lot, they would be repairing all the cracked areas and seal coating and putting and overlay on top of it.
2. They have incorporated some new lighting noting the 16 ft high poles in the parking lot with cut off shields with minimal spillage and zero spillage on the residential property in the back, noting the 4000 kilowatts in the back adding an ADA compliant parking space and striping out the entire parking lot with parking spaces. Mr. Stout noted the ADA ramp and van accessible parking space noted on the plans. Mr. Stout noted some of the changes requested by Mr. Roberts and indicated they would comply by sliding the ramp back a little so there is a full movement into the front.
3. Mr. Stout stated the steps along the back portion of the building would be reoriented 90 degrees so you come out to a platform and walk away from the car area, as requested by Mr. Roberts.
4. Mr. Stout noted that a second drive way was being added along the back section. Mr. Stout explained the circulation, in/out.
5. Mr. Stout noted the existing pine in the back and sycamore in the front explaining that they had added some arborvitae along the back staying within the existing front print for additional buffering.

Mr. Stout noted that the Borough is looking to place a Welcome to Palmyra monument sign on the corner in front of the lot which they would be granting a easement for. Mr. Stout explained that they show their sign in two different locations, noting that it would be complaint with the Borough code and the change would be just to accommodate the Borough's sign and keep the ability to see theirs. Mr. Gillespie questioned that Mr. Stout was just requesting the ability to adjust the sign, noting that it would be code complaint where ever placed and no variance would be needed. Mr. Stout indicated yes. Mr. Stout indicated the first floor would consist of four offices, the basement will be used for storage the third floor has a conference room and additional storage.

Mr. Stout indicated the hours of operation will be Monday thru Friday 8:00 am to 5:00 pm.

Mr. Gural asked about and explained the located of the Welcome to Palmyra sign. Mr. Stout noted that the location was as requested on the corner of the front of the property.

Ms. Gable asked if the trash removal would be by dumpsters or regular trash cans. Mr. Stout indicated the trash would be interior pick-up by a cleaning service and there would be no dumpster.

Mr. Stout noted that exhibit A-2 is the proposed elevations plans dated June 18, 2021.

Mr. Stout indicated A-3 showed the building view from Elm Avenue and A-4 the building view from Broad Street. Mr. Stout described what was displayed in the renderings.

Ms. Gable asked if the colors in the drawings is what they were committing to, Mr. Stout indicated yes.

Ms. Gable asked if the roof line was different where the addition was being placed. Mr. Stout indicated no.

Dr. Could asked if there was an increase in the impervious coverage with the proposed addition. Mr. Stout indicated yes, 330 square feet because of the ADA compliance.

Mr. Beck asked if the parking space or the stairs were moving as described. Mr. Stout indicated the steps would be going to a landing instead of going into the parking space. Mr. Stout indicated there is one waiver of design exception. Mr. Stout indicated the ordinance requires 22 feet for one-way drive way for 90-degree parking. Mr. Stout noted that they only have 19 feet for the one space so are requesting a waiver for it.

Ms. Gable asked if the lights would be reduced overnight or on timers. Mr. Stout indicated the lighting was more security; building would be closing at 5:00 pm. Ms. Gable asked if the lighting would be of after 8:00 pm. Mr. Stout indicated he did not know positively.

Vice-Chairman Beck asked for a motion to open the application to the public for comment. Ms. Pappas made a motion to open the application to the public for comment. Councilwoman Cloud second the motion.

All voted in favor of the motion.

Gordon Reeves- Riverton Mr. Reeves asked what the intensity would be for the back lighting. Mr. Stout indicated it was 4000 kilowatts. Mr. Reeves indicated he felt it was a bit much for a residential neighborhood. Mr. Reeves stated he had concerns that that lighting would light up the bedrooms in his house noting that he was direct across the street. Mr. Reeves asked what type of lighting was it going to be; cool white, bright white, warm white. Mr. Stout indicated it was about mid-range. Mr. Reeves asked if they would be willing to go to the three thousand. Mr. Stout indicated they had not gotten into how to address that portion of it. Mr. reeves asked if it was bothering the residents what should they do, noting that he resides in Riverton. Mayor Tait indicated she could call her and she would address it. Mr. Stout indicated they would be happy to have a conversation if it became a problem.

Seeing no one else wishing to speak, Vice- Chairman Beck asked for a motion to close the application to the public for comment. Mayor Tait made a motion to close the application to the public for comment. Councilwoman Cloud second the motion.

All voted in favor of the motion.

Mr. Gillespie noted that was the end of the presentation and respectfully requested that the Board grant the site plan approval and the waivers requested.

Mr. Gural asked if there was a need for the Land Use Board to have the architectural plans in advance. Ms. Gable indicated she felt it would be helpful moving forward. Mr. Gural asked if we could get architectural plans prior to construction and make that a condition of the approval. Vice-Chairman Beck noted that that would be condition of approval. Mr. Gural asked about the pilot. Mr. Gillespie noted that it was in the redevelopment agreement and is being worked on by redevelopment council, noting that the easement is being worked on now. Ms. Gable inquired about the signs being installed. Mr. Gural and Mr. Gillespie indicated the signs would be within the codes of compliance with the current codes of the Borough. Mr. Gillespie indicate that if something changes be come back before the board.

Vice- Chairman Beck asked for a motion to approve Application 2023-LUB-01 subject to site plans presented and waivers requested, contingent upon Ms. Hubbard's, Ms. Gable, and Mr. Roberts comments, the conditions noted and requirement that all fees/escrow are paid. Ms. Hubbard noted the following waivers, height of light fixtures/poles and parking wavier related to the last spot. Ms. Hubbard also noted the following conditions: redesign the ramp, turn the steps to the right, incorporate the welcome sign into the plan, the applicants sign will be conforming to code, the lighting will be compliant at the property line, will use a timer to lower the intensity of lighting at night, will address the issues raised in the Engineer's report, architectural plans are subject to review and approval, and the easement will be incorporated into the plans. Ms. Gable asked that the condition be added that the cleaning service will be handling the trash removal from property, they will be no dumpsters or trash containers.

Mayor Tait made a motion to approve application 2023-LUB-01. Councilwoman Cloud second the motion.

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

AYES: Vice-Chairman Beck, Mayor Tait, Councilwoman Cloud, Mr. Gural, Ms. Belton, Ms. Cooper, Ms. Pappas, Mr. Rosignol

NAY: None

PUBLIC COMMENT

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

All voted in favor of the motion.

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

Seeing no one wishing to make a comment Vice-Chairman Beck requested a motion to close the public comment portion of the meeting. Councilwoman Cloud made a motion to close the public comment portion. Mayor Tait second the motion.

All voted in favor of the motion.

Having no further business, Vice-Chairman Beck requested a motion to adjourn the meeting. Mr. Gural made a motion to adjourn the meeting. Ms. Belton second the motion.

All voted in favor of the motion.

Meeting was adjourned at 7:46 pm

Doretha R. Jackson, RMC
Land Use Board Secretary
Borough of Palmyra
Approved: March 22, 2023