

BOROUGH OF PALMYRA
LAND USE BOARD MEETING MINUTES
November 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 7:02 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 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

Chairman Yetter requested a roll call.

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

ABSENT: Councilwoman Cloud, Mr. Robinson, Mr. Rossignol, Mrs. Melvin

APPROVAL OF THE MINUTES

Chairman Yetter asked if there were any questions or comments regarding the October 26th, 2022, Land Use Board Meeting Minutes. Hearing none, he requested a motion to approve the minutes as presented. Vice-Chairman Beck made the motion to approve the minutes as written. Ms. O'Connor 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, Ms. Belton, Mr. Gural, Ms. O'Connor

NAY: None

BOROUGH COUNCIL UPDATES

Mayor Tait noted the new trash truck purchased by Borough Council to help with the ongoing trash issues. Mayor Tait noted the Tree Lighting in Payton Flournoy Park on December 2, 2022, at 7:00 pm. Mayor Tait also noted her attendance at the NJLM Conference, and the information gathered during the conference.

OLD BUSINESS

Resolution 2022-LUB12- Resolution for Preliminary and Final Minor Site Plan Approval

BOROUGH OF PALMYRA LAND USE BOARD

RESOLUTION 2022-12

RESOLUTION FOR PRELIMINARY AND FINAL MINOR SITE PLAN APPROVAL

Application No. 2022-LUB07

Applicant: Outlaw Investment Group, LLC

Premises: Block 24, Lots 1 & 2

WHEREAS, Outlaw Investment Group, LLC (the “Applicant” or “Outlaw”) made application to the Land Use Board of the Borough of Palmyra (the “Board”) for preliminary and final minor site plan approval for its proposed redevelopment of a training facility and various site modifications (the “Development” or “Project”) on property designated as Block 24, Lots 1 & 2 on the Tax Map of the Borough of Palmyra, commonly known as 620-622 Highland Avenue (the “Property” or the “Site”); and

WHEREAS, the Applicant is the owner of the Property which 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 October 26, 2022, reviewed a report filed by 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 October 26, 2022 during which Edward Hill, Esq. represented the 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 October 26, 2022 when it granted the

requested preliminary and final minor site plan 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 September 26, 2022, the Applicant seeks the following relief from the Board:
 - Preliminary and Final Minor Site Plan approval for the rehabilitation of a vacant bank building for use as a personal training facility, with associated exterior improvements to the parking lot, lighting and landscaping.
2. At the public hearing on October 26, 2022, Exhibits A and B 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 Preliminary and Final Minor Site Plan.
 - A plan entitled, “Existing Conditions Plan, Personal Training Studio, Borough of Palmyra, Burlington County, New Jersey,” consisting of one (1) sheet, prepared by Kluk Consultants, LLC, dated September 23, 2022; and
 - A plan entitled “Boundary & Topographic Survey,” consisting of one (1) sheet, prepared by RWC Surveying, dated August 9, 2022.
4. The Board considered the following submittals from its consultants:
 - a. Report of James Winckowski, PE, CME, of CME Associates, Board Engineer, dated October 7, 2022, (attached hereto); and
5. The Board carefully considered public comments as well as the following testimony at the public hearings:
 - Applicant produced Kris Kluk, PE of Kluk Consultants, LLC. Mr. Kluk testified as to his qualifications and was accepted as an expert in civil engineering. Mr. Kluk testified regarding the existing conditions and the planned development of the Property as a training facility.

- Mr. Kluk addressed the issues contained in the Board Engineer's letter, and requested a waiver for a trash plan, because the operations will not create any significant level of trash.
- Mr. Kluk testified that there will not be any signs, only door and window decals.
- Mr. Kluk testified that he will meet with the Board Engineer on-site and make all revisions to the plans as recommended by the Board Engineer in relation to the Application, including parking and circulation.
- The Applicant provided testimony of Geoffrey Wade, the owner of the Applicant. The Applicant will leave the drive through to be used by clients as part of their training, and not for vehicles.
- The Applicant consented to the condition that the Applicant's engineer will meet with the Board Engineer and revise the plans to conform with all recommendations and requirements of the Board Engineer.
- The Applicant consented to the condition to provide a plan depicting all existing conditions.
- The Board Engineer testified that some of the issues that will need to be addressed during the meeting with the Applicant will be milling, paving and restriping of the parking lot; curb repair and replacement and ADA compliance
- Mr. Wade testified that the Applicant does not intend to plant trees as part of the landscaping because of the limited area.
- Mr. Kluk testified that the new exterior LED lighting will be less than 4,000K temperature color.
- Mr. Wade testified that the hours of operation, which are all inside the building, are 6 a.m to 7 p.m.
- Several members of the public spoke in favor of the Application.

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

- The Property is located in a Redevelopment Area.
- The Applicant seeks preliminary and final minor site plan approval for its proposed redevelopment of a personal training studio and various site modifications.

7. The Site Plan conforms to the requirements of the existing Redevelopment Plan and require no variances.
8. The lot is triangular in shape and does not comply with the ordinance requirement for lot width, but as this is a pre-existing condition, no variance is required.
9. The Board specifically finds that the proposed Development adequately provides for grading, storm water drainage, and soil erosion as well as for adequate screening and landscaping with compliance with all of the Board Engineer revisions.

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 October 26, 2022 when it granted the requested preliminary and final minor site plan approval. In conjunction therewith, the Board has made the following findings of fact and conclusions of law and has set forth the following conditions:

1. Preliminary and Final Site Plan Approval are hereby granted as depicted on the aforesaid plans which shall be revised subject to the review and approval of the Board Engineer, subject to the conditions hereinafter set forth.
2. Site Plan Approval is subject to the following conditions:
 - a. Applicant shall comply with all provisions contained in the Board Engineer's October 7, 2022 review letter, with same to be confirmed in writing by the Board Engineer.
 - b. Applicant shall meet with the Board Engineer on site and revise the plans to include all recommendations and requirements by the Board Engineer, with such revised plans subject to the review and approval of the Board Engineer.
 - 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.
3. Prior to execution of the Final Site Plan 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 Site Plan, 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.

Application 2022-LUB07 Outlaw Investment Group, LLC **620-622 Highland Avenue, Block 24, Lot 1, 2** Mr. Roberts indicated he had met with the applicants on site on Monday. He noted the replacement of some sidewalks due to tripping hazards. Mr. Roberts noted the milling and paving of the parking lot and some potential improvements being done inside the building. Mr. Roberts indicated he had asked them to prepare a plan for the lighting and ADA compliance for the parking lot, which he is awaiting.

Chairman Yetter requested a motion to approve/memorialize resolution 2022-LUB12. Vice-Chairman Beck made the motion to approve Resolution 2022-LUB12. Ms. O'Connor 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, Ms. Belton, Mr. Gural, Ms. O'Connor

NAY: None

Abstain: Mayor Tait

NEW BUSINESS

There was no new business.

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. Vice Chairman Beck second the motion.

All members present voted in favor of the motion.

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

Robert and Felisha Rinier – 501 Garfield Avenue – Mr. Rinier stated he and Felisha submitted they application for the LUB requesting a variance in July along with the required fees and escrow requirement. Mr. Rinier stated he just received another notice in the mail indicating they needed to submit an additional \$722.00 as the escrow had been depleted and no additional action would be taken on their application until the escrow account was replenished. Mr. Rinier stated that the charges were for attorney and engineer fees. Mr. Rinier stated the application was for a fence which has been up for over four years which they had not obtained a permit for. Mr. Rinier stated they had not been before the board and wanted to know how the account could be depleted and what was the engineer doing which causes these charges. Mr. Rinier indicated they had also been before Judge Ahart three times noting that he indicated he would continue to postpone the hearing date until the LUB application was heard. Ms. Jackson explained that the charges were for attorney and engineering fees charged was for work the professionals have already completed in regards to the application, explaining Mr. Winckowski's need to visit the property to complete his review for completeness. Mr. Rinier indicated to his knowledge no one has been to their property to talk with them regarding the matter. Ms. Jackson asked if he received the detailed billings from the attorney and the engineer. Mr. Rinier indicated they only received the bill from the Borough indicating the escrow account was short and needed to be replenished.

M. Gural explained NJ Land Use law, the Mater Plan and how it affects various properties noting that detailed billings should have been sent to the applicants when sent to the Borough for payment. Mr.

Rinier asked if when the engineer came to his house should he not have spoken with them regarding the fence. Mr. Rinier indicated they have spoken with their neighbors and none have complained about the placement of the fence. Mrs. Rinier indicated should have known what the attorney and engineer were charging and that it could exceed the amount of the escrow posted. Mr. Gural explained that every application is different and there is no way of knowing what the fees are going to be as each one requires different services. Mr. Rinier indicated they wanted to bring this matter to the Boards attention. Mr. Rinier indicated it's a lot of time and money to get before the board to ask if the fence is ok. Mrs. Rinier indicated they take good care of their property and its one of the nicest houses on the street. Mr. Rinier indicated that the notification to the newspaper and the 200 ft list is a bit much. Mr. Gural again explained the Land Use Law noting that the State of New Jersey dictates how that process takes place. Mr. Gural indicated that if they had questions regarding the billing from the professionals, they may contact them and inquire as to why and how much the billings are that were charges. Ms. Jackson stated she would send copies of the detailed billings to the Riniers, along with the information to contact the legal department at the Burlington County Times in regards to posting their required notification. See no additional comments, Chairman Yetter requested a motion to close the public comment portion of the meeting. Mr. Gural made a motion to close the public comment portion. Vice-Chairman Beck 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. Ms. Belton made a motion to adjourn the meeting. Vice-Chairman Beck second the motion.

All members present voted in favor of the motion.

Meeting was adjourned at 7:26 pm

Doretha R. Jackson, RMC

Land Use Board Secretary

Borough of Palmyra

Approved: January 25th, 2023