

BOROUGH OF PALMYRA
LAND USE BOARD MEETING MINUTES

November 29th, 2023, at 7:00 PM

CALL TO ORDER

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

The pledge of Allegiance was recited.

OPEN PUBLIC MEETINGS ACT

Chairman Yetter 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.

ROLL CALL

Chairman Yetter asked for a roll call of the board:

PRESENT: Chairman Yetter, Councilwoman Cloud, Mr. Gural, Ms. Belton, Mrs. Cooper, Ms. Pappas, Mr. Rossignol

ABSENT: Vice-Chairman Beck, Mayor Tait

APPROVAL OF THE MINUTES

Chairman Yetter asked if there were any questions or comments regarding the October 25th, 2023, Land Use Board meeting minutes. Seeing none, Chairman Yetter requested a motion to approve the minutes. Mr. Rossignol made the motion to approve the October 25th, 2023, Land Use Board meeting minutes. Ms. Belton 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, Ms. Belton, Mrs. Pappas, Mr. Rossignol

NAY: None

Abstain: Councilwoman, Cloud, Mr. Gural, Ms. Cooper

CORRESPONDENCE

Chairman Yetter read a letter from Delran Township noting notice of hearing of Use Variance for 65 and 69 Hartford Road, Block 120 Lots 38.01 and 38 on the Delran Township Tax map.

BOROUGH COUNCIL UPDATES

Councilwoman Cloud noted the affordable Housing component of the redevelopment project is moving forward, Councilwoman also noted the Tree Lighting to be held Friday, December 1, 2023.

OLD BUSINESS

Chairman Yetter noted Resolution 2023-13 the Memorialization of: **Application 2023-03 -701 West 5th Street, Blk 69 Lots 1,2,3,4,5,6,7,8 – TOMKAY, LLC**. Mr. Brewer explained the memorialization is for the action taken, at the last meeting by the Board.

BOROUGH OF PALMYRA LAND USE BOARD

RESOLUTION 2023-13

PALMYRA BOROUGH LAND USE BOARD RESOLUTION OF MEMORIALIZATION IN THE MATTER OF ROUTE 701 WEST 5th STREET APPLICATION NO. 2023-LUB-03

WHEREAS, TOMKAY, LLC (“Applicant”) is the operator of property located at 701 West 5th Street, Palmyra, New Jersey, more particularly described as Block 69 Lots 1-8 on the Tax Map of the Borough of Palmyra, (“subject property”); and

WHEREAS, the subject property is located in the I (Industrial) Zone; and

WHEREAS, Applicant filed an application for waiver of site plan approval in order to resurface the existing gravel parking lot (“Application”); and

WHEREAS, Section 158-28(A)(1) of the Land Use Code provides that a waiver of site plan approval may be granted by the Board when minimal construction or improvements are proposed and the use will not affect drainage, circulation, relationship of buildings to each other, landscaping, buffering or lighting; and

WHEREAS, the Application was submitted with the consent of the owner of the subject property; and

WHEREAS, a hearing on the Application was held on October 25, 2023; and

WHEREAS, the Board considered the following documents submitted by the Applicant:

1. Land Use Board Application Form;

2. Site Plan entitled “Site Plan for Proposed Asphalt Parking Lot Surfacing, A. Brooks Roofing, Inc. Block: 69, Lots 1-8, 701 West 5th Street”, prepared by Michael Galante, PE, and consisting of one (1) sheet, last revised August 17, 2023;
3. Site photographs, consisting of three (3) pages, undated;

WHEREAS, Michael J. Roberts, P.E. the engineer for the Land Use Board provided a review letter of the Application dated September 22, 2023 which was reviewed by the Applicant; and

WHEREAS, the Land Use Board held a public hearing on October 25, 2023; and

WHEREAS, the Applicant was represented by Thomas Ehrhardt, Esq.

NOW THEREFORE, the Palmyra Borough Land Use Board makes the following Findings of Fact and Conclusions with respect to the Application:

1. The Applicant seeks to resurface their existing gravel parking lot, with no other improvements proposed. The use of the Property will not change, and Applicant seeks a waiver of the obligation to obtain site plan approval.

2. During the Application, testimony was offered on behalf of the Applicant by Tom Brooks, owner of the Applicant; and Frederick Turek, P.E. P.P.

3. Mr. Brooks testified that he is the sole member of the Applicant and has owned the subject property for approximately fifteen (15) years.

4. Mr. Brooks further testified that the current parking lot consists of compacted asphalt millings. There have never been real drainage issues and the resurfacing will make snow removal easier.

5. He further testified that the existing lighting on the building has been there since he bought the subject property. The building is lit well and they have security cameras.

6. Mr. Turek testified about his qualifications and was accepted as an expert in the field of civil engineering.

7. In response to questions from the Board, Mr. Turek testified that the effective impervious coverage will be unchanged because the currently existing compacted gravel is impervious.

8. The Applicant consented to the condition that the Board’s Engineer will be given access to view all drainage structures to make sure they are all in good condition and functioning as intended.

9. Mr. Turek further testified that the runoff will be cleaner from paved asphalt as opposed to the existing compacted gravel.

10. In response to questions about precise area to be paved, Mr. Turek testified that it was approximately 16,000 sq. ft. because there was no survey.

11. Mr. Brooks testified that there has not been any historical problem with flooding in the fifteen years that he has owned the property.

12. In response to questions by the Board Engineer, Mr. Turek testified that the Application and proposed work will meet the requirements of a GP-40 as set forth in the New Jersey Administrative Code.

13. The Application, plans, testimony, and report of the Board’s Engineer establish that the proposed resurfacing will not affect drainage, circulation, relationship of buildings to each other, landscaping,

buffering, lighting, or other applicable considerations set forth in Section 158 of the Palmyra Land Use Code.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Land Use 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 waiver of site plan approval as set forth above herein, be and hereby is **GRANTED**, subject to the following Conditions.

1. The Applicant will comply with the September 22, 2023 letter report of Michael Roberts, PE, with same to be subject to the review and approval of the Board Engineer.

2. Applicant will provide the Board Engineer access to examine the drainage structures to make sure they are all in good condition and functioning as intended.

3. 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 October 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.

Chairman Yetter requested a motion to approve resolution 2023-13, the Memorialization of: Application 2023 03 -701 West 5th Street, Blk 69 Lots 1,2,3,4,5,6,7,8 – TOMKAY, LLC.

Ms. Belton made a motion to approve Resolution 2023-13 and Ms. Pappas 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, Ms. Belton, Ms. Pappas, Mr. Rossignol

NAY: None

Absent: Councilwoman Cloud, Mr. Gural, Mrs. Cooper

Motion passed Resolution 2023-13 the Memorialization of: Application 2023-03 -701 West 5th Street, Blk 69 Lots 1,2,3,4,5,6,7,8 – TOMKAY, LLC. was approved.

NEW BUSINESS

Chairman Yetter requested the applicants for Application 2023-04 -519 Jefferson Street, Blk 130 Lots 5,6,7 – TAC Investment, LLC come forward.

Seth Broder, Esq. noted his appearance before the board representing the applicant, TAC Investment, LLC., owner of the property located at 519 Jefferson Street, Block 130 Lots 5,6, and 7. Mr. Broder noted the applicant is seeking minor subdivision, noting that Lot 7 has a single-family residence located on it and lots 5 and 6 are vacant. Mr. Broder stated they would also be asking the Board for some bulk variances, noting the following: minimum lot area, lot with, lot depth, lot frontage and front yard setback.

Mr. Broder indicated that testimony would be given by Tom Citro, managing member of applicant, Joseph Mancini, professional Engineer and Planner from Tri-Sate Engineering and Nick Kuzowski, Architect, Fumo & Associates, Inc.

Mr. Brewer then sworn in Mr. Citro, Mr. Mancini, and Mr. Kuzowski.

Mr. Citro noted that he lived in Palmyra for 13 years and built his home in 2020 on Garfield Avenue. Mr. Citro indicated he is a union carpenter by trade. Mr. Citro indicated he likes to rehab old, dilapidated homes, noting that he had completed over 50 home rehabs. Mr. Citro noted that TAC Investments has owned this home since August 1st of 2023. Mr. Citro indicated they had rehabbed the existing home putting about \$100,000.00 into it and it will go up for sale pending this decision here. Mr. Citro indicated he is before the board seeking minor subdivision to build a new single-family subdivision on the other lot. Mr. Citro indicated he is familiar with the neighborhood and had petitioned the neighbors regarding the project and would like to enter as Exhibit A-1 the petition signed by the neighbors in support of the project. Mr. Brewer noted that the secretary could accept it, however noted that the Board is not bound by the rules of evidence to decree an out of court statement as hearsay and if someone is not present to say that they did it, it is not admissible. Mr. Brewer noted it could be accepted but the Board is not bound by any statements by anyone who is not present and under oath.

Mrs. Cooper asked if the 50 homes rehabbed were in Palmyra. Mr. Citro indicated no.

Mr. Broder noted that if the application is approved Mr. Citro has indicated he will abide by all conditions imposed by the Land Use Board.

Mr. Broder then called Mr. Nick Kuzowski, Architect.

Mr. Nick Kuzowski indicated he is a principle at Fumo and Associates, Inc. and has been a professional architect for over 25 years, noting that he holds an Architectural license from the State of New Jersey and has been qualified as an expert before many Boards in New Jersey. Mr. Broder requested Mr. Kuzowski be recognized as an expert. Mr. Brewer indicated the board had no objection.

Mr. Kuzowski indicated the following exhibits and explained:

A-2 Single Family Dwelling showing the basement, 1st floor, 2nd floor- 3 Bedroom house with 2- and one-half baths and 1 car garage. The first floor is 9 feet, second floor is 8 feet.

page 1.0 shows the rendering/locations of the rooms, steps, garage. Walk into a covered porch, then the foyer, past a powder room and closet, with an open floor concept with a kitchen to your right and a dining room and kitchen in the back, and garage to the left. Steps that go up to the second floor or down to basement. On the second floor is a washer and dryer, two bedrooms with full bath and master bedroom with master bath and two closets.

Page 2.0A rendering of the materials which will be vertical vinyl siding, apact vinyl columns, dormer is for aesthetics.

Chairman Yetter asked how wide it was. Mr. Kuzowski indicated 29 feet and 8 inches and 43 feet deep. Councilwoman Cloud asked how it compared to footprint of existing home already located on the property. Mr. Broder then called Mr. Mancini.

Mr. Mancini indicated he is currently President at Tri-State Engineer and Surveying and is a professional engineer and planner with over 24 years of practice in the field. Mr. Mancini indicated he has testified before many other boards throughout South Jersey.

Mr. Broder then submitted exhibit A-3- Arial Exhibit of existing property date January of 2023

Mr. Mancini indicated the exhibit shows the existing home, Jefferson Street and Market Street. Mr. Mancini stated the existing home is approximately 17 feet by 46 feet, also a two-story building. The property is lots, 5,6,7 and approximately about 10,000 square feet. The current improvements are concentrated on existing lot 7. Mr. Mancini noted the existing property has some existing non=conforming conditions such as depth which is 100 feet and 125 feet is required in R-1 zone, minimum front yard is current 10.9 feet and 30 feet is required, the accessory structure in the back is located 2.1 feet where 3 feet is required. Mr. Mancini stated they were present to consulate those three parcels into two lots, one which will house the existing home and the other for a proposed home as described. Mr. Mancini noted the existing drive and shed would be relocated onto lot 7. Mr. Mancini indicated the shed would be relocated on lot 7 to conform with the current setback requirements. Mr. Mancini stated the two proposed lots would be 5,000 sq feet where 7,500 sq. feet are required thru requiring

a bulk variance. Mr. Mancini also noted the need for bulk variances for the minimum lot width requirement of fifty feet, and minimum lot frontage requirement of sixty feet and minimum lot depth of 125 feet. Mr. Mancini noted that all the lots located on the subject street at one hundred feet deep. Mr. Mancini indicated he felt the deviations fell under the C-2 criteria of the Land Use Law- the purpose of zoning is advanced and no detriment to the public or zoning plan. Mr. Mancini indicated that purpose E, G, and purpose I of the Land Use Law all apply and positive criteria as to granting the application submitted. Mr. Mancini indicated that granting the application would not cause a substantial detriment to the neighboring properties, nor substantial impact to traffic. Mr. Mancini indicated the homes would be substantial consistent with other homes on the block.

Mr. Gural stated that we currently have one existing non-conforming property that you wish to exacerbate by making two non-conforming lots and did not understand how that could have a positive impact on the neighborhood. There was some additional discussion. Mr. Gural what the positive attributes were again. Mr. Mancini stated Land Use Law NJSA:55-T2 propose A, G, and I. Mr. Gural asked if the three lots were consolidated. Mr. Citro indicated yes. Chairman Yetter asked about parking. Mr. Mancini stated there would be ample room for driveways on both lots. Mr. Gural asked what the plan was for the driveway and the shed. Mr. Mancini indicated the existing driveway would be removed and relocated so lot 7 would have its own driveway and shed to be relocated onto lot 7. Mr. Mancini noted that if they could not meet the current conditions for a shed, it would come down and be removed. Mr. Rossignol asked if there was another structure in the front right of the property. Mr. Mancini indicated yes and that that concrete pad would be removed.

Mr. Mancini indicated that they received the review letter from Mr. Roberts and agree to comply with all the recommendations of his letter. Chairman Yetter asked if there would be ample room for two driveways and how close is the new property to the property line of the house on Market Street. Mr. Mancini indicated it would comply with the requirements of the zone which he believed to be 8 feet minimum. There was some additional discussion. Mr. Gural asked what all the variances are that they are requesting. Mr. Mancini indicated: minimum lot area, minimum lot width, minimum lot depth, minimum front yard setback. Mr. Gural questioned the front yard setback noting that many homes in that area do not have a 15 or 20 front yard setback asking if the home would look out of place. Mr. Mancini indicated they were trying to keep it close to the existing home on the lot. Mr. Gural and Mr. Brewer indicated they may wish to amend their application to ask if front yard setback can be equivalent to an average of the homes on the block. Mr. Broder indicated that front yard setback average as appose to a specific number is duly requested. Chairman Yetter stated that the plans for the house are nice, but he would like to see the dimensions of the proposed house and driveways and were exactly there are to be placed on the property as him trying to figure out where they are going to be

placed on the property. Chairman Yetter indicated it is hard to visualize. Mr. Mancini indicated they would supply that modification on the plans for Mr. Roberts review and acceptance as a condition of approval and if not, they would come back before the board. Mr. Roberts noted that Mrs. Kilmer indicated the property is located within the flood plain so any permit from the DEP should be contingent of any approvals. There was some additional discussion. Chairman Yetter expressed concern about the percentage of impervious coverage on the property.

Chairman Yetter requested a motion to open the meeting to the public for comment on the application. Councilwoman Cloud made a motion to open the meeting to the public for comment on the application. Ms. Belton 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 one wishing to make a comment Chairman Yetter requested a motion to close the public comment portion on the application. Councilwoman Cloud made a motion to close the public comment portion. Mrs. Cooper second the motion.

All members present voted in favor of the motion.

Mr. Gural stated the information presented is difficult to visualize, noting he was not in favor of exacerbating the situation, maybe if he had additional information, it would be easier to consider. Ms. Pappas indicated that the visuals of the street, how it fits in, where the house is located on the property, it looks like a great house, but the visuals are not here. Mr. Broder indicated that he felt it would fit in with the neighborhood but if they were something that the board would like to see then they would supply it for the board. There was additional discussion regarding the location of the new house, driveway and fit for the neighborhood. Mr. Rossignol stated it was very hard to visualize the house on the street to see how it fits in with the character of the street, how much taller than the other homes in the area, or where the driveways are located.

Mr. Broder asked for a brief recess so he could confer with his client.

When Mr. Broder and his client returned, they requested a continuance to supply additional information for the board to consider. There was additional discussion regarding what should be presented.

Mr. Brewer noted the applicants request to continue the application to the next meeting December 20th, 2024, when additional information could be presented. Mr. Brewer noted no additional notice would be required.

PUBLIC COMMENT

Chairman Yetter requested a motion to open the meeting to the public for comment. Councilwoman Cloud made a motion to open the meeting to the public for comment. Ms. Belton 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 one wishing to make a comment Chairman Yetter requested a motion to close the public comment portion of the meeting. Dr. Cloud made a motion to close the public comment portion. Mrs. Cooper second the motion.

All members present voted in favor of the motion.

ADJOURNMENT

Having no further business, Chairman Yetter requested a motion to adjourn the meeting. Dr. Cloud made a motion to adjourn the meeting. Ms. Pappas second the motion.

All members present voted in favor of the motion.

Meeting was adjourned at 8:14 pm

Doretha R Jackson, RMC

Land Use Board Secretary

Borough of Palmyra

Approved: January 24, 2024