

BOROUGH OF PALMYRA
LAND USE BOARD MEETING MINUTES
FEBRUARY 28, 2024 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 7:12 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 matter:

- A. Posting written notice on the Official Bulletin Board at the Palmyra Borough Hall on January 25th, 2024
- B. Sending written notice to the Burlington County Times and Courier Post on January 25th, 2024
- C. Notice to all Board members.

ROLL CALL

Chairman Yetter asked for a roll call of the board:

PRESENT: Chairman Yetter, Vice-Chairman Beck, Mayor Tait, Mr. Gural, Ms. Belton, Mrs. Cooper

ABSENT: Councilwoman Cloud, Ms. Pappas

CORRESPONDENCE

Chairman Yetter read a letter of resignation to the Board from Mr. Jayson Rossignol. Chairman Yetter requested a motion to accept Mr. Rossignol's letter of resignation. Mr. Gural made a motion to accept the resignation of Mr. Rossignol. Mayor Tait seconded the motion.

All members present voted in favor of the motion

BOROUGH COUNCIL UPDATES

Mayor Tait noted the following upcoming events:

A Black History Collage is on display in the windows of the Community Center until the end on month.

Palmyra Day will be held May 4th, 2024

Special School District Election being held March 12, 2024 in the Community Center from 11:00 am to 8:00 pm

OLD BUSINESS

Resolution 2024-08– Resolution of Memorialization in the Matter of 519 Jefferson Street, **Application 2023-04 -519 Jefferson Street, Blk 130 Lots 5,6,7 – TAC Investment, LLC**

Chairman Yetter noted **Resolution 2024-08**– Resolution of Memorialization in the Matter of 519 Jefferson Street, **Application 2023-04 -519 Jefferson Street, Blk 130 Lots 5,6,7 – TAC Investment, 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 2024-8

PALMYRA BOROUGH LAND USE BOARD RESOLUTION OF MEMORIALIZATION IN THE MATTER OF 519 JEFFERSON STREET APPLICATION NO. 2023-LUB-04

WHEREAS, TAC Investment, LLC (“Applicant”) is the owner of property located at 519 Jefferson Street, Palmyra, New Jersey, more particularly described as Block 130 Lots 5, 6 & 7 on the Tax Map of the Borough of Palmyra, (“subject property”); and

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

WHEREAS, Applicant filed an application for subdivision approval with associated variances in order to subdivide and consolidate Block 130, Lots 5, 6 & 7 into two Lots; and

WHEREAS, the subject property is owned by the Applicant; and

WHEREAS, there is currently a residence on Lot 7 and a shed and driveway associated with the residence on Blocks 5 & 6, and the purpose of the Application is to consolidate the three lots into two equal-sized lots; and

WHEREAS, the Application as proposed requires the following variances:

A variance from § 158-16.D.1.a for minimum lot area. Each lot is proposed to be 4,999 sf whereas 7,500 sf is required.

A variance from § 158-16.D.1.b for minimum lot width. Each lot is proposed to be 50 feet wide whereas 60 feet is required.

A variance from § 158-16.D.1.c for minimum lot depth. Each lot is proposed to be 100 feet deep whereas 125 feet is required.

A variance from § 158-16.D.1.d for minimum lot frontage. Each lot is proposed to have 50 feet of frontage whereas 60 feet is required.

A variance from § 158-16.D.2.a for minimum front yard setback. The existing dwelling is located 15.9 feet from the front property line whereas 30 feet is required. The proposed vacant lot as initially proposed does not require any setback variances.

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

1. Land Use Board Application Form;
2. A Topographic Survey entitled “510 Jefferson Street, Block 130, Lots 5, 6 & 7”, prepared by Tristate Engineering and Surveying, PC, dated September 7, 2023;
3. Minor Subdivision Plan, entitled “519 Jefferson Street, Block 130, Lots 5, 6 & 7” prepared by Tristate Engineering and Surveying, PC, dated September 12, 2023.

WHEREAS, Michael Roberts, P.E. the engineer for the Land Use Board provided a review letter of the Application dated October 10, 2023 which was reviewed by the Applicant; and

WHEREAS, the Planning Board held public hearings on November 29, 2023 and January 24, 2024; and

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

1. The subdivision Application requires variances as set forth above and the Applicant was represented by Seth Broder, Esq.
2. During the Application, testimony was offered on behalf of the Applicant by Tom Citro, the owner of the Applicant; Nikolai Kuzowski, Architect; and Joseph Mancini, PE, PP.
3. Mr. Citro testified that he is the managing member of the Applicant and a resident of Palmyra.
4. He further testified that he is in the business of rehabilitating homes for resale and has completed approximately 50 homes.
5. He testified that the Applicant has spent approximately \$100,000 rehabilitating the existing home on the subject property.
6. The Applicant presented testimony from Nikolai Kuzowski, Architect, who testified as to his credentials and was accepted as an expert in the field of architecture.

7. Mr. Kuzowski testified as to the proposed home to be built on the new Lot if the Application is approved.

8. Mr. Kuzowski testified as to the siding and proposed construction materials for the proposed home.

9. The Applicant presented testimony from Joseph Mancini, PE, PP, who testified as to his credentials and was accepted as an expert in the fields of civil engineering and planning.

10. Mr. Mancini testified as to Exhibit A-3, an aerial view photograph of the subject area.

11. Mr. Mancini testified that the variances sought were justified under both a c (1) and c (2) standard in that it would create a hardship if only one residence could be built on the property and the proposal would be an improvement by benefiting the neighborhood by developing the Property in a fashion similar to other properties in the area.

12. He further testified that the benefits substantially outweigh any detriments.

13. He further testified about the proposed variances and that the shed will conform to all setback requirements.

14. Mr. Mancini testified that the proposed variances would be an example of a better zoning alternative and support the following purposes of zoning; (e) of providing appropriate density and concentration; (g) sufficient space for a variety of residential uses and (i) a desirable visual environment.

15. He further testified that the proposal is more consistent with the surrounding properties than development in conformance with the current zoning.

16. Mr. Mancini testified he reviewed the Master Plan which had proposed potentially reducing the R-1 minimum frontage from 60 feet to 50 feet similar to that requested by the Applicant.

17. He further testified that the proposed lots would comply with lot coverage and building coverage.

18. In response to questions from the Board, the Applicant consented to complying with all provisions in the October 10, 2023 letter from Michael Roberts, PE, of CME Associates.

19. Mr. Mancini testified that any proposed home will comply with the side yard setbacks and the building envelope as set forth on the proposed plans.

20. The Applicant amended the Application for a variance for the front yard setback of the proposed home to be equivalent to the existing home, (15 feet 9 inches) with such change to be provided on the Applicant's plans.

21. The Applicant consented to provide additional information and documents reflecting the proposed home and driveways.

22. Prior to the continued hearing the Applicant provided two sheets of photographs of nearby homes and properties; and aerial photograph with the proposal superimposed on the subject property and a revised minor subdivision plan prepared by Tristate Engineering dated 12/5/2023.

23. The hearing was continued to the Board's January 24, 2024 meeting.

24. The Applicant presented the testimony of Tom Citro who testified as to the additional materials submitted by the Applicant and the Applicant's agreement to construct the new home in conformance with the proposed plans and testimony.

25. The testimony and exhibits offered by the Applicant establish that there are special reasons for the approval of the Application as amended in that it promotes purposes e, g and i of the Municipal Land Use Law, and that the subject property is particularly suited for the proposed uses.

26. The testimony and exhibits offered by the Applicant establish that the proposed variances will not have a detrimental impact on the surrounding area and that they will not substantially harm the intent of the zoning ordinance.

27. The testimony offered by the Applicant supports the finding and determination that the proposed variances set forth above are 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.

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, as amended, for subdivision approval with variances as set forth above herein, be and hereby is **GRANTED**, subject to the following Conditions.

1. The Applicant shall comply with the October 10, 2023 review letter of Michel Roberts, P.E. with such approval to be confirmed in writing, prior to execution of the Subdivision Deed by the Board Chair.
2. The Applicant shall revise its plans in conformance with the amendment as to the front yard setback for the proposed new home and as consented to during testimony, with same to be reviewed and approved in writing by the Board Engineer prior to signing of the Subdivision Deed.
3. The Applicant shall perfect the subdivision approval by the filing of a deed, to be reviewed and approved by the Board Attorney and Engineer prior to filing.
4. 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 hearings held on November 29, 2023 and January 24, 2024; 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 2024-8, the Memorialization of: Resolution of Memorialization in the Matter of 519 Jefferson Street, **Application 2023-04 -519 Jefferson Street, Blk 130 Lots 5,6,7 – TAC Investment, LLC**

Mayor Tait made a motion to approve Resolution 2024-8 and Vice-Chairman Beck 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

Abstain: Mrs. Cooper

NAY: None

Absent: Councilwoman Cloud, Ms. Pappas

Motion passed Resolution of Memorialization in the Matter of 519 Jefferson Street, **Application 2023-04 - 519 Jefferson Street, Blk 130 Lots 5,6,7 – TAC Investment, LLC was approved.**

NEW BUSINESS

Ms. Christa Ouellette, of Environmental Resources Inc. gave a presentation on Stormwater Management. Ms. Ouellette noted that a Borough requirement of the Department of Environmental Protection is that the members of the Land Use Board complete the training sessions each year. Ms. Ouellette noted a Training session will be held on March 16th, 2024, in Borough Hall. Ms. Ouellette

stated Ms. Jackson would be sending the list of the videos required to be viewed along with the completion certification sheets. Ms. Ouellette noted that everyone could review those videos at the leisure unless they attend the training session on March 16th, 2024, and return the completion certification sheets to the Board Secretary when complete. Ms. Ouellette requested that they complete the training videos before the next Land Use Board meeting in March 27, 2024.

Mr. Kirchner asked the Board for some guidance in the way they wished to proceed regarding the fencing on corner lots and enclosing the entire front of yard of properties. There was some discussion. Mr. Kirchner also inquired about the direction the board wished to proceed in regards to accessory structures and defining what an accessory structure is, noting major accessory structures vs minor structures and the permissible number of accessory structures. There was some discussion and Mr. Kirchner indicated he would put together ideas for the Board to consider.

PUBLIC COMMENT

Chairman Yetter requested a motion to open the meeting to the public for comment. Vice-Chairman Beck made a motion to open the meeting to the public for comment. Mayor Tait 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. Ms. Belton made a motion to close the public comment portion. Vice-Chairman Beck second the motion.

All members present voted in favor of the motion.

Please state your name and address for the record.

ADJOURNMENT

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

All members present voted in favor of the motion.

Meeting was adjourned at 7:37 pm

Doretha R Jackson, RMC
Land Use Board Secretary
Borough of Palmyra
Approved: June 26, 2024