

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

February 7, 2024
REGULAR MEETING MINUTES

This meeting was called to order at 7:01 P.M.

The regular meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on February 7, 2024, scheduled to start at 7:00 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by the Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 7, 2024, and on the Township website.

Pledge of Allegiance was recited.

Chairman Borger welcomed guests.

Roll call:

Chairman Gary Borger – Present
Committeeman Odise Carr – Absent
Mr. Ryan Fagan) – Absent
Vice Chairman David Guerrero) – Present
Mayor Sandy Henley – Present
Mr. Raymond Holshue, Zoning Officer – Present
Mr. Frank Jones – Present
Mr. Joseph Odenheimer – Present
Mr. Jaspreet Singh, Alternate – Present
Mr. Robert Thorpe – Present
Ms. Cherell Tolor; Alternate – Present

Professionals Present:

Mrs. Jennifer Cragg, Board Secretary
Mr. Wade Dickey, Board Solicitor, Florio Perrucci Steinhardt Cappelli & Tipton
Mr. Christopher Dochney, Board Planner, CME Associates
Mr. Kyle Ebersole, Board Engineer, CME Associates

Approval to amend July 2024 meeting date from July 3rd to July 10th.

Motion by Vice Chairman Guerrero, second by Chairman Borger, all were in favor.

Approval of Meeting Minutes:

12-06-2023 - Regular Session

Motion by Vice Chairman Guerrero, second by Mr. Jones

Roll call: Yes - Chairman Borger, Vice Chairman Guerrero, Mr. Jones,
Mr. Odenheimer, Mr. Singh

Abstain: Mayor Henley, Mr. Thorpe, Ms. Tolor, Mr. Holshue

12-06-2023 - Executive Session

Motion by Vice Chairman Guerrero, second by Mr. Odenheimer

Roll call: Yes - Chairman Borger, Vice Chairman Guerrero, Mr. Jones,
Mr. Odenheimer, Mr. Singh

Abstain: Mayor Henley, Mr. Thorpe, Ms. Tolor, Mr. Holshue

01-03-2024 - Regular Session

Motion by Vice Chairman Guerrero, second by Mr. Odenheimer

Roll call: Yes - Chairman Borger, Vice Chairman Guerrero, Mr. Jones,
Mr. Odenheimer, Mr. Singh, Mayor Henley, Mr. Thorpe

Abstain: Ms. Tolor, Mr. Holshue

Resolutions for approval and memorialization:**Resolution 01-2024 – Memorializing Board Reorganization**

Motion by Mayor Henley, second by Vice Chairman Guerrero

Roll Call: Yes - Chairman Borger, Vice Chairman Guerrero, Mayor Henley,
Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe

Abstain - Ms. Tolor, Mr. Holshue

Resolution 02-2024 – Authorizing the Award of a Contract for Professional Services and Appointing Land Development Board Solicitor

Motion by Vice Chairman Guerrero, second by Mayor Henley

Roll Call: Yes - Chairman Borger, Vice Chairman Guerrero, Mayor Henley,
Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe,
Ms. Tolor

Abstain - Mr. Holshue

Resolution 03-2024 – Authorizing the Award of a Contract for Professional Services and Appointing Land Development Board Engineer

Motion by Mr. Odenheimer, second by Vice Chairman Guerrero

Roll Call: Yes - Chairman Borger, Vice Chairman Guerrero, Mayor Henley,
Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe,
Ms. Tolor

Abstain - Mr. Holshue

Resolution 04-2024 – Approving Occupational Therapy Center (OTC) of Burlington County-B:905 L:1.01 Minor Site Plan to Install a New 400KW Diesel Emergency Standby Generator

Motion by Mr. Jones, second by Vice Chairman Guerrero

Roll Call: Yes - Chairman Borger, Vice Chairman Guerrero, Mayor Henley,
Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe

Abstain - Ms. Tolor, Mr. Holshue

Old Business:**NFI Real Estate, LLC-B:807 L:1-Preliminary and Final Site Plan approval to construct a 218,478 square foot warehouse.**

Kevin Sheehan, attorney with Parker McCay for NFI Real Estate, stepped in for John Gillespie from the January 3, 2024, meeting to finish up this application.

Mr. Sheehan gave a brief overview of last month's testimony and identified from whom the board will hear testimony this evening.

Mr. Sheehan pointed out that Ms. Tolor wasn't present at last month's meeting; Ms. Tolor confirmed she received and reviewed the recording of the January 3rd meeting. Chairman Borger asked Ms. Cragg to send an affidavit to Ms. Tolor and advised it will be part of the official record.

Mr. Dickey swore in Mr. Kerry Haber.

Chairman Borger informed everyone that Mr. Haber was recognized as an expert at the January 3rd meeting based on his credentials, educational background, experience, and licensure in the State of New Jersey.

Mr. Haber presented exhibits A-6, A-7, and A-8 which showed the landscaping and architecture of the building and land based on the board's suggestions and comments from the January meeting.

Mr. Nathan Mosley appeared in front of the board and was sworn in by Mr. Dickey.

Chairman Borger advised that Mr. Mosley has been recognized by the Board in the past as an expert in traffic engineering based on having previously presented his credentials in previous applications before the Board.

Mr. Mosley gave an overview and summary of the traffic reports that were submitted to the board and presented as exhibit A-9.

Mr. Ebersole asked Mr. Mosley if there would be signage for truck drivers, explaining the two access points dedicated to passenger vehicles.

Mr. Mosley deferred to Mr. Havey and advised that they will work with the board and professionals on this.

Mr. Odenheimer asked if there would be a dedicated left-turn lane at the truck access off Irick Road.

Mr. Mosley advised it does not meet the warrants or need and currently does not have a left-turn lane proposed.

Mr. Odenheimer asked if they analyzed the level of service for that movement of the traffic and flow with the trucks waiting to turn into that driveway.

Mr. Mosley advised that he did and apologized for not providing that information. He explained the evaluation and advised that under peak-hour conditions the inbound and outbound movements, whether left or right turn, all operate at service level "A." Mr. Mosley presented exhibit A-9 again to provide a visual and further clarification.

Mr. Odenheimer asked if any consideration was given to exiting trucks being prohibited from turning left so they are forced to travel down Route 541 instead of turning left which would bring them through town.

Mr. Mosley responded that they will be having a full moving driveway, but they are willing to work with board professionals and add signage to encourage trucks to go down Route 541.

Mr. Dochney asked if any thought was given to providing trucks with direct access from Route 541 instead of having them go down Irick Road.

Mr. Mosely deferred to the applicant.

Mr. Havey was sworn in by Mr. Dickey.

Mr. Havey advised that the trucks entering off Irick Road would help separate passenger car traffic and truck traffic and filter the trucks into one location which is the Irick Road location.

Mr. Mosely added that it is easier for tractor trailers to go counterclockwise as they arrive.

Vice-Chairman Guerrero backed up Mr. Dochney and asked if they considered egress off the backside of Route 541 to keep trucks from going around the roundabout.

Mr. Mosley advised again they are trying to separate the passenger and truck traffic.

The Vice-Chairman also agreed with Mr. Odenheimer about having a right-turn only out of the facility, so the trucks aren't going through town. The Vice-Chairman also asked if there was a fire report because he hadn't seen one in the file.

Mr. Havey advised he is waiting for the fire report from the Fire Official and will provide it to whomever needs it.

Chairman Borger requested that the fire report be submitted to the board secretary so it can be added to the record.

Mr. Sheehan stated that they will work with the board for signage to encourage only car traffic through town at the Irick Road entrance and exit.

Mr. Odenheimer asked Mr. Havey, when the trucks are heading out to Rute 541, do they anticipate an equal distribution going to I-295 and the NJ Turnpike.

Mr. Mosley advised that they do expect equal distribution.

Mr. Thorpe questioned why there is no egress off Route 541 and advised that is his concern and would like to know why they aren't putting in an egress, and doesn't understand why they are making all the trucks utilize the roundabout and reiterated that trucks should **not** be allowed to turn left out of the facility, and more than just signage is needed to prevent this. Mr. Thorpe stated he went to the location and put in over 40 different locations on his GPS and 40% of them have him turn left.

Mr. Mosley responded that they did extensive research, and the county approved the traffic patterns.

Mr. Thorpe expressed his distaste about the roundabout and expressed how making a right-turn only would be a safety feature added to roundabout.

Chairman Borger asked if the applicant would be willing to add signage and a concrete barrier to make trucks go right.

Mr. Werrell committed to the signage but advised he will need to look into the site plan in detail before they can commit to a barrier, and stated it is a county designed road. By adding the barrier, it will cut off the ability of passenger cars to turn left into the facility.

Mr. Thorpe explained how the roundabout would work with the barrier and that the barrier would be on the property and not on the county road.

Mr. Odenheimer asked for their team to look at it and consider a two-lane exit and provided a suggestion on how to prohibit the trucks from turning.

Mr. Werrell advised they will make it a right-out only on Irick Road so that they physically cannot go down Irick Road into town.

Ms. Furey Bruder was sworn in by Mr. Dickey.

Chairman Borger qualified Ms. Furey Bruder as an expert in the field of professional planning based on her prior appearances before the Board when she presented her professional qualifications.

Ms. Furey Bruder gave concluding testimony of the variances for the applicant and how they meet the required standards.

Mr. Thorpe wanted it on record in the minutes that he takes exception to things like "this can't be developed into a warehouse if you don't approve these waivers" and advised it sounds a little strong armed and further explained that you could, as you don't need a waiver if it was a 150,000 foot warehouse. Mr. Thorpe also discussed the lighting options the applicant selected and is requesting that they consider a better option that has a higher CRI.

Mr. Werrell advised that they will use a higher CRI.

Mr. Dochney brought up his letter of December 2023 stating that the applicant already agreed to go with a CRI of 90 or higher.

Ms. Furey Bruder explained her take on the smaller warehouse and that you won't hear that type of testimony from her where you need the variance when you don't need the variance. She isn't sure if Mr. Thorpe hears that from a different planner but will not from her. Ms. Furey Bruder went on to explain regardless of the warehouse size, a variance is required because of the frontage.

Vice-Chairman Guerrero asked about the sign package.

Mr. Werrell advised that they don't have a sign package right now, but will submit it when they seek construction permits and will not be seeking any waivers for signage.

Chairman Borger opened the meeting for public comment on the application.

Mr. Bryan O'Neal was sworn in by Mr. Dickey.

Mr. O'Neal asked if Irick Road would be done before the warehouse or if it would all be done at the same time.

Mr. Werrell confirmed Irick Road will be done first.

Mr. O'Neal asked why they are putting in a roundabout as it doesn't make any sense to him.

Mr. Mosely explained the reason for the roundabout.

Ms. Eileen Kuriskin raised her virtual hand on zoom but never spoke.

Chairman Borger closed the meeting to the public.

Mr. Sheehan provided an overview of the testimony.

Mr. Dickey gave a summary of the application and what the applicant is seeking. Mr. Dickey also provided guidance to the board and looked for a motion to approve or deny the subdivision site plan approval application as presented with the requested bulk variances.

Chairman Borger entertained a motion to approve or deny the application as amended tonight at the meeting and subject to the conditions to which the applicant had agreed.

Motion to approve by Mr. Odenheimer, second by Vice Chairman Guerrero

Roll Call: Yes - Chairman Borger, Vice-Chairman Guerrero, Mayor Henley, Mr. Holshue, Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe, Ms. Tolor

Chairman Borger announced that the application has been approved as amended.

The Board and public took a break from the meeting from 8:45 P.M. to 8:57 P.M.

New Business:

Dolan Contractors, Inc, 94 Stemmers Lane-B203 L:6 - to construct an 11,358 square-foot storage building in place of the existing shed.

Mr. Michael Floyd, attorney with Archer and Greiner for Dolan Contracts Inc., introduced himself and provided an overview of the application.

Mr. Michael Dolan was sworn in by Mr. Dickey.

Mr. Dolan gave history and information on the building and business. He also went over the changes they are seeking.

Mr. Floyd asked Mr. Dolan to speak about the parking, lighting, and security at the building, which Mr. Dolan provided.

Mr. Dolan answered questions in the review letter regarding loading docks and safety as well as discussing the landscaping and traffic patterns.

Mr. Ebersole asked about the conflict with the proposed handicap space and dumpster. Mr. Dolan responded with why it will work as proposed.

Mr. Bernie Wojtkowiak was sworn in by Mr. Dickey.

Chairman Borger qualified Mr. Wojtkowiak as an expert in the field of civil engineering based on his credentials as presented in previous applications before the Board.

Mr. Wojtkowiak explained that if a trash truck comes to pick up or empty the dumpster, the individual parked in the handicap space will have to temporarily move. It isn't ideal, but it is not an issue.

Mr. Dolan added that this is how it has been operating for many years and that this handicap spot will be new and accommodating for visitors which they don't expect to have often.

Mr. Dochney asked how frequently the trash or recycling trucks come to the site.

Mr. Dolan advised it is once a week.

Mr. Wojtkowiak presented exhibits A-1, A-2, A-5, A-6, and pointed out that that they will be installing a fire suppression system, and that a revised utility plan will be submitted to show piping.

Mr. Dochney asked about the lighting and wanted it confirmed that the lighting will be what was in the December 2023 review letter.

Mr. Wojtkowiak confirmed.

Mr. Ebersole asked for a response to questions 5F on the review letter regarding the low-flow channel and concurrence with the neighboring property.

Mr. Dolan responded that the neighbors want grass, but they are just going to grade that area.

Mr. William Stevens was sworn in by Mr. Dickey.

Chairman Borger qualified Mr. Stevens as an expert in the field of planning.

Mr. Stevens went over the variances for this project and the board planner's review letter and utilized exhibit A-2. Additionally, he summarized the purposes of the Municipal Land Use law that are furthered by the granting of these variances and also addressed the negative criteria.

Mr. Floyd indicated that that concluded the applicant's presentation.

Mr. Dochney asked for clarification on whether there would be new signage with the application and if the applicant was okay with the landscaping changes listed in the review letter.

The applicant responded that there will not be a new sign and they will adhere to the landscaping required.

Mr. Thorpe talked about lighting and pointed out how he appreciates what the applicant provided for in lighting options.

The board planner agreed that all comments from the review letters are satisfied at this time.

Chairman Borger opened the meeting for public comment on the application.

There were no comments from the public.

Chairman Borger closed the meeting to public comment.

Mr. Floyd provided an overview of the testimony.

Mr. Dickey gave a summary of the application and what the applicant is seeking. Mr. Dickey also provided guidance to the board and looked for a motion to approve or deny the application for a major site plan approval as presented with the requested bulk variances.

Chairman Borger noted that, overall, there were many variances sought that could have been avoided without undue expense to the applicant but, overall, that it is more beneficial to the Township to have the structure updated than to deny the application.

Chairman Borger entertained a motion to approve or deny the application as amended tonight at the meeting and subject to the conditions to which the applicant had agreed.

Motion to approve by Mr. Thorpe, seconded by Vice-Chairman Guerrero
Roll Call: Yes - Chairman Borger, Vice-Chairman Guerrero, Mayor Henley, Mr. Holshue, Mr. Jones, Mr. Odenheimer, Mr. Singh, Mr. Thorpe, and Ms. Tolor

Chairman Borger announced that the application has been approved.

Informal Applications: None

Correspondence: Letter from PSE&G

Public Comment: None

Comments from Board Members, Solicitor, Engineer, Planner, and Secretary:
Vice-Chairman Guerrero complimented Chairman Borger on a good meeting.

Neither Mr. Dickey nor Mr. Ebersole had any comments.

Mr. Dochney echoed Vice-Chairman Guerrero and that it was nice we finished all the applications tonight and no one has to come back next month to finish up.

Chairman Borger said it's nice to clean the slate.

Mayor Henley said "good work" from everyone for asking the right questions and keeping the integrity of what we do and that he is very proud of the board.

Ms. Cragg agreed that tonight was a perfect meeting.

Chairman Borger and Vice-Chairman Guerrero commented that Ms. Cragg is doing a great job and asked Ms. Cragg if we have anything pending for next month's meeting.

Ms. Cragg advised, "Nothing yet unless Dolan Contractors re-notices its other pending application."

Ms. Tolor concurred with Chairman Borger's statements this evening.

Meeting Adjourned at 10:06 p.m.

Motion by Vice-Chairman Guerrero, second by Mr. Odenheimer
All were in favor