

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MONTHLY MEETING

March 1, 2023

MINUTES

The regularly scheduled monthly meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on March 1, 2023 at 7:00 P.M. The meeting was called to order by Chair Gary Borger and the opening statement required by the Sunshine Law was read. Also, this meeting was advertised in the Burlington County Times on January 6, 2023, and on the Township website. All guests were welcomed.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mr. Borger, Mr. Fagan, Mr. Guerrero, Mr. Henley, Mr. Jones, Mr. Odenheimer, Ms. Tolor, and Mr. Thorpe
Absent: Mr. Carr, Mr. Grace, and Mr. Holshue
Professional Staff: Attorney Nicholas Sullivan, Engineer Michael Roberts, Planner Chris Dochney, and Secretary Jodie Termi

SWEAR IN NEW MEMBER: Cherelle Tolor was sworn in by the solicitor.

SWEAR IN PROFESSIONALS: Mr. Sullivan swore in Planner Chris Dochney and Engineer Michael Roberts

MINUTES: February 1, 2023, were approved by motion of Mr. Jones, seconded by Mr. Odenheimer. None opposed. Ms. Tolor abstained.

RESOLUTION(S):

06-2023 – Continuing Rancocas Holdings – B:201 L:10 & 11, Use variance to permit parking/storage of vehicles was approved by motion of Mr. Fagan, seconded by Mr. Guerrero. None opposed. Mr. Henley and Ms. Tolor abstained.

OLD BUSINESS:

Rancocas Holdings – B:201 L:10 & 11, Use Variance to permit parking/storage of vehicles.

Pat McAndrew, attorney for the applicant, stated that his testimony was complete and tonight we are here to hear the opposition testimony and public comment.

Doug Heinold (Mr. Heinold), attorney for Baylard, a substantial property owner in the Highland Business Park immediately adjacent to this property. He presented two witnesses to give testimony, namely, James Pinkerton and David Ricci

Mr. Sullivan swore in James Pinkerton (Mr. Pinkerton) and David Ricci (Mr. Ricci).

Mr. Pinkerton is the Senior Vice-President of Baylard and handles portfolio management acquisitions and asset management for a substantial portion of Baylard's portfolio. He raised concerns about the fiduciary duty owed to Baylard's shareholders to preserve the value of Baylard's investments, namely, significant concerns with the proposal as it stands due to traffic concerns and how it will impact the visual gateway to Highland Business Park. He opined that the proposal would negatively impact the park and the properties within the park. He requested that the zoning ordinance be upheld and the site remain as a Commercial Zone.

Mr. Ricci is a licensed real estate agent who works for and is a partner with the Flynn Company. Flynn company is the leasing agents for Baylard. He considers this application as an IOS (Industrial Outside Storage), a niche form of Industrial real estate that has become popular in the last 3-4 years. Traffic is going to be a huge issue. Mr. Ricci has concerns with the traffic now and is concerned that, if you were to put five more vehicles onto that drive, there's going to be a negative impact. This will also be a visual eyesore even with the buffers and screening because the use will still be there. The applicant owns a trucking company, and it is assumed that the trucking company will use a portion of this lot. There is concern that the need for this type of storage is so high that this site will turn into just trailer storage.

Mr. Sullivan swears in Bethann Grasso and Geoffrey Gray-Cornelius.

Bethann Grasso (Ms. Grasso) – Stated her qualifications and was deemed an expert as a Licensed Professional Engineer. The applicant's traffic report was done by Shropshire. She found multiple issues with that traffic report. The wrong figures were used when referencing another project. The appendices were not complete or correct. Shropshire used a facility that was a storage lot for Amazon which was illegally utilized and no longer exists. Ms. Grasso shared her screen and presented exhibits O1-O4 and voiced her concerns. With the proposed driveway configuration, a right turn will encroach into the incoming lane and the median will need to be modified and inbound and outbound maneuvers will overlap. With a modified proposed driveway configuration, outbound trucks cannot queue for the traffic signal without partially obstructing the turn lane access on Highland Drive. An inbound truck that is stopped to make the turn into the driveway exceeds the existing storage and may leave the vehicle stranded in the intersection of Rancocas Road if more than one additional truck enters onto Highland Drive at the same time.

Geoffrey Gray-Cornelius (Mr. Gray-Cornelius) – Stated his qualifications and was found to be an expert as a Licensed Professional Licensed Planner. He felt that the applicant has not met the statutory requirements of both the positive and negative criteria for a Use Variance. In his professional opinion this lot should be used as zoned for the permitted uses in the B-1 zone since the applicant has not met both the negative and positive criteria required for a use variance and, therefore, feels this application should be denied.

PUBLIC COMMENT

Nancy Burkley – Olive Street, Rancocas Village. Presented herself as a resident because this application affects her personally. The edge of her house is about 60' from Rancocas Road and was built in 1844, with parts rebuilt in 1924. The truck traffic that passes by Rancocas Road can not only be heard but she can feel the vibrations. It has become so bad that over the years she's had plaster from four ceilings crack and fall down. This summer she had to restore brick work in the basement because truck vibrations had loosened the mortar and brick had fallen on the floor. She testified that many large trucks come from and go to Route 130 and pass by the Historic Village and her house. This parking lot will bring in more trucks and cause more damage. The owners cannot guarantee how many trucks will come in and out and how often this will happen. Even though not allowed, trucks already drive through the Village with small streets and no shoulders. She was born and raised in Rancocas and is very proud of the historic past of the Village. The Asher-Wolman house is one of the oldest in Burlington County is on the chopping block because it's on the property that is the subject of this application. Because of this, the application must also apply for permission to the Westampton Historical

Commission. It's been quite evident that there are three individuals with Facebook accounts that are posting on Westampton's pages and are in support of the parking lot. They have argued with residents and given false information and insulted three residents of the Village. She and they believe the applicants are trying to intimidate the residents from opposing this application. In her opinion, anyone who would go to such unprofessional lengths cannot be trusted in what they testify to get what they want. She asked that the Board deny this truck parking lot application.

Rancocas Village RCC – Diego Minacapelli – 211 Bridge Street, Rancocas Village. He and other residents of the Village were streaming from the Rancocas Community Center in Rancocas Village which is across from the area that is the subject of this application. He is President of the Westampton Township Historical Society and President of the Rancocas Civic Association. Today letters were submitted to the Board along with a petition with 67 signatures in opposition to the change of use to truck parking or truck stop near Rancocas Village. Mr. Minacapelli read a letter why not to approve the use variance being sought.

Rodger Randall – 200 Olive Street, Rancocas Village. He testified that he has lived in town his whole life and people don't realize what impact these trucks have on the houses in the Village. The traffic noise and slamming of the trucks on the road are unbearable to live with. Sound barriers should be installed, not parking lots for trucks. It's time the people need to be represented and he feels like the residents are not being represented. This precious little town is being destroyed and we need to start taking care of it because it's almost all gone.

Rebecca McGrath – 226 Main Street, Rancocas Village. Vice-President of the Rancocas Civic Association. As a resident who lives on Main Street and whose property backs onto Beverly Rancocas Road, she has seen a lot of changes. There are lights that shine through the back of her house. She can see an electric billboard sign from her kitchen window. She can see the Wawa gas pumps from her pool and it's enough. Ms. McGrath read her letter that was submitted with the Petition.

Dr. Patricia McKernan – 119 2nd Street, Rancocas Village. She fully supports the testimony and objections of everyone who has opposed this application. Mr. Heinold, Ms Grasso, and Mr. Gray-Cornelius as experts have given compelling testimony refuting and ascertaining that this proposal that has been submitted should not be approved. Enough is enough! How much does Westampton Township have to take and how much of this community has to be destroyed before we say maybe that was too much? We are all taxpayers, our voices matter, you all work for us, and this doesn't represent what we want here and it's not why we moved here.

Chris D'Allesandro – 119 2nd Street, Rancocas Village. He served in the Army for 20 years and served two tours. As he was reflecting on his 20 years in the military, he was thinking "Why the hell did I go over to those other countries and what did I fight for if we are going to surrender here to corporate greed and destroy our quality of life?" What is going on in Westampton is atrocious and it's destroying the Village and for newcomers in the new development as well. We don't need this; we don't want it; and we've had enough. My request is that we don't surrender to corporate greed, and we reject this proposal.

Kelly Gehin-Scott – 3 Valley Farm Road, Rancocas – She agrees with everything her neighbors have said. Our road goes out of town the opposite way and the traffic is already so bad that we must come around and go to Bridge Street at the light. My front windows are directly across from the jug handle that turns onto Springside Road. Tractor trailers come around the jug handle and sit there all hours of the day and night. We hear air brakes, and we get the headlights of the trucks in our window throughout the night. You are driving residents out of town and as residents we have had enough.

Chrissy Eckert – 12 Main St. Rancocas Village. – She agrees with her neighbors. She bought her house about 20 years ago and did so because of the charm. Over the last eight years a lot of that charm has been lost and we abide by very strict rules and measure to keep our Village looking historic. We don't need new modern things around us. We purchased in this village because of the historic capabilities that it offered and the old family values. I have a long experience with trucking companies and that trucking lot will bring in drugs and prostitution. There's a sports park that has youth using the fields daily. You don't want to intermingle those types of things. We don't want the extra pollution and the traffic; it's already bad. I oppose this trucking lot and I don't want my family exposed and it's going to devalue our properties.

Dan McGonigle – 200 Bridge Street, Rancocas – He opposes the proposed truck parking lot. This is primarily a historic residential area, and this will be a tremendous eyesore to the current and the future residents. A truck stop will detract from the historic esthetic of the Village. This would demolish the Asher-Wolman house which has great historic significance and is the only thing left in historic Westampton Township. He feels this house should be preserved and not lost to development. There is a lack of open space in this area of Westampton and he thinks it's important to preserve what little open space is left in this township. The residents are paying into open space, and he feels it's time that some of that money go towards some open space conservation. Traffic is already an issue in this area, and 780 new homes are being built now and a traffic study was never done and how these cars are going to affect what is already a bad intersection. This lot makes sense for a developer but for the residents that live here, raising families here, and paying taxes here it doesn't make sense. For those reasons he's asking the Land Development Board to deny this application.

Cyndi Luongo – 122 Bridge Street, Rancocas – She reiterates and echoes what her neighbors have stated. We are not interested in this parking lot. We don't feel that it will improve our quality of life and instead it would take away and be a detriment to what we currently have. She moved here 18 years ago and loved the idea of living near Valley Farm Road and doesn't want to live near Truck Stop Road. She urges the Board to please not permit this variance to take place.

Kimberly Bruno – 217 Main Street, Rancocas – Her partner and she moved into their home in 2020 from Brooklyn, New York to Rancocas Village. This is a magical place for us because it is historic and the people in the community are phenomenal and have been very supportive of us. This community will be devastated by the truck stop being established next to the Wawa. We are against this application and would like to express our opinion.

Felipe Kabowski – 211 2nd Street, Rancocas – He moved here in 2019 primarily because of the charm, quietness, and farmland. He envisioned raising a family here and not being subjected to further noise pollution, air pollution, and more traffic. The only accident he has ever gotten into was trying to get onto Springside Road out of Rancocas Road because of the amount of traffic that is on these roads. The constant airbrakes are heard throughout the night which have only increased since the Wawa has been built. His dogs bark continuously through the night because of these trucks and adding more is only going to bring down the quality of life, the quality of this village, and the quality of this community by adding this truck lot. If this truck lot was here when we were looking for homes, he would not have purchased this home. We don't support this and ask that this application is denied.

Kathleen Mushinski – 110 2nd Street, Rancocas – She's lived here for 57 years, was raised here, and was able to run the streets and have a great time growing up with all the safety and comforts the town offered. She raised her children here and they enjoyed all the same comforts. Now her son is raising his daughter here and unfortunately she can't have as many comforts because we are losing them. We keep allowing the buildings to come and we give our children nothing back for it. Please put the children first for once. We are running out of space and they have no where to ride their bikes and nowhere to go anymore because the streets aren't safe.

Don Chierici – 210 Bridge Street, Rancocas – His wife and he have lived here for 46 years. He congratulated all his fellow residents as it's been impressive watching them testify elegantly and sincerely and he hopes it's not falling on deaf ears. This village has a very diverse population and we all truly love where we live and that's what makes Rancocas Village special. They built the bypass around the village to maintain the historic significance and nobody has mentioned that and the bypass is so busy now that it's causing incredible damage to the beautiful historic homes. This whole application has to be considered not just where the trucks are going to park and the impact that the trucks will have in the surrounding areas. Nobody wants 127 parking truck spots in this location. It won't work and he asks that the Board not approve the application.

Joseph Jordan - 24 Woodside Drive, Lumberton – He's not a resident but is the Secretary of the Rancocas Friends Meeting which has a substantial presence in Westampton. It's been active since the late 1600's and the meeting house is 251 years old this year and he hopes we can preserve it.

Marion Karp – 15 Lancaster Court, Westampton – She has lived here since 1987, worked for the Township for 27 years, and served as a Secretary of the Board from 1994-2021. She was an active voting member of the Board for years as well. She sat on the Board the first time this application was presented last year and voted yes for it; however, it didn't pass. She feels this is not a bad idea. This is not a truck stop; this is a parking lot for trucks and vehicles. This is a good use for where it's located on Rancocas Road adjacent to the Highland Business Park. The Village is beautiful and it's a treasure. She understands how the Village residents feel but they bought next to Rancocas Road and by the 295 Interchange. There's only so much that can be done, and the residents are not going to stop everything. Her property backs up to a truck parking lot such as what is being proposed here and it's not an issue. Everybody is afraid and nobody likes change and maybe there is a little bit of overreaction.

CLOSING COMMENTS FROM THE APPLICANT'S ATTORNEY

Mr. McAndrew – His client is trying to remove inappropriately parked vehicles from residential areas. This is not a truck stop but more of a storage facility. This would be helpful to the town to get the vehicles out of the residential areas, and he asks that the Board approve this application because it is an appropriate use variance.

Mr. Sullivan summarized the Use Variance application only.

Mr. Guerrero made a motion to deny the application, Ms. Tolor seconded.

Board Members	Yes	No	Abstain	
Gary Borger		X		
Ryan Fagan	X			
Joseph Oddenheimer	X			
David Guerrero	X			
Frank Jones		X		
Cherelle Tolor	X			
Robert Thorpe	X			

Fly High Express – B:401 L:3 Use Variance to permit a truck repair shop.

Sara Werner, attorney for the applicant, stated she was before the Board in November for a new truck repair facility. The applicant is currently not seeking site plan approval but would like to continue the hearing regarding only the Use Variance.

Mr. Sullivan swore in **Gurpreet Singh** (Mr. Singh), the owner of Fly High Express. Based on the comments received and comments on the revised reports he testified he was changing some things. There will only be two service bays in the proposed facility instead of three, and those bays will comply with all applicable and environmental regulations, including, but not limited to, any regulations pertaining to ventilation and waste disposal. Air wrenches will be the loudest equipment operated on the site, and there will only be two operating at one time. The air compressors will be located to the rear of the service bays away from the door openings. He stated that they had a sound report done by Mr. Dotti, an acoustical engineer, who will testify later this evening.

Mr. Sullivan swore in **Matthew Walsh** (Mr. Walsh), civil engineer for the applicant - He provided his credentials and was deemed to be an expert in civil engineering by the Board. Mr. Walsh shared his screen and showed:

Exhibit A3a – This rendering showed the front of the two service bays and main door that leads into the office.

Exhibit A3b – This is an aerial rendering looking into the site from Woodlane Road.

Exhibit A3c – This is a street-side view from Woodlane Road.

Exhibit A3d – This is a rendering of what the berm and landscape would look like in approximately 10 years after the trees reach full maturity.

Mr. Sullivan swore in **Lee Klein** (Mr. Klein), traffic engineer for the applicant – He was deemed an expert in November. He provided a revised traffic report based on the applicant having revised the number of bays, and the reduction in the size of the office space. Based on the revision, there will be no significant impact on traffic according to the DOT along Woodlane Road.

Mr. Sullivan swore in **Norman Dotti** (Mr. Dotti), acoustical engineer for the applicant – He provided his credentials and was deemed to be an expert in acoustical engineering by the Board. He briefly explained the goal of the sound impact report that he prepared. It assessed the site's layout and use and how it would impact the residential area across the street and down behind it. This is a commercial use and is subject to the state noise regulation of 65 DBA because of the residential area. He used Lenny's facility in Delran for comparable measurements and took them over to this site and extrapolated them to where the residents are. Mr. Walsh shared his screen and showed:

Exhibit A4 – Aerial Overlay. For this test he took measurements from Lenny's at 25' and 50' in front of the open bay door while the impact wrench was operating. For the sound to get to the residents it must come out the bay doors and around the corner or edge of the building which decreases the sound as it travels.

Exhibit A5 – Sound Graph of Maintenance Bay Sound Levels.

Exhibit A6 – Typical Range of Common Sounds or Noise thermometer.

When you have multiple sources of noise, for example, two air wrenches in each bay being used at the same time, and if each air wrench is emitting 50 DBA of noise level, the noise level of one will be increased by 3 DBA when using two. In his opinion it's going to be the same sound levels as trucks and cars driving by in the street and it's clearly under the permitted maximum limit. If two people are having a conversation across the street, their conversation to each other will be 65 DBA; the air wrenches operating at the same time will be quieter than the conversation. This is a requirement that must comply with the state performance standard and, if they exceed the maximum limit, then the County Health Department would initiate enforcement and the facility would get a violation.

Ms. Werner states, due to time restrictions, that she will not continue testimony of their Planner this evening and asked the Board to continue the application until the May 3, 2023 meeting.

The Board agreed to continue the application until May 3, 2023; the applicant will not have to re-notice the public for this meeting.

NEW BUSINESS: None

INFORMAL APPLICATIONS: None

CORRESPONDENCE: None

OPEN MEETING FOR PUBLIC COMMENT: No comments from the public

COMMENTS FROM BOARD MEMBERS, SOLICITOR, ENGINEER, PLANNER AND SECRETARY:

Jodie Termi (Board Secretary) reminded all members who haven't done so already must take the mandatory training class within 18 months of having been appointed.

ADJOURNMENT: Motion to adjourn by Mr. Jones, seconded by Mr. Thorpe. None opposed.

Respectfully Submitted,
Jodie Termi, Board Secretary