

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

Woodlane Logistics Special Meeting November 7, 2022

MINUTES

The special meeting for Woodlane Logistics was held via the Zoom platform virtually on November 7, 2022, at 6:15 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Trenton Times on November 2, 2022, and Burlington County Times on October 30, 2022 on the Township website. All guests were welcomed.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

SWEAR IN PROFESSIONALS:

Mr. Cappelli swore in Planner Chris Dochney and Engineer Michael Roberts

MINUTES: None

RESOLUTION(S): None

OLD BUSINESS: None

NEW BUSINESS:

Woodlane Logistics, LLC, Block: 804 Lot: 12 (Irick & Woodlane Road), "d" Use Variance, Preliminary and Final Major Site Plan approval. Construction of 2 warehouse/distribution facilities, building 1 approximately 307,520 square feet and building 2 approximately 205,140 square feet). We will continue with Public Comment before Mr. Barron and his witness testifies.

OPEN MEETING FOR PUBLIC COMMENT REGARDING THIS APPLICATION:

Mr. Sullivan swears in Susan Philbrook – 1209 Forceville Drive, Westampton NJ – I'm a lifelong resident of Westampton and very familiar with the Township. This warehouse will cause an increase in the overflow traffic and backups on Irick Road and Rancocas Road. Tractor and Trailers are slow to accelerate and brake slowly causing safety issues. I also question the validity of the Traffic Study. Can anyone from the builder's staff say they live next to something so huge as what is being proposed?

Mr. Sullivan swears in Adrianna Barsse – 5 Berkshire Road, Tarnsfield, Westampton, NJ – I agree with my fellow residents. This will increase the truck traffic and noise will negatively affect the wellbeing of the most vulnerable individuals commuting through Woodlane Road. Schools, Library, rehab center and daycare will be exposed to this every day. The amphitheater events will be ruined by this noise pollution. This noise will interrupt outside family parties because people will have to scream to be able to communicate instead of having a general conversation.

Mr. Sullivan swears in Terrance Brown – 9 Pine Tree Drive, Westampton, NJ – MRP Logistics website says this project was approved and this is alarming because it hasn't been approved. Mr. Hudson testified that this may be a 3PL type outfit and I did some research regarding a 3PL I found they are smaller fulfillment centers. Mr. Guerrero asked what the criteria of a fulfillment center for this development and he was told this is not a fulfillment center but 3PL relates to warehouses, distribution, and fulfillment. If this is a fulfillment center, will they have to meet the fulfillment center requirements? I agree with the Mr. Dochney that cell tower is already in existence from their presentation it seems like they were trying to add the cell tower vs the cell tower is already in existence.

Mr. Sullivan swears in Joe Krulik – 12 Dublin Drive, Westampton NJ – I would like to address the noise study requirements and as stated in the CME memo dated 6-28-22 section 7k – The applicant should discuss the maximum sound pressure levels that will be generated from the truck traffic. He asked Mr. Dochney if they responded to that request.

Mr. Dochney states – No there was no response from a sound expert to report specific sound decibels.

Mr. Krulik states – The EIS (Environment Impact Study) describes problems that may occur and how they are going to address them. 3.11 of the EIS basically says when they went to the site the conditions are quiet and there are no excess sounds other than noise from traffic on adjacent roadways. 4.11 of the EIS which is noise. The statement was project construction may increase noise levels at the site. Noise associated with the construction will be temporary and will dissipate as distance from the source increases. Overall noise standard regulations are subject to the NJ Noise Control Act NJAC 7:29 is for Commercial facilities which warehouses is one so the site will be regulated for those standards. Going on to 5.5 in the EIS, these are the noise reduction techniques we are going to use. Short term increase due to project construction is expected. All equipment will be properly maintained and muffled in compliance with the noise standards all these noise levels from the construction will comply with the noise standards of the NJAC 19.4-7(3) and the applicable Township ordinances. The noise levels are low, and the Township Planning Committee is prepared to enforce the numbers. As of now they haven't proposed anything regarding the operations on site and is anything going to be done here regarding the noise.

Mr. Sullivan swears in Bryan Morgan – 3 Maple Tree Drive, Westampton, NJ. I have four points that I would like to make: 1. The warehouse at the Burlington Center Mall site has MRP name on it. That is up for lease, and would that be filled first and how long this warehouse would be sitting vacant. 2. There is no misunderstanding regarding this project being listed on the MRP website as approved. I checked it before providing this testimony that it says it's a previously approved project. I'm bothered that they are misrepresenting the will of this Board. 3. There is no jake brake law or exhaust brake law in Westampton. Not only will you have the noise of the trucks coming up and down the street there's nothing right now prohibiting the noise of those brakes being used on these residential roads. 4. Going back to the website they are proposing that the warehouse is within 2 miles of route 295. The only way

you can get there within 2 miles is by using Rancocas Road to Irick Road which trucks are prohibited. If you go the way, they are describing in their plan it's over 2.3 miles not 1.4 which is how you get to exit 45. They are misrepresenting to their future lessees what's going to happen here, so I have no reason to believe they are going to follow the rules.

Mr. Sullivan swears in Ryan Bird – 304 Irick Road, Westampton NJ – During the last meeting MRP's witnesses cited numerous master plans in their testimony, however, they also had the opportunity to cite our vision plan which Master Plans are generated from, but they neglected to do so. While reviewing the vision statement I found many items that are contrary to this site being developed as MRP has proposed. One thing found and I quote "If all the Industrial Zone is developed there will be a strain on the existing services and infrastructure and it will contribute to an increase in the Township's affordable housing obligation." Has the town reviewed those plans and how this will impact that and what is left in the Industrial development? The vision plan also shows a proposed walking and adjacent bicycle path to the shoulder of Woodlane Road. With this site going into construction and with all the 24/7 trucks going up and down it who in the community would want to utilize these investments if they were to go through? Goal 7 of that plan also states the Emergency Services should be working in connection with the development with these plans and I haven't seen any testimony to that, or anyone raise any of those issues, however, the vision plan has raised those issues. Traffic should be a major concern and the development of these industrial zones will put pressure on the bridge that goes over the Turnpike. This plan requires a higher level of approval and that's because they need to provide more positive than negative criteria and I think MRP is failed to show that.

Mr. Sullivan swears in Jerry Kilkenny – 7 Pine Tree Drive, Westampton – The applicant is asking for exceptions to the rules of this municipality that were important enough to codify. The only benefit of this project is that it's a tax ratable and I haven't picked up on anything else from this meeting or anything prior or that's been submitted that I have read. The proposal as is will only add to the already existing traffic problems and nothing that has been submitted show how this will be helped. BCIT sporting events, which people park along the grass and on the road and with the increase in traffic this will not be safe. The warehouses aren't leased yet are they going to be? Vacant warehouses and vacant properties cause all sorts of issues. This project has nothing positive to add to this Township.

Mr. Sullivan swears in Thomas Bundschuh – 105 West Maple Tree Drive, Westampton – I disagree with the 5.1 EIS drainage statement would not be substantially different than the existing patterns. This is currently farm soil where you had a large area absorbing the runoff. They are going to install a large infiltration basin, and someone testified last week that most of the runoff will be going North, and I don't see that depicted. My concern is that you are taking all this water and consolidating it into this much smaller area the infiltration basin. My property along with two others in Irick Lakes has a pond and it holds water. This pond is on private property and my discussions with the Township in the past has been this is a private retention pond, and we are responsible for its upkeep. I'm concerned where that water is going to run considering the soil and ground are clayish materials. How is the development of these large warehouses going to affect the existing possibly horizontal underground water flow? All these trucks run on diesel fuel, and we know they will not be 100% maintained so what happens when they leak oil. What if that gets into the ground and comes over to this retention pond and this pond eventually spills into a creek that eventually feeds into the Rancocas Creek. In 10 years with there's a problem and it's tracked back to this retention pond are the residents going to be responsible for the

remediation? Can the Township ask that if this project moves forward that a bond be withheld for a period of time to deal with potential issues?

Mr. Sullivan swears in Chris D'Allesandro – 119 2nd street, Rancocas NJ – I want to oppose this project in its entirety. The detrimental effects far outweigh any tangible benefits our citizens will get from it. I'm concerned with the demeanor of the applicant toward public comment. The best predictor of future behavior is past behavior in a similar situation. If we run into problems where these warehouses are to be built and then we come before another administrative body with our complaints I would expect we would get similar push back to public comment. We are not peasants; we are not coming before some royal body supplicating ourselves, we are exercising our right to comment publicly.

Mr. Sullivan swears in Mark Duerr – 54 Quail Hollow Drive, Westampton NJ – I'm a professional truck driver and for many years I have instructed, trained, and road-tested hundreds of truck drivers. I can attest that in today's market we are absolutely getting the bottom of the barrel of truck drivers. I can attest that these people have no skills in navigating with a map and rely solely on GPS. I must perform an incident review where drivers blindly follow the GPS and take the roofs off tractor trailers, hit other buildings, traffic lights, and driving into railroad overpasses at 55-70 mph. It's going to become critically desperate if there is an incident on the Rancocas side, Sunnyside or Inductotherm that the EMS vehicles are going to have a difficult time to get over the Turnpike.

Mr. Sullivan swears in Bryan O'neal – 15 Mayfiare Circle, Westampton NJ – I was reviewing the statistics from Fire & EMS and YTD up until September there was 3,738 dispatched calls. How will all the additional trucks and traffic effect the delay and time response for the EMS and Fire?

Mr. Ronald Kuriskan 4 Oak Tree Court, Westampton NJ – I hope the Board considers the Technical Appendix and vision plan. In the recommendation they have some zoning map changes and the real critical one was this Industrial zoning be rezoned too residential. There's no consideration for bicycle, walking, or pedestrian crossings and they are supposed to in the NJDOT plans. You need 45-46 feet to make a turning ratio with a semi-trailer and I don't see how that is possible without impinging onto oncoming traffic. It appears that Cherelle Tolor was late at the last meeting, and she should not vote tonight until she reviews that.

Mr. Sullivan swears in George Hayduchock – 22 Maple Tree Drive, Westampton NJ – This project is a monstrosity for our area. There are up hill grades from every single spot to get to this property and difficult traverse. They cause extra exhaust, and they are also very loud because they must shift multiple of times. You are going over a bridge which will be icy then a downhill grade. There are going to be jack knifed tractor trailers hit right in that location. This is extremely dangerous and poor planned application. The applicant testified that one vehicle per two minutes traffic. Woolane Road is about 2 minutes to traverse from start to finish that means we are going to have tractor trailers coming through the Township on a continuous basis on an average day on a road that has no tractor trailers now. This is not the right place or right time for this application. I ask the Board to protect our students from potential accidents and potential dangers that this will bring and vote No!

Mr. Sullivan swears in Ms. Susan Baldassare – 429 West Country Club Drive, Westampton NJ – The applicants stated that in 1997 is when the zoning was implemented to make this parcel Industrial. At that time there were no residential developments in existence. It seems now they are trying to make this partial fit with what they are trying to do.

Mr. Sullivan swears in Ramneet Sawhney – 48 Greenbriar Drive, Westampton NJ – I've been a resident of Westampton since 2005 and I have a concern regarding vacancies. Is there anything that the town would put in place if the warehouse is vacant more than a month or two months? Can they assess fines to the tenants or the property owner? There are a bunch of vacant properties now in Westampton and is there anything the town is going to do about them?

Mr. Sullivan swears in Jonathan Davidson – 32 Tallowood Drive, Westampton NJ – I've spent four years in the Marine Core as an Engineer, and I've done construction work for five years since I've gotten out. My main concern is traffic during construction if the project gets behind then you will have trucks coming and going at any time throughout the day and night. What assurance can be given that's not going to happen? At the last meeting dimming lights were mentioned and from what I read OSHA will not allow dimming lights on the outside of warehouse docks because of safety and security concerns. I have been t-boned at Orchard and Woodlane by a young driver that didn't stop at the stop sign and hit me while I had the right of way. We are putting tractor trailer drivers and young drivers on a road with very few traffic controls and asking everyone to obey the laws. We try to jam large things in small areas, and they always end up bad for somebody.

Mr. Sullivan swears in Lisa Sabo – 117 West Maple Tree Drive, Westampton NJ – I would like to address the lack of occupant or renter of this project. Currently there are over 30 industrial development warehouses that are listed in Burlington County. Which means there are 30 industrial warehouses are currently not being occupied and how long will this site sit vacant before it has an occupant? I'm also concerned about the water level in Irick Lakes as a large area and impervious surface from the building will create storm water run-off and impeded in the recharge of an already depleted local aquifer. Please vote no to this project as the residents have articulated this is not in the best interest of the residents of Westampton.

Mr. Baron Attorney for Kristina Goetz and Kristen Bjork-Jones calls them to testify next.

Mr. Sullivan swears in Kristen Bjork-Jones – 120 West Maple Tree Drive, Westampton NJ. – I've lived here for eleven years and one of the closet residents and I live within 200' of this project and I live in Irick Lakes. Myself, along with Kristina Goetz and many other residents have banded together to bring the community together to fight and oppose this warehouse. We are not against business but there is a place and time for this type of construction and right in the middle of a residential area with inadequate infrastructure is not the right place. At the last meeting a woman testified regarding busses being in line to leave BCIT and I have personally seen that as well. There are 15-20 busses in line waiting to get onto Woodlane Road and they could wait for 30+ minutes. There's an Officer that stops traffic on Woodlane Road so the busses can leave BCIT. The traffic then gets back up while waiting for busses. Ms. Bjork-Jones read a statement stating her concerns.

Mr. Sullivan swears in Kristina Goetz – 109 West Maple Tree Drive, Westampton NJ – I live about 500' from this proposed site and I'm in the middle of the horseshoe of Irick Lakes. I have many concerns much of them echo what the residents have already said about changing the character of Westampton but especially the safety for the community, students, and the drivers along Woodlane Road. At the last meeting Ms. Kwartin who works at BCIT and has been there for 26 years testified regarding the busses being in line waiting for departure. I spoke with her, and she gave me the total number of busses that come in and out of BCIT which is 33 busses four times a day. BCSS school has 30 busses that come in and out of there four times a day. Which is a total of 63 busses that are coming in and out of the schools

twice a day. During the night it's quiet and I don't even hear the Turnpike traffic and I'm concerned about hearing trucks constantly if this project is approved. I have two children and I'm concerned about their safety. We play outside in the yard and there have been vehicles that get lost and take our horseshoe around and we don't have any sidewalks. I would also like to note that the latest traffic study dated 9-21-22 is not accurate. The day they did their traffic study BCSS school busses were not in service that day because the catalytic converters being stolen so they had to find other means to get to school or go virtual, so the numbers aren't accurate. I hope that the Board would rightfully turn down this application for many reasons given tonight especially because it does not align with the Westampton's vision statement.

Mr. Sullivan swears in Barbara Allen Woolley-Dillon, Licensed Planner – Ms. Woolley-Dillon stated her credentials, and she was rendered an expert witness as a Professional Planner. The applicant is bound and compelled to provide adequate testimony to the Board to consider granting the variances for two principle uses on the same lot. They are not interrelated, nor part of a planned development and the municipal ordinance permits multiple uses within one principle building and this is not the case. The applicant must demonstrate if it's not an inheritably beneficial they must talk about the special reasons or the purposes of zoning or the positive criteria that support the application. They must demonstrate that the use variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. The applicant must also demonstrate that the site is particularly suited to the proposed use. The applicant provided two purposes of zoning for the record; they provided (a) that the application encourages municipal action to guide the appropriate use or development of all lands in the state in a manner which promotes the health, safety, morals, and general welfare. Then they offered (g) to provide sufficient space in an appropriate location for a variety of uses according to their respective environmental requirements to meet that needs of all NJ Citizens. I have not heard any testimony that support either of these. After reviewing everything that was submitted by the applicant and listening to the testimony they indicate because it's zoned for industrial use right now, however, looking at the municipality's ordinances they are very clear that a cell tower is not to be a complimentary use as part of an industrial development. In the Technical Appendix to the Master Plan there is a recommendation to change this parcel to R5 removing it from the Industrial designation. What is being proposed does not accomplish what the goal the vision statement for the municipality and I think that the Board moved in the right direction with this Technical Appendix to the Master Plan. This site is predominantly hydric soils, prime agricultural soils. Shares exhibit O1 Page 9 of the Applicants EIS report and the site that is being proposed is a rank 5 Federally listed – Bog Turtle (Occupied). This report is telling me that this site is occupied with Bog Turtles, and they are a threatened and endangered species, it's a federal species. Shares exhibit O2 Map I prepared titled Environmental Resources Map showing Vernal Pools for Block 804, Lot 12 for Burlington County. There is a vernal pool on the site which supports the fact that Bog Turtles inhabit the site and it's consistent with the wetlands that are in the Northern portion of this site. I got this information from the NJDEP website. This is a vernal pool and an environmental consideration on their site. There are also other threatened or endangered species on this site, they are the long-eared bat and hand moth. There should be professional studies done to confirm this and from what I see there was nothing provided.

Mr. Floyd cross examines Ms. Wooley-Dillon

Mr. Floyd asks – Have you had a chance to review all the Master Plan and all the reexamination reports? Is it your testimony that there have been no recommendations to the Master Plan and the reexamination reports from 1997 through 2021 and today to rezone the property from Industrial?

MS. Wooley-Dillon states – Yes. No because the latest Technical Appendix to the Master Plan that was just adopted November 2nd recommends a change to this area.

Mr. Floyd states – I'm going to object to any references made to the most recently adopted Technical Appendix to the Master Plan because of the time of application rule. You should not be basing your testimony on a Master Plan that was adopted after this application was submitted and deemed complete.

Ms. Wooley-Dillon states – That is not entirely correct. I can consider the direction that the Board wants to go. Your application may be protected under what is permitted under the time of application rule, however, that Board has recently acted on what they see fit as the future direction of the Township which is in conflict of this application. It can help to assist and form my own opinion.

Mr. Floyd states – It may help to form your opinion but it's prejudicial to rope in a Master Plan amendment that was adopted after the first hearing of this application and prior to the second hearing on this application. Are you aware that the applicant entered consultation with the US Fish and Wildlife Division? On April 26, 2022, the US Fish and Wildlife Service issued a letter stating that the proposed project is not likely to adversely effect federally listed or proposed listed species for a variety of reasons?

Ms. Wooley-Dillon states – Yes, I'm aware that they consulted with the US Fish and Wildlife through testimony. Yes, I'm aware of that letter as well.

Mr. Floyd states – That Fish and Wildlife letter then trumps any other GIS mapping or other online resources. In this letter it specifically speaks to Northern Long Eared Bats and the Bog Turtle, and the US Fish and Wildlife has determined the project that is proposed and under review of the Board this evening would not adversely affect those threatened and endangered species nor any proposed listed species. Your testimony earlier relied upon GIS mapping the Geo web mapping another state online resources that are guides. Do you want to change your testimony now due to the fact we have valid letter of interpretation?

Ms. Wooley -Dillon states – I'm not going to step back on the LOI because it's only for the wetland's delineation or the buffer and/or the wetlands line as well as the flood hazard. Nobody has questioned that, and I never gave any testimony about that. I will accept that the applicant has received written correspondence from the US Fish and Wildlife indicating that they do not believe that there may be any adverse impact to the Bog Turtles and/or any other threatened or endangered species.

Mr. Floyd states – We are asking for in addition to preliminary and final site plan approval for an Industrial use that is by rite permitted in the Industrial Zoning District. We are also seeking a use variance approval to have the cell phone tower to remain on the property. Based upon your review of the site plan, there are cross easements in place for utilities, storm water management, ingress, egress etc., correct? Why is a use variance needed if we have two principal uses located on the same lot in an Industrial Zoned district when the ordinance specifically allows both if they are part of a coordinated site plan?

Ms. Wooley Dillon states – Yes. The cell tower predates as has been provided in testimony from a previous resolution which predates this application. It was not part of or envisioned to be part of any type of warehouse use that would have been on this land. If that cell tower were not on the land, we wouldn't be here or having this discussion about needing a use variance. As your Professional's testified when it was put in the applicant tried to minimize the disturbance of the site and put it off to the farthest corner that they could. However, it predates what's being proposed these two types of uses are not typically ones that are commonly associated with each other.

Mr. Floyd states – The question that this Board must consider is whether the property is particularly well suited to allow both the cell phone tower and Industrial Uses to co-exist. Is it your testimony that they can't exist?

Ms. Wooley-Dillon states – No. I did not say that. What I said was I don't think it's a good idea because of how much development is being crammed onto the site with the Industrial use with this. Part of why a use variance was given in 1997 was because the land was used for agriculture purposes. It was an entirely different use.

Mr. Floyd states – We are proposing to replace one by permitted rite use which is agriculture with a second by rite permitted use which is industrial. Our Planner testified that to the fact that in his experience it was routine that cell towers are on properties that are already developed not an exception.

Mr. Floyd and Mr. Barron both agree not to recall any witnesses and agree that all their testimony has been given.

Since Ms. Tolor was late for the October 25th meeting, she will have to take the time to review the missed testimony. This application will be continued until the December 7th meeting to finalize and vote on this application. This is considered the public notice for this meeting and the applicant does not have to re-notice for the next meeting.

INFORMAL APPLICATIONS: None

CORRESPONDENCE: None

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

OPEN MEETING TO PUBLIC COMMENT: None

ADJOURN:

Motion to adjourn Mr. Guerrero, Mr. Thorpe second. None opposed.

Respectfully Submitted,
Jodie Termi, Board Secretary