

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

SEPTEMBER 1, 2021

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on September 1, 2021 at 7:00 P.M. The meeting was called to order by Vice Chairman David Guerrero and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 4, 2021 and on the Township website. All guests were welcomed.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mr. Blair, Ms. Burkely, Mr. Guerrero, Ms. Karp, Mr. Henley, Mr. Wisniewski, Mr. Thorpe, Mr. Ottey, Mr. Odenheimer, Board Solicitor Robert Swartz, Board Planner Chris Dochney, Board Engineer Jim Winckowski and Board Secretary Wendy Gibson.

Absent: Ms. Haas, Mr. Borger

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**SWEAR IN PROFESSIONALS:**

Christian Dochney, Professional Planner, CME Associates  
Jim Winckowski, Board Engineer, CME Associates

**MINUTES:**

August 4, 2021 Regular Meeting Minutes – Motion to approve with corrections, Ms. Burkely, Mr. Blair second. None opposed. No abstentions.

**RESOLUTIONS:**

23-2021- Praukhswami Donuts, LLC, Block 901.01, Lot 4 (Western Drive) – preliminary & final major site plan approval and bulk variances (new construction). Motion to approve Mr. Blair 2<sup>nd</sup> Ms. Berkley. None opposed. No abstentions.

24-2021 - MRP Industrial NE, LLC, Block 804, Lot 12 (Irick & Woodlane Road) – preliminary & final major site plan (construction of 2 warehouse/distribution facilities 305,040 & 215,280 square feet in size) (continuation from August 4, 2021) Motion to approve, Mr. Blair, Ms. Berkley second. None opposed. No abstentions.

25-2021 – New Jersey American Water Company, Block 1203, Lots 17 & 18 – “d2” Use variance, preliminary and final site plan approval, and bulk Variances (continued from August 4, 2021) Motion to approve, Mr. Blair, Ms. Berkley second. None opposed. No abstention.

**OLD BUSINESS:**

MRP Industrial NE, LLC, Block 804, Lot 12 (Irick & Woodlane Road) – preliminary & final major site plan (construction of 2 warehouse/distribution facilities 305,040 & 215,280 square feet in size) – continuation from August 4, 2021.

Michael Floyd, attorney was present on behalf of the applicant MRP Industrial NE, LLC. He reviewed presented testimony from the August 4, 2021.

Dan Hudson, MRP Industrial, fact witness on behalf of the applicant. Spoke about Industrial development, types of tenants that would be occupying these types of building in the future.

Christian Roche, a licensed Professional Engineer, he is the Engineer on record. He went through the site plans talking about ingress, egress, lighting, stormwater management, and landscaping and any other site plan issues.

Dan Disario, a licensed Professional Engineer, talked about the traffic study, traffic counts, potential improvements to the intersection, and any other traffic issues.

Scott Daniel, a licensed Architect in New Jersey, presented testimony regarding the floor plans, elevations, building perspectives and spoke about photographs of MRP's existing building under construction at 100 Western Drive.

Due to time restraints on August 4, 2021, testimony by Gregg Woodruff, Licensed Professional Planner, was not given, therefore his testimony regarding bulk variances will be given this evening. Before we get to Mr. Woodruff's testimony, he wanted to recall first Chris Roache their Engineer of record, Dan Disario their traffic expert, and Scott Daniel their architect. To provide additional testimony and to supplement their testimony from the August 4<sup>th</sup> hearing. During the August 4<sup>th</sup> hearing they had a lot of positive feedback and constructive criticism from the Board members regarding the site plans, regarding clarifications of the height of the building, and communications with the County Planning Board. He would like to have these three gentlemen present additional testimony in response to those Board members before turning it over to Gregg Woodruff to provide planning testimony.

Mr. Swartz swears in Dan Hudson with MRP Industrial, Christian Roache with Langan Engineering, Dan Disario with Langan Engineering, Scott Daniel with Ware Malcomb, and Gregg Woodruff with Langan Engineering.

Applicant's engineer, Christian Roache a Civil Engineer already deemed an expert at the August 4<sup>th</sup> meeting. He provides testimony as Michael Floyd; applicant's Attorney asks questions.

Mr. Floyd asks Mr. Roache what actions were taken in response to the Boards request to meet with the Township's Emergency Services Group.

Mr. Roache responds they set up a meeting and met with the Emergency Services Group, specifically, Craig Farnsworth and Chad Bozowski on the morning of August 18, 2021.

Mr. Floyd requests that Chris provides the board a recap of that meeting regarding the onsite and offsite considerations.

Mr. Roache responds that the meeting focused on three main topics.

First topic, we reviewed the Township Emergency Staff's July 19, 2021, Emergency Services comment letter. Like stated during the August hearing that we take no acceptance to complying with the requests of that letter. He would like to note that the requests noted in that letter are very typical for warehouse type developments in Westampton Township. They were standard comments which generally involve requirements for Knox boxes, fire lane striping, and potential light modifications to hydrants.

Second item that we discussed at the onsite meeting, but more of an offsite item that there is an upcoming New Jersey Turnpike Authority project. That project is going to include resurfacing and minor concrete repairs to the overpass on Irick Road located to the West far side. We have since then spoken to the Turnpike Authority which they have no concerns about our proposed project. What they did note to us is depending upon the construction timeline that if this project were to move forward that there will have to be some construction scheduling coordination likely in 2022.

Third topic that we discussed was existing traffic conditions at the Woodlane Road and Irick intersection to the west of our site. Emergency Services Personnel noted that currently that intersection backs up during peak periods. We informed the group that we are going to have a future meeting with Burlington County in late August to discuss some modifications and potentially signaling that intersection. Our traffic Engineer will be talking more about that subsequent meeting with Burlington County that has been taken place.

Mr. Floyd states that's all the additional testimony from Mr. Roache that is needed. He then asks that the meeting be turned over to the board for questions regarding Mr. Roache's testimony.

Mr. Guerrero asks if any board members have any questions. There are no questions.

Mr. Floyd states that Mr. Desario is going to provide additional testimony regarding traffic counts and potential improvements to the intersection at Irick Road and Woodlane.

Mr. Floyd asks Mr. Desario to provide an update to the board regarding his meeting with County Engineering office, Public Works Department as requested at the August 4, 2021 meeting.

Mr. Desario responds that he did meet with the County on August 24<sup>th</sup> attending on behalf of the County was Joel Brickley, County Engineer, Danielle Scolari, County Planning Board Engineer, and Deanna Drumm, County Traffic Engineer. There were also representatives from CME as well at the applicant.

Mr. Floyd noted to Mr. Desario that there were a couple topics that were discussed at the meeting. Mr. Floyd asked Mr. Desario to update the board regarding what approach is going to be taken in response to the intersection and possible re-signalization of the Irick Road and Woodlane intersection.

Mr. Desario responds that it was the consensus from both the County as well as the board and Township's representatives that attended the meeting regarding installing a traffic signal at that intersection. The approach that would be taken is that the developer will commit to fund all costs associated with installing a traffic signal. Inclusive of designing, permitting, and constructing that improvement. The County was receptive to developing a recapture agreement so that if there were future additional development in the area that would directly benefit from that signal then some of the money that this applicant would commit to this improvement could be recaptured by way of contributions by other future development in the area. The County committed to assisting the applicant with the overall process by which the signal would be designed and permitted, and that construction of the signal and associated permits would be handled by the applicant or developer's contractor.

Mr. Floyd states to summarize that testimony it is fair to state that there was a meeting of the minds between the County Planning Board Engineering office and the Public Works Department, and the applicant. That both would work together to install a signal at this intersection.

Mr. Desario responds that yes, all the entity's that Mr. Floyd highlighted were unified in terms of collaborating as it relates to installing that signal.

Mr. Floyd asks during that meeting were there any concerns discussed regarding limitations on the intersection regarding to the right of way.

Mr. Desario states it's too early to tell what concerns that there may be specifically, but the item of potential right of way acquisition all be it be minor right of way acquisition was discussed and the County put forth that they would assist the applicant in pursuing any needed right of way acquisition.

Mr. Floyd states that one other comment was raised during the August 4<sup>th</sup> meeting regarding Mr. Desario's traffic study and traffic counts and the impact of Covid-19 and whether the traffic counts took into consideration BCIT and the students. Mr. Floyd asked Mr. Desario if he has had any follow up with the County regarding his traffic count and if so, what are the action items.

Mr. Desario states that he did specifically communicate and converse with the county as it relates to what Mr. Floyd just said. Mr. Desario has committed to do updated counts in September, on a date that is mutually agreeable between us and the County and one that represents typical operations at BCIT. He wanted to point out to the board edification that he's confident that the traffic volumes that they derived in their report truly do represent and are probably higher than what will actually record in September of this year, but we are going to embark on collecting that additional data.

Mr. Floyd states that's the end of Dan's supplemental traffic engineering testimony and turns meeting over to the Chairman for questions from the board members.

Mr. Guerrero asks the board if they have any questions.

Ms. Berkely stated for your edification it's not just the Technical School but also the Special Services School so there's two high schools and they both let out at 2:00 pm so I think it's considerably more. She also stated, unfortunately, if you do the study in September, it will probably be after we vote.

Ms. Berkley asked regarding the egress coming into your site. You said it was going to be right turn in and left turn out. What can you do or what are you planning on doing to guarantee that they aren't going to be coming over the bridge and turning left into the sight? When I look at your pictures, I see the driveway on the left side is twice the size of the driveway on the right side, so it looks like anyone can easily make a left turn into there and I thought I heard someone say there are no curbs there. How can you guarantee that you know there's not going to be people coming in taking a short cut and turning left into there?

Mr. Desario states that he can't tell you that they can absolutely guarantee that no one will ever make a left turn into either of the driveways. You can design the most perfect design and sometimes you are going to get people are going to do what they are going to do regardless of the irrespective of what they are supposed to do. Having said that, we will sign accordingly that no left turns are permitted into either of those driveways and in collaboration with the county make it part of their review and approval process. At times may a vehicle make those turns, yes that may occur, but we believe that most people will abide by the signage and the laws that are in place and I can tell you that most vehicle won't make that left turn, but I can't guarantee that no vehicles will make that left turn.

Ms. Berkley asks wouldn't it be easier if you flip this whole thing around where your trucks aren't on the front lawn they are on the back lawn and the driveway is further down so that it doesn't cause back up or many problems if someone does try to make a left turn? I know you are going for a variance because your trucks are on the front lawn.

Mr. Desario stated he thinks there was some testimony prior from the site engineer and you will hear some more testimony from the planner when we get to that later this evening, that speaks directly to why the building is oriented, and the truck courts are oriented the way they are shown on the plan. Having said that I think the backup of the board or specifically you raised at the last meeting were all valid concerns and this applicant's commitment with the county to install a traffic signal to the intersection of Woodlane and Irick on the West side of the Turnpike will substantially reduce if not eliminate those existing backups.

Ms. Berkley states or cause them to be more backed up if people are waiting for the light. I understand that and it's really the County's part and it's not our concern down there but our concern is coming in and out of your site. I almost wished that the driveway was further down, and the driveway was slanted to a negative 45, 50 or even 80 degrees, so that trucks cannot come and turn left. It looks like there's a shoulder that makes it easy for them to go in and make a left turn. That's just my opinion but you know that's my opinion thank you.

Mr. Winckowski asks the Chairman if he can jump in and get some clarification on some stuff. He asks Mr. Disario if he is aware of an email that came from the traffic engineer from the County recently to your office with some current comments on the access plan for the project.

Mr. Desario stated yes.

Mr. Winckowski asks Mr. Disario if he reviewed those comments and does that access plan that you have now based on those comments. Mr. Winckowski's review of that email could require or have a significant change on your access off Irick and Woodlane including allowing left turns in.

Mr. Desario states that is potential in terms of changing the access. We have to work through the County review process and if changes to the access occur because of requirements by the county then we would have to inform this board of those changes presumably through your office.

Mr. Winckowski states it's like a cart before the horse thing to which comes first. The only thing is though the comments from the county in an informal email were significant and could have a significant impact on your on-sight circulation and your entire access plan. Which I don't know how comfortable the board is going through this whole exercise where it's on the plan now and suddenly, the county forces you to change everything and then they have come back and redo this all over again. I think at this point before this hearing and this application is concluded we should have some comfort level that this access plan you have is comfortable with the county. I did speak with the new traffic engineer from the county today and they are still concerned with the access. I just want to let you know that it's something that's not resolved.

Mr. Desario states that they are seeking approval for the plan that is before this board and the plan that is before this board is consistent in a direct result of what the county had requested and directed us to do initially with the access to this sight.

Mr. Winckowski states those are not the current requirements of the county. If you are going by the comments from the county a year ago with a different county traffic engineer, I understand that led you here but there is a new traffic engineer now and there are new comments, and those items need to get worked out. This meeting that we had with the county; they are not sold on a traffic signal. The basis of our discussion we had earlier this month was really a request of the county to do a project over there funded by the applicant and it really was the county saying that's not their policy and that's not something they have done in the past and the meeting concluded that the applicant was willing to fund a traffic signal but the county isn't specifically sold on the signal will solve the problem and there are other improvements that might be needed and that's something you have to work out with the county still.

Mr. Desario stated he agreed but this applicant is committed to doing a signal at that intersection through the county review process that evolves into something that is a different improvement then we would deal with that as we move forward through the county review process but right now this applicant is committed to installing a traffic signal at this intersection and working with the county to achieve that. Clearly our traffic study as put forth as part of this application shows that a traffic signal will address the existing issues and accommodate the additional traffic contributed this development. In my opinion I think that a traffic signal is an appropriate traffic control measure for that intersection.

Mr. Floyd states just for clarification it's county jurisdiction over these two counties roadways and the feedback that we got from the township and planning board during the August 4<sup>th</sup> hearing was that we should explore the idea of having a traffic signal at that intersection and to be clear MRP Industrial is committed to installing that traffic signal if the county allows it as part of this site plan approval. If the county wants other road improvements MRP is going to have to install those improvements as well. We would welcome your feedback, the Planning Board and Township's feedback on what those improvements can be. MRP has tried to work in collaborative fashion with the county and with the township on this process for not doing this in silos we've been very open and inviting everyone to the meetings at the county and onsite meetings etc. Again, we'll take any feedback you have, and we will present it to the County Planning Board Engineering office, and we would welcome your input and attendance at those meetings.

Mr. Winckowski states he would like to be a part of it acting as the Board Engineer. From what I'm gathering from the Boards comments and my own concerns, I think there is still a question on whether there is safe access provided by this project. I understand that it's a county road and it's all site county intersection, but this board still has a responsibility to make sure safe access is provided and from the comments I recently seen from the county it's a complete modification to all the site driveways, including the provision to require less in. So, I understand you want to proceed with the access plan that you are proposing now with left turn restrictions and with the alignment and location as shown, but I know

that the county is requesting a major change to that. I don't know if the distribute should be concluded with that being a question of which way it might go.

Mr. Floyd states he understands but it's county jurisdiction and we need to have a starting point to work with the county on an approved plan and there was a staff change at the county level and we designed this entire process, this entire site plan and submitted an application to this board. We've would be working with the county in good faith and now there has been a request for potential changes to the site plan and we are going to work through those issues with the county Planning Board Engineer and traffic consultant and in the end if it does end up having a significant change to the ingress and egress to the property to the project site, we would have to come back to this board for amended approval.

Mr. Winckowski a substantial change amended rule.

Mr. Floyd responds correct and again we won't know what those changes are going to be until we get through the County Planning Board approval process and get a formal technical review letter once the application is deemed complete.

Ms. Berkley asks would it be better to wait for the county to go through that and then come back to us to see what we are really voting on?

Mr. Winckowski states it's the applicant's case to put forward. If this is the access plan that they think the county will accept fine but at the same point if this is the access plan, they are proposing to you and if you think there are issues with it, or you are concerned about it and the applicant hasn't satisfied your concerns then you should take that into consideration.

Mr. Wisniewski states the layout of this piece of property can only be modified so much for access, for entrance and for the exit lanes. It looks like the entrance and exits are as far away from the corner as possible and I think that causes concern for me and the other people I have spoken to. I'm not sure if there is any way they can change it because it would only move it closer to the intersection, which would only make it more dangerous. Earlier Mr. Desario you said you asked the county if they had any concerns, and you went on to say that it was too early to tell. Was that their assessment of the concerns or is that something that you were thinking? I do believe that it's too early to tell but was that their response?

Mr. Desario states no those were my words characterizing the discussion with the county. Whatever improvement is put into that intersection and the applicant has committed to the traffic signal, when that design evolves there may be concerns that arise, and specifically there may be a need for additional right of way and that primarily what concern was discussed in terms of doing something at that intersection and the county said that they would work with the applicant if indeed right of way acquisition was needed to effectuate acquiring that right of way.

Mr. Henley states he wants to thank MRP, we have asked you to do some things and you have put your best effort forward to do so. He appreciates that but, even with that being said, when you are talking about what the county is expressing, he would like to see some of those things and what they look like on a plan or what's coming to fruition before I put my stamp on there but again I do appreciate everything you guys have done thus far but you have to understand that we want to make sure that it's right and that it's one hundred percent fool proof before voting on it. Obviously, there's been a lot of public gathering around the warehouse going there and I think that for the residents we must make sure we are doing the right thing at least that's how I feel. If you guys can understand that.

Mr. Desario states we can, and I think we are aligned in those objectives, and I will respectfully submit to the board the work we've done to date with both your professionals and as well as the county has led us to this point. There has been a change at the county in terms of the county Traffic Engineer, but I would put forth to you again respectfully the access as depicted on those plans in my opinion is safe and efficient and I wouldn't tell you that it's not and I wouldn't be part of this application if I thought differently.

Mr. Henley states he understands that and honestly, he still has an issue with the way they are going to leave, and I was just there the other day, so with that being said, I understand professionally and obviously with your character you wouldn't back something that you felt wasn't put in residents in a position that wasn't safe. I understand that and I'm not putting that on you at all, but I think that it's a resident that drives there and follows the traffic every day that it's a concern. All the people on this board are from Westampton and drive that area and they all have pretty much the same concerns and I think you can see that it's consistent with the same concern and it's not to give you guys a hard time it's to just make sure we are doing the right thing. Because once you move forward with this there is not a lot of areas where you can go back, so again I know it can be frustrating and I can understand that but it's on both ends that we want to make sure we are doing the right thing and it's not malicious at all.

Mr. Desario states we understand that, and we take that to heart. I'm a patient person as is this development team and what we heard at the last hearing from the board a lot of it stemmed from the backups, particularly around arrival and dismissal times for the adjacent school without question. We collectively discussed and agreed that doing something at the West side of the Turnpike at Irick and Woodlane was needed to address that concern, again not to belabor it, but the installation of a traffic signal will reduce if not eliminate that back up. The signal can be designed and the approaches to that intersection as part of a signalized operation can be designed to allow trucks to turn efficiently without issue, because of the signal being in place, you can set the stop bars back, provide additional turning area for trucks, so, I think a lot of the issues that were conveyed to us and articulated by various members of the board. We rolled up our sleeves we went to the county and did right by the board and representing the concerns and we think we have a solution to them.

Mr. Henley states let me ask you is it fair that we want to see the new traffic study once the school opens? I know that it's only a few weeks away, but we want to see some of those things come to fruition to make sure it's the right thing.

Mr. Desario states in my experience is the Township will grant the approval in condition that approval on all outside agency approvals and in this instance, as an example, county approval. So now the applicant would work with the county to do an improvement at the subject intersection that is the cause for a lot of concern by the board members as well as the public at large and whatever that evolves to be, whether it's a signal or something else, that would be part of the county's approval of the same development that's before this board. So, logistically in my experience that's usually how it goes. I can tell you and I have stated it earlier today as well as originally when I testified, I believe the adjustments we have made in our traffic study, in terms of modeling volumes in the general area are representative of typical traffic volumes with the school in session and collecting additional counts was requested by the county and we can certainly submit them to this board as well. I do not think the new traffic count data is going to change any of the conclusions that we've reached in the study that is part of the site plan application that's before you. Certainly, the traffic signal as a treatment for the subject intersection of concern that is not going to change in terms of a recommended improvement, notwithstanding what the new September counts may show.

Mr. Guerrero states I have a question as well and I want to try to get an understanding of the plan on his traffic flow, currently you have one hundred percent of your traffic coming in from Woodlane Road via 541 for right hand turn only, yet, based off the documentation you gave as well as testimony you have about seventy percent of it going over to Irick Road going West bound and of that twenty five percent going down Woodlane Road towards Springside Road. Can you elaborate a little bit more on that traffic flow and why you see that in being necessary?

Mr. Desario states are you speaking to truck traffic?

Mr. Guerrero states yes specifically the truck traffic, it's all coming in from the East and primarily and majority leaving out of the West vs ingressing and egressing the same way they came in.

Mr. Desario states I think most of the trucks would be oriented back to the 541 corridor and it's a lot easier for a trucker to make a right turn out of a sight, particularly this sight, and come over the bridge and make a right turn onto Irick and then go back to 541. That gives them the option to come back to the Turnpike by making another right turn onto 541 to access the Turnpike or make a left turn to get up to the 295 corridors. Basically, it's trucks coming in, making a right turn and most of them desiring to make a right turn out because it's the easiest turn for them to make and if they are going back to the Turnpike then it's basically all right hand turns. They can get to the Turnpike a lot faster by making all the right turns, rather than waiting to make a left turn at that signalized intersection.

Mr. Guerrero states I want to follow up with a question regarding that truck traffic and leaving the property. You have on your chart twenty five percent of it going west bound on Woodlane Road toward Springside Road, is that a guestimate or is there any reason for that number as well?

Mr. Desario states that's oriented toward 295 South as the trucks some of the trucks will be oriented to 295 South and that's just an easier way to get to the southerly direction of 295 and that's why we assigned them that way.

Mr. Guerrero states I was trying to figure out if you thought that was an easier way vs going 541 toward 295 South.

Mr. Desario states yes that is the easier way.

Mr. Guerrero states that is the way I would think a truck driver would like to go instead of going down Springside Road. Most people here in this township will tell you there's plenty of truck traffic already in that industrial park.

Mr. Guerrero asks if any other board members have any questions.

Ms. Berkley sates just one more. I was curious in your traffic impact study on tables 3 page 12. Why did you say that sixty fiver percent are going to come from the Turnpike North, none from the South and only thirty five percent will come from 295, is that your experience that truckers would rather pay for the Turnpike and come up 295 for free?

Mr. Desario states most of the truck traffic we would envision is going to be oriented to and from the North along the Turnpike, because they will be oriented toward all the ports that are served by this general area, Port Newark, Port Elizabeth, or Port Bayonne. Without a doubt there's going to be orientation and a predominance to and from the North as it relates to trucks. There will be some truck traffic to and from the South and that's why we did identify a portion of the trucks being oriented to the South along 295, but we would envision most trucks will be oriented to and from the North along the Turnpike.

Ms. Berkley asks that would also depend on who's renting your building?

Mr. Desario states yes that is correct.

Mr. Guerrero asks Mr. Floyd for his next witness.

Mr. Floyd states the next witness will be Scott Daniel. He is our Architect with the project team, and he was currently recognized as an expert in the field of architecture. He asks Mr. Guerrero if he needs to put his credential back on record.

Mr. Guerrero states that no that is not necessary his credential were already entered.

Mr. Floyd states that one of the questions during the August 4<sup>th</sup> hearing was concerning the height of both buildings with the parapet and both buildings will be less than the maximum height allowed of 45 feet. However, we are proposing parapets on both building to help shield roof top equipment and to provide other benefits, including for storm water management systems. If, however, the board fines that it is not inclined to grant our variance to allow the parapets and have a height above 45 feet we will withdraw that request. We think it's a benefit, but he wants to make it clear that both buildings excluding the parapet will be less than 45 feet. To help make that clear we submitted three additional exhibits to the board Secretary and Scott will be going through this evening with his Testimony. I previously

spoke with board solicitor Robert Swartz and since this is a continuation from the August 4<sup>th</sup> hearing but a new date, we have agreed that these 3 exhibits would be labeled B-1, B-2, and B-3. Exhibit B-1 is a truck port prospective an aerial photograph. Exhibit B-2 is a comparison elevation of building one consisting of 2 sheets and Exhibit B-3 is a comparison elevation of building two also consisting of 2 sheets. Scott will be providing testimony walking through the truck port prospective as well as the comparison elevations and making it clear to the board the height of the building on the North, South, East, and West elevations and what the maximum height of the buildings will be with the parapet on each.

Mr. Floyd asks Mr. Daniel to pull up exhibit B-1 aerial perspective and he then asks him to describe the exhibit.

Mr. Daniel states yes and shares his Aerial view on the Zoom meeting. This shows the NJ Turnpike to be Northbound, this is Irick Road, this is the school. Looking from this point would be East. This is the proposed truck courts for building one and building 2.

Mr. Floyds asks Mr. Daniel if this is a similar aerial photograph as the building perspective that we presented during the August 4<sup>th</sup> meeting?

Mr. Daniel states that is correct.

Mr. Floyd states we are just highlighting now the truck courts so the board can see it from a different perspective.

Mr. Daniel states that is correct.

Ms. Berkley asks for Mr. Daniel to point out where the driveway is for the trucks.

Mr. Daniel shows Ms. Berkley.

Ms. Berkley states so the driveway is in the curve of the road.

Mr. Daniel states yes you saw that on the site plan.

Mr. Floyd asks Mr. Roache to show exhibit 8-2 to answer Ms. Berkley's question.

Mr. Roach states at the curb point that Mr. Daniel pointed out. Yes, that it the Irick Road access point which will be right in only and will allow right and left out. Then the second access point is on Woodlane Road will also be a right in only with left and right out onto Woodlane Road. Mr. Daniel can show that again on the rendering to provide that prospective.

Mr. Floyd asks Mr. Daniel to show exhibit B-2 the Comparison of elevation of building 1.

Mr. Daniel bring up the exhibit and shares the exhibit on the Zoom meeting.

Mr. Floyd asks Mr. Daniel to confirm the maximum height of building 1 on each elevation.

Mr. Daniel states the maximum height of building 1 with the parapet will be 48 feet. Maximum building height without the parapet will be 44 feet 11 inches.

Mr. Floyd asks Mr. Daniel if the maximum building height was calculated in accordance with the definition of building height in the Township code?

Mr. Daniel states yes that is correct.

Mr. Floyd asks Mr. Daniel how is that calculated what is that definition?

Mr. Daniel states the definition is the vertical distance measured to the highest point of the building or structure from the average elevation of the finished grade at the perimeter of the foundation.

Mr. Floyd asks Mr. Daniel if it is correct that without the parapet, building 1 will be less than 45 feet in height as measured pursuant to the ordinance?

Mr. Daniels states yes that is correct.

Mr. Floyd asks Mr. Daniel to talk about the parapet and some of the benefits from an architectural perspective and why you think it's appropriate for this building.

Mr. Daniels states the parapet will provide an enhanced architectural aesthetic quality to the building. It will also at the entrance it creates an announcement of arrival to the main entrance. It enhances the architectural aspect of the building and does not create just a simple rectangle and it give it what you would call architecture.

Mr. Floyd asks Mr. Daniel if there are any other benefits concerning down spouts and storm water management?

Mr. Daniel States yes and it also provides a visual barrier for any roof top equipment or anything that is on the roof. It also enhances the use of an internal drain system which MRP prefers and that also provides a better aesthetic quality to the exterior of the building so it's not to provide roof scuppers, gutters, or down spouts.

Mr. Guerrero asks Mr. Floyd that your board professional was testifying as the definition of the elevation and where it starts from but according to what I see here on your plan shows a perimeter of a floor elevation at zero, which is both the North and South walls but on the Southern exterior which looks to be on the West side of the building it is showing countless number of loading docks which go beyond below the zero feet. How do you answer to the difference between that height and the height of the zero feet being at the other perimeter?

Mr. Floyd states that the height of both buildings number 1 and number 2 will be less than 45 feet and whatever you need from the applicant, from the Architect, or the Engineer in terms of calculations to show that the buildings to be less than 45 feet we will provide it. I just want to be clear on the record that we are not asking for any bulk variances for either building to be higher than 45 feet.

Mr. Guerrero says he understands that but there is a difference where the elevation starts and asks Mr. Dochney if that is his question as well.

Mr. Dochney states that he can expand on Mr. Guerrero's question and explain the way they are interpreting building height per the ordinance. It seems that you are measuring to the top of the parapet as well as the top of the roof. I'm not disputing your calculations, but it seems you are measuring from the finished floor elevation and the definition is as you read is required to be the average grade at the perimeter of the building and I would interpret that to be the average grade of the ground or pavement at that point outside of the building perimeter not the interior finished floor. I haven't calculated it myself maybe a quarter of the frontage on the Southern or Western side is sunken down several feet to get the loading docks in there than the actual grade will probably be a foot lower than what the finished floor elevation is. If you took 50 spots raised equally spaced around the perimeter of the building with the loading docks being sunken down would lower the average a little bit. That might change the point from where you are calculating the height. Another point, the Township's definition of the building height does exclude things like cupolas and mechanical equipment being included in the building height, but it doesn't specifically say whether or not a parapet is a type of roof of pertinence that would be excluded from that height, but his understanding is that this board in the past has treated a parapet as a part of the building and is used as the cut off for the top of the building being the highest part of the building. With that being said it does look like to me based on the drawings that he has been sent that you would need a bulk variance for the building height.

Mr. Floyd states regarding the parapet and whether it falls within that exclusion of how you measure height with cupolas etc. We think it's a similar structure, but he understands that the board is not interrupting the ordinance in that way with previous applications, which is why we noticed for the height variance for the parapet and our planner will put testimony on the record in support of that bulk variance to allow the increase in height with the parapet attached to the

building. With respect to the building height our testimony has been clear that we are not seeking a bulk variance at this time to have either building 1 or 2 higher than 45 feet and if there's an issue how these drawing have been presented and the notations on the drawings then we will provide you with whatever you need to satisfy your concern that the buildings as measured pursuant to the ordinance will be less than 45 feet.

Mr. Dochney states what he would need to see is right now you have the elevation lines of the finished floor as zero, but it needs to show average grade around the perimeter of the building and that would be zero the starting point measured to the top of the roof and the top of the parapet.

Mr. Floyd states he will have the Architect and Engineer work with your office to show you the calculation that these buildings will less than 45 feet.

Mr. Dochney states if the buildings are going to be less than 45 feet than you would be reducing the height of the building as shown. Is that what you are saying?

Mr. Floyd asks for Mr. Daniel to confirm that both of the buildings will be less than 45 feet in height, and you will be able to revise your drawings accordingly and provide updated calculations to the boards professionals to satisfy their questions?

Mr. Daniel states yes that he will be able to do that.

Mr. Winckowski asks Mr. Daniel to clarify the proposed South exterior elevation. He can't read the dimensions because of the way the zoom is. What is the difference between the top of the parapet to the finished floor elevation on that proposed South exterior elevation? Is that 40 feet?

Mr. Daniel responds yes; it is 40 feet.

Mr. Winckowski asks Mr. Daniel at the corner of the wall it looks like there is a wall extension up a little bit at that same view under number 19, what is that?

Mr. Daniel states that is the side elevation the elevation rises slightly at that point as it goes up.

Mr. Winckowski asks Mr. Daniel to zoom back into that proposed south exterior elevation? It looks like there's a parapet there and where it says top of parapet it's not at the top of the parapet.

Mr. Daniel states it's top of parapet A at this level right here.

Mr. Winckowski asks at the south exterior not at that side wall?

Mr. Daniel states yes that is correct.

Mr. Winckowski states ok then that's only 40 feet. On the proposed north exterior elevation, it's 48 feet?

Mr. Daniel stated that was the previous but this one is at 44 feet 11 inches without the parapet.

Mr. Winckowski asks if that average grade includes the loading docks that could go over slightly.

Mr. Daniel states that it depends on how you interpret the average grade.

Mr. Winckowski asks that you said before the parapet hides the HVAC system, so are you saying now that since the board wants you to comply with the building height, a result of that they would have to look at the HVAC system?

Mr. Daniel states that is not what he said. He said as a benefit from the parapet wall would hide the any equipment but since these buildings are very deep the smaller one being 260 feet your sightline probably would not see the mechanical equipment since it is located towards the middle of the building.

Mr. Winckowski states that if this is approved with the building height you can give us an exhibit to that effect, showing the sight lines, the grades, and the HVAC systems and where they are located will be out of the sight lines.

Mr. Daniel states yes if the board requests that.

Mr. Guerrero asks if there are any more questions with no response and then he asks Mr. Floyd if he has any other testimony.

Mr. Floyd states he would like to ask Mr. Daniel to bring up Exhibit B-3 which is a comparison elevation of building 2 and it's essentially the same exhibit that you looked at, but it is for building 2 and he would like to ask Mr. Daniel for the record the maximum height of building 2 with and without the parapet.

Mr. Daniel states the maximum building height of building 2 with the parapet is 44 feet 8 inches and without the parapet the height is 45 feet 8 inches.

Mr. Floyd states to Mr. Guerrero that this is a similar exhibit to B-2, but he wanted to get it on the record that we do have these comparison elevations that we submitted to the board to show the maximum height of the building with and without the parapet. If the board has any concerns about the height of the building with the parapet the applicant will withdraw that variance request and we will provide the appropriate documentation and calculations to the board's professionals to show that building 1 and building 2 will be less than 45 feet in height. We think that there are planning justifications for the parapet we think that it makes for a better building but again if the board disagrees, we will withdraw our request for the bulk variance for the parapet.

Mr. Floyd asks Mr. Guerrero if they can take a short break so that he can speak with his client and give them some feedback that they have gotten from the members of the board and the board's professionals regarding ingress, egress, and the height of the building.

Board agrees to take a 7-minute break.

Meeting is back in order

Mr. Floyd states that before we bring in Mr. Woodruff to provide his planning testimony, MRP Industrial understands some of the board members comments about ingress and egress and how we are going to address the comments from the County Planning board Engineering office, and again this entire design was based upon feedback from the County Planning Board Engineer's office, but through a change in staff there has been new comments that we have to review in detail. Mr. Chairman what I would put forward is until we get through our hearing this evening MRP had originally applied for Preliminary and Final Site Plan approval we would like to have discussion with the board and put for that we would be willing to amend our request just for Preliminary Site Plan approval. Should the board grant that requested relief with the variances that would give MRP some insurances and a comfort level to begin working in greater detail of the County Planning Board on the ingress and egress issues and the improvements to the Irick Road and Woodlane Road intersection. We can work through all those issues and then submit a follow up application for Final Site Plan approval or if necessary then a Preliminary Site Plan approval depending on the scope of changes that are negotiated with the County. MRP wants to work with everyone, and they understand the concerns of the Board Members and the Board Professionals, and I think that way MRP can get some insurances that the site is Industrial zoned and can handle an industrial building. We can work in detail with the County Planning Board on their questions, comments, and concerns about ingress, egress, and the intersection and the possible of signalization and then we would come back to the Board with a follow up application for Final Site Plan approval.

Mr. Swartz states he wants to get through Mr. Woodruff's testimony and after that if Mr. Floyd would like to change their request the Board would have no problem going forward placing their vote on that.

Mr. Floyd asks Mr. Woodruff- Professional Planner with Langan Engineering to state his qualifications and licenses on the record.

Mr. Woodruff states he's a Senior Associate at Langan Engineering Environmental Services. He is a licensed professional Planner in the state of NJ as well as Nationally with the American Institute of Certified Planners. He has appeared before numerous Boards before and have been accepted as an expert in Planning through the state of NJ.

Mr. Guerrero states he is satisfied with his credentials, and he can move forward with this testimony as an expert witness.

Mr. Floyd states to Mr. Woodruff that during the August 4<sup>th</sup> hearing, Mr. Roache presented exhibits A-1 and A-2. An aerial photograph of the property and the rendered site plan and we talked about existing conditions. Can you briefly discuss the existing conditions of the property?

Mr. Woodruff states that we have heard a lot regarding the intersection of Irick Road and Woodlane Road where the property sits at. From a planning perspective the site area it is relevant that it is in the Industrial Zone. There is open space to the North. To the West there is agriculture uses and the NJ Turnpike is in the near area. To the South is residential low density residential. To the East is BCIT Campus. These are the surrounding land usages.

Mr. Floyd asks Mr. Woodruff if he has a chance to review the site plans and the architectural floor plans and elevations.

Mr. Woodruff states yes that is correct.

Mr. Floyd asks Mr. Woodruff to summarize for the Board what the proposed improvements involve.

Mr. Woodruff states there are 2 buildings being proposed, the first building is 305,040 Square Feet and the second building being 215,280 Square Feet. A total of 318 parking stalls at building 1 and 286 parking stalls at building 2.

There will be 49 loading docks at building 1 and 42 docks at building 2. We have heard discussion about the two entry and exit driveways and then the associated lighting, landscaping, storm water management improvements that we heard testimony on throughout the hearings.

Mr. Floyd asks to bring of exhibit A-2 which is the rendered site plan. He then asks Mr. Woodruff to describe the building height variances that we are requesting.

Mr. Woodruff states as was discussed and what's being requested is the parapet heights exceeding the permitted height of 45 feet. Building 1 had a height of 48 in maximum and building 2 had a height of 47 in maximum, but if those parapets had to be removed the applicant is prepared to do that. If the variances were to be sought for the parapets, we heard quite a bit of discussion about those parapets and both the aesthetic and functional advantages. The important discussion that we heard from Mr. Dochney is some of that planning language where that the exceptions for different structures on the roof. From a planning perspective he would say that parapets, even though the board has interpreted as part of the building in the past there is some notion within the zoning ordinance that there might be structure that extends above that, fully understanding that the board has typically not interpreted parapets in that way in the past. There has been discussion about the functional and aesthetic benefits breaking up the volume and structure of the building from a visual perspective, there's also as discussed by Mr. Daniel a roof drainage system through the parapets would allow it to be more internal to the building and again it would be a better functional drainage system as well as be internal to the wall and visually a better approach. It was noted before that the building height itself complies and we are just talking about the parapets exceeding that height. From a planning perspective if we were to leave the parapets within the design the benefits of that visual breaking up of the entrance ways in the building, mass in general, the functional benefits to the drainage system and some of the other building functionality would outweigh the small deviation compared to the permitted height of 45 feet. The applicant is prepared to remove that request if needed if the board didn't agree.

Mr. Floyd asks Mr. Woodruff to discuss the next variance for the maneuvering area from section 250-22.R6, about no off street loading and maneuvering area should be located in the front yard.

Mr. Woodruff states this request is slightly different instead of it being from a planning perspective there being a benefit relative to what's being requested compared to the detriment. In this case, this request is really born of a unique characteristic of the property as you can see here on the rendered site plan, and everyone is familiar with the piece of property. It is long in nature, and it is also at the intersection of Woodlane Road and Irick Road, which creates two interpreted front yards on the property. The maneuvering area is not being allowed in the front yard, just creates that practical challenge of on two faces you have front yards, and the property being more rectangular in shape, a little longer and narrower relatively compared to its overall size. What is being requested is the technical interpretation of the loading areas being in the front yard created by Irick Road. In the early planning stages of the project, the applicant did contemplate as was discussed by Mr. Roache in detail at the last hearing they did contemplate the loading areas being flipped and being on the Eastern side of the buildings and it was actually intentionally switched to be located on the Western side from a planning perspective and being a better neighbor and not having the loading area fronting on the BCIT Campus and have them much more oriented toward the Turnpike, which is a fairly standard arrangement as you see warehouses up and down the Turnpike corridor loading docks are very often oriented facing the Turnpike area. It was a conscious decision to try and be a better neighbor. From a planning perspective, when you are dealing with the unique challenge of the shape of the lot and trying to fit these warehouses and having to make that decision because the loading docks are always going to be oriented on that long access side of the building and it really falls into is it on the East or on the West and the conscious decision was made to orient it toward the Turnpike and to try to be a better neighbor. It should be noted that relative to the site, whether the loading docks are facing West or East will not functionally change the overall size of the buildings that fit on the site, this does not present the layout that has been proposed presents a better option relative to the size of the buildings or the yield of the building square footage that is on the property. It was a decision driven by the desire to be better neighbors to the BCIT Campus and having the loading docks facing toward the Turnpike. In addition, the applicant has proposed as you see here in the rendered site plan and we have seen in other portions of the plans that the landscaping plan rendering there are significant amounts of landscaping that have been proposed along those frontages to try to provide some screening and to reduce the impact of those loading docks facing in that Westerly direction, being conscious that is interpreted as a front yard per the zoning regulations. The last point being in addition to those plantings along Irick Road there is an additional significant setback distance overall from Woodlane Road because that loading dock area where building 2 is visible from Woodlane Road. That set back is on the order of 375-380 feet from Woodlane Road. There were some intentional decisions that were made here to try to reduce this impact knowing that there was just this issue of having two front yards and a uniquely shaped lot being long and narrow relative to its overall size.

Mr. Floyd asks Mr. Woodruff in terms to the positive criteria; can you cite any purposes of the Municipal Land Use Law that would be advanced by the granting of these variances.

Mr. Woodruff states yes. He would like to talk about more relative to the two variances requested. The first would be purpose A-to encourage municipal action to guide the appropriate use or development of all lands in the state and in a manner that would promote the public health safety morals and general welfare. The proposal facilitates a development that is associated with a modern warehouse on a site that is zoned for that use in a way that tries to promote safety and general welfare. That decision to have the loading away from the BCIT Campus was the focus of how that was laid out. Purpose C-to provide adequate light, air, and open space. The site design provides adequate layout for a modern Class A warehouse facility, which is a permitted use of the site in a way that the loading is least impactful to the largest landowner adjacent to the sight, which is the BCIT Campus. Purpose G-to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space both public and private according to the respective environmental requirements in or to meet the needs of all NJ citizens. This site is clearly proximate to the I-295 corridor and the NJ Turnpike corridor. The overall layout provides an appropriate setup for warehouse use within those overall corridor areas, which clearly support significant percentage of this state's

logistical infrastructure. Purpose I-to promote a desirable visual environment through creative development techniques and good civic design and arrangement. Again, he wanted to state that it was an intentional decision to try to be creative in the site layout. It leads to the request for a variance, the applicant understood that they could have avoided the variance by placing the loading docks on the other side and was intentional in attempt to be a better neighbor to the BCIT Campus.

Mr. Floyds asks Mr. Woodruff to speak about the negative criteria if there is any substantial detriment to the Public good.

Mr. Woodruff states that he doesn't believe relative to these two variances being requested the height and the maneuvering area in the front yard that there is a substantial detriment to the public good. The proposed increased height does not block light or air to neighboring properties and there are clear benefits to the overall aesthetic of the building, and they are functional benefits to how the building would function. Relative to the maneuvering area or loading zones in the front yard from the perspective I don't believe there is a substantial detriment to the public good if anything the choice was specifically made to try and reduce the impact to the neighboring public, the BCIT Campus a county facility. In addition to the relative to the zoning plan ordinance he would argue there's no substantial detriment to the intent and purpose of the master plan or the zoning ordinance. It is a permitted use in the zone and these two variances and while these do deviate from what is permitted, we believe it makes a better functional building and a better-looking building in the zones.

Mr. Floyd says to Mr. Woodruff as you know from the site development plans and the technical review letters, we are also seeking certain design acceptations or a waiver request. Can you walk the board through those requests and the justifications for those?

Mr. Woodruff states certainly. First relates to sight lighting, we are requesting a waiver or a variance from section 250-22G whereby the maximum average lighting level where 0.5-foot candles is permitted. We are proposing more than that, the proposed lighting levels match industry standards. Mr. Roache testified at the last hearing extensive to this and he believes this is a standard variance or waiver issued as it relates to the safety of the vehicular and pedestrian traffic around the sight. No one would want a site that is not well lit for safety reasons. There is a significant benefit to the slightly increased light levels. Second it relates to structures in the buffer areas sections 250-22B2. We are requesting a waiver or variance for some of the structures that are in those buffer areas, specifically, there is a monument sign, some directional signage, access driveways, guardrails, retaining wall on the Eastern property boundary buffer. All these structure elements are really part of what they believe a more functional, more efficient, and safer site design. Retaining walls, guard rails things like that are clearly relative or relate to the practicality of how a site gets laid out in a safe and efficient manner dealing with great issues. Signage is clearly needed in areas to properly identify and locate access ways so that people can efficiently traverse the site. The next relates to the trash enclosures under section 250-22B3, the trash enclosures are not proposed to be individually screened as the ordinance would require them to be screened. However, the enclosures are within the loading area and the loading area itself is screened by that significant amount of vegetation that was mentioned previously. It makes less sense to have individual screening within the larger truck loading area and it's more efficient and safer design to have that screening be at the perimeter rather than right around a specific space. We believe there is a benefit there relative to the overall look and functionality of that loading area than not have a specific screening around those trash enclosures but to have that screening be on a wider scale of the larger loading area.

Ms. Berkley states are you saying that you believe that is not a variance that we need to approve for you?

Mr. Woodruff states that's not what he is saying. He's saying that we believe we meet the intent of the ordinance by having screening, but the screening is not specifically around the trash enclosure, therefore we are requesting the variance.

Mr. Woodruff states the next relates to non-employee parking stalls and they shall be 10 feet by 20 feet, whereby our plans had slightly a smaller stall size. It's out intent the parking onsite is meant for employees. His understanding of this is that the onsite parking is meant entirely for the employees. If the board wanted modification and Mr. Roche can identify potentially specific spots and he thinks they can comply with that, but again the intention is that the parking spots onsite are for employees only. The next is the site triangles, he believes they have provided sight triangle plans but that was noticed or brought up in the planning review. He wanted to put on the record that the sight triangle plans were already provided. The next one is the master signage program under 250-25-J-1 whereby all projects are supposed to submit a master signage program for review and approval, however as the board is aware throughout our application the buildings are speculative in nature for now and having a master signage program is a little complicated without knowing exactly who the users are. From a planning perspective it's not that they don't want to comply but it's difficult to provide the specifics relative to that master signage program without more information on who the tenants are going to be. The next one is front yard parking under section 196-8g4, per the ordinance where parking is located in a front yard the Land Development Board can require berms, however really where that parking area falls is along Woodlane Road and as well as Irick Road and relative to really functionally implementing berms in those areas I mentioned before the set back from Woodland Road is pretty significant on the order of 375-380 feet. There is stormwater basin in between the roadway, driveway, and then the parking area and there is trees and other vegetative plantings proposed along Woodlane Road. Relative to the functional benefits of a berm I would argue that over that distance there's not a lot of benefit to be realized with all that space and the storm water basin and the plantings and along Irick if you look at the grade to actually propose a berm in that area the topography and Mr. Roache can discuss this issue in a little more detail during his testimony but the grade drop offs really wouldn't support the ability to put berms in that area. That is also partly why the applicant is proposing the significant number of plantings along Irick Road because of those topographical challenges relative to putting in a berm. Last highlighted related to the landscaped island and he believes it's the applicant's intent to comply with that request.

Mr. Floyd states that the plans will be revised as a condition to any approvals should the board grant the request of relief to comply and show those landscaped islands.

Mr. Woodruff states relative to the list that we just went through in many cases, in his opinion there are clear benefits that would outweigh any detriments or perceived detriments from not complying fully and he did try to note in specific cases where there were some specific technical challenges or unique site challenges relative to complying with the specific variances or waivers being requested for each of those.

Mr. Floyd asks Mr. Woodruff in terms of the purposes of the Municipal Land Use Law I know you stated what purposes would be advanced by the granting of the variances for height and loading in the front yard setback area. Would those same purposes of the Municipal Land Use Law be advanced by the granting of these design exceptions?

Mr. Woodruff states that he believes they would but again as the design comes together the overall design the overall layout creating a functional modern class a warehouse building on a site where the warehouse is clearly contemplated clearly furthers the same purposes with these lists of design exceptions relative to the two original variances.

Mr. Floyd asks Mr. Woodruff to summarize your conclusions.

Mr. Woodruff states certainly. The variances and waivers requested is clear that there are benefits that outweigh any detriments or perceived detriments in many cases in the few situations where there are technical challenges or oddities relative to the physical condition of the property. We have pointed those out and many of the variances are fairly de minimis in nature, in his opinion the variances and waiver being requested further the goals of the Municipal Land Use Law and meet the proof standard and can be granted by the board.

Mr. Floyd advises Mr. Guerrero that is all of Mr. Woodruff's testimony in support of the variances and design waivers.

Mr. Guerrero asks the Professionals if they have any questions or comments regarding Mr. Woodruff's testimony.

Mr. Dochney states he does have a few comments. First we are in an agreement and they were going through my review letter when they were identifying the variances and waivers but he thinks he needs to point out that they provided detail testimony for the positive and negative criteria for two variances however for each of the other things that they classified as design waivers that fall under section 250 of the Townships code and that is the Zoning section of the code and they would be variances as well. The encroachments into the buffer is also a variance, the lack of screening around the garbage areas is also a variance, the non-employee parking although they testified are going to have non employees in it then they would comply but technically that would also be a variance and then the lack of the signage program would technically also be a variance but we can view that as a temporary waiver at this time because they would come back with a signage package whether it's shown to the Township Construction Official showing that they conform or back to this board if they need any variances for individual signs in the future. He wanted to touch on the encroachments into the buffer. Some of that they require variances because they have signs in the 50ft. buffer and he's concerned about the width of the buffer along Irick Road where they have the driveway encroaching into that. It reduces the width of the buffer, and it limits the amount of planting they can have there that would serve as an effective screen. He also wants to clarify that he does feel even though the exact calculations haven't been provided that once you take the depression of the loading areas into play with the drawings showing the top of the roof measure from finished floor elevation at 44 feet 8 inches is proposed, taking that average grade in from the depression of the loading docks is going to bump that up by at least 4 inches and they will probably need a bulk variance for the height of the building as proposed as well, it might only be a few inches, it might be as much as 6 inches, but if the average grade is dipped below more than 4 inches by those loading docks then they will technically need a variance for that even without the parapets. Those are the comments that I have on clarifying on what is a variance and what is a design waiver.

Mr. Floyd asks Mr. Woodruff that the design waivers that you went through for the sake of clarity if those are classified as variances, I know you testified that all the purposes of the Municipal Land Use Law that you cited for the height and loading variance would also apply to these design criteria. Is that correct?

Mr. Woodruff states yes that is correct.

Mr. Floyd asks Mr. Woodruff if he thinks all of them in this case that the positive criteria substantially outweigh any negative impact?

Mr. Woodruff states yes.

Mr. Guerrero asks Mr. Dochney about a comment he made in one of the reports regarding the maneuvering in the front yardage and possibility of flipping the building ground access. Is that something you see is feasible?

Mr. Dochney states if you look at the site plan it is certainly feasible to flip the buildings as we said. We don't need to go into it any further it's from a practical standpoint flipping the loading to the East side and facing the school could be done easily. If the board wanted to see that then he doesn't see any reason that they couldn't other than it's been their testimony that it's not a practical hardship in doing it that way, it was a conscious decision of which side they want to place the back of the building, do you want to have the back of the building facing the Turnpike or do you want the building facing the school and from a planning perspective I'm not sure either one is necessarily is obvious better than the other. Facing the Turnpike with the loading areas and the truck maneuvering spaces also means you are facing Irick Road which is a highly traffic road where people are not necessarily going by in a split second but are sitting in some traffic as they go by. It's really a visual preference and frankly he doesn't know what the board feels is more appropriate, whether you want to have the truck loading facing the Turnpike and Irick Road or facing the school, but from a site design perspective I see no reason why it couldn't be flipped. There is certainly space there if you can fit parking for cars on the East side and trucks on the West side you can flip it and do the same thing.

Mr. Guerrero states that is one of his concerns because it seems that every time we have a warehouse we have always worried the aesthetics from the street especially with truck parking within the property. He thought that based on Mr. Dochney's comments in his report on whether flipping the building would make it more feasible for them to screen the

one side being the side towards the school if the truck loading was on that side versus trying to do the screening we currently see on this plan. The height there is flat there and there is no room there to do anything berming outside of just planting extensive landscaping to screen the building as it shows on this plan.

Mr. Dochney states even with the 50ft buffer and the landscaping they are proposing it's still going to be visible at various points as you circle the property. These are very large buildings and it's almost impossible to completely hide them.

Mr. Guerrero states that he agrees with Mr. Dochney but if you are going up against BCIT itself is being screened from any type of residence going down Woodlane Road wouldn't be something you would see as much as if they were coming down Irick Road as the current plan has.

Mr. Dochney states yes.

Ms. Berkley asks if they flip it then it would make a difference in where the driveway is on that curve?

Mr. Dochney answers not necessarily he would assume that if they flipped it, they would shift the buildings a little to the West so they would have more space on the East side for the truck circulation. He doesn't think it would impact the driveways because where they placed the driveways in the middle of in between those buildings. It's more of a preference where do you not want to see the truck loading from the School or the Turnpike?

Ms. Berkely states she thought the driveway was there because that's where the trucks are, and they would have the shortest amount of room to get out of the driveway. If it was flipped and the driveway was still there then the trucks would have to go all the way around to get to the driveway to get out.

Mr. Dochney states they can arrange for that and it's not a big deal.

Mr. Guerrero asks Mr. Dochney with the current landscaping that they have, is that adequately enough to screen the building?

Mr. Dochney states that certain parts it's going to be visual and he's a little concerned over the encroachment of the buffer along the driveway on the Irick Road front. That limits the amount of landscaping that can be placed there. Mr. Dochney asks the applicant if they can share the landscaping plan on Zoom.

Mr. Floyd asks Mr. Roache if he can share the plan.

Mr. Roache says yes to give him a second to do that.

Mr. Winckowski has a question for the applicant while they are pulling up the landscaping plans. You said that you looked at putting the loading in the back along the school along the East side does that plan also have the buffer or any other variances like you have now? Especially along Irick, because what you have now with the loading in the front you also have that portion of the internal access drive that encroaches into the buffer along Irick especially at the one corner and that narrows it down significantly. Do you still have that condition in the front if you were to put the parking in the front and loading in the back?

Mr. Roache answers yes, we would still have that condition and as Mr. Dochney was saying it would be a very simple switch because you would be basically taking the parking from the East side and flipping it over to the West side and we would be flipping the loading to the opposite side of the building. It's almost like the building would stay and slightly it's exact location would be shifted maybe a few feet to the West and would allow for loading on North side, but you will still have a slight encroachment in the buffer area for the access drive that they are proposing.

Mr. Winckowski states that the building would have to get closer to Irick if you were to put the loading in the back.

Mr. Roache states that the building itself would be because right now this is a 60ft. parking module to get the loading you have to be 130ft. module so it's about a 60–70-foot shift in just the actual building footprint but the parking you have a 60ft. module rather than the loading. To reiterate what Mr. Dochney said it was really a preference into the thought we put into this, we thought it would be more sense to keep the truck loading away from the school and that was our main rationale behind this decision but if the board finds that they prefer it the opposite approach it's not a wholesale change to the site plan it's something that can be accommodated.

Mr. Winckowski states he still doesn't understand the distance from the loading dock to the edge of the far curb is 130ft. and on the opposite side of the building from the face of the building to the far side of the curb it's 65ft. So, if you make that 65ft. now 130ft you would have to move the building 50ft.

Mr. Roache states yes.

Mr. Winckowski states so then it would go 50ft. closer to Irick Road.

Mr. Roache states yes.

Mr. Winckowski asks Mr. Roache what is the setback right now on building 2 to Irick Road?

Mr. Roache states that it's about 150ft.

Mr. Winckowski and the setback requirement is only 100.

Mr. Roache states that we would be outside of the building setback.

Mr. Winckowski states then you would have 65ft. in front of that for the parking.

Mr. Roache states yes.

Mr. Winckowski state then the buffer would be about 40ft.

Mr. Roaches states yes and you have 25ft. non-residential to non-residential buffer there.

Mr. Dochney states they only need a 25ft. buffer for non-residential to non-residential. It's the few areas where there are residents in the area that they have the 50ft. buffer is required.

Mr. Winckowski asks is it across from that farm stand on Irick?

Mr. Dochney states that he believes so.

Mr. Winckowski states that the rest of the farm is considered non-residential.

Mr. Dochney states yes that is how he interprets it. It doesn't look to him that they would have to shift the buildings around with parking they could still make it work in terms of the building setbacks and most of the buffer areas should be ok with the exceptions of the encroachments for driveways and signage.

Mr. Winckowski states it seems to him that the green space went along Irick would widen a little bit if you were to flip it in the back, but he's not saying that it's something that would widen significantly, and it really comes down to do you want to see the loading from Irick or do you want to see the parking from Irick?

Mr. Dochney states yest that is what it comes down to there.

Mr. Winckowski states he feels like it's a big situation and he doesn't know if the board wants to take a poll on it or if they want to hear the Public first but as some point the applicant really needs direction.

Mr. Floyd states to Mr. Winckowski before we go any further Mr. Woodruff was our last expert witness but what I would like to do is invite back up Mr. Hudson, he was our first witness on August 4<sup>th</sup>, and it would be to just summarize MRP's work that they have done on this project and how they want to move forward.

Mr. Floyd states to Mr. Hudson I know you were our first witness back on August 4<sup>th</sup> and now for two different evenings we've had testimony from Chris, Dan, Scott, and Gregg. Would you talk once more about MRP and the vision for this sight and the work that has gone into it.

Mr. Hudson states he wanted to make clear to everybody that we took the discussion at the last meeting to heart, and he hopes that the effort that went in the prior months was visible and appreciated. In fact, that's the same conversation and feedback we got with all stake holders through out this process, including members of the County that had a very active hand in the plan that we brought before you previously and are talking about tonight. If there are changes due to personnel changes or we need to provide you all comfort or confirmation in the current direction, as the mayor suggested, we too want to get it right. Our buildings must operate well, and they must operate safely in order for us to be successful and to track the quality tenants that bring the quality jobs, so I truly believe our interests are inline here and if dropping back as Mike suggested earlier to a request only for a preliminary approvals so that we can sort through these issues with all of the stake holders and then come back to you all for a final makes the most sense and that's what we are happy to do.

Mr. Winckowski has a follow up comment. He knows over the last month they have really tried to reach out to a lot of different parties which is very difficult to do, especially in the month of August. Setting up a meeting with the County, inviting us to the meeting with the EMS, reaching out to the NJ Transit and their Engineer, and the NJ Turnpike Authority and their Engineer because of the bridge. There are a lot of players involved here and he would admit that they got thrown a curve ball within the last week with a significant change in the County's position on the access plan along Woodlane Road and Irick Road. He wants to let them know that it's difficult because this application does rely a lot on county improvement and off-site county issues that kind of effects how we look at it. It's typically not that significant and usually it's on a county road that's more linear and the access plan is generally going to be ok, and we know what to expect. I do know that the applicant will following through with what they say and meeting all the requirements from the county eventually.

Mr. Guerrero asks the board and professionals if they have any other comments for questions?

Ms. Berkley states she has a question for Mr. Dochney. When you talked about the parking space you said that it was ok to shorten the 18ft. but you said the width should not be shortened is your recommendation then that we do not approve a variance to shorten the width.

Mr. Dochney states he does not recall saying that his only comment on the non-employee parking was technically a variance, but the employee parking is allowed to be 9 by 18 and non-employee parking is required to be 10 by 20. His recollection is that a month ago their testimony was if they need to, they provide some non-employee parking at 10 by 20 but the intent here and the assumption is that the mass majority if not all the parking on-site will be for employees of both warehouses.

Ms. Berkley responds so when you say the required width should not be reduced you are talking about for non-employees.

Mr. Dochney states that he is referring to the ordinance.

Mr. Winckowski states the board has routinely granted that variance in the past, allowing for 9 by 18 and it is a very common parking standard. 10 by 20 is more fitting for shopping centers where you will have a lot of cargo or something like that moving out. Employee office complexes and warehouse sites 9 by 18 is standard and having a larger parking space increases the impervious coverage that has some negative environmental impact.

Mr. Guerrero asks if there are any more questions from the board or professionals. There was no response.

**Open Meeting for the Public comment from Mr. Brennan**

Mr. Swartz asks Mr. Brennan if he has any questions or comments.

Mr. Brennan states his name is Jeff Brennan he is an Attorney admitted to practice in the state of New Jersey he represents Christina Goetz, 109 West Maple Tree Drive and Kiersten Bjork-Jones 120 West Maple Tree Drive. We object to this application, and we ask that the board denies it. There are numerous procedural and subsequent infirmities that the board from granting the relief requested but most significantly there is a D variance that is required that has not been noticed applied for or proven with respect to the variances that have been requested, likewise they have not been proven. There is also a significant problem with access as the board has been discussing the last two meetings. Finding the legal tech reasons notwithstanding we would respectfully submit that as a practical matter this application is disastrous in terms of the impact that it will have on the adjacent residential neighborhood. Tonight, I would like to cross examine the applicant's witnesses and he also has with him his own professional witnesses, David Horner, a Professional Traffic Engineer, and Ms. Barbara Woollydellan, a Professional Planner. He then questions the Chairman regarding the hard stop at 10:30pm and he anticipates that his presentation will take approximately 1.5 hours. What is the board's pleasure letting the other members of the public to proceed? Additionally, he's hearing that there may be revised submissions from the applicant and there might be a new site plan entirely, so if that was the case I would like to see to the remainder of the Public and reserve comment to when that new information is submitted.

Mr. Swartz states he did not hear that this evening and asks Mr. Floyd to clarify.

Mr. Floyd states for clarity if Mr. Brennan does want to make his presentation this evening and he wants to open it up to other members of the public that are not represented.

Mr. Brennan states that is the request based on the representation that there is going to be an additional traffic count being performed and that there is going to be some other additional submissions potentially made and obviously will not have the benefit of reading before giving you my presentation tonight.

Mr. Floyd states to Mr. Swartz if member of the Public proceed before Mr. Brennan's presentation are they going to have the ability to then come back in October to provide additional public comment? He's trying to have a manageable public comment portion for this application and if we have members of the public going through the next hour based upon our presentation thus far if they are going to be allowed to present additional public comment in October this will cause a delay in the application. I think we must make it clear now how members of the public are going to be able to present their questions, comments, supports or objections.

Mr. Brennan asks if the applicant is finished with their case, is there no more testimony or plans to be provided, because if so then I'm happy to proceed now, but he was getting the sense that more information and potentially more supplemental plans are going to be provided.

Mr. Floyd states that they are finished with their affirmative presentation, obviously they have the right to recall any witnesses in response to your professionals and any members to the public that may provide comment. As for the additional traffic counts those are being conducted at the request of the Burlington County Planning Board and we agreed earlier on in this process to provide copies of everything back to the Township Planning Board to provide a full transparency disclosure and should the board grant the requested relief this evening or next month we have also agreed to provide the appropriate height calculations to the board to satisfy their questions that the height of the buildings is less than 45ft. There will be supplemental submissions whether they are done as a condition of the approval or done in advanced of the next meeting. I can't tell you at this time when they are going to occur but I'm not sure how calculations confirming the height of the building would have any material impact on your cross examination of our witnesses or your presentation.

Ms. Karps asks Mr. Floyd are you amending your application tonight to just ask for a preliminary approval?

Mr. Floyd states yes that is correct. We did apply for a preliminary and final site plan approval but if the board feels more comfortable granting preliminary site plan approval so that we can go back with that approval and work with the County Planning Board on the ingress and egress issues etc. The applicant is willing to amend the application just to a preliminary site plan approval.

Mr. Brennan states to the Chairman the problem with that is depending on extent and scope of the change it may be considered a new application as a matter of law. If it's deemed "substantial" then they would be starting new. I don't know that there's any point to doing that to bifurcating the application that way if those types of changes are contemplated.

Mr. Floyd states to Mr. Swartz that he would respond that it's the applicant's decision whether it bifurcates the application. They can apply for preliminary approval and subsequently for final site plan approval. As he mentioned earlier is the changes are de minimis in nature or no changes from the County Planning Board meetings then it's not an issue and maybe those changes can be handled administratively, but if we are coming back in for final site plan approval or if necessary amended preliminary and final site plan approval and at that time if Mr. Brennan believes that the changes are so substantial then that would trigger a need for a new application and he can make that argument at that time. It's still the applicant's prerogative to request only preliminary site plan approval and it's doing that to hopefully give the board a level of comfort that we are going to be able to move forward with an approved site plan, work with the County Planning Board Engineers office, and the Public Works Department to resolve the issues at the intersection with ingress and egress.

Mr. Brennan states to the Chairman that he would agree that it is the applicant's prerogative to proceed as they wish, however, he was listening to the comments from the Boards Engineer about the last review from the County's Engineer and it sounded like the types of changes they are looking for are substantial. What he is pointing out as a practical matter, he doesn't think that it makes sense to proceed in that way.

Mr. Swartz states to Mr. Brennan that at this point the application is proceeding. Quite frankly if you want to hold off your presentation until after the rest of the public comments that is fine. If it finishes by 10:00 tonight by a way of an example, then you would have to start your presentation then obviously. The choice is yours; you are either interested in starting now or waiting until the end of public comment.

Mr. Brennan states he appreciates that he would defer to the rest of the public at this point. He understands the Boards position so as this point, he let the rest of the public speak.

Mr. Swartz states that is fine and what we are going to do is open up to the rest of the public and allow them to make public comment relative to Ms. Goetz and Ms. Bjork-Jones are represented so your comment will be through Mr. Brennan.

### **Open meeting for the Public Comment**

Mr. Swartz swears is Robert Kuriskin – 4 Oak Tree Court, Westampton, NJ. He states that the traffic study seems to be flawed based on some of the stated design manuals. The June 11, 2021, tenants, employees use, and hours of operation are not known. They do state that this warehouse operations speculative and since we don't know who the warehouses will be rented to and since they are representing a variance for the height, he finds a worse case scenario that a high rate fulfillment center or a partial hub so their design criteria for a standard storage warehouse using the various numbers of 0.19 for the DOT manuals or 1.37 or .64 which if they are using the standard warehouse they significantly under represent the potential truck and car traffic for their traffic design study and it should be reevaluated based on the potential alternate use unless they can put in writing to the actual number of car and truck entrances and exits per day. Therefore, this traffic study needs to look at a potential worse case scenario and it's not a de minimis case. Second,

due to the pandemic the traffic would be significantly below the non-pandemic pattern and counts and the estimates are obviously skewed. Especially lacking from the traffic that is generated from the school bus and car drop offs for the schools and offices off on Woodlane next to the library. There is also no information based on typical loading or unloading times and worse case truck and car trafficking to a property is not noted. This could potentially be significantly higher than what their traffic studies represent based on their charts. Considering that they are also looking at the Turnpike and 295 exits, WB62 interstate truck cab combo, which are typically 78 in feet may encroach on oncoming traffic lanes due to the large turning radius of the truck and because of that we also have concern about through traffic through the residential neighborhoods as Irick Woods and Tarnsfield with the local streets intersecting Irick Road, Woodland, and Rancocas Roads. The side road traffic entering these intersections may be significantly delayed and impeded at the time of the lights based on at the time of the study could potentially result in much larger delays in traffic lines at the intersections. Anyone who has traveled these roads during traffic heights when school is in session know what kind of delays what we are talking about, especially across the Irick Road bridge and Woodlane Road bridge going over the Turnpike. They didn't say anything regarding if they were handling any toxic chemicals or if there would be storage on site that wasn't addressed. With these warehouses are speculated I'm not sure how they can answer that question, but I would have questions for that based on NFPA requirements. For a number of those reasons especially the traffic studies being de minimis in his opinion we should not go forward with allowing this warehouse to go forward.

Mr. Guerrero asks Mr. Floyd if he would like to make a comment.

Mr. Floyd states not at this time he would like to address all comments from the members of the public at the end.

Mr. Guerrero asks Ken Demarco to unmute and raise his hand to be sworn in.

Mr. Swartz swears in Ken Demarco – 113 West Maple Tree Drive, Westampton NJ. He feels his comments to be very basic. He does have concern because he lives around the corner from the proposed development, and he probably drives by that property on a weekend day 4 to 5 times and how it looks and how it performs is very important to him. He has heard nothing at all said about signage. I did hear that we can't put up a sign because we don't know who the tenants would be but what kind of signage are we talking about? Is this a 30ft. sign with neon on it that is going to list all the tenants' names on it, and I can feel like I'm driving down the strip in Las Vegas or is this something more subtle, which it may be just the street address on it so that people can find the tenants very easily? It's an important consideration for me. The other thing that I have serious concerns about the traffic study regarding only turning right out of the parking lots if you are a truck. He doesn't feel that it's enough to just put-up signs and hope that people live by those signs and that is going to be good enough. There are going to be someone in a truck that is going to want to pull out and turn left because it's quicker and know it's a short cut down Irick Road to Rancocas and they will get on 295 South, and nobody is looking. He thinks it's imperative that something be done to prevent that. It must be prevented not just the Oh yeah, we are going to do our best, that is not good enough. Maybe you can put a road divider in those sections, so they must turn right when they come out of there, but something must be done to make sure that happens. As far as height goes, it's a big building. He took a ride over to Bridge Road and he looked at that building, and he guesses it's going to look something like that. That's a really big building to not have a berm around the outside to try and make it look a little more pleasant to those of us that are going to drive by it every day. He thinks there has been some things that are done that are good and there are some things that are left out, but he thinks right now the application is not complete enough or good enough to be approved either preliminary or final.

Mr. Swartz swears in Amber Pingatore- 71 Sherwood Lane, Westampton, NJ. She also has concerns about the traffic. She finds it unusual that the State was not mentioned only the County. Her understanding is that Turnpike Bridge is owned by the State of NJ. She was interested to see if MRP Industrial had done anything with the State about this traffic pattern and any potential alteration to that over pass bridge. The other concern is that she thinks this application was put together very hastily. You can tell from some of the supporting application documents that were originally submitted in February that they kind of used their other applications from your other projects and just altered a few spots. There were originally some errors indicating that the outside of the site was the Academy Bus Depot and the Hotels on

Western Drive. They since did remedy that with their revision June 11<sup>th</sup> but she found it very interesting that in that revision they still did not update their appendices. Appendix B The United States of Interior Fish and Wildlife Service Endangered Species document does say right there on the document at the paragraph at the bottom of the page this enclosed list may change as new information about listed species come available as per Federal Regulations at 50CFR402-12 the enclosed list is only valid for 90 days. This correspondence was dated January 18<sup>th</sup> meaning it was invalid after April 18<sup>th</sup>, yet they have not made any efforts to share with us and the Township their updated documents. She is very concerned about the rest of the application and other errors that have been in there, that they just really are not updating things and not putting in the effort to cross all the T's and dot all the I's and they are just pushing it through. Also, she agrees with the people about the traffic concerns. They used a model from not even that intersection that was done from another project on the other side of town from 2019 and scaled it up by 40% saying that should be acceptable but the other intersection they studied was over by the Home Depot and it's not near these schools or EMS which is on this street that they are proposing this site for. She feels that the boards shouldn't consider anything with this strange algo rhythm that they are presenting and trying to pass as a traffic study.

Mr. Swartz swears in Jay Sulock – 417 East Pennington Drive, Westampton, NJ. He would like to object to this application. He has heard a lot of the things that have been said and proposed by other people, but he thinks his framing may help. He lives backed up to the bypass and when he bought his house, he was fully aware of the bypass traffic and noise from the tractor and trailers, but he chose to buy his house anyway despite all that. Then he saw all the potential traffic from this warehouse effecting all these other people when they bought their house had a quieter neighborhood, had less traffic and again he feels like it's a little unfair of a burden to put on all those other houses. The people on Irick and Woodlane, because they bought with a certain level of expectation and now, they are getting my house and my level of expectation, and he feel like we have been hearing testimony tonight about how the building is allowed by Zoning because it's Industrial and he feels that is not a good enough reason to allow this to go forward as a reason. He thinks that just because something is zoned industrial doesn't mean anything can go. He thinks that we have the right to object specific plans of Industrial building and this warehouse is certainly falls in the preview of that. One of the things the witnesses mentioned earlier said that tractor trailers prefer to make a right-hand turn was talking about them wanting to make a right hand turn out of the warehouse. If you are going to 295 South, you wouldn't want to make a right turn out of the warehouse because then you would have three left turns to get all the way around to 295 South. If you make the left-hand turn out of the warehouse, you have one right-hand turn to make onto Rancocas and you are good. My wife's uncle is a Tractor Trailer Driver, and he has told us many times that for them it's all about making time. They are pressured to make time, to get there on time and time is what they need to do. He is concerned that although we are being told they will want to go right, he thinks that a Tractor and Trailer Driver might have a different interest level in going left. Even if Irick Road doesn't allow for Tractor and Trailers over a certain tonnage that not to say people aren't going to do that and he thinks that people aren't going to put the interest of the Community that they don't live in over their own financial circumstances as a Truck Driver. He also thinks that the traffic by the school is already bad, his daughter went to BCIT in Westampton and trying to get out of that school it's awful with all the traffic. Now you are adding a warehouse with an access road with that traffic there to and no mitigation for that and no way to address that and he thinks that is a huge mistake. He thinks that this warehouse is poorly placed, and he thinks that it's not the right spot for it. He feels that the traffic is going to be terrible, and he thinks that the standard of living in this area is going to go down as a result and then what happens to property values? Property values of peoples home go down, property taxes go down and that's not going to be mitigated by whatever the warehouse might submit.

Mr. Swartz swears in Brian Morgan – 3 Maple Tree Drive, Westampton, NJ. He lives on Maple Tree Drive as those of you that know the area know that we connect Irick Road to Woodlane Road, and we are a bypass for the red light, and he is asking what assurances there will be that the traffic on his road will not become the thoroughfare for people trying to get down Woodlane to bypass that light. We have school busses that come onto our road. We do not have side walks on part of our road and people walk in the street. It's not a smart situation at all and it's bad enough already with BCIT student drivers. The second thing is he agrees with someone else said about the truck drivers. He is from a family that

owns a trucking business and he's a certified truck driver himself and he can tell you that was correct. They will go the shortest distance and we already see trucks on Irick Road and to that extent without knowing who the tenants are there's no guarantee that everything is going to be tractor trailers. We can easily see trucks under the weight limit constantly going up and down Irick Road. We don't know what this warehouse is going to house, and we don't know what size trucks are going to be coming in and out. There's no guarantee at all that these trucks aren't going to turn left or turn right out on Woodlane Road then turn left at the intersection and may even be legally doing so. There are no sidewalks there and there's a lot of pedestrian traffic, people that live in a neighborhood know that people walk that neighborhood. He is also a Firefighter and a Fire Engine Apparatus Operator, not in Westampton but in his previous township, and he can tell you that he did not hear tonight what was asked last meeting about what the EMS concerns were about responding down Woodlane Road and that was specifically asked and specifically avoided in the answers given tonight. He states that is not going to be easy and he would estimate that based on truck traffic combine with school traffic that response times to the other side of the NJ Turnpike or even to his neighborhood will be delayed anywhere from 5-7 minutes, and I would challenge you to validate that with the Emergency Services Teams. Additionally, he has not heard anything at all about what the impact of the traffic on 541 and Woodlane Road. Anyone that drives that during rush hour knows that the intersection coming off 541, that little straight jug handle to get to Woodlane at the Wawa is already backed up onto 541 and what is that going to look like with Tractor Trailers and other trucks on that. Where's that traffic study? We are not just talking about one or two intersections here we are talking about every major intersection in this Township being impacted by this. The gentleman that testified earlier talked about Tractor and Trailers going down Springside to get to 295 where is the traffic study on that? While you are there go to the warehouses over on that side of town that are already empty. Why do we need more warehouses in this town to begin with? He would like to see the board reject this proposal and the next thing he would like to see is that area be zoned properly because it is not industrial it has never been industrial, and it never should have been industrial. The County should buy it to expand the school, or somebody should buy it for some other reason, but you can't put an Industrial Park in the middle of schools and neighborhoods, it's completely inappropriate. This board needs to remember that the residents do come first and just because something legal doesn't make it right.

Mr. Swartz swears in Brian Greczyn – Sawgrass Drive, Westampton, NJ. He didn't see anything whether there is a payment in lieu of taxes being supported or requested here and given the state of the value of warehouses today if there is such a request, he would request that it be denied. He believes that the applicant's estimations are low given the current state of transformation that our Countries supply chain are in today. A couple stats of today, there are 47 miles of train cars intermodal sitting in Chicago with good waiting to be unloaded that they can't unload due to the warehouse capacity, chassis the whole situation. There are 40 boats sitting off the Port of Long Beach today waiting for birthing. What use to be 1 boat waiting for birthing is now 40 and all of that adds up to more trucks, more trailers, more containers, more output of these distribution centers. Between the pressure to move goods and the automation he thinks their traffic counts, their trailer counts, their storage is extremely low with their projections, and he would ask that the applicants to provide year over year data at their existing distribution centers on the through put from a percent change standpoint. In the world he's living in right now most are at capacity and the ones that aren't are running 24/7 and they are processing way more merchandise than they ever have, and he doesn't think that the traffic counts include any of what we are seeing today and what we will see in the next 5-7 years.

Mr. Swartz swears in John Arsenault – 19 Orchard Lane, Westampton NJ. He would like to reiterate that it seems the traffic congestion is the biggest issue her and he agrees with that. Even though, he thinks that Mr. Desario is an expert in traffic, and he is also an expert in traffic only for the mere fact that he's been here for 30 plus years, and he uses Irick Road and Woodlane Road constantly throughout the day and it's already congested, and he would hope that the board would take that into consideration that it's just ludicrous to add more Tractor Trailers and more vehicles to those roads. He is very concerned for the Fire Department, the Police, and ambulances services. When that road is all choked up with traffic, he is concerned that they are not going to be able to get to where they need to get to. The other thing that he has noticed in the past year is the cut through. He is on one of those roads that a lot of people use for a cut through,

which you get used to the traffic a little bit, but he still likes the town. What he has seen recently is three different tractor and trailers coming up what he is assuming is Holly Lane cutting across Sealey coming through Orchard and getting out on Woodlane and trying to make a left there, which obviously back that up because of Wawa has an awful lot of traffic as well. What he didn't hear from anyone tonight really was wrapped around light and sound pollution. If these warehouses are running 24/7 there is a possibility that we can be hearing truck traffic 24 hours a day 7 days a week and the pollution from those diesel trucks slowly building up and he is not that far from Woodlane Road. As far as light pollution goes, being here 30 plus years him and his son use to go out to BCIT fields with their telescopes and look at the sky. With this new warehouse and the lighting variance that they are asking for safety purposes would totally wipe me from being able to do that with my Grandchildren. The last thing he wants to say to the committee and the board is that how many warehouses does Westampton need? He feels that Westampton already has enough and losing that farmland to another two so called good looking aesthetic buildings just concerns him knowing that he moved here obviously 30 plus years ago and it's a great community and he hates to see it turn into something terrible, almost city like because of that. He implores the board to take that into consideration and do not accept this application.

Mr. Swartz swears in Ryan Bird – 304 Irick Road, Westampton NJ. He wants to build upon what other residents already stated. He grew up in Burlington Township only five minutes from here and my entire life I have spent in this area. He has also seen it change and evolve and we moved away from this area many years ago but came because of the rural nature and that's why a lot of people choose to live in Westampton. Almost the same reason why they are targeting warehouses is that they are trying to get to 295 and the I95 corridor and residents try to use these access routes to get to their jobs as well. It's not just about how fast a tractor trailer can get there it's also the 8,000 residents in this township that also need to access and use these roads. As part of that the township did a vision plan and subsequent master plan in 2009 and part of that vision plan the township point out that it does not want to or need to be fully developed and not that every parcel of land should be fully developed. That is part of the general vision, because the general vision was to keep it rural, and aesthetic and this land is the epitome of rural and it is next to another lane that is already been committed to be preserved and kept rural. That is a smaller lot of land that will now look upon over 500,000 square feet of 45ft. tall buildings. How is this rural and how does this meet the general vision plan of this area? He knows that MRP Industrial constantly sights that this is an industrial zone, but this was zoned over 40 years ago as industrial, and it has not changed in subsequent master plans, but he believes that most of the residents believe that it should have changed probably around the timeline that this vision plan was created in 2009. It is also noted in the vision plan that this parcel of land was marked as an area designated to be preserved if it came up for sale, while the township marked it as low it was marked as medium and high by the County for watershed purposes and the fact that they don't even want to commit to the current NJ water standards for watersheds and only go back to the old one because they got in before the new requirements came in place. It makes no sense to him if they want to be part of this township and all this development then those items should be addressed. It is part of the watershed and to not meet the new standard that we should meet and that has been identified to that me in all future projects. This project hasn't been built out this it is just because they squeezed it in before it came to pass and it is now before it's getting built, so he thinks all those things need to be taken into consideration and why we should deny this application. Obviously, there are traffic items to be identified as well in the vision plan and it is noted that the Fire Department, we have brought up multiple times that they are no shoulders there is not the ability to get around if there is an emergency, as the township is to be developed in the general vision plan we would need to have another Fire Department built on the other side and putting an industrial complex right there before they can get across the Turnpike bridge prevents them from being able to do what they need to do, because we have not built that Fire Department on the other side of that bridge yet. From all those points and building upon the rest of the township he would hope that you would vote no.

Mr. Swartz swears in George Hayduchok – 22 Maple Tree Drive, Westampton, NJ. My first comment goes to the applicant, and he would like them to listen to what is happening here tonight and the many issues that are being presented. This is not a good location for you. Quite frankly, it perplexes him why you would pick this location with such difficult access to the NJ Turnpike and 295. You have your issues, and you have your reasons, but he would just ask that

the applicant would think about that as you move forward. With that said, we have heard a lot of things tonight. We have heard about traffic issues, safety issues, noise issues, air pollution, light pollution, and it's just too many issues with this location. You have the 12-ton limit road that prohibits access to trucks, guess what's going to happen, you are going to have trucks barreling down that road anyway. You are going to have left turns prohibited and you are going to have trucks making those turns anyway. You have students near by with the schools. You have this beautiful walking path, a theatre, library, and all of this is going to be disrupted with trucks rumbling down Woodlane Road. It was stated at the last meeting that it would only be one vehicle per minute added to Woodlane Road but think about what kind of vehicle that's going to be, it's not going to be a car it's going to be a truck rumbling down the road. So, now rather than having zero trucks rumbling down Woodlane Road we are going to have one truck rumbling down Woodlane Road every minute. How about the limitations of this warehouse in the future? Isn't it convenient that you don't have any clients yet? We don't even know what is going to happen. You don't know if it's going to be a bumble beehive, industrial chemicals, it's unknown. A comment was made that in the future we will make changes if that arises well you can't un-ring a bell. Once these warehouses are built, they are there for a long time. He would also underscore the traffic that bypasses Woodlane Road, and this happens already, and I live right on that road, so he sees these cars flying by and it's only going to get much worse because people are going to want to bypass that intersection. The difficult turn at the top of the hill and he understands that a light is being proposed tonight for the first time tonight, but you still have that difficult right turn, and you still have that traffic that is going to be coming from the left side. It's only about 7 seconds of travel time around that corner, so it becomes a very dangerous area. He asks the board to consider all of these elements and there has been quite a few and it's pretty easy to bypass them and forget about some of them, but he thinks that in combination because there are so many elements and issues with this location, and he has underscored a few but he thinks a number of his resident friends have done a good job outlining it. For those reasons I ask that you take serious consideration and vote no on this application.

Mr. Swartz swears in Terrance Brown – 9 Pine Tree Drive, Westampton, NJ. Has there been any consideration from the applicant on the noise dealing with the trucks that close to the schools? He feels that the students at BCIT should be hearing the actual trucks idling or when they are coming in and out and their brakes. Was there any thought from the applicant on the impact that this will cause to the school noise wise? He states in the last presentation he heard something about the underground tanks and the above ground tanks for the fire sprinkler systems and they said he believes it was a 10" main but could be wrong. Is that the standard code for NJ and why do they need additional underground and above ground tanks if they have a sufficient main of 10" that is coming into warehouse area? He feels approval of this application sets a president that we are working with the unknown. There are a lot of unknowns in this application, and he challenges the board to consider all these unknowns when making their decision. The unknown about the County's Plan of Approval, noise, traffic studies, business or businesses, and crime. He feels these unknowns will impact Westampton and the people that are living here.

Mr. Swartz swears in Jerry Kilkenny – 7 Pine Tree Drive, Westampton, NJ. He questions the current zoning of the property, and he understands the developers claim in that, but that doesn't mean that the town can't look at it and admit that there it was overlooked and be addressed. Considering where it is located, he doesn't understand other than economic reasons why the developer is sticking with this. He has a current CDL Class A, and he has driven all over this country and that is not a driver friendly area. There are plenty of other open areas that you can build a warehouse in this generalized area and would make a lot more sense. He doesn't understand the fixation with this lot. There are a couple other things that he would like to address, and he understand that they have reached out to the township OEM and Fire Services, has anyone reached out to the County OEM, Hazmat Responses located right there at the Public Safety Building off Westampton Road, Environmental Services, Public Safety, and Emergency Services Training Center? There are fire trucks that are in there every week from every department in this area including multiple other counties, has any of that been considered with the traffic study or the traffic flows? There are 3 basic school bus yards right there between BCIT, Special Services, and the other one across from the library, that is a lot of school busses. Has anybody with the traffic study looked at the crosswalk at Greenwich Drive and Woodlane Road with the additional truck traffic. It's probably

borderline at needing a light right now and you are going to put the additional traffic with pedestrians and people trying to get to work on time, there's going to be issues. How about mass transit, has there been any connection? He heard NJ Transit mentioned, are you looking to have busing ran to the warehouses or is everybody driving in? Has anyone addressed the township if you are going to have ice visiting the neighborhoods, because that has happened in other areas where there are warehouses present? Is there going to be interlocal agreements with enforcement on stuff? BCIT is a high school and some of these students have their licenses, which deemed special by the state of NJ because apparently, they are not as good as everyone else because they are inexperienced and yet you are putting them in competition with 18 wheelers. The location of the library, the children's section is 25-30 feet off Woodlane Road and there is not that much of a buffer it's a brick building and that won't stop 80,000 pounds and it won't stop a 2,000-pound Toyota and somebody has driven through it previously. In the traffic study has anyone looked at the Amphitheatre shows the county facilities when the traffic studies were done. He doesn't know if the county was running at full operation or if they were still running at half days. Any of the other county events and stuff that is run through there, special services on the weekend and Westampton runs the recreation programs and there are a lot of other traffic things that don't seem to be throwing into the mix of a warehouse that runs 24/7. That doesn't even include the walking trails along there which are already cracked and deteriorating under the normal traffic conditions and if you are throwing 18 wheelers running up and down all day long, he thinks the county might need to repave those and install new walking trails. The air quality of the trucks going along there, and he hasn't heard any plans addressing what are the drivers going to do while they are waiting for their load? What if they are out of hours are they allowed to wait in the lot or are you just going to kick them out? Where are they supposed to go and wait? It didn't look like there were any parking areas there for the trucks are you going to have any facilities for them or are you expecting them to just go down the street and hang out at Wawa for the next ten-12 hours? If they are not going to allow left turns and a driver comes in the wrong way. How do you expect them to come around? Are they going to go up to all turns at 541 to turn around and come back and you know that's not going to happen, these drivers are paid by the mile? If the wheels aren't turn, they aren't earning. He thinks there is a lot better places that this could happen, and he thinks that piece of land serious should be looked at and he doesn't think the board should approve anything until everything is settled. The developer has yet to make a reapplication to the county and he's guessing that isn't going to happen until after the traffic study. Why would we entertain anything? They have an investment in they aren't going to walk away unless they are done, and he wouldn't approve anything. Any questions that he has asked or anybody else including the board and all the other citizens he feels the board should have a legitimate answer to and say I'm comfortable with the way that guy feels, and this guy is going to solve that problem and he doesn't think that anyone can say that. They probably do have good intentions, but good intentions don't get us anywhere. What are you going to do if they don't follow through? The only time you have the chance to do anything about it is right now before you approve it.

Mr. Brennan states he is speaking on behalf of his clients Goetz and Bjork-Jones have previously provided their address for the record. He would like to begin with cross examining Mr. Hudson and requests for him to present himself.

Mr. Floyd states it is now 10:15pm and when it the cutoff going to be this evening. He's trying to figure out if it's a good time now to break or to begin the cross examination?

Mr. Swartz states that it is 10:30pm and it's the intention of the board to go until 10:30pm deadline and we will stop then.

Mr. Brennan states that if it makes a difference, he is fine with cutting it off now it's at the board's discretion.

Mr. Swartz states he wants to confirm that there is no one else from the public who is looking to make comment this evening?

Mr. Swartz swears in Brian O'Neal – 15 Mayfair Circle, Westampton, NJ. There's been a lot of discussion tonight about the traffic on Woodlane Road with the 2 proposed warehouses , but it's not just 2 warehouses are going to be a problem we have 3 warehouses going up where Burlington Center is and we also have the warehouse on Western Drive and

Hancock and all that traffic between these 2 warehouses and those other warehouses 541 should be called the truckers highway at this point, because it's going to be ridiculous with traffic. He just imagines the traffic that is trying to go into the Turnpike off 541 where recovery is right there and trying to make that turn into the Turnpike is going to be backed up. He is a resident of Fernbrook which is an adult community 55+ community. He sees a lot of problems with tractor and trailers and our elderly residents on the roads with all this traffic and he's a little concerned with what goes on with all this truck traffic going between all these warehouses up on 541 and the surrounding areas. He doesn't think that the warehouses where they are on Irick and Woodlane is going to be the best place and he thinks there are better spots for warehouses. He's really concerned about the traffic on 541.

Mr. Guerrero states to Mr. Swartz if they done testifying outside of Mr. Brennan we can proceed with the rest of the agenda.

Mr. Swartz states that it would be appropriate to both Mr. Brennan and Mr. Floyd which have acknowledged now is a good time to stop on both of their parts.

Mr. Swartz states that this hearing will be continued until the October 6, 2021, at 7:00pm. No further notice will be required unless obviously there is a major change to the application itself.

Ms. Berkely asks Mr. Swartz if the board has agreed to let Mr. Brennan have unlimited time, an hour and a half seems to be awfully long?

Mr. Swartz states that we will give Mr. Brennan his due time and we will deal with that as it happens.

Brian Morgan asks if the meeting will be in person soon?

Mr. Swartz states that currently there is no plan to resuming in person and the Chariman is not here this evening so the October meeting will not be in person.

#### **NEW BUSINESS:**

New Jersey American Water Company, Block 1203, Lots 17 & 18 "d2" Use variance, preliminary and final site plan approval, and bulk variances (continued from August 4, 2021) Being Continued to the October 6 2021 meeting. This is notice no other notice required. Meeting is at 7:00pm

34 Roberts Drive, Block 906.01, Lot 17, – Variance for 1344 square foot accessory building, residential property – "Continued to the October 6, 2021 meeting"

Correspondence: Letter from LDB to the Township Committee recommending a Master Plan review. Mr. Guerrero asks all members present if they had a chance to read the letter and asks that it be read onto the record.

Mr. Swartz reads the letter.

This is a memorandum to the Westampton Township Committee, from Gary Borger, Chairman, with the Westampton Township Land Development Board dated September 1, 2021. Subject is the Master Plan Review, and it reads as follows. The board recognizes that the Township has seen many different development and redevelopment plans that have impacted our future growth in ways that give rise to concern regarding the Master Plan. It is the board's duty to convey the need for a Master Plan Review ahead of any statutory requirement when it deems in doing so would be in the best interest of the Township. The last Master Plan Review for Westampton Township was accomplished in 2015 and although many changes have occurred since the following is a partial list of projects that have significantly affected the Master Plan, and which give rise to our request.

1. MRP Industrial, LLC, redevelopment plan- Block 902, Lot 1-3 for a logistic center
2. Virtua Hospital general development plan zoning overlay on previous Hogan Farm for a hospital campus Block 1001, Lot 58, 59 & 61 zone changed to R9

3. Fair Share Housing for Trenton Diocese property- Block 204, Lot 2
4. Fair Share Hosing Agrihood Zone for Hancock Farm – Block 906.05, Lot 5
5. Redevelopment Plan Block 805, Lot 1 Red Roof Inn

To remedy these short comings of these changes the Land Development Board unanimously request the Township Committee to plan for all the allocation of funds for a Master Plan Review in the upcoming fiscal year respectfully.

Mr. Swartz asks if everyone has read this memorandum and agree to forward it to the Township Committee?  
Motion to have this memorandum sent to the committee by Mr. Thorpe. Second by Ms. Berkely. All agree none opposed. Mr. Wisniewski and Mr. Henley abstain.

**PUBLIC COMMENT:** None

Comments from Board members, Solicitor, Engineer, Planner and Secretary

Mr. Blair would like to commend the board on handling the application tonight. He also would like to comment the committee member that joined us tonight and their comments were noted and appreciated.

Mr. Swartz would like to thank Mr. Guerrero for stepping in as Chairman for this evening and also thanks to Wendy Gibson for stepping in for the Secretary this evening.

**MEETING ADJOURNED:**

Motion to adjourn the meeting Mr. Wisniewski and second by Mr. Blair. All agree none opposed.

Respectfully submitted,

Land Development Board Secretary