

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

RE- ORGANIZATION MEETING

JANUARY 8, 2014 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on January 8, 2014 at 7:30 P.M. The meeting was called to order by Secretary Marion Karp and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2014 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. New Board members Mr. Borger, Mr. Carugno, Ms. Chang, Mr. Blair, Mr. Maybury, Mr. Williams and Mr. Attaway were sworn in by Solicitor Jesse Debrosse.

Roll Call: Present: Mr. Applegate, Mr. Blair, Mr. Borger, Mr. Carugno, Ms. Coe, Ms. Chang, Mr. Freeman, Mr. Maybury, Mr. Ryan, Mr. Williams, Mr. Attaway

Motions are needed for the following appointments:

	<u>Nominee</u>	<u>Motion</u>	<u>Second</u>	<u>Vote</u>
Chairman	Applegate	Ryan	Chang	All yes
Vice Chairman	Coe	Carugno	Maybury	All yes
Secretary	Karp	Chang	Applegate	All yes
Solicitor	Long/Marmero	Chang	Carugno	All yes
Engineer	CME	Chang	Maybury	All yes

The minutes of the December 4, 2013 meeting were approved as written.

Resolutions:

1-2014 Terrance & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – major subdivision & bulk variances – adjournment until 1/8/14 meeting – was memorialized

2-2014 Robert Dunlap, Block 803.05, Lot 11 (9 Pine Tree Drive) – variance for 56 ground mount solar panels – adjournment until 1/8/14 meeting – was memorialized

3-2014 Gilbert Gehin Scott III, Block 104, Lot 8 (3 Valley Farm Road) – setback variance for pergola – was memorialized

4-2014 Electro-Steam Generator Corp., Block 403, Lot 1 (50 Indel Avenue) – site plan waiver for paving – was memorialized

Old Business:

Terrance & Kimberly Brennan, Block 106, Lot 15 (220 Main Street). It shall be noted that Mr. Carugno was not sitting for the application since he did not sit for one of the hearings. The applicant's planner, John Pagenkopf was present again on behalf of the application for major subdivision and variances.

Mr. Pagenkopf's letter dated December 14, 2013 was reviewed with the Board. Harry McVey's letter of December 30, 2013 was also discussed. The Brennans have made application to the DEP but have not heard back yet; sewer and water locations and details have been provided. The existing driveway has been re located. The Brennans agree to a contribution in lieu of constructing a sidewalk. CME Associates also submitted a letter dated December 30, 2013 which was reviewed by Mr. Pagenkopf. An easement would be drafted for the stone drive that provides access to Lot 15.03 and the neighboring lot owned by the Deeters.

Regarding the HPCs letter, the applicants do not agree to deed restrictions against the removal of further trees or vegetation on the site, nor to any of the deed restrictions suggested in the letter from the HPC. They agree to obtain the proper approvals if any demolition is to take place.

Planner Harry McVey said that the landscaping on this lot does play into things; he thinks the hedgerow is important to maintain as it provides a barrier from the industrial area and is a major characteristic of the area. He suggests a landscape easement to preserve it as a buffer. There are a half dozen large trees that add to the character of the neighborhood; he thinks these should also be preserved and maintained until they have to come down due to disease or if they die. He recommends that a landscape architect look at the one tree that the Brennans state isn't healthy.

Engineer Greg Valesi stated that from an engineering standpoint, he is satisfied. He does have a concern about the driveway on Second Street and if someone enters it a turn around or driveway extension is a good idea. He recommends that the Board decide if the drive is to be gravel or paved; it doesn't matter to him which the Board chooses.

The setback of the new home will be consistent with other homes on Second Street.

Mr. Pagenkopf asked that the Board consider granting preliminary and final subdivision approval this evening; subject to them working out the drainage issues. Gene Blair asked that before building permits are issued that the engineer and planner sign off. Mr. Ryan thinks that there are many loose ends and doesn't feel comfortable voting this evening.

Greg Valesi stated that this is still a conceptual plan; there is no grading plan, nor a demolition plan. There are still things that need to be dealt with. Ms. Coe agrees with Mr. Ryan and feels more comfortable with something more complete than what is shown to the Board tonight. She would like to see the conditions addressed prior to getting approvals. Mr. Ryan stated that they still don't have the easement in hand, which is essential to the entire project. The Board agreed to consider preliminary approval at this evening's meeting only.

The applicants prefer to not be bound by the deed restrictions for the trees and hedgerow. Harry McVey thinks it is important to maintain this hedgerow and not have any removal of these trees. The Brennans do agree to Harry's deed restrictions after some discussion.

At this point, the meeting was opened to the public for comment. Angela Zollner was sworn in by the Solicitor. She lives on Lot 12; she wants the Board to evaluate drainage. She is concerned about when the lots are developed if it would affect drainage on her lot. She is also concerned about her privacy.

Dave Barger, 212 Olive Street, appreciated Harry McVey's comments about the landscaping in the village. He gave a history of the Brennan's property and urged the Board to approve the plan that was recommended by the HPC.

Janet Curran said that this was never meant to be developed; this is changing the character of the village. She asked what would happen if the easement wasn't signed. The Board answered that there would be no approval.

Christopher Parente, 216 Main St., asked about what kind of houses would be put up in the front lots. Mr. Pagenkopf showed the Board a drawing of a traditional type colonial that the Brennans hoped to construct.

Jeff Savoy, 105 Will Avenue, said that the traffic on the stone driveway has created a nuisance to him. Stones have hit his house and broken windows; he would encourage a paved driveway if a plan was to be approved. He asked that the Board consider not approving the variance and doesn't want to see either plan approved. He thinks building in Rancocas is not appropriate.

There being no more comments from the public, the meeting was closed.

Mr. Pagenkopf reviewed the outstanding items: wetlands; lot numbers from the assessor; fence to be removed on Main Street; an improvement plan; labeling of shade trees; perfection of the easement; storm water and grading; driveway turnaround; approval from the Fire Marshall and MUA approval. He agreed that there were many loose ends that needed wrapping up and agrees to a preliminary approval. The plan that comes back before the Board should show plots, locations of houses on the lots, as well as construction details, all outside agency approvals, a driveway turnaround on Lot 15.03, soil borings for basement approvals; and basement and finish floor elevations.

Also included shall be a final grading plan, and a set of construction plans that includes a demolition plan, underground utilities, etc.

Mr. Ryan stated that a fire truck could not make it up the driveway; Greg Valesi stated that Fire Marshal approval is a prior condition and must be obtained. Mr. Pagenkopf stated that he would get the letter right away.

Mayor Chang made a motion to approve preliminary major subdivision. No one seconded the motion. The Board feels that there were too many loose ends to vote on the application this evening. Mr. Pagenkopf agrees to a continuation to clean up these loose ends. The Fire Marshal's letter and easement are the two most important items.

The Board voted to continue the application until the February meeting.

Robert Dunlap, Block 803.05, Lot 11 (9 Pine Tree Drive). The applicant, Mr. Dunlap, was present again at the meeting. He had been at the December meeting and the Board had advised him to have a professional title search performed to try to shed some light on the issue of the deed restriction. Solicitor Debrosse discussed the title search; as far as he could tell when the subdivision plan was approved, it appears that it was notated on the plan, but it is not detailed in verbiage in the deed. There is nothing specific other than drainage facility maintenance that is stated. Engineer Greg Valesi generally recommends that things such as this (solar panels) should not be placed in a basin since it collects drainage from the area. Given the fact that this was designed as an area to collect and manage water, he can't tell us that we should allow something like this to be put in the basin. However, renewable energy does have a beneficial purpose. Details should be provided that everything will be above the 100 year storm event; a study should be designed to prove that the basin is functioning as it was designed (perform a drainage analysis). There is still ambiguity to the deed restriction. He has concern that if the ground is altered when installing the panels that it may compact the soil in the basin.

It is the Solicitor's opinion that the Board has enough information before them to make a decision.

Mr. Dunlap explained that the house isn't a candidate for roof mounted panels due to the amount of trees on his lot; there will be only 6 to 8 posts in the ground and it should not compact the soil much. He is pursuing green energy and he thinks it is the right place for it. He is a proud property owner and will invest money in proper landscaping so that it won't be an eyesore. He has done his due diligence and takes all of the Board's recommendations.

Detention basin maintenance consists of mowing, removal of silt and inspection of the outfall structure to make sure nothing is blocked. Mr. Dunlap stated that he maintains the pipe and associated structure; he also mows it.

Harry McVey agrees with the engineer; if this subdivision came in today, the basin wouldn't be done like this and structures would not be allowed in the basin. A homeowner's association would be responsible for it. People are used to seeing panels on roofs and not on the ground; anything new is something that people object to.

The meeting was opened to the public for comment. Barbara Rich was sworn in by the Solicitor. She commented regarding the transfer of ownership of the property to an LLC, the deed restriction, the seasonal high water table, the deterioration of the concrete footings and metal. She is a trustee of the Rancocas Conservancy and she feels that this may have an impact on the watershed. The LLC is a sole proprietorship. Mr. Dunlap explained that this year was one of the wettest summers on record and the water in the basin didn't come close to where the panels would be installed.

Greg Valesi would like to see the drainage calculations to find out what the high water level would be. There needs to be some review of the basin to see whether it is performing as it was designed and how this is laid out, in terms of height and construction detail, above the 100 year flood stage.

Janet Curran stated that she doesn't think any kind of landscaping is going to hide the solar panels and that it is not fitting for that area.

There being no further comments from the public, the meeting was closed.

Ms. Chang asked about the possibility of a fire and that there was no testimony given in regards to this. Mr. Bergen, a representative of the solar panel firm, stated that there is nothing flammable in the array itself with the exception of the transformer. Mr. Dunlap stated that this is really only of concern with roof mounted panels and not this kind of arrangement.

Ms. Chang made a motion to deny the variance; the motion was seconded by Mr. Carugno. All Board members voted yes, thus the variance was not approved.

New Business:

Nathan Roohr, Block 906, Lot 9.01 (139 Hancock Lane). The applicant was present seeking a variance to construct a pole barn on his property, which is residential. He is going to use it to store his tractors and four wheeler. The pole barn is about 1200 square feet in size, the ordinance allows for accessory buildings up to 600 square feet in size. His lot is approximately 2 acres in size. His brother, who lives on the neighboring lot, will be using the building as well for storage. It will have steel siding and have a door and an overhead garage door. The pole barn will complement the house.

Harry McVey thinks it is an appropriate variance to grant; he suggests that the pole barn be moved in from the lot line a bit more than what is shown (10 feet). Our ordinance

allows for a six foot setback.

The application was opened to the public for comment. No comment was made and the meeting was closed.

Mr. Borger made a motion to approve the variance; the motion was seconded by Ms. Chang. All Board members voted yes.

Ikea Property, Inc., Block 203, Lot 6.01. Helen McDowell, attorney, Robert Murphy who works for Ikea, Chad Galrath of Penoni Associates were present. They were here on May 1 of 2013 for an employee parking approval. In connection with the application they found out there were some deficiencies in ADA parking. The changes have been submitted to the Board professionals and they have obtained County approval.

Harry McVey thinks the changes are appropriate but that they needed to seek an amendment to the approved resolution. There will be six handicapped spaces adjacent to the front entrance as well as an accessible route. The slope must be 1 to 12 or less. The plan is now compliant.

This was opened to the public for comment. No comment was made and the meeting was closed.

Mr. Carugno made a motion to approve the change; this was seconded by Mr. Blair. All Board members voted yes.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board