

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

MARCH 2, 2016 7:00 P.M.

MINUTES

The regular meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on March 2, 2016 at 7:09 P.M. The meeting was called to order by Chairman Dave Barger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 12, 2016 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Barger, Mr. Blair, Mr. Daniels, Mr. Freeman, Mr. Lopez, Mr. Attaway, Ms. Berkley, Engineer Jim Winckowski, Solicitor Allen Zeller, Planner Bob Perry, Secretary Marion Karp

Absent: Mr. Applegate, Mr. Borger, Mr. Carugno, Ms. Coe

Minutes of the 2/3/2016 meeting – were approved as written.

Board Solicitor Sandy Zeller swore in Board Engineer Jim Winckowski and Board Planner Bob Perry.

Resolutions:

2-2016 Sarah & Victor Douglas, Block 701, Lot 15 (858 Rancocas Rd.) – bulk variances – was memorialized

3-2016 Crescent Temple, A.A.O.N.M.S., Block 201, Lot 8.01 (700 Highland Drive) – site plan waiver – was memorialized

At this point in the meeting, Chairman Dave Barger explained that he would be recusing himself from voting during the meeting. All of the applications this evening involve the same applicant. Mr. Freeman would be running the meeting in his place.

New Business:

Public Hearing, Area in Need of Redevelopment Investigation, Westampton Interchange (Rancocas Park), Block 203, Lots 1.02, 1.03, 2, 3, 6, 6.02, 6.03, 6.04, 7, 7.01, 7.02 & 7.03. Jim Winckowski gave a brief history of this matter; this was something that the Board had voted on at a prior meeting, however, the report needed to be amended since the zones identified in the report were listed incorrectly and

misidentified. The Board did approve this and recommended that this area was in need of redevelopment. The needs study was revised and the existing zoning has been properly identified. Solicitor Zeller asked Jim if CME had prepared the need study report; Jim answered that they had. Jim explained that the study found that the area met the criteria for redevelopment. There are 4 properties in the OR3 zone and 8 in the I Industrial zone.

This was opened to the public for comment.

Shirley Jacob, 113 Sharpless Blvd. – needs a clarification if the lot that Dolan is seeking final site plan approval on this evening is included in the redevelopment area. She asked if this would have any impact upon what is being sought in the final approval. Jim explained not for the need study. It will change the front setbacks in the park; the private road would be made public, thus eliminating the need for that type of variance. It won't change permitted height, side setbacks or impervious coverage or anything like that. It won't change anything about this evening's site plan. Mr. Lopez commented that this was a very good question; redevelopment can be looked at as kind of a tool kit which can be used to attract the right kind of developers. Any development of any lots in the area will still have to conform to the zoning that is in place.

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

Mr. Blair made a motion to approve the need study; the motion was seconded by Mr. Freeman. Mr. Blair, Mr. Freeman, Mr. Attaway and Ms. Berkley voted yes; Mr. Lopez and Mr. Daniels abstained.

The Board will make a recommendation back to the Township Committee that this need study should be approved. The Township Committee will then make their determination.

Public Hearing, Redevelopment Plan, Westampton Interchange (Rancocas Park), Block 203, Lots 1.02, 1.03, 2, 3, 6, 6.02, 6.03, 6.04, 7, 7.01, 7.02 & 7.03. Jim Winckowski explained that the plan had been amended as had the need study regarding the incorrect identification of the zones. It is exactly consistent with the present zoning. The only changes recommended are front setbacks for Stemmers Lane. The majority of the buildings would become non-conforming if Stemmers was made a public road and dedicated to the Township. In the case of the OR3 zone, Ikea Drive would still have inadequate setbacks, be it a public road or not. There are no other changes. Mr. Lopez explained that the only reason we are aggressively seeking this is for traffic improvements. It also allows for the growth of under-developed areas.

Solicitor Sandy Zeller asked if CME prepared the redevelopment plan; they had. The Plan is consistent with the Township's Master Plan.

At this point, the meeting was opened to the public for comment. Nancy Burkley, Olive St., Rancocas – asked about the setbacks and asked if they would change for Springside Road. Jim answered that they would change only for Ikea Drive. There being no further comments from the public, the meeting was closed for public comment.

Mr. Blair made a motion to approve the need study; the motion was seconded by Mr. Attaway. Mr. Blair, Mr. Freeman, Mr. Attaway and Ms. Berkley voted yes; Mr. Lopez and Mr. Daniels abstained.

Dolan Contractors, Inc., Block 203, Lot 1.03, 2 & 3 (32 & 40 Springside Rd.). Russ Whitman, applicant's attorney was present. William Stevens, applicant's engineer and planner was present and was sworn in before the Board. It was noted that the member of Township Committee, Mayor Daniels and Deputy Mayor Lopez were recused from this portion of the hearing and would not be voting.

Solicitor Sand Zeller explained that since the application previously required a use variance the jurisdiction is before the zoning board component of the joint board. There will be four voting members this evening and a majority vote will be required (three votes). The preliminary site plan approval was granted in 2009 with a number of variances and some waivers; the approval is still a valid approval. The Board has to make a determination if there are any substantial changes from the preliminary approval. It is Solicitor Zeller's understanding that there are no new variances and the Board does not have to re-hear the preliminary approval. They simply have to determine if the plans conform to the final approval.

There are a few minor changes according to Russ Whitman; the changes were required largely to comply with requirements dictated by Burlington County. The application has been reviewed both by the Board Engineer and Planner. They are in a position to state that they will comply with the comments in both professional reports.

They had an aerial photograph of Rancocas Park which showed the location of the proposed building. They also had a site plan and architectural elevations which were marked into evidence. A landscaping plan and a grading plan were also marked into evidence.

The minor changes include: shifting of the project entrance to the north along Springside Road to facilitate better sight distance. This was required by the County. There are two small changes made to the storm water management system: they were required to get DEP approvals which changed the configuration of the storm water management system. The last change was the addition of another driveway access at the southerly end of the site which was suggested by the Land Development Board at the preliminary approval. It is in the southeastern corner of the site; a second access point was suggested to be added by the Board Engineer at that time. They concur and will comply with all conditions in the Board Engineer's report.

The Board Planner's report was reviewed; floor plans have been submitted to the Board. The architectural plans were discussed; it will be a concrete face structure with different colors and lines of elevation to break up the building. A colored rendering of the office portion of the building was distributed to the Board. There will be significant screening and berms to keep views of the building down. There is stone wainscoting around the entry doorways and a sill around the bottom of the building. The colors will be dark and light beige and grey. This is only for the office portion of the building along Springside Road.

Gene Blair spoke regarding the look of the Panasonic building, now occupied by Primepoint. They had discussions with residents and they would like to maintain the same color scheme along Springside Road. Gene suggested that it be replicated down the side of the building to break things up. Russ Whitman stated that the office corner is the only part that will be visible to those driving by due to the berms and landscaping. The other parts of the building will not be able to be seen. The main visual would be the elevation of the office portion, which they had brought to the Board tonight.

Mr. Freeman asked if there would be a problem changing the color of the building to match that of the Panasonic building. Mayor Daniels asked Mr. Dolan to give the building a look similar to the Panasonic (now Primepoint) building and showed him a photo on his Ipad so that he could see what they wanted it to look like. Mike Dolan was sworn in before the Board. He explained that the idea was to introduce natural stone but that they would use brick if that was what the Board wanted. The loading docks would not be visible along Springside Road nor from the adjacent residential development.

The area of trees in the northeast portion of the property would be protected during construction as requested in the planner's report.

There are two inlets proposed between the backside of the berm and Gene was concerned if these were enough. Mr. Stevens stated that he discussed this with Jim Winckowski today and they agreed they would look at this to see what they needed to change and come up with what was the best solution. There will be landscaping on the downslope portion of the berm that faces the Spring Meadows development. The top of the retaining wall is a 9-10 foot drop off to the parking lot; one of the residents had brought up a safety issue. They asked if there should be a barrier or a fence to prevent someone from falling off the top. Mr. Stevens agreed that he would work this out with Jim; they don't want to see someone falling off this either. Jim also was concerned with the steep slope on the berm and what kind of ground cover treatment would be used. He had suggested they use a wildflower/prairie grass cover instead of regular grass, which would be hard to keep mowed. Jim thinks a natural looking ground cover is most appropriate.

Bill Freeman asked why it took so long to get from preliminary approval to final approval. Russ Whitman stated that we have been in a tremendous economic recession. It just hasn't happened that someone has wanted to make this kind of

financial investment. There is a two year limit of time if they are granted approval that they have to commence construction. The law does provide them the option to ask for extensions.

At this point the meeting was opened to the public for comment.

Nancy Burkley asked how tall the building is; it is less than 50 feet according to Mike Dolan. It will be the tallest building in the park. The building is a couple thousand feet away from Rancocas Road. At its closest point the building is 122.5 feet from Springside Road. The parking lot along Springside Road is closer. She asked if the plantings on the berm would take 20 years to grow enough to hide the building. She talked about the VCS building and how the landscaping that is installed does nothing to screen or hide it since it is so small and takes so long to grow to hide a large building.

Jim Jacob, 113 Sharpless Blvd. – asked if the berm portion will precede the construction itself or will the building be constructed first. Mike Dolan stated that the dirt work will commence first. Mr. Jacob's home is on Lot 28; he wanted to know what kind of view he would have from his home. The top of the berm appears to fall at the center of his home according to Mr. Stevens. He should not be able to see the building from his house. He thinks he may be able to see trucks coming in and out for loading due to the grading change on the plan. He wanted to know if the peak height of the berm could be continued more east so that his view is blocked better. Jim stated that there is a small gap, the applicants agreed to look at this and it probably only needs to be extended about 20 feet. Extra landscaping may effectively take care of this problem. Mr. Jacobs is also concerned about the impact that tractor trailers will make traveling on Springside Road. He wonders why an entrance/exit onto Ikea Drive isn't made. Jim stated that Ikea isn't a public road and we can't force them to; they have been approached and they have said no. If the redevelopment plan proceeds and the Township takes over Ikea Drive could this happen at a later date. Mr. Lopez commented that these are all conversations that they have had with Mike Dolan and the engineers. There will be ongoing conversations on this and there is mutual interest. Jim thinks the Springside Road access is a safe access and it is built for this. All traffic will be heading to Route 295 and not down Springside Road.

Mike Eaton, 115 Sharpless Blvd. – thinks the driveway is a major change and that the warehouse will lower their property values. He thinks the Township should use their powers of eminent domain and take over the road and make access via Ikea Drive. He thinks there are warehouses that exist that aren't occupied and unless we have a specific tenant it shouldn't be approved. It shouldn't be built on speculation.

Janet Curran, 123 Main Street – remembers the discussions before the Board that happened in 2009 with the residents. She has been attending the County Freeholder meetings and wants to know what we will do about the increase in traffic. She thinks the building will be an eyesore; no matter what color they make the building, no one wants it in their backyard.

Dave Guerrero, 121 Sharpless Blvd. – asked if left turns only could be required when exiting the site. The trucks that do turn right usually end up turning right on Woodlane Road which in his opinion is a dangerous road with no shoulders. Mr. Freeman thinks this is the responsibility of the County. The applicant has received County approval for the project. The County believes that the trucks will be turning left when exiting this property. Mr. Lopez stated that you have our word that we will be aggressive in outreach to whoever occupies this building; it could be a request of the Township. Dave Guerrero asked if there are any prospective tenants at this time. Mike Dolan stated their approval in 2009 was a year after the economic collapse; it put them in a better position to have at least a partial approval. In bad economic times it takes sometimes 5 to 10 years and they didn't want their approvals to expire; that is why they didn't go for final site plan approval at that time. The permit extension act is running out now; there are no vacancies in the Township. Interest has been rising but prospective tenants want buildings that are ready to go and to commence construction quickly. They are only looking at things that are fully approved at this time. Jim explained that the Board could impose a right turn restriction if they wanted to. They could at least request of the applicant that they ask for this of the tenant that will occupy the building.

Dave Guerrero – this will be the second largest building in town; it is important to have something to break up the elevation; the top half of the building is really important. They get a lot of water without the berm now; he is concerned with pooling and ponding of water after the berm is built and doesn't want it increased.

Garfield Harper, Woodlane Road – he takes it as an insult because he has a tractor trailer. Drivers have no interest in coming through a neighborhood and tearing it up. Put a sign there and an officer there for a few days and trust him, it will stop. If it wasn't for tractor trailers, you wouldn't be able to have food in your house. They make a lot of sacrifices to their families to deliver things and do their jobs. He is sick of taxes that keep going up and certain people in this town don't want things to change. This Township is on the verge of a problem, revenue wise. We need to bring ratables in. He is sick of everyone complaining about taxes and then not wanting a good ratable to come into town.

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

Russ Whitman thanked the Board for their consideration; they will certainly cooperate with the Township in bringing in a satisfactory tenant for this building.

Solicitor Zeller – none of the changes made are substantial in nature. The conditions attached to the preliminary approval are to remain attached until they are satisfied. He went through the conditions with the Board.

Fire Officials report – the applicants agree to comply with the comments in the report.

Russ Whitman – thinks that having the condition imposed to limit right turns out of the

exit may not be permissible. If the site is restricted in that way, it might prohibit a prospective tenant from occupying the building. It was agreed that the Township would work with any prospective tenant to see if they could come to an agreement. This could be done as part of a tenant/user agreement. They could also put up an advisory sign encouraging truck drivers to make left hand turns out of the site. The Board agrees to this condition.

Mr. Lopez – asked Mr. Zeller to explain why the Board is essentially required to move forward with this approval, as long as there is no substantial deviation from the preliminary plan. Mr. Zeller gave a history of the application. The applicant is entitled to a final approval in this matter. Unless there is a substantial change, the Board is limited in its decision making. If the Board were to deny a final approval, it is likely that the applicant would file in Court and the Court would overturn the Board's denial. Notwithstanding, Mr. Dolan has met with the Mayor and himself and has taken the resident's concerns under consideration. That is a good neighbor and a smart way of developing. Thanks to Mike Dolan and to Mr. Guerrero, Mr. and Mrs. Jacobs. They addressed as many of the concerns as they could within the limits and the confines.

Mr. Blair made a motion to approve the final site plan; the motion was seconded by Mr. Attaway. Mr. Blair, Mr. Attaway and Ms. Berkley voted yes; Mr. Freeman abstained.

Informal Applications:

None

Correspondence:

None

Public Comment

The meeting was again opened to the public for comments. No comments were made.

Comments from Board Members

Planner Bob Perry – is looking forward to working with the Board.

Mr. Blair – thanked the Board members, it was a tough application this evening.

Mr. Lopez – thanked his colleagues and the residents for being active and for sharing their concerns. That is what this process is about. He thinks they can still do better and they will do better.

Mayor Daniels – echoes Mr. Lopez's comments; there is much that he doesn't know about this Board. It has diminished the learning curve meeting with the residents; he thanked everyone for their work on this. Even though this approval was somewhat

perfunctory, there was a lot of due diligence that happened.

Solicitor Zeller – tonight was difficult for the Board to pick up on an application that was heard years ago; most weren't present to hear the application from the beginning. He thinks the Board did an excellent job and looks forward to working with everyone.

Mr. Freeman –thanks to Mr. Zeller and Gene Blair for their help tonight running the meeting. They try to do the best they can with these difficult applications for both the residents and the Township. The public's input is very important.

Mr. Barger – appreciates all of everyone's efforts; the public's input is very valuable.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board