

# WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

AUGUST 1, 2012 7:30 P.M.

## MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on August 1, 2012 at 7:30 P.M. The meeting was called to order by Chairman Tim Ryan and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 6, 2012 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

**Roll Call:** Present: Mr. Applegate, Mr. Blair, Mayor Camp, Mr. Carugno, Mr. Freeman, Mr. Maybury, Ms. Sampson, Chairman Ryan, Mr. Welsh, Ms. Coe, Mr. Thorpe, Solicitor Michael Coluzzi, Engineer Jim Winckowski, Planner Harry McVey, Secretary Marion Karp  
Absent: Mr. Carugno, Mr. Freeman, Mr. Maybury

The minutes of the June 6, 2012 meeting were approved as written.

### **Resolutions:**

None

### **New Business**

**Damon Tvaryanas, Block 601, Lot 12 & 13.** Mr. Tvaryanas was present seeking a variance to construct a shed. He was sworn in by the Solicitor. It shall be noted that Mayor Camp did not sit for the hearing. The property in question is located at 119 Hillside Road in the R-1 zone. Notices were found to be in proper order.

The new shed, along with an existing shed, will exceed the 200 square foot limitation, thus making the variance necessary. His home is a very small log cabin located along the Rancocas Creek, bordering the State Park. He needs extra storage space, primarily for work space and storage space. He does want to run electric out to the shed, which will be 12 by 16 feet in size. The existing wood shed matches the house architecturally and he prefers to keep it. Jim Winckowski, Board engineer stated that there are some concerns with DEP – setbacks from the stream for floodplain issues, along with wetlands and buffering issues. He explained that the house is up on a 30 foot bluff; the shed would be about 10 to 15 feet back on the bluff. The riparian buffer is 50 feet from the top of the bank as explained by Jim Winckowski; his suggestion is that any approvals be conditioned upon the applicant securing any DEP permits or approvals; it is

the applicant's responsibility, not the Board's, to comply with State law. Mr. Tvaryanas explained that he located the shed in this position on the lot to satisfy a neighbor who didn't want to see the shed.

The meeting was opened to the public for comment. There was no comment and the meeting was closed.

Gene Blair explained that prior to issuance of a building permit he would need formal sign offs from DEP to allow placement of the shed. The applicant agrees to provide this.

Ms. Sampson made a motion to approve the application for a variance; Mr. Welsh seconded the motion. All Board members voted yes.

**Ramon Malhotra, Block 1204, Lot 11.** Mr. Malhotra was present seeking a waiver of formal site plan. The property in question is located on 1858 Route 541 and is a former Wendy's restaurant. He would like to convert it into a Verizon Wireless store. Harry McVey submitted some comments to the Board after he inspected the site. It is his opinion that the site requires some work and upgrading.

The detention basin was holding water when he was there and debris needs to be removed from it; the parking lot needs work such as patching and striping; the fence need some repair work.

Mr. Malhotra was sworn in by Board Solicitor Coluzzi. There are 12 items contained on the list compiled by Harry McVey; there are homes at the rear of the site which must be taken into consideration. The building has been vacant for several years and the Township is desirous of having it occupied once again. Harry thinks some sort of site plan approval is needed; the landscaping is so overgrown; the parking lot is eroded.

The applicant understands the need to provide these repairs; if they didn't do these things, they would not be able to open for business. Mr. Malhotra explained that the site would be successful with the right signage. They are not sure what work they would do on the façade at this time; they did talk about re shaping the exterior of the building to get rid of the Wendy's restaurant look. The drive through would not be used. There is much work to do inside the building. This would not be a corporate store and therefore the exterior of the building would not need to be remodeled to look like other Verizon Wireless stores. Jim Winckowski thinks that most of the points are maintenance issues; if the Board is okay with a waiver along with conditions; either he or Harry could go out to confirm that these issues have been taken care of. This is agreeable to the applicant.

From a traffic standpoint a Verizon store would be less intense than a Wendy's. The basin is probably just clogged with overgrowth. The only issue that would be new is sidewalk. The applicant explained that a good day would bring in about 15 customers. Hours of operation will be 10 AM to 8 PM, seven days a week; Sundays 10 AM to 6 PM. There will be 3 employees. Tim Ryan stated that he has never seen a Verizon store that looks shabby. The applicants agree to clean up and re fence the dumpster area. Gene wants the condition put in that the

applicant meet with the Fire Marshal and discuss the need for a Knox box. As far as signage there is an existing pylon sign that they hope to use, along with a storefront sign. Mr. Malhotra agrees to fix the sign and make it look nice. Gene recommends that the Board consider a monument sign instead which would move towards our new Ordinance requirements. Mayor Camp said that we have talked about the appearance of 541 for many years; he looks forward to having this business in town. Jim Winckowski stated that it looks like a limited right of way for sidewalk; it might not be an easy task since an easement would have to be obtained from the County. It has been the Board's ultimate goal to promote the sidewalk. We don't get the opportunity much to get these businesses before us; now is the time to consider this. It is Harry McVey's recommendation to require the sidewalk. It is the Board's decision to require the sidewalks. The applicant agrees to remove the existing truck cap at the rear of the property.

Mayor Camp made a motion to approve the application for site plan waiver; Mr. Blair seconded the motion. All Board members voted yes.

The Board also grants the applicant an at risk permit to Mr. Malhotra.

**Burlington Preservation Partners, LLC, Block 1102, Lot 1.** Ron Morgan, attorney, was present on behalf of the variance application. This application had received an approval from the Board last year but they have returned due to the fact that the Board approved a six foot high fence around the perimeter, but the DEP is requiring an 8 foot fence. The 8 foot height is necessary for five years to keep deer from consuming the plants and trees that will be installed on the site while they are small. The Eastampton facility, which is nearby has an 8 foot high fence. Some Townships consider this more of an agricultural facility which would be exempt from site plan review. There is a standard of 8 feet that is permitted; likewise in warehouse applications 8 foot high fences are required by the Township. This is a legal and regulatory issue; not an environmental issue as Ron Morgan explained.

Tim Ryan explained that in the year that this site plan has been approved there have been 4 or 5 reports of West Nile virus as well as a report of a local equine dying of western encephalitis, which is a mosquito borne illness.

The applicant is willing to comply with mosquito control and abatement as far as whatever the State or DEP requires. Mayor Camp explained that this becomes a budget issue for the Township as we are required to fund any spraying in the Township.

Douglas Frieze was sworn in before the Board. He is a project manager for an environmental consultant and works dealing with wetlands mitigation projects. The project is predominantly enhancement of existing wetlands; approximately 80% of this site is already wet. The very nature of the land is that it is only seasonally wet; we are not dealing with permanent ponds or anything of that nature. In order to spray a pesticide or herbicide on a wetlands site it requires a permit from the DEP. Tim Ryan asked about biological controls; Mr. Frieze can't

say that it may not need a permit but he has not dealt with this firsthand. Restoring the habitat may offset any mosquitoes that breed out there as amphibians do consume mosquito larvae. The site is wet in the winter time and early spring; it dries out in early June and is dry through the fall which is why it was able to be farmed successfully. They anticipate that this seasonal fluctuation will continue to occur. Tim Ryan thinks there should be some component in the amendment that would require the applicant to control the mosquito problem if it becomes severe, so that it doesn't become a financial burden to the Township.

The applicants are willing to do whatever is reasonable to address a mosquito situation if it occurs, as long as DEP allows it. Gene Blair asked who would be responsible to assess this; Mr. Morgan stated that it is usually the County Health department.

Mayor Camp is against the 8 foot high fence; the animals should not be shut out of more land. He thinks that perhaps this is the wrong location for the project. Tim Ryan feels the same way about the fence; the deer are locked out and will go onto residential areas to feed; this is creating a problem.

Jim Winckowski asked if the applicants were agreeable to posting a bond to insure the removal of the fence. Mr. Morgan advised that the DEP inspector makes the decision as to when the fence comes down. They are required to post a bond with the State. Earth moving operations have begun at the site.

The meeting was opened to the public for comment. Dr. Maureen Hogan spoke about deer fencing; she thinks the height required is 8 feet.

Frank Cumberland spoke; he missed the last meeting due to his job. He lives at 29 Oxmead Road. He tried to contact Mr. Frieze's department several times but never received a call back. He doesn't know where the fence is going and he has concerns about mosquitoes. Dump trucks have been on the site at 4:30 in the morning. He wanted to know what the plans were for the access road and how hunters would be kept out of that area. What will happen to the animals when the fence goes up; will the animals go out in the road and be killed. Mr. Bareiszis of 33 Oxmead Road complained about the early morning noise at the site; both he and his wife have been treated for Lyme disease due to deer ticks. Why add more to all the acres of wetlands; he is afraid that the density of the deer will increase since there is all this land that they won't be able to occupy.

Mr. Frieze explained that 4:30 in the morning was certainly too early; Mayor Camp read him the Township noise ordinance which prohibits construction at that time. Mr. Frieze said he would reach out to his client and let him know. Hunting is a permitted use on the site.

The idea of bringing more stagnant water to the area is not a good idea, according to Mr. Cumberland and Mr. Bareiszis. Mr. Cumberland knows from

living there how the land works; he built his house there. Mayor Camp is very familiar with the mosquito issue; he lived out on Kings Road for a time, it is a problem out there.

Mike Coluzzi asked if it was possible for the applicants to get more information from the DEP regarding mosquito mitigation. They agreed that they would go back to the DEP and let them know what the local concerns are. They wanted to be continued until the next month's meeting. The applicants are continuing construction at their own risk in the meantime. They would advise the contractors to adhere to the noise ordinance regarding work times.

Our Township engineers are not inspecting the site; bonds have been posted with the agency that is appropriate (DEP); nothing is posted with the Township. Jim Winckowski asked if the applicant could submit a copy of the bond to the Board; the applicant agrees.

The Board voted to continue the application until the September meeting. Mr. Blair made a motion; the motion was seconded by Mr. Applegate. All Board members voted yes; Mayor Camp voted no.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board