

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

AUGUST 5, 2020 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held virtually, via the Zoom app on August 5, 2020 at 7:06 P.M.

The meeting was called to order by Vice Chair Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2020 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Secretary Marion Karp, Solicitor Ruben Perez
Absent: Mr. Applegate, Mr. Freeman, Mr. Henley, Mr. Odenheimer

Solicitor Robert Swartz swore in the Board Planner.

Approval of meeting minutes 7/1/2020 – minutes were approved as written.

Resolutions: approval needed:

17-2020 Colonial Dames, Block 906, Lot 12 (180 Burrs Road) – preliminary and final site plan (rebuild existing barn) – was memorialized

18-2020 Robert Elbertson, Block 1002.01, Lot 7 (14 Manor Drive) – bulk variance (pole barn/garage) – was memorialized

19-2020 Provco Westampton, LLC, Block 201, Lot 7.01 (Rancocas Road & Highland Drive) – amended preliminary and final major site plan; use variance & bulk variances – addition of drive through window – was memorialized

Old Business: None

New Business:

Amended Redevelopment Plan, Block 805, Lot 1 (2015 Burlington-Mt. Holly Rd.) – FAR discrepancy and change in impervious coverage to improve site design. Barbara Fegley explained that the FAR had been calculated incorrectly; they took the footprint

and didn't allow for the fact that the FAR would be multiplied for each floor. They also provided a better layout and circulation plan, thus requiring the amendment. Barbara doesn't have a problem increasing the FAR; it should have been increased from the very beginning. She doesn't have an issue with the increased impervious coverage either. The Board would be making a recommendation to the Township Committee to amend this redevelopment plan; the Land Development Board is not permitted to grant a variance for a project under a redevelopment plan; instead the plan must be amended. Robert Swartz stated that the site plan that was coming in was exactly the same as what the Board had seen before.

George Hulse, applicant's attorney was present. They are hoping that the Board would recommend that the amended plan be approved so that they could continue to move forward with their project. It is a housekeeping matter in his opinion.

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

Ms. Burkley made a motion to approve; the motion was seconded by Mr. Blair. Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes.

Resolution 21-2020 Approve Amended Redevelopment Plan, Block 805, Lot 1 (2015 Burlington-Mt. Holly Road) – motion to approve was made by Mr. Blair; seconded by Ms. Haas. Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes. The resolution was now memorialized and could then be sent to the Township Committee.

Public Hearing - Westampton Township Housing Element & Fair Share Plan, Master Plan Reexamination Report. Solicitor Swartz gave the Board a brief history of the historic Mt. Laurel decision, the creation of affordable housing and COAH. He explained to the Board the entire process of the Township Fair Share Plan and Housing Element. Solicitor Ruben Perez explained that we are currently in the compliance phase of the settlement; it is the final piece that needs to be completed in a long five-year process. We have until October 7th to finalize the compliance process; the Diocese property, the Hogan property and the Hancock property will be rezoned. The Diocese property is the only one that currently has a developer for it. He explained that the settlement is favorable to the Township since it allows us to have home rule and doesn't relinquish zoning control to the court master and the developers themselves. The Township will be immune to builders' remedy lawsuits through 2025 if granted immunity at the compliance hearing.

Barbara Fegley prepared the 2020 Fair Share Housing Plan and Housing Element, a fairly voluminous document. She gave a brief synopsis to the Board. Our third-round number is 592 units. Dave Guerrero asked about the builders' remedy lawsuit on the Winner farm and why it wasn't a part of this plan. She explained that since it was on the

books so long and nothing happened with it, it no longer provided a realistic opportunity for affordable housing so they removed it from the plan. She fought to have this site in the plan; it is a very good question. Fair Share Housing and the Court Master said it couldn't be in the plan and the judge at the time, Judge Bookbinder, agreed with them. Dave Guerrero asked about the Hogan property and wetlands that existed there. Barbara explained that she understood his concerns but the property still met the criteria to locate some housing there. He asked about the Diocese and the fact that most all of our low and moderate housing is clustered together in one corner of the Township. Barbara explained that there weren't a lot of choices for providing low and mods as part of an inclusionary development; there weren't a lot of large parcels available. Dave explained that it was just a general comment; he thought it should be evenly spread throughout the Township and he thinks this could be a negative and counterproductive to COAH. This is why he thinks the Winner parcel would be a viable option; Barbara agrees completely with him. It didn't make sense to her not to include it in the plan.

Barbara explained why Kent Pipes 30 additional units that were just approved by the LDB were not included in this plan; they could be included in the fourth-round plan and perhaps receive bonus credits as well. The decision was made at the time to just count the five units that are currently existing. She went over the rest of the credits and units and explained how each was calculated with the Board.

Nancy Burkley asked what prevents someone from purchasing an affordable unit and selling it for a market price. There should be a deed restriction on it. She also asked about foreclosures.

Bob Thorpe spoke about clustering affordable units vs. interspersing them amongst the market units; he wanted to make sure that this happens down the line; he doesn't want to see them clustered in one area only. Barbara explained that they want to make sure that this doesn't happen. She stated that you should be able to look at a building and not pick out the affordable units. Bob thinks it should be their goal to have everything be more equitable across Westampton. Gary Borger appreciates Bob Thorpe's comments.

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

Solicitor Ruben Perez was concerned whether or not the plan would change at all and if it would affect it if the LDB voted to approve it tonight. He didn't know if the court masters would require an amendment or not. Robert Swartz thinks we can take a vote tonight and amend the plan if there is anything substantive, although then he stated that he thinks perhaps we should continue this part of the hearing until the next month's meeting if that is Ruben's preference. He doesn't expect anything but perhaps it is the cleanest and most cautious process to take. The Board would continue the hearing until the next meeting which would occur on September 2nd. No further notice would be required.

The reexamination of the Master Plan report would be continued until the September 2 meeting as well.

Mr. Blair made a motion to continue until the September meeting; the motion was seconded by Mr. Guerrero. Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Thorpe and Ms. Burkley voted yes.

Memorialize Resolution #20-2020 - Adopt Housing Element & Fair Share Plan – will be continued until the September meeting.

Informal Applications:

NJ American Water, Block 1203, Lots 17 & 18 (Woodlane Road) – Woodlane Station modifications. Niall O'Brien, applicant's attorney was present on behalf of the application. The property in question is 1.803 acres behind the intersection of 541 and Woodlane road; it sits behind the Walgreens, liquor store, etc. It is zoned R-3. Public utility uses are not specifically allowed by ordinance. There is a water treatment system located there; since they are expanding and the use is not permitted, they will need a D2 variance as well as a site plan application and a few more variances. The property is land locked and this is the reason for some of the variances. Marc Perratore, engineer and Jim Derusso were present as well and gave some brief testimony. They are designing a new treatment plant to take the place of this existing station. Initially there will be 3 filters with a fourth to come online later.

Robert Thorpe asked if sewage was also serviced here, it is only water. There are two wells on site. He asked if any odors could be discharged; they answered no. Sludge would be held in tanks but it's not the typical sludge you think about. He asked how it would be transported off the site; they would use a tanker truck.

The front yard is the portion of the property facing Route 541; it's the closest roadway. Mr. Borger asked how often the sludge had to be removed; it would be once or twice a week depending on the amount of the flow. Currently they discharge in the lagoon and the sludge settles on the bottom. It is cleaned out about once a year. It is a significant upgrade in treatment capability.

Barbara Fegley asked if there would be any odor at all; they answered no. She asked about noise; they said no additional noise would be generated. The lagoon was pre existing on the site. Mr. Thorpe asked about the color of the tanks; normally they are painted sky blue. They could paint them any color the Board preferred. Mr. Thorpe asked if there were any relatively close facilities they could visit to see what they looked like.

This was opened to the public for comment; there being no comment, the meeting was closed.

Correspondence: None

Open Meeting for public comment

No comments were made.

Comments from the Board

Mr. Guerrero – thanks to Barbara Fegley and Robert Swartz for their efforts; he was impressed with their presentation.

Mr. Borger and Ms. Burkley agrees.

Robert thanked Barbara, she did 99% of the work as well as Ruben and his firm.

Mr. Thorpe – thanked Barbara and Ruben; he has been an affordable housing advocate for a long time but needs to be done intelligently and adequately. Thanks for the hard work.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board