

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

DECEMBER 2, 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 December 2, 2020 at 7:04 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. Borger, Ms. Burkley, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Board Engineer Mike Roberts, Board Engineer, Jim Winckowski, Secretary Marion Karp  
Absent: Mr. Applegate, Mr. Blair, Mr. Eckart, Mr. Henley

Solicitor Robert Swartz swore in the Board Planner and Engineer.

Approval of meeting minutes 11/4/2020 – minutes were approved as written; motion to approve made by Mr. Thorpe, seconded by Mr. Guerrero. All voted yes, Mr. Freeman abstained.

**Resolutions:** for approval/memorialization

Resolution #28-2020 Tesla, Inc., Block 201, Lot 7.01 (570 Rancocas Road) – minor site plan, bulk variance (installation of charging stations at Wawa) – was memorialized

Resolution #29-2020 Highview Commercial, LLC, Block 807, Lot 1 (2035 Route 541) – use variance, height variance (amend previously approved plan to add a warehouse) – continuance until meeting 12/2/2020 – was memorialized

**Old Business:**

**Highview Commercial, LLC, Block 807, Lot 1 (2035 Route 541) – use and height variance (addition of warehouse).** The applicant had presented testimony regarding this application at the Board's November 4, 2020 meeting and due to the late hour, the application had been continued until this month's meeting.

George Morris, applicant's attorney, was again present for the meeting. They are happy to provide additional testimony if the Board so desires in response to their questions. It shall be noted that Mr. Freeman could not vote on the application since he was absent from the meeting last month and had not listened to the recording of the proceeding.

John Abene (developer) and all witnesses from last month were again sworn in by the Board solicitor; Nathan Mosely (traffic engineer); Leah Furey Bruder (planner); Ed Brady (engineer); Georgio Vasilis (principal) and Jim Murray (contract purchaser).

Nathan Mosely summarized his testimony from last month and described the changes in the plan from what was originally proposed. He believes that the majority of truck traffic will come from the Turnpike or Route 295; generally, the traffic is significantly reduced from the shopping center traffic; there should be less volume. There were a few changes made to the trip generation analysis; there is still adequate stacking available, the traffic signal will be able to accommodate this use.

Nancy Burkley has concerns that trucks will be traveling onto Irick Road; she spoke to the Fire Marshal who said he has concerns regarding the bridge onto Irick Road and whether or not it could hold trucks of this size. She thinks accidents will occur if this happens. The applicants stated there would be a physical barrier to prevent trucks from turning left onto Irick Road; passenger vehicles could turn left but trucks could not.

Jim Winckowski agrees with the applicants; he has no problem deferring the traffic review to Burlington County who has ultimate approval; however, he does have concerns about truck and vehicle traffic mingling on the site.

Barbara Fegley agrees with Jim's concerns regarding the mingling of truck and car traffic on site but that is really a site plan issue.

Nathan Mosely doesn't think there will be a large volume of trucks going through the shopping center; it should not be a substantial volume and not heavy activity. Traffic on site will consist of mostly passenger vehicles more than anything else and they could do this safely. He says trucks will be a small percentage of the traffic.

Jim Murray spoke regarding the architectural renderings. He showed the Board a rendering of the office portion of the warehouse. He spoke about a project just completed in Florence Township that looks just like this. They had submitted a list of projects similar to this one in their packet to the Board on November 18<sup>th</sup>.

They showed the Board several site plans from other locations in NJ that have been approved with the same mix of retail and warehouse since the Board had asked for examples of projects with a mixed use such as this one. Robert Swartz asked if the retail portions were pre-existing on these sites or if it was being developed at the same time. Some were pre-existing, some weren't.

Another change to the plan made was to move the warehouse building back 5 feet from Irick Road and to increase the height to 50 feet to provide flexibility during the design phase. There are no specific percentages for building or impervious coverages at this point in time. They did add some island features to prohibit a left turn from the site onto Irick Road for trucks. Signage indicating this prohibition would also be provided. If the use variance was approved, they would be submitting for site plan approval as well as subdivision approval. Jim Winckowski stated that if the subdivision was done later there might be a potential for FAR issues; the applicants are aware of this.

Leah Furey Bruder, applicant's planner explained that detrimental effects are not evident in this proposed design; the site isn't visually or perceptually connected to the rest of the Route 541 corridor and they believe the site is particularly suited to this combination of uses.

Robert Swartz asked what the status was of their application before the Burlington County Planning Board; they will be on the agenda for January but will also be seeking a use variance.

Nancy Burkley had concerns regarding impervious coverage; Jim Winckowski stated it was close to what had been approved before. Barbara Fegley stated that they don't know what it could be because they aren't sure where the potential subdivision line will be. Barbara asked if they had examined where the line might be so that these percentages might be calculated, at least somewhat. They don't necessarily have to do a subdivision but it would be done for financial purposes. This is a site plan issue; they would have to return for approval if approved for a use variance tonight.

Michele Haas asked if they took into account potential future traffic concerns based on what else would be built in the area. Nathan Mosely stated they look at general background growth; they have nothing recent from the County. She is concerned about traffic on Route 541. She asked if the hospital was also taken into consideration. He stated that the County is aware of all the growth that is going on.

Bill Freeman stated that traffic moves at a very fast pace when turning off Route 541 onto Irick Road; did they plan anything to help this situation. They are moving the traffic signal; motorists will have to make a right-hand turn at this signal which would slow them down. They won't be able just to merge onto Irick Road like they do now.

Dave Guerrero thought it was interesting that none of the elevations shown depicted trucks so it was hard to imagine how it would look. He thought the first plan was more aesthetically pleasing than what was being presented now; this is the entrance to the Township and he doesn't feel it is consistent with our Vision plan.

Mr. Thorpe agrees with Dave; the Vision plan is a very important document; he was on the Committee that worked on the plan. Aesthetics are important and he doesn't think a big white warehouse matches the Vision plan.

Mr. Freeman echoes what Mr. Thorpe and Mr. Guerrero said. He doesn't think this is a good look for the area. It is a gateway for our town; we are in a great location geographically and transportation wise. He doesn't think a warehouse is appropriate right now.

Nancy Burkley doesn't like the idea either; she thinks retail would be better or something to serve the public, not a warehouse. She likes the original plan better.

Gary Borger commented that although conditions at this time do not favor retail development, this may change and if we don't want to become shortsighted because of COVID. We want to adhere to the Vision plan which is to make the Route 541 corridor a retail destination and part of the town center.

The applicant's planner made argument that this site, due to its separation by the NJ Turnpike, is particularly suited to this use. The warehouse is what makes the viability of this project work.

Dave Guerrero disagrees and doesn't see this area as appropriate for a warehouse. Gary Borger stated that a dilemma exists since the landowner has to create a financially viable use that is consistent with our Master Plan; it is a difficult decision. It's hard to envision; will the warehouse blend into the background or will they overreach the retail in front of it; it's hard to tell.

The meeting was opened to the public for comment.

Ryan Scerbo, representative of the NJ Turnpike asked that the stormwater discharge of the site remains an open item of discussion with the Turnpike Authority and that it be a condition of any approval of a site plan. Jim Winckowski is aware of this.

Jim Mellett was sworn in by the Board Solicitor. He is an engineer representing the NJ Turnpike Authority. He commented that any site plan approval needs to be conditioned upon the NJ Turnpike Authority being able to review their stormwater plan to see if there is any impact. Jim Winckowski stated that this was more of a site plan issue and he isn't sure they are ready to defer full approval to the Turnpike Authority but rather they should submit comments for evaluation.

There being no further comment, the meeting was closed.

Mr. Guerrero made a motion to deny the use variance; the motion was seconded by Ms. Burkley. Mr. Borger, Ms. Haas and Mr. Odenheimer voted no; Mr. Guerrero, Ms. Burkley and Mr. Thorpe voted yes.

A second vote was taken; Mr. Borger made a motion to approve the use variance; Ms. Haas seconded the motion. Mr. Borger, Ms. Haas and Mr. Odenheimer voted yes; Mr. Guerrero, Ms. Burkley and Mr. Thorpe voted no.

The use variance was denied and did not pass.

**New Business:**

PBP Realty, LLC, Block 201, Lots 7.05 & 7.06 (800 Highland Drive) – preliminary & final site plan approval (addition to existing warehouse) – the application would be continued until the Board’s January 6, 2020 meeting, no further notice would be required.

**Informal Applications:** None

**Correspondence:** None

**Open Meeting for public comment**

No comments were made and the meeting was closed.

**Closed Session:**

The Board adjourned into closed session to discuss the 2021 RFPs.

**Comments from the Board**

The Board discussed the development of Route 541, the Vision plan and modifying zoning ordinances. Robert Thorpe has huge concerns about the development of Route 541. He is wondering what we have to do to be able to protect 541 – larger buffers, stricter or different regulations. They did not want it to turn into a Route 73 or Route 70; he asked Jim Winckowski if the changes would come from the LDB or the Township Committee. Jim said it is ultimately the township committee who has the power to change the zoning ordinances. Robert Swartz will bring this up at the next meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board