

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

April 6, 2022

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on April 6, 2022 at 7:00 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 10, 2022 and on the Township website. All guests were welcomed.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mr. Borger, Mr. Carr, Mr. Grace, Mr. Guerrero, Mr. Henley, Ms. Karp, Mr. Odenheimer, Mr. Thorpe  
Absent: Mr. Ottey  
Professional Staff: Attorney Louis Cappelli, Engineer Michael Roberts, Planner Chris Dochney, Secretary Jodie Termi

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**SWEAR IN NEW MEMBERS:**

Mr. Cappelli swore in Ivan Alvarez and Ryan Fagan

**SWEAR IN PROFESSIONALS:**

Mr. Cappelli swore in Planner Chris Dochney and Engineer Michael Roberts

**MINUTES:**

March 2, 2022 - Regular Meeting Minutes

Motion to approve Mr. Thorpe, Ms. Karp second. None opposed. Mr. Carr, Mr. Fagan, Mr. Alvarez, and Mr. Henley abstained.

**RESOLUTION(S):**

09-2022 MRP Industrial NE, LLC, Block 804, Lot 12 (Irick & Woodlane Road) – preliminary and final major site plan (construction of 2 warehouse/distribution facilities 305,040 and 215,280 square feet in size) continued from March 2, 2022, meeting. Motion to approve Mr. Odenheimer, Mr. Guerrero second. None opposed. Mr. Carr, Mr. Henley, Mr. Fagan, and Mr. Alvarez abstained.

**OLD BUSINESS:**

MRP Industrial NE, LLC, Block 804, Lot 12 (Irick & Woodlane Rd)- preliminary & final major site plan approval (construction of 2 warehouse/ distribution facilities 305,040 & 215,280 square feet size).

Mr. Borger turned over the meeting to Mr. Floyd, Attorney with Archer and Greiner appearing on behalf of the applicant MRP Industrial NE, LLC. States he's here this evening with the applicant and their professionals to answer any questions that the Board may have. However, at the last public hearing there was an issue that arose with respect to the jurisdiction of this Board to act on the application. He would like to state that over the course of this Land Development application process and the public hearings that the applicant has done it's best to listen to and address comments and suggestions raised by the Board Members, Professionals, and the Public. The applicant has invested a great deal of time and effort to design these two warehouse distribution facilities which are by right permitted uses in the Industrial Zoning

district where the property is located. The applicant has put forward a lot of testimony and exhibits to support the requested site plan approval, bulk variance approval, and design waivers. The Jurisdiction issue was raised by Jeff Brennan on behalf of his clients who were objecting to the application, and we are in receipt of the following letters, Mr. Brennan dated March 1, 2022, Planner Chris Dochney dated March 25, 2022, Solicitor Mr. Cappelli dated March 23, 2022, and David Frank on behalf of his client the property owner. Based upon the end of the last public meeting the jurisdiction issue is the only matter to be considered by the Board this evening.

Gary Borger – agreed with Mr. Floyd that the issue is whether this Board can make a decision on the application and if we have jurisdiction sitting as a Planning Board when the question has been raised as to whether a Use Variance type “d” variance under the Municipal Land Use Law because of the preexisting use of a cell tower and now the application that has been submitted for the property to also function as a warehouse facility and a distribution center and this would create two uses on one property. He feels that the application is for a permitted use for warehousing and distribution in the Industrial Zone, but it would be arguably a second use which the uses are not related to each other, and he has read letters from both the Applicant’s Attorney, Mr. Floyd, Mr. Brennan on behalf of the objectors, Mr. Frank on behalf of the owners of the property. They all address both issues being, if this Board sitting as a Planning Board can vote on the application because we have Class I and Class III members who have set through the hearing, and they are not permitted to sit on an application for a use variance and there is no application pending for a use variance. There is a question as to whether we can do so because of the two separate uses which would exist on the property without the use variance coming before us sitting as a Zoning Board without our Class I and Class III members sitting in. There is a second issue raised about whether the application complies with the existing Storm Water Management Ordinance. Our Solicitor has given us the opinion that because this application was filed before the Storm Water Management Ordinance was amended it’s the existing Storm Water Management Ordinance existed when the application was filed applies and there is compliance with that ordinance. The Board needs to decide on whether they can vote on this application.

Louis Cappelli – Stated that he has read all the documents referenced by Mr. Floyd and Mr. Borger and he has concluded that this Board sitting as a Planning Board does not have jurisdiction to hear this application based on two factors. The first factor the Zoning Board is 250-22.1 which states specifically “that multiple uses for Commercial and Industrial sites, multifamily housing projects, shopping centers and industrial complexes receiving site plan approval are all buildings that are designed as a united and comprehensive plan in accordance with the implacable Zoning District standards. May have more than one building on a lot and more than one use within a building, multifamily housing developments may have more than one principle residential building on the site.” He believes that the application question does not contain a designed and united comprehensive plan, therefore, a “d1” use variance is required for this application. The existing tower is not listed as a permitted principal use of the property under the provisions of the Industrial District but was permitted by a Use Variance. The change of use on the property of the portions of the site unrelated to the tower would require an amendment to the previously approved use variance. The communication tower was approved by variance with an agricultural use on the property. The Resolution of the Board granting the Use Variance did not make any statement to the affect that other permitted use of the property would be permissible with such a change of use for the remainder of the site considered by the Board at that time. Even though the proposed change of agricultural which is a permitted use it is being converted to another permitted use of warehousing under the application a “d1” use variance is needed to amend the previous variance. Based on those factors, the Board sitting as a Planning Board does not have jurisdiction to hear the application as presented.

Mr. Guerrero – Stated he read all legal filings from both sides, and he agrees with Mr. Cappelli.

Mr. Grace – Stated he reviewed all material involved in this matter and he agrees with Mr. Cappelli.

Mr. Thorpe – Stated he’s done a lot of reading this matter and he agrees with this assessment.

Planner Mr. Dochney – stated he agrees with everything Mr. Cappelli said and he thinks a “d1” variance is needed in two ways. The first issue is whether these two principal uses are definite separate uses the Cell Phone Tower and the two warehouses on the same site, he doesn’t think that falls under the general classification as the Zoning ordinance permits. You can’t look at their site plan and making their presentation nearly a year ago and see this as one United Comprehensive Plan. The second issue is that the cell phone tower is not a permitted use in the district, and it was permitted by a use variance previously and the case law that he read is a mixed on this subject but most of the time a “d” variance is granted the jurisdiction for future site plans would remain with this Zoning Board, so there is an implied assumption that the “d” variance was granted under certain conditions and if those changes changed substantially then jurisdiction should remain with the Zoning Board. The previous resolution doesn’t mention anything about a warehouse only a farm and a cell tower on the same site and he feels that it’s a substantial change that would warrant going back to the Zoning Board for reconsideration. He admits that he missed this in his initial review of this application and agrees with Mr. Cappelli that it must go back before the Zoning Board for a “d1” variance.

Engineer Mr. Roberts – stated that as Mr. Cappelli mentioned that the Storm Water would still follow under the old regulations due to the time frame when they submitted the application but if they re-submit then they would have to follow the new regulations.

Mr. Borger stated – Mr. Floyd I think you have submitted your position very clearly in your numerous letter briefs and specifically the February 23<sup>rd</sup> and the March 21<sup>st</sup> letters that outline your position legally and he understands his position and there seems to be a consensus among the Board that a “d1” use variance is required and we can’t grant that as a Planning Board is what they are sitting as.

Mr. Floyd stated – Based on the comments from the Board he knows which way the Board is going to vote on the jurisdiction issue and on behalf of the applicant they have great respect for the Board members and the Board professionals, and the applicant has appeared before this Board in prior years and the applicant will appear before the Board with future applications. They disagree with the interpretation that the Board members are making. Motion that this Planning Board does not have jurisdiction to proceed Mr. Guerrero, Mr. Odenheimer second. None opposed. Mr. Carr, Mr. Henley, Mr. Alvarez, and Mr. Fagan abstain.

#### **NEW BUISNESS:**

Rancocas Holdings LLC, Block 201, Lots 10 and 11, 598 Rancocas Road – Preliminary and final site plan approval for a truck and trailer parking facility with parking for 134 trucks and trailers.

Pat McAndrew – Attorney for the applicant. He will have four witnesses on this case. They are applying for a Use variance which was raised in the review letters, a bulk variance for buffer width, and there is a waiver required for berming. There were other issues raised but they can revise the plans to address them. Mr. McAndrew asked how many Zoning members are present tonight?

Mr. Guerrero stated six.

Pat McAndrew – stated his witnesses will be, Kevin Hetzel to describe the operations and use they are proposing, Kevin Shelly, Professional Engineer he will go over the site plan, David Shropshire, Traffic Engineer, and Charles Heydt, Planner he will go over the planning issues in the case and give testimony on the use variances.

Mr. Cappelli swore in the Professionals –

Kevin Hetzel – Affiliated with Rancocas Holdings owner and operator.

Kevin Shelly – Owner of Shorepoint Engineering, Site Engineer for this project.

Dave Shropshire – Principal of Shropshire Associates, Traffic Engineer

Charles Hedyt – Professional Planner in the State of NJ, Heydt Consulting, LLC

Mr. Guerrero – Stated he wanted to correct his statement earlier that there are seven members, and he wasn't sure who the next primary members were. If it was Mr. Fagan or Mr. Alvarez.

Mr. Borger – Asked Mr. Fagan and Mr. Alvarez if they knew which was a member or an alternate.

Mr. Fagan – Stated he did not know.

Mr. Alvarez – Stated he did not know.

Mr. McAndrew asked Mr. Hetzel to introduce himself and let everyone know his background and role in this project.

Mr. Hetzel – Stated he came from a construction development background and now he's in financial services and he's one of the partners with Rancocas Holdings, LLC. He spent a significant amount of his career in land development, specifically around homes. He worked for a couple publicly traded home builders and have since gone out on his own and he has a BA in finance from Villanova. There are three partners that purchased this property as a business opportunity.

Mr. McAndrew asked Mr. Hetzel what his proposed use is for this property.

Mr. Hetzel – Stated the property is on the corner of Rancocas Road and 295. It's currently a service center with one functioning bay with five garages of storage. Their intended use is to develop the back portion as truck and trailer parking, but it's not exclusively truck and trailer. It's parking for large vehicle that are otherwise ending up on residential roads. In their experience they have seen a trend in towns that contractors, truck owner and operators, small excavating companies, pavers, landscapers, and things like that don't have a place to park their vehicles. They end up parking in front of their house and on the side of their houses or maybe even parking at Walmart. They saw a business opportunity that if they develop this it's access to major roads and being in a warehousing district that they could provide public storage. This is not for public household storage but for vehicle parking for large trucks or RVs. The owners of these vehicles would rent spaces from them monthly. They are not a truck stop, an hourly parking facility, jockey lot for warehousing or anything like that. It is literally parking one a per month basis where they are giving owners of vehicles/trailers somewhere to park rather than getting in trouble from the Township's where they reside. They will be gate operated with a passcode or a key card. The hours will be 8:00am until 4:00pm five days a week but there would be 24-hour access through the key card for renters.

Mr. McAndrew asked Mr. Hetzel how many employees would be on site.

Mr. Hetzel – Stated there would be one employee and it's designed to be self-sufficient. The long-term plan for the existing building is that it would become the center of operations for their parking lot. Currently there's a tenant in their now and they have made some aesthetic improvements to the building and will continue to make aesthetic improvements. This will include more landscaping and painting as the tenant thins his supplies.

Mr. McAndrew asks Mr. Hetzel – Where the employee will work out of?

Mr. Hetzel – Stated they will be in the building with the intent that the building will be connected directly to the operations parking lot.

Mr. McAndrew asks Mr. Hetzel – If I have a large RV that I'm keeping at my house, or I drive a truck and park out front of my house or if I'm a landscaper working from home at some point as my business grows then I can bring my vehicles and equipment and store them at your business instead of on the street.

Mr. Hetzel – Stated that yes except the equipment. They envision as their business model it titled, insured, and registered vehicles not your half-done hot rod or anything like that. They do not intend to provide space for bulk materials. Everything must be drivable or movable and you don't have a place for it. There are public storage places that have a limited number of big spots that are available, but the primary business focus is around boxes and it's like an extra garage. They are going in the opposite direction, and they are saying that they don't want your Christmas decorations or your boxes. They are providing safe, clean, neat, well-lit storage for large vehicles that otherwise sit outside of people's houses. In their discussions they use a painter as an example. The guy has one van, and his business grows and now he has five vans and it's too big for a residential area. They want to provide a place where they can store those vehicles outside of a residential area but at their facility.

Mr. McAndrew asks Mr. Hetzel – Will these vehicles be insured and road worthy? If wanted to bring his 69 Chevy Impala that he's currently working on be stored there.

Mr. Hetzel stated – Yes, the vehicle must be insured and road worthy. No, he his car couldn't be stored there. Their intention is not to have a backhoe stored in their parking lot but a backhoe on a trailer that is attached to a truck is permitted. Their parking spots are all very large except for a few. Most spaces are 75' for 55' because they are specifically catering to larger vehicles that are a nuisance in residential areas. The intention is for a tractor and trailer driver that is home for the weekend but can't park their truck in front of their house. They can park the truck in their lot and be picked up or get in their passenger car. They are not allowing over the road truckers overnight parking where someone can sit idling over the night and then go back out.

Mr. McAndrew asked Mr. Hetzel – What kind of traffic do you envision in terms of in and out daily?

Mr. Hetzel stated – At 100% capacity there would be 150 vehicles out and 150 vehicles in and that would be once a day. They have built their models at 50% capacity and that the truckers are out more often than they are in. In the case of an RV, they go out less so that could be once or twice a year.

Mr. McAndrew asked Mr. Hetzel – What would be your typical clients, and does he have a list?

Mr. Hetzel stated – We do and generally they are looking at owner/operator trucking companies, contractors, excavating contractors, small pavement contractors, plumbers, landscapers, folks that have big equipment in terms of truck and trailer that doesn't fit in many places. Even if someone has a F250 truck with a trailer is very large and hard to fit in a driveway these are the types of people we are catering to.

Mr. McAndrew asked Mr. Hetzel – What's the relationship between his use and the service station building? How long will that continue to be a service station?

Mr. Hetzel stated – That will continue to be a service station until the existing tenant retires. He's on a month-to-month lease and he looks like he's in that process. He's been there for 17 years and when we bought the property, we inherited him, and we are pushing toward the cleanup.

Mr. McAndrew asks Mr. Hetzel – In the beginning your one employee will work in there on a small basis and eventually you will take it over.

Mr. Hetzel stated – Yes, they will take it over and renovate it in time. He thanked the Board and turns the meeting over to questions.

Mr. McAndrew asked if anyone had any questions related to the use.

Mr. Cappelli asked – Is your intention to have boats stored on this property?

Mr. Hetzel stated – If they are attached to a vehicle but just boat storage will not be allowed because it's not drivable and on a trailer.

Mr. Borger asked – Will your lease limit what the tenant can store there?

Mr. Hetzel stated – Yes that is correct.

Mr. Borger asked – If someone has a boat on a trailer, could they drive it in and drop the trailer and let it sit there with the trailer?

Mr. Hetzel stated – No, the person he would be looking for is a boat transporting company. Someone that went to the shore, and they picked up a boat and have it delivered to Florida on Wednesday. They own this spot and keep their tractor and trailer there and they pull in with a boat on it and it will sit there for 2 days until they get ready to make their trip to Florida to deliver the boat.

Mr. Borger asked Mr. Hetzel – Would they have to have a monthly lease to be able to use that spot.

Mr. Hetzel stated – Yes, that is correct.

Mr. McAndrew stated – The distinction is it can be a boat on a trailer going somewhere eventually but it can't just be a boat by itself parked there.

Mr. Hetzel stated – Yes, that is correct.

Mr. Borger asked Mr. Hetzel – If someone is pulling the only way, they could use the spot is if they kept the pulling vehicle connected to the trailer pulling the boat.

Mr. Hetzel stated – Yes, that is correct.

Mr. Carr asked – Would you allow personal vehicles to park there, like cars or a pickup truck without anything attached?

Mr. Hetzel stated – Yes, if it's road worthy and it would be an expensive way to go, because we are talking about big spaces and the thought of putting a little car in a big space is a waste but if you wanted to put your extra car there than yes. He is fearful that would turn into a commuter lot and that is not their intentions. Their intent is to alleviate commercial traffic in residential areas.

Mr. Grace asked – How do you ensure that the property won't be used as a truck stop? If I have a truck and I come in at 8:00pm and I'm there until 3:00am who's going to stop him from staying, there and idling for that period?

Mr. Hetzel stated – There intent is that it's going to be fully under camera so it will be monitored, whether it's someone on facility or remotely and they would see you idling. We would have to self-police and that's something that goes against what they are trying to do. There are enough truck stops on the 295 stretch that he can't imagine that someone would want to spend the night sitting in Westampton.

Mr. Dochney stated – Based on the testimony you just gave and the operation statement that was provided the proposed use was different than he had anticipated. All the spaces show they are either 55' for 75' and those would be tractor and trailer parking spaces. If someone was a landscaper and they have their F250 with the trailer behind it with all their lawn and yard work equipment, how would they get to the site? Would they drive their own car and put it in their spot?

Mr. Hetzel stated – Yes, they would leave their car in the spot. It's their spot they aren't looking to double lease spots once it's least then it is their spot.

Mr. Roberts stated – I was going to ask the same question and that would double your trips. If you have a personal vehicle coming in and drop off, the person will then drive the stored vehicle then leave their personal vehicle and come back for their personal vehicle and leave with their personal vehicle at the end of the day then that's 4 trips not 2.

Mr. Dochney stated – You would have to leave your car in the drive isle pull your truck out then get back into your car pull it in the spot then get out of your car and back into you truck, using the drive isle as a circulation space rather than a parking space. He doesn't know if that's a big problem, but it might be a problem when reviewing the site plan.

Mr. Dochney asked Mr. Hetzel – Do you operate any other facilities of this exact nature?

Mr. Hetzel stated – This is their first property, and they are starting here, and they intend to move into other locations.

Mr. Dochney asked – To clarify the existing auto service station on the street and the front lot will remain until the guy retires?

Mr. Hetzel stated – That the building will remain, and they are intending on changing the circulation so that the building will be utilized as a single bay repair facility for the time being.

Mr. Dochney stated – It's important because the ordinance doesn't allow for two uses on the same property unless they were designed as on one site once. There would be some determination from the Board whether an additional use variance would be required.

Mr. Hetzel stated – The tenant is currently on a month-to-month lease with 30 day notice they can expedite his retirement.

Mr. Dochney stated – He is not suggesting that they kick the tenant out of his life-long business but it's an additional consideration for the Board in terms of the legal proofs that are required if they want to approve this application and it's something that the Board can't overlook.

Mr. Borger asked Mr. McAndrew – Is that in your application?

Mr. McAndrew stated – It was raised by Mr. Swartz after they applied, and they covered it with the notice both ways as a principle use and as two principle uses because of the service station.

Mr. Dochney asked – Your driveway has an access easement across the gas station at the Northwest quarter of Luke Oil, but your actual proposed driveway would go across an access easement there and it looks like the driveway to the warehouse just South of you half of their driveway goes across your property. Do you know how this lot got configured?

Mr. Hetzel stated – He doesn't think the driveway is on someone else's property because they are intending to access off Highland, and he thought there was an access easement right in that corner. The property is odd, and it was owned by a South Jersey Legend that passed away 14 months ago. He doesn't know the history of the property.

Mr. Dochney asked – Is this going to be a gated facility? Is there going to be a fence surrounding it?

Mr. Hetzel stated – Yes, to both questions.

Mr. Dochney stated – There is no fence on the site plan. Is there going to be any signage with this project?

Mr. Hetzel stated – No, they didn't intend to do any elaborate signage.

Ms. Karp asked – You said you would allow motor homes, but will you also allow other type of RV's? For example, travel trailers that can be dropped and left there?

Mr. Hetzel stated – The travel trailer is a difficult, they had a lot of discussion about this, and they don't want to become a jockey yard.

Mr. Borger asked the Board if there were any other questions regarding operations and use. No one answered and he turned it over to Mr. McAndrew to introduce his next witness.

Mr. McAndrew stated – He wanted to present Mr. Shelly their Professional Engineer and asked him to tell the Board about his background, experience, and credentials.

Mr. Shelly stated – He is a licensed Professional Engineer in the State of New Jersey since 2012 his license is current and in good standing. He has testified in front of various Boards across the state, previously in Mansfield, Cherry Hill, and many other municipalities, but he has not testified in front of this Board.

Mr. McAndrew asked – Does the Board have any questions regarding Mr. Shelly's credentials as a Professional Engineer?

Mr. Borger asked Mr. Shelly – You are a Professional Licensed Engineer in New Jersey, is that correct?

Mr. Shelly stated – Yes, that is correct.

Mr. Borger asked Mr. Shelly – For how many years?

Mr. Shelly stated – Ten years.

Mr. Borger stated – It sounds like Mr. Shelly is qualified to testify as an expert and to render opinions in the field of Engineering.

Mr. McAndrew stated to Mr. Shelly – Since you prepared this site plan for this proposal, can you go over the site plan in terms of what is there now and what is being proposed.

Mr. Shelly stated – Mr. Shelly shared his screen, and it shows a rendering of a site plan of the property, and it's marked as exhibit A-1. This is a colored rendering of the site plan that was submitted, and the subject property is located at the intersection of Highland Drive and Rancocas Road just West of the interchange with I-295. The property is in the B1 Zoning District. The overall property is 8.3 acres and Lot 10 in the larger of the two parcels, which is active farmland and Lot 11 is occupied by an Auto Repair Shop with current access from Rancocas Road. There are a mix of small business uses and other industrial facilities around the site, mainly down Highland Drive, a lot of warehouses and space back there. As Mr. Hetzel explained regarding what the property is envisioned as, we are proposing to develop this as a truck parking facility. A new driveway through the property is proposed to connect it to Highland Drive to provide access to the parking lot for the 134 tractor trailer parking spaces. Majority of these trailer spaces are 12' wide by 75' deep, but there are several that are 55' deep as well. Where we have the 75' trailer spaces there is an 80' wide drive isle which allows for plenty of maneuverability for the larger tractor and trailers to be able to pull in and out of their spaces safely so they can then exit the property. As discussed, a portion of this new driveway crosses over the adjacent lot 9 property that has an existing access easement, and it was noted that the driveway for the warehouse facility South of this site on lot 10.01 is also located on our property. He doesn't have any background knowledge of how this came about but his inclination is if you look at the property, they may have had issues with their 2 points of access being too close together. So, they worked out an agreement with the owner of lot 10 to be able to provide access across a portion of their property and simultaneously worked out an agreement with owner of Luke Oil to make sure that the owner of this property didn't lose any type of access. I don't have any further documentation to answer any more of those type of questions. Yes, the sight will be secured with an enclosed 8' chain link fence around the perimeter and he added that to this rendering. He Zoomed into exhibit A-1 to show the Board where the fence will be installed around the perimeter of the building so that it's secure for the tenants to leave their vehicles on site. He also noted that a gated access point will be along the drive isle that can be accessed with a passcode or a key fob for the tenants to access the facility at all hours. During normal operating hours onsite staff will utilize a space within the existing repair shop as Mr. Hetzel indicated. Mr. Shelly zoomed into exhibit A-1 to show the Board a masonry grass enclosure adjacent to the existing auto repair shop that they are proposing to be used by both facilities and the trash will be scheduled to be picked up from there as well.



There is a bio retention basin that is in the front of the property between the proposed parking stalls on Rancocas Road. Based off the comments of the March 23<sup>rd</sup> engineering review letter this basin is going to be separated into two separate basins to comply with the small-scale grade infrastructure requirements for retention basins. Each having a drainage area of less than 2.5 acres. The existing auto repair shop is proposed to be connected to public water and sewer and Rancocas Road and the existing well and septic will be abandoned in accordance with Burlington County Health Department requirements. On this exhibit they are proposing landscape screening between the retention basin and the Luke Oil property to the West. These plantings will not only screen the facility, but it will also help screen the warehouse located to the South of their property. They believe the landscape screening that they are proposing along the road will not only help the aesthetics and screening of our site but also some adjacent properties as well. It was noted in the March 23<sup>rd</sup> engineering review and the March 29<sup>th</sup> planning review letters that additional landscape screening and buffering should be provided around the site and they have amended the rendering to show some additional screening. There is an existing buffer between our property and the property to the South, the warehouse facility and we can agree to supplement that buffer with some additional plantings into the satisfaction of the Board's Professionals and they can also work to increase some of the buffer void areas, mainly on the East of the site where the existing buffer ends and they can pick up some additional screening as well to create a more uniformed and continuous landscape buffer around the entire property. As indicated, currently there are no plans for any signage on the property. Site lighting will be provided with 20' high pole mounted LED fixtures with a temperature of 4000k. The lighting design provides an average of light intensity of 1/2 foot candle over the entire pavement area, which is in accordance with the township ordinance. As requested in the review letters, the lights can be equipped with dimmers so that the lighting levels can be reduced when they are not in use to help reduce some light pollution. They have had simultaneous conversations with the Burlington County Engineering Department and based off the conversations with them their intention is to close off the existing access to the Auto Repair Shop from Rancocas Road and instead propose additional pavement adjacent to the trash enclosure to connect the existing facility with the new parking lot. The County has a lot of concerns regarding the traffic and accidents in front of this site, so they believe they can alleviate those concerns by eliminating that access point on the county road and instead send their traffic or any traffic generated by that Auto Repair Shop onto Highland Road. As indicated in the letters, a Use Variance is required to permit the truck parking site and a second use variance is required to permit two principal uses on one site, since the existing Auto Repair Shop will remain, and it is also noted that a variance is also required for not providing a 25' landscape buffer between two non-residential properties. Landscape buffers are provided between the Luke Oil property and the warehouse property, but neither are 25' in width for the entire length and as you can see their pavement is 25' from the property line and they have created a dense buffer in that space between the property. Portions of their driveway are on their side and on the Luke Oil property, so technically they can't provide that 25' wide buffer but what they would like to do, if allowed by the owners is provide some additional landscaping that is in that easement area and that is on their property, and this would be to help create better screening between the two properties. One design waiver is being requested from ordinance 196-8.b4, which indicates that where parking is proposed in your front yard a landscape berm up to 5' in height may be required by the Board. There is only a small portion of section of parking that is on the East that is located in the front yard and this area is located along the I-295 ramp and there is existing vegetation that already creates a screening to that area, but technically a design waiver is necessary because it is in their front yard but they don't believe that any additional berming to that area would create any type of benefit for the project.

Mr. McAndrew asked Mr. Shelly – In regard to the buffer width variance and the berming, if the Board were to grant those waivers and variances do you see any negative impacts that would be generated?

Mr. Shelly stated – No, he thinks that they are complying with the intention of the ordinance which is to create the buffer in between the two properties, and they believe they have, but there are couple of areas that make it complicated to provide that. Where the driveway cuts across the property and they don't have a 25' wide area and they are already proposing improvements on the neighbor's property. He feels they need the variance, but they are trying to

comply with the intention of it. They have reviewed all the planning and engineer review letters and read the comments and they don't take any acceptations to the comments and recommendations in the letters and the Planning review letter did identify two additional waivers for the parking lot landscape islands and the buffer planting mixtures and they agree to comply with both of those ordinance sections, so they won't need to request waivers for those.

Mr. McAndrew asked if the Board had questions regarding the Engineering testimony.

Mr. Borger asked if there were any questions from the Board.

Mr. Cappelli asked – Which waivers are you no longer requesting?

Mr. Shelly stated – Waiver for not having landscaped islands and they will agree to comply with it and provide landscaped islands every 20 stalls in accordance with the ordinance. The other waiver was for the planting variety mixtures of shrubs, evergreen shade trees and they will agree to adjust their plan to comply with that.

Mr. Guerrero asked – How many spaces are going to be lost if they add islands?

Mr. Shelly stated – They will lose up to 8 spaces by providing them every 20'. Landscape island with tractor trailers is not ideal and that is the reason they were designed like this without the islands because it's easier for the trucks to back up and not get damaged, but if it's a Township ordinance then they will comply.

Mr. Guerrero asked – Is there any berming on this site plan along Rancocas Road?

Mr. Shelly stated – Along Rancocas Road as they make the modifications to the storm water basin as highlighted in the Engineering review letter. They will see what they can do in that space to try and create a little berm to get our planting raised up a little higher and may even add a little depth in that space. They densely planted that space knowing that was the best area to create some screening for their entire development as well as the site behind them.

Mr. Dochney asked – If that Auto Service Center is going to remain in business but you are closing off the access to Rancocas Road would someone getting their car serviced have to go through the gate on Highland to access the Auto Service Station from the back?

Mr. Shelly stated – Yes, that would be the case and it would depend on how long the tenant is staying there. He referred to Mr. Hetzel for clarification.

Mr. Hetzel stated – The shop operates as by appointment only and he doesn't get much foot traffic.

Mr. McAndrew asked Mr. Hetzel – Is there only 1 bay that is operational.

Mr. Hetzel stated – Yes, there is only one operatable bay and one mechanic.

Mr. Borger asked – It sound like you are going to have your personnel on premises from 8:00am until 4:00pm and if someone wants to pick up their vehicle from the mechanic after 4:00pm how would they get in?

Mr. Hetzel stated – That the mechanic would have a password or a key card and the same would happen on the weekends when nobody was there then the mechanic would be able to let someone in.

Mr. Odenheimer asked – There is a landscape island on Highland Avenue that separates the travel lanes in that area. Is that access beyond that landscape island and can they make a left into this site, or do they need to go to the end of the road cul-de-sac turn around and come back?

Mr. Shelly stated – That was highlighted in one of the review letters and something that they are going to provide some supplemental survey information to show that they do have sufficient turning movement.

Mr. Odenheimer asked – As far as accessing the gate, you mention a keypad or a key fob are you proposing an island in that driveway that would house their equipment?

Mr. Shelly stated – There are several different means. Envision this as a self-storage facility without a building for your boxes, but when you pull up to those facilities, they have different ways of identifying who is there. It could be a tag on your car like an EZ-Pass that opens the gate, it could be a punched code that you enter, and it opens the gate, or it can be a key fob that you use to swipe. As the technology changes there will be different things, they can do here but the idea is that they pull up to a mechanism that they enter or swipe a code and the gate opens for them.

Mr. Odenheimer asked Mr. Dochney and Mr. Roberts – Do we permit 8' fencing and based on the location along the front yard, is this allowed?

Mr. Dochney stated – He did check the ordinance and non-residential properties in the Industrial Zone 8' fencing is permitted and anything in the front yard must be at least 50% open. They are proposing a chain link fence so, that would be considered 50% open.

Mr. Shelly stated – They are proposing to put the fence behind the landscape berming for aesthetic purposes.

Mr. Dochney asked – The current shade trees on Highland Drive are mature trees and they are of good size, and they are where you are proposing the driveway, do you know if you are going to have to remove any of those trees?

Mr. Shelly stated – They did not do specific tree locations, but they will do a supplemental survey and locate any trees that would have to be removed.

Mr. Dochney asked – In the planning review letter we requested specific revisions to the landscaping and lighting, are you ok with all those revisions?

Mr. Shelly stated – No, they are fine with everything.

Mr. Guerrero asked – Is it a condition of approval regarding trailers being dropped without a vehicle? The reason why he's making that point is because the warehouse to your South already has a restriction for not having tractor and trailers or trailers loading against the building as those are car spots and you can see that there are trailers parked on that lot. That's up to our Township to enforce those codes and which you can see they are not being enforced. Even though you are making statements that trailers can't be dropped or left on your site, how would that be enforced and are you agreeing to that type of restriction as part of your approval?

Mr. McAndrew stated – When Mr. Hetzel did his outline of use, he assumed that was going to be part of the approval. The approval would be defined by various conditions, that being one and also boats, anything standing alone would not be allowed. That would be part of the approval.

Mr. Guerrero asked – Was there any anticipation that companies would come in and rent blocks of spaces for different types of use. For example, Amazon or the USPS that have additional vehicles during the holidays where they might try to utilize this type of property for storage?

Mr. Hetzel stated – He's hesitant to say yes or no because he doesn't know. The intent is long term leases where clients know that they can utilize the space and Amazon using it as a leftover we start to get into a slippery slope of a Jockey Lot and that's not their intent. Each client will end up with a sticker and identifier, so they know what vehicle is coming in and out and we know what it is. Since they haven't been presented with that opportunity, yet he doesn't know.

Mr. Guerrero asked – Based on your testimony you have no restrictions as to how many vehicles can be in one spot and again going back to an Amazon Van where potentially they could fit 3 vans nose to tail in one space, or is it your intention to only allow one vehicle per space?

Mr. Hetzel stated – There would only be one vehicle per spot.

Mr. Guerrero asked – Regardless of the length?

Mr. Hetzel stated – Yes, that is correct.

Mr. Roberts asked – Regarding pervious coverage, on the site plan they have indicated that it's currently at 59.9% where 60% is the maximum. With the driveway connecting the repair facility to the parking area would that potentially take it over 60%?

Mr. Shelly stated – When they insert the landscaped islands that would offset the number connecting the two and maybe be below the number they are now.

Mr. Roberts asked – Are they aware where the actual septic field is located?

Mr. Shelly stated – No, they aren't sure but once they figure that out, they will provide that on the revision.

Mr. Thorpe stated – He would propose that the front of the property is the Rancocas Roadside.

Mr. Shelly stated – The ordinance states that when you have parking in a front yard within the front yard setback that's when the berming is required and none of these spaces are within the front yard setback so that ordinance doesn't apply there but when you get over to the I-295 side the pavement is in the technical front yard setback and that's why the berming ordinance gets triggered and it's only in this spot.

Mr. Dochney states – He disagrees with that interpretation. The front yard of anything is the front of the building which would be anything on the front wall. The front of the service station would technically be the front yard and a portion of your parking on Rancocas side does look like it will be in the front yard. Also, to clarify the ordinance does not require a berm it says that the Board may require a berm if they feel that it's appropriate.

Mr. Shelly asked – Even though they are two different properties it would still be considered a front yard?

Mr. Dochney asked – Yes, the way you are proposing this with parking on both lots. Are you proposing to consolidate these two lots?

Mr. Shelly stated – They don't have a preference one way or another. If it's easier for the Township to consolidate than they are fine with that or if leaving the one use on Lot 11 and the parking use on Lot 10.

Mr. Dochney stated – If the Board views the front of the shop as being in the front yard the Board may decide whether a berm is required. The ordinance states that it's not a requirement but the Board may require it.

Mr. Hetzel stated – They will be moving a lot of dirt and creating a berm wouldn't be a problem.

Mr. Dochney stated – It's ultimately the Board's decision but, since you are already moving dirt I think the Rancocas Road wouldn't be a problem. The I-295 side there is already vegetation and wouldn't be a benefit to clear out the vegetation to get replaced with a berm and then new planting on top of the berm may be less of a screen.

Mr. Hetzel stated – On the I-295 side there are some big mature trees that would be a shame to lose them.

Mr. Shelly stated – In his opinion he agreed, and it wouldn't benefit anything to remove the trees from the I-295 side.

Mr. Borger asked Mr. Dochney – What space are you talking about?

Mr. Dochney stated – The frontage along Rancocas Road and west of the service station. If they are already doing grading work to the storm water basin, then it should be hard for them to create a little berm in that area.

Mr. Thorpe asked – Do you want to put an 8’ chain-link fence around the front of the Auto Body Shop?

Mr. Shelly stated – Yes, it would need to be continuous, and they could provide some additional landscaping maybe some evergreens between the property line and the chain link fence.

Mr. Thorpe stated – In the past we have asked for aluminum or metal fencing on property sides that can be seen. The looks of a big 8’ chain link fence along the front concerns him.

Mr. Shelly stated – Their intentions for that fencing to be behind the landscaping so that it’s minimally seen even at all. The fencing is not to be a focal point of this facility it’s meant to be for security purposes only.

Mr. Thorpe stated – I understand what you are saying but that’s not what is shown on this exhibit.

Mr. Shelly stated – They had a conversation with the County, and they talked about removing the fence and they will submit subsequent plans referencing that and changing it to the Boards discretion.

Mr. Thorpe stated – In the past the Board has required that chain-link fences are either black or green vinyl.

Mr. Roberts stated – If they consolidate these two lots, we must note the requirements in the approval. If the two lots are kept separate, then cross easements will be required. They will have to be written into the deed or shown on the plans as access easements.

Mr. Shelly stated – If they stay separate, they have no problem providing easements.

Mr. Odenheimer asked – If the lots stayed separate and if the service shop remains running and the trucking facility which are not complementary uses, then would there be a 25’ buffer be required between the two lots since it’s not functioning as a single use?

Mr. Dochney stated – Yes, you are correct.

Mr. Shelly stated – We are asking for that variance regardless, but it’s good to note that if a buffer is required between the two.

Mr. McAndrew asked – Does the Board have a preference whether the lots are consolidated or kept separate?

Mr. Dochney stated – He does not have a preference and refers this question to the Board.

Mr. Borger asked Mr. Cappelli to answer this question.

Mr. Cappelli stated – He has no preference either way.

Mr. Borger asked Mr. Shelly to show the dividing lines on the exhibit.

Mr. Shelly shared his screen now showing a picture of a site plan and shows the separated lots.

Mr. Shelly shared his screen now showing the rendering and shows the separated lots.

Mr. Shelly stated that if it’s easier to combine the lots they are willing to do that.

Mr. Borger asked what the other Board members thought about consolidating the lot. He felt that making it one lot would be easier.

Mr. Grace stated – That making it one lot would be cleaner and more efficient.

Mr. Hetzel stated – They have no intention of selling off the Break N Go and the parking lot as a standalone. He agrees with making it one.

Mr. McAndrew stated – Since the County cut off the access in front of the service station consolidating the lots makes more sense.

Mr. Oddenheimer asked – Has anyone checked to see if this property is considered wetland? Geo-web doesn't show wetlands but on an aerial view it looks like there might be a potential for some.

Mr. Shelly stated – Yes, he walked the property, and nothing appeared wet. The soil test that they did on-site show great infiltration rates. There was no indication that any high-water issues or wetland vegetation was present leads them to believe there are no wetland issues on the property.

Mr. Roberts asked Mr. Shelly – Do you agree to obtain a MOI that show the absence of any wetlands on the property?

Mr. Shelly stated – If it's necessary, yes.

Mr. McAndrew called for his next witness Dave Shropshire, Traffic Engineer and asked him to state his background, credentials, and experience.

Mr. Shropshire stated – He's a Professional Engineer and Professional Planner in the State of New Jersey. He's been a Traffic Engineer for 40 years and he has his own practice, Shropshire and Associates. He has done traffic engineering studies throughout the state of New Jersey, Pennsylvania, and Delaware. He has appeared before this Board and over 200 throughout the state of New Jersey and Pennsylvania regarding traffic engineering and transportation planning.

Mr. McAndrew asked the Board if they have any questions regarding Mr. Shropshire's background and experience?

Mr. Borger asked Mr. Shropshire if he is presently actively licensed in the State of New Jersey as a Professional Engineer and a Professional Planner?

Mr. Shropshire stated yes.

Mr. Borger stated that Mr. Shropshire qualifies as an expert and may proceed.

Mr. McAndrew asked Mr. Shropshire – Your company did a traffic report on December 7, 2021, can you review that report and give us your conclusions.

Mr. Shropshire stated – I will lead off with the conclusion and then explain how we got there. He feels this will not have a substantial impact of any operations at the signalized intersection of Rancocas Road, Springside Road, and Highland Drive. There are about 25-26 hundred peak hour vehicles right now and that intersection has been designed to move that traffic through. Regarding what is going to happen on this site, as you heard during the testimony there wasn't any data that they could use to find out if this was going to generate from a peak hour standpoint for a daily standpoint. From the testimony you have heard tonight, it could range anywhere from a self-storage facility to a business part, and it could be a large variety of things. However, transportation engineer doesn't have anything that we can rely upon nor was there a site that we could go out to that was comparable to extract data from. So, what they decided to do was use a tractor trailer overflow lots that they have done some surveys on River Road in Burlington Township. We have done surveys out there for 24 hours daily activity, but we do believe that this would be a higher intensity type use that has been proposed here by the applicant. Once they applied that data that they got from that facility to this site they are showing no changes in the levels of service at the signalized intersection and showing no issues regarding the operation of the access and all those analyses were done on updated traffic counts in November of 2021 and they are beyond the Covid tampering of traffic when they did their analyses. That's the bottom line in terms of what they were able to do to try to access the traffic impacts of the site. From what you have heard there could be some very large variability of traffic activity depending on who leases these spots. You can also see that there is a wide variety of uses that might be a little more intense that has already been spoken about. If it's a contractor and they have several vehicles and maybe, they bring a van with several people that park in one spot that takes several vehicles in and out, that would generate

more than one trip. You can offset that with a long hauler that is there once a week or a recreational vehicle that is there maybe once a month or less. Between the balance of those things and the existing design of the signalized intersection there won't be any issues regarding creating any impact of this on the roadway. Mr. Shelly has done a good job in terms as of onsite circulation to provide for access to the building in and out of the spaces and the ability to provide safe access into and out of the property for the design of the vehicle. Based off of the Master Plan the B-1 Zone was planned to have this type of traffic use and the traffic intensity was planned for the site, so he thinks it doesn't have an impact from a traffic perspective. That's a summary of what's in their report and asked the Board if there were any questions regarding his testimony.

Mr. Roberts asked – Regarding the overflow calculation, you are talking about 55 parking spaces in Burlington Township. How was their intensity compared to what we are seeing here? What you brought up earlier regarding having someone come in with their own vehicle then pick up another vehicle and double their trips per parking space, is that something you would see in overflow parking?

Mr. Shropshire stated – Unfortunately it's not a direct comparison to that type of situation. The lot on River Road was more of an active maneuvering of trucks in and out and a place to put them when they are not maneuvering. Very distinct things but obviously we didn't have a big data pull.

Mr. Dochney asked – The driveway for this proposed parking lot is close to the driveway to the warehouse South of Highland Drive, do you see that as having any conflicts?

Mr. Shropshire stated – Based on the low turnover that he would also anticipate the in and outs that is going to happen here is basically lefts in and rights out of both driveways they are compatible they are not conflicting so he doesn't think there will be an issue.

Mr. Thorpe stated – The traffic becomes important, and he's been thinking about this since testimony started. The painter that has five trucks which means that's five passenger cars can be coming in early in the morning during rush hour and leaving at the end of rush hour. The traffic counts that they were provided with have not a lot of information, which Mr. Shropshire has admitted since there's nothing else to compare it to.

Mr. Roberts asked Mr. Shropshire – What would be considered the am peak hour?

Mr. Shropshire stated – He believes it was 7:30am until 8:30am.

Mr. McAndrew asked Mr. Shropshire – Are you relying on that a mix of tenants with different operational characteristics won't all be the same.

Mr. Shropshire stated – Yes, he believes that is what is going to happen here.

Mr. McAndrew stated – The other factor that you counted on was that the B-1 district can allow more intensity than what we are envisioning at this site.

Mr. McAndrew asked Charles Heydt to state to the Board his licenses, qualification, and his experience.

Mr. Heydt stated – He is a Professional Planner in the State of New Jersey, he is also a member of the Certified Institute which is the American Institute of Certified Planners. He's a graduate of the Bloustein School of Planning and Public Policy of Rutgers University with a master's degree. Prior to that he attended The College of New Jersey with a Bachelor of Science in Economics. He's been practicing planning for the last 14 years and have been licensed for 10 years.

Mr. McAndrew asked Mr. Heydt if he has testified in other settings?

Mr. Heydt stated – Yes, he has appeared before Boards throughout the state. He has not appeared before this Board, but he has been accepted in many different municipalities and towns to testify.

Mr. Borger stated – with Mr. Heydt’s education, training and experience he can testify to expert rendered opinions in the field of Planning.

Mr. McAndrew asked Mr. Heydt to go through the proofs for the use issues, and both the positive criteria and the hopefully lack of negative impacts.

Mr. Heydt stated – He visited the site today after reviewing the plans and discussed them with the project team. He is familiar with the site, and it is as described. They have the primary structure, the auto repair bay, on the property and cluttered is a nice way to put that facility. There are some vehicles currently waiting for service and the remaining portion of the property is unimproved, it is grass and predominately flat. The adjacent land uses do consist of the Luke Oil of the Highland Drive and Rancocas Road and to the South is the Industrial property, which is also in the B-1 district. Beyond Rancocas Road to the North is a mix of Industrial uses and Commercial Office Structures. East of this property is the intersection with I-295 and provides greater access with the Turnpike. This is a general description of the overall property. Regarding Zoning this property is in the Business Zone, North and South of this property are properties in the Industrial Zone, so there is a bit of a corridor along Route 295 that permits commercial uses. He gave examples of B-1 allowed uses and noted that light industrial warehousing is an allowed use, which is like what is being proposed. They deal with larger vehicles, parking for larger vehicles and the nature of them require larger lots so in terms of consistency he believes they are consistent with some of the uses permitted in the business zone. The relief that is needed tonight is straight forward, they need a “d1” Use Variance, because they are contemplating a new use and he believes everyone understands the nature of the use. The applicant has been candid with everyone that this is a new concept that they believe will be successful at this location. They are labeling it as a public parking facility like function as a low intensity storage yard with operable vehicles. That is the use they are requesting the use variance for. Now that everyone agrees of merging the properties, they would need another use variance to allow two uses on one property. What he is referring to is the medici standard which establishes that the justification is particular to the building, and we refer that as particular suitability test and, in this case, we identified specific aspects of this property that would lend itself to accommodate the proposed use. He thinks that they have met that burden and he will walk the Board through those justifications. It’s an oversized lot and the magnitude of this lot is 8.25 acres, but what’s contemplated in the B-1 district is 1.5 acres, so it’s substantially large and that is why they can accommodate the drive isle and depth of the longer parking stalls and that is the driving factor here in his opinion as a physical standpoint. This property has tremendous access to roadways and there are actually two frontages, and they are removing one access along Rancocas Road, which in coordination with the County seems like an improvement. Directing traffic inbound and outbound through Highland Drive is a benefit, in terms of the alternate or the proposed access because it is a regulated intersection at the light and would be able to manage the traffic coming to and from the site. Another aspect is the existing structure that in over time would be incorporated into the overall operations of the use they are proposing to make repairs and improvements to that facility. They spoke about traffic, parking, and circulation from a design standpoint he has reviewed the plans and discussed the circulation with Mr. Shelly and there is suitable onsite circulation between the width of the driveway and depth and width of the parking stalls. We heard testimony regarding the driveway to Highland, but we’ll coordinate that in terms of establishing appropriate turning radius for that driveway. To support the Use variance, he wanted to review some of the special reasons that the Board could find as it relates to this application. One, is to provide appropriate use and development of all the lands in the state in which will promote the health, safety, morals, and general welfare that is the purpose A of the Land Use law and in this case, he feels that it’s a good opportunity to activate a large property for a productive use in an appropriate setting. Purpose C is to provide for adequate light, air, and open space and they do provide for appropriate setbacks and the important thing here is you can see in the plans, and we have discussed to incorporate landscaping and screening throughout the edges of the property. There are areas that they don’t have the minimum width which is why one of the variances is sought but they do have landscaping in those areas. They can plant additional landscaping on the adjacent property at the owner’s permission. He feels that they provide for sufficient buffering for the adjacent properties and that will aid in appropriate provisional light and air and separation of land uses.



He thinks they have a new use that they would be contemplated by the Master Plan or Zoning Ordinance and a new use for him as well and it's exciting when they have new applicants that get creative. Lastly, he thinks this will make an aesthetic improvement with the landscaping and certainly the landscaping will aid in screening the facility but more importantly it's going to be out of site. The current property is void of any landscaping, down Highland Drive you do have shade trees and we are trying to integrate that into the landscaping along the roadways on this site. They do require a bulk variance for the width of the buffer and that was discussed where that is on the property, they are planting landscape in the area but only the width is an issue. In respect to the design waiver and the landscape berm, in the front yard area they can provide a berm while they are doing the work for the basin. There is a portion to the East that he wants to reiterate that is an established area with existing trees, so the process to create a berm there would require removal of those existing trees and it's ultimately the Board's discretion. Regarding the negative criteria, we must establish that there is no detriment to the general welfare as well as no substantial impairment to the Zoning Ordinance. In respect to the general welfare, he would like to reiterate a few points. They are a compatible use to the surrounding properties and it's a creative new use that will utilize a large property in an appropriate manner. The intent here and I will quote the operations, "We are not a jockey lot for warehousing, we are not a commuter lot, we are not an hourly parking facility, and we are not a truck stop". He would like to point out that it's a very specific type of use that he feels the Board can be comfortable with in terms of the limitations and understanding the nature of how they will operate. Regarding the detriment to the general welfare, they are making security improvements to the property. It will be staffed Monday – Friday during working hours and it will be gated with security access for customers. They are complying with all bulk requirements, with respect to impervious coverage that was raised, and they are introducing a substantial amount of coverage, but they are also complying with storm water requirements in terms of the retention basin. The traffic/parking circulation as we heard in testimony from Mr. Shelly and Shropshire, are designed to adequately will function appropriately and he agrees with that. Regarding landscaping, he feels that they are planting the appropriate number and variety of trees, 12 Red Maple, 6 Cypress trees, and many evergreen trees along the southern border and over 300 other types of shrubs and small plantings. He reviewed the Master Plans and he spoke with the Board Planner regarding the most recent Master Plan that was prepared in 2020 and he provided notes in the Board review memo, and he concurs. There are certain references from the Master Plan that are advancing. One is to provide for desirable non-residential development in appropriate areas in the Township, which will complement the existing character of the community, and which will aid in the broaden the local tax base. This is aimed at furthering that objective. Lastly, he wanted to note, with respect to the traffic, there was some discussion about the traffic on county road being a significant issue and here we have an opportunity to plan and direct traffic with a signalized intersection.

Mr. McAndrew asked if anyone had questions regarding Mr. Heydt's testimony.

Mr. Guerrero stated – Is this location appropriate for this type of use, being that its location is so close to Rancocas and with the different types of vehicles being placed on this lot he feels that it's a possible aesthetic issue. Is the landscaping that is currently on this plan will be sufficient to screen this site from Rancocas Road on this property?

Mr. Heydt stated – He drove around town on some of the roads and there was a car shop/dealership that didn't have any landscaping and he feels that the point there was to create a little more visibility of the vehicle being sold and in this instance that it's not the intent and we don't have to create the visibility and that is why they are proposing the substantial amount of landscaping and berming. From his perspective he feels that it's enough of landscaping.

Mr. Dochney stated – From a Planning perspective his primary concern is that the existing auto service business is not an architectural masterpiece for a beautiful gateway into the town from 295 and they are proposing some improvements there and he feels that the initial landscaping to the west of that building certainly will be an improvement and that aesthetically nicer than what is there now but on the other hand they are proposing a chain link fence to encircle that building and that building at some point in the future will mostly be inoperable other than the office that will hold the one or two employees of the storage lot. The existing parking in front of that building will otherwise be unused and will

be a vacant parking lot with a building that may or may not be used very regularly and have a chain link fence along the street frontage with minimal landscaping along that frontage. They are improving the West side of the lot where that landscaping will be nice but then the direct frontage in front of the building might be worse than it is today. He is also concerned regarding the vehicles that are going to be stored there. From a land use perspective, he feels it's not a lot different as a self-storage facility except that the storage of vehicles is occurring outside as opposed to someone storing their stuff inside a storage unit and he hasn't done and these vehicles will be visible from Highland, Rancocas, and possibly from 295. It is a concern but as with any use variance you must go with what is permitted on this site and this district does permit some light industrial uses including warehousing which does involve trucks and other things that are not necessarily the most beautiful facilities most of the time.

Mr. Hetzel stated – To clarify from an operations perspective, the intent that all the facilities that they intend to own in the future will be ran out of this facility. This will be their headquarters for multiple locations. In this short time while they are acquiring more properties and are currently under contract with several, there will be one employee, but this will be the hub.

Mr. McAndrew stated – The service station and shutting down the driveways only came up during the last few days so the plan that they had tonight was illustrated that it was being closed but they haven't designed the fencing and the landscaping in front of that area yet and they will work with the town to get that where it should be. It's not just going to be a fence across the driveways, there must be some concrete removed and landscaping then the fence will sit behind that.

Mr. Dochney stated – That sounds great but that is not what has been presented to the Board tonight.

Mr. Hetzel stated – The remaining volume of landscaping that they are proposing everywhere else on the property is safe to say that they will continue that volume of landscaping and screening everywhere else on the property. It's our business and can't look terrible.

Mr. Guerrero stated – Another concern that he has is regarding enforcement. He has seen at other storage facilities nothing like what they are proposing but some of these storage facilities will allow you to store your vehicle. They must be driven in and driven out but over time aesthetically they don't look the most pleasing because they can be run down, or someone might bring a trailer and just leave it there. How will this be enforced and if you let things slide and there is no enforcement how will the Township enforce something like that in the end to keep it from getting out of hand?

Mr. Hetzel stated – It is a fair point, and we have all driven by the abandoned looking storage facilities. Our intention is that they are going to employ urban parking lot access to a tow truck company that will tow vehicles that are not complying.

Mr. Odenheimer asked – He was looking that the access that goes across the Luke Oil property and he understands that there is an access easement there and do they need to be part of this application, or do they need to evaluate that site at all from impervious coverage of that area or because it's an access easement they are permitted to do what they are proposing?

Mr. Cappelli stated – That because of the access agreement they are permitted to do what they are proposing.

Mr. Borger asked if anyone had any more questions and no one responded, he then turned the meeting over to Mr. McAndrew.

Mr. McAndrew stated – That was the end to their direct presentation, but they will remain to answer any questions from the Public or staff.

Mr. Borger opened the meeting to the public.

Mr. Guerrero asked Mr. Borger to find out who the primary members are?

Mr. Borger asked Mr. McAndrew if it was ok if the two new members didn't vote on the application since the Board had sufficient members and they aren't sure which one is a member or alternate?

Mr. McAndrews stated – It's a Use issue it's a Zoning board seven-member vote and if it's seven members he's fine with it.

Mr. Cappelli asked – Does anyone have access to the mayor to find out since these appointments were made last night?

Mr. Borger stated – He will contact the mayor during the 5-minute break.

Mr. Borger welcome everyone back and stated – The Mayor told him that Ivan Alvarez is a member and will be for another 2 years. Ryan Fagan is an alternate for the 1.5 years. We will vote and we don't need Ryan's vote tonight.

Mr. Borger opened the meeting to the Public.

Bryan O'Neal – 15 Mayfair Circle – Mr. Cappelli swore in Mr. O'Neal. He doesn't see any problem with the usage, his question is. Why do they want to block off Rancocas at the gas station if they are looking to have that as their home base? He feels they would have better access to their home base off Rancocas Road. If you wanted to rent a space, you would have to go gate and hope there is someone there to buzz you in or to meet someone.

Mr. Borger stated – This was a requirement from the County and asked Mr. Hetzel to clarify.

Mr. Hetzel stated – It was part of a question, that intersection is troublesome, and the volume of accidents is unreal. They thought would be safer and the County agreed with us and liked the idea of us closing that off.

Mr. O'Neal stated that makes sense but on the diagram, he didn't see where there was any parking for employees.

Mr. Hetzel stated - that the front parking lot is still going to be available but would only be accessible to go through the parking lot.

Ronald Kuriskin – 4 Oak Tree Court – Mr. Cappelli swore him in.

Ronald Kuriskin – Wanted to ask a question regarding MRP. Mr. Borger explains to Mr. Kuriskin that right now they are only accepting questions regarding the current application and at the end of the meeting he will ask his question.

Mr. Borger asked Mr. Cappelli if Mr. Kuriskin was able to ask a question regarding a specific application at the end of the meeting.

Mr. Cappelli stated – The questions right now are for this current application and if you want to stay on until the end and ask a question about the previous application that would be ok.

Mr. Kuriskin stated – He will wait until the end of the meeting.

Mr. Borger asked if there were any other questions about this application from the public.

George Hayduchok – 22 Maple Tree Drive – Mr. Cappelli swore Mr. Hayduchok in. His concern is the potential of the business morphing into something else and allowing uses beyond what has been defined here. What kind of protocol will you have to enforce those types of uses? We admire folks that start new businesses and adventures, but let's say that the population of users decays and over time you might have to change the use and it becomes a truck stop or an overnight stop for cars he doesn't see a good enforcement mechanism and he understands the applicant is pledging to do that, but it will make it really complicated to enforce. There is a lot of asphalt here and in the even the business needing to change into something else you are limited to what you can do with that space and his fear is 5-10 years down the road you have a giant asphalt parking lot that will decay and potentially be an issue. What happens when 10

people show up at once and need to move their large vehicles while they are in their cars. Where do you stage your car as you get out and move your large vehicle then back your car in? Without somewhere for them to park this might be a logistical problem.

Mr. Borger stated – This is a use variance along with a hardship variance and asked Mr. Cappelli to address the first question.

Mr. Cappelli stated – If approval is given tonight the approval would only be for the use that is proposed by the applicant. If there was to be a change in use in the future that would have to go back before the Township and likely before this Board. The Township has very broad powers when enforcing any variances that are granted by this Board.

Mr. Borger stated – If the application were to be approved and they change or deviate from what they told the Board what the intended use was then the Zoning Officer can go out and site them and take them to court if necessary for violation of the Zoning Ordinance. If they wanted to change the use, then they would have to come back and seek another use variance and get approval.

Mr. Borger turned the second question regarding the black top to Mr. McAndrew or Mr. Hetzel.

Mr. McAndrew stated that there are a couple ways to look at the question. It will be new construction and with a good under base and a good topcoat and even if it's not used it's not going to fall apart right away. Initially the first few years it's under a maintenance bond. Given the location once the sight is developed and if it doesn't do well the location would be attracted to other people. He feels that this is a good location for this use because it won't generate a lot of traffic like other uses and eliminating the service station entrance near the ramp and as long as it's well screened it should be very nice.

Mr. Borger stated – He would like to add from a legal standpoint is that if the applicant wants to sell it, it remains available under the business zone for any of the available uses that the zoning ordinance allows in a business location in our business zone.

Mr. McAndrew stated – In his personable experience over several decades of doing this work is that towns can enforce the ordinances and the resolution either by taking it to Municipal Court and the Zoning Officer would file that through violations or they can take it to Superior Court and get a form of relief but there is plenty of enforcement mechanisms in that perspective.

Mr. Borger referred the third question about logistics to Mr. Hetzel.

Mr. Hetzel stated – It is a nightmare scenario and the best-case scenario if they were to run out of space. They built their models around 50% capacity and his feeling that they are going to have space due to the nature of timing. The trucker is going to come in at 10:00pm and the landscaper is going to be leaving at 7:00am from a logistics perspective and as they are approaching this there seems to be space flexibility. The right of ways is designed around semi-trucks and their turning radiuses with travel. With sleeper cabs and 3' trailers so anything smaller than that becomes less burdensome to the space. If a landscaper with an F250 and a landscape trailer is trying to maneuver substantially smaller than a sleeper cab and a 53' trailer, so there's more space and maneuverability.

Mr. Hayduchok stated - perhaps you can use a couple spaces near the building as staging areas if needed for vehicles.

Mr. Hetzel stated – that is a great idea, and he will bring it up with Mr. Shelly as we move forward.

Mr. Hayduchok wished Mr. Hetzel good luck and he thinks it's a cool and novel idea and he's in favor of entrepreneur like you.

Mr. Borger asked if there were any other questions. No one responded and he closed that application to the public and turned the meeting back to Mr. McAndrew.

Mr. McAndrew stated – In terms of summing up they are looking for 3 avenues of relief. The first is the use variance and they produced extensive testimony from Mr. Heydt on that and basically, it's low intense compared to other permitted uses. It's a new use and novel in a way it's groundbreaking and not anticipated by the ordinances and he testified that there would be no negative impacts generated from it. The second avenue of relief is preliminary site plan approval and the third which is related would be final site plan approval. There is one waiver and one variance associated with this and it was the buffer and the berming but they are connected as he sees it to the site plans. What he would appreciate is a vote yes on the use variance and then consider the preliminary and final site plan. If anyone has any questions, he will be happy to answer them, but this is what they are asking for tonight.

Mr. Borger asked – Do they have sufficient detail at this point to move to final approval? A lot of the details can be left to be worked out by the professionals but do the other board members feel there are sufficient details to vote on final site plan approval tonight?

Mr. Guerrero stated – They brought up the comments up regarding the berming which seem to be acceptable to the applicant, but he doesn't know what that is going to look like in conjunction with this plan. The other thing is regarding the 3 aspects that Mr. McAndrew brought up with the variances, there is 2 use variances and asked if they are voting on them together?

Mr. Cappelli stated – Yes, they can be voted as one because you can't have one without the other.

Mr. McAndrew stated – He agreed with Mr. Cappelli they go hand in hand.

Mr. Borger stated – One is a use that is not specifically authorized by the zoning ordinance in the business zone and the other is a use to have uses on one property. We can vote on that but then the question about preliminary and final site plan approval how do the board members feel?

Mr. Cappelli asked Mr. Roberts how he felt about it.

Mr. Roberts stated – He feels they have a good plan moving forward with the basin redesign. He talked with their engineer yesterday regarding that fact and he feels they be able to move forward with that. There's still some opportunity of discussion where the fence can be located and it's up to the board if they feel comfortable with agreeing in theory now and then make sure that it's incorporated in their future comment letters to make sure it's addressed during perfection. He feels comfortable moving forward with the final.

Mr. Odenheimer asked – If a berm is put in front of the storm water area will it take up a decent amount of land area to form that berm would you still feel comfortable that they can address that with adding a berm into that area and reducing the capacity of those basins.

Mr. Roberts stated – Yes, what's going to happen is that front side of the basin as it is shown on the plans as they are now almost function as a berm and just changing the elevation slightly to accommodate that should be able to fit that.

Mr. Guerrero asked Mr. Roberts – You are talking about a 5' berm or something different?

Mr. Roberts stated – Yes, that they need to check the elevations from Rancocas Road to see what kind of visual difference you will get. Every foot of elevation you will go 3-4 feet in width, so depending on exactly how that line of site works out they may only a foot or two to provide that screening level based off the elevation difference. If the roadway is higher than it would have to increase to provide the screening protection with a berm.

Mr. Borger stated – As you go higher you start to go wider and then that will eat away from the retention basin.

Mr. Roberts stated – Yes, there may also be a possibility that instead of putting the berm in the front, you still have the plantings there, but the berm can be incorporated to the rear of the basin. If the Board is not comfortable with moving forward with final until they see that on paper, then that's the Board's decision and he would support that in either direction.

Mr. Borger turned the meeting over to Mr. Shelly for his input.

Mr. Shelly stated – In his opinion the design isn't going to look substantially different than what is shown on the rendering. The plantings are there and the idea of raising those plantings higher from an overall aerial view is not different than what he's showing now. They will do a little grading in there and rework the basins to make it compliant, but he is confident that the image of the exhibit that he presented tonight is what's going to be the final design that would be implemented.

Mr. Roberts stated – He would like to point out that the basins had a little bit of additional capacity beyond what would have been required as one entire basin. Once they get split up, they have different ways to increase the capacity of them if necessary.

Mr. Shelly stated – He is certain that they can update the basin and make it work in the current location and add a berm if needed.

Mr. Thorpe stated – It's a 5' berm and he would like to see what it's going to look like, the exact plans. He would vote for a preliminary and he would also like to see the berming that is going across and the fencing that is going in front of the body shop.

Mr. Roberts stated – He supports that approach.

Mr. Borger stated – They can be brought back next month.

Mr. Henley stated – He agrees with Mr. Thorpe, and they want to be sure and to see the plan makes a difference.

Mr. McAndrew stated – On behalf of the applicant, it sounds fair to him, and he appreciates that the Board wants to see it.

Mr. Borger stated – They can vote on the use variance tonight and the preliminary after.

Mr. McAndrew stated – That is very fair.

Mr. Henley stated – He is fine with that decision as well.

Mr. Hetzel asked – Can we vote on the use variance and the preliminary and come back next month for the final?

Mr. Borger stated – He thinks so. Then asked the Board if they were ok with that?

Mr. Hetzel stated – That seems like a fair approach.

Mr. Borger asked Mr. Dochney for his input.

Mr. Dochney stated – He is fine with that. The other issue in addition to the berming of the landscaping they said they are proposing some type of modification to the asphalt in front of the auto service shop, and he would like to see what that is and something the Board might want to see as well. That is going to tie into the landscaping along the front and have a pretty big impact the area on an aesthetic stand point. It's a good idea for them to come back next month with more concrete plans of how they are going to address the county's comments and address that frontage, regarding the berming and the asphalt.

Mr. Hetzel stated – It's a fair question and he agrees that voting tonight on the variance and preliminary is fair.

Mr. Borger stated – We have another application that we will not get to tonight. That is the Kristina Dera, Block 1207, Lot 2, Rita's Water Ice. This application will be continued to next month's meeting.

Mr. Borger stated – Let's move ahead on voting for the Use variance.

Mr. Cappelli stated – We have an application for two use variances. The first use variance is from section 250-15a, permitted uses a truck parking facility as proposed is not a permitted principle or conditional use in the B1 district. Therefore, a d1 use variance is required as is a variance in this zone for which the applicant is asking to have two permitted principle uses and that is the second use variance. These can be voted on together and when voting on these use variances the applicant has the burden to meeting the positive and negative criteria. Both must be satisfied to grant the use variances that have been requested. The positive criteria can be satisfied in one of three ways, 1. That there is a practical hardship in using the land for one of the permitted principals uses. 2. That the proposed use is entirely beneficial. 3. That the proposed use will advance the purposes of zoning as a numerated municipal land use law. For any use that is not entirely beneficial the applicant must also show that the site is particularly suitable for the proposed use. The applicant here must show that to use the property as a truck parking lot would be more beneficial than using it for one of the permitted uses. The negative criteria must be demonstrated that the variance can be granted without substantial detriment to the public good and will not impair the intent and purpose of this zoning plan. Which means that the truck parking on this site will not have substantial negative impact on this surrounding community and that a use is not contrary to the stated and implied intent of the township zoning ordinance and land use plan.

Mr. Borger asked if there was a motion to approve or deny the application for the use variance? Mr. Borger motioned to approve, Ms. Karp second. Approved – Mr. Borger, Mr. Grace, Ms. Karp, Mr. Alvarez. Opposed – Mr. Guerrero, Mr. Thorpe, Mr. Odenheimer stated although he likes the vision to an extent, he doesn't feel that it's beneficial and better than other potential uses for this site. Mr. Henley and Mr. Carr originally voted yes but because it's a use variance they are not eligible to vote.

Mr. Borger stated – This is a use variance and to pass it needs 5 votes, so it does not pass. We can break it down to two separate use variances, but he doesn't think that is the issue here.

Mr. McAndrew stated – given the confusion in the vote can we revote.

Approved – Mr. Borger, Mr. Grace, Ms. Karp, Mr. Alvarez. Opposed – Mr. Guerrero, Mr. Thorpe, Mr. Odenheimer

Mr. McAndrew stated – Thank you for revoting. The other application will be carried to the May 4<sup>th</sup> meeting.

Mr. Borger stated – The public is aware the application for Rita's water ice will be heard at our May 4<sup>th</sup> meeting at 7:00pm and there is no need to re-notice.

**IFORMAL APPLICATIONS:** None

**CORRESPONDENCE:**

Letters regarding MRP was covered during the application.

**OPEN MEETING FOR PUBLIC COMMENT:**

Ronald Kuriskan stated – Going back to the evening regarding the application for MRP. Can you clarify who now has the final say for the final MRP sit approval? Is that Burlington County or is it Westampton?

Mr. Borger stated – Westampton makes the final call and this Board denied that we had jurisdiction to hear it.

Ronald Kuriskan asked – The MRP application has been denied?

Mr. Borger stated – They have their appellate rights, and they can appeal their application to the Superior Court of New Jersey in Burlington County, or they can refile with a new application for a use variance first. So, they have two choices, but it is denied, and the Board determined that they did not have jurisdiction as a Planning Board to grant their application because a use variance was required, and we already hear testimony as a planning board and there was no use variance before us. It was defective and denied. They must decide whether to appeal or reapply for a use variance and if that's granted then apply for preliminary and final subdivision approval.

Ronald Kuriskan asked – Will the Westampton Board get noticed if they go to the Superior Court?

Mr. Borger stated – Yes, Mr. Cappelli will be noticed as solicitor to the Board.

Ronald Kuriskan asked – Will that information be supplied to residents?

Mr. Cappelli stated – That up to the Township as to what they make public or don't, these are public filings, so they are available. This Board has an obligation to defend the suit if they choose to do so. The board can notify the public if an appeal is filed.

Mr. Guerrero asked – Is there limitation to how many days they must file the appeal.

Mr. Cappelli stated – They have 45 days from the date that it's memorialized.

Ronald Kuriskan asked – If that from today?

Mr. Borger stated – No it would be on May the 4<sup>th</sup> once the Resolution gets written, approved, and then signed.

Brian Morgan – He wants to point out that the optics of how this entire process works is strange. They came so dangerously close to approving an abomination in the middle of a residential area was really denied simply by the existence of a cellphone tower. Yet, we deny a parking lot that was going to be well hidden by trees in an area that is mostly warehouses that wouldn't have bothered anyone. He doesn't understand the logic or the regulation of these ordinances behind how the warehouse can be so closely approved.

Mr. Borger stated – Thank you Brian and he appreciated the input.

Mr. Borger stated – That the Board in its own conscience and acting on behalf of the public must make decisions that they feel with each application would be in the best interest of the Township. Obviously, you can't please everyone on every vote, but each member on their own must make those decision whether the application meets the criteria of the Municipal Land Use Law or doesn't. When they voted tonight there was a split in opinion of the Board, but the split landed a way on this application tonight that didn't favor it.

Brian Morgan stated – He's not suggesting any member of the Board did anything wrong. He feels that the Board is guided and limited by Township ordinances and zoning laws. That is what he is questioning. He is not questioning the Boards actions but what causes you to act the way you do.

Anthony Goetz – He would like to thank the Board for doing what was right with the MRP tonight but it's sad that it took a year to get to that point. On a different topic, the Master Plan was referenced numerous times and the previous application, and he knows that the Board went to the committee to see about having the Master Plan redone. What extent was the Board planning on doing from a Master Plan standpoint. From research that he has done if it's piecemealed the costs can be from \$15,000 to \$20,000.00 depending on the scope. If the township goes the full route, it could be upwards of \$100,000.00 and it take about a year. He's just trying to see what the Board's intentions are from a Master Plans standpoint.

Mr. Borger stated – We need authorization from the Township Committee before this Board can move forward and turns this question over to Mr. Guerrero.



Mr. Guerrero stated – The Board has sent the Committee a letter because what the Board found, especially with the redevelopment areas that we have had recently and the overlays that we have had, for example the Hospital and the Agrihood situation with the Hogan farm. The township has had changes with the low-income housing agreement that changed certain things and some comments from Gene Blair when he was serving on the Board that he found there were some deficiencies within our Master Plan because of those changes. We are just basically trying to tidy up some of those issues that have come up because of the changes that they have made. The requirements that came from the State regarding the low-income housing as well as some of the redevelopment plans. It's not one big thing that needs to be fixed there's a lot of little things that need to be reviewed and fixed.

Anthony Goetz stated – He discussed this last night at the Committee meeting and when he pushed for a figure it seemed like they were looking for a total review and it seems like the Committee is against spending that kind of money. If the Board isn't saying what the scope is and just request money, then there may be a disconnect in the communication between the Board and the Township Committee regarding what is needed to get a Master Plan or start working on pieces of the Master Plan. If the Board piecemealed it, then it's something that can be done each year and potentially get to the full workup. Ultimately what the Board and the residents want some work done to the Master Plan so something has to be done and he feels it starts with defining the scope of what is to be done and allows the committee to budget adequately.

Mr. Borger stated – He doesn't know if the Master Plan can be piecemealed. When you review the Master Plan you are looking at the Township at large, how it's zoned, areas where change would be appropriate. Mr. Borger asked Mr. Dochney for input.

Mr. Dochney stated – He has had discussions with the Township Solicitor as well as the Committee in an executive session about a month ago to discuss exactly what Mr. Goetz said and briefly went over the options. He agreed that Mr. Goetz's research and pricing of Master Plans are incredibly accurate. As far as he's concerned the Committee is considering the options but doesn't know if they have made any decisions yet. They are aware that this is something the Planning Board wants, and they are looking to see what they can fit within the budget.

Mr. Guerrero stated – The changes that he was talking about have happened in the last 3-4 years since the last Master Plan review so are you in agreement that some of those changes that happened had some adverse effects to the Master Plan and need to be tidied up.

Mr. Dochney stated – There is always a few issues or when circumstances change, but the last Master Plan in 2020 was narrowly tailored to address a few issues and it wasn't a comprehensive reexam of every little point in the Master Plan or every point in the Zoning Ordinance, certainly there are some issues in the Zoning Ordinance and some inconsistencies in some things that can be cleaned up. From discussion he has had with the Solicitor and Township Committee the primary issue that they would like to address and outline a scope of work for a sort of narrowly focused agenda into a Master Plan would be reviewing some industrial uses and particular things like warehouses. Since the market or the nature of what is a warehouse is a lot different from what was originally contemplated when the Zoning Ordinance was drafted in the 1970's or 1980's and what a warehouse then and what a warehouse now and the market demand for trucking and shipping and warehousing and that sort of storage and distribution facilities it's a lot different than it used to be. That is the focal point that has come up when he was talking to the Committee and can something be done about that in the Master Plan and be within the Township budget.

Mr. Guerrero stated – We have referenced in the past some of the applications about the envision plan and that was done in 2010 and that was paid for primarily by state funds is that something that can be looked at again in the future? We are twelve years past that envision plan and there are many aspects of that vision plan that are obsolete based off certain types of redevelopments within the township.

Mr. Dochney stated – Anytime you are amending a portion of a Master Plan you can include some statements to the effect of this section of the vision plan may be out of date or if you want to revise a few sections. They did not discuss that at the meeting with the Committee about redoing the vision plan entirely that is not something that had come up but that is one component currently of your Master Plan.

Mr. Guerrero stated – He was focusing on primarily what is the 541 portions of the vision plan and he feels it's totally obsolete based off the agrihood zoning that was approved on the Hogan Farm. This makes the whole possibility what was written in there obsolete and not possible anymore.

Mr. Dochney stated – You are correct.

Mr. Borger asked if there were any more comments from the Public. No one answered so the meeting was closed to the Public.

**COMMENTS FROM BOARD MEMBERS, SOLICITOR, ENGINEER, PLANNER AND SECRETARY:**

Mr. Odenheimer welcomed Mr. Alvarez and Mr. Fagan to the Board.

Mr. Borger welcomed Mr. Alvarez and Mr. Fagan to the Board.

Mr. Henley welcome Mr. Alvarez and Mr. Fagan to the Board.

**ADJOURN**

Motion to adjourn Mr. Guerrero, Mr. Odenheimer second. None opposed.

Respectfully Submitted,  
Jodie Termi, Board Secretary