

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

August 3, 2022

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on August 3, 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. Holshue, Mr. Jones, Mr. Odenheimer, Mr. Thorpe
Absent: Mr. Fagan, Mr. Henley, Mr. Ottey
Professional Staff: Attorney Louis Cappelli, Engineer Michael Roberts, Planner Chris Dochney, Secretary Jodie Termini

SWEAR IN PROFESSIONALS:

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

MINUTES:

June 1, 2022 - Regular Meeting Minutes

Motion to approve Mr. Carr, Mr. Odenheimer second. None opposed. None abstained.

July 6, 2022 – Regular Meeting Minutes

Motion to approve Mr. Odenheimer, Mr. Jones second. None opposed. Mr. Carr, Mr. Grace, Mr. Guerrero abstain.

RESOLUTION(S):

17-2022 – The Redeemed Church of God, Tabernacle of Peace. Granting Minor Site Plan Approval and Use Variance. Motion to approve Mr. Jones, Mr. Borger second. None opposed. Mr. Carr, Mr. Grace, Mr. Guerrero abstained.

OLD BUSINESS: None

NEW BUSINESS:

Rancocas Holdings, LLC, Block: 201 Lots: 10 & 11, 598 Rancocas Road, Truck Parking Facility. Continue to September 7th. All in favor. None opposed. None abstained.

BBL NJ Land, LLC, Block: 906.07 Lot: 8.01

Extension to Resolution 17-2019 – All in favor. None opposed. None abstained.

Woodlane Logistics, LLC, Block: 804 Lot: 12 (Irick & Woodlane Road), “d” Use Variance, Preliminary and Final Major Site Plan approval. Construction of two warehouses/distribution facilities, building one approximately 307,520 square feet and building two approximately 205,140 square feet). Due to

connection issues the Board only has five voting members and Woodlane Logistics requested to move to a different date when all voting members would be present. Secretary Jodie Termi will arrange a special meeting date.

INFORMAL APPLICATIONS: None

CORRESPONDENCE:

APCO Westampton, Block: 904 Lot: 2, 2036 Route 541, Westampton, NJ 08060. Roderick Swan, PG, Environmental Geologist. This letter was addressed, and Mr. Dochney will respond in writing.

OPEN MEETING FOR PUBLIC COMMENT:

Terrance Brown - 9 Pinetree Drive, Westampton – Asks what is the status of the Master Plan?

Mr. Dochney states - The industry is changing a lot and faster than zoning regulations are keeping up. So, we're looking at how we can keep pace with those industry changes so that newer large industrial developments are appropriately cited and have conditions associated with them that are reflective of the need. That they are minimizing the potential negative effects on residences. At the request of this board, the township committee has put forward a budget for them to sign the contract and I am working on that.

Eileen Kuriskin – 4 Oaktree Court, Westampton - Asks the Board when will the meetings be back in person? She feels that virtual meetings are a waste of time, and no one gets to be face to face anymore.

Mr. Borger stated – We anticipated that by now we would be back in person, but unfortunately COVID keeps changing. We are currently dealing with another easily transmissible variant. Burlington County is one of the hotspots in the state right now. I cannot safely put 100 people inside the Township meeting room. The answer is we don't know when we will return to in person meetings at this point it depends on Covid. When we prepare for a meeting, we go over everything, and we're ready to go. If we have technical issues or a lack of personnel, that prevents us from moving forward and it is very frustrating, but we have to keep the safety of our residents in mind.

Bryan Oneal – 15 Mayfaire Circle, Westampton - Asks the Board if they know how many warehouses are in Westampton?

Mr. Borger states - We would have to sit down and count them and there are warehouse complexes and by that, I mean, more than one warehouse building on a lot. If they are in the Industrial Zone, then they comply with the rest of the Zoning ordinance and there's nothing the Board can do about that.

Bryan Oneal states – I want to know how many warehouses we have in Westampton Township now and how many are vacant?

Mr. Dochney states – I think there are a little over 20 warehouses in the Industrial Zone right now.

Bryan Oneal states – Is there any that are unoccupied right now?

Mr. Borger states – I honestly don't know the vacancy status of any of them at this time. As our planner said, the industry is changing, and the economy is changing, and we've got to get our zoning ordinance up to the current conditions. The law always follows society and when changes occur in society then the law very slowly follows those changes to adapt to it. That's one of the things we're doing is trying to adapt to changes in the economy that impact Westampton and make sure that our zoning ordinance is appropriate for current times. We are inundated with warehouses in this area but it's not just Westampton Township, it's all up and down the 130, 295 and Turnpike corridor. These roadways allow easy mobility for the trucks to get on and off and distribution centers can be set up for what has come to an online environment. Amazons and other online distribution companies are replacing the brick-and-mortar retail stores, and malls. We're trying to do what we can, working with the Township Committee to adapt our zoning ordinance to those changing times. At the same time, keeping in mind, it's not just about accommodating the warehousing industry, we must be concerned about the residential zones, and how they're impacted by warehousing. We must be concerned about transportation, how the road systems can accommodate changes, which is why when applicants come before us, they often bring in a transportation engineer who has done studies to determine the anticipated impact of the application or the existing number of cars and trucks and other vehicles on the roadway. We take all of that into account but it's a balancing of the interests of the residents who come out to these meetings, and other occupants of the Township who are more industrial or corporate in nature, who generally don't attend these meetings, but nonetheless, periodically come in with applications but it's an ongoing process.

Terrance Brown states - Is there any type of registration for those warehouses being vacant? Are they assessed an additional tax for being vacant or a vacant registration or something like that? If not, would that be a recommendation of the Land Development Board to the Township to look into that? The second question I have is regarding the Master Plan. Have you guys considered looking at the variances for multiple uses? For example, recovery houses within the township? Is that an outlook of what you may propose to the township committee to look at for future use? I know there are a lot of institutions now looking to open recovery houses.

Mr. Borger states - As to the second question, I think many of the operations you talked about would fit within the business zone. Right, Chris?

Mr. Dochney states – Yes, that is accurate. The current study that we are doing is more focused just on industrial uses, and more narrowly focused primarily on warehouses. There are several things in the ordinance that I do think needs to be addressed, but that's really not the scope of the work that we have been authorized to do at this time. That would be part of a much larger comprehensive Master Plan Review.

Mr. Borger asks - What's the date of the last master plan?

Mr. Dochney states – The last land use element and original Master Plan which is technically part of the reexamination and land use element was 1997. It has been reexamined five or six time since then and the last examination report was done in 2020. That was done largely to incorporate the affordable housing plan. So technically speaking, the Master Plan reexamination report, even a bare bones document is not due until 2030. A lot of your zoning ordinances are a little bit outdated and there are some conflicting standards between various sections of the site plan review ordinance and the zoning ordinance. That could be cleaned up, but an actual master planner examination isn't due until 2030 and the current zoning ordinance is considered valid until 2030.

Terrance Brown states to Mr. Dochney – As the Board Consultant, have you submitted a list to the Land Development Board or the Township Committee the things that you think should be addressed?

Mr. Dochney states - I don't have a list that I have submitted. Part of the initial request from this Board was a written letter that Mr. Guerrero and Borger submitted to the Township. I do know the committee is aware that the Land Development Board would like to undertake this effort, but it's a matter of determining where they're going to find the money in the budget for such a thing because it's not technically due right now. That's a better question for the committee. I do believe they have been made aware that there are some issues in the ordinance that could be updated outside of just this, but this just focuses on warehouses.

Terrance Browns states - So as a consultant, have you submitted to the Board or the Township Committee a list?

Mr. Dochney states - I have not submitted any sort of proposal or professional report to the Committee yet.

Mr. Borger states - That's what we are working on.

Terrance Browns states - So you have been requested to provide a narrow version of the Master Plan not have a full comprehensive review. What you have been hired as a consultant to do?

Mr. Dochney states - At this time, we're only contracted to do in an industrial and warehouse use report. There are many other things that could be reviewed and should be reviewed at some point in the future.

Mr. Borger states – Mr. Dochney in your report can you highlight those other aspects so that the township committee is aware that these are items that need to be addressed with you?

Mr. Dochney states - I can certainly include recommendations in the report. This is not the only issue that can use some updating, for example the zoning ordinance which was adopted at some point in the 70s and then updated periodically. Some of the sections aren't necessarily out of date but are conflicting. In particular, the signage and landscaping, which has been noted in previous master planning examination reports. The master plan reexamination report says we need to update the land use ordinance, that's really something that can be done quickly. Then actually updating the entire zoning ordinance to remove all inconsistencies is very involved and will take a long time to sit and draft to make sure that you're not creating any new inconsistencies. We have to get something done and the Township Committee has made the decision we're going to do one small part and maybe at some point in the future, they will then elect to do some more comprehensive review and updates but not just yet. The full Master Plan is valid until 2030. This is not a Master Plan reexamination report it would just be an addendum to the land use element or a technical appendix to the master plan. The Master Plan in use is from 2020. We're talking 2030 is the tenure deadline.

Amber Pingitore – 71 Sherwood Lane, Westampton - I just wanted to confirm that what Mr. Dochney just said would appear in the minutes and be more memorialized in the future, so there's a record that a professional had suggested a wider scope, rather than just the narrow focus on the warehouse.

Mr. Borger states – All the comments should be in the minutes prepared by Jodie. It should include that statement and that Chris recognizes there are additional changes that need to be made. So, the plan is as consistent as possible, the Master Plan and the zoning ordinance itself. At this point, he has only been authorized as a company, to do a piece of the pie, so to speak, focusing on industrial and warehouse. Certainly, this comes up when applications come before us. We find inconsistencies between different parts of the zoning ordinance that we must resolve.

Mr. Dochney states – Westampton is no different than any other municipality because it's always a balancing act. The taxpayers' funds protecting taxpayers, how much you want to spend on professionals to do these plans. Every town

struggles with tight budgets. I think you should be clear that this is always a waiting process for every local government in the state as how much to spend in looking at the master plan. Just to reiterate, as I said before, how big of a process this can be. At the same time, once you get started, if you don't really get it right, then it could be just throwing away money. It's not as simple as hiring me, for us to sit down on a computer and hammer out a report next month to get it all cleaned up. The township is certainly aware that by 2030, they will have to budget \$150,000.00 to \$200,000.00 for the required master plan written review. The Master Plan examination report, which is what most towns do every 10 years.

Mr. Brown states - While money is a consideration, I think from the taxpayers view you must look at it as what type of environment you're trying to do and what kind of city you're trying to build. This whole concept of building up the community, can really destroy a community, if these variances are not looked at things won't turn out good. These things shouldn't be overlooked because it costs a lot of money there should be some consideration about the future of Westampton down the line.

Mr. Borger states - Absolutely, Mr. Brown, I think everyone agrees with you, we must have a long-term view. We must consider the wishes of all the residents. We'd like to see more commercial and industrial ratables come in and pick up more of the tax burden off the shoulders of homeowners. So, there's always a balancing act, it is all about getting the viewpoint of everybody involved and trying to develop a consensus. It falls basically on the Township Committee to do that, and they come back to us for input as the Development Board.

Mr. Kuriskian states – I'm disappointed with some of the things that Mr. Dochney has said, and you have said Mr. Chairman, considering the warehouse on Irick and Woodlane. Obviously, we've known about this for months now, and obviously, many people in the township object to this. Look at where the Burlington Mall used to be. There's a huge warehouse going up there and there's another warehouse going up on the 541 bypass and Marne Highway. I'm not sure that anybody is considering the traffic congestion is going to increase with these additional warehouses going up. Not to mention all the other ones that have been going up in adjacent townships. This is going to impact traffic going through our township. We have a couple of major thoroughfares and I think it's been very clear through these public meetings, that the citizens of Westampton don't want any more warehouses going up. We have these two industrial zones in Westampton and one of them on the Irick Road and Woodlane Road has been sort of like carved out. Pretty much all the other warehouses have been on the other side of the Turnpike, everything else is the opposite side of the Turnpike, which is pretty much residential areas. I'm quite disappointed the township isn't on the side of the citizens of Westampton. I've attended at all the meetings and I'm quite disappointed that the township is giving short shifts to the Citizens of Westampton. You have given multiple hours for the people that want these warehouses. However, what's going on is that the citizens are getting the short shift of this. The voting citizens and their concerns have been minuscule compared to the Applicants and I'm disappointed that you aren't giving the citizens of Westampton what they want. This has been going on for months and months. I'm very disappointed but I understand that we've had the COVID problem with the Zoom meetings. I think we should be back in person where the citizens of Westampton Township can address the concerns directly to all parties involved in a face-to-face meeting. I don't understand why you are continuing doing zoom meetings considering that almost everything in New Jersey has opened. I really think the consensus of Westampton would like to have a person-to-person meeting. The other thing is, all sudden, we want to have a sub-committee just to address this warehouse and this needs to be done in normal business hours. It seems like you're accommodating the applicants more than the citizens of Westampton. I'm very disappointed and I'm trying to tell you that a lot of other citizens of Westampton township are also disappointed. You really need to start addressing the concerns of the citizens of Westampton and put them first. Thank you very much.

Mr. Borger states - Thank you. I do appreciate your concerns. I hear what you're saying but I'm still concerned as Chair that we can't bring 100 people into the municipal building at this time safely. We still have Covid whether everyone acknowledges it or not, the Governor or Government indicates that Burlington County is still a hot spot for the spread of COVID. My office has been hit hard with three people came down with COVID last week and right now we are working remotely for fear of further spread within the office. We are still not back to normal. We will get there but we just ask for your patience until the time when it's safe to have in person meetings again.

Mr. Kuriskan asks -Why don't you have the meeting outdoors? I was just at the Westhampton Amphitheatre and there were hundreds and hundreds of people there. Why can't you go outdoors?

Mr. Borger states - Okay, we have different opinions at where COVID is right now. To have it outdoors, I don't know that is possible. Mr. Borger asks Mr. Cappelli, Solicitor for his opinion.

Mr. Cappelli states - I've never seen a meeting held outdoors and certainly it would be dependent on the weather. You also must recognize the fact that we have to record these meetings. I don't see how having these meetings outdoors is something practical.

Mr. Kuriskan states – There could be an entire sound system there and just pass a microphone around to everyone that is there.

Ms. Termini states - I have to make sure I have a good recording of these meetings so that I can take accurate notes. With meetings being held outside I don't think the sound quality will be efficient. It's not as easy as you think it is.

Mr. Kuriskan states – Burlington County has been able to do it.

Mr. Borger states – Regarding your other question about the citizenry of Westampton Township and by that I think you mean homeowners. We are aware of the public's sentiment regarding the warehouses in the township. There are signs everywhere, people come out and speak about it. We're aware of it. Unfortunately, we're limited by the zoning ordinance. If someone comes in and says I want to put up a warehouse or a distribution center in industrial zone we can't just say we don't want any more warehouses and we're going to deny your application. They will immediately appeal to the Superior Court and the decision will be reversed and we will be told to reconsider the application after the township incurs legal fees.

Mr. Kuriskan states – I'm not objecting to what you're saying, and I totally agree with Mr. Dochney and what he is saying that we must look at all the warehouses now and the master plan and zoning. All these things that are coming up, including the warehouse at Irick and Woodlane can be considered in that zoning district.

Mr. Cappelli states – When a member of the Board is speaking please listen to what they are saying and please do not interrupt them.

Mr. Borger states - I've heard what your concerns are and they're certainly legitimate. We all have different agendas. Our agenda on this board is not to promote warehouses but to consider each application that comes before us to listen to the good and the bad and we've turned down applications that we felt were not beneficial to the Township and not in compliance with the zoning ordinance or intent of the master plan and we'll continue to do that when it's appropriate. I do value the opinions of the members of the public, citizens, and homeowners who come out. All the comments that

were made tonight have not fallen on deaf ears, we've heard what you've had to say and it's important, we need to hear it. That's what the public comment section of meeting is for so you can let us know your concerns and your thoughts.

Mr. Brown states – I have lived in Westampton a little over a year now and my concern is I've heard from the Board and the council themselves and I have attended numerous meetings. There seems to be some confusion or lack of communication regarding the master plan.

Mr. Borger states – I must give credit to Mr. Guerrero. He's the one that really moved forward and realized that we had to review this master plan. We all listened to him carefully and then we had to ask the committee to give us the authority to do something about it. We did that and then we come to the typical governmental problem, the money, or funds. We've gotten a very limited response from the committee saying we can't budget for a complete review, and we just want you to do a limited focus review at this time. There's a Township meeting in 6 days and I urge you to attend and speak up.

Mr. Brown states - They put it on you guys and I'm just trying to get an understanding. There's inconsistency and we the taxpayers need to know and understand this before voting.

Mr. Borger states - Clearly the Township Committee has the responsibility and the discretion to decide whether it's to be done, as a Board we don't have that authority. Is that correct Mr. Cappelli?

Mr. Cappelli states - There's a process within the code that updates the master Plan. The process has begun as the focus as you said in the beginning with warehouses and industry. Obviously, the Township is listening to the public and that's what the focus is.

Mr. Oneal states - I just want to say I'm on a Board Member of Fernbrooke HOA and we have been doing Zoom since COVID and continue to do our meetings through zoom. We have found with using Zoom we have a bigger turn out for our quarterly meetings then we had in person. We used to have eight-ten people show up in person and now using Zoom we've had 30 plus people show up. People don't want to get out of their houses and travel. People just want to sit at home and attend these meetings through Zoom. You must embrace the technology and use what was given to us. Another option could be to livestream then we could have people live and watching at the same time. I like the fact that you can share the documents where if you were in person, you wouldn't be able to see any of that.

Mr. Borger states - It was always a concern of mine in the live meetings when the witnesses have charts and diagrams. We tried several different angles so that the board and others can see what this is referring to. It just doesn't seem to be able to be accomplished in person. So, I do understand, appreciate your comments.

Mr. Oneal states - Technology with good Wi Fi and things like that are an issue, but I think I get a better turnout to our HOA meetings now that we are using Zoom.

Mr. Guerrero states - I agree with what Mr. Oneal was saying. I find Zoom to be helpful. It's a better way to review before the meeting and to see everything that everyone else was seeing versus being in person. Zoom gives the public a chance to see the documents as well as get applications moved. I've zoomed in on these meetings while I've been on vacation which if it was in person, I wouldn't have been able to attend and possibly the application wouldn't have moved forward. That flexibility right now is good. I do look forward to going in person at some point. I also have a question for Mr. Capelli regarding Mr. Ottey, is there something that needs to be done or can our Chairman reach out to him and request his recognition?

Mr. Cappelli states – Yeah, I think the Chairman can do that?

Mr. Guerrero states – I have a question regarding Rancocas Holdings, is that something we can move on with considering they were denied in April and haven't made any substantial changes to what they are now proposing on their new application?

Mr. Cappelli states – That would depend on whether they have made substantial changes to what they are proposing.

Mr. Guerrero states - So would you make that determination, or would the Board make that determination?

Mr. Capelli states - I'm going to have to look at that and get back to you.

Mr. Carr states – I would like to thank the residents for coming out and our members that volunteer your time for the Township.

Mr. Thorpe states - Just for anybody who doesn't know, Myself, Mr. Guerrero, Mr. Carr and Mr. Dochney, have volunteered to be a subcommittee to review the master plan. We did have our initial meeting and we have collected notes and now we're working on scheduling another meeting. As the subcommittee we will look at those reports and notes then present it to the entire Land Development Board for discussion.

Mr. Borger states – It will then go from us to the Township Committee as our recommendation to them and they will make the final decisions.

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

ADJOUN

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

Respectfully Submitted,
Jodie Termi, Board Secretary