

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING SEPTEMBER 6, 2017 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on September 6, 2017 at 7:04 P.M. The meeting was called to order by Chairman David Barger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2017 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. Mr. Barger welcomed all those in the audience.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Mr. Gehin-Scott, Solicitor Lou Capelli, Planners Sam Agresta and Tamika Graham, Engineer Jim Winckowski (arrived at 7:07 PM), Secretary Marion Karp
Absent: Mr. Mumbower

The minutes of the August 2, 2017 meeting were approved.

Solicitor Capelli swore in the Board professionals.

Resolutions:

14-2017 APCO Petroleum Corporation, Block 904, Lot 2 (2036 Burl.-Mt. Holly Rd.) – extension of prior site plan & variance approvals – was memorialized

Old Business:

None

New Business:

James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road). The applicants were present seeking a use variance and waiver of site plan in order to operate a counseling and therapy office in a Residential zone. Ms. Young is a psychologist. She explained that she wants to use it part time in the evening to see clients. She works full time for the state of NJ during the day. Hours of operation would be 5 to 9 PM, Mondays through Fridays; she sees 4 clients per evening. She is the only one that would be using the office.

Gene Blair explained that he had received a complaint and went out to the property to

investigate. The Youngs had put gravel in the rear yard to serve as a parking lot. There are provisions in our ordinance for a home occupation but they don't meet the requirements. Gene stated that the applicants were quick to comply with filing the correct applications before the LDB and want to do the right thing.

Six cars would be the maximum parked in the lot; there may be overlap with a client leaving and coming to the office. A privacy fence is proposed to screen the parking lot from neighbors; the rear already has a privacy fence installed which blocks the view. Gene explained that there are code guidelines for ADA access; Mr. Young would have to obtain the services of an architect to perform an analysis against the UCC; he agreed to do this.

Gene thinks this is of very small impact; certainly no more than the adjoining residential properties. Jim Winckowski doesn't think it will need to meet storm water regulations; there have been no complaints from residents in the few months the gravel parking lot has been there; the site seems to be draining adequately.

The Youngs don't reside in the home but they do reside in Westampton. There aren't many licensed psychologists in the area and these services are needed here, according to Ms. Young. The properties to the right and the left are residential but there are properties across the street that aren't; there is a dental office, a hair salon, an auto dealer, McDonalds and a gas station. Jim Winckowski thinks that the use is substantially different than a residential use; it gets complicated quickly. Jim asked if these other commercial uses had obtained site plan approval; Gene stated that they had. Jim commented that a change in use will probably trigger a review by the County. Dave Barger has concerns regarding the application, especially regarding the parking lot that takes up nearly the entire back yard.

Gene spoke about the neighborhood and the businesses that exist there; several homes have converted to office and business uses.

A sign had been installed outside advertising other occupants, however the Youngs stated that these tenants are no longer operating out of the building; Ms. Young will be the sole practitioner. She does not have any employees. Approximately 75% of her clients are the same; after several months they may terminate counseling but then she would take on a new client.

Solicitor Capelli advised considering the waiver of site plan first; he thinks that the County will require a site plan and without the waiver, there is no reason to consider the use variance.

The meeting was opened to the public for comment. Nancy Burkley asked if they were already meeting with clients currently; Ms. Young is not. She asked if approved, would other therapists be joining her. Gene Blair stated that any change would require a return before the Board. Ms. Burkley wanted to make sure that this language would be in a resolution of approval, if any was granted.

Judith Reynolds, 822 Woodlane Road – has lived here for 67 years; she objects to a business being 2 doors away from her; she lives in a residential community. We don't need gravel in a back yard, we need kids and dogs. She thinks it sets a dangerous precedent. 820 Woodlane has been sold and she is sure that the new owner is unaware; however, when questioned by Solicitor Capelli, she admitted that she didn't have any direct knowledge of this.

There being no further comment, the meeting was closed to the public.

Jim Winckowski thinks that a site plan is warranted; he thinks the surrounding neighbors need to be sure that it is developed in a responsible manner with proper buffering and design, etc.

Mr. Borger stated that it certainly puts the applicant in a tough position; if they go through all the expense of a site plan and then fail to secure a use variance. Jim Winckowski advised that they could bifurcate the application and ask for the use variance first.

Gene asked Ms. Reynolds if her parents ran a flower business on her property; she stated that her mother did, from the early 1950s on.

Gene spoke regarding the Rita's Water Ice in the neighborhood; its rear lot was a gravel lot, as was the Mail Center building in the area. These were both houses that were converted into businesses in the neighborhood known as "Birdland".

There was some discussion as to not allowing a left hand turn when exiting onto Woodlane Road; however access onto Woodlane Road would be determined by the County.

The Youngs decided that they wanted the Board to render their decision regarding the use variance this evening instead of coming back at a later date.

Mr. Borger stated that right now this is a residential zone and he has concerns about this and going against the zoning code. Mr. Freeman says the whole landscape of this area is changing, especially considering Virtua coming in.

The Youngs reviewed the planner's letter regarding the reasons for granting the use variance. The addition of the gravel lot has improved the ability to exit the property, according to Ms. Young. There are other properties on the road that have 5, 6 or 7 vehicles parked there on a regular basis and you can't turn around on these lots but they must back out onto Woodlane Road when exiting; they have improved the safety by installing the gravel lot which permits a correct exit. The location is good for the Youngs, their previous office was in Westampton, they live in Westampton and the structure is small and compartmentalized and particularly suited to her needs. It is more comfortable to her clientele than a regular doctor's office. She has been practicing in

Westampton for 4 years, prior to that she was in Lumberton. The kind of services she provides are very much sought after in the area; she routinely has to turn away clients referred to her by insurance companies.

Mr. Borger thinks that the service they are offering is a good one and is needed in the area; however, the property isn't precluded from being residential. There is nothing particular about this property that makes it more suitable for a business use.

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

Mayor Daniels is inclined to approve this use variance; they are residents who wish to operate their business in the township. It is a low impact, low use type of business. He thinks that once Virtua comes in, the Township may be looking at rezoning this area anyway. There are businesses in the immediate vicinity and he doesn't think an approval would adversely affect the neighborhood.

Mr. Lopez – there are benefits, nothing will be going on there on the weekends, there will be no activity during the day, only a few patients coming in the evenings, Monday through Friday.

Jim Winckowski– the site plan will aid the Township in enforcing the conditions in the approval for the use variance. The Youngs don't need anything extensive; it will be more of a documentation of what is there now and the minor improvements necessary to bring it more into compliance with a business use.

Mr. Lopez – the site plan will provide the Township a great deal of protection. We have done our due diligence and balanced the needs of the business and the residents, in his opinion.

Mr. Barger – this is problematic to him; he thinks this could have detrimental results to the neighbors and could affect property values. He has concerns about this and is torn. He likes the use and the intent but is concerned about the location.

Mr. Freeman made a motion to approve the waiver for site plan; the motion was seconded by Mayor Daniels. Mr. Blair and Ms. Berkley voted yes; Mr. Applegate, Mr. Barger, Mr. Borger, Mr. Gehin Scott, Mr. Guerrero and Mr. Lopez voted no. The motion fails to carry. A site plan will be required.

Motion made to approve the variance by Mr. Freeman; seconded by Mr. Lopez. Mr. Barger, Mr. Blair, Mr. Daniels and Ms. Berkley voted yes; Mr. Applegate, Mr. Borger, Mr. Gehin Scott and Mr. Guerrero voted no. The motion carries.

Pacific Outdoor Advertising, Block 202, Lot 2 (45 East Park Drive). The applicant, Joseph Jacobs was represented by his attorney, Sandy Zeller. They were before the Board with a site plan waiver and an application for a C variance. They had been

before the Board previously and gotten approval to erect two billboards with static signage. They now wanted to change the billboard signs to changeable digital copy signs. The billboards were approved in November 2015. Two of the four billboards are being proposed to be changed. The copy will change every 8 seconds to another static advertisement/sign.

Mr. Zeller gave the Board a brief history of the prior application. Nothing is changing on the site, therefore the request for site plan waiver. They had originally requested digital signs but at the time of the hearing they chose to withdraw the request for the two digital copy signs and proceed with four static copy signs.

Solicitor Capelli stated that either a D variance or a C variance could be required, but he leans more towards classifying it as a C variance and he stated recent case law supporting his decision. The sign won't have any impact upon any residential neighborhood so he agrees with Mr. Zeller's interpretation. It is an evolving area of the law and he recommends that the Board vote to see how they would consider it.

A motion was made by Mr. Barger to classify the variance as a C variance; the motion was seconded by Mr. Lopez. All voted yes with the exception of Mr. Blair, who voted no. The motion carries.

Leah Furey Bruder, PP and Joseph Jacobs were sworn in by the Board solicitor. Mr. Jacobs is the owner of Pacific Outdoor Advertising; he is a lawyer by trade and has been in business close to 30 years. The billboards are 16 by 60 feet in size and are currently illuminated from 6 PM until midnight or 1 AM. They are located near the 45a interchange on Route 295. He had secured his state permits before obtaining approval from the LDB. He has secured his approvals from the NJDOT to allow for the changeable signs. One sign faces northbound and one faces southbound.

Mr. Jacobs wanted to apologize to the Board regarding the horrible job of the tree cutting that had taken place along 295 near his billboards; he will replant over 200 trees and bushes on each side. He wants to replace them and make it look better than it has ever looked.

He has movers.com on one billboard, as well as NJ Manufacturers Insurance, Catholic Charities and Hutchinson Electrical. He discourages inappropriate advertising and has rejected some that were interested in advertising on his billboards. There is an opportunity for the Township to be able to post Amber Alerts and other emergent public service notifications.

The Board engineer's letter was reviewed; the ads change at most every 8 seconds according to Mr. Jacobs. It won't be less than every 8 seconds. They are in compliance with DOT standards. Digital signs must be no closer than 3000 feet apart on the same side of the road. Lighting on the billboards is brightest during the day, it dims when it gets dark. The digital signs will be operational 24 hours a day, 7 days a week.

Mr. Jacobs stated that the billboards aren't visible from any residential zone in the Township; Chairman Dave Barger takes exception to that and stated that they could be viewed from Rancocas Village. Jim Winckowski, Board Engineer stated that they could be seen from Rancocas Road but wasn't sure if they could be viewed from inside Rancocas Village.

Leah Furey testified regarding the planning proofs of the billboards. A variance is required to allow for the changeable copy sign; no flashing or moving signage is proposed. The site is 32 acres and is in the Industrial zone at the end of East Park Drive. Rancocas Village is northwest of the site and is the closest residential neighborhood to the billboards. She cited studies that showed digital billboards do not increase the rate of accidents.

Gil Gehin Scott said that the signs can be seen from his home on Valley Farm Road and he has concerns. There was discussion regarding the difference if these signs could simply be viewed or if they affected someone's quality of life.

The meeting was opened to the public for comment.

Michael Eaton, 115 Sharpless Blvd. – thanked Mr. Jacobs for replanting the area on Route 295. He doesn't really notice the billboards now; he thinks the public safety aspects of the signs are good and an improvement.

Nancy Burkley, Olive Street – doesn't think they are noticeable unless you are trying to look for the signs. She says the sports complex lights are much more disturbing. She thinks the Board should approve it.

There being no further comment from the public, the meeting was closed.

The first motion was made by Mr. Lopez, to grant a site plan waiver. The motion was seconded by Mr. Borger. All Board members voted yes. The motion carries.

A second motion was made by Mr. Lopez to approve the C variance; the motion was seconded by Mr. Applegate. All voted yes with the exception of Mr. Barger and Mr. Gehin Scott, who voted no. The motion carries.

Dolan Contractors, Inc., Block 203, Lot 2 (32 Springside Road). Russ Whitman, attorney, was present on behalf of an amended site plan application. A bulk variance is necessary to permit the installation of two trash compactors, which has been determined by the Board professionals to be an accessory building which will project into the front yard setback. Camuto is the operator of the warehouse. Cardboard will be processed in one of the compactors; the other compactor will be used for regular trash.

Bernie Wojtkowiak, engineer and Bill Bruce were sworn in. Both Chairman Dave Barger

and Vice Chairman David Guerrero recused themselves from the meeting and sat in the audience.

The compactors will be fully enclosed and won't be visible from Springside Road. The color will match the color of the building. There is a very small degree of visibility from any of the neighboring homes. Benefits of the compactors include cleanliness; no odor since they are enclosed; encouraging recycling and reduces truck traffic to haul away regular dumpsters. Regular dumpsters would be emptied three times a week whereas this only needs to be emptied once a month. The other dumpster reduces emptying from nine times a day to four a week.

The sound of the compactor is very quiet; you can have a conversation right next to it when it is being operated.

Russ Whitman was sworn in to offer personal testimony. He had the opportunity to listen to the compactor and it was amazingly quiet; it makes a quiet whirring noise and that is without the enclosure.

Bernie Wojtkowiak stated that there is a distance of 920 feet from the compactor to the nearest house; the noise the compactor generates would in no way be noticeable. Mr. Lopez suggested that more trees and bushes could be planted to help screen things. The plantings on the berm as they exist don't do much to screen the view.

Pick up of the trash and the recycling is done by Waste Management and will take place during the day. No tractor trailers will be on this side of the building.

The meeting was opened to the public for comment.

Michael Eaton, 115 Sharpless Blvd. – asked if pickup would occur also on the weekend; it would not. It would take place during the week, during business hours. There being no further comment from the public, the meeting was closed.

The Board wished to place a restriction that waste pickups only take place during business hours, 7 AM to 6 PM, Monday through Friday.

Mr. Lopez made a motion to approve the variance; the motion was seconded by Mr. Applegate. All Board members voted yes. The motion carries.

ME Casa, LLP, Block 1201, Lot 20 (798 Woodlane Road). It shall be noted that Mr. Lopez recused himself since he was involved in this application. Tom Kelly, Mr. Lopez's attorney, was present on behalf of the application.

The application is minor, a site plan waiver and is temporary in nature. There is an established restaurant serving Puerto Rican cuisine located in Jersey City; they are proposing to break into the local restaurant business in Westampton and eventually

move into a brick and mortar restaurant. The food truck is a way to gauge how well the restaurant will do in the community. They are ready to start Sept. 17th, one day a week during the day. The truck will not remain on site outside of the hours of operation. If things work out, they hope to go to 2 days a week for a period of 6 to 9 months.

They propose to use portable patio fencing; all food is prepared at the restaurant and brought on site. They have submitted an application to the Burlington County Health Department and are awaiting approval. They want to locate the truck at the Woodlane Shopping Center parking lot and have secured the owner's approval to do so.

The truck is fully self-contained; it has a generator and a propane tank. Mr. Lopez was sworn in before the Board by Lou Capelli. It is a pilot project; just a kitchen alone will run \$15 to \$30K, therefore, they want to make sure this will be a success before they invest that much money.

The owners of the center want them to park where the current Virtua Mobile Farmer's Market van parks on Wednesday. There is a substantial grass buffer where they will be parking. Mr. Lopez is a 50% shareholder and will be handling the marketing. They conducted a survey about 6 months ago and received a very favorable response. Business hours are 11 AM to 8 PM. They are responsible for all cleanup of any debris. The truck has its own lighting system.

They will be open every Thursday and want to add another day if business is good. It depends on how good business is.

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

Mr. Freeman made a motion to approve the site plan waiver; the motion was seconded by Mr. Gehin Scott. All Board members voted yes.

Comments from the Board

Due to the late hour, no comments were made. There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

