

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

APRIL 4, 2018 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 April 4, 2018 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 5, 2018 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Mumbower, Mr. Myers, Mr. Wisniewski; Solicitor Capelli, Engineer Greg Valesi, Planner Barbara Fegley, Secretary Marion Karp
Absent: Mr. Freeman

The minutes of the February 7, 2018 meeting were approved as written.

Resolutions:

2-2018 David Costain, Block 906, Lot 17 (211 Hill Road) – variance (construction of 30 x 40 foot pole barn) – was memorialized

3-2018 PAG New Jersey CS, LLC, Block 804, Lot 16 (1971 Burlington-Mt. Holly Road) - minor site plan, bulk variance (replacement of existing lighting fixtures) was memorialized

Old Business:

None

New Business:

SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – preliminary and final major site plan – (construction of 11,780 sq. ft. retail building and 4,671 sq. ft. car wash facility). The applicants had submitted a letter requesting that their application be carried until the Board's May meeting because they needed more time to address some issues. Board Chairman Gary Borger announced this in case anyone was present to hear the application. No further notice would be required.

Allie Diaz, Block 1405, Lot 10 (902 Holly Lane) – variance (construction of porch with insufficient front yard setback. Saturnino Lebron, the applicant's contractor was present at the meeting. The property in question is in the R-2 zone, the proposed porch is 12 by 40 feet in size. A 25 foot front yard setback is required in this zone and it won't be met if this porch is proposed. The setback will be 22.9 feet instead of the required 25 feet. The survey that was submitted was incorrectly marked with a 10 by 40 foot porch; it is indeed 12 by 40 feet in size.

The property is shallow and presents a hardship to the owner. There is no negative impact on the zoning code. Dave Guerrero asked why they were constructing a 12 by 40 vs a 10 by 40 porch; Mr. Lebron stated that this size is necessary to accommodate a wheelchair. It is an open porch with a roof covering; no screening or windows.

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

Mr. Applegate made a motion to approve; Mr. Henley seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

Gene Blair asked if Mr. Lebron wanted to request an at risk authorization to proceed before the resolution is memorialized. He stated that he did not wish to do so but would wait.

Medallion Development Group, LLC, Block 1002.03, Lots 12 & 13 (215 Burrs Road) – minor subdivision, bulk variance. Richard Israel, applicant's attorney was present on behalf of Medallion Development Group; two new lots would be created. The mother lot is almost 6 acres in size in the R-1 zone; the minimum lot size is 1 acre in this zone. The contract is conditioned upon the granting of the subdivision and the variance for insufficient width at the building line. The existing home will remain on one of the lots that would be created. Mark Malinowski, engineer and Perri Wachter from Medallion Group were sworn in by the Board solicitor.

Three lots will be created, lot 13.01 will retain all the improvements and two others will be created. Lot 13.01 has access to Burrs Road; this portion of Burrs Road is municipally owned and is not under County jurisdiction. Lot 13.02 will be 1.58 acres in size and the other 1.6 acres, which would be Lot 12.01. They are requesting a variance for the two lots; lot width at the building line will be about 126.19 feet where 150 feet is required. The remaining lot has two existing outbuildings of substantial size which exceed the 600 foot requirement for outbuildings on lots under 3 acres in size, thus, a variance is necessary for that condition. The lot is 2.64 acres in size after the subdivision. The applicants showed the Board a different plan, a "by right" subdivision plan that would eliminate both variances; however they don't prefer this plan. The

grading of the site grades down from Burrs Road to the rear of the site; in total, a 21 foot difference in grade from the front to the rear of the site. There were also issues with this plan as far as the location of onsite sewer and they much preferred to go with the plan as presented to the Board, with the variances. They feel that it won't have any impact on the Master Plan due to the density and other variables.

Dave Barger asked where the two new homes would be placed and if they would be in line with the existing home; the applicants answered that they would be, in the same general area. Lot 12 does have an existing 7000 + square foot tennis court on it which will be removed once a home is constructed on the lot. Driveways would be constructed of asphalt according to the testimony presented.

Greg Valesi asked if septic suitability was looked at; Ms. Wachter answered that it has been looked at and it is acceptable. Greg stated that the current septic system should be detailed on the existing lot as well. Testing would be completed to determine where the new systems would be placed as well as the setbacks of the systems.

The Board engineer's letter of March 24, 2018 was reviewed by the applicants. The applicants agree to comply with all details in the letter; they will be filing the subdivision by deed. They agree to do the recommended testing to make sure there is no contamination with pesticides. There are existing utility poles that provide service to the existing house that will need to be relocated. The applicants don't think the installation of dry wells is necessary since impervious coverage isn't being increased more than ¼ over existing conditions.

The Board Planner's letter of March 27, 2018 was then reviewed. The applicants agree to meet with the Tax Assessor who would assign lot numbers. They agree to all other conditions in the letter.

The meeting was opened to the public for comment. Dominic Coceano of 211 Burrs Road was sworn in; he read a prepared statement. He objects to the granting of the variance; it is a desirable area due to the privacy and beauty of the area. He thought a different configuration would be more beneficial and would not have as much impact on his property, which borders this. He was concerned that the septic system leach field could possibly impact his swimming pool area. He thought there were other ways to solve this problem and thought this subdivision would reduce the value of their properties. He asked the Board to consider what he had suggested and wanted them to consider a different configuration.

Toni Grant-Beverly, 210 Burrs Road was sworn in by the Board solicitor. She is concerned regarding the notice letter she received which had the wrong name for the property. It was termed Burrs Mill Road instead of Burrs Road and she thought she had received it in error. She thinks the granting of this variance would change the flavor of the area.

Greg Valesi stated that he wasn't sure that the "by right" plan was inferior to what was submitted; neither he nor the Planner had seen the "by right" plan until this evening so they didn't have a chance to consider nor compare it.

The Board took a 5 minute recess. The applicants asked for a continuance until the Board's May 2 meeting in order to redo their notice correctly. Gene Blair suggested that the applicants look into the suggestions Mr. Coceano had made before they came back before the Board. The Board has to consider the testimony of the residents.

Mr. Wisniewski made a motion to continue the application; Mr. Henley seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

The Haven Church, Block 1201, Lot 20 (798 Woodlane Road) – use variance & site plan waiver. Tyler Prime, applicant's attorney was present. The application is for a use variance to allow for a church in the Woodlane Shopping Center. There is no external construction proposed at the site. The site is in the C Commercial zone; places of worship are not permitted; they are only permitted conditionally in the residential zones. They are also seeking a waiver of site plan approval. They will be providing some testimony regarding traffic counts this evening, as was requested by the Board engineer. Pastor Paul Scrimale, Nathan Mosely, traffic engineer, Leah Furey Bruder, Professional Planner and Kyle Van Dyke, architect were sworn in before the Board.

Mr. Scrimale gave a brief background of the founding of The Haven Church. They are trying to find a place to accommodate their growing membership. They have looked outside of Westampton but prefer to locate in town if possible.

They hope to use about 10,000 square feet in the shopping center; their architect reviewed the proposed floor plans with the Board. There are no changes planned for the existing façade of the building with the exception of a new façade sign which will meet code. They would also add a panel sign onto the main sign for the shopping center. All alteration work will be interior, nothing exterior. There is one main entrance; there are 5 exits at the rear of the building. There are no kitchen facilities; no cooking will take place. Seating will consist of removable chairs and will provide for the seating of 300 persons. The space had been occupied by a dry cleaner, physical therapy and a nail salon previously. All of the spaces are vacant at this time. The building is fully fire suppressed.

Greg Valesi asked if there would be any vacancy in the center once the church was in; there will be approximately 2,000 square feet still vacant. Greg explained that this is important for the shared parking analysis. He doesn't have a problem with granting a site plan waiver; but a plan is needed for ADA accessibility; a plan with details will need to be provided for Gene's review. Accessible ramp details and sidewalk details will need to be shown. There are 7 accessible spaces according to the architect, which are designated as such.

There are two Saturday services at this time, one at 5 PM and one at 7 PM. They may want to add a Sunday morning service if they grow. They do have midweek gatherings of 15-20 people from time to time but the major impact is on Saturday nights as it stands now. There could be wedding ceremonies taking place there but no receptions because they won't have the facilities. Services are about an hour and 20 minutes each. More families attend the earlier service. Prayer groups might meet during the week at 7 PM. He estimated about 3 persons per car for the services. Individual counseling might take place during the week since the Pastor would have an office at the site.

Barbara Fegley asked if there is overlap between the services; Mr. Scrimale stated that there was and they allow for 45 minutes between the services. Generally at about 20 minutes before the second service, most people have gone. Dave Barger asked about volume levels and impact upon adjacent tenants. He explained that the places of business would mostly be closed at that time. They do have a full band but they are cognizant of noise levels and try to maintain safe sound levels. Businesses adjacent are a nail salon and an appliance store which hasn't opened yet.

Mr. Henley asked if there are any plans in the future to change their service day from Saturday; Mr. Scrimale said they would keep it on Saturdays; Sunday morning is a potential perhaps at 10 AM. Mr. Wisniewski asked how long the lease would be; they hope it's a long time, perhaps as long as a five year lease but they are still in negotiations.

The traffic engineer testified regarding parking and traffic. He looked at the engineer's and planner's review letters. They went out on Saturday and did traffic counts during the day; they divided the parking area into three spaces for ease of counting. They counted 212 parking spaces in total; the count was performed from 3 PM to 9 PM. A maximum of 46 cars were there at 3:30 PM in the afternoon. At 5 PM there were 18 vehicles; at 7 PM there were 24 vehicles in the parking lot. Most of the parking took place at the end of the site at the location of the Wawa. Traffic volumes are significantly reduced on Saturdays as opposed to during the week. There are about 160 spaces available for the congregants of the church according to Mr. Mosely. Church type facilities typically calculate 1 vehicle for 3 occupants; he agrees with this for this use. With 300 seats you would assume about 100 cars; this leaves about 60 spaces unused. There is more than adequate parking for the needs of the church at this site according to his testimony.

Mr. Applegate asked if an intersection capacity analysis onto Woodlane road was performed; it had not been done. He doesn't think there will be a problem exiting from services on Saturday evenings.

Currently the shopping center has about 20% of its total space vacant. Greg Valesi asked if they had given any thought as to what might happen if a restaurant were to come into the shopping center; they still believed the parking to be more than adequate. Shaun Meyers asked if they had considered parking offsite and bussing people in like

the Change Church does; they had not. Greg stated that there will be delays as there will be many cars leaving at the same time; there may be a need for a police officer since it is a different type of use not anticipated at a shopping center. He stated that it appears there is enough parking from the applicant's testimony. Gene wanted a parking study document; the applicants agree to provide same.

A representative of the landlord, Laura Hart, was sworn in. She is the property manager for the shopping center. She explained that Kid Academy was fine and had no objections to the church coming into the shopping center.

Leah Furey Bruder, applicant's planner, testified before the Board regarding the use variance and to bring it all together. She gave an overview of the permitted uses in the Commercial zone. The church is providing necessary services to the community and will be an asset to the community. It is appropriately paired with the site. This kind of space isn't particularly attractive to retailers and the landlord needs to be flexible; they are trying to maintain their occupancy levels. It will contribute to the vibrancy of the community as well and will serve to stabilize the shopping center.

Barbara Fegley's letter was reviewed; she thinks that traffic could have a negative impact. There will be temporary delays when everyone leaves at the same time but it should work itself out; Greg Valesi is content with limiting the study to be submitted to parking only, a traffic study isn't needed. He expects the report to deal with the vacancies that are currently there and what could possibly come in and how that could affect parking; this gives them a more conservative approach and is a much more solid application.

Barbara Fegley asked about occupancy loads in the building; the architect explained that it is different for the different areas of the church; different values are used for the different areas.

Greg Valesi thinks the parking study should speak to Sunday counts as well in order to take that into account now and avoid a return to the Board. Dave Barger asked if we could use parking spaces and back that into an occupancy number not to exceed; Greg answered that it could.

Dave Guerrero stated the Board is trying to figure out if the number of 300 will grow which would affect the number of parking spaces.

The Sunday service would take place from 10 AM to 11:30. Parking is less of a concern on a Sunday due to some of the businesses in the shopping center being closed.

The applicants agree to the conditions in the Fire Marshal's review letter.

The meeting was opened to the public for comment. Dorea Boyle, 13 Berkshire Road was sworn in before the Board. She lives behind the shopping center; she has concerns regarding the noise that might be generated which would impact the

neighbors. Greg Valesi stated that there are standards in the ordinance that they would have to comply with. She said there is a lot of through traffic that cuts through Berkshire Road, this would increase traffic with people cutting through the development.

Pam Overton, 1 Devonshire Drive, has been attending the church for the last 15 months with her family. The parishioners monitor the traffic and it flows nicely. Years ago there was a billiards hall located in this strip mall; she is sure that generated lots more noise than a church would. She thinks having a church here is a wonderful idea and it would help the Chinese restaurant and Wawa and she sees it as an improvement since this space has been empty. They would still be paying taxes if they rented this space. She thinks this is what the community needs; people could walk to church.

Teresa Armstrong, 2 Berkshire Court – lives right behind the shopping center. She has concerns regarding the noise and the traffic that will be generated.

Ruth Bonano, 21 Westwind Way – it is a loving and giving church; there is nothing they wouldn't do to help the community.

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

It was noted by the Board solicitor that the Mayor and member of Committee would not vote on the use variance portion of the application.

The first vote taken was for the waiver of site plan. Mr. Applegate made a motion to approve the waiver of site plan; seconded by Ms. Haas. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes. The second vote was for the use variance; Mr. Blair made a motion to approve; seconded by Mr. Applegate. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Mumbower and Mr. Myers voted yes.

Public Hearing – Redevelopment Need Study, Block 805, Lot 1 (2015 Route 541).

Barbara Fegley, the Board Planner, had prepared a redevelopment need study. George Hulse, the applicant's attorney, was present for the presentation. This is the first step in a redevelopment as explained by Barbara. If the Board determines this property is in need of redevelopment, the next step would be to prepare a redevelopment plan. Barbara went through the study for the Board to summarize. There has been demolition going on at the site; several buildings have already been demolished. The current motel/hotel on site will remain. The site is obsolete as it currently is developed and more than meets the criteria for redevelopment.

Dave Barger asked if our current zoning was so onerous so as to prohibit development. Barbara doesn't think the zoning necessarily restricts it; there are tax abatements that can be used in conjunction with redevelopment that can benefit the town. He asked if redevelopment loosens the restrictions of zoning; she answered not necessarily, it depends on how the redevelopment plan is written. He sees redevelopment used around the state with the intent of renewing blighted areas but to him it seems almost

like spot zoning where developers can get around restrictions. Mr. Barger suggested that all applicants with properties fronting on Rt. 541 conform to a set of site design standards to help ensure a unified appearance in the future.

The meeting was opened to the public for comment. George Hulse stated that Barbara did an excellent job with her analysis. His client's vision is to work in partnership with the township and use the redevelopment tool for mutual benefit for a site that is underutilized, dilapidated and hopefully make it into a destination point. This is the first step in the process; this site is obviously in need of redevelopment.

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

Mr. Blair made a motion to approve the application; Ms. Haas seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Mumbower and Mr. Myers voted yes.

Open Meeting for public comment

There were no further comments from the public.

Comments from the Board

Due to the late hour, no Board members made comments.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board