

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

OCTOBER 7, 2020 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held virtually, via the Zoom app on October 7, 2020 at 7:04 P.M.

The Board elected an acting Chair for the meeting since both the Chairman and the Vice Chair were absent. Ms. Burkley made a motion to appoint Mr. Guerrero; the motion was seconded by Ms. Haas.

The meeting was called to order by Acting Chair Mr. Guerrero and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2020 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Board Engineer Mike Roberts, Secretary Marion Karp
Absent: Mr. Applegate, Mr. Blair, Mr. Borger, Mr. Henley

Solicitor Robert Swartz swore in the Board Planner and Engineer.

Approval of meeting minutes 9/2/2020 – minutes were approved as written; motion to approve made by Mr. Eckert, seconded by Ms. Burkley. All voted yes, Mr. Freeman and Mr. Thorpe abstain.

Resolutions: None

Old Business: None

New Business:

SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – a request was received from Pat McAndrew, applicant's attorney, requesting 3 one-year extensions of a previously approved site plan. Mr. Guerrero asked if anything would keep the Board from approving it all at once. Solicitor Swartz advised that the Board could do it as one 3-year extension. There is a permit extension act in effect now; any extension granted by the Board will add on to the back end and goes on 6 months after the state of emergency ends.

Mr. Thorpe commented that it seems as if a one-year extension is simple, why are we extending it for three years since we might have new Board members within those three years that think differently. Solicitor Swartz explained that the Board has the right to do that; Ms. Burkley asked if it would cost the applicant money each time they had to come back. Since the state of emergency is still going on, they don't know how much it will add on to the approval. Mr. Thorpe asked if there is an advantage and is trying to wrap his head around why we wouldn't just do a one-year extension, most extensions he has seen have been one year at a time. Mr. Freeman agrees with Mr. Thorpe and he thinks a one-year extension might be more prudent. We have to think about the Township and our concerns. Solicitor Swartz explained it is purely a decision made by the Board and money shouldn't factor into it.

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

Mr. Freeman made a motion to grant a one-year extension; the motion was seconded by Mr. Thorpe. Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley voted yes.

Rereview Ordinance #14-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the TC – Town Center Zone. Township Solicitor Ruben Perez was present and explained that Fair Share housing had made a few changes to the ordinances that were not substantive and were diminimus in nature; however, under an abundance of caution; they felt it best to have the Board rereview the ordinances.

Ms. Burkley asked why the affordable housing ordinance and the development fee ordinance were carried at the Township Committee meeting last night; Ruben Perez explained that they wanted to carry them as a package and to approve them all at once.

This was opened to the public for comment; no comment was made and the meeting was closed.

Ms. Haas made a motion to approve; the motion was seconded by Ms. Burkley. Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley voted yes.

Rereview Ordinance #13-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the MU-1 Mixed Use Zone. This ordinance had undergone the same kind of deminimus revisions dealing with UHAC and very low-income housing.

This was opened to the public for comment; no comment was made and the meeting was closed.

Mr. Thorpe made a motion to approve; the motion was seconded by Mr. Freeman. Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley voted yes.

Rereview Ordinance #10-2020 An Ordinance Supplementing Chapter 250, “Zoning” of the Code of the Township of Westampton to add the R-9 Residential Zone. This ordinance had undergone the same kind of minimal changes.

This was opened to the public for comment; no comment was made and the meeting was closed.

Ms. Burkley made a motion to approve; the motion was seconded by Ms. Haas. Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley voted yes.

Terrence & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – minor subdivision. Jim Winckowski was sworn in by the Board solicitor. It shall be noted that Mr. Thorpe recused himself from the application since he is the Chairman of the HPC and Mr. Brennan is the vice chair of the HPC. This application had come before the Board back in 2014 and was approved. Time had passed and the applicant didn't perfect the subdivision so they had to return to the Board for approvals. Bill Nicholson, applicant's engineer was sworn in by the Board attorney as was Mr. Brennan.

The subdivision is exactly the same configuration as before; it is the creation of 3 lots. Two new lots will be created on Main Street of about ½ acre each; Mr. Brennan's lot that he is retaining is about 2.5 acres. No variances are required. Mr. Brennan's driveway on Main Street will be moved; he will maintain the driveway on Wills Avenue.

Jim Winckowski spoke regarding the application; it had stretched over four meetings when first brought before the Board. Originally, they were looking to create four lots but the Board didn't approve so they reduced it to three lots with no variances necessary. This is the plan that was approved by the Board back in 2014. There is a drainage issue and a utility connection issue for sewer. Jim thinks they can work out the sewer connection issue; they need to work on drainage improvements; there was an ongoing condition regarding having to provide sidewalks. Sidewalks are required due to RSIS standards; the Board Planner at the time had it in his report; while required, there are none in the village so he suggested a payment in lieu of. The Board could waive this condition; there is no ordinance that would allow for such a contribution and Solicitor Swartz thinks it isn't a proper contribution. The sidewalk, if installed, would connect to nothing; Nancy Burkley stated that it is on the outskirts of town and is near Springside Road. She doesn't think the sidewalk should be installed and a fee should not be collected. Jim Winckowski explained that there can't be a fee.

Planner Barbara Fegley reviewed her report; she asked if the deed restrictions had been filed. The fence in the front will be removed. No other existing structures will be removed, no trees will be removed. The over sized barns are existing structures; the

driveway is partially on Mr. Brennan's lot and partially on Lot 11. They would coordinate lot numbers with the Assessor and would submit to the Fire Official for comments as well. All prior conditions of approval still exist with the exception of the sidewalk/contribution. Mr. Freeman asked if the new homes would have to comply with the HPC requirements; they would have to apply for approval.

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

Mr. Eckart made a motion to approve; the motion was seconded by Mr. Freeman. Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Odenheimer and Ms. Burkley voted yes.

Highview Commercial, LLC, Block 807, Lot 1 (2035 Route 541) – use and height variance (addition of warehouse). The applicant had requested to continue the hearing until the Board's November 4, 2020 meeting.

Informal Applications: None

Correspondence: None

Open Meeting for public comment

No comments were made and the meeting was closed.

Comments from the Board

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board