

## WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

JULY 7, 2021 7:00 P.M.

### MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on June 2, 2021 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 4, 2021 and on the Township website. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

**Roll Call:** Present: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer, Board Solicitor Robert Swartz, Board Engineer Jim Winckowski Michael Roberts, Planner Chris Dochney, Secretary Irene Barry  
Absent: Mayor Henley, Mr. Wisniewski

Solicitor Robert Swartz swore in the Board professionals.

The minutes of the June 2, 2021 meeting were approved as written.

#### **Resolutions:** for approval/memorialization

- a. 17-2021 - Rowan Technologies, Inc., Block 403, Lot 1 (10 Indel Avenue) – minor subdivision – was memorialized (abstained by Mr. Odenheimer during voting)
- b. 18-2021 – MRP Industrial NE, LLC, Block 804, Lot 12 (Irick and Woodlane Road) – preliminary and final major site plan (construction of two warehouse/distribution facilities 305,040 and 215,280 square feet in size) – continuance from June 2, 2021 – was memorialized (abstained by Mr. Odenheimer during voting)
- c. 19-2021 – Westampton Logistics Urban Renewal, LLC, Block 902, Lots 1, 2, and 3 (Western Drive and Hancock Lane) – amended site plan (parking changes, entrance to interior roadway and security revisions) – continuance from June 2, 2021 - was memorialized (abstained by Mr. Odenheimer during voting)

**Old Business:** None

#### **New Business:**

**MRP Industrial NE, LLC, Block 804, Lot 12 (Irick and Woodlane Road) – preliminary and final major site plan (construction of two warehouse/distribution**

facilities 305,040 and 215,280 square feet in size) - \*\*\*This application has been continued to August 4, 2021\*\*\* Placed on record that they would not need to notice for this meeting.

**Westampton Logistics Urban Renewal, LLC, Block 902, Lots 1, 2 & 3 (Western Drive & Hancock Lane) – amended final site plan (parking changes, interior roadway & security revisions).**

Attorney Michael Floyd from the Law Firm of Archer and Greiner appearing on behalf of the applicant. Floyd is proposing minor improvements to the western car parking lot being turned into trailer parking, minor modifications to interior roadway and security revisions and providing additional amenities including a sidewalk, crosswalk and utility service to the previously approved guard house to accommodate the needs of their tenant.

Swearing in of witnesses Christian Roche Langan Engineering and Environmental Services and Kerry Pehnke Langan Engineering and Environmental Services, Brian Peterson, MRP Industrial, owner's representative for the applicant.

Floyd advised that two exhibits, A1 aerial and A2 render of site plan will be shown.

Christian Roche explained what the exhibits are.

Exhibit A1 recent site aerial of the project site.

Exhibit A2 rendering of the site plan – previously approved in February of 2020 did not know then who the tenant was going to be, however now it is Walmart and would need minor site plan changes.

Changes – auto parking on both east and west sides of the building, no longer need auto parking on western side, eliminate 146 car parking stalls and replace with 40 trailer parking stalls all be 11 feet wide by 55 feet long.

Also eliminating 7 trailer spots on the Western side.

Construction of security fencing, proposed gates to provide secured area. Proposing slight design waiver to the fence type only to chain link fence. Do have gates at several locations and all will have Knox boxes for emergency personnel to have access. Also, a change in size to the guard house which was previously approved for 12x25 and now being proposed as a 15x38 guard house.

Proposing a cross walk and new utilities to the guard house and proposing some new utility areas in the N/E corner, specifically a data center, generator and secondary telecommunication service line that would extend S/E out to Hancock Lane. Also, minor curb radi adjustments for easier truck circulation through the site.

Proposing to comingle the ADA parking stalls.

Lighting changes – adding three new light fixtures, no spill over to other properties.

As for the Storm Water Management it does not impact the original Storm Water Management design.

Did receive comments from the board engineer and planner. One of them suggested to put in a sidewalk, Roche advised they did not want to add a sidewalk because of the truck drivers backing up and would cause a danger to pedestrians and safety concerns. Ms. Burkley is concerned about not having a sidewalk. Roche indicated that they are trying to avoid the scenario where you have the trucks backing up. Blair asked if he submitted the revisions to the Fire marshal and that he would need a report from the fire marshal stating condition of approval on the changes. Roche advised okay for the report. Boger stated following up on Ms. Burkley's question in terms of the operation there, tractor trailers will be backing up into the parking spaces on the west side of the building. Roche indicated that many tractor trailers will be driving in using the loading docks adjacent to the building, some tractor trailers will have the ability to utilize trailer parking spots on the north of the building and south of the building and also on the west side. Borger asked if they would be dropping the trailer or do they stay attached to the tractor. Roche indicated that more often than not they will be leaving the trailer. Borger asked if they would then leave the site to which Roche indicated that potentially they would leave the site but that the trailer is not to stay at the same location for a duration of a fifteen day maximum. Winckowski stated that they do not expect a lot of foot traffic and was okay with no sidewalk. Thorpe – asked about the request for a seven-foot fence, what is the limit for fencing, Blair was checking. Dochney advised he believed it was eight feet for the fence. Also asked about the changing of the ornamental fence to black vinyl coating chain link fence and confirmed by Roche that is what is being done. Michael Floyd asked if they would revise and put an ornamental fence just to the front of the property, Mr. Peterson said he would revise the fence in the front yard.

Kerry Pehnke, Langan Engineering – anticipated operations – submitted a narrative June 22, 2021 for the anticipated Walmart tenant, supported by this amended site plan. The development is held to a Design Traffic Management Plan, a TMP, approved by Burlington County. Any potential tenant of the development will be limited to the trip generation estimates contained in the Traffic Impact study dated November 26, 2019 as a part of the signed TMP. Walmart will start occupying and staffing the building by October 2021 and will be at full normal operations by January of 2022. By mid-January 2022 the two primary shifts will each have approximately 220 employees per shift. As discussed in the submitted narrative we have completed that the tenant's normal operating conditions are in accordance with the signed TMP and the traffic study analysis remain valid for the peak hours analyzed. During the peak hours of the adjacent street the tenant is anticipated to generate significantly less trips that was analyzed in the traffic study. The two primary shifts that will have approximately 220 employees per shift will occur from 4PM to 9PM and 10PM to 3AM therefore arriving

and departing outside the street peak hours. There is an hour between the first shift ending and the second shift starting. It is proposed to provide 285 car parking spaces as per the amended site plan with 220 primary employees per shift and one hour between the first shift ending and the second shift starting there is anticipated to be sufficient parking provided for this site.

No Comments from the board members or the professionals.

Comments from Public – Bryan O'Neal, 15 Mayfair Circle – will they replacing the dead trees with new shrubs? Peterson advised that yes, they would remove and replace any dead trees.

Ashley Parmy, 1 Tiver Court Court, Medford, NJ, Tim Cook, 8 Spencer Court, Medford, NJ - Cooks Motors, 2050 Burlington Mount Holly Road, Westampton, NJ. They asked what the address of the new Walmart is. The address is 100 Western Drive.

No further comments – meeting closed to the public.

Ms. Burkley asked if the engineer was okay without providing a sidewalk and he indicated that he was satisfied with no sidewalk being added.

Mr. Thorpe – very pleased with the lighting.

Conditions the applicants will obtain comments from the fire marshal. Ornamental fence in the front with black vinyl chain link everywhere else. Parking and revisions for the building entrance, the security fence and guard house as presented

Mr. Thorpe made a motion to approve, seconded by Ms. Haas. All were in favor of application.

**Praukhswami Donuts, LLC, Block 901.01, Lot 4 (Western Drive) – preliminary & final major site plan (new construction)**

David Shafkowitz is representing Dunkin Donuts, who will be a tenant at 2048 Burlington Mount Holly Road, this property is located in the C zoning district. The property consists of approximately .99 acres, slightly under the one-acre requirement as seen in the professionals' reviews. Proposing a new style of a Dunkin Donuts location, approximately 1450 square feet. Drive in and pick up only, no interior seats, a new approach for this site, run down gas station to be replaced by Dunkin Donuts, owner of gas station will make sure all property is brought up to code. The landlord will be responsible for removing all tanks and making sure all environmental standards are met. Proposing a double drive through, 15 plus car stacking capacity. One drive through for online orders and one drive through will be a traditional type ordering. No seating proposed. Accessed solely from Burlington Mount Holly Road, both in ingress and egress, proposing sufficient amount of parking and loading area proposed. Certain

variance requirements will be necessary. Issues to focus on tonight will be signs, buffering, landscaping and lighting. Along with how the parking is set up.

With Mr. Shafkowitz is Architect, Lauren Jester and Site Design and Engineer and Planner, Michael Avila and Yogi Patel who will be present if there are any questions.

The following were sworn in by Mr. Swartz.

Lauren Jester, Michael Avila and Yogi Patel.

Lauren Jester – Albert Taos Architects – Project manager - Mr. Swartz indicated she did not qualify as an expert witness after placing her credentials on record, can qualify as a fact witness.

Ms. Jester showed exhibit SK1 – (Mr. Swartz labeled this exhibit A1) schematic floor plan for the interior layout to be spaced out to create more of a streamline clean building to focus on the drive through. Limited amount of space on the interior, no seating. They will be using the existing building. They will remove the A Frame roof and provide new flat roof tresses. There will be proposing four building signs. One will be a DUNKIN sign facing Mount Holly Road and will be approximately 22 square feet. One will be a DD sign facing Western Drive and will be approximately 27 square feet. One will be art work stating America Runs on Dunkin and will be approximately 8 square feet. One will be art work stating Something New is Always Brewing and will be approximately 25 square feet. The art work signs will be externally illuminated by light fixtures above and the DD and Dunkin signs will be illuminated internally. None of the sign projects are more than 15 inches off the building. Mr. Swartz designated this exhibit as A2.

The exterior of the look is to stream line a clean building and focus on the drive through functions. They will be using the existing building.

Mr. Borger asked about A1, there is an area inside for customers/parking. Ms. Jester indicated that the inside has limited space and is only for customers who placed an order online and already paid for the order and will be picking it up. No room for congregation. There will be a restroom provided, but no POS station.

This will be strictly grab and go.

Mr. Winckowski – eventually both sets of plans will need to be married up. Asked where does mechanicals go for HVAC. Ms. Jester indicated on the roof.

Ms. Burkley – was the gas station just a gas station or gas and bay for use. Mr. Avila will explain further when he speaks.

Ms. Haas – the goal is to just do drive in – will signs be up telling the public that this is just going to be a drive in. Mr. Patel said signs will say drive through only. Will be shown on the site plan.

Ms. Burkley – asked about employee parking only and said it would not need to be separated from customer parking because there were no customers parking or going into the store – move to answer during the site plan presentation.

Mr. Shafkowitz – asking for variance for signs, they do have some flexibility for signs but would like to get the board's feeling of the general limitation of the signs.

Mr. Guerrero – asking about lighting of signs. Mr. Shafkowitz indicated that the Dunkin and DD signs would be illuminated and the artwork signs would be illuminated by gooseneck type lighting above.

Borger – asked if the Dunkin and DD would be illuminated by internal illumination to which Mr. Shafkowitz stated correct. Mr. Borger stated that they would have to see if the artwork constitutes a sign.

Mr. Dochney – painted signs would be considered signs, not just artwork, according to the code they would be considered signs.

Mr. Blair asked what the total square footage of the signs – Ms. Jester responded again with the total amount of each sign, Dunkin 22 square feet, DD sign is 27 square feet, America Runs on Dunkin is 8 Square feet, something fresh is brewing is 25 square feet. Mr. Blair stated that needs to be related to total percentage of coverage on the building. Mr. Dochney stated 40 square feet in one sign total and they are at 82 square feet with four signs.

Mr. Shafkowitz – ask when Mr. Patel speaks about changing the signage and asked Ms. Jester if they can change the size of the signage to bring it down to about 50 square feet to which she stated yes.

Mr. Thorpe – discussion about whether it is legal to make a sign saying Westampton runs on Dunkin. Sounds like the township is supporting a private enterprise.

Mr. Borger – deferred to Mr. Swartz, who is going to look into it.

Michael Avila – licensed professional planner and engineer for Avila Engineering.

Documents presented by Mr. Avila are documents that were submitted back in April of 2021. Marked 1-10, Exhibit A3. The property is on the Northern side of Western Drive. Two points of access from Burlington Mount Holly Road and access from Western drive, which will be eliminated. Improvements for the lighting to the area of the southern side of Western Drive. Limiting the access to only Burlington Mount Holly Road. Existing gas service station and dispensing stations. They will be removing the booth and the dispensing stations, did have service to provide service to vehicles, they no longer provide any automotive services, just gas services. Gas station sign will be refaced. Sheet 3 shows access point on western drive is eliminated, access only from Burlington

Holly Road, parking designated for pick up only, handicap accessible, ADA requirement, employee parking spaces will be designated. They will provide a strip of lawn to the front of the property, which is currently not the required amount. Limited amount of transaction with pedestrian and motorists. 14-15 que spots to accommodate traffic coming in. Proposing a building that is in a dilapidated state and are going to do an enhancement to the area to make it look better.

Variance for the signs – does allow for this site to be identified clearly and visibly desirable. They have to either present either a hardship or a beneficial use (40:55D-2I). Can reduce some signage by number. Good use for this particular site. They are eliminating a potential environmental site. No objections to the review letters, in response to the buffer issues they would ask if the board would make considerations.

Mr. Borger asked about the sign that was existing for the gas station. Mr. Avila advised that the sign would be refaced and use. Mr. Borger asked if that was part of the percentage for all other signs. Mr. Dochney stated they are permitted to have one free standing sign. Need square footage of monument sign. Converting pylon to a monument sign to indicate it was a Drive In only. Will need to provide sign criteria for their approval prior to construction because their plan shows one pole but since it currently has two poles would need to use it as it is.

Ms. Burkley asked if the grounds would be cleaned up of any oils on the ground and will the soil be tested. Mr. Avila advised existing concrete will be removed and replaced with asphalt. The current owner will be in contact with the DEP who will be handling all issues or concerns with the conditions of the existing property as part of the agreement with the existing owner of the property. Mr. Winckowski explained what the LSRP would do if contacted by the owner/buyer/tenant, the Westampton Code does not implement this and is between the seller and the buyer to make sure all due diligence is done.

Shafkowitz stated his client is not buying the property, just the tenant, owner is responsible to go through the process with DEP. They will not move forward if the property is not cleaned up. Any and all paper work will be provided to the township showing what, if any work has been done on the property.

Mr. Avila advised they will be making reuse of the lighting that is there. Putting lights behind the building, look into changing the wattage of what they have already submitted.

Mr. Avila spoke about the vehicle access plan. There are three types of vehicles, a WB40 vehicle to be able to come in and make a full turning movement around the site. They also have a refuse vehicle and passenger vehicles to be able to make its rounds. The deliveries will be scheduled for certain times for the use of their services, along with the refuse vehicle.

Mr. Avila advised that the loading space is sufficient, tucked away, out of the way. Loading area is on the southernly side. They will provide screening for the trash pick up area. They are proposing to provide some type of landscaping.

Mr. Avila advised that Crosswalk requirements will be complied with.

Mr. Avila advised that there will be one Menu Board and the other lane is for online pick up only.

Ms. Burkley asked about the loading space and asked if they are you going to ask for a variance. Mr. Dochney said they do need a variance for the loading area and would need to ask for a variance for the loading area. Mr. Avila indicated they will ask for a variance as a hardship and they would be asking for variance to put parking spaces where the buffer is.

Mr. Blair asked if they had the opportunity to review the plan with the fire marshal to which Mr. Avila advised no. He advised that they would need to follow up with the fire marshal.

Mr. Winckowski asked about pedestrians crossing the parking lot. Mr. Avila said there would be low frequency for pedestrians. Wants to review the queuing so that queuing was not flowing onto Burlington Mount Holly Road. Asked about landscaping, Mr. Dochney conferred with him. Mr. Avila said they could add landscaping, balance of the site is all grass but they could add landscaping to the monument sign, could provide some shade trees along Western Drive and toward the back. Mr. Avila stated they could add landscaping. Mr. Winckowski asked about stormwater. Mr. Avila advised that they will eliminate impervious coverage to meet all standards.

Mr. Borger asked Mr. Avila if he is aware of the status of the DEP by the owner. Mr. Patel said the owner was waiting for the board to approve before he started anything with the DEP.

Mr. Avila spoke about the maximum 4 square feet for stencil marking. He advised a variety of stencil marking that is supposed to guide the vehicles as to where to go, as of now it is exceeding the 4 square foot maximum and asking for a waiver. That was on the planning review letter, page 6, comment J.

Ms. Haas asked what are the proposed hours of operation and how many proposed employees per shift during the time they are open.

Mr. Patel advised the hours of operation will be 5AM – 9PM, the morning shift will have 4 employees and the afternoon shift will only 2 employees.

Mr. Guerrero stated there were some comments from the County regarding having sidewalks installed as well as well as having approval for across the street which will realign Irick Road and also redo the intersection with Western Drive and he believes



that would also widen that area and wants to know how that area would be affected. Mr. Avila stated the county issued a letter dated June 29<sup>th</sup> where they are requesting a sidewalk and the sidewalk would extend onto Burlington Mount Holly Road and would go up Western Drive and terminate at the end of their property line with the adjoining lot 6. The county has standards that it has to be set back from the road a certain width.

Mr. Guerrero asked if Mr. Blair if there was an informal application for the property on the other side of Western Drive. Mr. Shafkowitz advised it was but that their rights have been forfeited to that location, they have not bought it and is still owned by the previous owner.

Mr. Guerrero asked about landscaping and questioned about the Western side as a buffer on the Cooks Motors side. Mr. Avila stated some of the asphalt can be removed and some type of landscaping/shrubbery will be provided. Mr. Swartz asked how that would be affected by the sidewalk that the county is putting in. Mr. Avila indicated that they would have to comply with the county's requirement.

Mr. Blair asked about cutting the paver back, would need to make sure they are not blocking the view to Cooks Motors.

Mr. Thorpe advised the chain link fence is in horrible condition, what is the status of the fence. Mr. Patel said it will be taken out because it doesn't meet Dunkin requirements.

The overall lighting would like to see a lighting plan to make sure it is not too bright and nothing goes above 4000 candling. Make sure it is directed to this property and not spilling onto any other properties. Mr. Avila advised they would work on that.

Meeting open to the public – Ashley Parmy 1 Tiver Court, Medford, NJ and Tim Cook of 2050 Burlington Mount Holly Road, Westampton, owners of Cooks Motors. They asked if they (Dunkin) are buying their property at Cooks Motors and just were putting the Dunkin Donuts next to their property. They were advised no one is buying their property.

Mr. Borger asked Mr. Patel what the proposed term of the lease is and he indicated that the proposed term of the lease is 20 years with two additional 5-year options.

Ms. Parmly asked if the sidewalk would be in front of their property and was advised it would not be. Mr. Cook indicated that the water run off comes from the back of the proposed property, along the side of the proposed property onto his property and wants to know what is going to be done to fix the problem. Mr. Avila explained to Mr. Cook what they were promoting and they would look into whatever they can, on his client's side, do whatever they can to help things out with his property if there is an issue coming from his client's property. Mr. Borger suggested to Mr. Patel that someone from Mr. Avila's office go out when there is another rainfall. Mr. Avila advised that they would meet with Cooks Motors to see if the issues he is speaking of can be addressed if they are being caused by his client. Mr. Cook asked about what the EPA was doing on the property. Mr. Borger stated that what was discussed about the use of this property is

that the tanks would have to come out and the DEP should get involved and make sure the property is cleaned up.

Both Mr. Swartz and Mr. Borger advised nothing is being constructed in front of his property, nothing is being put there to interfere with his property. Mr. Cook advised he is not happy with what is being done.

Comments closed to the public.

Mr. Blair advised that the weather for the next two days was showing rain and suggested that Mr. Avila try and meet up with Cooks Motors owners. The owners advised they are away on a family vacation until Saturday, when Mr. Avila asked if they could get a telephone number, they told Mr. Avila they were very well publicized on line.

Mr. Blair asked about the sign issue not being addressed and will they continue tonight without a solid answer on the water runoff.

Mr. Borger stated that there are too many unanswered questions, needs to see something more specific regarding their concerns with revisions for their plans.

Mr. Swartz wants to know what are the true variances they are asking for and what they can comply with.

Mr. Shafkowitz spoke with Mr. Patel and wants to make the correct revisions and address all the concerns that were made.

Mr. Swartz asked Mr. Shafkowitz if they could assume that they are asking to continue this hearing to the August 4, 2021 hearing at 7:00 to which Mr. Shafkowitz indicated yes.

Mr. Blair advised that they need the fire marshal review and sign off for this also.

Mr. Thorpe was pleased with the direction they were heading in and the revisions were made and would like to see color renderings.

July 26 is the deadline to have everything submitted in time for the August 4<sup>th</sup> meeting.

Mr. Avila advised he has a conflict for the July 26<sup>th</sup> date but would try and make it work.

Mr. Swart advised that the applicant is not required to make an additional notice for this matter, this is the notice.

**Correspondence:**

None

**Open Meeting for public comment**

No Comments

**Comments from the Board**

Mr. Guerrero asked about master plan review for next year, lighting and impervious coverage.

Mr. Blair advised what steps would have to be taken to get the master plan review on the agenda.

Mr. Thorpe made a motion to adjourn the meeting, seconded by Mr. Guerrero.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Rene Barry, Secretary  
Westampton Township Land Development Board