

# WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING NOVEMBER 3 2021 7:00PM

## MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom Platform virtually on November 3 2021 at 7:03 pm. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. The meeting was advertised in the Burlington County Times on January 4 2021 and the Township website. All guests were welcomed.

Pursuant to NJAC 5:39-1.7(c) any individual wishing to give sworn testimony this evening shall appear by video in addition to audio. Anyone not on video will not be able to testify this evening.

Everyone stood for the Pledge of Allegiance. Welcomed guest.

**ROLL CALL:** Present: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Wisniewski, Board Solicitor Robert Swartz, Board Engineer Mike Roberts, Planner Chris Dochney, and Board Secretary Emily Hess.  
Absent: Mr. Henley, Ms. Karp, Mr. Odenheimer, Mr. Ottey.

Solicitor Robert Swartz swore in the Board professionals.

Ms. Burkley moved to not approve the September 1, 2021 minutes, because they are not in a correct format and there are too many mistakes in the transcription. Minutes will be approved on December 1, 2021 meeting.

October mins did not get transferred to the new drop box. The minutes will be approved on December 1, 2021 meeting.

**Resolutions-** 3 new resolutions that need to be approved 27, 28, 29.

- a. 26-2021 MRP Industrial NE, LLC Irick and Woodlane Road- Block 804, Lot 12, Continued application for Preliminary and Final Site Plan Approval. Motion for approval 1<sup>st</sup> Blair 2<sup>nd</sup> Guerrero. No opposed. Abstains: Thorp and Haas. Motion Approved
- b. 27-2021 Odise A Carr, Odise Carr, Diana Colon- Carr and Senela Ibric- Block 906.01, Lot 17 Continued Application for Bulk Variance. Motion for approval 1<sup>st</sup> Wisniewski 2<sup>nd</sup> Guerrero. No opposed. Abstains: Burkley and Haas. Motion Approved.

- c. 28-2021 New jersey American Water Company, INC. Block 1203, Lots 17 & 18 Continued application for a "D2" use variance, Preliminary and Final site plan approval, and bulk variances. Motion for approval 1<sup>st</sup> Berkley 2<sup>nd</sup> Gerrero. No opposed. Abstains: Haas. Motion Approved.
- d. 29-2021 MRP Industrial NE, LLC, Block 804, Lot 12 (Irick and WoodLane Road)-Continued Application Preliminary and final major site plan (construction of 2 warehouse/distribution facilities 305,040 & 215,280 Square feet in size). Motion for approval: 1<sup>st</sup> Guerrero 2<sup>nd</sup> Blair. No opposed. Abstains: Thorpe. Motion Approved.
- e. 30-2021 SBC Laundromat INC, Block 301, Lot 2- Granting Second one year extension of preliminary and final site plan approval and a use variance. Motion for approval, 1<sup>st</sup> Blair 2<sup>nd</sup> Burkley. No opposed. Abstains: Thorpe. Motion Approved.
- f. 31-2021 New Jersey American Water Company INC, Block 1203, Lots 17 &18 Continued application for a "D2" use variance, Preliminary and Final site plan approval, and bulk variances. Motion for approval 1<sup>st</sup> Guerrero 2<sup>nd</sup> Berkley. No opposed. Abstains: Thorpe. Motion Approved.
- g. 32-2021 Odise A Carr, Odise Carr, Diana Colon- Carr and Senela Ibric- Block 906.01, Lot 17 Continued Application for Bulk Variance. Motion for approval 1<sup>st</sup> Guerrero 2<sup>ND</sup> Blair. No opposed. Abstains Burkley and Thorpe. Motion Approved.

**Old Business:**

- MRP Industrial NE, LLC, Block 804, Lot 12 (Irick and Woodlane Road)-Preliminary & final major site plan (Construction of 2 warehouses/ distribution facilities 305,040 & 215,280 Square feet in size. Is being continued by the request of the applicant to the December 1, 2021 meeting. As to Notice they will re-publish and re-notice for the December 1, 2021 meeting.
- Westampton Urban Renewal LLC, 2015 Route 541, Block 805, Lot 1, application for Major Site Plan Approval- to be continued at the request of the applicant to the December 1 2021 meeting. Notice will be required.
- PAG New Jersey CS, LLC, Block 804, Lot 16, application for a minor site plan. - Continued to the December 1 2021 meeting. Request of application notice will be required.

KCA Westampton Phase 2 LLC, 76 Springside Road, Block 203 Lot 4.01 and 5.02 application for preliminary and final site plan, minor subdivision and bulk variances- Did not make notice and did not meet requirements.

- Odise A Carr, Odise Carr, Diana Colon-Carr and Senela Ibric- 34 Roberts Drive, Block 906.01, Lot 17- Variance for 1344 square foot accessory building, residential property. Continued from the October 6 2021 meeting.

Mr. Gerrero states that there are not enough board members as per NJAWC and asked if they still want to proceed.

Niall O'Brien states that they will proceed with their presentation.

Ms. Burkley took herself out of the meeting due to a conflict of Interest.

Mr. Carr was sworn in by Solicitor Robert Swartz and gave his testimony on his application for Bulk Variance.

Mr. Borger ask what was Mr. Carr using the building for. Mr. Carr states to house his collection of antique vehicles and tools for his wood work hobby.

Mr. Borger asked What does Mr. Carr think what kind of impact that erecting the structure will have on his neighbors. Mr. Carr states that he thinks that it will add to the appeal to the neighborhood. Since he keeps his cars parked on the street. He also states that he is willing to install a fence or vegetation of some kind for his neighbors who feel that it is an eye sore.

Mr. Blair states that he had discussed with Mr. Carr a 32 x 42-foot building, with a total of 1,344 square feet. Mr. Blair quoted Ordinance 250-22 A (1). Also stated that Mr. Carr's setbacks are compliant as stated.

Mr. Borger asks how will his vehicles access this accessory building? Mr. Carr states that the building will be erected on the South West corner of his lot, they will access through the west side. He also states that he plans on laying some kind of pavers. He also states that he will have the building match the house.

Mr. Guerrero asked if there will be any utilities connected to the building? Mr. Carr states that he will get just electric.

Mr. Borger asked if the building will be used for just storage. Mr. Carr stated that is correct.

Mr. Thorpe want to clarify that if you use pavers down there is still room for impervious coverage. Mr. Blair states that is correct. He also asked Mr. Carr if he currently has a fence on his lot? Mr. Carr states that he does have a chain link fence in the back portion and on both sides of his property. He also states that there is a "post and beam fence" as well. Mr. Thorpe states that he is good with having that kind of fence.

Mr. Swartz asks what is the height of the building? Mr. Carr states that it will be no higher than 18 ½ feet. Mr. Swartz asked for clarity on how far away the structure of the building will be from the property line. Mr. Carr states that it will 6 feet.

The meet is open to the public.

Barbra Bowman 32 Roberts Drive- West Neighbor to Mr. Carr Opposed because of the Ordinance. There are too many people there on a daily basis and she believes that the septic field is the original. She asks the board to honor the ordinances. Her concern is where will the new septic field go if he has all of his property covered. Ms. Bowman also stated, "Gene Blair, it is your job to enforce the code, the ordinance. They are not out dated not here. This is a community and it was designed for a reason. You want to joint public water and public sewer it was going to be \$40,000 dollars."

Mr Borger asked Ms. Bowman what is her lot number. Ms. Bowman states that she's not sure, but she is to the West of Mr. Carr. Mr. Guerrero states that she is lot 16.

Ms Bowman also states that she has invested a lot of time and money into her property and feels that if Mr. Carr builds his proposed structure that it will be an eye soar to her.

Mr. Borger asks Mr. Carr why is he proposing to build an 18-foot structure to house cars. Mr. Carr stats that he measured from the height to the point of the gable which allows for a pitch to install a lift.

Mr. Blair states that "1<sup>st</sup> of all I take exception to a personal attack of that type, the reason that Mr. Carr has asked to become before the board is to obtain a variance to adhere to the code." Mr. Blair also states that the Township does not have jurisdiction of septic and that is the county and the health department. Mr. Carr does need an inspection with the health department in regard to Ms. Bowman's concerns about Mr. Carr's septic before he (Mr. Blair) can issue any kind of building permit.

Ms. Bowman asks What would the next steps be to get the health department involved. Mr Blair states that, the Burlington County Health Department needs review and sign off on the project.

Ms. Bowman asks if she will be able to find out the results of the review by the BCHD. Mr. Blair states that he cannot and will not issue a building permit unless the BCHD approves the project.

Public portion was closed

Mr. Guerrero asks how many vehicles are going to be stored in the proposed structure. Mr. Carr states 3.

Mr. Borger clarifies that they are antique vehicles. Mr. Carr states that they are.

Mr. Guerrero asks, based on the size of the space what else does Mr. Carr plan on putting in the proposed building. Mr. Carr states he will be using the space for his tools for his business which is currently storing in a trailer. Power tools, bench mounted tools and a lathe. Mr. Borger asks if he (Mr. Carr) would be using the proposed building to use his tools. Mr. Carr states that his wood working is just a hobby. Mr. Blair asked if the proposed structure is going to be used strictly as storage and not used for business purposes. Mr. Carr states that it is going to be used as personal use only.

Mr. Carr states that he would like to add that when he bought the property 2 years ago, he also states that the property was in a "state of disrepair". He says that he has invested over \$150,000.00 to improve his home, He would also like to add that he takes pride in his home and community.

The Chairman requested a motion to approve or deny the Bulk variance, 1<sup>st</sup> Thorpe, 2<sup>nd</sup> Haas. Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Thorpe, and Mr. Wisniewski, all voted Aye. No Nays or abstentions. Application Approved.

Niall O'Brien with the law firm of Archer and Ryder, Representing the Applicant of New Jersey American Water Company, INC. Block 1203, Lots 17 & 18. Who is a provider of public water utility in Westampton Township Mr. O'Brien states he the property is a land locked property, surrounded by residential properties and has a number of historic easements. The property is a split zoned lot with both commercial and residential (R3) zoning. They are seeking a "D2" Variance to expand and modify.

Mr. Swartz states that Mr. Wisniewski is not able to vote due to in Position on the township committee board.

Mr. Swartz swears in Carolynn Zebrowski, Civil Engineer with Mott McDonald, and Lance Landgraft Licensed Planner, President and Owner of LP Plan Graft and Associates.

Credentials: Carolynn Zebrowski Bachelors and Master's degrees in Civil and environmental engineering, from Rutgers University. Lance Landgraft a licensed New Jersey Planner, a Degree in Urban renewal from Bloomsburg University, Has 35 years of experience, is currently the planner for Brigantine NJ.

Mr O'Brian and Ms. Zebrowski started their application presentation.

Ms. Zebrowski Gave a description of the NJAW system and presented Exhibit A1.

States that this station will be used for any future demand for renovations or modifications.

Ms. Zebrowski explained the site and nearby roadways and the commercial lots around the project. Ms. Zebrowski presented Exhibit A2 a rendered site plan and explained the physical improvements associated with the project. Ms. Zebrowski presented Exhibit A4 the floor plan for the proposed project.

Mr. Swartz asked Mr. O'Brain to provide copies of the site plans to the secretary and himself (Mr. Swartz).

Mr. Borger asks if the pond that is represented in the plans a natural or man-made pond. Ms. Zebrowski states that the pond has been there prior to the purchase of the land. Ms. Zebrowski continued to explain the floor plan. Ms. Zebrowski explains the accessory structures with Exhibit A-2.

Mr. O'Brian ask for clarification on the kind of trucks that will be going in and out the facility. Ms. Zebrowski states that only tank trucks will be going onto the property. Ms. Zebrowski shows the lot line with reference to the site plans, Exhibit A-5.

Ms Zebrowski explains how the daily site operation and lighting. Ms. Zebrowski uses Exhibit A-3 to explain landscaping, signage and fencing. Ms. Zebrowski goes over the bulk variances using the site plans.

#### Board Questions:

Ms. Burkley asks: what is the black spot on the drawing that is 58 feet long and will it be in the middle of the road. Ms. Zebrowski states, that it is a great over a trench that will allow any spillage to drain away. It's not preventing anyone from driving.

Ms. Burkley also asks if there will be an issue for fire and rescue to get around the building. Ms. Zebrowski states there shouldn't be an issue due to the size of the "loop" around the building.

Ms. Burkley asks if Ms. Zebrowski has a rendering of the change of easement and road way. Mr. O'Brian states that the access is changing and that is represented on the plan.

Ms. Berkley asked how would that effect the other properties on Woodlane rd. Mr. O'Brian states that they cross the access on the easements and have the right to lead on the property of the subdivision. The only change was for the sewer and a modified easement from the neighbors.

Mr. Thorpe ask, has this been submitted to the fire department. Mr. O'Brian states yes. Mr. Thorpe asks, where the approvals submitted. Mr. O'Brian states that he has yet to see any comments.

Mr. Thorpe asks, if there are any aerators in the pond. Ms. Zebrowski stats that they are already installed and working. She shows it on the aerial shot Exhibit A-1.

Mr. Thorpe asks about the lighting and the glare from the fixture and asks for a different fixture with a shield so that the residents can't see the light source. Mr. Obrien stated that they will look into other lighting options.

Mr. Thorpe asks about the clarifiers and the odor that comes out of the facility. Ms. Zebrowski states no there is no odor admitted from the facility.

Mr. Thorpe asks about the colors of the clarifying tanks. Ms. Zebrowski states that the tanks have a limited color choices, she is willing to change the color if wanted. Mr. O'Brian states, the plan is to paint the tanks blue to try and have it blend in, however he is open to suggestions.

Mr. Thorpe asks if there will be a new fence put in based on the presented rendering. Ms. Zebrowski states that currently there will be no new fencing just new canter leaver gates. Mr. Thorpe also asked if barbed wire fencing legal. Mr. O'Brian states that it is. Mr. Thorpe asks more about the landscaping and tree placement. MS. Zebrowski presented the plans for the landscaping to help address Mr. Thorpe's questions. Mr. Thorpe states that he would like for the fencing to be replaced and part of it to have vinyl slating across the back and sides.

Mr. Blair states that for a utility use you can use a 6ft fence with barbed wire. Ms. Burkley asks that if you have the trees so close to the barbed wire fence does that cause a security concern with people climbing the trees and getting over the fence. She suggests moving the trees back a little bit. Ms. Zebrowski states that the trees will be trimmed and properly maintained.

Mr. O'Brian presented Mr. Landgraft. Mr. Landgraft explained is analysis of the renderings of the variances.

Mr. O'Brian asked if the board is satisfied with the site balancing. Mr. Landgraft stated yes this is a more efficient use of the facility.

Mr. Borger opens the meeting for board comments.

There was no comments or questions.

Mr. Roberts asks if the drain is behind the curb line. Ms. Zebrowski states that it is. Mr. Roberts asks if they will change the landscaping to accommodate the new curb and the sewer wall that is adjacent to the trees. Mr. O'Brian states that they are constrained by the current easement that is in place. Ms. Zebrowski states that there is a natural gas line with in the easement.

Mr Roberts and Mr. Thorpe made points about having the lighting changed.

Mr. Dochney states feels that in his opinion that a lot of the presentation was not necessary, that they should of only showed the negative criteria of the expansion of the facility and that there will be negative impact to the public.

Mr. Borger opens the meeting up to the public. There was no public questions or comments and the meeting was closed to the public.

Mr. Swartz states that he wants to do 3 votes.

Mr Borger asks for a motion to approve or deny a "D2" Variance, 1<sup>st</sup> Thorpe 2<sup>nd</sup> Guerrero to approve. Mr. Blair, Mr. Borger, Ms. Berkley, Mr. Guerrero, Ms. Haas, and Mr. Thorpe all voted yes. No apposed and no abstained. Motion Approved.

Mr. Borger asks for a motion to approve the "D4" Variance Floor ratio Variance, 1<sup>st</sup> Haas 2<sup>nd</sup> Guerrero. Mr. Blair, Mr. Borger, Ms. Berkley, Mr. Guerrero, Ms. Haas, and Mr. Thorpe all voted yes. No apposed and no abstained. Motion Approved.

Mr. Swartz asks that 1. the applicant provides an updated rendering of the easements for the sewer. 2. Alternate lighting or lighting shield. 3. TO replace the fence with a black final inserts on the chain-link fencing on 3 sides.

Mr. Borger ask for a motion to approve the Site Plan, 1<sup>st</sup> Guerrero 2<sup>nd</sup> Thrope. Mr. Blair, Mr. Borger, Ms. Berkley, Mr. Guerrero, Ms. Hass, and Mr. Thorpe all vote yes. No apposed and no abstained. Motion Approved.

**Informal Applications:** None

**Correspondence:**

KCA Westampton Phase 2 LLC, 76 Springside Road, Block 203 Lot 4.01 and 5.02 application for preliminary and final site plan, minor subdivision and bulk variances- Did not make notice and did not meet requirements. Moved to the December 1 2021 meeting.

Mr. Borger Opens the meeting to the Public.

Brian Morgan 3 Maple Tree Dr asks, what is the process to get land in the township rezoned. Mr Swartz states, If the property is already zone for a particular use and you wish to change it, one would need to go through the zoning board and get a use variance or if the township decided to place a certain property into redevelopment and change the master plan of the township.

Mr Borger states that the Land Development Board has asked the Township Committee to review its master plan and looking at each of the zones of the township and reassess them. Mr, Borger suggests that Mr. Morgan presents his concern to the Township Committee.

Anthony Goetz 109 West Maple Tree Dr. asks, what is the policy on postponements mainly how many times can an applicant postponed. Mr. Borger states that he is unaware of any time limits they aren't able to sit on applications. Mr. Swartz states that there is no time limit for an applicant each circumstance is different for each applicant. There does have to be a reason for an application to be postponed. Mr. Borger asks, If there is a postponement that Mr. Swartz places it on the record.

Ryan Bird 304 Irick rd asks, what is the process for the master plan and why hasn't it happened in certain scenarios. Areas in towns that are zone industrial that are "ear marked" to be purchased and preserved farm land area. How does that process work and how does the township makes sure that the land is going to be preserved? Mr. Borger states That the master plan needs to be reviewed by the township committee to see if those changes can be made, but unless someone comes forward and asks the board to grant a variance to change the zone of that property it will sit as is. Mr. Swartz suggest that Mr. Bird asks the Township committee. Mr. Dochney states to preserve something as open space the township has to buy out the development rights and put a conservation easement on the property and register it with the DEP. Legally you can't zone privet property for open space.

Mr. Borger closes the meeting to the public

#### **Board Members Comments**

Mr. Guerrero asks about having a 2<sup>nd</sup> special meeting in December to help take care of backed up applications.

Mr. Borger says we will have to notice the public and applicants.

Mr. Swartz states that it is a possibility. All applicants have to make notice by December.

Ms. Berkley states that the December back log is too much and what will happen if come January 2022 there are new board members. She would like to wrap up as much as possible before the new year.

Mr. Thorpe states he would be open to another meeting in December.

Mr. Borger suggest that the December 1 2021 meeting be strictly for MRP.

Mr Borger calls for a motion to adjourn the meeting 1<sup>st</sup> Guerrero 2<sup>nd</sup> Blair.

Respectfully Submitted by Emily Hess Land Development Board Secretary