

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

NOVEMBER 2, 2016 7:00 P.M.

MINUTES

The regular meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on November 2, 2016 at 7:05 P.M. The meeting was called to order by Chairman Dave Barger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 12, 2016 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

**Roll Call:** Present: Mr. Barger, Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Lopez, Mr. Attaway, Engineer Greg Valesi, Planner Tamika Graham, Solicitor Allen Zeller, Secretary Marion Karp

**Absent:** Mr. Applegate, Mr. Carugno, Ms. Coe, Ms. Berkley

Minutes of the 9/7/2016 meeting – were approved as written.

Board Solicitor Sandy Zeller swore in Board Engineer and Board Planner

**Resolutions:**

13-2016 PSE&G, Block 1102, Lot 1 – minor subdivision – was memorialized

14-2016 APCO Petroleum Corporation, Block 904, Lot 2 – one year extension of preliminary and final major site plan, conditional use approval, bulk variances and waivers – was memorialized

**New Business:**

**Thomas Hand, Block 301.01, Lot 62.** The applicant was present with an application for a variance. He had installed new roof shingles that were not the same color as the original shingles installed on his townhome, something that was required by Township ordinance as well as by deed restriction. He was sworn in by the Solicitor. The property is located at 66 North Hill Drive in the Rolling Hills subdivision.

He wanted to have solar panels installed on his home and his roof was already 13.5 years old and therefore he installed a new roof before installing the panels. The new roof was installed in December 2015. The solar panels were installed in September 2016.

He recently became aware that his shingles were the incorrect color due to the reroofing of the unit next door to his which was undergoing some renovation work.

Gene Blair explained that this ordinance was developed and put into place when the subdivision was built by JS Hovnanian in 1985. This ordinance has always been a headache to Gene who has to enforce it. Residents aren't able to change colors of their shingles, siding or trim paint but are required to keep the color the same as originally done. Three tab shingles were originally required but now the architectural shingles have become much more popular.

Mr. Hand failed to take out a roof permit; Gene happened to notice it when he was inspecting the roof next door. Gene thinks this is a true hardship to have to enforce this type of ordinance. Most of this roof is covered by solar panels and can't be viewed; additionally, since the roof has been installed he hasn't received any complaints from other residents regarding the color change.

Mr. Hand explained that it is standard procedure that the contractor pulls the permit; he expected him to pull a permit. It is his fault for not checking to see if he did go through with it but he did expect him to take care of this.

Monica Hand was sworn in by the Solicitor. She told the board that she was going through cancer treatments at the same time her husband was taking care of the house and too much was going on.

This is covered not only by ordinance but also by deed restriction. The Board can grant a variance from the ordinance but we can't do anything about the deed restriction. A neighbor would still have the right to challenge the color of the roof as a civil matter.

Mr. Borger commented that the panels do cover much of the roof; it doesn't stand out glaringly.

Mr. Lopez asked that if the solar panels are ever removed could the Board require that the roof needs to be changed back to its original color. Solicitor Zeller agreed that this could be a condition in the resolution.

Mr. Lopez and Mayor Daniels excused themselves from the meeting at 7:36 PM.

This application was opened up to the public for comment. No comment was made and the meeting was closed.

Mr. Hand distributed photos of differently colored roofs in the subdivision; there were many examples of this throughout Rolling Hills. There was no one in the audience objecting to the roof.

Mr. Hand was advised that he did have the opportunity to adjourn his application and return before the Board when there were more members present. Mr. Freeman could

not vote on the variance since he is a neighbor and was served notice of the application.

Mr. Borger made a motion to approve the variance; the motion was seconded by Mr. Attaway. Mr. Barger, Mr. Borger, Mr. Blair and Mr. Attaway voted yes.

**Catholic Charities, Block 203, Lot 10.** Jose Sabalaro, applicant's attorney, was present on behalf of the application for a use variance. Solicitor Zeller advised him that we have 5 members eligible to vote tonight; he could choose to proceed or to adjourn the application to another meeting when there might be more Board members present. They stated they would like to proceed. Mary Petro, Associate Director of Providence House, Bill Lammey, Architect and Joseph Mancini, Professional Planner & Engineer, were all sworn in by the Board Solicitor.

Mr. Sabalaro gave a brief overview of Catholic Charities; they provide many services such as housing and food services, tax preparation as well as domestic violence services. This application is for Providence House, who provides services for victims of domestic violence. The property is in the B-1 zoning district and the building is located at 595 Rancocas Road. They are under contract to purchase the property pending use variance approval. They intend to use the property mostly for office and administrative, however 10% of the building will be used for adult therapy sessions and after school counseling for youth, which is not a permitted use in the zone.

Ms. Petro described the workings of Providence House and the services they provide. They have a long standing record of working with law enforcement in the area. All of their services are free. Their outreach office provides these services; kids are ages 3-12 but they also see teenagers up to age 17. The children's program, PALS, will be based in this location. The business portion involves office staff that manages grants. They have been paying a lease in Delran for more than 10 years which is very expensive so they are really hoping to purchase this building.

Office hours will be Monday through Friday from 9 AM to 5 PM; some therapy sessions end as late as 6:30 PM. One night a week they are open until 8:30 PM. There is about 15 full time staff present at any one time; they do provide transportation in a 7 passenger van. People attending the meetings will number no more than 15. There won't be more than 30 cars in the lot at any one time. The building will provide enough parking and space for their needs. There are 48 parking spaces on site.

Architect Bill Lammey asked if they ever experienced any situations where an abuser showed up at the building; Ms. Petro answered that it has happened only twice ever and they both ended peacefully. The building is kept locked and you have to be buzzed in; they also have a camera system.

Dave Barger asked if they are expecting any growth; she said no, they would expand in other areas and not in this location. This would be their administrative location. There

are no outdoor play areas planned for this location.

Mr. Lammey described the physical location of the site and the building itself. An addition was constructed in 2000; it is a two story building with wood cedar siding. The only work they will be doing is repair and replacement of concrete walkways. They will clean up the siding and the roofing a bit. No change to foot print or impervious coverage. He had a floor plan; they would construct a dividing wall in the basement. There are changes being made on the first floor to promote safety; they are creating a spot for a receptionist as well as adding offices and therapy/counseling rooms. The second floor has office spaces that will remain. They will repaint, recarpet and do some HVAC upgrades. The therapy and counseling rooms represent 695 square feet which is how they came up with the 10% usage that doesn't fit in with the ordinance.

Joe Mancini, PP, testified that he believes they meet the criteria for the use variance. The use is inherently beneficial and promotes the general welfare. Several goals of the MLUL have been met as well. Additionally, they think there are enough positive criteria to grant the variance and he went through them. There is no substantial detriment to the public good and the 10% of the use of the building that isn't permitted is diminimus in nature.

Engineer Greg Valesi stated that based on the architects and planners testimony he believes the site supports this use and there is more than adequate space. He is satisfied from an engineering standpoint and he has no issues.

The applicants agree to all conditions and comments in the professional's review letters.

There will be no impact to the drainage on the site.

Mr. Borger stated it is an ancillary use to the property; he sees no detriment and thinks they have made their case.

Gene Blair asked if they would follow through and install a Knox Box on the property. The applicants agreed to do this.

Mr. Freeman has a concern regarding security of the people brought there to receive therapy. Ms. Petro assured him that they have it under control.

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 use variance; the motion was seconded by Mr. Borger. Mr. Barger, Mr. Blair, Mr. Borger, Mr. Freeman and Mr. Attaway voted yes.

### **Informal Applications:**

**Westampton Real Estate, LLC, Block 803, Lot 8.** Nick Sulia, attorney was present. Andrew Kaplan, counsel for the seller was present, as were the Lu's, the people interested in the property. The property was last used as a seafood processing and distribution plant. There were 40-50 employees in two shifts. A cleaning crew would come in overnight. The Lu's do rice noodle manufacturing. There is no odor involved in the manufacturing of the product; the machines are very quiet and cannot be heard outside the building. There would be two vans used for distribution of the product; food service vendors would make deliveries twice a week. There will be approximately 10 – 15 employees, preferably local employees. Hours of operation will be approximately 6:30 AM to 5 PM. They think a variance would not be required in this instance since the new use is so similar to what went on there before.

The property has been on the market approximately 24 months; since that time they have had two purchasers who unfortunately were not able to get financing.

They would keep the smaller freezers but would not need the amount of refrigeration that exists there now. All of the equipment is being included in the sale; a lot of it doesn't fit their purpose. No retail sales would be going on here; just wholesale. They are currently located in center city Philadelphia and are looking to expand. They do most of the deliveries themselves. A tractor trailer would visit the site once a week. They are their distributor and their supplier so there wouldn't be much traffic.

Dave Barger thinks a more formalized application is the best way to go; he asked Solicitor Zeller to expand on this. He asked about the sound studio that had been approved years ago that is in a small building on the grounds and if this use would be abandoned; the applicants agreed that they wouldn't use it. They would paint it and fix it up. They were advised if they made it into an office space it would still require a use variance. Dave Barger asked Solicitor Zeller for some guidance on what the next step would be. He advised that the applicants could ask the Board for an interpretation or a certificate of nonconformity as a next step.

### **Open Meeting for Public Comment:**

No comments were made and the meeting was closed.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board