

# WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

## REGULAR MEETING

DECEMBER 6, 2023

## MINUTES

The meeting is called to order at 7:04pm.

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom platform virtually on December 6, 2023, at 7:00 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by the Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 6, 2023, and on the Township website. All guests were welcomed.

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**1 Pledge of Allegiance** - The Pledge of Allegiance was recited.

**2 Welcome to guests** - Chairman Borger welcomed all the guests to the meeting.

**3. Roll call: Present:** Mr. Borger, Mr. Fagan, Mr. Guerrero, Mr. Jones, Mr. Odenheimer, and Ms. Tolor  
**Absent:** Mr. Carr, Mr. Henley, Mr. Holshue, and Mr. Thorpe

**4. Swearing in Board Professionals:**

Mr. Dickey swore in the board professionals.

**5. Minutes:**

a. **October 4, 2023 Meeting Minutes**

A motion was made by Mr. Guerrero to approve the October 4, 2023 minutes, seconded by Mr. Jones  
All members voted in favor except Ms. Tolor who abstained.

b. **November 1, 2024 Meeting Minutes**

Mr. Guerrero stated he didn't call the meeting to order, Chairman Borger did, so the minutes will be amended to reflect this change.

A motion was made by Mr. Guerrero to approve the minutes as amended, seconded by Mr. Odenheimer.  
All members voted in favor except Ms. Tolor who abstained.

**6. Old Business:**

Dolan Contractors, Inc. Block 203.08 Lot 1.01 – Construction of a warehouse

The applicant requested the application be carried to the January 3, 2024 agenda and the board approved and gave notice to the public

**7. New Business:**

Dolan Contractors, Inc. Block 203 Lot 6 – Preliminary and Final Site Plan application to remove a shed and construct an 11,358 square foot storage building in its place.

The Applicant requested that the application be carried to the January 3, 2024 agenda and the board approved and gave notice to the public.

8. Informal Applications: None

9. Correspondence: None

10. Opened Meeting for Public Comment:

The meeting was opened to the public at 7:57P.M.

Nancy Burkley, speaking as a resident was sworn in by Mr. Dickey and stated she was confused on how to get to the link to the zoom meeting by reading the directions on the agenda. Several board members gave her verbal instructions.

Ms. Burkley also stated that the agenda was not on the website until Wednesday at noon when it should under law be posted 48 hours prior to the meeting start time. Secretary Torpey responded that this agenda was very fluid.

Secretary Torpey stated that she will have the agenda on the website 48 hours prior to the meeting start time, on Mondays by 7:00 P.M. Secretary Torpey also commented that she tries to post the most up-to-date agenda. Once the agenda is posted 48 hours prior to the meeting, a revised agenda will not be uploaded after that. The agenda has a clause stating, "Subject to change pursuant to N.J.S.A. 10:4-8(d) – this agenda is tentative to the extent known at time of posting." Secretary Torpey commented that if residents have questions on an agenda prior to the 48-hour notice, she is happy to respond to a resident on the phone, in person, or via email.

Bryan O'Neal of 15 Mayfair Circle was sworn in by Mr. Dickey and questioned why applicants aren't penalized when they cancel at the last minute and it is not fair to the residents when that happens. He feels they string the residents and town along.

Mr. Dickey commented that we do have mechanisms that we use to protect the township. The board can deny the application and force the applicant to submit a new one, but there are certain things the town can't do. MLUL (the Municipal Land Use Law) protects the applicant more than it protects the town. It's hard to deny the application outright and an applicant can ask that the application be postponed as many times as they want, as long as they are not doing anything illegal.

Mr. O'Neal stated that he knows this is not an easy thing to do and appreciates what the board does.

Mr. Dickey also commented that we are restricted by the MLUL and have to work within the confines of state law.

Mr. Dickey also stated there are mechanisms in the MLUL that protects applicants, stating further that the board can discuss internally what steps the board can take to help with the problem of postponements.

With no one else from the public wishing to be heard, the public portion of the meeting was closed at 7:30P.M.

#### **11. Resolutions:**

Pursuant to Resolution 2023-13, a resolution of the Land Development Board of the Township of Westampton authorizing an Executive Session was presented for:

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N.J. 478, the employee(s) and nature of discussion is:

A motion was made by Mr. Guerrero, seconded by Mr. Odenheimer, and passed unanimously by the board for the board to enter into Executive Session at 7:31 P.M.

The board re-entered the regular, open session at 7:57 P.M.

Mr. Dochney and Mr. Dickey rejoined the public meeting.

Chairman Borger stated that the board has picked professionals for 2024, namely, Florio Perrucci Steinhardt Cappelli & Tipton, LLC as solicitor and Michael Roberts from CME as board engineer (The Township Committee picks the board planner and secretary.).

Vice-Chairman Guerrero stated there are positions to fill for Class IV and alternate members.

The board would like the secretary to get the board members' expiration dates and post them on the Township website.

Secretary Torpey stated that she and Township Manager Gibson will meet when the holidays are over when Secretary Torpey will learn how to add to the website herself so she can handle that.

#### **12. Comments from Board member, Solicitor, engineer, Planner, and Secretary:** Happy Holidays from everyone.

#### **13. Adjourn:**

A motion was made by Mr. Guerrero, seconded by Mr. Jones, to adjourn the meeting at 8:03 P.M. All voted in favor and the meeting was adjourned.