

# WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING DECEMBER 1, 2021 7:00PM

## MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held via the Zoom Platform virtually on December 1, 2021 at 7:04 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 on the Township website. All guests were welcomed.

The chair announced that, 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 guests.

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

Solicitor Robert Swartz swore in the Board Professionals.

The Minutes for the November 3, 2021 meeting were approved as

memorialized. The minutes for the October 6, 2021 meetings were not approved.

**Resolutions:** for approval/memorialization

33-2021 MRP Industrial NE, LLC Irick and Woodlane Road- Block 804, Continued Application for Preliminary and Final Site Plan Approval. Burkley moved for approval, Haas seconds. No objections. Karp and Odenheimer abstains. Motion approved.

34-2021 PAG New Jersey CS, LLC 1971 Burlington-Mount Holly Road - Block 804, Lot 16 Continued Application for Minor Site Plan Approval, Bulk Variances and a "D" Use Variance. Guerrero moved for approval, Haas seconds. No objections. Karp abstains. Motion approved.

35-2021 Odise A Carr, Odise Carr, Diana Colon-Carr and Senela Ibric, 34 Roberts Drive – Block 906.01 Lot 17 Granted Application for Bulk Variance Relief. Haas moved to approve, Guerrero seconded the motion. Recused: Burkley. Karp and Odenheimer abstained. Motion approved.

**Old Business:** MRP Industrial NE, LLC, Block 804, Lot 12 (Irick & Woodlane Road) – preliminary & final major site plan (construction of 2 warehouse/distribution facilities 305,040 & 215,280 square feet in size) – continued from the November 3, 2021 meeting.

Mr. Guerrero asks if the applicant is only seeking preliminary approval?

Mr. Swartz states that he believes that it was discussed at the September meeting. He was going to ask at the end to the meeting before he prepares the resolution.

Mr. Michael Floyd, Attorney with Archer and Greinder, states that he is representing MRP and states that during the last public hearing they did offer a solution in regard to the traffic whereby the board would grant only preliminary site plan approval. They did ask for preliminary and final siteplan approval. He also states that the only change from the last meeting was the submission of two additional exhibits for two additional elevations, one for building 1 and one for building 2.

Included a calculation of average grade. He asks that they be marked as “exhibit C1” for building 1 and “exhibit C2” for building 2.

Mr. Swartz swears in:

- Dan Hudson, MRP Industrial
- Chris Roach, Langan Engineering
- Dan Disario, Langan Engineering
- Scott Daniel, Ware Malcumb
- Greg Woodruff, Langan Engineering

Jeff Brennan represents Christina Goetz - 109 W Maple Tree Dr and Kirsten Bjork-Jones 120W Maple Tree Drive. They are objecting to the application. He has concerns about the “D” variances sought.

Mr. Swartz Swears in:

- Dave Horner, Traffic engineer with Horner and Harris associates.
- Barbara Allen Wolley-Dillon, Professional planner with her own firm.
- Christina Goetz, 109 W Maple Tree Dr.
- Kirsten Bjork, Jones 120 W Maple Tree Drive.

Mr. Brennan starts his cross examinations with Mr. Roach. He presents his first “exhibit 0-1,” a copy of Ordinance 1-2021. “Ordinance of the Township of Westampton to repeal and replace chapter 209 of the code of the Township of Westampton, storm water control, formerly storm water management. “

Mr. Brennan states that the Ordinance is 30 pages long.

Mr. Roach reads Section XIII for the record. "Effective Date: This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

Mr. Brennan presents "exhibit 0-2," minutes from the February 2, 2021 Committee meeting.

Mr. Brennan presents "exhibit 0-3," The notice of publication that was provided to the Burlington County Times with a published date of Sunday February 07, 2021.

Mr. Brennan presents "exhibit 0-4," a transmittal letter with the application date of February 17, 2021.

Mr. Brennan presents "exhibit A-2" from the applicant to ask about the storm basins.

Redirect by Mr. Floyd. He asked Mr. Roach if he is a licensed engineer in the State of New Jersey.

Mr. Roach stated "yes".

Mr. Floyd also asked if Mr. Roach is an attorney in the State of New Jersey.

Mr. Roach says "no."

Mr. Floyd asked if Mr. Roach has not done any analysis on the ordinance adoption.

Mr. Roach stated "correct"

Mr. Floyd asked if Mr. Roach is aware of any other procedural issues.

Mr. Roach states "correct"

Mr. Brennan then cross-examined witness Mr. Dan Hudson. Mr. Hudson states they do not know who will be in the buildings and that it is "very typical" for their business. He also states that it will take 9-10 months to build the warehouse and about a year before they have tenants in the building.

Mr. Brennan presents "exhibit 0-5," the application filed by the attorney. Page 2 "Information Regarding the Property". Sub C "Existing use of the property- Vacant Land." There is discussion concerning the cell tower.

Mr. Floyd cross examined Mr. Hudson, asking Mr. Hudson who is Brian Peterson. He is the Sr. VP, in charge of development activities in New Jersey, and handles the day-to-day activities such as this application.

Mr. Brennan calls Mr. Disario. Mr. Brennan questioned Mr. Disario on “exhibit A-2” the rendering of the site plans that were submitted with the application. Mr. Brennan asked about the traffic impact from the Irick Rd. entrance.

Mr. Brennan presents “exhibit 0-6,” “Traffic Impact Study” which Mr. Disario prepared. Page 11 “Table 5- Queue Summary- CR 637/CR 630 & CR 630-West Intersection”. Mr. Brennan continued to question Mr. Disario about the traffic study.

Mr. Floyd cross examined Mr. Disario.

Mr. Brennan calls Gregg Woodruff. Mr. Woodruff confirmed that he is a licensed professional in the State of New Jersey. Reviewed and prepared the materials for this hearing.

Mr. Brennan presents “Exhibit 0-7” Section of “250-20. Industrial (I) Zone”. Mr. Brennan asked Mr. Woodruff if the cell tower is a permitted use according to the zoning law. Mr. Woodruff stated that is correct.

Mr. Floyd asks Mr. Woodruff about permits for the cell phone tower.

Mr. Brennan re-crossed Mr. Woodruff.

Mr. Brennan calls his own witness, Mr. Horner, President of Horner and Cantor Associates, a traffic engineering firm. He has a B.A. in Civil Engineering from the University of Delaware. He is a licensed professional engineer in the State of New Jersey and a certified traffic engineer. The board accepted Mr. Horner as an expert in engineering and traffic engineering.

Mr. Horner states that he was asked to look at the traffic study and site plan due to concerns raised by his client. Mr. Horner feels that underestimated trips would have a serious impact. There can be more improvements on the study.

Mr. Horner asks to share “exhibit A-2”, and states that there shouldn’t be any left turns into either driveway. He also feels that there should be a new traffic study with the school traffic included.

Questioning opened up to the board.

Mr. Borger asked for clarification on the traffic study and what Mr. Horner suggests be reviewed.

Mr. Swartz asked Mr. Horner if he has prepared his report or if his suggestions are based on what the applicant has provided. Mr. Horner states that no he did not prepare his own report.

Mr. Floyd crossed examined Mr. Horner.

Mr. Brennan objected to one of Mr. Floyd's questions. Mr. Floyd stated that he was just looking for clarification. Mr. Borger overruled the objection.

Mr. Horner stated that he listened to the August and September testimonies about a traffic

light. Mr. Borger has questions for Mr. Horner about traffic lights and adding lanes.

Mr. Horner states that the County would have to review and approve any additions to the county roads.

Mr. Horner quotes the ITE Warehouse use codes 150, 154, 155, 156, 157, uses and subsets.

Ms. Burkley states legally there is really no legal reason to vote "no" on the warehouse. She would like to know what legal reasons would there be for her to vote "no".

Mr. Brennan states that the next witness will be able to provide that information.

After a five-minute recess, Mr. Brennan calls his next witness, Ms. Barbara Allen Woolly-Dillon, professional planner in the State of New Jersey. Undergraduate degree from Rutgers, a masters in Planning from the University of PA, also director of development and planning for Atlantic City, a certified zoning official and has a certificate of wetlands preservation from Rutgers. The board accepts her qualifications as an expert planner.

Mr. Floyd asks for clarification on Ms. Woolly-Dillon's certifications. He had objections on Ms. Woolly-Dillon testifying as an expert on wetlands, soil quality, and classifications of soil, etc. He asked that Mr. Brennan retain an expert consultant.

Mr. Brennan feels that Ms. Woolly-Dillon is more than qualified to testify.

Mr. Borger allows her to testify as a professional planner due to her training in wetlands.

Ms. Woolly-Dillon states that to prepare for this hearing she listened to and attended previous meetings also reviewed the zoning laws, master plan for Westampton Township as well as the county. Her findings are that the application needs variance relief, two use variances, one for use not permitted, and one for principal use of lot. Two "D1" variances. She also quoted 250-20A, 250-20I, and 250-20M.

She also states she has counted six variances that are needed:

- Minimal setbacks
- Maximum building height
- Minimum buffer rails
- Minimum required screening

- Parking installed
- No energy conservation use

Ms. Woolly- Dillon states that the applicant testified about two bulk variances, N.J.S.A. 44-D-552 on

“C” Variances. She feels that the application contradicts 8 of the 16 zoning laws.

Ms. Woolly-Dillon presented The Burlington County Farm Land Preservation Report which was submitted by the applicant.

Ms. Burkley states that this report is from 2008 and she has seen more up-to-date reports. She also states that the Bog Turtle may not be inhabiting the area. She would like a more updated report.

Ms. Woolly- Dillon presented “exhibit 0-9,” an environmental resource map NJ Geo Web August 14<sup>th</sup> 2021.

Ms. Karp asks for clarification about the applicant’s use variance. She would like to know who will determine if the applicant will actually need a use variance, and shouldn’t that be determined before the board hears further testimony.

Ms. Burkley asks, “How can they give a use variance if the board doesn’t know what the buildings are being used for?”

Mr. Borger clarifies that they can’t give a use variance because there is no application for one.

Chris Dochney, Board planner, states that he is in agreement with Mr. Brennan and Ms. Woolly-Dillion that a use variance is needed, and since the cell tower is still there, that is two uses of a lot which is not allowed with Westampton’s ordinances.

Mr. Swartz clarified that because the applicant submitted an application to the planning board and not the zoning board, it would have to re-apply for a use variance.

Mr. Brennan states that the cell phone tower was not a part of the original application and is not permitted along with the warehouse.

Ms. Karp interjected, stating that the cell phone tower application was presented to the planning board around 1994. She believed it was for a use variance.

Mr. Floyd cross examines Ms. Woolly-Dillion, asking her to explain the “Master Plan” and who is in charge of drafting and approving it.

Mr. Brennan re-directed Ms. Woolly-Dillion, asking her to verify the questions that Mr. Floyd had asked her.

Mr. Brennan calls Ms. Christina Goetz - 109 E. Maple Tree Drive. Mr. Brennan presents "exhibit A-1," an aerial map of the site, for Ms. Goetz to show her residence. Ms. Goetz gave her testimony as to why she is against the warehouse.

Mr. Swartz ask where the cell tower is located on the property.

Mr. Brennan calls Ms. Kirseten Bjork-Jones - 120 West Maple Tree Drive. Ms. Bjork-Jones identified her residences on the aerial map presented by Mr. Brennan. Ms. Bjork-Jones gave her testimony and read a statement.

Mr. Guerrero would like to know when the board will see the amendment to the traffic count as well as the consideration of turning the building around to make the loading and unloading done at the front of the building.

Mr. Floyd is going to provide Mr. Brennan and the board with the amended traffic plan taking into account the afternoons while school is being let out.

Mr. Guerrero states that he has concerns about loading and unloading in the front as well.

Mr. Odenheimer asked a question about the storm water ordinance.

Ms. Berkley states that this is her last meeting about this application and would like to make a comment, and asks to view the aerial picture of the site. The Turnpike bridge, the three little dots represents being on ground level and it wasn't until she reached that point that she couldn't see the driveway. She also states that there was nothing presented at tonight's meeting that she didn't already know and that she has yet to change her mind, and that her concerns are still the same. She could not support having the warehouse if they keep the driveway where it is.

Mr. Floyd suggested having a 3<sup>rd</sup> meeting to finish the application before the New Year.

Mr. Floyd asks that if the next meeting is opened to the public, they keep their comments limited only to any new information that was submitted.

Ms. Bjork-Jones stated that the last time the public was allowed to comment was during a tornado warning and many residents were without power. She asked when the public will be allowed to comment again.

Mr. Floyd stated that Ms. Bjork-Jones is represented by counsel and needs to consult with her attorney.

Mr. Swartz states that this hearing will be continued at the January 5, 2022 7:00 pm meeting, unless further notice has been given. There is also a special meeting for December 14, 2021 at 7:00pm.

**Informal Applications:** none

**Correspondence:** none

**Public Comment:** Amber Pingitore thought there was a hard stop at 10:30, it is 10:40.

Mr. Borger state there is; however, the board does need to finish its agenda.

Meeting closed to the public.

The Board went into executive session and then returned.

**Comments from Board members:** None

Motion to adjourn by Thorpe, 2<sup>nd</sup> by

Guerrero Meeting adjourned at 10:42pm

Minutes respectfully submitted by Board secretary , Emily Hess

