

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

DECEMBER 2, 2009 7:30 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on December 2, 2009 at 7:30 P.M. The meeting was called to order by Chairman Tim Ryan and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 6, 2009 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. All guests were welcomed.

**Roll Call:** Present: Ms. Bergen, Mr. Blair, Mayor Camp, Mr. Carugno, Mr. Maybury, Ms. Sampson, Mr. Welsh, Chairman Ryan, Mr. DiOrio, Mr. Bell, Mr. DiOrio, Solicitor Fred Hardt, Engineer Greg Valesi, Planner Harry McVey, Secretary Marion Karp  
Absent: Mr. Applegate

The minutes of the November 4, 2009 meeting were approved as written.

**Resolutions:**

22-2009 Edgewood Partners, LLC, Block 906.07, Lot 8 – signage for Hilton Garden Inn & Recovery Sports Bar – will be held until next month since the resolutions had not been prepared

23-2009 Hannum's New Jersey Realty, LP, Block 1203, Lot 26, 1853 Burlington-Mt. Holly Rd. – waiver of site plan (motorcycle dealership) – will be held until next month

24-2009 Dolan Contractors, Inc., Block 203, Lot 1.02, 20 Ikea Drive & 2 Springside Rd. – amended site plan approval (expansion of existing parking lot) – will be held until next month

25-2009 2009 Amendments to Housing Plan Element & Fair Share Plan – was memorialized

**Old Business:**

None

**New Business:**

**David & Karen Gromacki, Block 106, Lot 15, 220 Main Street.** It shall be noted that Mr. Maybury and Mayor Camp would not vote on this application because it is a use variance. The applicants explained that they were told they could have farm animals before they moved to the Township. Since moving in to the home, which is located in Rancocas Village, they have found out that farm animals are not permitted in that zone, which is R-2. Non household animals are only permitted in the R-1 zone under certain conditions.

The property in question is over three acres in size. The Gromackis have about 35 chickens, 11 ducks and 3 goats. There are 4 barns that exist on the property and a chicken coop that probably housed 150 chickens at one time. The housing is there for the animals. They are using their own chicken coop and not the existing one, as it is falling apart. They haven't put any money into the property but are hesitant to do so until after the Board renders a decision.

One of the barns has since been demolished, in addition there is a corn crib and 3 out buildings which are in good shape and usable. They hope to fence in the property, which backs up to open space on Rancocas Road and has frontage on Main Street. The property is being rented by the Gromackis. Fred Hardt's question is if the use was ever abandoned; if not, they have the right to have the animals there. The Gromackis explained that they show the animals at 4-H farm fairs. The animals are locked in the barn at night and are not let out until at least 8:00 AM each morning.

The situation had come to light due to the fact that the goats had escaped one day. They have not gotten out since that time; however, Gene Blair commented that he had received complaints from a resident since that time simply due to the fact that they are in violation of our zoning ordinance.

Ms. Gromacki explained that the keeping of the chickens had many positive effects. The chickens are their pets. They have 6 roosters. They stated that the chickens stay on their property and do not stray on neighboring properties. The Board asked if they would be willing to construct a fly pen for the birds to totally contain them. They stated that they would be, the only problem would be where to locate it.

The meeting was opened to the public for comment.

Vicky Stevenson of 210 Main Street has a problem with the roosters, who crow all day long. Ms. Gromacki asked if she knew if it was their birds or the neighbor's birds. A neighbor also has chickens. She thinks 6 roosters are too many to keep. She has no problem with any of the other animals. The crowing is constant and continuous.

Norm Miller of 118 Main Street had worked on the property, which was a farm, when he was young. He was opposed when the Township passed the ordinance against the keeping of non household animals. The farm had housed horses, cattle and chickens; there are a number of people in Rancocas who keep goats, ducks and chickens and it is

not uncommon for a town such as Rancocas to have farm animals such as this. He thinks it is an interesting learning experience for people and thinks it should continue. He has more problems with dogs and kids running around in the neighborhood than with chickens.

Olive Grovatt of 217 Main Street lives directly across the street stated that she has never heard one sound from the farm. She never even knew they had animals. She has seen chickens once near the house and has no objections. She has never heard a rooster. She is in favor of the 4-H club.

Preston McGiboney of 210 Second Street stated that animals have not been on the property for approximately 40 years. He has lived next to someone who had a rooster. There is another property in the immediate vicinity that has roosters. He is concerned that if the Board grants the variance that it will lead to others in the neighborhood keeping non household animals. The Gromacki's dogs have gotten out and run loose. He said they have made it clear that they want to get more animals and told this to his wife. This is a residential area and not a farm. He stated that the crowing of the roosters does not wake him although he can hear them.

Janet Curran of 123 Main Street remembers the animals that were kept at the farm. She thinks the children will benefit from the animals in the neighborhood. She does not hear the animals and has not been disturbed by them. Animals have always been part of the Village and of the Township.

Gil Gehin Scott of 104 Second Street commented that his parents raised chickens for their eggs. He said that roosters crow at dawn and do not crow all day long. It would be unusual for one to crow all day long.

Hilary Vaswani of 211 Second Street is the newest resident in Rancocas Village. She liked the fact that it has such a diverse type of housing. The Gromacki's welcomed her children and provide a safe environment to interact with animals. She thinks it would be an injustice to lose something like this that has been lost in the re-development of the land.

Vicky Stevenson wanted to clarify that she does not have a problem with the livestock in the village. She stated that the roosters in the village crow all day long; she hears them both outside and inside her house. It may be that her lot is just particularly situated.

Tom DiOrio asked if anyone else in town wanted to have a chicken or a goat for a pet, would they need a variance. They would need to do so. He asked what would happen to the variance if the Gromackis decided to move. Fred Hardt stated that the variance would run with the land.

The Board will require the construction of a fly pen to contain the birds, located farthest on the lot from the adjoining residential areas. Mr. Gromacki thinks that 60 feet in length is the largest he would like to go; it would be 8 feet in height, and 30 feet in width

and would incorporate a roosting area and a vestibule. It would be located 25 feet from the property line. The applicants agree to not obtain any more animals than what they presently have at this time. The ducks will have their own pen.

Mr. DiOrio made a motion to approve the variance; Ms. Bergen seconded the motion. All Board members voted yes. The applicants request the grant of an at risk permit. The Board grants this request.

**Clearwire US, LLC, Block 501, Lot 2, 710 Rancocas Road.** Nick Menas, attorney was present on behalf of the application. Mr. Velazco, radio frequency engineer and Mark Damiano, engineer, were sworn in before the Board.

It shall be noted that Mr. Maybury and Mayor Camp would not vote on the application since it involves a use variance.

The existing tower is located in the parking lot of the Municipal Building. The co location of the antennas would improve service, according to Mr. Velazco. Regarding the Township Engineer's letter, the structural analysis would be submitted to the Construction Official. Harry McVey's report suggests that some landscaping be installed along the front of the chain link fence; the applicants agree to provide this. Harry McVey commented that amendments are being made to the Township Code to eliminate co locations from having to come in for variances and site plan approvals.

The meeting was opened to the public for comment. There was no comment from the public.

Mr. Carugno made a motion to approve the minor site plan and use variance; Mr. Blair seconded the motion. All Board members voted yes.

**2009 Amendments to Housing Element & Fair Share Plan.** The Board had adopted a Housing Element last December. The Township has been involved in litigation regarding COAH issues since that time. The one major item left hanging was the 50 units of the regional contribution agreement which was part of the Orleans/Winner project. RCAs are no longer permitted in Round 3 of COAH. The 50 units will be maintained as a credit at this point; there are three options. One option is that the Township can maintain that whomever picks up the project is responsible for the construction of the units; the second position is that there is a requirement for a payment for a 50 unit RCA @ \$70K per unit, this money could be paid to the Township and the Township could build the units; the third option would be that the Township is responsible for constructing the 50 units. Several last minute revisions have been made to the plan; the new Salt and Light project has now been included in the plan as well as some minor internal changes.

Fred Hardt said that Orleans is taking the position that since RCAs are considered invalid that they are no longer responsible for building these 50 units.

This must be acted on by the Board at tonight's meeting. Mr. Maybury asked if there was any benefit to wait on this especially since our new governor stated that he was going to overhaul COAH.

The meeting was opened to the public for comment.

Norm Miller asked about the rental units on the Winner tract and if they were included; Harry McVey stated that they are.

Mr. Maybury made a motion to adopt the amended plan; the motion was seconded by Mr. Blair. All Board members voted yes.

2010 Meeting Schedule – was adopted by the Board unanimously.

**Comments from Board members & professionals:**

Tony Carugno – would like to change the sign ordinance to allow for digital signs.

Gene Blair – thanked Harry McVey, Fred Hardt and Mike Moubert for their work on the Housing Plan.

Mr. Maybury – commented regarding two auto repair stations, one is the Brake & Go on Rancocas Road. He wanted to know how we police vehicles that are on site for extended periods. Gene Blair had warned the owner when he moved in to the site.

Mayor Camp stated there will be a presentation on Timbuctoo at the next Township meeting at 7 PM, he invited everyone to attend. He talked to a few residents who live on Fort Drive near the Salt and Light house; they had nothing but positive things to say about the house and its residents.

Gene Blair – Happy Holidays to all.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board