

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

MAY 6, 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 May 6, 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. Solicitor Fred Hardt swore in new Board member Harry Bell, who will serve as Alternate #2.

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

The minutes of the April 1, 2009 meeting were approved, Mr. Carugno would be noted as having been absent for the meeting.

Resolutions:

4-2009 The Dolan Group I, LLC & Concordia Group, LLC, Block 203, Lots 1.03, 2 & 3 (32 & 40 Springside Rd.) – preliminary major site plan approval, use and bulk variances (office/warehouse) – Board members received a marked up corrected version from the applicant's attorney, Damien DeDuca this afternoon. Fred Hardt recommends the changes and that the Board approve the resolution. Karen Sampson had some concerns regarding not being able to review the resolution before this evening's meeting; she had reservations about approving it at this evening's meeting. Mr. Maybury made a motion to hold off until next month, the motion was seconded by Karen Sampson. Mr. Blair voted no, Mr. Carugno abstained, all other Board members voted yes.

New Business:

Crescent Shrine Temple A.A.O.N.M.S., Block 201, Lot 8.01, 700 Highland Drive. Amanda Noble, applicant's attorney, was present on behalf of the Shrine, as well as Shrine members John Tilton and Mr. Hoyt. They were sworn in before the Board by Fred Hardt. Ms. Noble gave the Board a background of the Temple Shrine building and its history of applications before the Board. The applicants want to install a 20 foot by 44 foot pavilion which will house picnic tables. It will not affect the parking, nor the intensity of the use. There will be no utilities in the pavilion what so ever. The functions

held here take place on weekends; the industrial park is empty, as John Tilton testified. Functions held in the pavilion are primarily Shrine functions, although other events that are held here may make use of the pavilion. The pavilion will consist of twelve laminated beams and a roof. There will be no grilling taking place there, all cooking is conducted indoors.

Mayor Camp had a question about the path depicted on the plans; it leads from the parking lot between two handicapped parking spaces. Cars would not be permitted to park here. The engineer would submit a revised plan showing the proper placement of the sidewalk leading to the pavilion. Mayor Camp asked if alcohol was being served here, it is not at this time, unless the governing body authorizes it with ABC concurrence.

Board Planner Harry McVey commented that the path appears to present a conflict with landscaping, it is understood that the landscaping will be relocated. The other issue is with the ramp and the sidewalk, it may be a good idea to put a striped crosswalk in, the applicants agree to do this.

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

Curb cuts will be required, as suggested by Gene Blair. The fire marshal had no comment. Mr. Maybury made a motion to approve the application; Mr. Carugno seconded the motion. All Board members voted yes. The applicants hope to commence construction in June; they requested that an at-risk permit be issued. The Board granted the at risk permit.

Clearwire US, LLC, Block 1102, Lot 3, 758 Mt. Holly-Jacksonville Rd. It shall be noted that Mayor Camp and Committeeman Maybury would not vote on the application because it involves a use variance. Nick Menas is the applicant's attorney. Arnold Darwinian, RF engineer and John Mastroangelo of Clearwire were sworn in. This application for co-location had been before the Board previously and was rejected due to non compliance with notice requirements. It was determined at this time that proper notice had been given and the Board had jurisdiction and could hear the application. The RF engineer testified that there is a need for coverage at this location.

The antennas and microwave dishes would not need to be upgraded at any time unlike other carriers; it is a higher band but weaker signal strength. The antennas will be installed at 139 feet on the tower and a cabinet will be installed at the tower's base. The cabinet is approximately three by five feet in size and will not affect any impervious coverage nor increase the footprint.

Engineer Dave Denton's report of March 13, 2009 presented no problems to the applicants, who agree to comply with all conditions in the report. They also agree to comply with all comments in the Planners report of April 2, 2009.

Harry McVey wants someone to be responsible for replacing the dead landscaping at the base of the tower. The applicants agree to provide notice to the landlord that the trees must be replaced.

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

The applicants will submit structural drawings for the construction official's approval; these drawings must be done by a licensed NJ engineer.

Mr. Blair made a motion to approve the application for minor site plan, use and height variances; Mr. Applegate seconded the motion. All Board members voted yes.

Public Hearing – 2009 Open Space, Recreation & Farmland Preservation Plan.

Harry McVey explained to the Board that the plan cannot be adopted at this evening's meeting since the maps are still under development. They will be completed next month. There are a number of properties in the northeast quadrant of the Township that would qualify for farmland preservation. The plan will delineate the County agricultural development area and allow the Township to seek funding for these properties. If a property is outside this area, the Township must come up with the rationale as to why it should be preserved.

It is Fred Hardt's recommendation to open the hearing to the public at this point. The meeting was opened to the public for comment. There was no comment and the meeting was closed.

Comments on the Plan from Board Members:

Mr. Maybury commented that the plan does not list the Tarnsfield Swim Club under recreation; it lists John Pew's farm as low on the acquisition list as far as priority. He understands that the County is trying to acquire this property. He wanted to make sure that Mr. Pew's property with the cell tower doesn't acquire farmland assessment, as Mr. Pew hopes to obtain. Concerning the public water supply, water is provided by NJ American Water, not Mt. Holly Water. He wanted to make sure this was corrected in the report.

There were no other comments from Board members on the plan.

The Board voted to continue the public hearing on the plan until the next meeting, which would be held on June 3rd.

Correspondence:

EAC – Letters of Interpretation – there was a change in the DEP regulations that

allow Boards to require Letters of Interpretation as part of their application process without threat of a lawsuit. There are pluses and minuses to this, you are imposing a burden on the applicant, we don't want to hinder our Smart Growth or put undue hindrance on development, but in some cases, it may be good to require this of applicants.

Harry McVey thinks there may be a way to get the material you are looking for without getting the formal LOI. He thinks the Board is looking for enough information early on to make an informed decision and that we may want to expand our checklist in order to obtain more information.

Fred Hardt advised that this must be adopted by the governing body before implementation. The Board could consider this and make a recommendation. The Board would hold off consideration until Mr. DiOrio was present in order to have his comments.

EAC – NJDEP Amendments to the Freshwater Wetlands Protection Regulations.

There was no Board comment made on this piece of correspondence.

At this point, the meeting was opened to the public for comment.

Norm Miller thinks the Township has fairly good access to maps which detail where the wetlands are; the Township could require an LOI only on those parcels. Gene Blair commented that nearly every undeveloped lot in town has wetlands on it.

There being no further comment from the public, the meeting was closed.

Letter from Wawa, Block 203, Lot 5, Rancocas/Springside Road. The Township Committee had received a letter from Wawa which indicated that Wawa does not wish to construct the parking lot. Fred Hardt would take a look at it and issue his opinion. He wants them to file a formal application to withdraw their approvals. He doesn't want it done informally. Mayor Camp commented that the parking there today is horrendous and needs to be addressed, whatever strong arm tactics we can use are good in order to enforce this.

Comments from Board Members:

Chairman Tim Ryan welcomed new Board member Harry Bell.

Mayor Camp welcomed Harry Bell, who is also a member of the Westampton School Board. The Township Committee received a resignation letter from Karen Sampson from the EAC; the Committee has appointed Tom DiOrio to fill the vacancy. He gave the Board an update on what was going on with Timbuctoo.

Harry McVey briefed the Board on the minor changes at the Hilton Garden Inn; there

will be a net loss of three parking spaces. The Ordinance requirements are still met as far as parking.

Harry needs all of the people on the Master Plan Sub Committee to attend the meetings, there has been a communication problem and low attendance at the meetings. The next meeting will be held at 6:30 PM on June 3, 2009 before the next regular LDB meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board