

**TOWNSHIP OF EASTAMPTON
LAND USE PLANNING BOARD
MINUTES**

**Wednesday, January 17, 2024
7:00PM**

Chairman Adams called the meeting to order at 7:01 p.m.

Everyone participated in the flag salute.

Notice of this meeting was properly given in the annual notice which was adopted by the Eastampton Township Land Use Planning Board on January 18, 2023, filed with the Township Clerk and posted on the official bulletin board at the Township's Municipal Building and on the Township website. All mailings, postings and filings were accomplished by January 20, 2023.

Present were Mr. Adams, Mr. Bayles, Mr. Chieco, Ms. Hernandez, Mr. Negraval, Mr. Rodriguez, Mr. Apgar, Ms. White, Ms. Beirne, Mr. Buck, Mr. DeGregory, Solicitor Mr Serlin, Engineer Ms. Arcari, Planner Mr. Remsa and Recording Secretary Mr. Reeve.

OATH OF OFFICE:

Mr. Serlin swears in new board members Robert Apgar (Class III), Alice Beirne (Class IV), Justin Negraval (Class IV), John Buck (Alt. I), Chris DeGregory (Alt. II).

Nomination of Chairperson for Year 2024:

Chairman Adams opens the floor to nominations for chairperson, Mr. Bayles nominates Mr. Adams to continue as Chairman. Hearing no further nominations, the floor is closed, a voice vote of all in favor confirms Mr. Adams as the 2024 Chairman.

Nomination for Vice-Chairperson for Year 2024:

Chairman Adams opens the floor to nominations for Vice-Chairperson, Mr. Rodriguez nominates Mr. Chieco to continue as Vice-Chairman. Hearing no further nominations, the floor is closed, a voice vote of all in favor confirms Mr. Chieco as the 2024 Vice-Chairman.

Resignation of Land Use Administrator/Recording Secretary

Chairman Adams announces the resignation of Mr. Reeve as Board Administrator and Secretary.

It was MOVED by Mr. RODRIGUEZ and seconded by Mr. BUCK that Mr. Reeve's resignation be accepted.

ROLL CALL: All in favor.

APPLICATIONS:

2023-8 Rockefeller Acquisitions LLC
Application for Use Variance
1427 Woodlane Road, Eastampton NJ 08060
Block 800, Lots 3, 4.01, 4.02, and 4.03
Zoning District: PO- Planned Office

Mr. Serlin informs the public that Rockefeller has requested an adjournment for 90 days to settle private contractual obligations, if they choose to return to the board they will need to notice again and while the law requires ten days the notice would most likely be given further in advance as it takes time to coordinate a large enough venue for the public.

Mr. Apgar asks for confirmation on the type of application, it is confirmed that it is a Use Variance and as such he and Mr. Rodriguez must abstain from voting.

It was **MOVED** by Mr. BAYLES and seconded by Ms. BEIRNE that Application 2023-08 be carried.

ROLL CALL: Ayes – Adams, Bayles, Beirne, Chieco, DeGregory, Hernandez, Negraval, White
Nays – None
Abstain – Apgar, Buck, Rodriguez

There being eight (8) ayes and no nays, Application 2023-08 is adjourned for 90 days.

Chairman Adams announces that the public is welcome to stay for the duration of the meeting, but he reiterates the point that no further action will be taken regarding the Rockefeller application. He opens the floor to public comment regarding the application.

Robert McCullough – 610 Powell Road

Mr. McCullough asks what the property is currently zoned for, Mr. Serlin informs him that the current zone is Planned Office although there are two variances; one for self-storage and one for a construction yard. Mr. McCullough also asks for clarification regarding the location of the property, Mr. Remsa provides a description of the location.

James Webb – 1424 Woodlane Road

Mr. Webb asks for clarification regarding minimum notice required, Chairman Adams and Secretary Reeve confirm that it is a minimum of 10-day notice and Mr. Serlin confirms that while that is the minimum time there would probably be a longer notice as the school would need to be booked again and that takes time to accomplish.

Erica Sorokin – 3 Woodcrest Drive

Ms. Sorokin introduces herself as a resident and homeowner in Eastampton, she informs the board that prior to the meeting an online petition was circulated which has garnered approximately 600 e-signatures and that there is a significant amount of public opposition to any industrial installation in town and if they should move forward with the application, they will face stiff opposition. Mr. Serlin informs her that the board cannot accept a copy of the petition as the applicant has the right to be heard by the board without prejudice and while he is aware of the opposition that is why the meeting is being held in a large public venue to allow residents to testify.

Chairman Adams states that everyone has a right to submit an application to the board and be heard, and thanks the public for being civic minded residents.

CONSENT AGENDA: *The items listed below are considered routine by the Land Use Planning Board and will be enacted by one motion.*

Approval of Resolutions:

Resolution 2024-1

Authorizing Award of Contract for Land Use Planning Board Solicitor

Resolution 2024-2

Authorizing Award of Contract for Land Use Planning Board Engineer

Resolution 2024-3

Designation of Official Newspapers

Resolution 2024-4

Notice of Compliance with Open Public Meetings Act

Resolution 2024-5

Schedule of 2024 Land Use Planning Board Meeting Dates

It was MOVED by Mr. APGAR and seconded by Mr. RODRIGUEZ that Resolutions 2024-1 through 2024-5 be approved.

ROLL CALL: Ayes – Adams, Apgar, Bayles, Beirne, Chieco, DeGregory, Hernandez, Negraval, Rodriguez, White
Nays – None
Abstain – Buck

There being ten (10) ayes and no nays, Resolutions 2024-1 through 2024-5 were approved.

PROFESSIONAL COMMENTS:

Mr. Serlin states that there are two other matters to be discussed regarding GMK and LC Trucking.

There was some confusion regarding GMK Holdings and whether a special meeting would be needed to accommodate them. Mr. Serlin announces that they will appear at the February 21st meeting and no new notice will be sent out.

It was MOVED by Ms. BEIRNE and seconded by Mr. BAYLES that Application 2023-09 be carried.

ROLL CALL: Ayes – Adams, Apgar, Bayles, Beirne, Chieco, DeGregory, Hernandez, Negraval,
Rodriguez, White
Nays – None
Abstain – Buck

There being ten (10) ayes and no nays, Application 2023-09 was carried to the February 21st meeting.

Discussion ensues regarding the LC Trucking application; Mr. Serlin advises the new board members that the applicants attorney has requested they all listen to the audio, so they are able to vote on the matter. Ms. Beirne attended the December meeting as a member of the public so she will only need to listen to the original June audio. Secretary Reeve advises that he would send out all relevant materials to the new members so they can be fully informed for the next meeting.

MINUTES:

- December 13, 2023

It was MOVED by Mr. CHIECO and seconded by Ms. WHITE that minutes be approved.

ROLL CALL: Ayes – Adams, Bayles, Chieco, Hernandez, Rodriguez, White
Nays – None
Abstain – Apgar, Beirne, Buck, DeGregory, Negraval

There being six (6) ayes and no nays, minutes were approved.

PUBLIC COMMENT:

Chairman Adams opens the floor for public comments.

Irene Smythe – 132 Dawn Drive

Ms. Smythe asks for clarification regarding potential uses of the Rockefeller property and if something will be built. Chairman Adams and Mr. Serlin confirm that there are two Use Variances already granted and available to view online so in theory Total Site could come back and finish their Site Plan and begin construction. Ms. Smythe states that she hopes the board will take into consideration the rural nature of the area and avoid adding more apartments or storage uses even though those uses have already been approved. She feels that there is not a lot of thinking that went into the apartments or the storage facility, Mr. Serlin suggests that she read the Master Plan which was just updated and adopted in December, Chairman Adams reiterates that the public had extensive input on the Master Plan and the land in question has been zoned for office space since at least the early 2000's but everyone has a right to submit an application and everyone has a right to voice their concerns.

Megan Leibtag – 2 Rochelle Drive

Ms. Leibtag states that she saw the petition online and regarding the petition and public comment does that have any weight regarding the board's decision or are applications approved based on completeness. Chairman Adams states that it depends on the application, certain applications like a Use Variance have higher standards to be met but the board must ultimately follow the law because the applicant has the right to appeal to Superior Court. She asks if it matters that the public comes out, Chairman Adams confirms it does. She states that everyone is very confused about whether they should even have appeared at the meeting and Chairman Adams encourages everyone to attend public meetings as is their right. Mr. Bayles clarifies that the township posted extensive notice regarding the adjournment of the application, which was circulated online, but residents took to social media to state that was not the case. Ms. Leibtag confirms that there was misinformation online and she hopes for transparency going forward. Chairman Adams reminds everyone that New Jersey has the Open Public Meetings Act, so no action can be taken at a board meeting without the public present as all materials are public including minutes and voting records. Mr. Serlin states that as it is a use variance the board must follow legal standards and cannot vote on a matter simply because they like it, or people do not like it. He goes on to say that if they choose to return there will be several meetings with extensive professional testimony and everything will then be weighed. The board cannot meet in closed session unless it is to discuss pending litigation and all decisions can be appealed by residents or applicants to Superior Court.

Ms. Smythe asks for information regarding the owner of the property in question, Ms. White informs her that the land is owned by Herman Schultz, and he has owned the land for an extensive period of time. Mr. Serlin confirms that Rockefeller is in contract to buy the property. She asks if the township will receive tax money from a warehouse, Mr. Bayles informs her that taxes are broken down on a tax bill to show how money is distributed and the board cannot vote on tax ratables alone.

John Geary – 6 Knotty Oak Drive

Mr. Geary follows up on Ms. Smythe’s question regarding taxation and if the property will be taxed to the full assessed value. Chairman Adams and Mr. Serlin state that yes unless the property enters into a PILOT agreement with town council they would be taxed normally. Mr. Geary follows with a question regarding the taxes for the previous Rockefeller warehouse and Chairman Adams informs him that this is not the appropriate venue for this discussion, he would need to bring the matter up at a council meeting. Ms. White suggests that Mr. Geary call the township offices and she would provide him with whatever information is needed. Mr. Remsa states that this question was already brought up at the December meeting where it was answered that there is no PILOT and the matter should be settled.

Hearing no further comment, the public portion is closed.

BOARD MEMBER/PROFESSIONAL COMMENTS:

Mr. Serlin thanks the board for his reappointment and Chairman Adams thanks him for his hard work.

Chairman Adams thanks the new members for volunteering as the board is now fully staffed for the first time in two years.

Mr. Reeve thanks the board and professionals for their time and Chairman Adams and the board thank Mr. Reeve for his work as secretary and keeping the information up to date and the minutes right.

MOTION FOR ADJOURNMENT:

It was MOVED by Mr. BAYLES and seconded by Ms. HERNANDEZ to adjourn the meeting at 7:36pm.

ROLL CALL: All were in favor.

Kim-Marie White

Kim-Marie White
Land Use Board Administrator

Approved: February 21, 2024