

## VOORHEES TOWNSHIP ENVIRONMENTAL COMMISSION MINUTES

June 9, 2015

The Vice-Chairperson called the meeting to order. It was stated that this meeting is being held in compliance with the "Open Public Meetings Act and has been duly published and noticed as required by law".

### **Flag Salute**

### **Roll Call**

**Present:** Mrs. Schwartz, Ms. Atkinson, Mr. Wu, Mrs. Brown, Mr. Garbowski, Mr. Gaffney

**Absent:** Mr. Rashatwar, Mr. Hale

### **Approval of Minutes**

Mr. Garbowski makes a motion to approve the minutes from the April 2015 meeting as distributed and the motion is seconded by Mr. Wu. Remaining Environmental Commission Members all in favor.

### **New Business**

Mr. Robert Baranowski, Esq. introduces himself and explains that he is an attorney with the law firm of Hyland Levin and that he is accompanied by Mr. Paul Witthohn, PE with CES Engineers, Planners and Land Surveyors. Also in attendance are representatives of the applicant, Khmer Buddhist Humanitarian Association, Inc.

Mr. Witthohn begins with an overview of the project by explaining that it will be on a 15 acre, presently wooded site located in Voorhees Township. The proposed project would include the construction of (2) new buildings and the continued use of (1) existing building. The (2) new buildings consist of a 12,748 sq. ft. temple and an 8,250 sq. ft. ceremony building. There will be adequate parking available and a looped access driveway that provides (1) way in and (1) way out. There will be (3) storm water basins throughout the site to distribute storm water evenly throughout the property. There is (1) proposed accessory building, used for maintenance needs, that would require electricity only. Mr. Witthohn explains that the site is unique in that it provides for extensive landscaping, instead of hardscaping. The intended plans call for formal and informal gardens with walkways. He explains that the buffer will remain wooded and natural. Mr. Witthohn notes that a use-variance was granted for this site in December of 2014.

Mr. Witthohn then asks to discuss Mr. Giddings recommendations. Mr. Witthohn acknowledges that Mr. Giddings and the Commissions concern is whether the project has any environmentally sensitive or detrimental involvement. He explains that the site does rest upon (2) drainage areas, (1) for the Cooper River and (1) for the Rancocas Creek. Furthermore there is no indication that there is any ground water within the site and the site is primarily wooded. He explains that there are no Wetlands on the site and there are no Wetlands within the vicinity of the site. Mr. Witthohn states that a Phase I Assessment has not been done for the site and is not required to be done for the site. He further explains that the site has "remained wooded for about 60 to 70 to about 80 years". He stated that historical aerial photography shows that the front of the site was actively farmed as "grow crops" in the 1940's but the

rest of the site remained wooded and appeared to be a mature forest. He explains that it cannot be determined definitively if orchards were ever on this site and therefore pesticides may never have been used. Mr. Witthohn explains that a walk-through of the site was completed and it is his belief that the site was not used as an orchard and therefore no soil testing will be necessary. The site does however rise significantly from the front to the back and will require the middle portion and the front portion of the property to be filled primarily from the excess at the back of the property.

Mr. Baranowski then intercedes and explains that due to the topography of the site and the distribution of the fill necessary for grading, all fill will be certified clean. He further explained that no area of the site will be used for daycare facilities, water utilities will be public water and sewer and that explained within the provided EIS none of the required documented features exist within 500 ft. of the property. Mr. Baranowski explained that the applicant is asking for a waiver of strict compliance from the Tree Compensation Plan. Mr. Witthohn explained that during the planning it was found that the applicant would need to compensate for 381 trees. He further explains that because this site is different than a commercial site would be, the applicant has agreed to compensate for this deficit with shrubs and flowering "street" trees. Mr. Baranowski then advised that the applicant is asking that the VEC accept (3) shrubs for every (1) tree as a satisfactory ratio and therefore an acceptable compliance with the Compensatory Tree Plan. He further explained that instead of leaving the site wooded and landscape around the trees and plants, it is necessary to clear cut and hardscape the site. Mr. Baranowski explained that the lay out of the site has a "tremendous significance" to the religious community.

Mr. Giddings then asks Mr. Baranowski to elaborate on the explanation for not conducting a Phase I Assessment and the applicant's decision to not complete soil testing. He advises that he will not waiver from his suggestion for soil testing considering there is evidence that the site had been a tree orchard and it is very likely that the soil has pesticide contaminants. Mr. Baranowski explains that there is no Township Ordinance requiring the applicant to conduct a Phase I Assessment and that the site does not contain any hazardous materials covered under the N.J.S.A. 58:10-23.11 Spill Compensation and Control Act. He further stated that from the perspective of his client there is no legal requirement for the VEC to impose upon his applicant any sort of soil testing or Phase I completion.

During the applicant presentation Mr. Baranowski explained that the residential facility that houses (3) individuals is presently ran on a septic system but will be attached to public sewer and water in the future and they will comply with all local and county requirements. Mrs. Brown then asks what the status of the violation is with the Camden County Health Department. Mr. Baranowski adamantly denied that there was no violation with the Camden County Health Department and that there had never been any intervention with the Camden County Health Department. He then explained that the County Health Department never had any contact or interaction with the applicants at the site but instead stated that the Voorhees Township Police had responded to the site to help the applicants when they encountered a problem with their sewer system. Mrs. Brown asked if waste was ever pumped out onto the ground and Mr. Baranowski stated that he was not there to discuss that issue. Mr. Giddings asked that Mr. Baranowski simply forward documentation to the VEC stating that the issue has been addressed once the situation has been resolved. Mr. Baranowski asked if this request is a condition of the Commissions actions. Mrs. Brown explained that such a situation is in fact an environmental concern and therefore would fall under the VEC's review.

Mrs. Schwartz then opens the meeting to the Commission.

Mr. Wu asks the applicant how many members belong to the congregation that will be using the Temple on a regular basis. Mr. Baranowski explained that Voorhees is located centrally to the Cambodian Buddhist Community and that this site has approximately 200 members. On any one of the (4) major holidays the Temple could see up to 300 visitors and will be able to accommodate such a crowd. There is sufficient parking and ample room for members and visitors and unlike other religious organizations, not all congregants arrive and leave at the same time. Mrs. Brown questions the construction of "Ghost Parking" and Mr. Baranowski explains that the applicant plans to provide 122 parking spaces and only allow if necessary by Zoning Board requirements additional "Ghost Parking".

Mrs. Schwartz asks Mr. Baranowski to discuss the phasing of the project and he defers to Mr. Witthohn. Mr. Witthohn explains that the applicant will clear the site as they construct but has been advised not to clear areas that will not be developed. Furthermore he explains that a significant amount of grading will be necessary, therefore more than half of the property will be cleared to achieve the desired effect. Mrs. Schwartz asked what the intended timeline was and Mr. Baranowski explained that most of the work would be determined by outside approval and that he did not expect anything to begin until Fall 2015.

Mr. Gaffney then expresses his concern for the Applicants intentions regarding the Tree Compensation Plan. Although they have offered to replace each mature tree with (3) shrubs, he does not feel that this is necessarily environmentally sound. Mrs. Brown also questions whether the sample of trees used for the calculation is accurate.

\*\*It should be noted that at this point Mrs. Atkinson recused herself on the basis of knowing Mr. Baranowski on a personal level.

Mrs. Schwartz then opened the meeting to the public. Seeing no public comment, Mrs. Brown made a motion to close the public portion, seconded by Mr. Garbowski.

In addition to the Consultants recommendations the Commission suggests:

1. The Applicant has asked the VEC for a waiver of strict compliance with the Compensatory Tree Plan. The Commission, with regards to the sample area, questions whether it is representative of the density found throughout the forested area. It seems likely that it represents a less dense area and therefore an underestimate of the density of trees actually shown. The Commission's recommendation to the Zoning Board is that the (3)Shrubs:(1)Tree ratio proposed by the applicant is not acceptable for a waiver and therefore should be denied or required to be bought-out as is stated in the Compensatory Tree Plan. Moreover given the extent of the soil movement, the applicant should consider minimizing the number of trees being removed.
2. The Applicant did not have a Phase I Assessment generated for this project and clearly stated that Township Ordinance does not require them to do so. The VEC notes that based on historical aerial photography, the project appears to have been the site of an orchard or tree farm in the past. Given this history the Commission feels that the need for pesticide, arsenic and

lead testing is necessary. If and/or when this testing is conducted the Commission would ask that the sample areas and findings be forwarded to the VEC.

3. It should be noted that the Applicant has agreed to not export any topsoil from this site given that the exact historical use of the site is unknown.
4. The Commission would furthermore like to request any documentation with regards to the onsite residential septic system and the possibility of soil contamination from such system.

Mrs. Schwartz makes a motion to construct the letter and Mrs. Brown seconds the motion. All commission members are in favor.

Meeting adjourned.

Kendralyn Cornwall

VEC Secretary

