

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

OCTOBER 2, 2019 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 4, 2019 and posted in the Municipal Building.

Pledge of Allegiance

3. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Myers, Mr. Odenheimer, Mr. Wisniewski, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp

5. Swear in Board Professionals

6. Approval of Meeting Minutes: 9/4/2019

7. Resolutions: approval needed:

19-2019 Dolan Contractors, Inc., Block 203, Lot 7.03 (86 Stemmers Lane) – amended preliminary and final site plan (reduced size office/warehouse/distribution facility) – **to be continued until the Board's 10/2/19 meeting**

20-2019 Crown Point Associates LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Rd.) – amended preliminary and final subdivision and site plan, bulk variances – **to be continued until the Board's 10/2/19 meeting**

8. Old Business:

1. Dolan Contractors, Inc., Block 203, Lot 7.03 (86 Stemmers Lane) – amended preliminary and final site plan (reduced size office/warehouse/distribution facility) – **to be continued until the Board's 11/6/19 meeting**
2. Crown Point Associates LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Rd.) – amended preliminary and final subdivision and site plan, bulk variances – continued from 10/2/2019 meeting

9. New Business:

1. Crown Point Associates LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Rd.) – use variance, bulk variances (pylon sign)
2. Gilbert A. Gehin-Scott, Jr., Block 111, Lot 2 (104 Second Street) – variance (construction of 44' by 30' pole barn)
3. Anna M. Jones, Block 1409, Lot 10 (600 David Street) – variance (insufficient front yard setback for construction of new porch)

10. Informal Applications: None

11. Correspondence:

1. Kingdom Church – letter regarding sidewalk issue

12. Open meeting for public comment:

13. Comments from Board members, Solicitor, Engineer and Secretary:

14. Adjourn

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WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

SEPTEMBER 4, 2019 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on September 4, 2019 at 7:00 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 4, 2019 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Myers, Mayor Wisniewski, Solicitor Robert Swartz, Planner Barbara Fegley, Engineer Jim Winckowski, Secretary Marion Karp
Absent: Mr. Eckart, Mr. Odenheimer

Approval of meeting minutes 7/10/2019 - were approved as written.

Resolutions: approval needed:

16-2019 George Stevenson, Block 107, Lot 10 (210 Main St., Rancocas) – minor subdivision & bulk variances - was memorialized

17-2019 BBL NJ Land, LLC, Block 906.07, Lot 8.01 (115-119 Hancock Lane) – amended preliminary site plan review (medical office building) – was memorialized

18-2019 GHM Properties, Redevelopment Plan, Block 805, Lot 1 (2015 Burlington- Mt. Holly Rd.) - memorialized

Informal Applications:

Salt & Light, Block 1208, Lot 11- Community of Hope. Kent Pipes was present for an informal presentation; he wanted to hear the Board's comments and questions regarding the documents he had submitted. Dave Guerrero asked what the square footage was on each unit; they were 288 square feet each. Kent explained that he discovered there was a need for micro-housing. He is proposing a cape cod style house with four units on the first floor and 2 on the second floor which could house 6 adults. Dave Barger asked about buffering of the site. There is a fence and some greenery on site now but they expect to add to it. Barbara Fegley addressed the fact that his approved building was expected to add 30 units for COAH credits. He explained that these were transitional homes where people would not live permanently. Counseling would be available on site; they had plans to convert the garage into a

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counseling office. There will not be an on-site residential staff person. They are annually renewable leases. Only one person is permitted to live in each unit. Gene Blair commented that he has done a great job with his projects in town and he thinks this project is a win-win for Westampton.

Old Business:

None

New Business:

Dolan Contractors, Inc., Block 203, Lot 7.03 (86 Stemmers Lane) – amended preliminary and final site plan (reduced size office/warehouse/distribution facility) – this application will be continued until the Board’s 10/2/19 meeting upon request of the applicant. No further notice would be required.

Crown Point Associates LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Rd.)- amended preliminary and final subdivision and site plan, bulk variances. William Hyland, applicant’s attorney, was present. They were back before the Board again with an amended plan containing some modifications from what had been approved back in December. An additional pad site is being requested; a setback variance and an impervious coverage variance; the subdivision would change slightly. The project would be constructed in phases; phase 1 would consist of a Wawa and a Kiddie Academy building. All of the infrastructure for both phases would be constructed simultaneously. John Abene, Ed Brady, Cecilia Byrneschmidt, Veronica Foster, Philip Sconyo, Nathan Mosley, Greg Blackwell and Nick Tomasetti were all sworn in by the Board Solicitor.

John Abene, principle of Fountain Square gave testimony regarding the amended plan. They could not secure city water from Burlington Township but instead drilled their own well. They have obtained approvals from Burlington Township; the project would straddle both municipalities. The fountains would run 7 months out of the year; after that they would be drained.

Jim Winckowski asked about a portion of a parking lot that wasn’t included on the site plan yet is in Westampton Township. Ed Brady would address it tonight; otherwise they would have to return before the Board. They have secured preliminary approval in Burlington; they would return for their final approvals. The infrastructure in Westampton would be the first to be built.

Ed Brady stated that the parcel is approximately 24 acres in size. Irick Road was going to be re-located and a new traffic signal was going to be installed. They are creating two lots with the relocation of the road; the Wawa will be on its own lot. The proposed hotel was eliminated and replaced with a small retail building and the child daycare center. A pump station for sanitary sewer would be located at the rear of the site. The

supply well would be at the back of the site as well; there would be a pump station and a water storage tank on site. They were not able to get permission from Burlington Township for water to their site. NJ American Water only runs to Hancock Lane on Route 541 and isn't included in their franchise area and would take years to accomplish so they went with a well. The vehicular circulation on the site was opened up as well on the site. An impervious coverage variance is necessary for both lots. The stormwater management basin is oversized for the site and can more than handle the water. The trash enclosure for the Wawa shows landscaping in the Burlington County right of way according to Jim Winckowski; there is conflict between the site plan and the subdivision plat. Jim stated that it needs to be corrected. He asked why the trash enclosure couldn't be moved to the other side of the lot, on the opposite corner where it would be less busy. Jim stated that it was a municipal boundary but the applicant owned that land as well. He thinks it's a better configuration not to have it located so close to a busy driveway and the roundabout. Mr. Brady stated that physically it could fit there. The applicants agreed to examine the possibility and the engineers would work it out. Required loading spaces are 17 spaces on the main lot and 2 on the Wawa lot. They are proposing 2 on the Wawa lot and 8 on the main lot. This amended plan proposes 118,000 square feet of retail space.

Signage was slightly changed based on the Wawa site; revised plans have been submitted. The adjacent solar field has a driveway that exists but wasn't shown on the plan; the applicants agree to add it to the plan.

Regarding the on-site lighting, the Board engineer has no objections to the relief being requested. He thought the intersection should be lit. Jim wanted the driveway through the loading area at the Kiddie Academy to be better defined for those passing through there; a centerline stripe or a treatment to define the northern edge. They are looking for a clearer phasing plan; the intent is to build the main parking lot along with Phase 1; all the infrastructure would be constructed in the beginning. Jim also wants to see some sort of a jurisdictional map that makes clear who is responsible for what. A phasing plan would be provided to the engineer.

The water tank is circular and about 34 feet in height, about 24 feet in width. Dave Barger asked about revising the lighting. He stated that the Kiddie Academy would pretty much be invisible from Route 541, he wondered if there was a way to pull it out closer to Irick Road.

Bill Freeman asked why the hotel was eliminated; they explained that they couldn't find one who was interested at this time and they also didn't know how it would work with the entire site.

Nathan Mosely, traffic engineer testified regarding traffic on the site and how it would flow. He had a traffic signal installation plan and a traffic sign and striping plan for the roundabout. The road would be relocated about 200 feet south of its existing location. They had met with the County who had suggested revisions to their previous plans. Western Drive will be a two way road. The roundabout was increased in size to 140

feet across which is what the County desired; they had also suggested several other modifications. Anyone coming into the roundabout will have to slow down and yield; traffic already in the roundabout will have the right of way. Plans will be going to the County for final review. The main aisle of the shopping center is revised to be a right in right out only. Jim Winckowski thinks it is a good change.

Signage was addressed by Cecilia Schmidt. There were slight modifications made to the plans; there are two identification signs for the site; a smaller one at the roundabout; four monument signs that identify pad sites; and two signs for the Wawa. The large identification sign is 25 feet high, 15 feet is permitted, 116 square feet in area where 100 square feet is permitted. The other sign is smaller, 15 feet high, area is 69 square feet so no variances are required. The monument signs are not permitted, they are proposed to be 12.5 feet in height. The Wawa signage was discussed – variances were previously granted for these although they didn't have the exact sizes from Wawa at that point; they do now. The Kiddie Academy signs were reviewed; our ordinance doesn't permit signs on top of roofs; there is one on the cupola. There is an additional freestanding sign that requires a variance. These are all new to the application.

Planner Barbara Fegley stated that there was some confusion as to how the signs are measured.

Nick Tomasetti testified regarding the architectural elevations of the Kiddie Academy building.

Veronica Foster, engineer, testified regarding potable water systems. The well is about 350 feet deep and is in the same aquifer that provides water to NJ American water and Burlington's water system. The water will be treated; the storage tank has a capacity of 200,000 gallons. There will be a looped water line system; pressure is maintained by a series of three pumps. DEP regulates the process; the system will be totally automated. An emergency generator will be provided in the case of power outages. Jim asked if the water system has enough capacity to provide for irrigation; she couldn't answer this question. They are planning on irrigation but most likely will have a second well for this. The pump house will be 12 by 20 feet and is a prefab kit. Jim wanted to see what it looks like; she stated it looks like a typical backyard shed. Jim is concerned that it is right along Irick Road and will be seen so he is concerned about it. It should tie in with the architectural look of the shopping center. Mr. Hyland stated that they could come back next month with the details where the Board would have the opportunity to see it and bless it.

At this point the Board took a five minute recess.

Philip Sconyo testified regarding fire protection and the water supply and its adequacy. Fire hydrant pressure is maintained through the pumps.

Craig Blackwell, representative of Kiddie Academy was present for any Board questions; they had none. The school will have 168 students maximum and 22

teachers; operation hours are 6:30 AM to 6:30 PM; infants to 5 years old, Monday through Friday, year round. It is a franchise; there are 235 in operation around the country presently.

Barbara Fegley stated that there was a lot that wasn't discussed in her report; the applicants agree to all points in her letter but discussed a few things. They will provide a different size sign that what was submitted; the issue was how the sign is measured. One more monument sign was added to the plan that the Board had approved in December, along with another sign for the Wawa that was smaller. There was some question in how our ordinance was interpreted and how the signs were measured.

The Board asked if the applicants agreed to the Fire Official's letter of July 2019. Mr. Hyland stated that he did not recall if he saw it or not; Marion stated she had emailed it to Patty but would send it again tomorrow.

Robert Swartz asked if the applicant was agreeable to continuing the application until the next meeting; they could work on cleaning up the number of items that were still up in the air. He would be able to have a resolution ready which could be memorialized at the same meeting.

Dave Barger suggested moving the location of the Kiddie Academy building and the retention pond; he thinks it creates a much better circulation on the site. Jim thought the sketch he had done looked promising; he thought he should share it with the applicants. They looked at the sketch but stated that they weren't in a position to change things at this point.

The meeting was opened to the public for comment. Nancy Burkley asked if they would have city sewer; they would have Mt. Holly MUA for sewer. She asked the difference between a roundabout and a circle.

They needed to resolve the issue with the setback of the trash enclosure; the pump house and figure out the variances necessary for the signage. They would be back at the October 2nd meeting. No further notice would be required.

Open Meeting for public comment

No comments were made.

Correspondence:

None

Comments from the Board

No comments were made.

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There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 19-2019

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Dolan Contractors, Inc.

BOARD'S DECISION: Continued Application for Amended Preliminary and Final Site Plan Approval with Bulk Variances

PROPERTY ADDRESS: 86 Stemmers Lane – Block 203, Lot 7.03

ZONING DISTRICT: I – Industrial Zoning District

DATE OF HEARING: September 4, 2019

WHEREAS, Dolan Contractors, Inc. (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting amended preliminary and final site plan approval with bulk variances to reduce the size of an office/warehouse/distribution facility located on the property in the I – Industrial Zone. The property is located at 86 Stemmers Lane, Westampton, New Jersey, designated as Block 203, Lot 7.03 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board had jurisdiction to hear this matter (the “Application”) under the New Jersey Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-1 et seq.*; and

WHEREAS, prior to the September 4, 2019 Board meeting, the Applicant, through its attorney, Russell W. Whitman, Esq, the Applicant submitted a letter requesting the Application to be continued to the next regularly scheduled public Board meeting in October 2019 to allow the Applicant to be heard on its application; and

WHEREAS, the Board Chairman announced the Applicant’s request at the September 4, 2019 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, in light of the Board Chairman’s announcement to the public at the September 4, 2019 public meeting, the Board determined that the Applicant would not be required to notice and advertise the Application again for the October 2019 meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the Applicant's request for amended preliminary and final site plan approval with bulk variances to reduce the size of an office/warehouse/distribution facility in the I - Industrial Zone was and is hereby **CONTINUED**, subject to the testimony and representations set for on the record by the Applicant, and any conditions set forth herein.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 20-2019

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Crown Point Associates LLC

BOARD'S DECISION: Continued Application for Amended Preliminary and Final Subdivision and Site Plan Approval with Variances

PROPERTY ADDRESS: 2035 Burlington-Mount Holly Road (CR 541) – Block 807, Lot 1

ZONING DISTRICT: Commercial “C” Zoning District

DATE OF HEARING: September 4, 2019

WHEREAS, Crown Point Associates LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting amended preliminary and final subdivision and site plan approval for the development of the site as a shopping center. The Applicant proposes to relocate about 500 linear feet of Irick Road so that it aligns with Western Drive at the intersection with Burlington-Mt. Holly Road, which will result in the creation of two (2) new lots and further the amended site plan proposes the construction of eight (8) structures with the following uses: an eight (8) -pump gas station with 5,585 square-foot convenience store to be located on Lot “A”, a 3,000 square-foot bank, a 2,400 square-foot fast-food restaurant with drive-thru, and five (5) retail buildings of various sizes totaling 94,500 square feet of retail space and 5,900 square feet of restaurant space to be located on Lot “B”; all in the Commercial “C” Zone. The property is located at 2035 Burlington-Mount Holly Road (CR 541), Westampton, New Jersey, designated as Block 807, Lot 1 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board had jurisdiction to hear this matter (the “Application”) under the New Jersey Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-1 et seq.*; and

WHEREAS, at the September 4, 2019 Board meeting, the Applicant was represented by William F. Hyland, Jr., Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the purpose, location, and details of the proposed amended subdivision and site plan and requested variance relief; and

WHEREAS, the Board discussed the Application and the Board Professionals offered recommendations. The Application was opened to the public for comment, and any members of the public wishing to comment on the Application were given the opportunity to do so; and

WHEREAS, prior to the Board rendering a decision to grant or deny the Application, the Applicant requested the Application be continued to the next regularly-scheduled Board meeting

so the Applicant can address comments and concerns raised by the Board, Board Professionals and public at the September 4, 2019 Board meeting; and

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for amended preliminary and final major subdivision and site plan approval and variance relief for development of the site as a shopping center with the following uses: an eight (8) -pump gas station with 5,585 square-foot convenience store to be located on Lot "A", a 3,000 square-foot bank, a 2,400 square-foot fast-food restaurant with drive-thru, and five (5) retail buildings of various sizes totaling 94,500 square feet of retail space and 5,900 square feet of restaurant space to be located on Lot "B in the Commercial "C" Zone was and is hereby **CONTINUED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board will consider the testimony of the Applicant's witnesses and professionals, the members of the public, and the Board professionals, as well as the evidence and exhibits provided during the September 4, 2019 hearing in addition to any new evidence submitted and testimony provided during the Applicant's subsequent hearing(s) following this continuance.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 21 -2019

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Crown Point Associates LLC

BOARD'S DECISION: Continued Application for Amended Preliminary and Final Subdivision and Amended Preliminary Site Plan and Final Site Plan Approval as to Phase 1, all with Variances

PROPERTY ADDRESS: 2035 Burlington-Mount Holly Road (CR 541) – Block 807, Lot 1

ZONING DISTRICT: Commercial “C” Zoning District

DATES OF HEARING: September 4, 2019 and October 2, 2019

WHEREAS, Crown Point Associates LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting amended preliminary and final subdivision, amended preliminary site plan approval, and final site plan approval as to Phase I for the development of the site as a shopping center. The Applicant proposes to relocate about 500 linear feet of Irick Road so that it aligns with Western Drive at the intersection with Burlington-Mt. Holly Road, which will result in the creation of two (2) new lots and further the amended site plan proposes the construction of eight (8) structures with the following uses: an eight (8) -pump gas station with 5,585 square-foot convenience store to be located on Lot “A”, a 3,000 square-foot bank, a 2,400 square-foot fast-food restaurant with drive-thru, and five (5) retail buildings of various sizes totaling 94,500 square feet of retail space and 5,900 square feet of restaurant space to be located on Lot “B”; all in the Commercial “C” Zone. Phase I consists of the eight pump gas station on Lot “A” and the Kiddie Academy day care center the water treatment building, the water storage tank and the stormwater management basin on Lot “B”. The property is located at 2035 Burlington-Mount Holly Road (CR 541), Westampton, New Jersey, designated as Block 807, Lot 1 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board had jurisdiction to hear this matter (the “Application”) under the New Jersey Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-1 et seq.*; and

WHEREAS, at the September 4, 2019 Board meeting, the Applicant was represented by William F. Hyland, Jr., Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the purpose, location, and details of the proposed amended subdivision and site plan and requested variance relief; and

WHEREAS, at the September 4, 2019 Board meeting, the Board discussed the Application and the Board Professionals offered recommendations. The Application was opened to the public for comment, and any members of the public wishing to comment on the

Application were given the opportunity to do so; and

WHEREAS, prior to the Board rendering a decision to grant or deny the Application, the Applicant requested the Application be tabled and the hearing continued until the next regularly-scheduled Board meeting so the Applicant can address comments and concerns raised by the Board, Board Professionals, and members of the public during the September 4, 2019 Board meeting; and

WHEREAS, the Applicant again appeared before the Board at the October 2, 2019 Board meeting, where the Applicant was again represented by William F. Hyland, Jr., Esq., of Hyland Levin LLC. The Board heard further testimony from the Applicant's witnesses and professionals as to the purpose, location, and details of the proposed amended preliminary and final subdivision and site plan along with requested variances; and

WHEREAS, at the October 2, 2019 Board meeting, the Board again discussed the Application and the Board Professionals offered recommendations. The Application was opened to the public for comment, and any members of the public wishing to comment on the Application were given the opportunity to do so; and

WHEREAS, prior to the October 2, 2019 Board meeting, the Applicant submitted a revised site plan showing the relocated trash enclosure of the WaWa site, detail of the pump house building with elevation and dimensions and a photograph of an existing pump house (a smaller version) that is similar to what the Applicant is proposing in color, material, and style; and

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the September 4, 2019 and October 2, 2019 public hearings, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, Crown Point Associates LLC, seeks preliminary major site plan and preliminary major subdivision approval with bulk variance relief and waivers to permit the creation of two (2) proposed lots (Lot A and Lot B), both of which front on Burlington-Mount Holly Road and Irick Road and Lot A will be 2.933 acres and will contain a 5,585 square foot convenience store with gas station and Lot B will be 21.248 acres and will contain a 3,660 square foot bank with drive-thru tellers; a 4,800 square foot drive-thru restaurant; a 2,400 square foot drive-thru restaurant; a 9,000 square foot building with 6,900 square foot of retail space and 2,100 square foot drive-thru restaurant; a 4-story, 125 room hotel with a 16,100 square foot footprint; and a 40,000 square foot retail building and attached 22,500 square foot retail building in the Commercial "C" Zone. Phase I consists of the eight pump gas station on Lot "A" and the Kiddie Academy day care center the water treatment building, the water storage tank and the stormwater management basin on Lot "B. The Subject Property is 2035 Burlington-Mount Holly Road (CR 541), Westampton, New Jersey, designative as Block 807, Lot 1 on the Township Tax Map ;and

2. The Application also requires the grant of *N.J.S.A. 40:55D-70c* bulk variances in connection with the preliminary major subdivision and preliminary major site plan approval to permit several deviations from the bulk requirements of the C-Zone set forth in the Township Code.

3. Prior to the October 2, 2019 hearing, the Applicant submitted a revised site plan showing the relocated trash enclosure of the WaWa site, detail of the pump house building with elevation and dimensions and a photograph of an existing pump house (a smaller version) that is similar to what the Applicant is proposing in color, material, and style; and

4. The following witnesses and professionals appeared and testified in favor of the Application during the September 4, 2019 and October 2, 2019 hearings: Edward Brady, the Applicant's Engineer, Nathan Mosley, the Applicant's Traffic Engineer, Cecilia Byrne Schmidt, the Applicant's Landscape Architect, Nick Tomasetti, the Applicant's Architectural Designer, Veronica Foster, the Applicant's Environmental Engineer, Phillip Sconyo, the Applicant's Fire Engineer, Gary Blackwell, from Kiddie Academy and the Applicant's principal, John Abene.

5. The Applicant submitted the following exhibits during the September 4, 2019 and October 2, 2019 hearings:

- A-1 – Site Plan
- A-2 – Site Plan (Burlington Side)
- A-3 – Traffic signal installation plan for new Irick intersection
- A-4 – Traffic signing and striping plan
- A-5 – Sign exhibit of proposed signs
- A-6 – Wawa façade Signs
- A-7 – Wawa Gas pump and canopy signs
- A-8 – Kiddie Academy façade and free standing signs
- A-9 – Kiddie academy floor plan
- A-10 – Site plan for pump station

6. At the October 2, 2019 hearing, Mr. Hyland presented and introduced the Application to the Board, reminding the Board as to the details of the Application and the Applicant's prior presentation from the September 4, 2019 Board Meeting.

7. The Board began the September 4, 2019 with a brief statement by the Applicant's attorney that the Applicant is back before the board with an amended plan containing some modifications from what was approved back in December; an additional pad site is being requested; a setback variance and an impervious coverage variance; the subdivision would change slightly. The project would be constructed in phases; phase 1 would consist of a Wawa and a Kiddie Academy building. All of the infrastructure for both phases would be constructed simultaneously. Thereafter, testimony was heard from the Applicant's professionals, a representative of Kiddie Academy and the Applicant's principal regarding the Application.

8. John Abene, the Applicant's principle provided testimony regarding the amended plan; the Applicant was unable to secure water from Burlington Township but instead will be drilling

their own well; they have obtained approvals from Burlington Township on the balance of the project; the project would straddle both Burlington Township and Westampton Township; and the fountains would run seven months out of the year and would be drained during the winter months. The Township Engineer asked the Applicant about a portion of a parking lot that was not included on the site plan yet is in Westampton Township and Mr. Abene stated that Mr. Brady would address that issue and it was acknowledged that should there be any parking within Westampton Township in that lot, the Applicant would have to return before the Board. The Applicant acknowledged that they have secured preliminary approval in Burlington; they would return for their final approvals and the infrastructure in Westampton would be the first to be built.

9. Edward Brady, the Applicant's engineer provided testimony that the Subject Property is approximately 24 acres in size; Irick Road is going to be re-located and a new traffic signal is going to be installed; the Applicant is creating two lots with the relocation of Irick Road; the Wawa will be on its own lot and the proposed hotel is eliminated and will be replaced with a small retail building and the child daycare center. A pump station for sanitary sewer will be located at the rear of the site; the supply well will be at the rear of the site as well; there would be a pump station and a water storage tank on site. The Applicant was unable to secure approval from Burlington Township for water to the site and New Jersey American Water only runs to Hancock Lane on Route 541 and the Subject Property is not included in New Jersey American Water Company's franchise area and would take years for that to occur, and therefore, the Applicant will be installing a well. The vehicular circulation on the site has been opened up and an impervious coverage variance is necessary for both lots. The stormwater management basin is oversized for the site and can more than handle the water. According to the Board Engineer, Mr. Winckowski, the trash enclosure for the Wawa shows landscaping in the Burlington County right of way; there is conflict between the site plan and the subdivision plat. Mr. Winckowski stated that the conflict requires correction and asked why the trash enclosure could not be moved to the other side of the lot, on the opposite corner where it would be less busy. Mr. Winckowski believes it would be a better configuration not to have the trash enclosure located so close to a busy driveway and the roundabout. Mr. Brady stated that the trash enclosure could fit at the location requested by the Board Engineer and the Applicant agreed to examine the possibility and the engineers would work it out. Mr. Brady further testified that required loading spaces are 17 spaces on the main lot and 2 on the Wawa lot and the Applicant is proposing 2 on the Wawa lot and 8 on the main lot and the amended plan proposes 118,000 square feet of retail space. Signage has been slightly changed at the Wawa site and revised plans have been submitted. The adjacent solar field has a driveway that exists but is not shown on the plan and the Applicant agreed to add it to the plan.

Regarding the on-site lighting, the Board Engineer has no objection to the relief sought, but thought the intersection should be lit. Mr. Winckowski requested the driveway through the loading area at the Kiddie Academy to be better defined for those passing through there; a centerline stripe or a treatment to define the northern edge. Mr. Brady testified that they are looking for a clearer phasing plan; the intent is to build the main parking lot along with Phase 1; and all the infrastructure would be constructed in the beginning. Mr. Winckowski requested to see some form of a jurisdictional map that makes clear who is responsible for what portions of the property and the Applicant acknowledged that a phasing plan would be provided.

Mr. Brady further testified that the water tank for the well is circular and about 34 feet in height and about 24 feet in width. Mr. Barger asked about revising the lighting, stating that the Kiddie Academy would pretty much be invisible from Route 541. Mr. Freeman asked why the hotel was eliminated and the Applicant explained that they could not find an interested tenant at this time and they also did not know how it would work with the entire site.

10. Mr. Mosley, the Applicant's Traffic Engineer, testified regarding traffic on the site and how it would flow. Mr. Mosley had a traffic signal installation plan and a traffic sign and striping plan for the roundabout; the road will be relocated about 200 feet south of its existing location and the Applicant met with the County, who suggested revisions to the Applicant's previous plans. Mr. Mosley testified that Western Drive will be a two way road; the roundabout has been increased in size to 140 feet across, which is what the County desired; and anyone coming into the roundabout will have to slow down and yield and that traffic already in the roundabout will have the right of way. Mr. Mosley further testified that plans will be provided to the County for final review and the main aisle of the shopping center is revised to be a right in right out only.

11. Ms. Byrne Schmidt, the Applicant's Landscape Architect, then addressed signage. Ms. Byrne Schmidt testified that there were slight modifications made to the plans; there are two identification signs for the site; a smaller one at the roundabout; four monument signs that identify pad sites; and two signs for the Wawa. Further, Ms. Byrne Schmidt testified that the large identification sign is 25 feet high, where 15 feet is permitted and 116 square feet in area where 100 square feet is permitted; the other sign is smaller, 15 feet high and 69 square feet in area so no variances are required; the monument signs are not permitted, they are proposed to be 12.5 feet in height. Ms. Byrne Schmidt then testified as to the Wawa signage; variances were previously granted for these although they did not have the exact sizes from Wawa at that time, but they do now; the Kiddie Academy signs were reviewed and while the Township ordinance does not permit signs on top of roofs; there is one on the cupola; there is an additional freestanding sign that requires a variance and they are all new to this application. The Board Planner, Barbara Fegley stated that there was some confusion as to how the signs are being measured.

12. Mr. Tomasetti, the Applicant's architectural designer, then provided some general testimony regarding the architectural elevations of the Kiddie Academy building.

13. Ms. Foster, the Applicant's Environmental Engineer, testified regarding potable water systems. Ms. Foster testified that the well is about 350 feet deep and is in the same aquifer that provides water to New Jersey American Water and Burlington Township's water system; the water will be treated; the storage tank has a capacity of 200,000 gallons; there will be a looped water line system; pressure is maintained by a series of three pumps and the Department of Environmental Protection (DEP) regulates the process and the system will be totally automated. Ms. Foster further testified that an emergency generator will be provided in the case of power outages. The Board Engineer asked if the water system has enough capacity to provide for irrigation, but Ms. Foster was unable to answer the question. Mr. Abene then testified that the Applicant is planning on irrigation but most likely will have a second well for

this. Ms. Foster then testified that the pump house will be 12 feet by 20 feet and is a prefabricated kit. The Board Engineer asked to see what the structure would look like as no plans were provided with the application and Ms. Foster stated it looks like a typical backyard shed. The Board Engineer was concerned that the shed would be right along Irick Road and will be seen and it should tie in with the architectural look of the shopping center. Mr. Hyland stated that they could come back next month with the details where the Board would have the opportunity to see it and bless it.

14. Mr. Sconyo, the Applicant's Fire Engineer, then testified regarding fire protection and the water supply and its adequacy. Mr. Sconyo testified that the hydrant pressure is maintained through the pumps.

15. Mr. Blackwell, representative of Kiddie Academy was present for any Board questions; the Board had none. Mr. Blackwell then testified that the school will have a maximum of 168 students and 22 teachers; operation hours are 6:30 AM to 6:30 PM; infants to 5 years old, Monday through Friday, year round; it is a franchise; and there are 235 in operation around the country presently.

16. The Board Planner, Barbara J. Fegley, AICP, PP, stated that there were still many open items in her report that were not discussed. The Applicant agreed to all points in her letter after discussing a few items. The Applicant testified that they will provide a different size sign than submitted; the issue was how the sign is measured. One more monument sign was added to the plan that the Board had approved in December, along with another sign for the Wawa that was smaller. There was discussion as to interpretation of the Township ordinance with regard to the way signs are to be measured.

17. Mr. Barger suggested moving the location of the Kiddie Academy building and the retention pond as he believes it creates a much better circulation on the site. The Applicant reviewed Mr. Barger's sketch but stated they were not in a position to change things at this point.

18. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and the following member of the public appeared at the September 4, 2019 hearing:

- Nancy Burkley – Ms. Burkley asked if the Applicant would have city sewer and the Applicant responded that they would have Mt. Holly MUA for sewer. Ms. Burkley then asked about the difference between a roundabout and a circle and Mr. Mosley responded.

19. With regard to the request for bulk variance relief, through the evidence submitted and testimony presented by the Applicant, the Board finds that the Applicant has sustained the burden of proof to support the following variances in accordance with the statutory requirements set forth in the MLUL, *N.J.S.A.* 40:55D-70c(2):

- Ordinance §250 Attachment 2 permits a maximum impervious coverage of 60% in the

Commercial zone. The Overall Site Plan indicates that Lot A will have an impervious coverage of 67.3%. Lot B will have impervious coverage of 63%.

- Ordinance §250-22R(1) requires commercial uses to have one dedicated off-street loading space having a minimum size of twelve (12) feet by 35 feet for the first 5,000 square feet of gross floor area of commercial space, or fraction thereof, and then one (1) additional off-street loading spaces for each additional 7,000 square feet of gross floor area of commercial space, or fraction thereof. The Overall Site and Phasing Plan identifies that Lot B will only have 8 loading spaces, where 17 are required.
- Ordinance §250-16D requires a minimum front yard of 50' whereas the plan proposes a trash enclosure servicing the gasoline station and convenience store to be located 7' from the property line adjacent to the round-about right of way of relocated Irick Road. Ordinance §250-16F(1) requires a front yard buffer to a minimum planted depth of 20' from the front yard line whereas the plan proposes a trash enclosure servicing the gasoline station and convenience store to be located 7' from the proposed Irick Road right of way.
- Ordinance §250-26D(11)(a) permits motor vehicle stations one facade sign for each entrance with a maximum height of 3' and maximum area of 40 square feet whereas the applicant is proposing facade signs with a height of 5.5' and area of 67.70 square feet for the front door and a height of 4.06' and area of 36.82 square feet for the rear door of the Wawa convenience store.
- Ordinance §250-25G permits gas station convenience stores one identification sign per street frontage with a height of 15' where 20' is proposed.
- Ordinance §250-26D(11)(c) permits motor vehicle stations 1 freestanding sign per street frontage, not to exceed 60 square feet, which may also include fuel grades and prices. The gas station retail project signs each depict a solid panel that appears to comprise approximately 65.27 square feet for sign A2 and 59.76 square feet for sign A1. Bulk Variances for exceeding sign area on the two freestanding Wawa signs have been discussed in item #6 above.
- The Sign Schedule lists a panel area of 126 square feet for Project Sign B 1 , however, using the sign area as defined in ordinance §250-25E(1), the sign area is approximately 287 square feet. Similarly, the sign area for Project ID Sign B2 is 105.8 square feet instead of the 69 square feet listed in the Sign Schedule. Ordinance §250-25J(2) permits a maximum area of 100 square feet for project identification signs.
- The applicant is requesting a fifth pad site monument sign with a height of 12.5' and an area of 65 square feet whereas ordinance §250-25J(2) and (3) do not permit pad monument signs.
- Ordinance §250-25G(2) requires all signs to be set back a minimum of 10' from all property lines. Wawa Project ID sign A2 is not dimensioned but appears to be set back approximately 7 feet from the Irick Road right of way.
- Ordinance §250-25E(3) prohibits the area of directional signs from exceeding 4 square feet whereas the plan proposes three (3) directional signs on the gas station and convenience store site, each with an area of 6.0 square feet.
- Ordinance §250-25I permits child care facilities one (1) freestanding sign not exceeding 32 square feet with a maximum height of six (6) feet. The applicant is requesting two facade signs, however, the "Community Begins Here" sign does not appear to be located on the facade but on freestanding columns with brick or stone bases. The "Community

Begins Here" sign is 40 square feet in size and 10' 10" in height.

The above deviations from the Township Code requirements serve several purposes of the MLUL, specifically: promotion of the general welfare of the community by encouraging development and increasing the property value of the Subject Property; *N.J.S.A. 40:55D-2a*; providing adequate open space at the Subject Property for the proposed uses; *N.J.S.A. 40:55D-2c*; providing sufficient space in an appropriate location for a needed commercial use that will be carried out in an environmentally friendly way to meet the needs of Township citizens; *N.J.S.A. 40:55D-2g*; and by improving the visual appearance and aesthetics of the Subject Property by including the 3 façade signs and proposed landscaping. *N.J.S.A. 40:55D-2i*.

20. Through the evidence submitted and testimony presented by the Applicant, the Board finds that the benefits of the requested variances substantially outweigh any detriment, of which there is none, that the variances can be granted without substantial detriment to the public good, and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance due to the permitted use in the C Zone, need for the business in the Township, and large, suitable size of the Subject Property. *N.J.S.A. 40:55D-70(c)(2)*.

21. The Board further finds that the requested variance relief:

- a. relates to a specific piece of property, namely the Subject Property;
- b. that the purposes of the MLUL would be advanced by a deviation from the Township Zoning Ordinance requirements;
- c. that the variance can be granted without substantial detriment to the public good; and
- d. that the benefits of the deviation substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

22. With regard to the requested amended preliminary and final major subdivision and preliminary major site plan approval, through the evidence submitted and testimony presented by the Applicant's witnesses, professionals, the Board's professionals, and members of the public, the Board finds and concludes that the proposed subdivision plan and major site plan complies with all site plan and other standards, specifications, and requirements established by the Township's Zoning Ordinance not addressed by variances and waivers as detailed herein, and that the Subject Property is suitable for the proposed development given the size of the Subject Property and permitted commercial uses in the C Zone. *See, e.g., Levin v. Livingston Twp.*, 35 *N.J.* 500, 510-11 (1961); *Pizzo Mantin Group v. Randolph Twp.*, 261 *N.J. Super.* 659 (App. Div. 1993), *aff'd. as modified*, 137 *N.J.* 216 (1994).

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for preliminary and final major subdivision, preliminary major site plan approval and final major site plan approval as to Phase

I, along with bulk variance relief and waivers for the construction of two (2) proposed lots (Lot A and Lot B), both of which front on Burlington-Mount Holly Road and Irick Road and Lot A will be 2.933 acres and will contain a 5,585 square foot convenience store with gas station and Lot B will be 21.248 acres and will contain a 3,660 square foot bank with drive-thru tellers; a 4,800 square foot drive-thru restaurant; a 2,400 square foot drive-thru restaurant; a 9,000 square foot building with 6,900 square foot of retail space and 2,100 square foot drive-thru restaurant; a 4-story, 125 room hotel with a 16,100 square foot footprint; and a 40,000 square foot retail building and attached 22,500 square foot retail building in the Commercial "C" Zone. Phase I consists of the eight pump gas station on Lot "A" and the Kiddie Academy day care center the water treatment building, the water storage tank and the stormwater management basin on Lot "B" upon motion duly made by _____ and seconded by _____ was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

Ayes Nays Abstentions Recusal

Applegate
 Barger
 Blair
 Borger
 Eckart
 Freeman
 Guerrero
 Haas
 Myers
 Odenheimer
 Wisniewski

IT IS FURTHER RESOLVED, the above relief is subject to the following conditions:

1. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Engineer's Review Letters except as may be specifically noted on the record and will work with the Board Engineer to resolve all issues contained in said Review Letters.
2. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Planner's Review Letters except as may be specifically noted on the record and will work with the Board Planner to resolve all issues contained in said Review Letters.
3. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Fire Marshal's Report.
4. All agreements, conditions and representations made by the Applicant or imposed upon the Applicant as set forth in the record of this matter regarding this application shall be fully satisfied by the Applicant and/or successors in interest.

IT IS FURTHER RESOLVED, the above relief is subject to the following standard conditions:

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein;
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;

6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



DATE FILED: _____ (for office use only)

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

To the Westampton Township Land Development Board:

The petition of Crown Point Associates LLC,
~~who resides at~~ with an office at 280 Route 35 South, Suite 150, Red Bank, NJ 07701
respectfully shows:

1. A variance is requested with respect to land designated on the
Westampton Township Tax Map as Block 807, Lot(s) 1.
2. The property is located on Burlington-Mt Holly Road
Phone # 732 530 9191 in
a C zone district, the street number is 2035.
- 2a. A variance is sought from Section(s) 250-16.B. and/or 250-25.D.(1)
(See attached Rider) of the Zoning Ordinance to permit
an illuminated pylon sign with a height of 100' and an area of 800 SF.
- 2b. Applicant appeals from the decision of _____
_____ on _____, based upon
Sections _____ of the Zoning Ordinance
for the reasons outlined on paragraph 9.
3. 2035 Burlington-Mt Holly Road LLC, ~~who resides at~~
with an address of 560 Hudson St., Hackensack, NJ 07601, is
the present owner of the property. Applicant's interest in the property is
as contract purchaser.
4. No variance, conditional use, or special permit has ever been granted
with respect to this property, except none.

5. The last previous use or occupancy of the property was by _____
the owner _____,
who used the property for farming _____

6. The dimensions of the property are irregular _____,
a. Frontage: _____ b. Depth: _____
The total area of the property is 24.762 ac. _____.

7. The property is now occupied by (a) building(s). ~~Said building(s)~~
~~occupy _____% of the lot (as nearly as can be determined). The height~~
~~of said building(s) is _____ feet and _____ stories. (Please give the~~
~~maximum if more than one building.) The setback from the nearest~~
~~street is _____ feet~~ to be removed.

8. The percentage of coverage, height and setback of the proposed
building(s) are N/A. No building is proposed with this application. A pylon
sign is the only structure which is proposed. _____.

9. The petitioner advances the following reasons why the application
should be approved:

9a. Describe how the proposed variances would promote the public welfare:
See attached Rider. Testimony will be provided at the hearing. _____

9b. Demonstrate that the proposed variance would do no substantial
damage to the Westampton Township Plan: See attached Rider. _____
Testimony will be provided at the hearing. _____

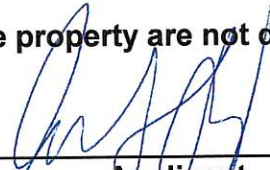
9c. Provide details of the future use of the property and structures if the
variance is granted: See attached Rider. Testimony will be provided at
the hearing. _____

9d. Describe any changes in traffic and/or parking patterns: N/A to this
application. _____

9e. Describe impact on neighbors if variance is granted for use described in 9c: See attached Rider. Testimony will be provided at the hearing.

10. Twelve (12) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board ~~are submitted herewith~~ will be submitted as required.

11. Proof that taxes and assessments upon the property are not delinquent is attached hereto.



Applicant
William F. Hyland, Jr.
Hyland Levin Shapiro LLP
Attorneys for Applicant

STATE OF New Jersey :

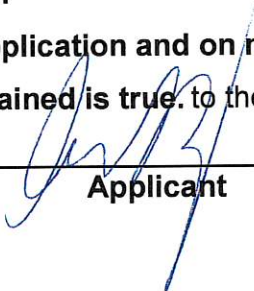
ss.

COUNTY OF Burlington :

William F. Hyland, Jr., of full age, being duly sworn

according to law on his/her oath deposes and says:

I am the ^{attorney for the} applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true to the best of my knowledge, information and belief.



Applicant

Sworn to and Subscribed :
before me this 10th day :
of September, 2019.



Notary Public of

Audrey Y. Edwards
Notary Public of New Jersey
My Commission Expires December 14, 2019



Township Of Westampton



SITE PLAN REVIEW APPLICATION X
 SUBDIVISION APPLICATION _____
 MINOR _____ MAJOR _____
 PRELIMINARY _____ FINAL _____ CONSOLIDATED X
 BLOCK 807 LOT 1

1. GENERAL INFORMATION

A. Applicant Name Crown Point Associates LLC

Address 280 Route 35 South, Suite 150, Red Bank, NJ 07701

Telephone Number 732 530 9191

B. The Applicant is a:

Corporation* _____
 Partnership* _____
 Individual _____
 Other (specify) LLC

*If the applicant is a corporation or a partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership.

C. The relationship of the applicant to the property in question is:

Purchaser under contract X
 Owner _____
 Lessee _____
 Other (specify) _____

Attorney William F. Hyland, Jr., Hyland Levin Shapiro LLP

Address 6000 Sagemore Dr., Suite 6301, Marlton, NJ 08053

Telephone Number 856 355 2900; e-mail: hyland@hylandlevin.com

D. Engineer/Surveyor: Edward P. Brady, PE, Taylor Wiseman & Taylor
Address 124 Gaither Dr., Suite 150, Mount Laurel, NJ 08054
Telephone Number 856 235 7200; e-mail: brady@taylorwiseman.com

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 2035 Burlington-Mt Holly Road
- B. The location of the property is approximately 0 feet from the intersection of Burlington-Mt Holly Rd and Irick Rd, NJ Turnpike
- C. Existing use of the property Farm
Proposed use of property Pylon sign. See attached Rider.
- D. Zone in which property is located C - Commercial
- E. Acreage of property 24.762 +/- acres
- F. Is the property located on a County road? Yes X No ; State road? Yes X No ; or within 200 feet of a municipal boundary? Yes X No

SITE PLAN APPLICATIONS ONLY (ANSWER ITEMS G, H & I):

- G. The type of proposal is: New Structure X Expanded area Improved Parking Area Alteration to Structure Expansion to Structure Change of Use Sign
- H. Name of business or activity (if any) Fountain Square Shopping Center
- I. Are there deed restrictions that apply or are contemplated? No
(if yes, please attach a copy to application)

SUBDIVISION APPLICATIONS ONLY (ANSWER ITEMS J, K, L & M)

- J. Number of lots proposed
- K. Was the property subject to a prior subdivision? Yes No
(If so, list dates of prior subdivisions and attach resolutions)
- L. Number of lots created on tract prior to this application

M. Are there any existing or proposed deed restrictions, easements, rights-of way or other dedication? Yes ___ No ___ (if yes, attach a copy)

N. List all proposed on-site utility and off-tract improvements:

All utilities to be installed on-site.

O. List maps and other exhibits accompanying this application:

Pylon Sign Exhibit Plan

Sign Plan

3. INFORMATION REGARDING THE APPLICATION

A. Describe any proposed "C" or bulk variances requested, their location (Block & Lot) and the sections of the Zoning Ordinance from which relief is requested. Attach 1 copy of variance notification documents.

See attached Rider. Testimony will be provided regarding the variances requested.

4. CHECK LIST AND WAIVER REQUESTS

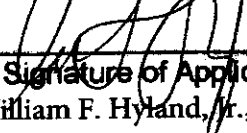
A. Please refer to the Ordinance for the specific submission requirements, which are listed in Chapters 196, 215 and 250 (Site Plan Review, Subdivision of Land and Zoning) from the Code of the Township of Westampton.*

B. Please list which sections of the Ordinance applicant requests a waiver from and the reasons therefore.

See attached Rider. Testimony will be provided regarding the waivers requested.

5. AUTHORIZATION AND VERIFICATION

I certify the statements and information contained in this application are true.



Signature of Applicant
William F. Hyland, Jr., Hyland Levin Shapiro LLP, Attorneys for Applicant

9/10/2019

Date

Signature of Owner
2035 Burlington-Mt Holly Road LLC
By: Peter A. Tucci

Date

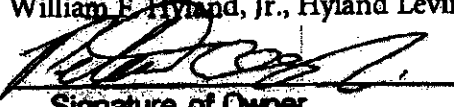
*Copies of the Township Ordinance are available for purchase at the Westampton Township Municipal Building. The entire ordinance is also available on the Internet at the Township website: <http://www.westampton.com>

B. Please list which sections of the Ordinance applicant requests a waiver from and the reasons therefore.

See attached Rider. Testimony will be provided regarding the waivers requested.

5. AUTHORIZATION AND VERIFICATION

I certify the statements and information contained in this application are true.

Signature of Applicant	Date
William F. Hyland, Jr., Hyland Levin Shapiro LLP, Attorneys for Applicant	
	<u>9-6-19</u>
Signature of Owner	Date
2035 Burlington-Mt Holly Road LLC	
By: Peter A. Tucci	

*Copies of the Township Ordinance are available for purchase at the Westampton Township Municipal Building. The entire ordinance is also available on the Internet at the Township website: <http://www.westampton.com>

RIDER TO APPLICATION OF CROWN POINT ASSOCIATES LLC
2035 BURLINGTON-MT HOLLY RD A/K/A BLOCK 807, LOT 1

Proposed use:

Background: Highview Homes, LLC, received preliminary major subdivision and preliminary major site plan approval for development of the subject property by Resolution 24-2018, memorialized January 9, 2019. Highview thereafter amended the application to reflect the name of the applicant going forward as Crown Point Associates, LLC, a single-purpose limited liability company which shall develop the Westampton and Burlington Township components of the Fountain Square project. Highview Homes, LLC has assigned its contract to purchase the property to Crown Point Associates LLC. The principals involved in this project remain the same and an amended Disclosure Statement has been submitted. Crown Point Associates LLC thereafter submitted an application for amended preliminary subdivision, final subdivision, amended preliminary site plan, and final site plan approval for Phase 1 of the revised project. Applicant proposes to subdivide the property into two lots. Lot A will include retail stores, a bank and restaurants, as well as a child-care center. (The child-care center and additional retail space replace a hotel included in the prior approval). Lot B will contain a gas station with a convenience store. The project will be developed in Phases. Phase 1, Section 1 is the gas station and convenience store, Phase 1, Section 2 is the child-care center and stormwater basin, and Phase 2 is the shopping center consisting of multiple buildings containing retail, restaurants and a bank. This amended subdivision and site plan application was considered by the Planning Board at the meeting on September 4, 2019 and testimony will be continued at the Planning Board meeting on October 2, 2019.

Current application: The present application of Crown Point Associates LLC is for approval of an illuminated pylon sign which has a height of 100' and an area of 800 SF. The sign will identify the project as "The Shoppes at Fountain Square," will include [some] individual tenant panels, and will identify the location, "Westampton, NJ." This sign is to be located such that it will be visible from the New Jersey Turnpike. Under Section 250-16.B., the Commercial (C) Zone does not list signage as an accessory use, although it does permit accessory uses "customarily incidental and subordinate to the permitted uses." A use variance may be required if a pylon sign is not considered to be customary and incidental to the shopping center use. In addition, Section 250-25.D.(1) **prohibits signs "advertising goods and/or services not sold or performed on the lot on which the sign is located, including billboards."** The proposed sign does not fall within this prohibition since it advertises only uses and good which are located on the same property. Hence, the Applicant contends that the proposed sign is not a prohibited sign and can be heard by the Land Use Board sitting as the Planning Board. Notwithstanding the foregoing, Applicant alternatively seeks a use variance to permit the sign should the Land Use Board disagree with Applicant's legal position.

Bulk Variances:

Aside from the use issue, the proposed pylon sign will require bulk variances as follows:

From Section 250-25.G.(a) to allow a sign height of 100' where a maximum sign height of 8' is permitted for retail freestanding signs. The ordinance allows an increase of the sign height with Board approval, but only to 15 feet with a reduction in the sign size.

From Section 250-25.J.(2) to allow a freestanding identification sign with tenant names where one freestanding sign with only the name and logo of the project is permitted; and

From Section 250-25.J.(2) to allow an 800 SF sign where 100 SF is the maximum permitted for a shopping center identification sign.

Waivers:

Applicant requests waivers from providing site plan details and reports listed in the Ordinance as this is an application for a sign only and all other site plan and submission requirements have been satisfied or waived with the pending amended subdivision and site plan application.

Christopher J. Noll, PE, CME, PP
President & CEO

Barbara J. Fegley, AICP, PP
Sec./Treas. & Sr. Vice President

William H. Kirchner, PE, CME, N-2
Vice President



**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Rakesh R. Darji, PE, PP, CME, CFM, Vice President

G. Jeffrey Hanson, PE, CME

Joseph R. Hirsh, PE, CME, CPWM

Joseph P. Orsino, CET

Marc H. Seiover, LSRP, PG

Harry R. Fox, NICET III, CPFI

C. Jeremy Noll, PE, CME, CPWM

Benjamin R. Weller, PE, CME, CPWM, S-S, C-S

815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054

Telephone (856) 235-7170 • Fax (856) 273-9239 • www.erinj.com

September 27, 2019
#88018 02

Westampton Township Land Development Board
710 Rancocas Road
Westampton, NJ 08060

Attn: Marion Karp, Secretary Land Development Board

Re: Fountain Square Shopping Center, Crown Point Associates, LLC
Block 807, Lot 1
2035 Burlington-Mount Holly Road (CR 541)
Use Variance (If Required), Bulk Variances and Site Plan Application for Pylon Sign

Dear Members:

An application was received for a Use Variance (If Required), Bulk Variances and Site Plan approval for an 800 square foot pylon sign with a height of 100 feet. The proposed sign will be located near the Fountain Square Shopping Center's border with the New Jersey Turnpike. The sign will identify Fountain Square and Westampton Township and will contain six individual panels identifying individual tenants contained within the proposed shopping center.

The site is located in the triangle between Burlington-Mount Holly Road, the New Jersey Turnpike, and Irick Road in the central part of the Township within the Commercial (C) zone. The area north of the parcel, opposite Burlington-Mount Holly Road contains a number of commercial uses in Westampton Township's Commercial zone. The New Jersey Turnpike is located to the south and Irick Road and a solar farm and agricultural lands are located to the west.

The site received approval to subdivide an existing 24.762 acre farm into two (2) lots identified as proposed Lots A and B together with Preliminary Major Site Plan approval on December 5, 2018 (Memorialized on January 9, 2019). At the September 4, 2019 Land Development Board meeting, the Board heard an application for Amended Preliminary Subdivision and Site Plan, Final Subdivision, Final Site Plan (Phase 1), Bulk Variances and Design Waivers. No decision was made by the Board on September 4, 2019 and that application is to be continued on October 2, 2019.

Stacey Arcari, PE, CME, PTOE, PP
Timothy Kaluhiokalani, LLA, PP
Anthony R. Lopez, PE, CFM
José Ruiz-del-Valle, PLS
Karen Hermack, PE

Andrew J. Orsino, NICET III
John T. Potts, NICET III, W-2, T-2
Charles Sabatini, PE, CME, CPWM, PP
Edward E. Fox, III, AICP, PP

John L. Scott, Jr., PLS, NICET III
Rohan Tadas, CHMM, LSRP
Neil J. Werket, LLA, RLA
Kathryn Haywood, PE, CFM
Matthew Kensler, NICET III

Page two

The applicant is proposing to construct the project in two phases. Phase 1 will include construction of the Wawa gas station and convenience store on proposed Lot A, the Kiddie Academy day care center, the water treatment building, the water storage tank and the stormwater management basin on Lot B. The remaining improvements on proposed Lot B will be completed in Phase 2.

The following documents have been received with this application:

1. Pylon Sign Exhibit, Sheet 1 of 1 prepared by Taylor Wiseman & Taylor of Mount Laurel, NJ, dated 9/09/19.
2. Pylon Sign Detail, Page 2 prepared by Compass Sign Company dated 9/10/19.
3. Submission Transmittal, prepared by Patricia G. Wood, Paralegal, to William F. Hyland, Jr., Esq., of Hyland Levin LLP, of Marlton, NJ, dated 9/10/19.
4. Westampton Township Land Development Board Application for Variance or Appeal.
5. Township of Westampton Site Plan Review Application.
6. Rider to Application of Crown Point Associates, LLC.
7. Tax Collector Certification.
8. Escrow Agreement.
9. September 24, 2019 letter from William F. Hyland, Jr. of Hyland Levin Shapiro to Robert Swartz, Esq., regarding the variance interpretation.
10. Township of Westampton Site Plan Application dated 9/06/19.

We have reviewed the documents listed above for conformance to the Zoning Code of Westampton Township and offer the following comments:

Interpretation on Use Variance

1. The Rider to the application indicates that under Ordinance §250-16.B, the Commercial (C) Zone does not list signs as an accessory use, however, it does permit accessory uses that are customarily incidental and subordinate to the permitted uses. Interestingly, the Business 1 (B-1) Zone does list Signs as an accessory use. A Use Variance may be required if the proposed pylon sign is not considered to be customary and incidental to the shopping center use. In addition, Ordinance §250-25D(1) prohibits signs advertising goods and/or services not sold or performed on the lot on which the sign is located, including billboards. Applicant should provide testimony and the Board should determine if a Use Variance is required.

Variations

1. Ordinance §250-25J(2) and Section 250, Attachment 4 permit shopping center identification signs on each existing perimeter street or highway. The sign shall have a maximum area of 100 square feet whereas the proposed pole mounted sign has an area of 800 square feet. A bulk variance is required.

2. Ordinance §250-25J(2) permits freestanding project identification signs, one along each existing perimeter street or highway. The signs shall identify only the name and logo of the entire project whereas the proposed pole mounted sign identifies six (6) tenants in addition to its name. A bulk variance is required.
3. Ordinance §250, Attachment 4 permits shopping center identification signs a maximum height of 15 feet whereas the proposed pole mounted (pylon) sign has a height of 100 feet. A bulk variance is required.
4. Ordinance §250-25G(a) allows retail freestanding that are monument or ground-mounted with a maximum height of eight feet, including the base. Ordinance §250-25G(b) allows an increase in height up to 15 feet. Variances are required for sign height and a non-monument or ground mounted sign under these sections of the Ordinance.

General Comments

1. The applicant should confirm that the proposed sign will not advertise any off tract goods or services not sold or performed on the subject tract. If the bulk variances are approved this should be made a condition of approval.
2. In the event that the applicant proposes to advertise any off tract goods or services not sold or performed on the subject tract on the proposed sign will be classified as a billboard and a Use Variance will be required.
3. The sign lists six (6) tenants, only one of which has been identified on previously submitted plans. The applicants should discuss any updates with regard to tenant commitments.
4. The Rider to Application indicates the sign will identify "The Shoppes at Fountain Square" but the Compass Sign Company details states only "Fountain Square." The identification of the shopping center should be clarified.
5. The sign is depicted with what appears to be a pole setback of 25 feet from the property line however the sign detail indicates a setback of approximately 55' to the pole and 35' to the edge of the sign. A 55' pole setback will place it within the driveway behind the retail building. The apparent discrepancy should be reconciled.

Outside Agency Approvals

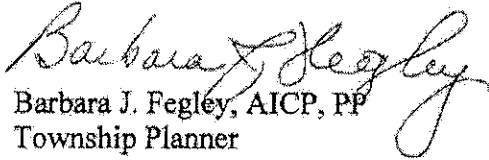
6. Any approval granted by the Board should be conditioned on the Applicant obtaining the following approvals:

Page four

- a. Burlington County Planning Board.
- b. NJ Turnpike Authority.
- c. Construction Code Official.
- d. All others having jurisdiction over this application.

If you have any questions or require further information, please feel free to contact me.

Sincerely,


Barbara J. Fegley, AICP, PP
Township Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., Board Solicitor, via email
Robert Swartz, Esq., via email
James Winckowski, PE, CME, Board Engineer, via email
Crown Point Associates, LLC, 280 Route 35 South, Suite 150, Red Bank, NJ 07701
William F. Hyland, Jr., Esq., Hyland Levin LLP, via email
Edward P Brady, PE, Taylor Wiseman & Taylor, via email



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

September 27, 2019

Westampton Township Land Development Board
710 Rancocas Road
Westampton, NJ 08060

Attn: Marion Karp
Administrative Officer

**Re: Crown Point Associates, LLC (Turnpike Sign)
Engineering Review #1
Block 807, Lot 1
2035 Burlington-Mount Holly Road
Zone: C (Commercial)
Westampton Township, Burlington County, NJ
CME File: CWAL0807.03**

Dear Chairman and Board Members:

In accordance with your authorization, our office has performed a review of the following items in consideration of the above referenced Site Plan application:

- Plans entitled, "Pylon Sign Exhibit," consisting of one (1) sheet, prepared by Taylor Wiseman & Taylor, dated September 9th, 2019;
- Plan entitled, "The Shoppes at Fountain Square," consisting of one (1) sheet, prepared by Compass Sign Company, dated September 10, 2019;
- Completed application forms and project summary rider.

Site Description

The subject property is a 24.762+/- acre triangular parcel located at the south corner of Burlington-Mt. Holly Road (a.k.a. County Route 541) and Irick Road (a.k.a. County Road 637). The property is bound to the south by the New Jersey Turnpike. The parcel has approximately 1,166 feet of frontage along Burlington-Mt. Holly Road to the northeast and approximately 2,196 feet of frontage along Irick Road to the northwest. The property is situated in a C (Commercial) Zoning District and contains existing farmstead.

Current Proposal

The previous applicant, Crown Point Associates, LLC, received preliminary major subdivision and site plan approval for development of the site in January, 2019. The current Applicant, Crown Point Associates, LLC has assumed ownership of the property and is currently providing

S:\Westampton\Project Files\CWAL0807.03 - Crown Point Associates Sign\19-09-25 - Crown Point Associates - Eng Rvw 1.docx



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: Crown Point Associates, LLC (Turnpike Sign)
Engineering Review

September 27, 2019
Our File No. CWAL0807.03
Page 2

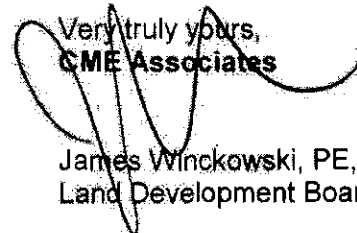
testimony for an amended preliminary and final subdivision application (phases I and II), an amended preliminary site plan application (phase I and II), and a final site plan application (phase I only). Testimony was given at the September 4, 2019 Planning Board meeting and will be continued during the October 2, 2019 Planning Board meeting.

The current applicant is proposing to install an illuminated pylon sign with a height of 100' and an area of 800 SF. The sign will include individual tenant panels and will identify the location (Westampton Township). It is proposed to be placed at a location and height so that it is visible to the motorists on the New Jersey Turnpike.

The Applicant should be prepared to discuss the following with the Board:

1. We defer to the Board Planner the extent of any variance relief that may be required.
2. The Applicant's Engineer should clarify how electric service will be routed to the sign.
3. A construction detail, signed and sealed by a structural professional engineer for the pole and associated foundation should be provided.
4. The Applicant should clarify whether approval from the NJDOT will be required.

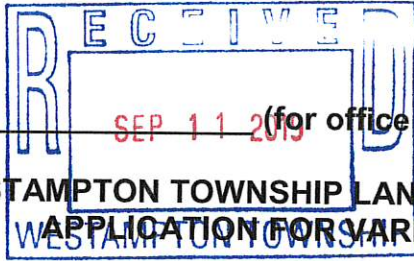
Should you have any questions or require additional information, please do not hesitate to contact this office.

Very truly yours,
CME Associates


James Winckowski, PE, CME
Land Development Board Engineer's Office

JW/rs

cc: Gene Blair, Construction Code Official
Robert Swartz, Esq, Board Solicitor
Barbara Fegley, PP, Board Planner
Edward P. Brady, P.E., Taylor Wiseman & Taylor, Applicant's Engineer
William F. Hyland, Jr., Esq., Hyland Levin LLP, Applicant's Attorney



DATE FILED: _____ (for office use only)

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL**

To the Westampton Township Land Development Board:

The petition of GILBERT A. GEHIN-SCOTT JR.,
who resides at 104 SECOND ST., RANCOCAS, NJ 08073,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 111, Lot(s) 2.
2. The property is located 104 SECOND ST., RANCOCAS, NJ 08073
_____ Phone # 856-577-3866 in
a R-6 zone district, the street number is 104.
- 2a. A variance is sought from Section(s) CODE 250-22A(1)
_____ of the Zoning Ordinance to permit
CONSTRUCTION OF A 3 CAR POLE BARN GARAGE
44' X 30'
_____.
- 2b. Applicant appeals from the decision of _____
_____ on _____, based upon
Sections _____ of the Zoning Ordinance
for the reasons outlined on paragraph 9.
3. GILBERT A. GEHIN-SCOTT, JR., who resides at
104 SECOND ST., RANCOCAS, NJ 08073, is
the present owner of the property. Applicant's interest in the property is
PRIMARY RESIDENCE

_____.
4. No variance, conditional use, or special permit has ever been granted
with respect to this property, except NONE
_____.

5. The last previous use or occupancy of the property was by PRIMARY RESIDENCE,
 who used the property for PRIMARY RESIDENCE
6. The dimensions of the property are _____,
 a. Frontage: 58' b. Depth: 200'
 The total area of the property is 11,600 SQ. FT.
7. The property is now occupied by (a) building(s). Said building(s) occupy _____% of the lot(s) as nearly as can be determined. The height of said building(s) is _____ feet and _____ stories. (Please give the maximum if more than one building.) The setback from the nearest street is _____ feet.
8. The percentage of coverage, height and setback of the proposed building(s) are 11.4%, APPROX 14', 9'-7' FROM SIDE AND REAR PROPERTY LINES
9. The petitioner advances the following reasons why the application should be approved:
- 9a. Describe how the proposed variances would promote the public welfare:
NOT A FACTOR - GARAGE INSTALLED ON PRIMARY RESIDENCE PROPERTY, SIMILAR TO NEIGHBORS
- 9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan: NOT A FACTOR, GARAGE LOCATED IN REARMOST AREA OF PRIMARY RESIDENCE PROPERTY
- 9c. Provide details of the future use of the property and structures if the variance is granted: NO CHANGE, GARAGE WILL BE USED TO RESTORE ANTIQUE CARS
- 9d. Describe any changes in traffic and/or parking patterns: NONE

9e. Describe impact on neighbors if variance is granted for use described in

9c: NONE - LOCATION IN REAR MOST AREA OF
PROPERTY RESULTS IN MINIMAL VISABILITY

10. Twelve (12) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board are submitted herewith.

11. Proof that taxes and assessments upon the property are not delinquent is attached hereto.


Applicant

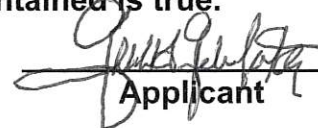
STATE OF NEW JERSEY :

ss.

COUNTY OF BURLINGTON :

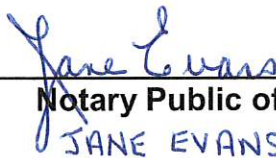
GILBERT A. GEHIN-SCOTT, JR, of full age, being duly sworn according to law on his/her oath deposes and says:

I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.


Applicant

Sworn to and Subscribed :
before me this 22ND day :
of AUGUST , 2019 .

JANE EVANS
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2428075
My Commission Expires 12/19/2022


Notary Public of NEW JERSEY
JANE EVANS

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
NOTICE TO BE SERVED ON EACH PROPERTY OWNER WITHIN 200 FEET
OF THE PROPERTY OR PUBLIC AGENCY AS REQUIRED

TO Friends Meeting

149 Country Club Drive Lumberton, NJ 08048

OWNER OF PREMISES: 102 Main St. Rancocas, NJ 08073

BLOCK 110 LOT 1

PLEASE TAKE NOTICE:

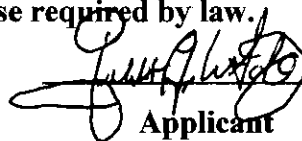
The undersigned has applied to the Land Development Board of Westampton Township for a variance from the terms of the Zoning Ordinance to Permit ** The construction of a 3 car pole barn garage 44' x 30'

_____ on the premises of Westampton Township
_____. The property involved is located at 104 Second St. and is designated as

Block 111 Lot 2 on the Westampton Township Tax Map. A Public hearing has been scheduled for October 2, 20 19, at 7:00PM in the Municipal Building, 710 Rancocas Road, Westampton, NJ, at which time you may appear either in person or by an agent, or attorney, and present any objection which you may have to the granting of this application.

All documentation relating to this application may be inspected by the public during normal business hours at the Westampton Municipal Building.

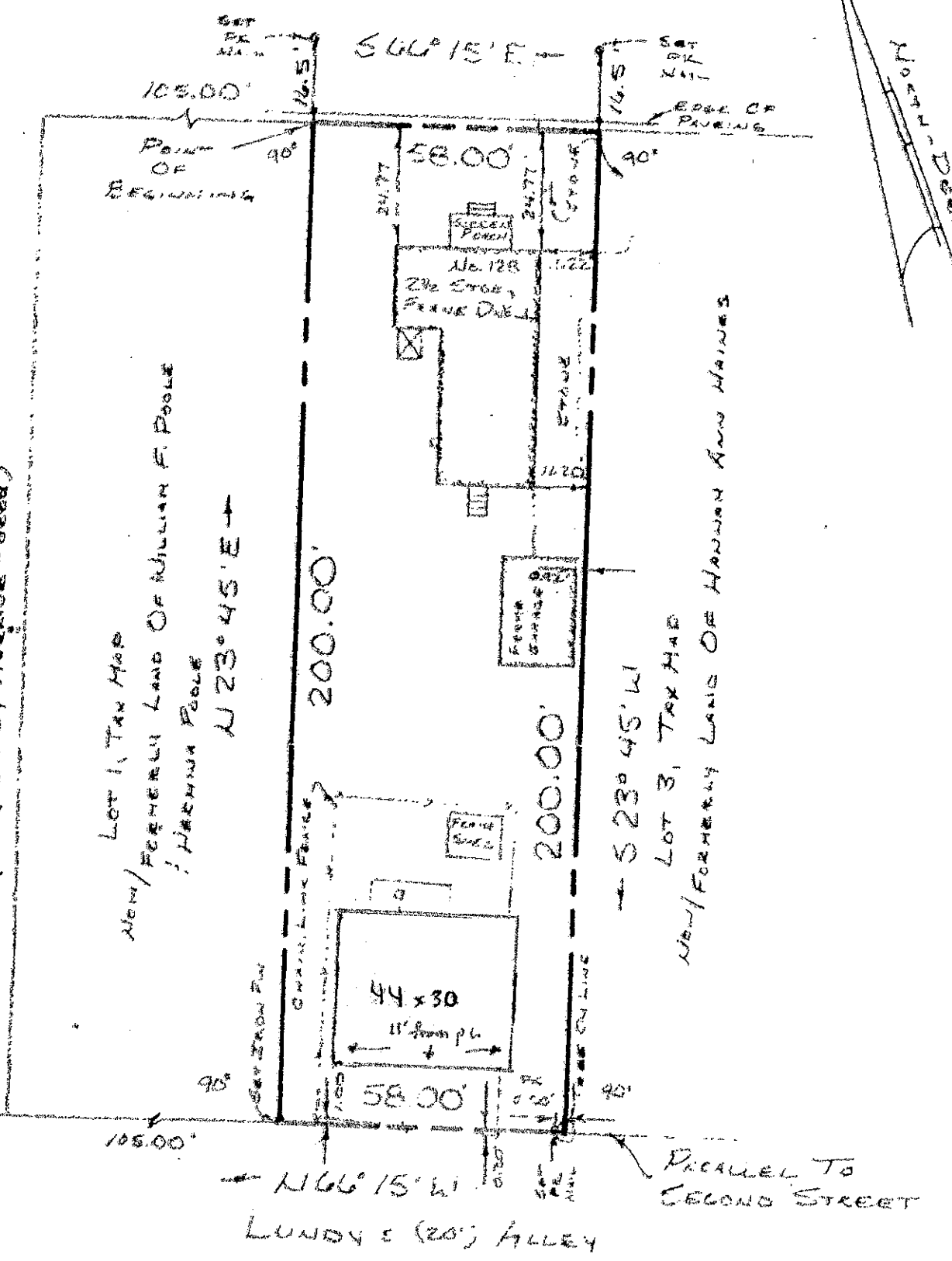
Notice is sent to you by the applicant because the subject property is Within 200 feet of your property or is otherwise required by law.


Applicant

** If the application also requests subdivision, site plan, or Conditional use approvals, it should be so indicated.

SECOND (33') STREET

GREEN (40) STREET
(LUNDY AVENUE - deed)



BEING LOT 2, BLOCK III, PLATE 1, TAX MAP.

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL PACKAGE
#6 – BRIEF DESCRIPTION OF PROPERTY AND CONCISE STATEMENT OF
THE VARIANCE REQUESTED

Property is applicant's primary residence located at 104 Second St., Village of Rancocas, Westampton Township, designated as Block 111, Lot 2 in the tax records.

Applicant seeks a variance from Section Code 250 – 22A(1) or the Zoning Ordinance to permit construction of a 44' x 30' 3 car pole barn garage manufactured by Conestoga Buildings. The garage will be located at the rearmost area of the property. The variance will permit the applicant to exceed the square foot limit of the Code.

DATE FILED: _____ (for office use only)



WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

To the Westampton Township Land Development Board:

The petition of Anna M. Jones,
who resides at 600 David St., Westampton, NJ 08060,
Email just4jacks@comcast.net Phone # 609 346-3471
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 1409, Lot(s) 10.
2. The property is located at 600 David St.
in a R-2 zone district.
- 2a. A variance is sought from Code Section(s) 250-7 Table I Schedule of Yard, Area & Bulk Regs. of the Zoning Ordinance to permit the construction of a 2nd story deck with insufficient front yard setback. 25 ft. is provided, where 50 ft. is required.
- 2b. Applicant appeals from the decision of _____
_____ on _____, based upon Sections _____ of the Zoning Ordinance for the reasons outlined on paragraph 9. *(Complete only for appeals)*
3. Anna M. Jones, who resides at 600 David St. Westampton, NJ 08060, is the present owner of the property. Applicant's interest in the property is to build a 2nd story 16ft x 24 ft deck with a roof cover on the Lambert Dr. side of the house.
4. No variance, conditional use, or special permit has ever been granted with respect to this property, except N/A

5. The last previous use or occupancy of the property was by N/A

 who used the property for _____

6. The dimensions of the property are 120.62 ft by 89.26 ft.
 a. Frontage: 120.62 ft. b. Depth: 89.26 ft.
 The total area of the property is 10,766.54 sq. ft.
7. The property is now occupied by (a) building(s). Said building(s) occupy 8.4 % of the lot(s) as nearly as can be determined. The height of said building(s) is 24 feet and 2 stories. (Please give the maximum if more than one building.) The setback from the nearest street is 31 feet.
8. The percentage of coverage, height and setback of the proposed building(s) are 3.57% coverage, 10 ft in height,
15 ft. setback.
9. The petitioner advances the following reasons why the application should be approved:
- 9a. Describe how the proposed variances would promote the public welfare:
The structure will be a beautiful addition to
the neighborhood.
- 9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan: The structure will
add value to the house.
- 9c. Provide details of the future use of the property and structures if the variance is granted: Structure will be a private deck for the
family. It will provide the owner, who is 91 yrs. old & uses a
rolator to walk the opportunity to enjoy the outdoors w/out having
to navigate the steps.
- 9d. Describe any changes in traffic and/or parking patterns: NONE

- 9e. Describe impact on neighbors if variance is granted for use described in

9c: None

- 10. Six (6) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board are submitted herewith.
- 11. Proof that taxes and assessments upon the property are not delinquent is attached hereto.

Lillie Jackson POA
Applicant

STATE OF

ss.

COUNTY OF

Anna M. Jones, of full age, being duly sworn according to law on his/her oath deposes and says:

I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.

Anna M. Jones
Applicant
Lillie Jackson POA

Sworn to and Subscribed :
before me this 11 day
of September, 2019.

Carol A. Layou
Notary Public of

Carol A. Layou
Notary Public of New Jersey
My Commission Expires Sept. 20, 2021

FILED PLAN

DAVID STREET (50')

LAMBERT DRIVE (50')

15 RAD.
L=22.06

S 58° 38' 30" W

DRILL HOLE

0.50

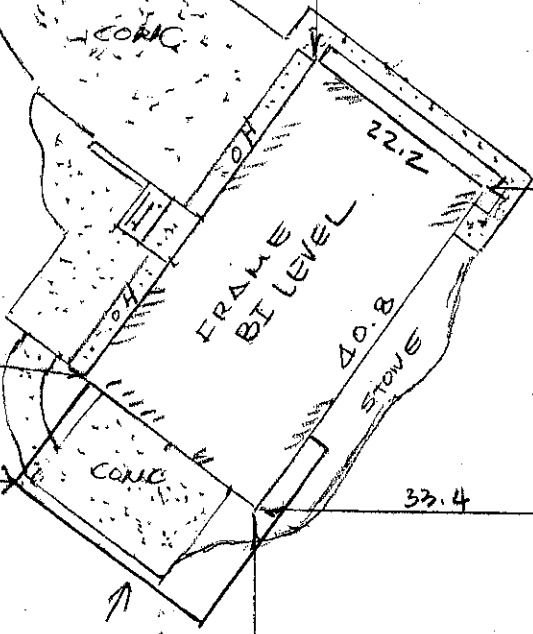
62.24

31.1

MON.

133.50

8.70



LOT 11

Proposed Duck trap

56.3

370 67' 00" E
120.62

S 31° 21' 30" W



REBAR

89.26

REBAR

0.25

10'

N 58° 38' 30" W

C.I. FENCE

0.30

LOT 9

10,979.571 SF +/-
0.252 AC +/-

AKA Lot 10 Block 10 F
AS SHOWN ON PLAN OF
HOLLY HILLS, SECT 3

ALL LOT AND BLOCK NUMBERS REFER
TO WESTAMPTON TWP TAX MAP

THIS SURVEY WAS PREPARED WITHOUT
BENEFIT OF A TITLE REPORT.

TO:

SURVEY AND PLAN

SZAFERMAN LAKIND

Szaferman, Lakind, Blumstein & Blader, P.C.
Attorneys at Law

101 Grovers Mill Road, Suite 200
Lawrenceville, NJ 08648
p: 609.275.0400
f: 609.275.4511
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Arnold C. Lakind
Barry D. Szaferman
Jeffrey P. Blumstein#
Steven Blader#
Brian G. Paul+
Craig J. Hubert++
Michael R. Paglione*
Lionel J. Frank**
Jeffrey K. Epstein+
Stuart A. Tucker
Scott P. Borsack***
Daniel S. Sweetser*
Robert E. Lytle
Janine G. Bauer***
Daniel J. Graziano Jr.
Bruce M. Sattin***

*NJ & PA Bars
**NJ & NY Bars
***NJ, NY & PA Bars

Robert P. Panzer
Benjamin T. Branche*
Robert G. Stevens Jr.**
Michael D. Brottman**
Janine Danks Fox*
Thomas J. Manzo**
Robert L. Lakind***
Brian A. Heyesey

Associates
Lindsey Moskowitz Medvin**
Melissa A. Chimbangu
Christopher S. Myles
Brandon C. Simmons*

+Certified Matrimonial Attorney
++Certified Civil and Criminal Trial
Attorney

Of Counsel
Stephen Skillman
Linda R. Feinberg
Anthony J. Parrillo
Paul T. Koenig, Jr.
Nathan M. Edelstein
Keith L. Hovey***
Jeffrey M. Hall

Counsel
Bhuchar Law Firm
www.bhucharlaw.com
Tel(609)514-5195

Huff, Moran & Orron, LLC
1246 South River Road
Cranbury, NJ 08512
Tel(609)655-3600

#Retired

September 5, 2019

Marion Karp, Board Secretary
Westampton Township Land Development Board
Municipal Bldg.
710 Rancocas Rd.
Westampton, NJ 08060

Re: Resolutions: 1-2015 and 5-2019

Dear Ms. Karp:

This is a follow-up to my July 19, 2019 letter.

I will not reiterate the contents of my July 19th letter except to say that Kingdom Church has been quite patient and now is anxious for a final Certificate of Occupancy to be issued by Westampton Township, and that to the Church's knowledge neither PSE&G nor Verizon have agreed to relocate the guy wires which prevent the safe construction of a sidewalk.

Under the circumstances, the Church requests that the Land Development Board modify Resolution 1-2015 to eliminate this condition of final approval.

Very truly yours,

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.



LIONEL J. FRANK

LJF/aa

cc: Pastor Darius Daniels (via email)
Stuart A. Tucker, Esq. (via email)
Ramone Harper (via email)
Glenn Richardson (via email)
James Winckowski, PE, CME (via email)

3075209.1

Gene Blair, Construction Code Official (via first class mail)
John Wisniewsky, Mayor (via first class mail)
Michael E. Avila, P.E. and P.P. (via first class mail)
Harry W. McVey, P.P., A.I.C.P. (via first class mail)