

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

OCTOBER 4, 2017 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 5, 2017 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. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Ms. Berkley, Mr. Gehin-Scott, Solicitor Lou Capelli, Engineer Jim Winckowski, Planner Tamika Graham, Secretary Marion Karp
5. Approval of minutes – 9/6/2017
6. Swear in Board Professionals
7. Resolutions: approval needed:
 - 15-2017 James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road) – use variance (counseling/therapy office in Residential zone)
 - 16-2017 James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road) – site plan waiver (counseling/therapy office in Residential zone)
 - 17-2017 Pacific Outdoor Advertising, Block 202, Lot 2 (45 East Park Drive) – use & bulk variances, site plan waiver (replace static billboard faces with digital, changeable faces)
 - 18-2017 Dolan Contractors, Inc., Block 203, Lot 2 (32 Springside Road) – amended site plan (dumpster and trash compactor revisions)
 - 19-2017 ME Casa, LLP, Block 1201, Lot 20 (798 Woodlane Road) – site plan waiver (mobile food truck pilot)
8. Old Business:
 - None

9. New Business:

- a. South Jersey Elite Sports Academy, LLC, Block 201, Lot 8.04 (300 Highland Drive) – use variance (baseball and softball batting cages)
- b. Dolan Contractors, Inc., Block 203, Lot 1.03 (32 Springside Road) – amended site plan, Camuto warehouse (addition of fencing, guard booth & patio)

10. Informal Applications:

11. Correspondence:

None

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 6, 2017 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 6, 2017 at 7:04 P.M. The meeting was called to order by Chairman David Barger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2017 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. Mr. Barger welcomed all those in the audience.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Mr. Gehin-Scott, Solicitor Lou Capelli, Planners Sam Agresta and Tamika Graham, Engineer Jim Winckowski (arrived at 7:07 PM), Secretary Marion Karp
Absent: Mr. Mumbower

The minutes of the August 2, 2017 meeting were approved.

Solicitor Capelli swore in the Board professionals.

Resolutions:

14-2017 APCO Petroleum Corporation, Block 904, Lot 2 (2036 Burl.-Mt. Holly Rd.) – extension of prior site plan & variance approvals – was memorialized

Old Business:

None

New Business:

James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road). The applicants were present seeking a use variance and waiver of site plan in order to operate a counseling and therapy office in a Residential zone. Ms. Young is a psychologist. She explained that she wants to use it part time in the evening to see clients. She works full time for the state of NJ during the day. Hours of operation would be 5 to 9 PM, Mondays through Fridays; she sees 4 clients per evening. She is the only one that would be using the office.

Gene Blair explained that he had received a complaint and went out to the property to

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investigate. The Youngs had put gravel in the rear yard to serve as a parking lot. There are provisions in our ordinance for a home occupation but they don't meet the requirements. Gene stated that the applicants were quick to comply with filing the correct applications before the LDB and want to do the right thing.

Six cars would be the maximum parked in the lot; there may be overlap with a client leaving and coming to the office. A privacy fence is proposed to screen the parking lot from neighbors; the rear already has a privacy fence installed which blocks the view. Gene explained that there are code guidelines for ADA access; Mr. Young would have to obtain the services of an architect to perform an analysis against the UCC; he agreed to do this.

Gene thinks this is of very small impact; certainly no more than the adjoining residential properties. Jim Winckowski doesn't think it will need to meet storm water regulations; there have been no complaints from residents in the few months the gravel parking lot has been there; the site seems to be draining adequately.

The Youngs don't reside in the home but they do reside in Westampton. There aren't many licensed psychologists in the area and these services are needed here, according to Ms. Young. The properties to the right and the left are residential but there are properties across the street that aren't; there is a dental office, a hair salon, an auto dealer, McDonalds and a gas station. Jim Winckowski thinks that the use is substantially different than a residential use; it gets complicated quickly. Jim asked if these other commercial uses had obtained site plan approval; Gene stated that they had. Jim commented that a change in use will probably trigger a review by the County. Dave Barger has concerns regarding the application, especially regarding the parking lot that takes up nearly the entire back yard.

Gene spoke about the neighborhood and the businesses that exist there; several homes have converted to office and business uses.

A sign had been installed outside advertising other occupants, however the Youngs stated that these tenants are no longer operating out of the building; Ms. Young will be the sole practitioner. She does not have any employees. Approximately 75% of her clients are the same; after several months they may terminate counseling but then she would take on a new client.

Solicitor Capelli advised considering the waiver of site plan first; he thinks that the County will require a site plan and without the waiver, there is no reason to consider the use variance.

The meeting was opened to the public for comment. Nancy Burkley asked if they were already meeting with clients currently; Ms. Young is not. She asked if approved, would other therapists be joining her. Gene Blair stated that any change would require a return before the Board. Ms. Burkley wanted to make sure that this language would be in a resolution of approval, if any was granted.

Judith Reynolds, 822 Woodlane Road -- has lived here for 67 years; she objects to a business being 2 doors away from her; she lives in a residential community. We don't need gravel in a back yard, we need kids and dogs. She thinks it sets a dangerous precedent. 820 Woodlane has been sold and she is sure that the new owner is unaware; however, when questioned by Solicitor Capelli, she admitted that she didn't have any direct knowledge of this.

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

Jim Winckowski thinks that a site plan is warranted; he thinks the surrounding neighbors need to be sure that it is developed in a responsible manner with proper buffering and design, etc.

Mr. Borger stated that it certainly puts the applicant in a tough position; if they go through all the expense of a site plan and then fail to secure a use variance. Jim Winckowski advised that they could bifurcate the application and ask for the use variance first.

Gene asked Ms. Reynolds if her parents ran a flower business on her property; she stated that her mother did, from the early 1950s on.

Gene spoke regarding the Rita's Water Ice in the neighborhood; its rear lot was a gravel lot, as was the Mail Center building in the area. These were both houses that were converted into businesses in the neighborhood known as "Birdland".

There was some discussion as to not allowing a left hand turn when exiting onto Woodlane Road; however access onto Woodlane Road would be determined by the County.

The Youngs decided that they wanted the Board to render their decision regarding the use variance this evening instead of coming back at a later date.

Mr. Borger stated that right now this is a residential zone and he has concerns about this and going against the zoning code. Mr. Freeman says the whole landscape of this area is changing, especially considering Virtua coming in.

The Youngs reviewed the planner's letter regarding the reasons for granting the use variance. The addition of the gravel lot has improved the ability to exit the property, according to Ms. Young. There are other properties on the road that have 5, 6 or 7 vehicles parked there on a regular basis and you can't turn around on these lots but they must back out onto Woodlane Road when exiting; they have improved the safety by installing the gravel lot which permits a correct exit. The location is good for the Youngs, their previous office was in Westampton, they live in Westampton and the structure is small and compartmentalized and particularly suited to her needs. It is more comfortable to her clientele than a regular doctor's office. She has been practicing in

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Westampton for 4 years, prior to that she was in Lumberton. The kind of services she provides are very much sought after in the area; she routinely has to turn away clients referred to her by insurance companies.

Mr. Borger thinks that the service they are offering is a good one and is needed in the area; however, the property isn't precluded from being residential. There is nothing particular about this property that makes it more suitable for a business use.

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

Mayor Daniels is inclined to approve this use variance; they are residents who wish to operate their business in the township. It is a low impact, low use type of business. He thinks that once Virtua comes in, the Township may be looking at rezoning this area anyway. There are businesses in the immediate vicinity and he doesn't think an approval would adversely affect the neighborhood.

Mr. Lopez – there are benefits, nothing will be going on there on the weekends, there will be no activity during the day, only a few patients coming in the evenings, Monday through Friday.

Jim Winckowski– the site plan will aid the Township in enforcing the conditions in the approval for the use variance. The Youngs don't need anything extensive; it will be more of a documentation of what is there now and the minor improvements necessary to bring it more into compliance with a business use.

Mr. Lopez – the site plan will provide the Township a great deal of protection. We have done our due diligence and balanced the needs of the business and the residents, in his opinion.

Mr. Barger – this is problematic to him; he thinks this could have detrimental results to the neighbors and could affect property values. He has concerns about this and is torn. He likes the use and the intent but is concerned about the location.

Mr. Freeman made a motion to approve the waiver for site plan; the motion was seconded by Mayor Daniels. Mr. Blair and Ms. Berkley voted yes; Mr. Applegate, Mr. Barger, Mr. Borger, Mr. Gehin Scott, Mr. Guerrero and Mr. Lopez voted no. The motion fails to carry. A site plan will be required.

Motion made to approve the variance by Mr. Freeman; seconded by Mr. Lopez. Mr. Barger, Mr. Blair, Mr. Daniels and Ms. Berkley voted yes; Mr. Applegate, Mr. Borger, Mr. Gehin Scott and Mr. Guerrero voted no. The motion carries.

Pacific Outdoor Advertising, Block 202, Lot 2 (45 East Park Drive). The applicant, Joseph Jacobs was represented by his attorney, Sandy Zeller. They were before the Board with a site plan waiver and an application for a C variance. They had been

before the Board previously and gotten approval to erect two billboards with static signage. They now wanted to change the billboard signs to changeable digital copy signs. The billboards were approved in November 2015. Two of the four billboards are being proposed to be changed. The copy will change every 8 seconds to another static advertisement/sign.

Mr. Zeller gave the Board a brief history of the prior application. Nothing is changing on the site, therefore the request for site plan waiver. They had originally requested digital signs but at the time of the hearing they chose to withdraw the request for the two digital copy signs and proceed with four static copy signs.

Solicitor Capelli stated that either a D variance or a C variance could be required, but he leans more towards classifying it as a C variance and he stated recent case law supporting his decision. The sign won't have any impact upon any residential neighborhood so he agrees with Mr. Zeller's interpretation. It is an evolving area of the law and he recommends that the Board vote to see how they would consider it.

A motion was made by Mr. Barger to classify the variance as a C variance; the motion was seconded by Mr. Lopez. All voted yes with the exception of Mr. Blair, who voted no. The motion carries.

Leah Furey Bruder, PP and Joseph Jacobs were sworn in by the Board solicitor. Mr. Jacobs is the owner of Pacific Outdoor Advertising; he is a lawyer by trade and has been in business close to 30 years. The billboards are 16 by 60 feet in size and are currently illuminated from 6 PM until midnight or 1 AM. They are located near the 45a interchange on Route 295. He had secured his state permits before obtaining approval from the LDB. He has secured his approvals from the NJDOT to allow for the changeable signs. One sign faces northbound and one faces southbound.

Mr. Jacobs wanted to apologize to the Board regarding the horrible job of the tree cutting that had taken place along 295 near his billboards; he will replant over 200 trees and bushes on each side. He wants to replace them and make it look better than it has ever looked.

He has movers.com on one billboard, as well as NJ Manufacturers Insurance, Catholic Charities and Hutchinson Electrical. He discourages inappropriate advertising and has rejected some that were interested in advertising on his billboards. There is an opportunity for the Township to be able to post Amber Alerts and other emergent public service notifications.

The Board engineer's letter was reviewed; the ads change at most every 8 seconds according to Mr. Jacobs. It won't be less than every 8 seconds. They are in compliance with DOT standards. Digital signs must be no closer than 3000 feet apart on the same side of the road. Lighting on the billboards is brightest during the day, it dims when it gets dark. The digital signs will be operational 24 hours a day, 7 days a week.

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Mr. Jacobs stated that the billboards aren't visible from any residential zone in the Township; Chairman Dave Barger takes exception to that and stated that they could be viewed from Rancocas Village. Jim Winckowski, Board Engineer stated that they could be seen from Rancocas Road but wasn't sure if they could be viewed from inside Rancocas Village.

Leah Furey testified regarding the planning proofs of the billboards. A variance is required to allow for the changeable copy sign; no flashing or moving signage is proposed. The site is 32 acres and is in the Industrial zone at the end of East Park Drive. Rancocas Village is northwest of the site and is the closest residential neighborhood to the billboards. She cited studies that showed digital billboards do not increase the rate of accidents.

Gil Gehin Scott said that the signs can be seen from his home on Valley Farm Road and he has concerns. There was discussion regarding the difference if these signs could simply be viewed or if they affected someone's quality of life.

The meeting was opened to the public for comment.

Michael Eaton, 115 Sharpless Blvd. – thanked Mr. Jacobs for replanting the area on Route 295. He doesn't really notice the billboards now; he thinks the public safety aspects of the signs are good and an improvement.

Nancy Burkley, Olive Street – doesn't think they are noticeable unless you are trying to look for the signs. She says the sports complex lights are much more disturbing. She thinks the Board should approve it.

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

The first motion was made by Mr. Lopez, to grant a site plan waiver. The motion was seconded by Mr. Borger. All Board members voted yes. The motion carries.

A second motion was made by Mr. Lopez to approve the C variance; the motion was seconded by Mr. Applegate. All voted yes with the exception of Mr. Barger and Mr. Gehin Scott, who voted no. The motion carries.

Dolan Contractors, Inc., Block 203, Lot 2 (32 Springside Road). Russ Whitman, attorney, was present on behalf of an amended site plan application. A bulk variance is necessary to permit the installation of two trash compactors, which has been determined by the Board professionals to be an accessory building which will project into the front yard setback. Camuto is the operator of the warehouse. Cardboard will be processed in one of the compactors; the other compactor will be used for regular trash.

Bernie Wojtkowiak, engineer and Bill Bruce were sworn in. Both Chairman Dave Barger

and Vice Chairman David Guerrero recused themselves from the meeting and sat in the audience.

The compactors will be fully enclosed and won't be visible from Springside Road. The color will match the color of the building. There is a very small degree of visibility from any of the neighboring homes. Benefits of the compactors include cleanliness; no odor since they are enclosed; encouraging recycling and reduces truck traffic to haul away regular dumpsters. Regular dumpsters would be emptied three times a week whereas this only needs to be emptied once a month. The other dumpster reduces emptying from nine times a day to four a week.

The sound of the compactor is very quiet; you can have a conversation right next to it when it is being operated.

Russ Whitman was sworn in to offer personal testimony. He had the opportunity to listen to the compactor and it was amazingly quiet; it makes a quiet whirring noise and that is without the enclosure.

Bernie Wojtkowiak stated that there is a distance of 920 feet from the compactor to the nearest house; the noise the compactor generates would in no way be noticeable. Mr. Lopez suggested that more trees and bushes could be planted to help screen things. The plantings on the berm as they exist don't do much to screen the view.

Pick up of the trash and the recycling is done by Waste Management and will take place during the day. No tractor trailers will be on this side of the building.

The meeting was opened to the public for comment.

Michael Eaton, 115 Sharpless Blvd. – asked if pickup would occur also on the weekend; it would not. It would take place during the week, during business hours. There being no further comment from the public, the meeting was closed.

The Board wished to place a restriction that waste pickups only take place during business hours, 7 AM to 6 PM, Monday through Friday.

Mr. Lopez made a motion to approve the variance; the motion was seconded by Mr. Applegate. All Board members voted yes. The motion carries.

ME Casa, LLP, Block 1201, Lot 20 (798 Woodlane Road). It shall be noted that Mr. Lopez recused himself since he was involved in this application. Tom Kelly, Mr. Lopez's attorney, was present on behalf of the application.

The application is minor, a site plan waiver and is temporary in nature. There is an established restaurant serving Puerto Rican cuisine located in Jersey City; they are proposing to break into the local restaurant business in Westampton and eventually

move into a brick and mortar restaurant. The food truck is a way to gauge how well the restaurant will do in the community. They are ready to start Sept. 17th, one day a week during the day. The truck will not remain on site outside of the hours of operation. If things work out, they hope to go to 2 days a week for a period of 6 to 9 months.

They propose to use portable patio fencing; all food is prepared at the restaurant and brought on site. They have submitted an application to the Burlington County Health Department and are awaiting approval. They want to locate the truck at the Woodlane Shopping Center parking lot and have secured the owner's approval to do so.

The truck is fully self-contained; it has a generator and a propane tank. Mr. Lopez was sworn in before the Board by Lou Capelli. It is a pilot project; just a kitchen alone will run \$15 to \$30K, therefore, they want to make sure this will be a success before they invest that much money.

The owners of the center want them to park where the current Virtua Mobile Farmer's Market van parks on Wednesday. There is a substantial grass buffer where they will be parking. Mr. Lopez is a 50% shareholder and will be handling the marketing. They conducted a survey about 6 months ago and received a very favorable response. Business hours are 11 AM to 8 PM. They are responsible for all cleanup of any debris. The truck has its own lighting system.

They will be open every Thursday and want to add another day if business is good. It depends on how good business is.

The meeting was opened to the public for comment. No comment was made and the meeting was closed.

Mr. Freeman made a motion to approve the site plan waiver; the motion was seconded by Mr. Gehin Scott. All Board members voted yes.

Comments from the Board

Due to the late hour, no comments were made. There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 15-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: James A. Young & Dena Brown-Young

BOARD'S DECISION: Granted Use Variance

PROPERTY ADDRESS: 818 Woodlane Road – Block 1205, Lot 9

ZONING DISTRICT: Residential 2 – “R-2”

DATE OF HEARING: September 6, 2017

WHEREAS, James A. Young & Dena Brown-Young (“Applicants”) filed on August 16, 2017, an application with the Westampton Land Development Board (“Board”) requesting a use variance pursuant to *N.J.S.A.* 40:55D-70d(1) from the Township Zoning Ordinance § 250-11A to permit the use of a one-story, 1,050 square foot single-family dwelling within a residential zone as a commercial counseling and therapy office. The property is located on 818 Woodlane Road, Westampton, New Jersey, and designated as Block 1205, Lot 9 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on September 6, 2017. The Board heard testimony from the Applicant as to the nature, purpose, location, and description of the 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.

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicants, James A. Young & Dena Brown-Young, are the owners of the Subject Property, which is located at 818 Woodlane Road, Westampton, New Jersey. The Subject Property is designated as Block 1205, Lot 9, and lies in the “R-2” Residential District.
2. The Subject Property contains a one-story, 1,050 square foot single-family dwelling. The dimensions of the Subject property are: 13,125 sq ft in area, with 75 ft frontage and 175 ft

depth. The proposed use of the Subject Property as a commercial counseling and therapy office is in violation of the requirements set forth at Chapter 250, Article VI, Section 250-11a of the Township Zoning Ordinance. The request to operate the commercial therapy office requires the granting of a use variance pursuant to *N.J.S.A. 40:55D-70d(1)*.

3. The Applicants were sworn in and testified as to the nature of the Subject Property, the proposed use, and requested relief. The Applicants testified the office will be used part time during the evening to see as many as four (4) clients, with hours of operation of 5 PM to 9 PM Mondays through Fridays. The Applicants testified that there are other commercial uses in the residential neighborhood, including a Rita's Water Ice, a McDonalds, gas station, and other residential dwellings that have been converted to commercial office use. The Applicants will have no employees and have proposed the installation of a privacy fence to block the view of arriving clients. The Applicants further testified that there is a sign outside the Subject Property that advertised prior occupants.

4. The Applicants testified that they have put gravel in the rear yard of the Subject Property to serve as a parking lot. The Applicants testified that they have improved the safety of the Subject Property by installing the gravel to allow for a safe and correct exit.

5. The Applicants agreed to obtain the services of an architect to perform an analysis regarding ADA access at the Subject Property. The Applicants further agreed that no additional therapists would work at the Office besides the Applicant, and that the hiring of any employees and/or practice of additional professionals will require new use variance approval.

6. After testimony presented by the Applicants, the matter was opened to the public for comment regarding the request for use variance relief. No member of the public appeared to testify with respect to the requested use variance relief.

7. With regard to the request for use variance relief, through the testimony presented, the Board finds that the Applicant has established that the Application:

a. relates to a specific piece of property, namely the Subject Property;

b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals, and general welfare by allowing for the offering of a needed service in the community and the preservation of neighborhood character and conservation of neighborhood values;

c. that the variance can be granted without substantial detriment to the public good because the Township will benefit from the provision of the Applicants' services in the community;

d. that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

8. The Board further finds that the Subject Property is particularly suitable for the proposed use as a commercial counseling and therapy office because: (1) the service being offered by way of the proposed use is valuable and much needed in the area; (2) the Subject Property will allow the Applicants' clients to visit and feel comfortable in a residential neighborhood and setting; and (3) the Subject Property will be developed in a responsible manner for the proposed use by virtue of the Board's decision that the Applicants submit a Site Plan for the use at the Subject Property.

9. The Board further finds that the proposed use as a commercial therapy and counseling office would not negatively impact the local neighborhood and community or be a substantial detriment to the public good because it is a low impact, low use type of business with only a small number of patients visiting in the evening; there will be no activity during the day or on the weekends; there is adequate parking available on the gravel lot; and the proposed use will not substantially impair the intent and the purpose of the zone plan and zoning ordinance because nearby properties, including Virtua Health, Inc., already include nonconforming commercial uses and home businesses; thus a commercial counseling and therapy office will enhance the character of the neighborhood and surrounding properties.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for use variance relief pursuant to *N.J.S.A. 40:55D-70d(1)* to permit the use of a commercial counseling and therapy office upon motion duly made by Mr. Freeman and seconded by Mr. Lopez, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation 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;

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.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate				X
Barger	X			
Berkley	X			
Blair	X			
Borger				X
Daniels	X			
Freeman	X			
Gehin Scott				X
Guerrero				X
Lopez	X			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 16-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: James A. Young & Dena Brown-Young

BOARD'S DECISION: Denied Site Plan Waiver

PROPERTY ADDRESS: 818 Woodlane Road – Block 1205, Lot 9

ZONING DISTRICT: Residential 2 – “R-2”

DATE OF HEARING: September 6, 2017

WHEREAS, James A. Young & Dena Brown-Young (“Applicants”) filed on August 16, 2017, an application with the Westampton Land Development Board (“Board”) requesting a Site Plan Waiver to permit the use of a one-story, 1,050 square foot single-family dwelling within a residential zone as a commercial counseling and therapy office. The property is located on 818 Woodlane Road, Westampton, New Jersey, and designated as Block 1205, Lot 9 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on September 6, 2017. The Board heard testimony from the Applicant as to the nature, purpose, location, and description of the requested site plan 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.

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicants, James A. Young & Dena Brown-Young, are the owners of the Subject Property, which is located at 818 Woodlane Road, Westampton, New Jersey. The Subject Property is designated as Block 1205, Lot 9, and lies in the “R-2” Residential District.
2. The Subject Property contains a one-story, 1,050 square foot single-family dwelling. The dimensions of the Subject Property are: 13,125 sq ft in area, with 75 ft frontage and 175 ft depth. The proposed use of the Subject Property as a commercial counseling and therapy office

is in violation of the requirements set forth at Chapter 250, Article VI, Section 250-11a of the Township Zoning Ordinance. The request to operate the commercial therapy office requires the granting of a use variance pursuant to N.J.S.A. 40:55D-70d(1).

3. The Applicants were sworn in and testified as to the nature of the Subject Property, the proposed use, and requested relief. The Applicants testified the office will be used part time during the evening to see as many as four (4) clients, with hours of operation of 5 PM to 9 PM Mondays through Fridays. The Applicants testified that there are other commercial uses in the residential neighborhood, including a Rita's Water Ice, a McDonalds, gas station, and other residential dwellings that have been converted to commercial office use. The Applicants will have no employees and have proposed the installation of a privacy fence to block the view of arriving clients. The Applicants further testified that there is a sign outside the Subject Property that advertised prior occupants.

4. The Applicants testified that they have put gravel in the rear year of the Subject Property to serve as a parking lot. The Applicants testified that they have improved the safety of the Subject Property by installing the gravel to permit a correct and safe exit.

5. The Applicants agreed to obtain the services of an architect to perform an analysis regarding ADA access at the Subject Property.

5. After testimony presented by the Applicants, the matter was opened to the public for comment regarding the request for a site plan waiver. The following members of the public commented:

- a. Nancy Burkley. Questioned whether the Applicant was already meeting with clients, and whether any additional therapists would be joining the Applicants at the Subject Property.
- b. Judith Reynolds. Objects to the use of the Subject Property as a business in the residential neighborhood; believes the Subject Property is better suited to be used as a home and is concerned that some surrounding property owners are unaware of the application and requested relief.

6. Members of the Board expressed concern that the proposed use of the Subject Property could have a detrimental impact on the neighborhood and surrounding properties without proper development pursuant to a Site Plan. A Site Plan will allow the Subject Property to be developed in a responsible manner with proper buffering to the benefit of the neighborhood and surrounding properties. A Site Plan will further allow the Board to enforce the conditions attached to the Applicants' bifurcated use variance approval.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application for a Site Plan Waiver to permit the use of a commercial therapy and counseling office upon motion duly made by Mr. Freeman and seconded by Mr. Daniels, was and is hereby **DENIED**.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate				X
Barger				X
Berkley	X			
Blair	X			
Borger				X
Daniels	X			
Freeman	X			
Gehin Scott				X
Guerrero				X
Lopez				X

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 17-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Pacific Outdoor Advertising, LLC

BOARD'S DECISION: Granted Site Plan Waiver with Variance Relief

PROPERTY ADDRESS: 45 East Park Drive

ZONING DISTRICT: Industrial – "I" Zone

DATE OF HEARING: September 6, 2017

WHEREAS, Pacific Outdoor Advertising, LLC ("Applicant") filed on August 9, 2017, an application with the Westampton Land Development Board ("Board") requesting a Site Plan Waiver and variance relief from the Township Zoning Ordinance § 250-25(D)(1) to permit the display of digital billboards. The property is located on 45 East Park Drive, Westampton, New Jersey, and designated as Block 202, Lot 2 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on September 6, 2017. The Board heard testimony from the Applicant and the Applicant's professionals as to the nature, purpose, location, and description of the 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.

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, Pacific Outdoor Advertising, LLC, resides at 23 Wendy Drive, Linwood, NJ 08221. The owner of the Subject Property is NJW, LLC, residing at 650 Westtown Road, West Chester, PA 19381. The Subject Property is approximately 32 acres and located at 45 East Park Drive, Westampton, New Jersey. The Subject Property is designated as Block 202, Lot 2, and lies in the Industrial – "I" Zone.

2. Billboards are not permitted uses in the Industrial Zone. Township Ord. § 250-20(A). Per Board Resolution #22-2015, the Board previously granted the Applicant a use variance pursuant to *N.J.S.A.* 40:55D-70(d)(1) in November 2015 to permit construction of the billboards in the Industrial Zone. Additional bulk variances were also granted to allow the Applicant to advertise goods not sold on the lot, and to address sign area, sign height, and frontage and side yard setback. Township Res. #22-2015.

3. Regarding the prior use variance relief, the Board found that the Applicant provided special reasons because the static billboards promoted the general welfare in that the use constituted an appropriate use of the industrial site bordering Route I-295 and the New Jersey Turnpike; the New Jersey Department of Transportation had already issued permit for both digital and static billboards; there was no impact on residential zones, Rancocas Historic Village, or the nearby private airfield; the signs were only visible from I-295; and it promoted several specific purposes of the MLUL. Township Res. #22-2015 at ¶ 16.

4. Regarding the prior use variance relief, the Board further found that the Applicant sustained its burden to affirmatively prove the negative criteria in that the application could be granted without a substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance because: there are no other residential areas in the vicinity and the signs could not be seen from residential zones; the application promoted the Maser Plan in that it stimulated economic and commercial activity in the Township; and there was no traffic impact from the proposed signs, including the digital signs, that were granted permits by the NJDOT. Township Res. #22-2015 at ¶ 17.

5. The Applicant now seeks approval to replace two (2) of the existing sign faces (one on each pole) with a digital, changeable copy sign of the same dimensions on the Subject Property. The digital signs will face northbound Route 295 traffic while the signs facing southbound I-295 traffic will remain static. The proposed digital signs will change no quicker than every 8 seconds.

6. Upon advice by the Board Solicitor, the Board determined that the new requested variance relief to permit digital billboard signs could be granted under either *N.J.S.A.* 40:55D-70(d) or *N.J.S.A.* 40:55D-70(c). The Board previously determined that the Applicant satisfied both the positive and negative criteria and granted the requested use variance to permit the construction and display of static billboards pursuant to *N.J.S.A.* 40:55D-70(d)(1).

7. In light of the New Jersey Supreme Court's recent decision in *E&J Equities v. Board of Adjustment*, 226 *N.J.* 549 (2016), in which the Court found that there is little qualitative difference between static and digital, changeable billboard signs, *id.* at 584, the Board finds that a new use variance pursuant to *N.J.S.A.* 40:55D-70(d) is not required because the Applicant only seeks to change the message on the billboards using digital signs, and that this proposed use is substantially similar to the use variance relief originally granted by the Board. *Rogers v. Zon. Bd. of Ridgewood*, 309 *N.J. Super.* 630 (App. Div. 1998), *aff'd o.b.* 158 *N.J.* 11 (1999); *Camara v. Bd of Adj.*, 239 *N.J. Super.* 51 (App. Div. 1990).

8. Upon motion duly made by Mr. Barger and seconded by Mr. Lopez, the Board determined to consider the requested variance relief under *N.J.S.A. 40:55D-70(c)*. All Board members, with the exception of Mr. Blair, voted "yes" to consider the requested variance relief under *N.J.S.A. 40:55D-70(c)*, and the requested relief was so-considered for the remainder of the hearing.

9. The Applicant was represented by attorney Sandy Zeller, Esq. Joseph Jacobs, on behalf of the Applicant, was sworn in and testified as to the nature of the Subject Property, the proposed use, and requested relief. Mr. Jacobs is the owner of the Applicant and provided a history of the prior application, testifying that nothing is changing on the site and that the Applicant had originally requested digital signs, but at the time of the 2015 hearing, withdrew the request for digital signs and proceeded with four static copy signs. Mr. Jacobs testified that the billboards are 16' x 60' in size and illuminated from 6 PM until 12 AM or 1 AM, and that he only allows the display of appropriate advertising. Mr. Jacobs further testified that he has secured the appropriate state approvals and permits prior to appearing before the Board. Mr. Jacobs testified that he would replant over 200 trees and bushes on or around the Subject Property near the existing billboards. Mr. Jacobs testified that the Township would be able to display Amber Alerts and other public service announcements on the billboards.

10. Leah Furey Bruder, P.P., was sworn in and testified that the requested variance relief was sought to allow for the changeable digital signs. Ms. Bruder further testified that the new signs would not contain moving parts or flashing. Ms. Bruder testified that the closest residential area is Rancocas Village, located to the northwest of the site. Ms. Bruder further testified and provided evidence to the Board that digital billboards do not increase the rate of auto accidents.

11. After testimony presented by the Applicant and the Applicant's professionals, the matter was opened to the public for comment regarding the requested relief. The following members of the public appeared to testify:

- a. Michael Eaton – supported the application and testified that he does not currently notice the signs and thinks the public safety aspects are a good idea.
- b. Nancy Burkley – supported the application and testified that the signs are not noticeable.

12. With regard to the request for variance relief, through the testimony presented, the Board finds that the Applicant has established that the Application:

- a. relates to a specific piece of property, namely the Subject Property;
- b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals, and general welfare by allowing the display of digital public safety messages and the preservation of neighborhood character and conservation of neighborhood values because the use of digital billboard signs is substantially similar to the pre-existing use of static billboard signs;

c. that the variance can be granted without substantial detriment to the public good because the use of digital billboard signs is substantially similar to the pre-existing use of static billboard signs and the digital billboards will allow the display of digital public safety messages, such as Amber Alert and other public service emergencies and announcements;

d. that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for a Site Plan Waiver to permit the display of digital billboards upon motion duly made by Mr. Lopez and seconded by Mr. Borger, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

IT IS FURTHER RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for variance relief pursuant to *N.J.S.A. 40:55D-70(c)* to permit the display of digital billboards upon motion duly made by Mr. Lopez and seconded by Mr. Applegate, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation 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;

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.

ROLL CALL VOTE FOR SITE PLAN WAIVER

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Berkley	x			
Blair	x			
Borger	x			
Daniels	x			
Freeman	x			
Gehin Scott	x			
Guerrero	x			
Lopez	x			

ROLL CALL VOTE FOR VARIANCE RELIEF

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger		x		
Berkley	x			
Blair	x			
Borger	x			
Daniels	x			
Freeman	x			
Gehin Scott		x		
Guerrero	x			
Lopez	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 18-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Dolan Contractors, LLC

BOARD'S DECISION: Granted Application for Final Site Plan Approval with Bulk Variance Relief

PROPERTY ADDRESS: 32 Springside Road – Block 203, Lot 2

ZONING DISTRICT: Office Research – “OR-3”

DATE OF HEARING: September 6, 2017

WHEREAS, Dolan Contractors, LLC (“Applicant”) filed on August 17, 2017, an application with the Westampton Land Development Board (“Board”) requesting Final Site Plan Approval with bulk variance relief from Township Ordinance § 220-22(A)(1) to permit the construction of two (2) trash compactors and a temporary trash dumpster on the property located at 32 Springside Rd, Westampton, New Jersey, and designated as Block 203, Lots 2 on the Township Tax Map (“Subject Property”); and

WHEREAS, in March 2016, the Applicant received Final Major Site Plan approval to construct a 682,708 square foot warehouse with office space, along with associated site improvements at the Subject Property; and

WHEREAS, in June 2017, the Applicant withdrew an application for amended site plan approval to relocate nine (9) parking spaces, install two guard booths, construct drive access onto Ikea Drive, add a patio area, and related site improvements at the Subject Property; and

WHEREAS, the Board had jurisdiction to hear this matter (the “Application”) under the New Jersey Municipal Land Use Law; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on September 6, 2017. The Application was presented by the Applicant’s attorney, Russell Whitman, Esq. The Board heard testimony from Bill Bruce on behalf of the Applicant and the Applicant’s professionals, Bernie Wojtkowiak, P.E., and Russell Whitman, Esq., as to the location, nature, and purpose of the requested amendments to the prior site plan approval; 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.

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant is the owner of the Subject Property, which is located at 32 Springside Rd, Westampton, New Jersey. The Subject Property is designated as Block 203, Lot 2, and lies in the "O-3" Office Research District.

2. The Application seeks Final Major Site Plan Approval with variance relief from Township Ordinance § 220-22(A)(1) to permit the construction of two (2) trash compactors and a temporary trash dumpster at the Subject Property.

3. The Applicant's engineer, Bernie Wojtkowiak, was sworn in and testified as to the nature of the requested relief. Mr. Wojtkowiak testified that the compactors will be fully enclosed and will not be visible from Springside Road, and that the color of the compactors will match the color of the building. Mr. Wojtkowiak testified that there are benefits to the trash compactors, including cleanliness, the elimination of odor, the encouragement of recycling, and reduction in traffic needed to haul trash away from regular dumpsters. Mr. Wojtkowiak further testified that there is a distance of 920 feet from the compactor to the nearest house and that the noise of the compactor will not be noticeable.

4. The Applicant's attorney, Russell Whitman, was sworn in personally and testified that he has heard the trash compactors and that they are very quiet.

5. After testimony presented by the Applicant and the Applicant's professionals, the matter was opened to the public for comment. The following members of the public appeared to testify:

a. Michael Eaton -- testified to question whether pickup would occur during the weekend. The Applicant confirmed that it would not, instead taking place during regular business hours during the week.

6. With regard to the request for variance relief, through the testimony presented, the Board finds that the Applicant has established that the Application:

a. relates to a specific piece of property, namely the Subject Property;

b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals, and general welfare by allowing construction of the trash compactors to encourage cleanliness, recycling, and to reduce traffic and noise caused by waste pickup and hauling from several times a week for dumpsters to once a month for trash compactors and the preservation of neighborhood character and conservation of neighborhood values in that the compactors will be enclosed, quiet, and match the color of the building at the Subject Property;

c. that the variance can be granted without substantial detriment to the public good because the trash compactors are quiet and will reduce traffic and noise caused by waste pickup and hauling from several times a week for dumpsters to once a month for trash compactors;

d. that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Applicant's Application seeking Final Major Site Plan Approval with variance relief from Township Ordinance § 220-22(A)(1) to permit the construction of two (2) trash compactors and a temporary trash dumpster at the Subject Property, upon motion duly made by Mr. Lopez and seconded by Mr. Applegate, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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

1. Waste pickup at the Subject Property shall only occur during business hours, 7 AM to 6 PM, Monday through Friday.

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. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation 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;

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.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger				x
Blair	x			
Borger	x			
Daniels	x			
Freeman	x			
Gehin-Scott	x			
Guerrero				x
Lopez	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 19-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: ME Casa, LLP

BOARD'S DECISION: Granted Site Plan Waiver

PROPERTY ADDRESS: 798 Woodlane Road – Block 1201, Lot 20

ZONING DISTRICT: Commercial - "C"

DATE OF HEARING: September 6, 2017

WHEREAS, ME Casa, LLP ("Applicant") filed on August 25, 2017, an application with the Westampton Land Development Board ("Board") requesting a Site Plan Waiver to permit the operation of a commercial food truck at 798 Woodlane Road, Westampton, New Jersey, and designated as Block 1201, Lot 20 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on September 6, 2017. The Application was presented by the Applicant's attorney, Tom Kelly, Esq., and Mr. Lopez was sworn in personally and testified as to the nature and purpose of the requested relief.

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.

WHEREAS, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, ME Casa, LLP, is requesting a Site Plan Waiver to permit the operation of a commercial food truck at the Subject Property. The Subject Property is designated as Block 1201, Lot 20, and lies in the "C"- Commercial District.
2. The Subject Property is currently used as a Shopping Center. The Applicant has received authorization from Woodland Associates to operate a commercial food truck at the Subject Property.

3. The Applicant desires to enter the local restaurant business in Westampton and to test the market with a food truck prior to investing resources into a brick and mortar restaurant. The Applicant will operate the food truck serving Puerto Rican cuisine from 11 AM to 8 PM one day a week beginning in September, and expanding to multiple days a week in October and ensuing months should market conditions allow for such growth. The food truck, which has a generator and propane tank, will be located in the Woodlane Shopping Center parking lot and will not remain on site outside the hours of operation.

4. Mr. Lopez was sworn in and testified that this is a pilot project, and that he is a 50% shareholder in the company and will be handling the marketing for the Applicant.

5. After testimony presented by the Applicant and Mr. Lopez, the matter was opened to the public for comment. No member of the public chose to testify.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application for a Site Plan Waiver to permit the operation of a commercial food truck at the Subject Property upon motion duly made by Mr. Freeman and seconded by Mr. Gehin Scott, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation 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;

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.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Daniels	x			
Freeman	x			
Gehin-Scott	x			
Guerrero	x			
Lopez				x

WESTAMPTON LAND DEVELOPMENT BOARD

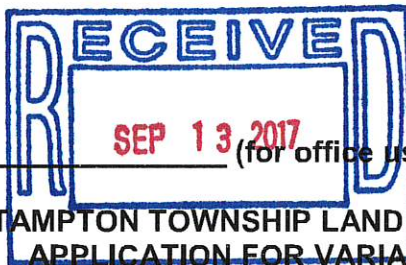
BY:

Dave Barger, 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 South Jersey Elite Sports Academy, LLC
who resides at 913 Francine Drive, Cherry Hill, NJ 08003,
respectfully shows:

1. A variance is requested with respect to land designated on the
Westampton Township Tax Map as Block 201, Lot(s) 8.04.

2. The property is located 300 Highland Drive, Unit 385
Phone # 215-561-6565 in
a I zone district, the street number is 300 Highland, Unit 385.

2a. A variance is sought from Section(s) 250-20
of the Zoning Ordinance to permit
Recreational use in an Industrial (I) Zone,
specifically, baseball and softball batting cages
and fields.

2b. Applicant appeals from the decision of N/A
on, based upon
Sections of the Zoning Ordinance
for the reasons outlined on paragraph 9.

3. The Flynn Co./Brandywine Industrial, LLC, who resides at
1621 Wood Street, Philadelphia, PA 19103; Attn: David Ricci.
is
the present owner of the property. Applicant's interest in the property is
Potential tenant

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 unknown

_____ ,
who used the property for _____

6. The dimensions of the property are _____ ,

a. Frontage: approx. 441 b. Depth: approx. 1,035

The total area of the property is 9.79 acres .

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 29.1 feet and 1 stories. (Please give the maximum if more than one building.) The setback from the nearest street is 110 feet.

8. The percentage of coverage, height and setback of the proposed building(s) are _____

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

9a. Describe how the proposed variances would promote the public welfare:

It would permit use of recreation facilities for
year round enjoyment.

9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan: The Plan encourages

recreation uses and this compliments said use. The
use is next to the Township's outdoor fields as well.

9c. Provide details of the future use of the property and structures if the variance is granted: N/A

9d. Describe any changes in traffic and/or parking patterns: Will not
interfere with day time parking of other units, as this
is a late afternoon, evening and weekend use. '

9e. Describe impact on neighbors if variance is granted for use described in
9c: None.

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.

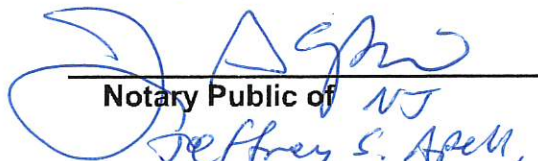
COUNTY OF Burlington :

Larry Padersky, 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 10th day :
of September, 2017.


Notary Public of NJ
Jeffrey S. Apell, Esq.
AN ATTORNEY AT LAW
IN NJ.

APPLICANT: SOUTH JERSEY ELITE SPORTS ACADEMY, LLC
WESTAMPTON TOWNSHIP LAND USE APPLICATION

BRIEF DESCRIPTION OF PROPERTY AND
CONCISE STATEMENT OF THE VARIANCE REQUESTED

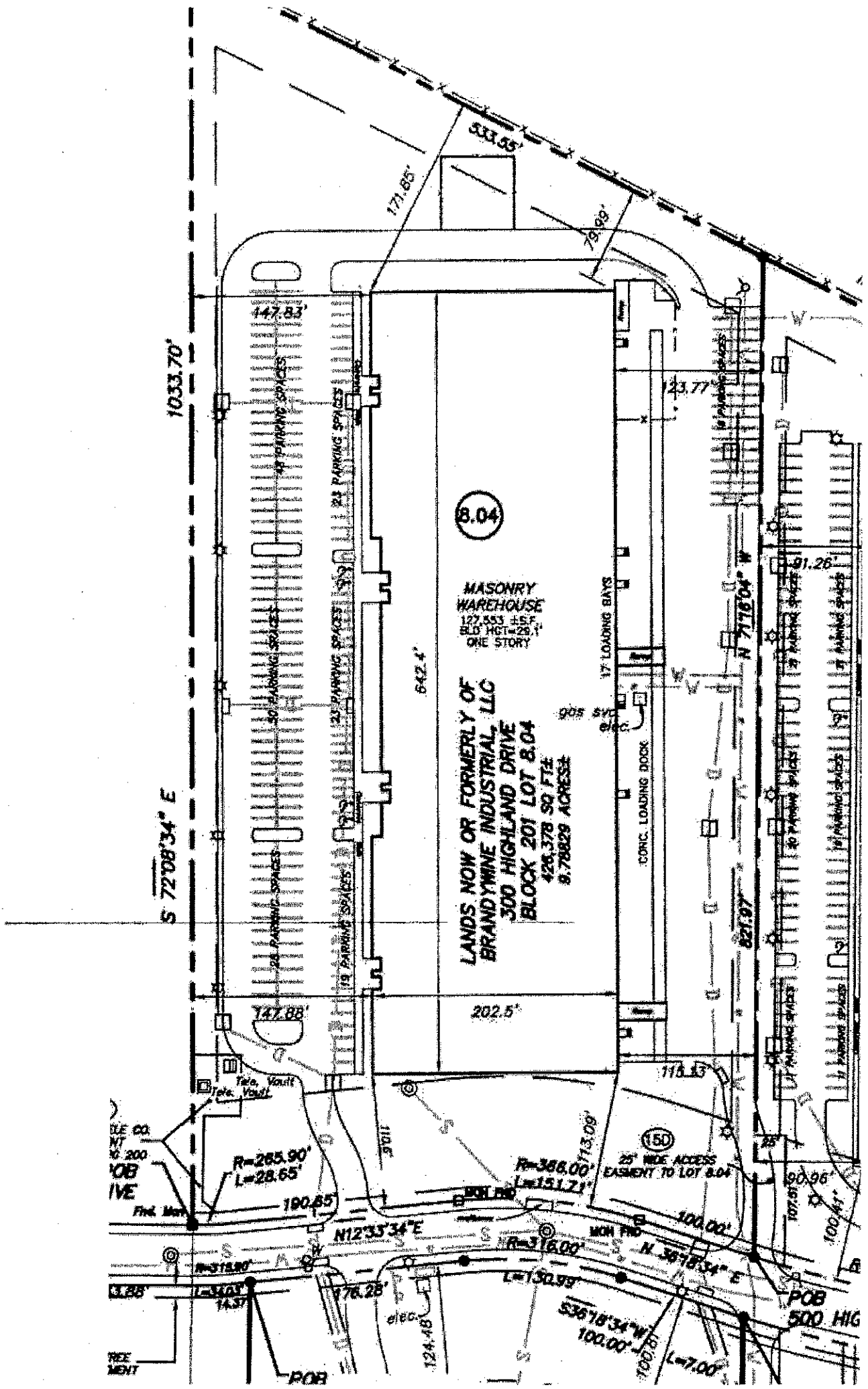
1. Brief description of property: approximately 9.7 acres in an Industrial (I) Zone consisting of a masonry warehouse total size approximately 127,553 square feet, with a building height of 29.1 feet and is one story. The applicant is planning on renting approximately 15,553 square feet from the owner.
2. Concise statement of the variance requested: The property is located in the Industrial (I) Zone. The applicant is seeking a recreation use which is why a variance is being requested. Section 250-20 lists the permitted uses and ~~residential~~ is not specifically permitted.
recreation

The applicant intends to be open Monday through Friday from 6:00 p.m. to 10:30 p.m. and Saturday and Sunday from 9:00 a.m. to 5:00 p.m.

This will be an indoor baseball and softball facility. The applicant's business model is not set up for individuals to come in to rent cages by the hour or by the bucket of balls.

Local and regional teams may rent the space as needed and hire coaches affiliated with the applicant.

The applicant helps out players and teams to showcase their abilities for player development and college recruitment.



8.04
MASONRY WAREHOUSE
127,553 ± SQ. FT.
BDD HGT = 28.1'
ONE STORY

LANDS NOW OR FORMERLY OF
BRANDYME INDUSTRIAL, LLC
300 HIGHLAND DRIVE
BLOCK 201 LOT 8.04
426,378 SQ. FT. ±
8.78829 ACRES ±

ELEC. CO.
MT. 10.300
JOB
IVE

FREE
MENT

R=265.90'
L=28.65'

R=368.00'
L=151.21'

150
25' WIDE ACCESS
EASEMENT TO LOT 8.04

R=316.00'

90.06'
107.01'
100.41'

POB
500 HIG

536°18'34" W
100.00'
100.00'
L=7.00'

1033.70'

S 72°08'34" E

642.4'

333.55'

171.85'

78.99'

147.83'

147.88'

202.5'

118.15'

91.28'

821.97'

N 71°04' W

N 12°33'34" E

N 38°18'34" E

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L=34.01'

14.37'

176.28'

124.48'

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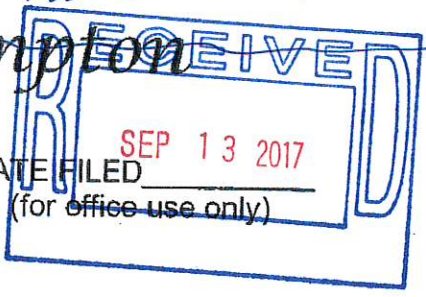
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NOTE:
THE IMPROVEMENTS
OF THIS APPLICATION
- IF APPROVED - MUST
IN NO WAY BE A
REQUIRED INSTALLATION.
THESE ARE FOR OPERATION
PURPOSES ONLY.

Township Of Westampton



SITE PLAN REVIEW APPLICATION _____
SUBDIVISION APPLICATION _____
MINOR _____ MAJOR _____
PRELIMINARY _____ FINAL _____ CONSOLIDATED _____

BLOCK 203 LOT 1.03

1. GENERAL INFORMATION

A. Applicant Name DOVAN CONTRACTORS, INC.
Address 94 STEMMERS LANE, WESTAMPTON, NJ
Telephone Number 609 871 6200

B. The Applicant is a:

- Corporation*
- Partnership*
- Individual
- Other (specify)

*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 _____
- Owner _____
- Lessee _____
- Other (specify) General Contractor

Attorney MR. RUSSELL WHITMAN, ESQ.
Address 44 EAST MAIN STREET, TOMS RIVER, NJ 08753
Telephone Number 732-941-0010

D. Engineer/Surveyor: BRANIE WATKOWIAK, PE
Address 94 STEMMERS LANE, WESTAMPTON, NJ
Telephone Number 609-871-6200

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 32 SPRINGSIDE ROAD
- B. The location of the property is approximately 2000 feet from the intersection of IKRA DRIVE and SPRINGSIDE ROAD
- C. Existing use of the property OFFICE / WAREHOUSE
Proposed use of property OFFICE / WAREHOUSE
- D. Zone in which property is located OR-3
- E. Acreage of property 42.22 TOTAL
- F. Is the property located on a County road? Yes X No ; State road? Yes No X; or within 200 feet of a municipal boundary? Yes No X

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

- G. The type of proposal is: New Structure Expanded area Improved Parking Area Alteration to Structure Expansion to Structure Change of Use Sign FENCE / GUARD BOOTH / PATIO
- H. Name of business or activity (if any) DISTRIBUTION 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 1
- K. Was the property subject to a prior subdivision? Yes X No
(If so, list dates of prior subdivisions and attach resolutions)
- L. Number of lots created on tract prior to this application 1
CONSOLIDATION

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

N/A

5. AUTHORIZATION AND VERIFICATION

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

P. Wojtowicz
Signature of Applicant

9/14/17
Date

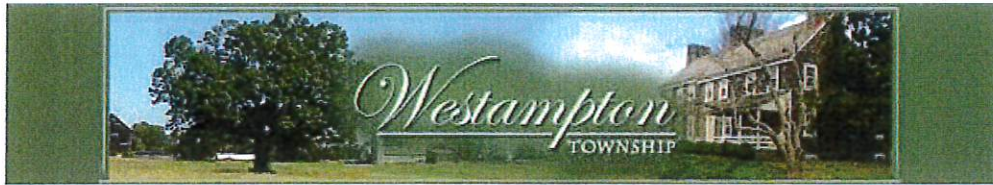
Michael J. Dolan
Signature of Owner

9/14/17
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>

NOTE:

THE IMPROVEMENTS OF THIS APPLICATION IF APPROVED - MUST IN NO WAY BE MADE A REQUIREMENT FOR INSTALLATION. THESE ARE FOR OPERATIONAL PURPOSES ONLY. NOT CODE OR ORDINANCE REQUIRED.



Block/Lot/Qual:	203. 1.03	Tax Account Id:	3773
Property Location:	IKEA DRIVE	Property Class:	1 - Vacant Land
Owner Name/Address:	SPRINGSIDE REDEV URBAN RENEWAL LLC 94 STEMMERS LANE WESTAMPTON, NJ 08060	Land Value:	2,834,000
Special Taxing Districts:		Improvement Value:	0
		Exempt Value:	0
		Total Assessed Value:	2,834,000
		Additional Lots:	None
		Deductions:	

Taxes

<div style="display: flex; justify-content: space-around;"> Make a Payment View Tax Rates View Current Bill Project Interest </div>						
Year	Due Date	Billed	Balance	Interest	Total Due	Status
2018	02/01/2018	16,430.12	16,430.12	0.00	16,430.12	OPEN
2018	05/01/2018	16,430.11	16,430.11	0.00	16,430.11	OPEN
Total 2018		32,860.23	32,860.23	0.00	32,860.23	
2017	08/01/2017	32,860.23	0.00	0.00	0.00	PAID
2017	11/01/2017	32,860.23	32,860.23	0.00	32,860.23	OPEN
Total 2017		65,720.46	32,860.23	0.00	32,860.23	
Last Payment: 08/22/17						

[Return to Home](#)

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

September 25, 2017

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

Attn: Marion Karp
Administrative Officer

**Re: Dolan Contractors, Inc. / Rancocas Park 8
Amended Site Plan - Review #1
Block 203, Lot 1.03
Location: Springside Road
Westampton Township, Burlington County, NJ
Our File: HWAL0203.12**

Dear Chairman and Board Members:

In accordance with your authorization, our office has performed a review of the above referenced Amended Site Plan application, including but not limited to the following:

- Amended Plan entitled "Site Improvements for Rancocas Park 8", consisting of three (3) sheets, prepared by Bernard Wojtkowiak, PE, and dated September 14, 2017.

Based upon our review of the amendments made to the plan set, we offer the following comments for the Board's consideration:

- 1) The Applicant, Dolan Contractors, Inc., is seeking Amended Site Plan approval to modify their proposed site improvements associated with the above-referenced project. The additional improvements will include the construction of two (2) guard booths, a truck staging area, an outdoor patio area, perimeter fencing and an entrance barrier gate. These improvements were the subject of a previous Amended Site Plan application that was approved but the application was withdrawn prior to memorialization of the resolution of approval.
- 2) The Applicant previously received Final Site Plan approval (Resolution #4-2016) on March 2, 2016 for the construction of a 682,708 square foot warehouse including 5,000 square feet of office space. Amended approval was previously received to allow the construction of a trash compactor within the loading bay on the west side of the warehouse.
- 3) The subject tract is comprised of a consolidated lot area of +/-42.22 acres and is situated in an OR-3 (Office Research) Zone. The site has approximately 1,870 feet of frontage along the westerly side of Ikea Drive as well as approximately 1,720 feet of frontage along Springside Road / Burlington County Route 635.

S:\Westampton\Project Files\CWAL0203.03 Rancocas Park 8\2017-9-25 Dolan Amnd SitePlan Eng Rvw.doc



Westampton Township Land Development Board
Re: Rancocas Park 8
Amended Site Plan Review #1

September 25, 2017
Our File: HWAL0203.12
Page 2

- 4) The proposed changes to the site plan appear to include the following:
- a) Guard houses are proposed to be placed near the ingress / egress drive off of Springside Road / Burlington County Route 635 as well as near at the rear northeast corner of the loading area.
 - b) A fence of varying sizes and types has been added to the plan set. The fence will now extend to and around the parking lot in the southerly side of the building. Same shall continue and terminate at another newly proposed fence that surrounds the wet pond at the southern end of the project site. The different fence types are 6' chain link galvanized, 4' chain link, corral fence, and associated gates.
 - c) A patio is proposed to be added along the northern edge of the building approx. 227 ft from the buildings northwestern corner.
 - d) A truck staging area is proposed near the ingress / egress off of Springside Road / Burlington County Road 635. The area consists of two 20 ft wide lanes outlined by 6" white pavement markings and striping.
 - e) A barrier gate is proposed at the driveway access on Springside Road.
- 5) **Review Comments**
- a) It is noted on the site plan application that the improvements will be constructed as needed for operational purposes. The Applicant should clarify.
 - b) The northeast guard house is shown to be provided with a bathroom. The water and sewer utility connections should be depicted on the site plan.
 - c) The Applicant should confirm the extent of the proposed changes to the site plan.
- 6) **Outside Agency Approvals**
- a) Burlington County Planning Board
 - b) The Applicant should address the comments, if any, of the Westampton Township Fire Official.



Westampton Township Land Development Board
Re: Rancocas Park 8
Amended Site Plan Review #1

September 25, 2017
Our File: HWAL0203.12
Page 3

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:DH

cc: Gene Blair, Construction Code Official
Tamika Graham, PP, Board Planner
Lou Cappelli, Esq, Board Solicitor
Russell W. Whitman, Esq, Applicant's Solicitor
Bernard Wojtkowiak, PE, Dolan Contractors, Inc., Applicant's Engineer
Dolan Contractors, Inc., Applicant



**REMINGTON
& VERNICK
ENGINEERS**

RVE HQ:
232 Kings Highway East
Haddonfield, NJ 08033
O: (856) 795-9595
F: (856) 795-1882

September 27, 2017

Township of Westampton
Land Development Board
Dave Barger, Chairman
710 Rancocas Road
Westampton, NJ 08060

Attention: Marion Karp, Secretary

**Re: Amended Final Major Site Plan
Planning Review #1
Rancocas Park 8
32 & 40 Springside Road
Block 203, Lot 1.03
Our file # 03-37-P-018**

Dear Board Members:

We have reviewed a major site plan submission, received September 15, 2017, consisting of the following:

Sheet	Title	Date	Revised Date
CS	Cover Sheet	09-14-17	
C2.1	Overall Site Layout Plan	09-14-17	
C11	Amended Plan Detail Sheet	09-14-17	

The plan set was prepared by Bernard Wojtkowiak, P.E., Dolan Contractors, 94 Stemmers Lane, Westampton, New Jersey 08060, (609) 871-6200.

I. GENERAL INFORMATION

Owner: Springside Redevelopment Urban Renewal, LLC
94 Stemmers Lane
Westampton, NJ 08060

Applicant: Dolan Contractors, Inc.
94 Stemmers Lane
Westampton, NJ 08060
(609) 871-6200

Proposal: In March 2016, the applicant received final major site plan approval to construct a 682,708 square foot warehouse with office space, along with associated site improvements. In April 2017, the applicant sought amended site plan approval to relocate nine (9) parking spaces, install two (2) guard booths, construct drive access onto Ikea Drive, add a patio area, and related site improvements. This submission was reviewed and approved, but subsequently withdrawn by the Applicant before the approving resolution was memorialized.

Currently, the applicant seeks amended site plan approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes.

Zoning: OR-3 Office Research

II. SUBMISSION INFORMATION

The requirements for preliminary and final site plan details are included under Section 196-9 of the Development Regulations. The following applicable items that are underlined have not been provided. Where waivers are requested appropriate justification should be provided. The Board may either declare the plan incomplete or waive the outstanding items:

All preliminary site plans shall contain the following information:

1. Other information as required by the Land Development Board.

All final site plans shall contain the following information:

Construction details, including dimensions and materials of pavement, curbs and walks and details of all special features, including but not limited to inlets, manholes, headwalls, lights, hydrants, valves, traffic control devices, fencing, play equipment, etc.

III. ZONING REQUIREMENTS

A. **Use:** The applicant's proposed use is in conformance with the permitted use of the OR-3 zone.

B. **Area and Bulk Requirements:**

Reference	Requirement	Required	Proposed	Notes
250-19D	Minimum Lot Area	4 acres	42± acres	C
250-19D	Lot Depth	300 ft.	650 ft.	C
250-19D	Lot Width	250 ft.	1,161 ft.	C
250-19D	Floor to Area Ratio	20%	37.1%	C
250-19D	Building Height	45 ft.	45 ft.	C
	Principal Bldg. Setback			C
250-19D	Front Yard	75 ft.	119 ft.	C
250-19D	Rear Yard	75 ft.	189 ft.	C
250-19D	Side Yard	40 ft.	239 ft.	C
250-20E	Off-Street Parking	189 spaces	339 spaces	C

C - Conformance.

IV. PERFORMANCE STANDARDS

A. **Parking, Loading and Circulation**

1. The applicant should clarify if any parking spaces will be eliminated as a result of the new concrete patio area.
2. The applicant should clarify if there will be any parking areas and/or concrete/asphalt walkways to access the proposed guard houses.
3. The plans should be updated to include the proposed lane widths along the south side of the building.

B. Planting Design

1. The applicant should indicate if any trees will be removed as part of this application.
2. Details for the five-foot wide landscape buffer for the patio area should be provided.
3. We recommend additional species be added to the patio landscape buffer to reduce the potential spread of pests and diseases.
4. Applicant should indicate if any plantings are proposed for the northwest guardhouse which will be visible from Springside Road.
5. Appropriate evergreen tree planting details should be provided on the plan and shade tree details removed.
6. Planting notes should be provided.

C. Lighting

1. Any associated light fixtures with the guard booths should be provided. Also, the revised plans should correct the title of the guard booths/house on the detail sheet.
2. An isogrid indicating light intensity of any proposed lighting upgrades is needed.

D. Signage

The amended plan proposes signs at several locations throughout the site. Details of any proposed signage should be provided and adhere to Section 250-25.

E. Fences and Walls

1. The applicant proposes fencing at points along the perimeter of the property. The detail should be provided for the four foot high chain link fence and the proposed gates.
2. The revised plans should correct the title of the corral fence in detail #1 on sheet C2.1.

3. We recommend the split rail fence detail be revised so the wire fabric is coated in black PVC in lieu of green.

F. Miscellaneous

1. The applicant proposes a flagpole. The post details should be provided.
2. The applicant proposes a patio area for employees, which has proposed bicycle/motorcycle parking. A bicycle rack detail and dimensions of the motorcycle parking should be provided. Appropriate details for this area should be provided, including dimensions for parking, landscaped area, and fencing. Applicant should clarify detail #11 on C-11.
3. The details for the proposed guard houses should be updated to include building materials, colors, pad details, etc. Additionally, elevation details should be provided for the new guard houses.
4. Testimony should be provided in regard to any other proposed site improvements or changes to the existing building.

G. Site Safety

The applicant and owner are reminded that site safety is their responsibility. The plan should note that "The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21(e) of the N.J. Uniform Construction Code and CFR 1926.32(f) (OSHA Competent Person)".

V. SUMMARY OF VARIANCES AND WAIVERS

Variances: None requested.

Waivers: None requested.

VI. APPROVAL PROCESS

If the Land Use Board should grant final approval to this project, the following is applicable:

1. The applicant's engineer must make appropriate revisions to the site plan pursuant to the Land Use Board action.
2. The applicant must contact the Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

VII. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the Township Land Use Department and this office prior to the final signature of plans:

1. Burlington County Planning Board.
2. New Jersey Public Service Electric and Gas.
3. Any others as may be necessary.

When plans are resubmitted, they are to be accompanied with a point by point response to all underlined items.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

REMINGTON & VERNICK ENGINEERS


Joseph M. Petrongolo, L.L.A., R.L.A., P.P.

JMP/TG/SJA

cc: Dolan Contractors.; Russell Whitman, Esq.; Bill Stevens, P.E.; Louis Cappelli, Jr., Esq.;
Jim Winckowski, P.E., Board Engineer