

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

NOVEMBER 1, 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 – 10/4/2017
6. Swear in Board Professionals
7. Resolutions: approval needed:
 - 20-2017 South Jersey Elite Sports Academy, LLC, Block 201, Lot 8.04 (300 Highland Drive) – use variance (baseball and softball batting cages)
 - 21-2017 Dolan Contractors, Inc., Block 203, Lot 1.03 (32 Springside Road) – amended site plan, Camuto warehouse (addition of fencing, guard booth & patio) – **CONTINUANCE UNTIL NOV. 1ST MEETING**
 - 22-2017 Dolan Contractors, Inc., Block 203, Lot 1.03 (32 Springside Road) – amended site plan, Camuto warehouse (addition of fencing, guard booth & patio)
8. Old Business:
 - a. Dolan Contractors, Inc., Block 203, Lot 1.03 (32 Springside Road) – amended site plan, Camuto warehouse (addition of fencing, guard booth & patio) – continued from October 4th meeting
 - b. Dolan Contractors, Inc., Block 203, Lot 1.03 - Review and modification of north side of berm
9. New Business:

- a. James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road) – minor site plan (counseling office)

10. Informal Applications:

11. Correspondence:

None

12. Open meeting for public comment

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

14. Adjourn

RESOLUTION: 20-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: South Jersey Elite Sports Academy, LLC

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

PROPERTY ADDRESS: 300 Highland Drive, Unit 385, Block 201, Lot 8.04

ZONING DISTRICT: Industrial – "I" Zone

DATE OF HEARING: October 4, 2017

WHEREAS, South Jersey Elite Sports Academy, LLC ("the Applicant") filed on September 13, 2017, an application with the Westampton Land Development Board ("the Board") requesting a Site Plan Waiver with Use Variance Relief pursuant to *N.J.S.A. 40:55D-70(d)* from the Township Zoning Ordinance § 250-20 to use a rented portion of a warehouse facility as a sports training facility. The warehouse facility is located at 300 Highland Drive, Unit 385, Westampton, New Jersey, and designated as Block 201, Lot 8.04 on the Township Tax Map ("Subject Property"); and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on October 4, 2017. The Board heard testimony from the Applicant and the Applicant's professionals as to the nature, purpose, location, and description of the requested Site Plan Waiver and Use 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 is South Jersey Elite Sports Academy, LLC, 913 Francine Drive, Cherry Hill, NJ 08003. The Owner of the Subject Property is The Flynn Co./Brandywine Realty Trust, LLC, 1621 Wood Street, Philadelphia, PA 19103.

2. The Application seeks a Site Plan Waiver and Use Variance to use a rented portion of the Subject Property as a sports training facility. The Subject Property contains a one-story, 127,553 square foot single story warehouse facility. The Applicant proposes to rent and use approximately 15,553 square feet of the building to use as the sports training facility.

3. Per Township Ordinance § 250-20, the use of the Subject Property as a sports training facility is not a permitted use in the Industrial Zone. A use variance pursuant to *N.J.S.A. 40:55D-70(d)* is therefore required.

4. Keith Garagozzo was sworn in and testified as to details of the requested relief. Mr. Garagozzo testified that the Applicant likes its location in Westampton and have been in the business for over 10 years. Mr. Garagozzo testified the hours of operation will be 5 PM to 10 PM on weekdays and 9 AM to 5 PM on weekends. Mr. Garagozzo testified they provide training to teams, mainly in high school, and do college show cases and try to help kids get into college. Mr. Garagozzo testified that there are no similar recreational facilities in the area and that the sports training facility will not be open to the public and used for private training purposes only.

5. Steve Paolini was sworn in and testified as to additional details of the requested relief, expanding on the information provided by Mr. Garagozzo. Mr. Paolini added that the Applicant will use 5 batting cages but no pitching machines, that generally no more than 20 children will be using the facility at one time, and that they anticipate using only 25-30 parking spaces of the 178 available. Mr. Paolini also clarified that there will be no buses dropping children off and children will not be walking through the surrounding fields.

6. 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. Nancy Burkley – testified and questioned how the property would be used and for what different sports and kind of events.
- b. Janet Curran – testified in favor of the application.

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 morals, general welfare, and recreation by allowing for the offering of a needed service in the community and the preservation of neighborhood character and conservation of neighborhood values valuing sports and recreation;
- c. that the variance can be granted without substantial detriment to the public good because the local community, namely, children, will benefit from the provision of the Applicants' sports recreational services in the community and no changes are being proposed to the physical footprint of the Subject Property;

- 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 sports training facility: (1) the service being offered by way of the proposed use is valuable and needed in the area; (2) there are no similar recreation facilities in the area; (3) the location of the Subject Property provides easy access for teams and kids off I-259; (4) the Applicant will be able to use the warehouse and available parking with no change to the physical footprint of the Subject Property; and (5) the Applicant will be able to use the interior of the large warehouse facility, which includes high ceilings and significant open space, as a batting practice and other sports practice area.

9. The Board further finds that the proposed use of the rented portion of the Subject Property as a sports training facility 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 in the Industrial Zone with regular hours and limitations on the number of players and teams visiting the sports training facility at any given time and there will be very little to no overlap with the hours of operation of the other tenants on or around the Subject Property.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting a Site Plan Waiver to use a rented portion of the Subject Property as a sports training facility upon motion duly made by Mr. Blair and seconded by Mr. Daniels 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.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting a Use Variance to use a rented portion of the Subject Property as a sports training facility, a use not otherwise permitted in the Industrial Zone, upon motion duly made by Mr. Blair 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 Applicant is entitled to proceed **AT RISK**.

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

1. Any expansion of the Applicant's use of the Subject Property, such as into nearby fields or the surrounding area, will require Applicant to come back to the Board.

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 SITE PLAN WAIVER

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

ROLL CALL VOTE USE VARIANCE RELIEF

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

WESTAMPTON LAND DEVELOPMENT BOARD

BY: _____
 Dave Barger, Chairman

ATTEST: _____
 Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 21-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Dolan Contractors, Inc.

BOARD'S DECISION: Continued Application for Amended Final Site Plan Approval

PROPERTY ADDRESS: 32 & 40 Springside Rd – Block 203, Lot 1.03

ZONING DISTRICT: Office Research – “OR-3”

DATE OF HEARING: October 4, 2017

WHEREAS, Dolan Contractors, Inc. (“the Applicant”) filed on September 13, 2017, an application with the Westampton Land Development Board (“the Board”) requesting Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes, located at 32 & 40 Springside Rd, Westampton, New Jersey, and designated as Block 203, Lot 1.03 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 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 complete related site improvements, but withdrew this applicant prior to the memorialization of approval; and

WHEREAS, the Board had jurisdiction to hear this matter under the New Jersey Municipal Land Use Law; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on October 4, 2017. The Application was presented by the Applicant’s attorney, Russell Whitman, Esq. The Board heard testimony from the Applicant and the Applicant’s professionals, Bernie Wojtkowiak, PE, s to the details of the requested site plan approval and; and

WHEREAS, the Board and Board Professionals discussed the Application with the Applicant, and the Board and Board Professionals questioned the Applicant regarding several issues with the Site Plan, principally concerning the appearance of the guard booths, landscaping, and the use of the patio area at the Subject Property. The Board Professionals

offered recommendations on how to address these issues moving forward; and

WHEREAS, 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, prior to the Board rendering a final decision concerning the Application, the Applicant requested the hearing be continued to a later date.

WHEREAS, the Board conducted an informal vote, and all Board Members voted "yes" to consider both approval and memorialization of the Applicant's Application at the next monthly Board meeting.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes at the Subject Property upon motion duly made by Mr. Guerrero and seconded by Mr. Freeman, was and is hereby **CONTINUED** to the next regularly scheduled Board Meeting, 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>
Blair	x			
Borger	x			
Freeman	x			
Gehin-Scott	x			
Guerrero	x			
Lopez	x			
Mumbower	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

William Freeman, Acting Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 22-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Dolan Contractors, Inc.

BOARD'S DECISION: Granted Application for Amended Final Site Plan Approval

PROPERTY ADDRESS: 32 & 40 Springside Rd – Block 203, Lot 1.03

ZONING DISTRICT: Office Research – “OR-3”

DATE OF HEARING: October 4, 2017; November 1, 2017

WHEREAS, Dolan Contractors, Inc. (“the Applicant”) filed on September 13, 2017, an application with the Westampton Land Development Board (“the Board”) requesting Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes, located at 32 & 40 Springside Rd, Westampton, New Jersey, and designated as Block 203, Lot 1.03 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 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 complete related site improvements, but withdrew this applicant prior to the memorialization of approval; and

WHEREAS, the Board had jurisdiction to hear this matter under the New Jersey Municipal Land Use Law; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on October 4, 2017 and November 1, 2017. The Application was presented by the Applicant’s attorney, Russell Whitman, Esq. The Board heard testimony from the Applicant and the Applicant’s professionals, Bernie Wojtkowiak, PE, s to the details of the requested site plan approval and; and

WHEREAS, the Board and Board Professionals discussed the Application with the Applicant, and the Board and Board Professionals questioned the Applicant regarding several issues with the Site Plan, principally concerning the appearance of the guard booths, landscaping, and the use of the patio area at the Subject Property. The Board Professionals offered recommendations on how to address these issues moving forward; and

WHEREAS, 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, the Board conducted an informal vote at the October 4, 2017 Board Meeting, and all Board Members voted “yes” to consider both approval and memorialization of the Applicant’s Application at the next monthly Board Meeting, today, November 1, 2017.

WHEREAS, based on all the evidence submitted at the October 4, 2017 and November 1, 2017 Board Meetings, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant is Dolan Contractors, Inc. The owner of the Subject Property, which is located at 32 and 40 Springside Rd, Westampton, New Jersey, is Springside Redevelopment Urban Renewal, LLC, 94 Stemmers Lane, Westampton, NJ 08060. The Subject Property is designated as Block 203, Lot 1.03, and lies in the “O-3” Office Research District.

2. The Application seeks Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes. The Subject Property is approximately 42 acres.

3. The Applicant’s Engineer, Bernie Wojtkowiak, was sworn in and testified as to the nature of the requested relief. Mr. Wojtkowiak testified that since the Application was considered and approved in April 2017, the location of the fence and guardhouses had changed. Mr. Wojtkowiak testified the guard house was moved to provide for better line of sight; will be free standing on a concrete curbed island, and will serve the purpose of controlling trucks entering and existing the site, and will also provide security. Mr. Wojtkowiak further testified as to the barrier gates and flagpoles at the Subject Property.

4. Phil Barousse, Senior Vice President-Corporate Logistics and Distribution of Kamuto Group, was sworn in and testified as to additional details of the requested relief. Mr. Barousse testified as to the use of the patio area and other aspects of on the Subject Property proposed as part of the Site Plan.

5. The names and brief summaries of the testimony of additional witnesses and professionals who testified on behalf of the Applicant during the November 1, 2017 Board Meeting are to be included in the Meeting Minutes of the November 1, 2017 Board Meeting.

6. After testimony presented by the Applicant and the Applicant’s professionals, the matter was opened to the public for comment at the October 4, 2017 Board Meeting. The following members of the public appeared to testify:

- a. Jim Jacobs – testified that he was concerned over the use of the patio and the location of galvanized poles installed on top of the berm by his house.

- b. Shirley Jacobs – testified that while the berm along Springside Road is very nice, she does not like the berm that abuts her property to the north side and would like shrubbery installed there.

7. After testimony presented by the Applicant and the Applicant’s professionals, the matter was opened to the public for comment at the November 1, 2017 Board Meeting. The names and brief summaries of the testimony of members of the public who appeared to testify are to be included in the Meeting Minutes of the November 1, 2017 Board Meeting.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant’s Application requesting Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes at the Subject Property upon motion duly made by _____ and seconded by _____, 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.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Land Development Board of the Township of Westampton that this **Resolution**: _____-2017 memorializing Applicant’s Final Site Plan Approval to construct two guard booths, line striping, signage, sidewalks, fencing, a barrier gate, and a patio for operational purposes at the Subject Property upon motion duly made by _____ and seconded by _____, was and is hereby **ADOPTED** concurrently herewith Applicant’s grant of approval, 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 Applicant may proceed **AT RISK**.

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

1. The proposed guard booths/houses must be the same color as the main building and be surrounded with potted plants.
2. The Applicant must establish guidelines regarding employee use of the patio area and ensure those guidelines are followed. The guidelines must include: (1) no grilling is to take place in the patio area; (2) no music is to be played after 8 PM. Applicant must also install a fence and landscaping around the patio area to help dampen sound from employee activities. Loud music is not to be played from the patio area.
3. _____

4. _____

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

Ayes Naves Abstentions Recusal

Applegate
Barger
Berkley
Blair
Borger
Daniels
Freeman
Gehin-Scott
Guerrero
Lopez
Mumbower

WESTAMPTON LAND DEVELOPMENT BOARD

BY: _____
William Freeman, Acting Chairman

ATTEST: _____
Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: November 1, 2017

DRAFT

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
REGULAR MEETING OCTOBER 4, 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 October 4, 2017 at 7:00 P.M. The meeting was called to order by Vice Chairman David Guerrero 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.

Roll Call: Present: Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Mr. Gehin-Scott, Solicitor Stephen Boraske, Planners Sam Agresta and Tamika Graham, Engineer Jim Winckowski, Secretary Marion Karp
Absent: Mr. Applegate, Mr. Barger

The minutes of the September 6, 2017 meeting were approved.

Solicitor Boraske swore in the Board professionals.

Resolutions:

15-2017 James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road) – use variance (counseling/therapy office in Residential zone) – was memorialized

16-2017 James & Dena Young, Block 1205, Lot 9 (818 Woodlane Road) – site plan waiver (counseling/therapy office in Residential zone) – was memorialized

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 – was memorialized

18-2017 Dolan Contractors, Inc., Block 203, Lot 1.03 (32 Springside Road) – amended site plan (dumpster and trash compactor revisions) – was memorialized

19-2017 ME Casa, LLP, Block 1201, Lot 20 (798 Woodlane Road) – site plan waiver (mobile food truck pilot) – was memorialized

New Business:

South Jersey Elite Sports Academy, LLC, Block 201, Lot 8.04. The applicant was represented by their attorney Jeffrey Apell. They are proposing an indoor sports facility

in an existing warehouse in the Industrial zone, a use that isn't permitted. The space is approximately 15,000 square feet in size and is located at 300 Highland Business Park.

It shall be noted that Mayor Daniels and Mr. Lopez would not be voting due to this requiring a use variance. Recreational uses are not permitted in the Industrial zone. Keith Garagozzo and Steve Paolini were sworn in by the Board solicitor. Mr. Garagozzo explained that they liked the location which was right off Route 295. They have been in business over 10 years and they like this location due to the easy access. The warehouse has high ceilings and a good amount of space. Hours of operation will be from 5 PM to 10 PM and 9 AM to 5 PM on weekends. They do baseball and softball, both team and private lessons are made available. Many high schools teams use them on their off seasons for training; it is a good benefit for the kids. They do college showcases and try to help kids get into colleges. They have used the Westampton Sports Complex fields several times and this is good to incorporate with their business since they will now be very close. They will have 5 batting cages; no machines, just netting and turf. They use retractable batting machines that are moveable. There aren't any similar recreation facilities like this anywhere in the area. No one can come off the street to use the facility; this is for private use only. There are no pitching machines; trainers actually pitch the ball; it is instructional based. There may be up to 20 kids at any one time; many are dropped off and the parents return to pick them up. They don't expect to use more than 25 or 30 parking spaces, at most. There are 178 parking spaces available onsite for the 3 tenants of the building. Most tenants operate from 8 AM to 6 PM; there shouldn't be much, if any overlap. There won't be more than 70 cars maximum during the day, including all the tenants currently occupying the warehouse. There will be no busses dropping kids off; it will all be individual parents bringing their children.

Mr. Lopez asked what their plan was if someone wants to use the facility during the day. They answered that no one will, they aren't open, it isn't an option. They used to rent the Westampton fields for their tryouts. The proximity of this warehouse to the fields is exciting to them and even though there isn't a direct plan as of yet, they would like to work together to use the Sports Complex fields. They like to become involved in the community, as they had been when they were located in Cherry Hill.

Gene Blair had spoken with Todd Mitzelman who indicated that there is no conflict and he welcomes this operation into town and looks forward to working with them.

Mr. Apell outlined the positive and negative criteria as they related to the use variance. They would like to help fulfill Westampton's goal of increasing recreational uses, as outlined in our Master Plan. There would be no detriment to the public good if this use variance was granted. There is no additional signage proposed; no modifications to traffic patterns.

Jim Winckowski asked about them utilizing the Sports Complex fields and asked if kids would be walking there on foot; they answered that they would not be doing that. Any future expansion would require them to come back before the Board. There are no

drainage issues, no new construction, nothing to report on from an engineering standpoint.

Tamika Graham reviewed her letter with the Board; she concurs that the use won't have much impact on the site. There is currently 1100 square feet of office space there that they hope to utilize. They are also seeking a waiver of site plan approval, in addition to the use variance.

There being no further comments from the Board or their professionals, the meeting was opened to the public for comment.

Nancy Burkley – asked if they would be using the facility for lacrosse and hockey as well and wondered if it was just for baseball and softball or is it becoming an athletic facility. She asked if there would be tournaments held here. The applicants explained that 5000 square feet will be allotted for the batting cages; the other 8000 square feet will be open space. Occasionally they will allow a soccer team, lacrosse team or hockey team to use it. They will be used for drills, no games will be played here, it isn't large enough.

Janet Curran – is in favor of this application.

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

Mr. Blair made a motion to grant the waiver of site plan; this was seconded by Mr. Daniels. All voted yes. A second motion was made by Mr. Freeman to approve the use variance; Mr. Blair seconded the motion. All voted yes, with the exception of Mr. Lopez and Mayor Daniels, who did not vote. Mr. Guerrero asked the applicants if they wanted to request an at risk permit, in order to get moving on their plans quicker; they indicated that they would like one. Mr. Blair made a motion to approve; Mr. Lopez seconded the motion; all Board members voted yes.

Dolan Contractors, Inc., Block 203, Lot 1.03. Mr. Guerrero recused himself as Vice Chairman for this application. Mr. Freeman stepped in as Chairman. The applicant's attorney, Russ Whitman, was present on behalf of the application. This application is for the Camuto warehouse facility on Springside Road. The application is unusual because these items up for approval this evening were approved at a prior meeting but had been withdrawn by the applicant, Mike Dolan.

Engineer Bernie Wojtkowiak was sworn in before the Board. The location of the fence has changed from that of the original plan, as has that of the guard houses. The guard house has been moved for a better line of sight. This will not obstruct any movement of trucks on site; it will be free standing on a concrete curbed island. The purpose of the guard houses are to control trucks and for security. The barrier gate will be at the right of way line. Flagpoles are in the front of the building in the large landscaped island. The seating area will be fenced and landscaped (for the

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employees). The fence is six foot high chain link.

The gate arms are at the entrance to the employee parking area; there shouldn't be a concern with a queue. The employee patio is on the north side where the berm is. Total employees number 200; there could be 15-20 people outside on the patio at any one time for a break. It is 10 by 50 feet in size. There are some striping changes proposed and some signage as well. Jim Winckowski thinks the barrier at the front should be approved by the County; Bernie Wojtkowiak stated that they had submitted their plans and they had not received any comments.

Mr. Borger stated that the drawing depicted the guard house in the lane of traffic; Bernie Wojtkowiak stated that the drawing would be revised to reflect correct conditions. Mr. Gehin Scott asked what the guard houses would look like; they are typical guard booths. There is exterior lighting on the booths; similar to a porch light. Jim Winckowski stated that more detail needs to be provided than what has been submitted. Since the booths are surrounded by concrete, they cannot be softened by landscaping; the Board suggested the addition of potted plantings.

The guard house will be painted to match the principal building; they will work on the aesthetics to see how they can make it look better. They will make a resubmission. There was discussion as to whether the Board would be ready to make a decision tonight since there were so many details lacking. Russ Whitman explained that time is of the essence.

Mr. Lopez stated that this isn't the first time submittals have been late or our professionals aren't given enough time for their reviews; he will find it difficult to vote yes on this tonight. Russ Whitman explained that this application involves only a very slight relocation of the guard house and the fence; these aren't central to the application and won't affect the neighborhood in any way. He understands that this building is under intense scrutiny but they do ask that the Board consider what they are dealing with here.

Mr. Lopez wanted to know the hours of operation for the patio; how do they expect an approval when they can't give the hours of intended use of the patio. The Board would have a resolution ready for the next meeting and they would return. The resolution would be memorialized right then and there, putting them in the same position as they are now. Jim Winckowski thinks the Board is acting reasonably; we just got revised drawings tonight. Mr. Freeman stated that the Board is trying to objectively represent the residents.

Planner Tamika Graham did not have a chance to review the revised plans that she received today. She reviewed her report; she asked if concrete walkways are being proposed to the guardhouses; Bernie Wojtkowiak answered yes. She asked him to show them on the plans. Details for the landscape buffer need to be added to the plans for the patio area. Sign details were added to the revised plans, as requested. The flagpole is being relocated; they will submit photographs and dimensions, such as the

height, etc.

They would submit another set of revised plans to the professionals for their review in time for next month's meeting.

The meeting was opened to the public for comment. Jim Jacobs has concerns about the patio, the hours of use and the kind of use. They can hear the Ikea patio activities way into the late hours of the evening. They would like to not see the patio installed. There are galvanized poles installed on top of the berm by his house; he asked what the plans are for these poles. Bernie Wojtkowiak stated that the poles will be removed. Mr. Lopez said they should come down immediately since they weren't authorized.

Shirley Jacobs – the berm along Springside Road looks beautiful; it looks very nice. She doesn't like the berm that abuts her property on the north side; there is no real design there. She would like to see some type of shrubbery installed.

Russ Whitman requested a continuance of the application; the Solicitor will prepare an approval resolution; they can request an at risk approval at the next meeting. Jim Winckowski suggested taking an informal straw poll to have the Solicitor prepare a resolution for the next meeting. Mr. Lopez votes no because he is concerned regarding the patio. Mr. Borger asked if they might consider moving the patio; they answered that they cannot move it since it is adjacent to the cafeteria. The applicants agree to set guidelines for the hours of operation of the patio. There won't be a horseshoe pit. They agree to install a fence around to help dampen the sound, eight feet in height. Employees will not be permitted to play music after 8 PM and no grilling will take place there. There is landscaping being installed to provide additional buffer. Mr. Lopez has changed his vote to a yes. The Board thanked the applicant for listening to their concerns. No additional notice will be required to be given by Dolan. Mr. Borger made a motion to approve the continuance of the application until the November 1st meeting; the motion was seconded by Mr. Lopez. All voted yes, with the exception of Mayor Daniels, who left the meeting at 7:55 PM.

The meeting was again opened to the public for comment. Nancy Burkley asked about Resolution 16-2017; she asked if it was denied, which it was.

Comments from the Board

No further comments were made.

There being no further business, the meeting was adjourned at 9:20 PM.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board



94 Stemmers Lane
Westampton, NJ 08060
609/871-6200
FAX: 609/871-8345

October 23, 2017

Ms. Marion Karp
Westampton Township Land Development Board
710 Rancocas Road
Westampton, NJ 08060

Re: Amended Final Major Site Plan
Dolan Contractors, Inc.
Rancocas Park 8
32 Springside Road
Block 203 Lot 1.03

Dear Marion,

We are writing to request an amendment to this application which is on the agenda for the continuation at the upcoming meeting on November 1st. We would like to include a review and approval of a modification to the north side earth berm. The as-built shape of the berm was modified from what was detailed on the approved plan. The result is that the berm is in a slightly different layout and is taller in some areas and shorter in other areas. The berm is appealing, well graded, includes landscaping, a retaining wall and has strong grass turf all around.

We hereby submit an as-built survey for approval by the board. The Township engineer has already reviewed and issued comments on this as-built survey, and berm in question, as part of the inspection of the improvements.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Wojtkowiak', is written over a horizontal line.

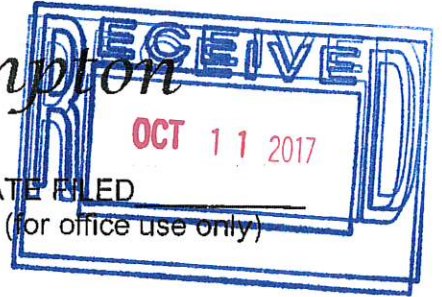
Bernie Wojtkowiak, PE

Enclosure

CC: James Winckowski, PE, CME, CME Associates
Gene Blair, Westampton Township
Mike Dolan, Dolan Contractors, Inc.
Russ Whitman, Esq., Dolan Contractors, Inc.
Phil Barrouse, Camuto Group



Township Of Westampton



SITE PLAN REVIEW APPLICATION
 SUBDIVISION APPLICATION _____
 MINOR MAJOR _____
 PRELIMINARY FINAL _____ CONSOLIDATED _____
 BLOCK 1205 LOT 9

DATE FILED _____
(for office use only)

1. GENERAL INFORMATION

A. Applicant Name JAMES & DENA YOUNG
 Address 2 Maple Tree Dr Westampton, NJ 08060
 Telephone Number 609 351-2654

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) _____

Attorney _____
 Address N/A
 Telephone Number _____

D. Engineer/Surveyor: Petti Group, LLC
Address 497 Center St. Sewell, NJ 08080
Telephone Number 856-464-9600

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 818 Woodlane Rd
- B. The location of the property is approximately 300 feet from the intersection of Norwyn Ln and Woodlane Rd
- C. Existing use of the property Residential
Proposed use of property Commercial use for therapy office
- D. Zone in which property is located R2
- E. Acreage of property 0.3
- F. Is the property located on a County road? Yes No ; State road? Yes No ; or within 200 feet of a municipal boundary? Yes No

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
- H. Name of business or activity (if any) Therapy
- I. Are there deed restrictions that apply or are contemplated? No
(if yes, please attach a copy to application)

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

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

M. Are there any existing or proposed deed restrictions, easements, rights-of way or other dedication? Yes___ No___ (if yes, attach a copy)

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

NONE

O. List maps and other exhibits accompanying this application:

MINOR SITE PLAN provided

3. INFORMATION REGARDING THE APPLICATION

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

4. CHECK LIST AND WAIVER REQUESTS


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

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

N/A

5. AUTHORIZATION AND VERIFICATION


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



Signature of Applicant

10/10/17

Date



Signature of Owner

10/10/17

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>