

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

DECEMBER 5, 2018

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, 2018 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. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Mumbower, Mr. Myers, Mr. Wisniewski, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes 11/7/2018
7. Resolutions: approval needed:

22-2018 Fountain Square Shopping Center, Highview Homes, LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Road) – preliminary major subdivision, site plan, use, bulk variances and design waivers – continue application until 12/5/18 meeting

8. Old Business:
 - a. Fountain Square Shopping Center, Highview Homes, LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Road) – preliminary major subdivision, site plan, use, bulk variances and design waivers
9. New Business:
 - a. 979 Woodlane Road, LLC/7-Eleven, Block 1104, Lot 3 (Woodlane & Jacksonville Roads) – preliminary & final major site plan, use variance – convenience store & gasoline fueling station

10. Informal Applications: none

11. Correspondence:

- a. Kingdom Church, Block 1411, Lot 21 – request for modification to conditions in Resolution #1-2015
- b. RFPs for 2019 LDB Engineer and Solicitor

12. Open meeting for public comment

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

14. Adjourn

DRAFT

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

NOVEMBER 7, 2018 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 November 7, 2018 at 7:01 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2018 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call:

Present: Mr. Barger, Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Myers, Mr. Wisniewski, Engineers Greg Valesi and Jim Winckowski, Planner Barbara Fegley, Solicitor Robert Swartz, Secretary Marion Karp

Absent: Mr. Applegate, Mr. Freeman, Mr. Henley, Mr. Mumbower

The minutes of the October 3, 2018 meeting were approved as written.

Resolutions:

21-2018 Mark & Lorin Arnold, Block 909, Lot 9 (221 Tulip Tree Drive) – variance (oversized garage, setback variances) – was memorialized.

New Business:

Fountain Square Shopping Center, Highview Homes, LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Road). William Hyland, applicant's attorney was present on behalf of an application for preliminary subdivision, site plan approval and variances for a shopping center and hotel. The property is about 25 acres in size and is currently under an agreement of sale. The proposed subdivision of 7 lots that is currently before the Board was done because of a misunderstanding that they weren't allowed to have more than one principal use so they decided to subdivide. The application has now been amended to seek the subdivision of only 2 lots and is now to be considered a minor subdivision. Mr. Hyland also explained that many of the dimensional variances now are not required, however they are asking for waivers of portions of the buffering requirements. One lot will hold the shopping center and the other lot will hold a gasoline fueling and service station, which is a conditional use. He explained that they need a preliminary approval in order to finalize negotiations with tenants.

James Botti, principal; Andrew Dorin, architect; Cecilia Byrne Schmidt, planner and landscape architect; Gary Vecchio, engineer; Nathan Mosley, project manager with Shropshire Associates were all sworn in by the Board solicitor. Mr. Botti gave the Board his background and showed the Board some of the projects he had developed which were upscale retail shopping centers in surrounding states. They are building a Fountain Square in Connecticut at this time which is also a multiple pad site. Numerous fountains are proposed for the project to give it an upscale look which they believe attracts tenants. They are in negotiations with grocery stores, banks, retail stores, hotels at this time for this site but they need preliminary approval to sign a lease and disclose names. The entire project will take about 18 months to build out. This is their first project in NJ.

Gary Vecchio, applicant's engineer, gave testimony regarding the site. It is currently a farm; and is west of the NJ turnpike, east of Irick road and south of Route 541. The project involves a realignment of Irick Road which will divide the site in two. The hotel is located at the rear of the site near the turnpike; it is zoned Commercial and both lots conform regarding size which is a one acre minimum, as well as setbacks, lot frontage and impervious coverage. There are 6 buildings proposed. The gas station will be on one lot and the other buildings on the other lot. Parking spaces will be 10 feet by 20 feet in size, drive aisles are 25 feet in width. Water will come from Burlington Township and sewer service from Mt. Holly MUA; both connections are on Western Drive. An infiltration system will be located at the rear of the site and will conform to DEP standards. The site will be totally landscaped and lighted.

Cecilia Byrne Schmidt testified regarding landscaping at the site. A large landscaped buffer is provided along Irick Road. There will be a mix of plantings along Route 541, 20 feet in width, along with decorative fountains. Evergreen shrubs and canopy trees will be located along Irick Road. An entrance boulevard flanked with trees is planned. The parking lot will be partitioned and planted with canopy trees and shrubs to break it up into nodes and bring more green into the center of the site.

Portions of the parking lot are only 10 feet from the ROW along Irick Road; however, the applicants agree to slide the site over 10 feet, thus eliminating the variance and providing 20 feet of setback.

Hotels are a conditional use and one of the conditions is that it be buffered. The Board can waive the requirement or reduce it if they determine that the buffer doesn't serve a purpose as explained by Mr. Hyland. The hotel is on the western side of the property along the Turnpike; there are mature trees along the ROW. Due to the placement of the hotel on the site the applicants think that they don't need to comply with all ordinance requirements for buffering. Fountains will be located along Route 541 near the gas convenience store; there will be trees as well to eliminate glare. It will be a lush and green environment, according to Ms. Schmidt. Gene Blair thinks the front of the gas station needs to be supplemented with more landscaping; she explained they would supplement but the fountains are planned for that area and they want to keep the greenery low. They explained that the tenants want their buildings to be seen. They

are trying for a happy medium. They agree to add more to bring it in balance with the rest of the site as it is depicted along Route 541.

Andrew Dorin, architect gave testimony regarding the layout of the site. He distributed a booklet of various depictions of the site and what it would look like, almost identical to an as-built. The fountain design is a unique approach and brings an ambiance of sound as well as sight; they help create an environment that is pedestrian friendly and even reduces traffic noise. The different renderings gave a different perspective of the site. It is designed to reduce conflict between pedestrians and vehicles. There is a lot of space around the perimeter of the pad site buildings; outdoor seating is provided in several areas so people can enjoy the space. The experiential space is very important; they want people to spend time here and they are trying to create a special space. They can change the light colors in the fountains as Mr. Botti explained. Music is also able to be added.

Dave Barger commended the applicants on the level of detail; he is intrigued by the frontage along Route 541; he asked about putting the utility lines underground. They agree to do it if they can; however, Board engineer Greg Valesi stated they would be unlikely to be able to do so. Dave asked about monument signs along the front of the site; the applicants explained they wanted pylon and monument signs but the signage plan would be presented at final site plan approval. He likes the fountain elements.

Gene Blair explained that pylon signage is prohibited. He explained that they wanted the words "Westampton" as an identifier on one of the monument signs; the applicants agree to do this.

Board planner Barbara Fegley asked if the fountains are variable; Andrew Dorin answered that they are capable of being changed and are flexible. They will run for as long as they can during the year even possibly during the winter. The temporary planters that are shown on the drawings would be changed with the seasons.

Mr. Botti had concerns about coming in to the Board for additional signage and asking for variances for each tenant as they come in. Greg Valesi explained that they have to have a preliminary sign package that would show locations and identify whether or not each sign complies with the ordinance. He could use a generic detail but the Board needs to see these. Greg has concerns regarding the year-round operation of the fountains; he wants to make sure that it is possible to operate them year-round and wants to make sure the Board is aware of what they will be getting. The applicants agree to return with more information. Mr. Botti explained they are building a Fountain Square shopping center in Connecticut and they are planning to run the fountains through the entire winter although he has never done this before. The fountains could be turned off in very cold weather and Greg wants to make sure the Board knows this. Mr. Durin finally admitted that this is possible. Mr. Hyland stated that they would know more by the time they would come back for final approval. If not running, the fountains would be emptied of water, there is landscaping around them for added visual interest.

Jim Winckowski asked if these renderings show the buildings that are coming; Mr. Durin explained that measures will be kept in place to assure that aesthetics are upscale but of course, not knowing tenants at this point, some could change. Solicitor Swartz explained that the applicants may return with an amended preliminary site plan approval. All pad sites will have the same architectural look and Jim wants to make sure that as each tenant comes in they maintain the same look. He had concerns regarding who would be taking care of that aspect of the project.

Nathan Mosley, traffic engineer testified regarding the shopping center. Traffic counts were done during the weekdays from 7 to 9 AM, and from 4 to 6 PM and also on weekends on Route 541/Irick Road, Route 541/Western Drive and Route 541/Academy Drive. He distributed a conceptual roadway layout; they had met with the County in July of 2018. The existing signal will be relocated south; Irick Road will be realigned with Western Drive. Left hand turns lanes will be provided in both directions onto Western Drive from Route 541, as well as onto Irick Road. The capacity of the intersection will be greatly increased as it will operate more efficiently. The County was in favor of this plan. Trip generation was looked at; and divided into three categories. Total trips generated was looked at; some trips however will be internal amongst the site. They also calculated pass by trips. They overlaid this traffic over existing volumes and completed a level of service analysis from this data. Currently there are some delays at 541 and Irick Road; level of service is C. Coming from the jug handle on Western Drive at some times there is level of service F. Overall the new intersection will operate at a level of service C, some movements at a level of service D. He explained that the DOT considered levels A, B, C or D adequate. They feel this conceptual layout will be acceptable to the County. They looked at the site driveways, levels of service were good for the most part.

Jim Winckowski asked if Irick Road was studied; they hadn't done this yet but would provide the information. Jim asked if they had anything from the County as far as an endorsement; any minutes or letters. It is his experience that the County can sound encouraging initially but that can change.

Jim asked about pedestrian movement around the site as the plan doesn't show any; he also wants to see an internal circulation plan for vehicular traffic. Jim said that a lot of information needs to be provided at this point.

Dave Barger stated that how the site looks along Route 541 is very important to him; he hopes they get a handle on exactly what it is going to look like. Mr. Hyland would like the Board to grant preliminary approval with conditions that they return to the Board with a compliance plan; he understands the Board's concerns but doesn't know at this point how he can answer some of the Board's concerns. They did have a technical review meeting with the Board professionals the other day. Greg Valesi stated that a shopping center use would utilize shared parking and is something that needs to be considered by the applicant so they don't end up with a sea of asphalt.

Gene Blair has concerns with the kinds of tenants that may want to come in here; while

he doesn't want to hold anyone out; he doesn't want something like a McDonalds or a Taco Bell coming in; he would like stores with a similar theme and look. Mr. Botti explained that this is an upscale center and they are very fussy.

The meeting was opened to the public for comment. There being no comment, the meeting was closed.

Mr. Hyland stated that they have both the planner's and the engineer's reports. They met with the Mayor and the administrator several months ago; they brought books with photos of other projects Mr. Botti had completed. They are in a sort of conundrum and need to be able to tell prospective tenants that they have secured a preliminary approval, with conditions. Mr. Swartz has seen the review letters which contain a number of potential variances and at this point he isn't even sure which ones would be applicable at this point and isn't sure what conditions would be placed in a resolution at this point. He doesn't know if it is possible to go through the reports and determine what is still applicable.

Mr. Borger agrees; he likes the project, it is well thought out; he thinks it is good for the Township. It seems to him that it would make sense for the professionals to meet again before they come back. Dave Guerrero agrees, they need to submit a revised set of plans. Gene Blair concurs. The solicitor isn't sure what variances are still out there and what needs to go into the approval resolution. Jim Winckowski suggested that the Board do a straw poll to see how they felt about waiving the need for the 40-foot buffer for the hotel. The Board asked if they would consider supplementing the existing deciduous trees at the rear of the hotel with evergreens; they agreed to do so. Mr. Hyland also had a concern about the landscaping at the front of the site; they don't want to hide the shopping center from the road. The Board agrees to this.

At this point, the Board took a five-minute recess and went back into session at 10:01 PM.

Mr. Hyland explained that they would like to have their application continued to the Board's December meeting. They would revise their plans and meet again with the Board professionals to clean things up. They believe that canopy trees along Route 541 will affect façade signs and will most likely come back for monument signage that would be incorporated into the plan. He thanked the Board for their consideration of the buffer waiver.

The Board voted to continue the application until their December 5 meeting. Motion made to continue by Mr. Blair, seconded by Mr. Barger. All Board members voted yes. No further notice would be required unless it was discovered that they needed to supplement the notice and re-advertise.

Open Meeting for public comment

No comment was made.

DRAFT

Comments from Board members

No comments were made.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 22--2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Highview Homes, LLC

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

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

ZONING DISTRICT: Commercial “C” Zoning District

DATE OF HEARING: November 7, 2018

WHEREAS, Highview Homes, LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary major subdivision and site plan approval for the development of the site as a shopping center with seven (7) separate lots consisting of a gas station with a 5,525 square foot convenience store, a 3,360 square foot bank, two (2) fast food restaurants with drive-thru totaling 9,200 square feet, a 250 seat restaurant totaling 10,300 square feet, a four story, 150 room hotel with a foot print of 24,175 square feet, and a retail shopping center totaling 60,625 square feet in the Commercial “C” Zone. The property is located at 2035 Burlington-Mount Holly Road (CR 541), Westampton, New Jersey, designated as Block 807, Lot 1 on the Township Tax Map (“Subject Property”); and

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

WHEREAS, at the November 7, 2018 Board meeting, the Applicant was represented by William F. Hyland, Jr., Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the purpose, location, and details of the proposed subdivision and site plan and requested variance relief; and

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

WHEREAS, prior to the Board rendering a decision to grant or deny the Application, the Applicant requested the Application be continued to the next regularly-scheduled Board meeting so the Applicant can address comments and concerns raised by the Board, Board Professionals and public at the November 7, 2018 Board meeting; and

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for preliminary major subdivision and site plan approval and variance relief for the development of the site as a shopping center with seven (7) separate lots consisting of a gas station with a 5,525 square foot convenience store, a 3,360 square foot bank, two (2) fast food restaurants with drive-thru totaling 9,200 square feet, a 250 seat restaurant totaling 10,300 square feet, a four story, 150 room hotel with a foot print of 24,175 square feet, and a retail shopping center totaling 60,625 square feet in the Commercial "C" Zone upon motion duly made by Mr. Blair and seconded by Mr. Barger was and is hereby **CONTINUED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board will consider the testimony of the Applicant's witnesses and professionals, the members of the public, and the Board professionals, as well as the evidence and exhibits provided during the November 7, 2018 hearing in addition to any new evidence submitted and testimony provided during the Applicant's subsequent hearing(s) following this continuance.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Myers	x			
Wisniewski	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



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November 21, 2018

Via Hand Delivery

Westampton Twp. Land Use Board
ATTN.: Ms. Marion Karp, Secretary
710 Rancocas Rd.
Westampton, NJ 08060

Re: Fountain Square Shopping Center

Dear Ms. Karp:

Twelve (12) copies of an amended site plan are enclosed reflecting modifications to the Fountain Square Shopping Center project. These changes were explained during our presentation at the hearing on November 7, 2018 and the applicant agreed to submit revised plans for consideration by the Board at its next meeting on December 5, 2018.

The submitted plans reflect the substantive changes we discussed and we request that our application for site plan approval be modified accordingly as follows:

1. The parking layout throughout the property has been adjusted to achieve compliance throughout with the 20 foot buffer and 20 foot parking setback requirements. Related variance requests are hereby withdrawn.
2. Revised landscaping plans are included in the site plan package reflecting modifications and enhancements to the proposed landscaping plan as a result of a meeting between the applicant's landscape architect and Ms. Fegley, the Board's Planner. Our notice will include a generalized request for relief regarding landscaping if certain aspects thereof remain "insufficient."
3. Loading spaces for individual buildings have been inserted where appropriate. The applicant will put testimony on the record addressing the continuing need for variance relief from the overall number of loading spaces which would be required by strict application of the ordinance.
4. The traffic "roundabout" which is to be constructed at the Irick Road entrance is now shown on the site plan.

5. The proposed site identification signs at the Boulevard and Irick Road entrances are now shown on the plan. In addition, four tenant monument ID signs along Route 38 are likewise shown on the plan.

We likewise confirm that the proposed major subdivision application is hereby amended to reflect creation of two lots only instead of the original seven lots requested as well as the proposed relocation of Irick Road as depicted on the subdivision plan.

Finally, the applicant will re-notice for those variances which remain. As you know, many of the variances originally requested, particularly pertaining to Floor Area Ratio (FAR) relief, individual lot setbacks and impervious coverage have been eliminated as a result of the amendments to the subdivision plan.

We are arranging for electronic copies of the amended plans to be sent directly to the Board's Engineer and Planner today and appreciate their continuing cooperation. We look forward to completion of our presentation before the Board on December 5th and, hopefully, approval of the preliminary subdivision and preliminary site plan applications.

I wish you a Happy Thanksgiving.

Very truly yours,


William F. Hyland, Jr.

WFH



M

Township Of Westampton



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

BLOCK 11.04 LOT 3

1. GENERAL INFORMATION

A. Applicant Name 979 Woodlane Road, LLC

Address 79 Route 520, Englishtown, New Jersey 07726

Telephone Number 732-617-9905

B. The Applicant is a:

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

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

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

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

Attorney Kenneth L. Pape/Heilbrunn Pape, LLC

Address 516 Highway 33, Millstone Township, New Jersey 08535

Telephone Number 732-679-8844



D. Engineer/Surveyor: Stuart Challoner, P.E./Challoner & Associates, LLC

Address 215 Main Street, 2nd Floor, Toms River, NJ 08753

Telephone Number 732-818-9988

2. INFORMATION REGARDING THE PROPERTY

A. Street address of the property 979 Woodlane Road

B. The location of the property is approximately feet from the intersection of Woodlane Road and Jacksonville Road

C. Existing use of the property Gasoline service station

Proposed use of property 7-Eleven Convenience Store, gasoline to remain

D. Zone in which property is located R-3

E. Acreage of property .82 acres

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 X 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) 7-Eleven (proposed)

I. Are there deed restrictions that apply or are contemplated? TBD
(if yes, please attach a copy to application)

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

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:

O. List maps and other exhibits accompanying this application:

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.

Rear yard setback to a principal structure of 20' is requested where 30' is required.

Public notice to be provided once a hearing date is determined.

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.*

M

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

5. AUTHORIZATION AND VERIFICATION

I certify the statements and information contained in this application are true.
979 Woodlane Road, LLC



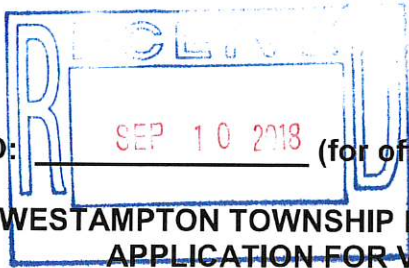
Signature of Applicant
Felix Bruselovsky, Managing Member

9-4-18
Date

Signature of Owner

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>



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 979 Woodlane Road, LLC,
who resides at 79 Route 520, Englishtown, New Jersey 07726,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 11.04, Lot(s) 3.
2. The property is located 979 Woodlane Road
_____ Phone # 732-617-9905 in
a R-3 zone district, the street number is 979.
- 2a. A variance is sought from Section(s) 250-12
_____ of the Zoning Ordinance to permit
The expansion of an existing gasoline service station to include a 7-Eleven
Convenience Store.
_____.
- 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. 979 Woodlane Road, LLC, who resides at
79 Route 520, Englishtown, New Jersey 07726, is
the present owner of the property. Applicant's interest in the property is
Same as owner.

_____.
4. No variance, conditional use, or special permit has ever been granted
with respect to this property, except See attached prior Resolutions of
Approval.
_____.

5. The last previous use or occupancy of the property was by _____
979 Woodlane Road, LLC

who used the property for Gasoline service station

6. The dimensions of the property are _____

a. Frontage: 170 +/- feet b. Depth: 133 +/- feet

The total area of the property is .82 acres

7. The property is now occupied by (a) building(s). Said building(s) occupy 9.7 % of the lot(s) as nearly as can be determined. The height of said building(s) is < 35 feet and 1 stories. (Please give the maximum if more than one building.) The setback from the nearest street is 78 feet.

8. The percentage of coverage, height and setback of the proposed building(s) are 13.8% coverage < 35' height front setback 77.9' side setback 20' rear setback 20'

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

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

The proposed use will further the purposes of the Municipal Land Use Law.

Additional testimony to be provided at the time of the public hearing.

9b. Demonstrate that the proposed variance would do no substantial

damage to the Westampton Township Plan: The site has been historically utilized as commercial. The revitalization of the property will be consistent with same. Additional testimony to be provided at the public hearing.

9c. Provide details of the future use of the property and structures if the variance is granted: 7-Eleven Convenience Store and Gasoline Station.

9d. Describe any changes in traffic and/or parking patterns: _____

See the submitted traffic report

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

9c: Testimony to be provided at the time of public hearing.

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

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

979 Woodlane Road, LLC

By: 

Applicant

Felix Bruselovsky, Managing Member

STATE OF New Jersey :

ss.

COUNTY OF Middlesex :

Felix Bruselovsky, 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.

979 Woodlane Road, LLC

By: 

Applicant

Felix Bruselovsky, Managing Member

Sworn to and Subscribed :
before me this 6 day :
of Sept, 2018.



Notary Public of

PETER H. KLOUSER
ATTORNEY AT LAW OF NEW JERSEY

Land Development Board
Of The
Township of Westampton

RESOLUTION # 9 -2005

ON THE APPLICATION OF 19 PETROLEUM DISTRIBUTORS, LLC FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL AND VARIOUS BULK VARIANCES TO RENOVATE AND REOPEN A GAS STATION ON PROPERTY IDENTIFIED AS BLOCK 1104, LOT 3 ON THE TAX MAPS OF WESTAMPTON TOWNSHIP

BE IT RESOLVED by the Westampton Township Land Development Board within the Township of Westampton, County of Burlington and State of New Jersey, that:

SECTION 1. APPROVAL. The Board grants preliminary and final site plan approval and various bulk variances to the application of 19 Petroleum Distributors, LLC to renovate and reopen a closed gas service station at property identified as Block 1104, Lot 3 on the tax maps of the community located at Woodlane Road and Jacksonville Road (Route 628) within the Township of Westampton, subject to the findings, determinations, and conditions set forth below.

SECTION 2 FINDINGS, DETERMINATIONS AND CONDITIONS.

A. Findings. Applicant is the purchaser under contract of a 35,523 square foot parcel of land identified as Block 1104, Lot 3, on the Tax Maps of the Township of Westampton. The property is located in a R-3 Residential Zone of the

community. The property is the site of a former Shell gasoline station which had been in existence for some time. During the 2003 season the gas station was temporarily closed to replace tanks. The application proposes to install underground tanks, refurbish the existing service station building and construct certain site improvements to facilitate the reopening of the former service station site as a Citgo gas station with sale of gasoline and ancillary goods. Specifically, applicant provided testimony that it will be bringing the equipment up to date. Double wall tanks with leak protection will be installed. Fiberglass pipe will be used. Multiple dispensers will be installed on the islands. A deteriorating canopy over the gas pumps will be replaced.

Existing landscaping on the site consists of a mix of 15' - 18' evergreens and deciduous trees at the northern and western perimeters of the property. Applicant's planner notes that the buffering width is not consistent, but is effective. In addition to the trees, the property has a 6-foot high stockade fence on the northern and western sides. Applicant agreed to work with the planner to design a reasonable plan, to the extent that anything further is required. Applicant specifically agreed that a local landscaper will be used to professionally maintain the property. The Board Planner has noted that the current site does not satisfy ordinance standards for buffers. Given the existing landscaping and the Board Planner's review, the Board finds that any necessary variance as to this item may be granted.

Applicant noted that the Board Engineer had requested a full photometric plan. Applicant's planner testified that the shielded lighting fixtures to be used are typical service station type lights and no spillage of lighting will occur off site.

Applicant provided testimony that there are four (4) existing driveways on the site. During the process of its review, the County Planning Board has requested some dedication and restriction of access for one of the driveways onto Jacksonville Road. The Board discussed potential traffic hazards of a left hand turn at the restricted access driveway. Applicant has agreed to install "do not enter" signs at that driveway.

The asphalt on the site requires service and replacement, which applicant has agreed to do. Concrete pads are proposed under the gas pump canopy which the applicant will repair and/or replace.

Applicant's professionals have added a parking calculation to its plans. Ten (10) parking spots (including one (1) handicapped parking spot) are provided. Applicant has allowed for one (1) parking spot per 100 s.f. of repair area although applicant testified that the repair bays will neither be reopened nor leased at this time. Applicant specifically reserves the right to open the repair bays at some future time. Applicant agrees and acknowledges that the appropriate authorities will strictly enforce regulations of no debris and no abandonment of vehicles in conjunction with any such use.

Applicant will make use of an existing trash enclosure at the rear (northeast

corner) of the property. A dumpster will be placed inside the enclosure which a trash removal vehicle can access.

At the northwest corner of the site is a small shed which is located behind the stockade fence at that portion of the site. Upon opening the discussion to the public, it was discovered that the shed actually belongs to the adjacent property owner. Applicant and the owner will resolve this issue between themselves.

Hours of operation at the site will be approximately from 5:00 a.m. to midnight. Applicant provided testimony that it will be there to service existing traffic. Given the type of diesel pump at the site, applicant will not attract trucks to this station. Applicant also testified that Citgo itself has inspection crews which review the property every quarter and if substandard conditions are found more than three times, Citgo will no longer permit operation as a Citgo station. Applicant indicated that a security system consisting of digital cameras connected to a PC provides for safety at the site. One to two employees will be on site per shift.

The Board has reviewed with the applicant the Engineer's report, Planner's report and Fire Official's report issued in this matter. Applicant has agreed to abide by all of the conditions which have not been waived by the Board. With conditions, the Board finds that this is an application to which approval may be granted.

B. Signage. Board's Planner has advised that a permitted service station

is allowed a 45-foot high sign of 100 s.f. The applicant is proposing a 26.5 foot high sign with 3 panels totaling 86 sq. ft. The Board Planner recommended a ground mounted sign with a 10-foot maximum height and a total sign dimension of 60 sq. ft. Following discussion with the Board, applicant has agreed to reduce the height of its proposed sign to 18 ½ feet, while maintaining the same sign as proposed. Applicant has advised that the canopy sign will not be lit. Applicant has further agreed to reduced signage on the pumps themselves: of the three options provided on the plans submitted by applicant, the Board Planner has requested and applicant has agreed to use option 2 as noted on the plans.

In addition, the Board Engineer has noted that setback variances would be required for the proposed canopy and free standing sign. The Board acknowledges to great extent such conditions are pre-existing and any such necessary variances may be granted.

C. Gas delivery. Applicant requested that gas delivery be permitted during the hours of 8:00 a.m. to 8:00 p.m. The Board has agreed to this request; if necessary, the Board will revisit this issue in six (6) months' time as to whether such delivery hours impact the surrounding area should be further curtailed.

D. Engineer's, Planner's and Fire Official's Reports. The approval granted by this Resolution is subject to the terms and conditions of the Engineer's and Fire Official's Reports submitted during the review process unless waived or modified by other provisions of this Resolution.

E. Conditional Approvals

1. Conditions Precedent.

(a) Whenever any application for development is approved subject to specified conditions intended to be fulfilled before the approval becomes effective, said conditional approval shall lapse and become null and void unless all specified conditions, other than those contemplated by N. J. S. 40:55D-22.b. are fulfilled within 190 days of the date of conditional approval.

(b) Proof that applications have been filed with all other agencies having jurisdiction over any aspect of the application for development shall forthwith be filed with the municipal agency.

(c) The fulfillment of all other conditions precedent shall forthwith be reported in writing to the municipal agency, which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any plan be signed or any required building permit, occupancy permit or zoning permit be issued.

(d) When all conditions have been fulfilled with respect to any minor or major site plan, applicant shall, within 30 days of the fulfillment of all such conditions, submit its map for signature by the Board Engineer or any such approval shall lapse and be of no force and effect; provided, however, that the applicant may, for good cause shown, obtain an extension either before or after the lapse of said 30 day period within the reasonable exercise of the Board's

judgment.

2. Conditions Subsequent.

(a) Whenever any application for development is approved subject to conditions, which by their terms are incapable of being fulfilled, or are not required to be fulfilled prior to the final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to fulfill any such condition within six months from the date of the final approval of the application for development shall be grounds for the issuance of a stop work order by the enforcing official and the withholding of any zoning permit, certificate of occupancy or any other approval until such condition or conditions are fulfilled.

(b) Nothing herein contained shall be construed as preventing the municipal agency from specifying a longer period of time within which any specific condition must be fulfilled, or from granting, upon an ex parte application, an extension of time for good cause shown.

(c) The fulfillment of all conditions shall be reported in writing to the municipal agency which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit, zoning permit or other required approval be issued.

(d) For purposes of calculating the time period within which conditions must be fulfilled such time periods shall commence from the date on

which the resolution of approval was adopted.

F. Other Agency Approval. Nothing contained in this Resolution shall be deemed to waive or modify the requirement that applicant obtain from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

WESTAMPTON TOWNSHIP LAND
DEVELOPMENT BOARD

Dated: 3/2/05

By: 
Norm Miller, Chairman

ATTEST:

Marion Karp
Marion Karp, Secretary

Date of Approval: 2-5-05

Date of Memorialization: 3-2-05

Land Use Board for the
Township of Westampton
RESOLUTION # 31- 2007

ON THE APPLICATION OF RPS BUSINESS, INC.,
(WESTAMPTON CITGO) FOR MINOR SITE PLAN AND USE
VARIANCE APPROVAL FOR PROPERTY IDENTIFIED AS
BLOCK 1104, LOT 3.

BE IT RESOLVED by the Land Use Board for the Township of Westampton, County of
Burlington and State of New Jersey that:

Section 1. Approval: The Board grants a use variance on the application of RPS
Business, Inc., for the ~~reopening~~ of a CITGO gas station located on property identified as Block
1104, Lot 3, subject to the findings, determinations and conditions set forth below.
Consideration of the site plan application is continued pending the submission by applicant of
additional information.

Section 2. Findings, Determinations and Conditions:

A. Findings: The applicant is the developer of a ~~closed~~ service station located at
939 Woodlane Road within the Township of Westampton. In March of 2005 the Board granted
approval to the applicant or its predecessor to reopen a closed service station granting in the
process various bulk variances dealing with reduced landscaped buffers, signage, front setbacks,
and the percentage of lot coverage. The essence of the 2005 approval permitted reopening of the
site for its former use. This included, in addition to the sale of gasoline, the repair and servicing
of motor vehicles from the service bays which existed at the property. The present application
seeks to alter the prior use of the site to add ~~quote~~ a "convenience store". The "convenience

OCT 11 2007

store" would replace any use of the service station for the repair and servicing of motor vehicles. Applicant would continue to dispense gasoline from the site.

write

The Township of Westampton under Ordinance 13-2001 established a clear government policy against combining a service station and a convenience store on a single site. The ordinance defines a convenience store as a "small food market containing not more than 3500 square feet where prepared foods, magazines and newspapers, cigarettes, dairy products, and/or similar foods and items sold for the consumption or use elsewhere, including those establishments where, as an accessory use of the premises, prepared foods (e.g., meats, cheeses, soups, salads, and like products) may be sold over the counter in sandwiches or are packaged to "take out." The terms specifically eliminated the placement of gasoline pumps for the retail sale of gasoline to the motoring public as part of the definition of the use. Further, the ordinance goes on to define the term "motor vehicle service station" in detail. The retail sale of gasoline from pumps located on a lot to the general public is presumed to be the lot's principal use. Gasoline pumps may not be considered, pursuant to the ordinance, an accessory use to a "convenience store."

The testimony at the hearing held on this matter indicates that the "convenience store" aspects of the gas station would involve the installation of a 4' x 8' kiosk located on one of the existing pump islands. The existing facility would be renovated to eliminate the physical presence of the repair bays currently located at the site. The "convenience store" products would be limited. Nature of the products dispensed would involve candy, coffee, cigarettes, sodas, and pre-packaged sandwiches capable of being microwaved. No magazines would be sold. The product line is designed to service the motoring public who would obtain gasoline at the station.

Applicant agreed that the station would be opened from approximately 5 a.m. to 12 midnight, rather than the 24-hour-a-day operation initially contemplated. In the view of the applicant's planner, the proposed "convenience store" is different from the type of use addressed by the ordinance. Here, the convenience store is accessory to the gasoline service station. The ordinance addresses a convenience store where the dispensation of gasoline products would be the accessory use.

OK
The property is located within an R-3 residential district. While technically the Woodlane Road area contains a commercially zoned strip along much of its length through the Township, the immediate area on all sides of the site is zoned for and used for residential and or agricultural purposes. The closest commercially zoned and used site is over 2500 feet or .5 miles to the west. The nature of the use to the extent that it involves the storage and/or repair of automobiles is inconsistent with the residential tone established within the area. However, in the absence of the storage and repair use, the gasoline service station and small convenience store can operate in a manner compatible with the residential character of the area. It would provide a service to this portion of the residential community. Thus, the elimination of the service bays and with it potentially unattractive aspects of this use advances the purposes of zoning by eliminating an incompatible use which would otherwise be allowed. Board finds, therefore, that special reasons exist for the grant of relief in this case even though the Township's policy might be construed as inconsistent with this relief in a different situation.

There are a variety of issues concerning the development of the site which warrant further review. They are set forth at length within the Engineer's and Planner's Reports. They involve circulation issues, landscaping issues, the loading dock issue, delivery schedules,

site triangles, signage, lighting and other similar site matters. A final conclusion on whether applicant has met the negative criteria for a use variance cannot be determined until an approved site plan is achieved. Consideration of the site plan is continued until the next meeting of the Board. At that time the Board will address the terms and conditions of the various reports issued.

Subject to obtaining final site plan approval and compliance with the remaining terms and conditions of this Resolution, the use variance is granted.

B. Professional Reports: The approval granted by this Resolution is subject to the terms and conditions of various Professional Reports submitted during the review process unless waived or modified by other provisions of this Resolution.

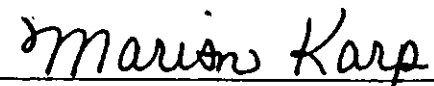
C. Other Agency Approval: The approval granted by this Resolution is subject to applicant obtaining from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

Land Use Board for the
Township of Westampton

Dated: 10-3-07

By: 
Dan Breslin, Chairman

Attest:


Marion Karp, Secretary

Date Approved: 9-5-07

Date Memorialized: 10-3-07

Land Use Board for the
Township of Westampton
RESOLUTION # 31- 2007

ON THE APPLICATION OF RPS BUSINESS, INC.,
(WESTAMPTON CITGO) FOR MINOR SITE PLAN AND USE
VARIANCE APPROVAL FOR PROPERTY IDENTIFIED AS
BLOCK 1104, LOT 3.

BE IT RESOLVED by the Land Use Board for the Township of Westampton, County of
Burlington and State of New Jersey that:

Section 1. Approval: The Board grants a use variance on the application of RPS
Business, Inc., for the reopening of a CITGO gas station located on property identified as Block
1104, Lot 3, subject to the findings, determinations and conditions set forth below.
Consideration of the site plan application is continued pending the submission by applicant of
additional information.

Section 2. Findings, Determinations and Conditions:

A. Findings: The applicant is the developer of a closed service station located at
939 Woodlane Road within the Township of Westampton. In March of 2005 the Board granted
approval to the applicant or its predecessor to reopen a closed service station granting in the
process various bulk variances dealing with reduced landscaped buffers, signage, front setbacks,
and the percentage of lot coverage. The essence of the 2005 approval permitted reopening of the
site for its former use. This included, in addition to the sale of gasoline, the repair and servicing
of motor vehicles from the service bays which existed at the property. The present application
seeks to alter the prior use of the site to add quote a "convenience store". The "convenience

OCT 11 2007

store” would replace any use of the service station for the repair and servicing of motor vehicles. Applicant would continue to dispense gasoline from the site.

The Township of Westampton under Ordinance 13-2001 established a clear government policy against combining a service station and a convenience store on a single site. The ordinance defines a convenience store as a “small food market containing not more than 3500 square feet where prepared foods, magazines and newspapers, cigarettes, dairy products, and/or similar foods and items sold for the consumption or use elsewhere, including those establishments where, as an accessory use of the premises, prepared foods (e.g., meats, cheeses, soups, salads, and like products) may be sold over the counter in sandwiches or are packaged to take out.” The terms specifically eliminated the placement of gasoline pumps for the retail sale of gasoline to the motoring public as part of the definition of the use. Further, the ordinance goes on to define the term “motor vehicle service station” in detail. The retail sale of gasoline from pumps located on a lot to the general public is presumed to be the lot’s principal use. Gasoline pumps may not be considered, pursuant to the ordinance, an accessory use to a “convenience store.”

The testimony at the hearing held on this matter indicates that the “convenience store” aspects of the gas station would involve the installation of a 4' x 8' kiosk located on one of the existing pump islands. The existing facility would be renovated to eliminate the physical presence of the repair bays currently located at the site. The “convenience store” products would be limited. Nature of the products dispensed would involve candy, coffee, cigarettes, sodas, and pre-packaged sandwiches capable of being microwaved. No magazines would be sold. The product line is designed to service the motoring public who would obtain gasoline at the station.

Applicant agreed that the station would be opened from approximately 5 a.m. to 12 midnight, rather than the 24-hour-a-day operation initially contemplated. In the view of the applicant's planner, the proposed "convenience store" is different from the type of use addressed by the ordinance. Here, the convenience store is accessory to the gasoline service station. The ordinance addresses a convenience store where the dispensation of gasoline products would be the accessory use.

The property is located within an R-3 residential district. While technically the Woodlane Road area contains a commercially zoned strip along much of its length through the Township, the immediate area on all sides of the site is zoned for and used for residential and or agricultural purposes. The closest commercially zoned and used site is over 2500 feet or .5 miles to the west. The nature of the use to the extent that it involves the storage and/or repair of automobiles is inconsistent with the residential tone established within the area. However, in the absence of the storage and repair use, the gasoline service station and small convenience store can operate in a manner compatible with the residential character of the area. It would provide a service to this portion of the residential community. Thus, the elimination of the service bays and with it potentially unattractive aspects of this use advances the purposes of zoning by eliminating an incompatible use which would otherwise be allowed. Board finds, therefore, that special reasons exist for the grant of relief in this case even though the Township's policy might be construed as inconsistent with this relief in a different situation.

There are a variety of issues concerning the development of the site which warrant further review. They are set forth at length within the Engineer's and Planner's Reports. They involve circulation issues, landscaping issues, the loading dock issue, delivery schedules,

site triangles, signage, lighting and other similar site matters. A final conclusion on whether applicant has met the negative criteria for a use variance cannot be determined until an approved site plan is achieved. Consideration of the site plan is continued until the next meeting of the Board. At that time the Board will address the terms and conditions of the various reports issued.

Subject to obtaining final site plan approval and compliance with the remaining terms and conditions of this Resolution, the use variance is granted.

B. Professional Reports: The approval granted by this Resolution is subject to the terms and conditions of various Professional Reports submitted during the review process unless waived or modified by other provisions of this Resolution.

C. Other Agency Approval: The approval granted by this Resolution is subject to applicant obtaining from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

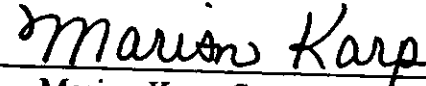
Land Use Board for the
Township of Westampton

By: 

Dan Breslin, Chairman

Dated: 10-3-07

Attest:


Marion Karp, Secretary

Date Approved: 9-5-07

Date Memorialized: 10-3-07

Land Development Board for the

Township of Westampton

RESOLUTION # 14-2008

ON THE APPLICATION OF RPS BUSINESS, INC.,
(WESTAMPTON CITGO) FOR APPROVAL OF MINOR
SITE PLAN TO ADD A MINI MART WITH BULK
VARIANCES AT PROPERTY IDENTIFIED AS BLOCK
1104, LOT 3.

BE IT RESOLVED by the Land Development Board for the Township of
Westampton, County of Burlington and State of New Jersey that:

Section 1. Approval. The Board grants the application of RPS Business, Inc., for
a minor site plan approval on the erection of a Mini Mart at a CITGO service station
located on property identified as Block 1104, Lot 3, subject to the findings,
determinations and conditions set forth below.

Section 2. Findings, Determinations and Conditions:

A. Findings. The applicant is the developer of a closed service station
located at 939 Woodlane Road within the Township of Westampton. In March of 2005
the Board granted approval to the applicant or its predecessor to reopen a closed service
station granting in the process various bulk variances dealing with reduced landscaped
buffers, signage, front setbacks, and the percentage of lot coverage. The essence of the
2005 approval permitted reopening of the site for its former use. This included, in

addition to the sale of gasoline, the repair and servicing of motor vehicles from the service bays which existed at the property. In 2007, under Resolution 31-2007, the applicant received approval to convert the proposed service area of the service station into a convenience store. The findings and details of the proposal and conditions imposed are repeated without full inclusion in this Resolution. It is sufficed to note the Board found that with an appropriate site plan, the use of the site for a convenience store was a far better reconciliation of the use with existing uses in the area than the use previously authorized.

The present application seeks approval of the site plan. Under the present application two additional variances to the pre-existing variances are necessary. Access at the rear of the building has been eliminated since there have been problems with cars using it in order to avoid the traffic light at the corner. Further, a larger trash enclosure has been provided, along with a few other minor improvements. The implementation of these changes has been reviewed by the Board Planner in a report dated April 4, 2008. Applicant has agreed to abide by the terms and conditions of this report. It is noted that there will be no outdoor storage whatsoever at the site. No outdoor sales are permitted. Applicant is to modify the plan to incorporate these as conditions.

Applicant has agreed to abide by the Fire Official's Report and the EAC Report. The Board notes, however, that the Fire Official may wish to have a gate at the rear fencing to permit easy access in the case of an emergency. Applicant has agreed to such

a condition. Further, applicant has agreed to provide shields on the lighting at the site. Applicant indicated that the hours are limited to 5:00 a.m. until midnight, and this is a condition to the grant of the variances.

Applicant requires bulk variances. The bulk variances sought will allow for a better integration of the commercial use in the residential neighborhood in which it is placed. A better site plan can thus be achieved. The advancement of a better site plan is the purpose for which the zoning regulations can be adopted and is an established purpose of zoning. Their advancement, as in this site plan, establishes special reasons for the grant of relief. Given the impact of the changes, the Board finds that there is no substantial negative impact on the intent and purpose of the zone plan and/or the neighborhood to warrant a denial of the application. The variances sought, with conditions, are approved.

B. Professional Reports. The approvals granted by this Resolution are subject to applicant complying with the terms and conditions of various Professional Reports submitted during the review process unless waived or modified by other provisions of this Resolution.

C. COAH Contribution. Applicant is required to make such COAH contributions as are called for by the ordinances of the Township of Westampton.

D. Terms and Conditions of Prior Approvals. The Board, without inclusion of the full text, incorporates the terms and conditions and findings of prior

Resolutions concerning this site, and those conditions set in those Resolutions shall constitute conditions to this Resolution.

E. Conditional Approvals.

(1) Conditions Precedent.

(a) Whenever any application for development is approved subject to specified conditions intended to be fulfilled before the approval becomes effective, said conditional approval shall lapse and become null and void unless all specified conditions, other than those contemplated by N. J. S. 40:55D-22B are fulfilled within 190 days of the date of conditional approval.

(b) Proof that applications have been filed with all other agencies having jurisdiction over any aspect of the application for development shall forthwith be filed with the municipal agency.

(c) The fulfillment of all other conditions precedent shall forthwith be reported in writing to the municipal agency, which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit or zoning permit be issued.

(d) When all conditions have been fulfilled with respect to any minor or major subdivision, applicant shall, within 30 days of the fulfillment of all such conditions, submit his plan for signature or any such approval shall lapse and be of no

force and effect; provided, however, that the applicant may, for good cause shown, obtain an extension either before or after the lapse of said 30 day period within the reasonable exercise of the Board's judgment.

(2) Conditions Subsequent.

(a) Whenever any application for development is approved subject to conditions, which by their terms are incapable of being fulfilled, or are not required to be fulfilled prior to the final approval of the application, the performance of which are not guaranteed by bonds or securities of any type, failure to fulfill any such condition within six months from the date of the final approval of the application for development shall be grounds for the issuance of a stop work order by the enforcing official and the withholding of any zoning permit, certificate of occupancy or any other approval until such condition or conditions are fulfilled.

(b) Nothing herein contained shall be construed as preventing the municipal agency from specifying a longer period of time within which any specific condition must be fulfilled, or from granting, upon an ex parte application, an extension of time for good cause shown.

(c) The fulfillment of all conditions shall be reported in writing to the municipal agency which may cause such reports to be verified in an appropriate manner. Only upon fulfillment of all conditions shall any subdivision map or site plan be signed or any required building permit, occupancy permit, zoning permit or other


required approval be issued.

(d) For purposes of calculating the time period within which conditions must be fulfilled such time periods shall commence from the date on which the resolution of approval was adopted.

F. Other Agency Approval. The approval granted by this Resolution is subject to applicant obtaining from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

Land Development Board for the
Township of Westampton

Dated: 8/6/08

By: 
Dan Breslin, Chairman

Attest: Marion Karp
Marion Karp, Secretary

Date Approved: 5-7-08

Date Memorialized: 8-6-08



Westampton Township Emergency Services

780 Woodlane Road

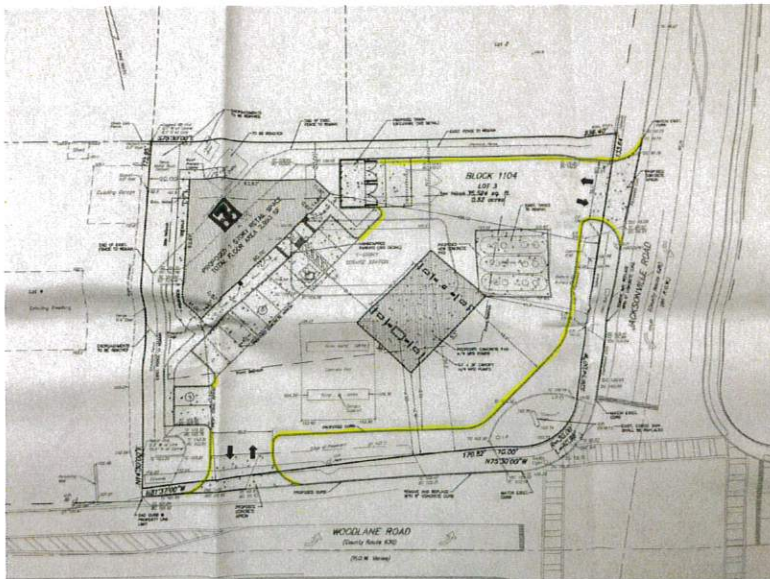
Westampton, New Jersey 08060

Phone (609) 267-2041 Fax (609) 267-3305

www.westamptonfire.org

LAND DEVELOPMENT BOARD REVIEW

DATE:	October 17, 2018
ADDRESS:	939 Woodlane Rd.
PROPOSED USE:	7-11 w/Fuel Pumps
HYDRANTS:	N/A
FIRE PROTECTION SYSTEMS:	<ul style="list-style-type: none">- Cooking Suppression tied into Fire alarm system (if required due to cooking)- Exterior horn/strobe (if alarmed per Township Ordinance Ch. 128)- Map of Detection/Protection locations upon completion (if alarmed per Township Ordinance Ch. 128)- Fire Protection & Building Documents to be housed on site (PVC tube above door in FACP or Sprinkler Room (if alarmed per Township Ordinance Ch. 128)- CO2 detection system for installed CO2 system
APPARATUS ACCESS:	<ul style="list-style-type: none">- Fire Lanes around structure/hazards with appropriate signage (see attached)- Height clearances for apparatus under fuel pump canopy
BUILDING ACCESS:	<ul style="list-style-type: none">- Knox box
NOTES:	<ul style="list-style-type: none">- Bollards for utilities and exterior hazards including fuel pumps in compliance with NJ IFC 312- Exterior labeling of hazards (NFPA 704)- Emergency Fuel Shutoff button to be located outside of the structure for compliant emergency access with appropriate signage.- Truss/solar panel signage





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

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

November 5, 2018

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

Attn: Marion Karp
Administrative Officer

**Re: 979 Woodlane Road, LLC/7-Eleven
Preliminary and Final Major Site Plan & Use Variance - Review #1
Block 1104, Lot 3
Location: Woodlane Road & Jacksonville Road
Zone: R-3 (Residential)
Westampton Township, Burlington County, NJ
Our File: CWAL1104.01**

Dear Chairman and Board Members:

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

- Plans entitled "Preliminary and Final Major Site Plan 7-Eleven Convenience Store, Westampton Township, Burlington County, New Jersey," consisting of nine (9) sheets, prepared by Challoner & Associates, LLC, dated July 13, 2018, unrevised;
- Proposed Floor Plans and Building Elevations; prepared by Michael Testa Architect, consisting of three (3) sheets, dated June 25, 2018, unrevised;
- Traffic and Parking Analysis, prepared by McDonough & Rea Associates, dated June 13, 2018; and,
- Completed application forms w/ various attachments.

Current Proposal

The Applicant, 979 Woodlane Road, LLC, is seeking site plan approval as well as use and bulk variance relief to redevelop the existing gasoline service station and convenience store located on the property with a new 3,000 sf convenience store (7-Eleven) and gasoline refueling station with 8 refueling positions. A 36 foot by 53 foot (1900 sf) canopy is proposed to be constructed over the refueling area.

S:\Westampton\Project Files\CWAL1104.01 979 Woodlane Rd 7E\ln\2018-9-19 979 Woodlane Road - Eng Rvw #1.docx



Marion Karp, Administrative Officer
Westampton Township Land Development Board
Re: 979 Woodlane Road, LLC/7-Eleven
Site Plan & Use Variance – Engineering Review #1

November 5, 2018
Our File No. CWAL1104.01
Page 2

Site Description

The subject 0.82 acre (35,524 sf) rectangular corner lot has frontage along Woodlane Road (Burlington County Route 630) and along Jacksonville Road (Burlington County Route 628). The property is situated in the R-3 Residential Zone District. The intersection of Woodlane Road and Jacksonville Road is currently signalized. Residential uses surround the property on all sides.

Based upon our review, we offer the following comments for the Board's consideration:

A. General

1. A use 'D' variance is required as a gasoline service station and convenience store is not a permitted use in the R-3 Zone district.
2. It appears the Applicant will require a variance to locate the proposed building within the required 30 foot rear yard setback. The building will be located 20 feet from the rear property line common with adjacent Lots 3 & 4. The rear setback of the existing building appears to be conforming. The applicant should be prepared to demonstrate the adequacy of the buffering provided between the rear of the building and rear property lines to mitigate the encroachment. We defer further comment to the Board Planner.
3. It appears an additional variance will be required to locate the proposed canopy 38.7 feet from the right-of-way line from Woodlane Road (CR 630), whereas a front setback of 50 feet is required.
4. The location of HVAC equipment to service the building should be identified.
5. The proposed hours of operation should be indicated.
6. The hours during which trash will be collected should be clarified. Due to the close proximity of the trash enclosure to the adjacent residential property trash collection should be limited to normal business hours.
7. The applicant should be prepared to present a color rendering of the proposed building and canopy to the Board.
8. The condition of the existing stockade fence to remain must be evaluated. Due to the age and deterioration of the fence, a new solid six (6) foot vinyl fence should be considered along the entire length of the rear property lines.



Marion Karp, Administrative Officer
Westampton Township Land Development Board
Re: 979 Woodlane Road, LLC/7-Eleven
Site Plan & Use Variance – Engineering Review #1

November 5, 2018
Our File No. CWAL1104.01
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9. It appears the Applicant is proposing to re-face the existing freestanding sign located at the front corner of the property. Accordingly, it appears no changes to the sign height and area. The Applicant should confirm. We defer further comment and the need for any potential design waivers or variances to the Board Planner.
10. On the cover sheet, the index references 13 sheets, whereas only 9 sheets appear in the set. This should be corrected.

B. Traffic

1. Access to the site is proposed to be provided via a two-way driveway located along Woodlane Road (County route 630) and Jacksonville Road (County Route 628). The existing site contains two (2) driveways along each frontage however; the driveways located closest to the traffic signal are proposed to be removed.
2. A capacity analysis should be provided for the signalize intersection of Woodlane Road and Jacksonville Road. The level-of-service, delay (in seconds) and 95th percentile queue for each approach to the intersection should be established for the existing, no-build and future build condition.
3. The existing left turn lane on Woodlane Road (CR 630) should be extended to accommodate for left turn movements into the site.
4. The Applicant's engineer should address ability for vehicles to make a left turn into the site from Jacksonville Road (CR 628).
5. A stop sign should be provided at each site driveway egress.
6. Fire Lanes should be provided consistent with section 196-10 of the Westampton Code, subject to the approval of the Fire Marshall.

C. Parking & Circulation

1. The Applicant is proposing twelve (12) parking spaces, eleven that will be 9' x 18' and one (1) van-accessible handicap parking space. As per 250-22 Q.(6) – Parking spaces shall be 10 feet by 20 feet. The Applicant is proposing spaces 9 feet by 18 feet. Relief will be required from the board. Typically, wider spaces are recommended where high-turnover of vehicles into and out of the spaces is expected.
2. It appears relief from Section 196-8 Design Standards will be required for the setback of parking and loading areas from a property line and adjacent residential zone. The



Marion Karp, Administrative Officer
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parking/loading area setback to adjacent Lot 2 is being reduced from approximately 12 feet to 10 feet and the setback from adjacent Lot 4 is being maintained at approximately 10 feet. The general setback requirement for a loading and parking area is 25 feet from a property line and 50 feet from a residential zone. While the existing condition is non-conforming, the setback encroachment to Lot 2 is being slightly exacerbated in the proposed condition.

3. The site plan should be revised to clearly depict public sidewalk that is to remain, be provided or be reconstructed along the length of the project frontage including across the areas where the existing driveway aprons are to be removed. In addition, the proposed sidewalk should be properly transitioned to connect to the sidewalk in front of adjacent Lot 2.
4. A sidewalk connection should be made from the right-of-way to the front of the building.
5. The curve radius should be delineated for the curbing at the site driveways and surrounding perimeter of parking area.
6. The Applicant should be prepared to discuss deliveries and demonstrate that delivery vehicles (ie. tractor trailers) can adequately circulate the site. We note that a loading area is not provided for the site.
7. Sight distance lines should be provided for each site driveway and depicted on the landscape plan to ensure no conflicts.

D. Grading & Stormwater Management

1. The proposed redevelopment plan will result in a reduction in impervious coverage on the site. Since less than 1 acre of disturbance is proposed and there is no increase in impervious coverage, the project is not considered a major development from a stormwater management standpoint.
2. Grading spot elevation high points and ridge line should be identified on the grading plan.
3. The Applicant's engineer should indicate where the roof leaders for the proposed building and canopy will discharge.



Marion Karp, Administrative Officer
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Re: 979 Woodlane Road, LLC/7-Eleven
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E. Utilities

1. The site plan should identify utility connections to the existing building including water, sewer, electric and gas, if applicable.

F. Landscaping

1. We defer review of the adequacy of the required buffering as per Section 196-8 B. to the Board Planner.
2. The Applicant should indicate whether irrigation will be provided for the landscape areas.

G. Lighting

1. The light pole and footing construction detail shall be provided including clear identification of the proposed mounting height of the light fixtures.
2. The point-by-point foot-candle coverage map should overlap onto adjacent properties to identify any potential light spillage.
3. The point-by-point lighting plan should identify the coverage provided by the wall mounted fixtures proposed around the building façade.
4. A foot-candle coverage 'Statistics' summary chart should be provided to identify min/max, average, etc., foot-candle coverage over all paved surfaces.
5. It appears the lighting design is proposing a Kelvin temperature of 5000K for the proposed LED lighting fixtures. A maximum Kelvin temperature of 4000K is recommended.
6. Where applicable, the site lighting should be equipped with house side shields to limit glare and foot-candle spillage onto the adjacent residential parcels.

H. Environmental

1. The Applicant should indicate whether a Phase 1 Environmental Assessment or subsequent Phase 2 Site Investigation has been completed for the property.

I. Construction Details

1. The concrete for the curbing, sidewalk and concrete pad should be 4,500 psi.



Marion Karp, Administrative Officer
Westampton Township Land Development Board
Re: 979 Woodlane Road, LLC/7-Eleven
Site Plan & Use Variance – Engineering Review #1

November 5, 2018
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2. The parking area pavement detail should provide a minimum of 6" DGA sub-base course.
3. The traffic arrows should consist of thermoplastic.
4. 4" DGA bedding should be provided under all curbing and sidewalk.
5. If a crosswalk and stop bar is proposed, same should be identified on the site plan. Otherwise, the construction details should be removed.

J. Outside agency permits and/or approvals

1. Burlington County Planning Board
2. Burlington County Soil Conservation District
3. Westampton Fire Marshall

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/aa

Enclosure (Stormwater Summary)

cc: Gene Blair, Construction Code Official
Lou Cappelli, Esq, Board Solicitor
Barbara Fegley, PP, Board Planner
Kenneth Pape, Esq., Applicant's Attorney (dmiragliotta@hpnjlaw.com)
979 Woodlane Road, LLC, Applicant (felix@19petroleum.com)
Stuart Challoner, P.E., Applicant's Engineer (schalloner@challonerassociates.com)
John Rea, PE (jrea@mrtraffic.com)

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

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

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



**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Page 1 of 7
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G. Jeffrey Hanson, PE, CME

Joseph R. Hirsh, PE, CME, CPWM

Joseph P. Orsino, CET

Marc H. Selover, LSRP, PG

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

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November 29, 2018
#88017 01

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

Attn: Marion Karp, Secretary Land Development Board

Re: 7 Eleven Convenience Store and Gas Station
Block 1104 Lot 3
979 Woodlane Road (CR 630)
Preliminary & Final Major Site Plan with Bulk and Use Variances and Design
Waivers

Dear Members:

An application has been received for Preliminary and Final Major Site Plan with Use and Bulk variance approval and Design Waivers to demolish an existing Conoco motor vehicle service station canopy and four (4) pumps, and a 1,680 square foot one story convenience store in a former, converted service station building, and to construct a 2,993 square foot 7-Eleven convenience store with four (4) fuel islands under a new canopy. The existing fuel tanks, which have recently been replaced, will remain in their current location. In 2007, a previous owner received approval of a use variance with bulk variances to convert the former service station building into a convenience store and in 2008 the Minor Site Plan was approved.

The 0.82 acre site is located on the northwest corner of Woodlane Road (CR 630) and Mount Holly-Jacksonville Road (CR 628) at the eastern edge of Westampton Township within the R-3 Residential zone. The site is adjacent to Eastampton Township's RH Residential High Density zone and Mount Holly Township's R-1 Residence zone.

The following documents have been received with this application:

1. Preliminary and Final Major Site Plan, 7-Eleven Convenience Store prepared by Challoner & Associates, LLC, of Toms River, NJ, dated 7/13/18, including the following, unless otherwise noted:
 - a. Cover Sheet, Sheet 1 of 9,
 - b. Existing Conditions Plan, Sheet 2 of 9,
 - c. Site Plan, Sheet 3 of 9,

Stacey Arcari, PE, CME, PTOE, PP
Harry R. Fox, NICET III, CPSI
Timothy Kaluhiokalani, LLA, PP, CPSI
Matthew V. Litvinas, PE, CME

Anthony R. Lopez, PE
C. Jeremy Noll, PE, CME
Andrew J. Orsino, NICET III
John T. Potts, NICET III, W-2, T-2
José Ruiz-del-Valle, PLS

Charles Sabatini, PE, CME, CPWM, PP
John L. Scott, Jr., PLS, NICET III
Rohan Tadas, CHMM, LSRP
Neil Werket, RLA

- d. Grading Plan, Sheet 4 of 9,
 - e. Landscape Plan, Sheet 5 of 9, prepared by Challoner & Associates, LLC and Bryce Bennett, ASLA, LLA, of Toms River, NJ,
 - f. Lighting Plan, Sheet 6 of 9,
 - g. Soil Erosion Plan, Sheet 7 of 9,
 - h. Construction Details, Sheet 8 of 9, and
 - i. Trash Enclosure Detail, Sheet 9 of 9.
2. Architectural Plans prepared by Michael V. Testa Architect, LLC, of Manalapan, NJ, dated 6/25/18, including the following:
 - a. Proposed Floor Plan, Sheet PB-1,
 - b. Proposed Exterior Elevations, Sheet PB-2, and
 - c. Proposed Exterior Elevations, Sheet PB-3.
 3. Traffic and Parking Analysis prepared by McDonough & Rea Associates, Inc., of Manasquan, NJ, dated 6/13/18.
 4. Application Cover Letters prepared by Peter H. Klouser of Heilbrunn Pape, Counsellors at Law, of Millstone Township, NJ, dated 9/4/2018 and 9/4/18,
 5. Stormwater Management Report for 7-Eleven Store prepared by Challoner & Associates LLC, dated July 9, 2018,
 6. Township of Westampton Site Plan Application dated 9/4/18,
 7. Westampton Township Land Development Board Application for Variance or Appeal dated 9/6/18,
 8. September 4, 2018 transmittal, application and Major Site Plan Checklist for Burlington County Planning Board approval,
 9. Land Development Board Resolution #9-2005,
 10. Land Development Board Resolution #31-2007, and
 11. Land Development Board Resolution #14-2008.

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

Variances

1. Ordinance §250-12A, Permitted Uses in the R-3 District, does not list a gas station or a convenience store as a permitted use. The Board previously approved a use variance (Resolution #31-2007) for this property to re-open an existing non-conforming gas station and to convert the former, non-conforming, service station

building into a convenience store. Resolution #14-2008 granted Minor Site Plan approval for the convenience store or Mini Mart. The proposed site plan indicates that those buildings and non-conforming uses would be demolished to establish a new, non-conforming uses on the property. A d(1) use variance is required.

2. The definition of "motor vehicle service stations" in Ordinance §250-4 indicates that: "When combined with a convenience store, a motor vehicle service station shall be presumed the principal use on the lot upon which it is located." The site plan's Cover Sheet indicates that the convenience store is the primary structure, which is not the case. The Cover Sheet should be revised and the setback dimensions recalculated from the location of the fuel island canopy, which is the principal structure.
3. Ordinance §250-4 states that a Corner Lot is a lot bounded on two or more sides by a public right-of-way. Yards on both streets shall meet the front yard requirements for that particular zone. The other two yards shall meet the side yard requirements. For Corner Lots, there is no rear yard. The Residential Zone Schedule on the Cover Sheet should be revised.
4. The applicant requests a bulk variance for a proposed 20-foot rear yard setback for the principal structure. Ordinance §250-22C indicates that corner yards have two front yards and two side yards. The fuel island canopy, which is the principal structure, is setback about 57 feet from the north side yard. A bulk variance is not required.
5. Ordinance §250-22C requires corner lots to have a minimum lot frontage on both streets of 200 feet measured from the ends of the connecting curves. The existing Woodlane Road frontage is 170.82 feet and the existing Jacksonville Road frontage is 133.64 feet. A bulk variance is required.
6. Ordinance §250-7 requires a minimum front yard setback of 50 feet. The site plan indicates that the fuel island canopy is has a front yard setback of 38.7 feet on Woodlane Road and 41.3 feet on Jacksonville Road. Bulk variances are required.
7. Ordinance §250-7 allows a maximum building and paving coverage of 30%. The site plan indicates that the existing 77.9% coverage will be demolished and replaced with 72.6% lot coverage. A bulk variance is required.
8. Motor vehicle service stations are only permitted as a conditional use in the Township's C-Commercial zone. Ordinance §250-26D allows these uses to have one façade sign for each building entrance. Drawing 1/PB-2 Proposed Front Elevation on Architectural Plan PB-2 identifies one conforming "7-Eleven" façade sign and two 4-foot by 2.5-foot "signage" panels. The applicant should provide testimony on the purpose of these signs. A bulk variance is required.
9. Ordinance §250-26D allows motor vehicle service station uses to have one canopy sign per canopy not exceeding 3 feet in height and 40 square feet in area. Drawings 3/PB-3 and 4/PB-3 on Architectural Plan PB-3 identifies one 3-foot by

3-foot "7-Eleven" sign on at least 2 of the canopy's four sides. Testimony should be provided on whether two or four canopy signs are proposed, however, whether it's 2 or 4 signs, anything more than one requires a bulk variance.

Testimony should be provided under the terms of the Municipal Land Use Law, that the use and bulk variances can be granted without substantial detriment to the public good and that the granting of the variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Waivers

10. Ordinance §250-22G prohibits the maximum average foot-candle limit from exceeding an average of 0.5 over the lighted area. The lighting plan point by point footcandle coverage map appears to indicate that the average limit will be exceeded, but the plan does not indicate the average footcandle limit. The applicant should provide testimony and the plans should be revised to indicate the average footcandle limit. Footcandle limits at the property line spillage onto adjacent residential properties should be provided. A design waiver is likely required.
11. Ordinance §250-22R(1) requires commercial uses to have one dedicated off-street loading space having a minimal size of 12 feet by 35 feet. Ordinance §250-22R(6) prohibits these spaces within the front yard. The site plan does not provide any off-street loading spaces. The applicant should provide testimony on loading areas. Design waivers are required.
12. Ordinance §250-22Q6(a) requires nonemployee parking spaces to be 10' x 20' and Ordinance §250-22Q6(b) states that employee parking spaces shall be 9' x 18.' Nonparallel parking spaces may be reduced to a depth of 18 feet if the parking spaces abut a pedestrian walkway with a width of at least six feet, as is the case for the 10 parking spaces adjacent to the 8' walkway in front of the building, however, the required width shall not be reduced. Design waivers are required for 9' x 18' nonemployee spaces and for 9' wide spaces adjacent to the pedestrian walkway.

Site Design

1. Testimony should be provided on the age, condition, and composition of the existing stockade fence to remain.
2. The site plan should be revised to indicate that sidewalks are to be installed where the existing driveway aprons are proposed to be removed.
3. The site plan indicates the existing Conoco sign shall be replaced but the Sign Detail on Sheet 8 of 9 states that the Existing Identification Sign shall remain, with new signage and lighting. Applicant should clarify what parts of the sign will

remain or be replaced. The Sign Detail indicates the sign is 10' tall and 6' wide which meets the 60 square foot limit for motor vehicle service stations. Additional information on the signage and lighting should be provided.

General Comments

1. The applicant should provide a Demolition Plan as part of the site plan application.
2. The plan scales of the landscaping and lighting plans should be increased to a minimum of 1"=20' to improve readability.
3. The landscape plan indicates that the fence and shrubs along the western side wall are to remain in place, but that additional shrubs are proposed to be planted on the opposite site of the stockade fence on the northern side yard. Keeping the fence in place on the western side yard does not allow for sufficient air circulation flow. Keeping the fence in place on the northern side yard will not allow the proposed landscaping to receive sufficient direct sunlight, air circulation, or maintenance.

As indicated above, retention of the existing stockade fence will compromise the health and vigor of plantings proposed along its northerly face as well as any required maintenance and irrigation. We recommend that it be removed.
4. The buffer plantings should be expanded into the area vacated by the fence and extended to the proposed curb to enhance its effectiveness. The area should be mulched in lieu of lawn.
5. Ordinance §250-22B(5)(a)[4] requires buffering evergreens or shrubs to be a minimum of five (5) feet in height at time of planting. The planting size of the Northern Bayberry proposed in the northern buffer is indicated at 30". We recommend replacing it with an upright evergreen such as Moonglow Juniper (*Juniperus Scopulorum* 'Moonglow').
6. The Giant Western Arborvitae, Emerald Sentinel Red Cedar and recommended Moonglow Juniper should be planted in a staggered fashion that utilizes the entire width of the planting areas. The planting scheme should integrate the various species to provide a more naturalistic appearance.
7. Broader evergreens such as Serbian Spruce and Cryptomeria should be incorporated into a free form planting arrangement that utilizes the available planting space behind the proposed building.
8. Additional buffering should be installed at the rear of the trash enclosure.
9. We note that Ordinance §196-8B(1) requires a 20 foot wide front yard buffer for commercial districts. While the subject tract is zoned R-3 it is exists and is

developed as a commercial use. Consequently, the planting beds proposed along Woodlane and Jacksonville Roads should be widened from the proposed curb to the right of way.

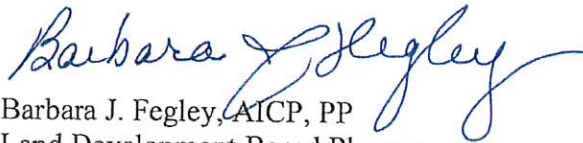
10. Ordinance §196-8B(3)(c) requires that the buffer contain a defined number of canopy and understory trees as well as shrubs. Existing lot size constraints will limit the number of plantings however the Landscape Architect should review the ordinance and comply to the extent possible with a focus on incorporating understory trees such as Dragon Lady Holly and Red Rocket Crape Myrtle as well as medium sized evergreen shrubs.
11. To the extent practical, berming should be incorporated into the planting areas cited above.
12. The planting beds proposed along Woodlane Road and Jacksonville Road should be irrigated.
13. Ordinance §250-22B(4)(c) requires that shade trees be a minimum height of 10'-12' at time of planting. The Planting Schedule should indicate the required height.
14. Sight triangles should be depicted on the Landscaping Plan.
15. Testimony should be provided on operation of the proposed facility including:
 - a. Hours and days of operation.
 - b. Activities and services.
 - c. Number of Employees.
 - d. Waste generated.
 - e. Truck types, scheduling and trip frequency for deliveries and waste removal.
16. The applicant should discuss anticipated circulation through the site and whether access by tractor trailers or single unit trucks is anticipated. Parking accommodations for tractor trailers and single unit trucks should also be discussed.

Outside Agency Approvals

17. Any approval granted by the Board should be conditioned on the applicant obtaining the following approvals:
 - a. Burlington County Planning Board.
 - b. Burlington County Soil Conservation District.
 - c. Construction Code Official.
 - d. Fire Chief/ Official.
 - e. All others having jurisdiction over this application.

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

Sincerely,



Barbara J. Fegley, AICP, PP
Land Development Board Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., Board Solicitor, via email
James Winckowski, PE, CME, Board Engineer, via email
979 Woodlane Road, LLC, 79 Route 520, Englishtown, NJ 07726
Peter H. Klouser, Esq., Heilbrunn Pape, Counsellors at Law, 516 Highway 33, Millstone
Township, NJ 08535 and via fax to 732-679-6554
Kenneth L. Pape, Esq., Heilbrunn Pape, Counsellors at Law, 516 Highway 33, Millstone
Township, NJ 08535
Stuart Challoner, PE, Challoner & Associates LLC, 215 Main Street – 2nd Floor, Toms River, NJ
08753
Michael V. Testa Architect, LLC, 701 Tennent Road, Suite 201, Manalapan, NJ 07726
Bryce Bennett, ASLA, LLA, PO Box 1911, Toms River, NJ 08754
John H. Rea, PE and Scott T Kennel, McDonough & Rea Associates, Inc., via email to
jrea@mratraffic.com and skennel@mratraffic.com
Michael Testa, AIA via email to mtesta@mvtarchitect.com
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+Certified Matrimonial Attorney
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**NJ & NY Bars
***NJ, NY & PA Bars

Counsel
Huff, Moran & Orron, LLC
1246 South River Road
Cranbury, NJ 08512

November 13, 2018

Via FedEx

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

Re: Resolution: 1-2015

Dear Ms. Karp:

Per our telephone conversation this morning, and as you will recall, this firm represents Kingdom Church, now known as Change Church (hereinafter “the Church” or “Church”), which is the owner of property located at 895 Rancocas Road, Westampton, New Jersey 08060, identified as Block 1411, Lot 21 on the Tax Map of the Township of Westampton, New Jersey.

As you will further recall, in February 2015, the Westampton Township Land Development Board (“the Board”) granted the Church a “D” variance to allow it to use the property as a church and for related activities. As part of that approval, the Board required the Church to make several site plan improvements, including installation of a sidewalk along Rancocas Road, County Route 626. (See, Resolution: 1-2015, Conditions of Approval, page 4, paragraph 2, attached hereto as Exhibit “A”.)

The Church has diligently completed all site plan improvements. Those improvements have been inspected and approved by officials of Westampton Township. However, for reasons beyond its control as discussed herein, the Church has not been able to construct the sidewalk and, therefore, requests a modification of Resolution: 1-2015 to eliminate the sidewalk condition so that a final Certificate of Occupancy may be issued.

In order to construct the sidewalk, the Church's construction contractor, Mr. Martin Shelton of P.J.R. Construction Group Inc., contacted PSE&G about relocating the guy wires from poles along Rancocas Road which are preventing the construction and which will obstruct the usage of the sidewalk by pedestrians and endanger their safety. However, in multiple discussions with PSE&G representatives, PSE&G refused to relocate the guy wires even if the Church provides easements which ostensibly would permit the relocation. PSE&G maintains that the poles and guy wires are in support of a public transmission line rather than a service line to the Church's property, and therefore refuses to relocate the guy wires. (See Exhibit "B" which contains PSE&G's December 15, 2016 memorandum to Mr. Shelton from PSE&G's Bob Breland, and correspondence from the undersigned to Mr. Breland dated May 9, 2017 and June 6, 2017 requesting that PSE&G formally set forth its policy regarding the relocation of guy wires generally, and particularly regarding the relocation of the guy wires in this case. No response to the Church's letters have been received from PSE&G, and further telephone calls to Mr. Breland and other representatives of PSE&G have not been returned.)

As recognized in the 2018 Edition of Cox's New Jersey Zoning & Land Use Administration, "When an approval has been granted subject to conditions, the [Municipal Land Use] statute recognizes that the municipal agencies may entertain an application to modify or eliminate one or more of such conditions." Id. at Section 24-7(b), page 527. Such an application is consistent with modifications of contracts where unanticipated or intervening factors occur without contributing fault by the party seeking such modification. In those circumstances, a discharge from, and modification of the contract is appropriate and warranted. Consistent with this legal proposition, the New Jersey Supreme Court in M.J. Paquet v. N.J. DOT, 171 N.J. 378 (2002), affirmed a determination by the N.J.D.O.T. to eliminate a provision of a publically bid contract because of a change in federal regulations which made the performance of the provision impracticable.

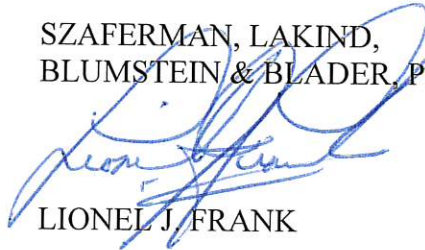
In this case, the failure of PSE&G to move the guy wires to permit the Church to meet one of the conditions of approval makes the satisfaction of the sidewalk condition impossible.

Consequently, the Church respectfully requests the Board to eliminate this one remaining condition from Resolution: 1-2015 to permit a final Certificate of Occupancy to be issued to the Church.

It is my understanding from you that this matter will be placed on the December 5, 2018 agenda of the Board. Kindly advise whether the Board will require a representative of the Church to appear at the December 5th meeting, and if so, whether the Board will also require the Church to provide notice of the meeting to the public, or whether the Board simply determines that the matter may be handled administratively.

Very truly yours,

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



LIONEL J. FRANK

LJF/aa
Enclosures

cc: Pastor Darius Daniels (via email)
Stuart A. Tucker, Esq. (via email)
Ramone Harper (via email)
Glenn Richardson (via email)
Gene Blair, Construction Code Official (via first class mail)
John Wisniewsky, Mayor (via first class mail)
Michael E. Avila, P.E. and P.P. (via first class mail)
Harry W. McVey, P.P., A.I.C.P. (via first class mail)

RESOLUTION: 1-2015

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: 2367 Kuser Road, LLC

BOARD'S DECISION: Granted an Application for "D" Variance to permit the use of an existing building and property for a church, bible classes, and associated activities;
Granted a Site Plan Waiver; and
Granted an "At-Risk Authorization"

PROPERTY ADDRESS: 895 Rancocas Road,
Westampton, NJ 08060
Block 1411, Lot 21

ZONING DISTRICT: "C" Commercial

DATE OF HEARING: January 7, 2014

WHEREAS, a business entity known as 2367 Kuser Road, LLC ("Applicant") filed on June 30, 2014 an application with the Westampton Land Development Board ("Board") requesting a "D" variance to allow the use of an existing building and property for a church, bible classes, and associated activities ("Application") on property located at 895 Rancocas Road, Westampton, NJ 08060, identified as Block 1411, Lot 21 on the Tax Maps of the Township of Westampton and located within the Commercial "C" zoning district in the Township ("Subject Property").

WHEREAS, the Applicant later amended its Application to request a Site Plan Waiver and an "At-Risk Authorization."

WHEREAS, this Application was scheduled and adjourned a number of times with the Applicant's consent to allow the Applicant to gather and submit further information for the Board's consideration.

WHEREAS, the Applicant, Board Professionals, and Township Officials submitted the documents listed in "Exhibit 1" below, which the Board reviewed.

WHEREAS, the Board had jurisdiction to hear the matter under the New Jersey Municipal Land Use Law as the proofs submitted showed that the Applicant published proper notice and served the required parties within the 200 foot list certified by the Tax Assessor, and the Tax Collector provided a Certification of Taxes Paid for the Subject Property.

WHEREAS, the Application came before the Board at the regularly-scheduled public meetings held on September 3, 2014, December 3, 2014, and January 7, 2014. The Applicant was represented by Lionel J. Frank, Esq. of Szaferman, Lakind, Blumstein & Blader, P.C. The

Applicant presented the expert testimony of Michael E. Avila, P.E., P.P., Andrew Feranda, P.E., James Vena, P.E., and Michael Hughes, A.I.A., who were deemed to be qualified experts by the Board. The Board also heard the testimony of Pastor Darius Daniels of Kingdom Church and congregants Kelvin Turner, Susanne Cloyd, and Aisha Anderson.

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 Subject Property is a lot of approximately 3.245 acres in size, with frontage along Rancocas Road and Holly Lane. There is an existing one-story building of approximately 21,493 square feet in size on the site, which was previously used as a medical office by Virtua. In addition there is a parking lot with approximately 125 parking spaces. Access to the site is provided by a right-in/right-out-only drive on Rancocas Road and two full-movement driveways along Holly Lane. The site has an existing public utility infrastructure.
2. The Applicant is a contract purchaser of the Subject Property and wishes to retrofit and remodel the existing building for religious uses. Kingdom Church currently serves 250 to 300 congregants who meet in the Burlington Middle School, and are looking for a suitable place to call home. They plan to meet on Sundays in the new location for services from 10:30 a.m. to 12:00 p.m. and hold a midweek service from 6:30 p.m. to 8:00 p.m. There will be other smaller intermittent meetings, office use during the week, holiday services, funerals, weddings, and the like.
3. The main focus of the building's interior is the worship space, which would hold 350 individuals with moveable seating. The Church intends to save as much of the existing interior as possible. There would also be administrative spaces, a children's church which would hold about 45 children, and a nursery which would hold about 12 children. In addition there is a large meeting space at the rear of the building which would hold 30 to 40 persons.
4. The Applicant requires a Use Variance under N.J.S.A. 40:55D-70(d) because the Code of the Township of Westampton Section 250-16 does not list the proposed use as a permitted use in the Commercial "C" Zoning District.
5. The Board finds that there are "special reasons" to grant the Use Variance, which can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
 - a. The Board notes that churches and other places of worship are generally considered inherently beneficial uses. See, e.g., House of Fire Christian Church v. Zoning Bd. of Adjustment of City of Clifton, 379 N.J.Super. 526, 535 (App. Div. 2005). The congregants who testified emphasized the positive impact of the Church on their lives and the charitable services the Church provides to the community.

- b. None of Westampton's Zoning Districts list churches as a principle use. The Subject Property, although located in the "C" Zone, is compatible with the surrounding residential development. The Subject Property is suited for church use, and is in any case a more appropriate location for Kingdom Church than the Burlington Middle School. The proposed improvements will also revitalize a site which has fallen into disuse and promote a desirable visual environment.
 - c. There was some concern among the Board Members and the public as to the impact of this use on surrounding traffic patterns, but this issue was ultimately addressed and deemed acceptable. A Traffic Impact Study was submitted to address the impact of the use on the Sunday peak hour from 12:00 p.m. to 1:00 p.m. It appears the additional traffic impact from The Point Church located nearby would be limited. It is estimated that the vehicles turning left from Holly Lane to Rancocas Road after the services conclude during the one hour peak period will experience a delay of approximately 40 seconds, but the delay will be short in duration due to exiting traffic that is customary for a church. Other movements at the intersection as well as the site's driveways will operate at acceptable levels. Finally, the County may review the traffic issues and choose to modify signal timing appropriately. On balance, the Board finds that any negative impact on traffic is not substantial.
6. The Board finds that a Site Plan Waiver is also appropriate under Code Section 196-2(B) because there are no new buildings proposed and the Applicant agrees to obtain approval on all site plan issues from the Board Professionals and the Township Fire Official as discussed in the Conditions of Approval listed below. The Applicant acknowledges that the site is not currently "move-in ready." There will be repairs, maintenance, modification, or replacement of various improvements on the site, including but not necessarily limited to the stormwater basin, the parking lot surface and ADA compliance, the traffic control signs, the trash/recycling enclosure, landscaping, and lighting. The Applicant further agrees to install a sidewalk to facilitate circulation in the Township as discussed in the meeting.
 7. The Board finds that the Applicant agrees to the Conditions of Approval listed below.

NOW THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that upon a proper Motion and Vote, the following relief is granted with respect to the Subject Property:

1. A "D" Variance as discussed above.
2. A Site Plan Waiver as discussed above.
3. An "At Risk Authorization" to pursue other municipal permits or approvals. The Applicant acknowledges that the 45 day period for an appeal of the Board's decision has not expired under N.J.S.A. 40:55D-17 and the Applicant assumes all risks associated with moving forward during the appeal period.

IT IS FURTHER RESOLVED, the above relief is subject to the following CONDITIONS OF APPROVAL:

1. Use of the site shall be substantially limited to or have a reasonable relationship with the "Westampton Building Program" attached to counsel's letter dated October 3, 2014. The Board recognizes that it is impossible for the Applicant to anticipate all future needs and schedules; on the other hand, a Use Variance must have a general scope. If the Applicant wishes to substantially increase or change the nature of the use, it must come back to the Board seeking an amended approval. One example would be adding another weekly service ending during peak traffic times. Another example would be operating a school. These examples are not exhaustive and the Board reserves the right to determine in the future whether the use has substantially increased or changed in nature based on all the operative facts and circumstances.
2. The Applicant shall obtain approval from the Board Planner, Board Engineer, and Township Fire Official on sidewalk installation and on the site plan issues and recommendations made in the Review Letters submitted or as discussed on the record. In the event approval cannot be obtained on any such site plan issue, the Applicant shall file the appropriate application with the Board for review.

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

1. That the application, all exhibits, testimony, maps and other documents submitted and relied on by the Applicant, are true and accurate of the facts relating to the Applicant's request for relief. In the event that it appears to be the Board, on 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 rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. At any time 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 proper showing 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, including but not limited to a rescission 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 maintain an escrow account with the Township and 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. The Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project; and
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.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Blair	x			
Borger	x			
Carugno	x			
Chang				x
Coe	x			
Freeman				x
Maybury				x
Williams	x			

WESTAMPTON TOWNSHIP LAND
DEVELOPMENT BOARD

BY: 
Ron Applegate, Chairman, Westampton
Township Land Development Board

ATTEST: Marion Karp
Marion Karp, RMC, CMR - Westampton Township
Land Development Board Secretary

DATE MEMORIALIZED: 2/4/15

EXHIBIT 1

1. Completed application forms, signed June 9, 2014 by Robert Contella, filed June 30, 2014;
2. Kingdom Church, Inc. Site Plan dated December 18, 2013 prepared by Avila Engineering, unrevised.
3. Kingdom Church, Inc. Architectural Floor Plans and Building Front Elevation dated March 7, 2014, prepared by Mann-Hughes Architecture.
4. Correspondence from Lionel J. Frank, Esq. dated October 3, 2014, with a two-page "Westampton Building Programming" plan attached.
5. Trip Generation Assessment dated August 26, 2014 prepared by Shropshire Associates, LLC.
6. Traffic Engineering Assessment dated December 15, 2014 prepared by Shropshire Associates, LLC.
7. Review Letter by Board Planner Harry W. McVey, P.P., A.I.C.P., dated June 23, 2014.
8. Review Letters by Board Engineer James Winckowski, P.E., C.M.E. dated August 4, 2014 and December 23, 2014.
9. Review Letter by Fire Official John P. Augustino, dated August 30, 2014.
10. Any evidence which was marked and submitted into the record at a public meeting or which was otherwise properly submitted but may have been inadvertently omitted from this list.

PSE&G Southern Division

300 New Albany Rd
Moorestown, NJ 08057
(Service Notification Response)

To: Martin Shelton (P.J.R. Construction Group Inc.)
Fax/E-mail: mshelton@pjrgroup.com

From: Bob Breland
Phone: 856-778-6786

Fax: 856-231-4530

Date: 12/15/2016 Pages (including Cover Sheet): 1

Ref. Property/Project:

**Kingdom Church
895 Rancocas Rd
Westampton Twp NJ**

Notification # 500651037 (PSE&G electric facility relocation request)

Below is the response from PSE&G's Engineering Department in reference to the above-mentioned project:

THE CUSTOMER REQUESTS THAT PSE&G RELOCATE THE ANCHORS ON TWO POLES ALONG RANCOCAS RD (COUNTY RD 626) FOR SIDEWALK WORK. THERE ARE TWO POLES ALONG COUNTY RD 626 (POLE# 61243 WHICH HAS A JOINT ANCHOR AND A VERIZON ANCHOR AND AN UNMARKED VERIZON POLE). THE DOWN GUY IN PSE&G'S SPACE IS BACKING UP A SINGLE PHASE TAKE OFF ON THE OPPOSITE SIDE OF THE ROAD THEREFORE IT CAN NOT BE REMOVED OR RELOCATED FURTHER BACK FROM THE CURB AS IT WOULD THEN BE BEYOND THE RIGHT OF WAY.

Thank you,
Bob Breland

SZAFERMAN LAKIND

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

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

June 6, 2017

Bob Breland
PSE&G Southern Division
300 New Albany Road
Moorestown, NJ 08057

**RE: Kingdom Church
895 Rancocas Road, Westampton Twp., NJ
Notification No: 500651037(PSE&G Facility Relocation Request)**

Dear Mr. Breland:

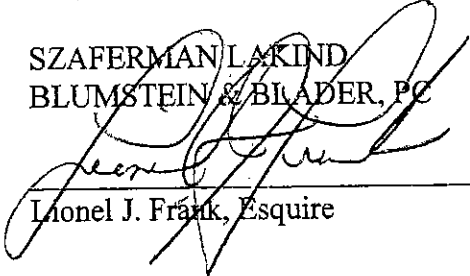
This is a follow-up to my May 9, 2017 letter attached hereto.

I have not received a reply to my May 9th letter. Kindly respond to my letter at this time as the Kingdom Church, Westampton Township and Burlington County are waiting for PSE&G's response so they can move forward on this issue.

Very truly yours,

SZAFERMAN LAKIND
BLUMSTEIN & BLADER, PC

By:


Lionel J. Frank, Esquire

LJF:kh

Enclosure

cc: Pastor Darius Daniels
Shameka Daniels
Glenn Richardson
Michael Avila, PE
Martin Shelton
Stuart A. Tucker, Esq.

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++Certified Civil and Criminal Trial Attorney
*NJ & PA Bars
**NJ & NY Bars
***NJ, NY & PA Bars

May 9, 2017

Bob Breland
PSE&G Southern Division
300 New Albany Road
Moorestown, NJ 08057

RE: Kingdom Church
895 Rancocas Road, Westampton Twp., NJ
Notification No: 500651037(PSE&G Facility Relocation Request)

Dear Mr. Breland:

This firm represents Kingdom Church.

In February 2015, the Westampton Township Land Development Board granted Kingdom Church a "D" variance to allow it to use the property located at 895 Rancocas Road as a church and for related activities. As part of that approval, the Land Development Board required Kingdom Church to make several site plan improvements. Among them is the installation of a sidewalk along Rancocas Road, a County Road.

In order to do so, I am advised that Martin Shelton of P.J.R. Construction Group, Inc., on behalf of Kingdom Church, spoke with you about relocating two guy wires from poles along Rancocas Road to permit construction of the sidewalk. It is also my understanding that during that conversation between yourself and Mr. Shelton, and then in a subsequent conversation which you suggested between Mr. Shelton and Dora of PSE&G's Engineering Department, both you and Dora stated that the guy wires would not be relocated even if Kingdom Church provided easements to PSE&G to allow for the relocations because the poles and guy wires were in support of a public transmission line rather than a service line to the subject property.

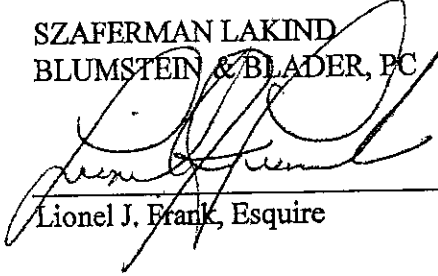
In order to accurately state PSE&G's policy to both the Westampton Township Land Development Board and the County of Burlington's Division of Engineering, it is requested that PSE&G respond to this letter in writing and set forth its policy regarding the relocation of guy wires generally, and particularly in regard to this matter.

Thank you for your anticipated cooperation. I look forward to receiving a reply letter at the earliest possible date.

Very truly yours,

SZAFERMAN LAKIND
BLUMSTEIN & BLADER, PC

By:


Lionel J. Frank, Esquire

LJF/jwk

c: Pastor Darius Daniels
Shameka Daniels
Glenn Richardson
Michael Avila, PE
Martin Shelton
Stuart A. Tucker, Esq.