

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

FEBRUARY 1, 2017 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2017 and posted in the Municipal Building. Pledge of Allegiance
3. Welcome to guests
4. Roll Call: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Ms. Berkley, Mr. Gehin-Scott, Solicitor Lou Capelli, Engineer Jim Winckowski, Planner Tamika Graham, Secretary Marion Karp
5. Approval of minutes – 1/4/2017
6. Swear in Board Professionals
7. Resolutions: approval needed:
 - 1-2017 Award of Contract for Professional Services
 - 2-2017 Christopher D'Alessandro, Block 109, Lot 13 (119 Second St.) – setback variance (extension of existing screened porch)
8. Old Business: None
9. New Business:
 - a. 130 Main Street, LLC, Block 109, Lot 7 (130 Main Street) – use variance & site plan waiver - (antique shop)
10. Informal Applications: None
11. Correspondence: None
12. Open meeting for public comment
13. Comments from Board members, Solicitor, Engineer and Secretary
14. Adjourn

DRAFT

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

RE- ORGANIZATION MEETING

JANUARY 4, 2017 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on January 4, 2017 at 7:00 P.M. The meeting was called to order by Secretary Marion Karp and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 6, 2016 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. New Board members Mr. Blair, Mr. Daniels, Mr. Gehin-Scott, Mr. Guerrero, Mr. Lopez and Mr. Mumbower were sworn in by Secretary Marion Karp.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower
Absent: Mr. Borger, Ms. Berkley (arrived @ 7:30 PM)

Motions are needed for the following appointments:

Mr. Lopez made a motion to nominate Mr. Barger for Chairman; the motion was seconded by Mr. Daniels. There were no other nominations made. All voted yes.

Mr. Lopez made a motion to nominate Mr. Guerrero for Vice Chairman; the motion was seconded by Mr. Daniels. There were no other nominations made. All voted yes.

Mr. Lopez made a motion to nominate Marion Karp for Secretary; the motion was seconded by Mr. Daniels. There were no other nominations. All voted yes.

Mr. Daniels made a motion to nominate Lou Capelli of Florio, Steinhardt and Fader; the motion was seconded by Mr. Lopez. There were no other nominations. All voted yes.

Mr. Lopez made a motion to nominate CME Engineers; the motion was seconded by Mr. Daniels. There were no other nominations. All voted yes.

Solicitor Capelli swore in the Board professionals.

The minutes of the December 7, 2016 meeting were approved as written.

Resolutions:

17-2016 Westampton Real Estate, LLC, Block 803, Lot 8 (112 Schoolhouse Road) – certificate of non-conformity (rice noodle manufacturing/distribution). The applicant's

attorney, Nick Suglia was present; there are two issues that still need to be ironed out before they agree to the terms of the resolution. Jim Winckowski explained that the issue concerned the site and the lack of formal review of the site conditions and whether that was appropriate or not. The applicant indicated that they would eventually do improvements, not on any particular schedule, but as they desired and they agreed to meet with the Township when necessary to do so. There was no condition imposed that the applicant was required to meet with the Township at this point. Jim had a red lined copy of the resolution which he would get to Lou Capelli, who would make the necessary revisions. The Board memorialized the resolution as amended.

18-2016 Jersey Premier Outdoor Media, LLC, Block 201, Lot 8.01 (700 Highland Drive) – use variance, site plan (digital billboard) – was memorialized.

Old Business:

None

New Business:

Christopher D'Alessandro, Block 109, Lot 13 (119 Second St.) – setback variance (extension of existing back porch). It shall be noted that Chairman Dave Barger recused himself because he was served notice of the application (owns property within 200 feet of the applicant). Mr. D'Alessandro was sworn in by the Board solicitor. His contractor had started the job without permits. He was notified of this and was very quick to come into the Township and get his permits. He has already obtained Historic Preservation Commission approval as explained by Gene Blair. The addition is an expansion of an existing porch; the lot is a corner lot and has dual street frontage. It is located in the village of Rancocas. The addition will intrude into the front yard setback. Jim Winckowski clarified that the required setback is 50 feet on both frontages; existing setback is about 38.85 feet from Second Street. A variance to allow for a 37.75 foot setback will cover it on the Olive Street side. The porch will be screened; no solid walls.

The residence is a duplex; Mr. D'Alessandro explained that he cannot add on the porch in any other direction; this is the only direction they can expand. They entertain a lot and the porch is small so they want to expand it. The previous porch was falling apart; there are repairs to be done. No landscaping will be removed.

Gene Blair explained that the setback from the house is 10 feet from the property line; the variance is negligible compared to the existing structure from Second Street.

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

DRAFT

Mr. Applegate made a motion to approve the variance; the motion was seconded by Mr. Daniels. All voted yes.

Gene Blair asked if the applicant wished to proceed at risk. Mr. D'Allessandro indicated that he did want to. The Board granted him an at risk permit.

Comments from the Public

Lawrence Ott, Mt. Laurel – asked how bright the billboards are that were recently installed along Route 295. He lived in a nearby development and was upset that they were approved. He had spoken to Senator Diane Allen's office. Mr. Lopez asked if the Township can limit hours of operation on billboards. Mr. Ott hoped that the Board wouldn't be approving any more billboards. Mr. Lopez said they would take his concerns into consideration.

Comments from the Board

Mayor Daniels – Happy New Year, thanks for coming out tonight, he welcomed Mr. Capelli, he is hopeful and looking forward to a great year.

Mr. Lopez – welcome to Lou Capelli and Jim Winckowski, it is great working with them, thank you to all the Board members.

Gene Blair – Happy New Year, welcome back to Jim and Lou Capelli

Mr. Barger – Happy New Year, welcome to new Board members, he appreciates their service and commitment.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

AWARD OF CONTRACT FOR PROFESSIONAL SERVICES

TOWNSHIP OF WESTAMPTON

RESOLUTION NO. 1-2017

WHEREAS, the Township of Westampton did pass ordinance numbers 21-2005, 22-2005, 23-2005, 24-2005, 25-2005 and 26-2005; and

WHEREAS, the State of New Jersey did pass N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Westampton Township Land Development Board utilized the Fair and Open Process required by State statute and Township Ordinance in conjunction with its selection of the within named professionals;

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, in the County of Burlington and State of New Jersey, as follows:

1. That the Westampton Township Land Development Board, based upon the aforementioned certificates hereby declare that there are sufficient funds appropriated for the purpose of expending funds for the aforesaid purpose and the Township Chief Financial Officer is hereby directed to charge the hereinafter expenditures against the following appropriations:

2. That the Westampton Township Land Development Board makes the following appointments pursuant to a Fair and Open Process pursuant to the provisions of Westampton Township Ordinances and pursuant to N.J.S.A. 10:44A-20.4 et seq. and hereby awards contracts to said persons or entities for the aforesaid purposes for the period of time to commence immediately upon adoption of this Resolution and to end on December 31, 2017.

LDB Solicitor
LDB Engineer

Louis Capelli, Jr. of Florio, Perrucci, Steinhardt & Fader
CME Associates

WESTAMPTON TOWNSHIP LAND
DEVELOPMENT BOARD

Dated: _____

David Barger, Chairman

ATTEST:

Marion Karp
Marion Karp, Secretary

Date of Approval: 2/1/17

Date of Memorialization: 2/1/17

RESOLUTION: #2-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Christopher D'Alessandro

BOARD'S DECISION: Granted Variance Relief Permitting Extension of an Existing Back Porch

PROPERTY ADDRESS: 119 Second Street – Block 109, Lot 13

ZONING DISTRICT: Residential 2 – “R-2”

DATE OF HEARING: January 4, 2017

WHEREAS, Christopher D'Alessandro (“the Applicant”) filed on December 12, 2016, an application with the Westampton Land Development Board (“the Board”) requesting a setback variance pursuant to N.J.S.A. 40:55D-70(c) for relief from the Township zoning ordinance to permit the extension of an existing porch (“the Application”). The proposed addition is an expanded porch set back 37.75 feet from the street instead of the required 50 feet. The property is located on 119 Second Street, Westampton, New Jersey, and designated as Block 109, Lot 13 on the Township Tax Map (“Subject Property”); and

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

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on January 4, 2017. The Board heard testimony from the Applicant as to the nature, purpose, location, and description of the requested variance relief; and

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

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

1. The Applicant, Christopher D'Alessandro, is the owner of the Subject Property, which is located at 119 Second Street, Westampton, New Jersey. The Subject Property is designated as Block 109, Lot 13, and lies in the “R-2” Residential District.

2. The Subject Property is a corner lot with dual frontage. The proposed extended porch is 37.75 feet from Olive Street whereas 50 feet is the minimum required. The existing porch is already setback only 38.85 feet from Second Street. The proposed porch is in violation of the requirements set forth at Chapter 250, Article VI, Section 250-11, 250a Table 1. The request to expand the porch requires the granting of a setback variance pursuant to N.J.S.A. 40:55D-70(c).

2. The Applicant was sworn in and testified that the extended porch would replace the existing porch because the existing porch has structural problems and is deteriorating. The Applicant further testified that the porch is used during warm weather for he and his family's personal enjoyment. The Applicant testified that he and his family entertain often and wish to expand the porch. The Applicant testified that the porch is unnoticeable from the street and the extended porch would not negatively impact his neighbors. The Applicant further testified that no landscaping would be removed and that the existing landscaping suffers due to the condition of the existing porch.

3. After testimony presented by the Applicant, the matter was opened to the public for comment. No members of the public commented.

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

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

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

c. that the variance can be granted without substantial detriment to the public good;

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

4. The extended porch could not be designed in a way to avoid variance relief given the existing porch and the Applicant's inability to expand the porch in any other direction.

5. The extended porch, as designed, would not negatively impact the neighborhood.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application for a variance pursuant to N.J.S.A. 40:55D-70(c) for relief from the Township zoning ordinance to permit the extension of an existing back porch upon motion duly made by Mr. Applegate and seconded by Mr. Daniels, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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

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

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

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger				x
Berkley	x			
Blair	x			
Daniels	x			
Freeman	x			
Gehin-Scott III	x			
Guerrero	x			
Mumbower	x			

WESTAMPTON LAND DEVELOPMENT BOARD

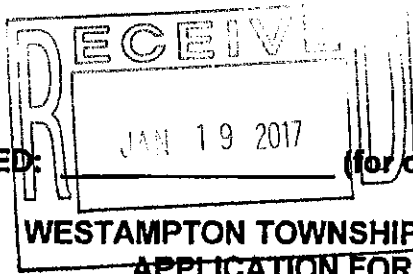
BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



DATE FILED:

JAN 19 2017

(for office use only)

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

To the Westampton Township Land Development Board:

The petition of 130 Main LLC,
who resides at 130 Main St., Westampton NJ,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 109, Lot(s) 7.
2. The property is located 130 Main St., Westampton NJ Phone # 856-298-4267 in a R-2 zone district, the street number is 130 Main St.
- 2a. A variance is sought from Section(s) 250-11A and 250-59 of the Zoning Ordinance to permit an antique shop at the subject property. Site Plan Waiver is also requested under Section 2196-2.
- 2b. Applicant appeals from the decision of NA on _____, based upon Sections _____ of the Zoning Ordinance for the reasons outlined on paragraph 9.
3. 130 MAIN LLC, who resides at 130 Main St., Westampton NJ, is the present owner of the property. Applicant's interest in the property is the Owner/Applicant.
4. No variance, conditional use, or special permit has ever been granted with respect to this property, except as previously approved by the Township and/or zoning Board.

5. The last previous use or occupancy of the property was by the
Former owner, Andrea L. Mathis
who used the property for commercial use.

6. The dimensions of the property are 13,771.22 s.f.
a. Frontage: 114.55' b. Depth: 118.76'
The total area of the property is 13,771.22 s.f.

7. The property is now occupied by (a) building(s). Said building(s)
occupy 38.82% of the lot(s) as nearly as can be determined. The height
of said building(s) is feet and 3 stories. (Please give the
maximum if more than one building.) The setback from the nearest
street is 7.57 feet.

8. The percentage of coverage, height and setback of the proposed
building(s) are Building is pre-existing, no construction
or additions are proposed

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


9a. Describe how the proposed variances would promote the public welfare:
Proposed speciality antique store would be a low
impact/volume business that would provide a
niche service to the community

9b. Demonstrate that the proposed variance would do no substantial
damage to the Westampton Township Plan: The vacant commercial
store front is pre-existing for commercial services
and is therefore a pre-existing commercial business.

9c. Provide details of the future use of the property and structures if the
variance is granted: The vacant commercial store front
would be used as an antique store.

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

- 9e. Describe impact on neighbors if variance is granted for use described in
9c: Negligible considering the subject property
is a pre-existing non-conforming commercial
property.
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.


Attorney For Applicant
Applicant
BRIAN D. LOZUKE, ESQ.
Attorney at Law of the
State of New Jersey

STATE OF *New Jersey*

:

ss.

COUNTY OF *CAMDEN*

:

Brian D. Lozuke, Esq. (Attorney For Applicant), 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.

Brian D. Lozuke Attorney For Applicant
Applicant

BRIAN D. LOZUKE, ESQ.
Attorney at Law of the
State of New Jersey

Sworn to and Subscribed :
before me this *19th* day :
of *JANUARY*, 2017 .

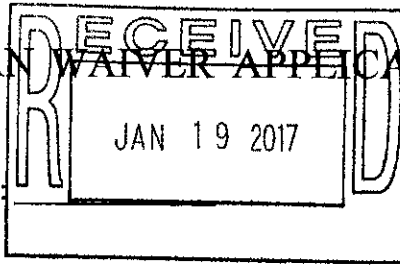
[Signature]

Notary Public of

DONNA M. UNDERWOOD
Notary Public
State of New Jersey
My Commission Expires September 22, 2017

WESTAMPTON TOWNSHIP

SITE PLAN WAIVER APPLICATION



Date Filed (for office use only):

Block: 109 Lot: 7

Applicant Name: 130 Main LLC

Address: 130 Main St., Westampton NJ

Present Owner's Name 130 Main LLC

Address: Same

Location of Site: 130 Main St., Westampton

Zoning Classification: R-2 Present Use: Post Office / Apartments(3)

Proposed Use: Describe in detail the proposed change, as well as your reason for the request for waiver. Attach a sketch illustrating the proposed change or its location and all other details of the entire property that are applicable, particularly parking spaces, type of existing material on drives and parking area and circulation patterns. If existing building, attach a picture of same.

The subject property contains a pre-existing commercial building with three (3) residential apartments; a post office and a vacant store front applicant proposes to use as niche antique store. Use Variance plan attached

Please submit 14 copies of the application and sketch. Applications must be received three (3) calendar weeks before the meeting at which you would like your application to be considered.

Filing Fee: \$100.00 Escrow Fee: \$300.00 (Please submit separate checks)

In the event site plan waiver is not granted, the above fees will be applied to your site plan application. The balance of the fees and all escrows will be required in the event site plan review is not waived.

RIDER TO APPLICATION
WESTAMPTON LAND DEVELOPMENT BOARD

Applicant/Owner: 130 Main, LLC
Property: 130 Main Street, Westampton Township, a/k/a Block 109, Lot 7

Applicant, 130 Main, LLC, is the Owner of the subject property that was acquired in May 2016 and further known as Lot 7 of Block 109 on the Township of Westampton Tax Maps, a/k/a 130 Main Street. The subject property contains a pre-existing building at the corner of Bridge and Main Street, which currently contains three residential apartments and the post office with a vacant store front at the corner of the property fronting on Main Street. Applicant seeks use variance approval and site plan waiver from the Board to permit Applicant's proposed antique store that would occupy the store front that is currently vacant. No new additions, construction, or improvements proposed with this application and Applicant intends to utilize the existing on-site improvements. Applicant shall also require Change of Use approval under Section 250-59 et. seq. of the Code, in addition to use variance approval under Section 250-11 as the subject property is located within the R-2 Residential Zoning District. In addition to site plan waiver requested under Section 196-2, applicant seeks relief with respect to the following pre-existing bulk non-conformities: Minimum lot area; maximum building lot coverage; maximum impervious lot coverage; minimum front yard setback; and minimum side yard setback.

SENIOR PRINCIPALS

Edward Vernick, PE, CME, President
 Craig F. Remington, PLS, PP, Vice President
 Michael D. Vena, PE, PP, CME (deceased 2006)
 Edward J. Walberg, PE, PP, CME, CFM
 Thomas F. Beach, PE, CME
 Richard G. Arango, PE, CME

PRINCIPALS

Kim Wendell Bibbs, PE, CME
 Marc DeBlasio, PE, PP, CME, CPWM, CEF
 Alan Dittenhofer, PE, PP, CME
 Leonard A. Falola, PE, PP, CME
 Christopher J. Fazio, PE, CME
 Terence Vogt, PE, PP, CME
 Dennis K. Yoder, PE, PP, CME

SENIOR ASSOCIATES

Charles E. Adamson, PLS, AET
 John J. Cantwell, PE, PP, CME
 Richard B. Czekanski, PE, CME, BCEE
 Annina Hogan, PE, RA, CME, CPWM, LEED-AP
 Kenneth C. Ressler, PE, CME
 Frank J. Seney, Jr., PE, PP, CME, NBSIS
 Gregory J. Sullivan, PE, PP, CME, CEA

PLEASE REPLY TO THE NOTED OFFICE

Remington & Vernick Engineers
 232 Kings Highway East
 Haddonfield, NJ 08033
 ☐ (856) 795-9595

**Remington, Vernick
& Vena Engineers**
 9 Allen Street
 Toms River, NJ 08753
 ☐ (732) 286-9220

3 Jocama Boulevard, Suite 300-400
 Old Bridge, NJ 08857
 ☐ (732) 955-8000

**Remington, Vernick
& Walberg Engineers**
 845 North Main Street
 Pleasantville, NJ 08232
 ☐ (609) 645-7110

4907 New Jersey Avenue
 Wildwood City, NJ 08260
 ☐ (609) 522-5150

Melford Plaza I, Suite 400
 16701 Melford Boulevard
 Bowie, MD 20715
 ☐ (240) 644-6382

**Remington, Vernick
& Beach Engineers**
 922 Fayette Street
 Conshohocken, PA 19428
 ☐ (610) 940-1050

1000 Church Hill Road, Suite 220
 Pittsburgh, PA 15205
 ☐ (412) 263-2200

Univ. Office Plaza, Bellevue Building
 262 Chapman Road, Suite 105
 Newark, DE 19702
 ☐ (302) 266-0212

**Remington, Vernick
& Arango Engineers**
 The Presidential Center, Lincoln Building
 Suite 600, 101 Route 130,
 Cinnaminson, NJ 08077
 ☐ (856) 303-1245

300 Penhorn Avenue, 3rd Floor
 Secaucus, NJ 07094
 ☐ (201) 624-2137

January 26, 2017

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

Attention: Marlon Karp, Secretary

Re: Use Variance and Site Plan Waiver
130 Main, LLC
130 Main Street
Block 109, Lot 7
Our file #03-37-P-008

Dear Board Members:

We have reviewed a submission for a "d(1)" use variance and site plan waiver consisting of the following:

Sheet	Title	Date
---	Use Variance Plan	10-14-16

The Use Variance Plan was prepared by Gary R. Civalier, P.E., P.L.S., Civalier Engineering and Surveying, Inc., #12 West Mantua Avenue, Wenonah, New Jersey 08090, (856) 464-0224.

I. GENERAL INFORMATION

Applicant/Owner: Raymond Orsuto
d/b/a 130 Main Street, LLC
926 Haddonfield Road
Cherry Hill, NJ 08003
(609) 238-0646

Proposal: The property under review is a multi-use building with a post office, another office/retail space along with three apartments. The applicant proposes to use a commercial store front that is currently vacant. The applicant seeks a "(d)1" use variance approval and waiver of site plan to open and operate a specialty antique store. The property is located in the Rancocas Village Historic District.

Zoning: R-2 Residential

II. ZONING REQUIREMENTS

- A. Use: Per Section 250-11A, commercial uses are not permitted uses in the R-2 Residential Zone; therefore, the applicant's proposed antique store is not a permitted use. The existing building is a pre-existing non-conformity. Given that the proposed use incorporates a non-permitted use in the R-2 Zone, a "(d)1" variance is necessary.

The applicant has the burden of demonstrating "Special Reasons" for granting the use variance as well as offering an "enhanced quality of proof" which states that the variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without substantial detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

"Special Reasons", the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site. Finally, if the use is deemed an inherently beneficial use, this has been determined to satisfy the special reasons criteria.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to

constitute "substantial detriment to the public good". The applicant shall provide testimony at the Land Development Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the R-2 Zone and the Township Master Plan.

- B. **Area and Bulk Requirements:** The applicant is not expanding the footprint of the building; therefore, all requirements are pre-existing and will not be changed by this application.

III. USE VARIANCE COMMENTS

1. The applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed commercial use with surrounding residential uses; and
 - b. Mitigating factors for the use variance.
2. The applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Township:
 - a. That the use will not injure or detract from the use of neighboring property.
 - b. That the use will not detract from the character of the neighborhood.
 - c. That the use of property adjacent to the area included in the plan is adequately safeguarded.
 - d. That the property is suitable for the intended use.
 - e. That the use will serve the best interests of the Township.
 - f. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.

- g. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.
- h. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway accesses are provided to protect roadways from undue congestion and hazards.
- i. That the proposed use will not have an adverse impact on the historic and architectural significance of the historic district.

IV. GENERAL COMMENTS

- 1. The applicant is seeking a waiver from site plan. According to Section 196-2(B), an applicant may request a waiver provided that the site plan meets the list of considerations under review. The applicant should provide testimony to support the request for waiver.
- 2. Testimony should be provided that no changes will be made to the exterior façade or the exterior lighting.
- 3. Testimony should be provided as to how the proposed use will impact the parking needs of the multi-use building and whether adequate parking exists to meet the demands of the proposed use.
- 4. Testimony should be provided as to whether any new signage is proposed. If so, details should be provided, including overall dimensions, letter height, proposed materials and lighting. The applicant is reminded that all signage should adhere to the requirements of Section 250-25.
- 5. The applicant should provide details as it relates to the commercial use such as the number of anticipated customers, hours of operation, number of employees, trash storage, loading, delivery schedules, etc.

V. SUMMARY OF VARIANCES AND WAIVERS

Variences:	Section 250-11A Section 250-59	Permitted Use Change of Use Certificate of Occupancy
Waivers:	Section 196-2	Site plan waiver

VI. APPROVAL PROCESS

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

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

VII. OUTSIDE AGENCY APPROVALS

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

Any others as may be necessary.

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

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

Sincerely yours,

REMINGTON & VERNICK ENGINEERS, INC.


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

JMP/TG/mcb

cc: Raymond Orsuto d/b/a 130 Main Street, LLC
Gary R. Civalier, P.E., P.L.S.
Brian Lozuke, Esq.
Jim Winckowski, P.E., Board Engineer
Lou Cappelli, Esq., Board Solicitor (LCappelli@fpsflawfirm.com)

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



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

January 24, 2017

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

Attn: Marion Karp
Administrative Officer

Re: **130 Main, LLC**
Use Variance
Land Development Board Review #1
Location: 130 Main Street
Zone: R-2 (Residential)
Block 109, Lot 7
Westampton Township, Burlington County, NJ
Our File: CWAL0109.01

Dear Chairman and Board Members:

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

- Plan entitled "Use Variance Plan for #130 Main Street", consisting of one (1) sheet, prepared by Civalier Engineering & Surveying, Inc., dated October 14, 2016, unrevised;
- Application forms.

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

- 1) The Applicant is seeking Use Variance approval to convert an existing vacant unit next to the existing post office on Main Street into an antique shop. No site improvements appear to be proposed at this time.
- 2) The subject 13,771.22 square foot (0.32-acre) corner lot is situated within the R-2 (Residential) Zone District and has frontage along Bridge Street and along Main Street. The site currently contains a 5,346 square foot building with a maximum of 3 stories and a parking area with approximately 3 parking spaces (1 handicap accessible). The existing mixed use building appears to contain a post office, three (3) residential apartments, and the vacant unit subject of this application. Access to the site is provided along Main Street, as well as through a stone driveway on the northwesterly side of the subject property.
- 3) We defer to the Board Planner regarding the review and determination of the required variance relief required for this project.



Westampton Township Land Development Board
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- 4) The Applicant should be prepared to discuss the following with the Board:
 - a) The Applicant should be prepared to discuss the proposed use of the facility including the hours of operation, number of shifts in one work day, anticipated amount of employees, etc.
 - b) The Applicant should clearly indicate the floor area that will be occupied by the retail use.
 - c) The Applicant should demonstrate that adequate off-street parking will be provided for the proposed use. A minimum of one (1) parking space should be provided for each 200 square feet of retail space. We note three (3) striped parking spaces exist. It appears additional vehicles park perpendicular along the frontage of the building along Main Street in an unstriped area of pavement. The striped and un-striped parking spaces appear to be partially located in public right-of-way.
 - d) The Applicant should clarify how garbage collection will be handled.
- 5) The Applicant should indicate the status of all required outside agency approvals, including but not limited to the following:
 - a) Westampton Township Bureau of Fire Prevention

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

Very truly yours,
CME Associates


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

JW:DH

cc: Gene Blair, Construction Code Official
Brian D. Lozuke, Esq