

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

MARCH 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 – 2/1/2017
6. Swear in Board Professionals
7. Resolutions: approval needed:
 - 3-2017 130 Main Street, LLC, Block 109, Lot 7 (130 Main Street) – use variance & site plan waiver - (antique shop)
8. Old Business: None
9. New Business:
 - a. Review of Ordinance #1-2017 Amend Chapter 250, Section 250-4, Zoning. This Ordinance deletes the current definitions of Convenience Store, Motor Vehicle Service Station and Principal Use in Section 250-4 and replaces them with new ones. The current Section 250-26, Conditional Uses is hereby deleted and replaced. The changes will permit a larger size convenience store and permit the retail sale of gasoline and fuel to the motoring public. The two uses together shall be considered a principal use of a lot. This Ordinance had a first reading before the Township Committee on 2/21/17, and will be before the Committee for second reading on 3/6/17.
10. Informal Applications: None
11. Correspondence: None
12. Open meeting for public comment

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

14. Adjourn

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

FEBRUARY 1, 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 February 1, 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 5, 2017 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower
Absent: Mr. Freeman, Mr. Lopez, Mr. Applegate

The minutes of the January 4, 2017 reorganization meeting were approved as written.

Solicitor Capelli swore in the Board professionals.

Resolutions:

1-2017 Award of Contract for Professional Services – was memorialized

2-2017 Christopher D'Alessandro, Block 109, Lot 13 (119 Second St.) – setback variance – was memorialized

Old Business:

None

New Business:

130 Main Street, LLC, Block 109, Lot 7. The applicants, Ray and Linda Orsuto, were represented by their attorney Brian Lozuke, engineer Gary Civalier. Board Solicitor Lou Capelli swore them in. The property in question is a preexisting nonconforming structure that currently houses the Rancocas Post Office as well as two residential apartments. They are proposing to locate a highly specialized antique shop in the vacant part of the building. The shop will be open for business Monday through Friday upon request, and from 10 AM to 5 PM Saturdays and Sundays. It shall be noted that a member of the Township Committee, Mr. Daniels, would not be voting on this use variance.

Mr. Civalier had a colored plan of what the Board had received in their packets. He had some Google Earth photos which he circulated amongst the Board. He explained that there are a multitude of special reasons that apply to this site, one of which is to provide sufficient space and location of uses and to promote a desirable and visual environment. This is a mixed use structure and has been for a very long time. This also serves to promote the conservation of historic sites and districts. They are continuing the look of the building and think the positive criteria have been met.

The negative criteria looks at substantial impacts; it is his opinion that this use variance can be granted without substantial detriment to the public good. There are no changes proposed to the building; it will remain as it is. It will also not impair the zoning plan nor the zoning ordinance. Part of the site is used as residential and thus it partially meets the intent of the R-2 zone.

They reviewed the Planner's report with the Board; they have no objections to any of the special reasons. In regards to the negative criteria the important thing to remember is the negative impact, if any, on the community. One concern regarding the site is the parking, or lack thereof, on the site.

Square footage of the Post Office is 1400 square feet; the store unit measures a total of 2600 square feet, including the second floor. The first floor is a total of 1300 square feet. There are 8 parking spaces across the front of the site and 5 at the rear. These meet the intent for the residential use. The only possible conflict will be when there is an overlap of the hours that the Post Office and the antique shop are both open. No work is proposed outside other than aesthetic improvements such as painting and power washing. Their intent is to use the preexisting signage on the corner, which is a post mount sign; they will only be changing the lettering. They are estimating very minimal trash generation; one to two cans a week. The Post Office employees park in the rear. There will only be one employee in the antique store. One of the residents in the building parks their vehicle along Bridge Street.

Jim Winckowski stated there isn't enough parking on the site; the parking along the front is in the right of way as it stands. The question is will this use create a negative impact on the neighborhood. Based on the testimony he doesn't think there will be much demand for parking. Bridge Street has plenty of frontage to allow for on street parking.

There will not be much foot traffic coming in the store; most that come to the store come by appointment only. It's a retail store but not a lot of people coming in and out. They will get people just walking in without benefit of an appointment mainly on the weekend.

Loading space will not be an issue; according to Mr. Orsuto. Sometimes customers come and pick up what they purchase; sometimes he will make the delivery with his SUV.

Sometimes his wife Linda will meet customers at their homes; she does have two other

stores that she spends time at as well. She will probably be there from 11 AM to the early evening every day. Mr. Mumbower asked if he would be posting their hours on the store; Mr. Orsuto said he hadn't thought about it at this point in time.

Dave Barger stated that the Historic Commission has already given this their approval; they are happy to have them there.

The meeting was opened to the public for comment. Nancy Burkley said that as a resident of Rancocas she thinks this is wonderful. They have already made improvements and it looks wonderful. She is more concerned with the Post Office. She says it is busiest between 9:30 AM and 11:30 AM on Saturdays and she thinks it would be better not to open the antique shop before 11:30 AM if doing a promotional event, especially between Thanksgiving and Christmas. The Post Office is only open when people work.

Gil Gehin Scott thinks this is a positive thing; the building has been lifeless for some time. It takes a special business to fill it. An antique shop in a historic village is a perfect fit. There are times in the day when there aren't many cars from the Post Office parked there.

Janet Curran thinks this is a great opportunity for Rancocas Village and is in favor of it.

Mr. Orsuto is willing to limit the hours to appointment only until 11:30 AM on Saturday; thereafter until 5 PM. He has no problem with it.

Mr. Daniels is in favor of the antique store.

Dave Barger asked if the Orsutos wanted an at risk approval which would enable them to begin work before the resolution was memorialized; the Board is in favor of granting this.

Mr. Guerrero made a motion to approve the use variance; Mr. Mumbower seconded the motion. All Board members voted yes.

Comments from the Public

Janet Curran – thanked the Board.

Gil Gehin Scott Jr. – asked what an at risk approval is.

Comments from the Board

Mr. Daniels – Ms. Berkley just recently completed her PhD studies; she is now a principal.

Solicitor Lou Capelli – would like each Board member when voting on a use variance to give a brief reason why they are voting this way; it helps affirm the decision that they make.

Dave Barger thanked everyone for attending this evening.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

TOWNSHIP OF WESTAMPTON

ORDINANCE # 1-2017

AN ORDINANCE OF THE TOWNSHIP OF WESTAMPTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING CERTAIN PROVISIONS OF THE WESTAMPTON TOWNSHIP CODE, CHAPTER 250, ZONING

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WESTAMPTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. Section 250-4 of the Township Code is hereby amended to delete the current definition of Convenience Store and to replace it as follows:

CONVENIENCE STORE

A food market containing not more than 6,000 square feet where prepared foods, magazines and newspapers, cigarettes, dairy products and/or similar foods and items sold for 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 retail sale of gasoline and fuel to the motoring public when combined with the convenience store use shall constitute the operation of a service station and shall be considered a principal use of a lot. When combined with a motor vehicle service station, the minimum lot size of the convenience store and service station shall be two (2) acres.

SECTION 2. Section 250-4 of the Township Code is hereby amended to delete the current definition of Motor Vehicle Service Station and to replace it as follows:

MOTOR VEHICLE SERVICE STATION

A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, which may include, but is not required to include, the sale of accessories, oiling, greasing, washing and light motor vehicle repairs on the premises; provided, however, that automobile wrecking, major repairing of automobiles, including paint spraying or body fender work, parking or storing of automobiles at the site shall be deemed part of the principal use or a permissible accessory use of a motor vehicle service station. The term shall include a "gas and go" or any other gasoline dispensing use where gasoline and/or alternate fuels, including but not limited to diesel fuel, are sold from pumps at retail to the motoring public even if no further service is provided for the vehicle at the site. 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.

SECTION 3. Section 250-4 of the Township Code is hereby amended to delete the current definition of Principal Use and to replace it as follows:

PRINCIPAL USE

A use which is the "main" or "principal" use of the lot; it is the lot's "first," "chief" or "most important" use. While commercial or industrial developments and multifamily housing developments may have more than one principal building per lot, they may have only one principal use; however, mixed uses of more than one principal commercial or industrial use may be located on one lot, if the Planning Board finds that the uses are part of a single site plan, with cross easements for utilities and stormwater management, and access, ingress and egress utilizing shared, common driveways.

SECTION 4. 250-26 "Conditional Uses", Section D, Motor vehicle service stations, of the Township Code is hereby deleted and replaced as follows:

D.

Motor vehicle service stations.

(1)

In addition to the information required in the site plan, said plan shall also show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed, the number of automobiles which are to be garaged, parking and vehicular circulation and the relationship of the proposed use to the highways, streets and adjacent properties.

(2)

No conditional use will be granted unless it is determined that the proposal satisfies the following aesthetic considerations:

(a)

The design of any building in connection with such facilities, as far as the general character of the area, will not be a substantial detriment to the property rights of others in the zone.

(b)

Adequate and attractive fences and other safety devices will be provided.

(c)

Sufficient landscaping, including shrubs, trees and lawn is to be provided and will be periodically maintained.

(d)

Adequate off-street parking will be provided.

(e)

All of the area, yard and building coverage requirements of the respective zone will be met.

(3)

The following standards shall apply to any such conditional use:

(a)

The entire area of the site traveled by motor vehicles shall be hard-surfaced.

(b)

Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicles will be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles will be stored outside of an enclosed building.

(c)

No vehicles shall be permitted to be standing or parked on the premises of a motor vehicle service station other than those used by the employees in the direct or indirect operation of the establishment and those being serviced therein. A maximum of 10 motor vehicles shall be parked on the premises at any one time, and none shall remain standing for more than seven days, with the exception that the Zoning Officer shall have the power to extend the seven-day provision, for good cause shown, for a period of time not to exceed 30 consecutive days, provided that the service station owner or operator makes a written application to the Zoning Officer and pays an application fee of \$10. Noncompliance with the provisions of this section shall be just cause for revocation of the permit required by this section.

(4)

No more than two service stations may be located at any one intersection.

(5)

Outdoor displays of the accessory goods for sale may be erected on the pump island and on the building island only, provided that they are in a suitable rack or stand.

(6)

Parking facilities shall be provided in the ratio of one parking space for every 100 square feet of floor area in the principal building which is specifically devoted to use as a motor vehicle service station. Additional parking will be required if any portion of the site is used as a convenience store.

(7)

Where the motor vehicle service station abuts a residential area (either a residential zone or an existing residential use), the motor vehicle service station shall provide buffering in accordance with the terms of this chapter, or as otherwise specifically approved by the Planning Board based on specific site conditions.

(8)

All fuel pumps shall be located at least 25 feet from any street or property line. A minimum space of 20 feet shall exist between any two islands and between any island and the service station building.

(9)

No motor vehicle service station shall display for sale, rental or storage any motor vehicle or utility trailer or van or truck.

(10)

Motor vehicle service stations shall comply with lot area and width requirements of the zone in which they are located.

(11)

Signage is permitted as follows:

[Amended 9-13-2005 by Ord. No. 20-2005]

(a)

One facade sign for each building entrance, not to exceed three feet high and 40 square feet in size.

(b)
If fuel island canopies are proposed, one additional sign attached to each canopy is permitted. Each sign shall not exceed three feet high and 40 square feet in size.

(c)
One freestanding sign for each street frontage not to exceed 60 square feet.

(d)
A panel may be included within the permitted area of the freestanding sign advertising gasoline grades and prices. The panel shall not increase the height of the freestanding sign.

SECTION 5: Severability. If this ordinance or any part thereof is held to be unconstitutional, null, void or ineffective by a court of competent jurisdiction, or otherwise, same shall not be deemed to affect the validity or constitutionality of the balance of the ordinance or the remaining parts of same.

SECTION 6: Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be deemed repealed to the extent of said inconsistency as of the effective date of this Ordinance.

SECTION 7: Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

WAWA WESTAMPTON ZONING PROVISIONS

DEFINITIONS: 250-4:

CONVENIENCE STORE

A ~~relatively small~~ food market containing not more than ~~6,000~~^{3,500} square feet where prepared foods, magazines and newspapers, cigarettes, dairy products and/or similar foods and items sold for 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. ~~A convenience store use does not include the placement of gasoline pumps for the retail sale of gasoline to the motoring public.~~ The retail sale of gasoline and fuel to the motoring public when combined with the convenience store use shall constitute the operation of a service station and shall be considered a principal use of a lot. When combined with a motor vehicle service station, the minimum lot size of the convenience store and service station shall be two (2) acres.

[Added 5-8-2001 by Ord. No. 13-2001]

MOTOR VEHICLE SERVICE STATION

A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, which may include, but is not required to include, the sale of accessories, oiling, greasing, washing and light motor vehicle repairs on the premises; provided, however, that automobile wrecking, major repairing of automobiles, including paint spraying or body fender work, parking or storing of automobiles at the site shall be deemed part of the principal use or a permissible accessory use of a motor vehicle service station. The term shall include a "gas and go" or any other gasoline dispensing use where gasoline and/or alternate fuels, including but not limited to diesel fuel, are sold from pumps at retail to the motoring public even if no further service is provided for the vehicle at the site. When combined with a convenience store, sought, a "motor vehicle service station" shall be presumed the principal use on the lot upon which it is located.

[Added 5-8-2001 by Ord. No. 13-2001]

PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot on which said building is situated. Commercial and industrial developments and multifamily housing developments may have more than one principal building per lot. Any other form of residential development containing buildings used for residential use may not have more than one principal building per lot.

PRINCIPAL USE

A use which is the "main" or "principal" use of the lot; it is the lot's "first," "chief" or "most important" use. While commercial or industrial developments and multifamily housing developments may have more than one principal building per lot, they may have

only one principal use; however, mixed uses of more than one principal commercial or industrial use may be located on one lot, if the Planning Board finds that the uses are part of a single site plan, with cross easements for utilities and stormwater management, and access, ingress and egress utilizing shared, common driveways. ~~Because of the nature of the use and the special problems this use creates, the retail sale of gasoline from pumps located on a lot to the general public shall be presumed to be the lot's principal use.~~
[Added 5-8-2001 by Ord. No. 13-2001]

§ 250-26 Conditional uses.

[Amended 8-15-1988 by Ord. No. 11-1988; 3-6-1989 by Ord. No. 4-1989; 4-28-1998 by Ord. No. 8-1998; 11-10-1998 by Ord. No. 20-1998; 11-10-1998 by Ord. No. 22-1998; 11-10-1998 by Ord. No. 24-1998]

A.

Guiding principles. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township of Westampton and at the same time recognizing that such uses may be or become inimical to the public health, safety and general welfare, if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as conditional uses, formerly known as "special exception uses" or "uses requiring a special use permit." The appropriate reviewing authority for a conditional use shall be the Land Development Board of the Township of Westampton, provided that the applicant can meet all of the conditions for the use as are set forth in this chapter. If any of the conditions require a variance, the entire matter shall be submitted to the Zoning Board of Adjustment of the Township as a D variance or use variance pursuant to the provisions of N.J.S.A. 40:55D-70d.

B.

Places of worship. [deleted]

C.

Shopping centers. [deleted]

D.

Motor vehicle service stations.

(1)

In addition to the information required in the site plan, said plan shall also show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structure and accessory buildings to be constructed, the number of automobiles which are to be garaged, parking and vehicular circulation and the relationship of the proposed use to the highways, streets and adjacent properties.

(2)

No conditional use will be granted unless it is determined that the proposal satisfies the following aesthetic considerations:

(a)

The design of any building in connection with such facilities, as far as the general character of the area, will not be a substantial detriment to the property rights of others in the zone.

(b)

Adequate and attractive fences and other safety devices will be provided.

(c)

Sufficient landscaping, including shrubs, trees and lawn is to be provided and will be periodically maintained.

(d)

Adequate off-street parking will be provided.

(e)

All of the area, yard and building coverage requirements of the respective zone will be met.

(3)

The following standards shall apply to any such conditional use:

(a)

The entire area of the site traveled by motor vehicles shall be hard-surfaced.

(b)

Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicles will be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles will be stored outside of an enclosed building.

(c)

No vehicles shall be permitted to be standing or parked on the premises of a motor vehicle service station other than those used by the employees in the direct or indirect operation of the establishment and those being serviced therein. A maximum of 10 motor vehicles shall be parked on the premises at any one time, and none shall remain standing for more than seven days, with the exception that the Zoning Officer shall have the power to extend the seven-day provision, for good cause shown, for a period of time not to exceed 30 consecutive days, provided that the service station owner or operator makes a written application to the Zoning Officer and pays an application fee of \$10. Noncompliance with the provisions of this section shall be just cause for revocation of the permit required by this section.

(4)

No more than two service stations may be located at any one intersection.

(5)

Outdoor displays of the accessory goods for sale may be erected on the pump island and on the building island only, provided that they are in a suitable rack or stand.

(6)

Parking facilities shall be provided in the ratio of one parking space for every 100 square feet of floor area in the principal building which is specifically devoted to use as a motor vehicle service station. Additional parking will be required if any portion of the site building is used as a convenience store.

(7)

Where the motor vehicle service station abuts a residential area (either a residential zone or an existing residential use), the motor vehicle service station shall provide buffering in accordance with the terms of this chapter, or as otherwise specifically approved by the Planning Board based on specific site conditions.

(8)

All fuel pumps shall be located at least 25 feet from any street or property line. A minimum space of 20 feet shall exist between any two islands and between any island and the service station building.

(9)

No motor vehicle service station shall display for sale, rental or storage any motor vehicle or utility trailer or van or truck.

(10)

Motor vehicle service stations shall comply with lot area and width requirements of the zone in which they are located.

(11)

Signage is permitted as follows:

[Amended 9-13-2005 by Ord. No. 20-2005]

(a)

One facade sign for each building entrance, not to exceed three feet high and 40 square feet in size.

(b)

If fuel island canopies are proposed, one additional sign attached to each canopy is permitted. Each sign shall not exceed three feet high and 40 square feet in size.

(c)

One freestanding sign for each street frontage not to exceed 50 square feet.

(d)

A ~~sixteen square foot~~ panel may be included within the permitted area ~~attached to of~~ the freestanding sign advertising gasoline grades and prices. ~~is permitted~~. The panel shall not increase the height of the freestanding sign.