

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

MARCH 4, 2020 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, 2020 and posted in the Municipal Building.

Pledge of Allegiance
3. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 2/5/2020
7. Resolutions: approval needed:

11-2020 Brian Janson, Block 602, Lot 1(118 Hillside Road) - minor subdivision

12-2020 MRP Industrial NE, LLC, Block 902, Lots 1, 2 & 3 (Western Drive & Hancock Lane) – preliminary & final site plan approval (construction of 634,000 sq. ft. warehouse and associated improvements)
8. Old Business: None
9. New Business:
 1. Salt & Light Company, Inc., Block 1208, Lot 11 (1841 Route 541) – amended site plan approval, subdivision approval and amended “D” variance (mixed use development)
 2. Land Use Liability presentation/question and answer session
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 4, 2020 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 4, 2020 at 7:04 P.M.

Since both the Chairman and the Vice Chairman were absent the Board made a motion to appoint a temporary Chairman. Motion to appoint Dave Guerrero was made by Mr. Blair; seconded by Ms. Burkley. All voted yes. Motion to appoint Robert Thorpe as temporary Vice Chairman was made by Mr. Guerrero; seconded by Ms. Burkley. All voted yes.

The meeting was called to order by Acting Chairman Dave Guerrero and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 3, 2020 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. Solicitor Robert Swartz swore in the Board Engineer and Planner.

Roll Call: Present: Mr. Blair, Ms. Burkley, Mr. Guerrero, Ms. Haas, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Engineer Jim Winckowski, Secretary Marion Karp

Absent: Mr. Applegate, Mr. Borger, Mr. Eckart, Mr. Freeman, Mr. Henley

Approval of meeting minutes 1/8/2020 – motion to approve by Ms. Haas; seconded by Ms. Burkley. All voted yes.

Resolutions: approval needed:

4-2020 Award contract for LDB Engineer – was memorialized

5-2020 Award contract for LDB Solicitor – was memorialized

6-2020 2020 LDB Reorganization – was memorialized

7-2020 Salt & Light Company, Inc., Block 1208, Lot 11(1841 Route 541) – use and bulk variances – was memorialized

8-2020 MRP Industrial NE, LLC, Block 902, Lots 1, 2 & 3, site plan for warehouse – continuance from 1/8/20 meeting – was memorialized

9-2020 Brian Janson, Block 602, Lot 1, minor subdivision – continuance from 1/8/20 meeting – was memorialized

10-2020 Dolan Contractors, Inc., Block 203, Lot 7.03, amended site plan for warehouse – continuance from 1/8/20 meeting was memorialized

Old Business:

The Dolan Contractors application for Block 203, Lot 7.03 was voluntarily withdrawn by the applicant.

Brian Janson, Block 602, Lot 1 (118 Hillside Road). The applicant was before the Board for a minor subdivision which had been continued from the 1/8/2020 meeting. Mr. Janson was represented by his attorney, Jeffrey Snow. Brian Janson, Barbara Sloan and Alfred Sloan were all sworn in by the Board solicitor. Mr. Thorpe would not be voting on this application due to a relationship with the applicant and recused himself. The application is for a minor subdivision; two lots are being created. Mr. Snow stated that each lot will meet all of the bulk requirements for the zone which is in the R-1 zoning district.

The applicants agree to comply with the comments in the planner's and the engineer's reports.

They aren't sure where the well and septic system will be placed on the lot at this time; but agree to show those on the plan as soon as they know. The proposed use of the lot is consistent with the R-1 zoning district and will not have any adverse effect on the zoning district.

Jim Winckowski stated it appears they are out of the flood hazard area but will need to confirm with FEMA when applying for a building permit. A variance is necessary for lot frontage on Blue Jay Hill Road and for the size of the existing frame garage which exceeds 600 square feet. The right of ways are a bit narrow especially for Blue Jay Hill Road; but the roads are substandard anyway as compared to the Township code. Hillside Road paved is around 10 or 11 feet wide and Blue Jay Hill Road is about 16 feet wide. Jim doesn't see the need to widen the road at this time.

The existing well and septic have been identified and are located about 300 feet from the property line. There is room to provide both on the new lot according to Mr. Janson. Most engineering comments are just map cleanup issues.

The planner's letter was reviewed; she asked if the height requirement for the dwelling will be met; the existing home is 22.6 feet in height and the new dwelling would be less than 34 feet in height. The width of Blue Jay Hill Road would be clarified. Ms. Fegley asked if they looked at potential wetlands; Mr. Janson stated there were none on the site.

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

Mr. Blair made a motion to approve the subdivision and bulk variances; the motion was seconded by Ms. Haas. Mr. Blair, Mr. Guerrero, Mrs. Haas, Mr. Odenheimer and Ms. Burkley voted yes.

MRP Industrial NE, LLC, Block 902, Lots 1, 2 & 3 (Western Drive & Hancock Lane).

The application before the Board is for preliminary & final site plan approval (construction of 634,400 sq. ft. warehouse and associated improvements), continued from the 1/8/2020 meeting. Michael Floyd, attorney was present for the application. Dan Hudson of MRP, Chris Roche, engineer, Dan Disario, traffic engineer and Ed Mayer, architect were sworn in before the Board.

The property is located in a redevelopment area; no variances are being requested. Dan Hudson gave a brief history of MRP Industrial; they are one of the most active developers in the area. All of their projects have been very similar to the project they are presenting this evening. The location and proximity to the NJ Turnpike is ideal as well as the location close to Route 295. It's a robust market and they have high expectations for this project. Hours of operation could be as much as 24 hours/day although they aren't specifically marketing for that. There will be fewer than 300 employees; the building could possibly be split in half for two tenants.

They marked several exhibits into the record. Christian Roche, engineer, gave testimony on the project. The 3 lots are 41.6 acres in total; the site is bound to the east by Hancock lane, to the west by Home Depot and to the north by farmland, the south by the NJ Turnpike. A maximum of 10% of the square footage can be used for office purposes; the parking is on the east and west sides and truck access on the north and south. All traffic will enter and leave via Western Drive. An emergency access can be installed via Hancock Lane and will be blocked with bollards. There are 288 stalls in the one lot, as well as 147 "banked" spaces, 435 in total for both areas, if both are built. 1 loading space for every 8000 square feet is required, 114 are provided. There are 171 trailer parking stalls provided on the plan.

A truck turning movement plan was reviewed; there will be 360-degree circulation around the site. The storm water management design exceeds all requirements. They will do a video inspection of the existing headwall system on the site as suggested in the engineer's report. They are in the process of finalizing their utility connections; water will be provided by Burlington Township via a 12-inch main. Landscaping proposes 480 shrubs and 420 trees; they feel the northern property line is the most important; 138 evergreens are proposed along that line. All ordinance requirements as far as buffers are met. Lighting is accomplished with LED fixtures which are mounted at 30 feet; they are exceeding foot candles levels and are asking for a waiver. No spillover lighting will leave the property. A 900-foot sound wall in the northeast and another 400-foot sound wall in the southeast corner is being proposed. Landscaping will be provided on the outside of the walls. Two guard sheds are proposed which are 12 by 25 feet in

size; they may or may not be installed depending on the tenants. Patio areas of 40 by 40 feet are proposed at each corner of the office portion of the building. Signage will be dictated by the tenants; they intend to comply fully with the Township signage ordinance. They have no issue complying with any of the comments in both the engineer's and the planner's report.

Mr. Odenheimer asked about material for the sound wall; they are looking at materials now; one is fiberglass. They will not be using concrete. Mr. Blair asked about the intended use of the patios; they will be used for outdoor break areas or lunch. Gene suggests that the patios not be near any residential areas; the applicants agree to do this.

Ms. Burkley asked about the emergency access drive; it will come out on the south side of the sound wall to Hancock Lane. They are still coordinating this with the County and with Westampton WTES. They agree to provide the required amount of handicapped parking spaces as well.

Schoolhouse Lane needs to be vacated; they will make a formal request to the Township Committee. Also necessary is ROW dedication for Hancock Lane; they agree to this in order to enable future road widening. They agree to repave the surface of Western Drive. The Board asked for a Phase 1 environmental investigation and if any soil testing been done. Jim Winckowski thinks soil sampling should be done as a minimum; the site had been used for farming. The applicants agree to do this. If a Phase 1 has been done (they aren't certain) they will submit it for review to Jim.

Two different styles of fencing are proposed for around the basin. The basin in the front yard will have a decorative aluminum fence; they prefer to use this type in the back basin as well instead of the split rail fence. It will be six feet in height.

Dan Disario, engineer gave testimony regarding traffic. An extensive traffic study had been conducted. Most of the impact would be limited to Route 541, a County road which functions fairly well. Shift times are unique because they will coincide with times not typical of other businesses. You usually don't see a lot of traffic generated during typical commute times. One hour a day from 7 AM to 9 AM weekdays this project would generate 90 vehicles coming in and 50 vehicles leaving. In the afternoon, for one hour between 4 PM and 6 PM 115 vehicles would leave and 35 vehicles would be coming in, on average. About 20% of these numbers would be trucks. The traffic study was prepared in conjunction with the Fountain Square project. It is under County jurisdiction and review. Jim Winckowski is comfortable with it. They did receive conditional approval from the Burlington County Planning Board on January 30.

Ed Maher, architect, spoke regarding the project. He reviewed the architectural elevations of the project with the Board. Colors will be white, two shades of grey and orange accents on the façade to identify the office areas. The Board asked what color the sound walls would be; the applicants stated they weren't sure at this point but would provide details once they decided on a material for the walls. They wanted something

neutral that would be harmonious with the landscaping. They agree to use earth tones so as to blend into the background. Barbara Fegley asked about the guard shack; the color scheme would be the same as the warehouse.

Full copies of the title work were submitted to the Board solicitor. They did a complete search on Western Drive and on each property that borders Western Drive. Everything they found shows that Western Drive is a public road, however in 1988 the Township passed an ordinance vacating a portion of Western Drive. It was never recorded in the County Clerk's office as is required. They agree as a condition of approval to bring Western Drive up to Township street standards and also agree to dedicate it back to the Township once this is achieved. There is a process that needs to be undertaken in order for this to occur. Discussions with all property owners need to take place as well. A written confirmation from the Township Committee will be necessary to show that they agree to accept Western Drive once it is brought up to Township standards. Gene Blair has concerns regarding timing and the issuance of the CO. All improvements will be made before the issuance of the CO according to Dan Hudson. Jim Winckowski recommends that sidewalk be installed, at least on one side of the road, the hotel side. MRP is willing to install sidewalk on one side of Western Drive.

Ms. Burkley asked the large number of parking spaces that were being proposed; they seem to exceed the number of employees that would be working there. She asked why there were so many extra spaces proposed. They explained that they probably won't need to construct all this parking and the likelihood is it will remain green space and not parking.

Michele Haas asked if this project is a fulfillment center or a typical warehouse; this will not be a fulfillment center like an Amazon warehouse. Something like that would require 800-1000 parking spaces. Most likely it will be a high Q warehouse with low head counts and highly mechanized.

Joe Odenheimer asked if there were any other offsite improvements; there are not.

Barbara Fegley confirmed that the requested design waiver was no longer required; they would revise the plans so no waiver is required. She asked if any endangered or threatened species were identified on the site; they stated there were not.

The meeting was opened to the public for comment. Carol Quattlander, 51 Manchester Way, Burlington – asked if double trailers were going to be onsite; there will not be any. She submitted a photograph of the Steeplechase residential development in Burlington Township that has a sound wall; she was asking for consideration for a similar color scheme. She thought it was quite attractive. The applicants stated that this is the same color scheme that they are proposing; it is in substantial compliance as far as color and looks. She asked if the sound wall could be extended along the entire north side of the project.

Gene Blair stated that there was a large farmed field between this project and Ms. Quattlander's home. It is owned by Burlington Township who was redeveloping this land; another potential warehouse could be built there even though it is currently zoned residential. Mr. Hudson stated it could be developed as residential with affordable housing. The question is whether it is needed now before they know what the use on the Burlington Township property will be. There is currently a 5-foot berm along with 6 feet of trees on top.

Joe Odenheimer asked if sound levels had been met at the property line; the applicants stated that they do agree to comply with any DEP requirements regarding decibel levels. Norm Dotty was sworn in by the Board Solicitor. He is a consulting acoustical engineer. Sound level limits apply at or within the receiver; it depends on the nature of the use. It is a state regulation and the county health departments enforce it.

Ms. Quattlander asked if the Township plans to limit the number of tenants in the building. She asked about fencing that would be installed during the time of construction; only silt fence is required according to Gene Blair. She asked if the applicant intended to widen Western Drive; they are not. Curbing is already installed as well as lighting. There is no capacity issue with Western Drive.

Sonia Woods-Odunbaku, 2 Tattersal Drive, Burlington – asked if there would be trucks coming down Bromley Boulevard and onto Hancock Lane. All access would be from Western Drive only.

Jerry Mengel, 33 Fernbrooke Drive – is concerned about construction and where the vehicles will be. All site construction vehicles will have to access Western Drive only.

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

The applicant asked to proceed at risk in regards to their sewer permitting since they think it will take longer than normal to receive approval.

Mr. Blair made a motion to approve the application; the motion was seconded by Mr. Thorpe. Mr. Blair, Mr. Guerrero, Ms. Haas, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley voted yes.

Correspondence: Land Use Liability Training Booklet. Solicitor Swartz would conduct a short training session at the next meeting for all Board members. This is a new requirement of Westampton Township's insurance company.

Open Meeting for public comment

No comments were made.

Comments from the Board

No further comments were made.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 11-2020

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Brian Janson

BOARD'S DECISION: Granted Minor Subdivision Approval with Bulk Variance Relief

PROPERTY ADDRESS: 118 Hillside Road – Block 602, Lot 1

ZONING DISTRICT: R-1 Residential Zoning District

DATE OF HEARING: February 5, 2020

WHEREAS, Brian Janson (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting a minor subdivision to subdivide the property into two lots where proposed Lot 1 will contain 2.685 acres and retain the current improvements and Lot 1.01 will comprise 2.096 acres for a future house to be constructed in the R-1 Residential Zoning District. The property is located at 118 Hillside Road, Westampton, New Jersey, designated as Block 602, Lot 1 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 February 5, 2020. The Applicant was represented by Jeffrey E. Snow, Esq.

WHEREAS, during the February 5, 2020 meeting, 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, Mr. Thorpe recused himself from the Board at this time due to a conflict with the applicant; and

WHEREAS, based on all the evidence and testimony submitted during the February 5, 2020 hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant:
 - A. Township of Westampton Minor Subdivision Application
 - B. Minor Subdivision Plan, prepared by Robins Associates dated 2/26/2019
 - C. Submission letter prepared by Jeffrey E. Snow, Esq. dated 2/16/2019

2. The Board considered the following review letters submitted by the Board professionals:

- A. A letter prepared by Board Engineer, James Winckowski, PE, CME, dated February 2, 2020; and
- B. A letter prepared by Board Planner, Barbara Fegley, AICP, PP, dated January 6, 2020.

3. The Applicant, Brian Janson, is the contract purchaser of a portion of the Subject Property from Alfred and Barbara Sloan, the owners of the Subject Property, which is located at 118 Hillside Road, Westampton, New Jersey. The Subject Property is designated at Block 602, Lot 1 on the Township of Westampton tax map, and lies in the R-1 Residential Zoning District.

4. The Application seeks Minor Subdivision Approval to subdivide the property into two lots where proposed Lot 1 will contain 2.685 acres and retain the current improvements and Lot 1.01 will comprise 2.096 acres for a future house to be constructed in the R-1 Residential Zoning District.

5. The Subject Property contains primary frontage on Hillside Road, wherein 55 feet of the Subject Property fronts on Blue Jay Hill Road. Murray Avenue to the north ends at the northeastern property line. The Subject Property is predominantly wooded and comprises 4.781 acres. It is improved with a 1-story frame dwelling, a detached frame garage and a covered in-ground pool and is serviced with an on-site sewage disposal system and well. The property is accessed from Hillside Road via a combination stone and concrete driveway with dual access points

6. The Applicant is proposing to subdivide the Subject Property into two lots. Proposed Lot 1 will contain 2.685 acres and retain the improvements described in paragraph 5 above. Proposed Lot 1.01 will comprise 2.096 acres. The subdivision plan depicts a future 2-story house with an attached garage that will be serviced with an on-site sewage disposal system and well and will be accessed via a future driveway connection to Blue Jay Hill Road.

7. The Application requires Minor Subdivision Approval and bulk variance relief from Township Code, including the following:

- A. Westampton Code requires minor streets to have a right-of-way width of 50 feet. The right-of-way way width of Blue Jay Hill Road is 25 feet wide.

8. The following witnesses were sworn in and appeared and testified in favor of the Application during the February 5, 2020 hearing: Brian Janson, the Applicant, and Barbara Sloan and Alfred Sloan, the owners of the Subject Property.

9. At the February 5, 2020 hearing, Mr. Snow presented and introduced the Application to the Board stating that each lot will meet all of the bulk requirements for the zone and the Applicant agrees to comply with the comments in the Board Planner and Board Engineer reports.

10. Mr. Janson started his testimony stating that he was not sure where the well and septic system will be placed on the Subject Property at this time but agreed to show well and septic on the plan as soon as they become known. The proposed use of the Subject Property is consistent with the R-1 zoning district and will not have any adverse effect on the zoning district.

11. Mr. Winckowski, the Board Engineer, stated that it appears the Subject Property is out of the flood hazard area but the Applicant will need to confirm with FEMA when applying for a building permit. The Board Engineer also stated that a variance is necessary for lot frontage on Blue Jay Hill Road and for the size of the existing frame garage which exceeds 600 square feet. Mr. Winckowski stated that the right of ways are a bit narrow especially for Blue Jay Hill Road and the roads are substandard compared to the Township code; and Hillside Road paved is around 10 or 11 feet wide and Blue Jay Hill Road is about 16 feet wide. The Board Engineer did not see the need to widen the road at this time.

12. Mr. Janson testified that the existing well and septic have been identified and are located about 300 feet from the property line and that there is room to provide additional well and septic on the proposed new lot as well.

13. The Board Planner's letter was reviewed. Ms. Fegley asked if the height requirement for the dwelling will be met; the existing home is 22.6 feet in height and the new dwelling would be less than 34 feet in height; the width of Blue Jay Hill Road would be clarified; and if the Applicant has reviewed potential wetlands; Mr. Janson testified that height requirements would be met, plans would be clarified and there is no wetlands on the Subject Property.

14. After testimony was presented by the Applicant and comments by the Board professionals during the February 5, 2020 hearing, the matter was opened to the public for comment. Seeing no public comment, public comment was then closed.

15. With regard to the request for bulk 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 by: promoting the public health, safety, and general welfare by placing the Subject Property in a position that would be similar to the surrounding properties and promoting the ability for the Applicant to manage his obligations relative to the Subject Property;

c. that the variance can be granted without substantial detriment to the public good because the proposed new lot would be similar to the surrounding residential properties; and there are no nearby residential lots impacted by the minor subdivision;

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

16. After considering the testimony and evidence submitted, the comments and recommendations of the Board professionals, and members of the public, the Board finds that the Application for Minor Subdivision Approval with bulk variance relief to permit the Subject Property to be subdivided into two residential lots conforms to the Revised Statutes of New Jersey, the Zoning Chapter, the Land Subdivision Chapter and other applicable requirements of the Township as set forth in Chapter 196 of the Township's Development Regulations. The Minor Subdivision Plan promotes the development of an aesthetically acceptable and well-ordered community, and serves the interest of the public health, safety, and general welfare of the Township residents by providing additional security and safety at the Subject Property.

NOW, THEREFORE BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting Minor Subdivision Plan Approval with bulk variance relief to permit the subdivision of the Subject Property into two (2) residential lots, Lot 1 containing 2.685 acres and retaining the current improvements and Lot 1.01 comprising 2.096 acres for a future house to be constructed and the following bulk variance:

Westampton Code requires minor streets to have a right-of-way width of 50 feet. The right-of-way width of Blue Jay Hill Road is 25 feet wide

Upon motion duly made by Mr. Blair and seconded by Ms. Haas, 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 conditions:

1. The Applicant shall prepare a deed of minor subdivision with legal descriptions and submit to the Board Solicitor and the Board Engineer for review and approval.

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. Upon discovery by the Board 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. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein.
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12(c), and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;
6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;

9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;

10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

ROLL CALL VOTE

| | <u>Ayes</u> | <u>Nays</u> | <u>Abstentions</u> | <u>Recusal</u> |
|------------|-------------|-------------|--------------------|----------------|
| Blair | x | | | |
| Guerrero | x | | | |
| Haas | x | | | |
| Odenheimer | x | | | |
| Burkley | x | | | |
| Thorpe | | | | x |

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Ronald Applegate, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 12-2020

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: MRP Industrial NE, LLC

BOARD'S DECISION: Application for Preliminary and Final Site Plan Approval

PROPERTY ADDRESS: Hancock Lane and School House Lane, at the terminus of Western Drive – Block 902, Lots 1, 2, and 3

ZONING DISTRICT: OR-2 – Office Research – 2 Zone; Non-Condensation Area of Redevelopment; Amended Redevelopment Plan for Westampton Logistics Center

DATE OF HEARING: February 5, 2020

WHEREAS, MRP Industrial NE, LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary and final site plan approval involving the development and use of a 634,400 square foot warehouse/distribution/office facility, along with approximately 288 car parking spaces along with 147 banked parking spaces, 171 tractor trailer parking spaces, 114 loading berths, guard houses, and related infrastructure improvements on the property in the OR-2 – Office Research 2 Zone, and is also located in a Non-Condensation Area of Redevelopment, and the proposed development and use of the Property is subject to the Amended Redevelopment Plan for the Westampton Logistics Center. The property is located at Hancock Lane and School House Lane, at the terminus of Western Drive, Westampton, New Jersey, designated as Block 902, Lots 1, 2 and 3 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, the Application came before the Board at the regular scheduled public meeting held on February 5, 2020, where the Applicant was represented by Michael F. Floyd, Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the purpose, location, and details of the proposed site plan; and

WHEREAS, at the February 5, 2020 Board meeting, 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, based on all the evidence submitted to the Board and testimony presented at the February 5, 2020 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant:
 - A. Plans entitled, "Preliminary and Final Site Plan Application for Westampton Logistics Center," consisting of thirty (30) sheets, prepared by Langan Engineering Environmental, Surveying, Landscape Architecture and Geology, D.P.C. dated September 9, 2019 and revised to October 15, 2019; and
 - B. A Stormwater Management Report, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019, last revised October 15, 2019; and
 - C. An Environmental Impact Statement, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019, last revised October 15, 2019; and
 - D. A Sanitary Sewer Engineer's Report, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019, last revised October 15, 2019; and
 - E. A Warehouse Sound Exposures Study, prepared by Russell Acoustic, dated October 14, 2019; and
 - F. A Water System Engineer's Report, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019, last revised October 15, 2019; and
 - G. A Traffic Impact Study Report, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019, last revised October 15, 2019; and
 - H. Architectural plans entitled "Westampton Logistics Center," prepared by Ware Malcomb, dated October 15, 2019; and
 - I. A Recycling Narrative Technical Memorandum, prepared by Langan Engineering and Environmental Services, Inc., dated September 9, 2019; and
 - J. A Preliminary Geotechnical Engineering Report, prepared by Advantage Engineers, dated December 26, 2018; and
 - K. Completed application forms
2. The Board considered the following review letters submitted by the Board professionals:
 - A. A letter prepared by the Board Engineer, James Winckowski, PE, CME, dated November 4, 2019; and
 - B. A letter prepared by the Board Planner, Barbara Fegley, AICP, PP, dated October 31, 2019; and
 - C. Westampton Township Emergency Services Land Development Board Review dated October 23, 2019
3. The Applicant, MRP Industrial NE, LLC, is the contract purchaser of the Subject Property from COBA, Inc., the owner of the Subject Property, which is located at Hancock Lane and School House Lane, at the terminus of Western Drive, Westampton, New Jersey. The Subject Property is designated at Block 902, Lots 1, 2 and 3 on the Township of Westampton tax map, and lies in the OR-2 Office Research Zoning District, and is also located in a Non-Condensation Area of Redevelopment, and the proposed development and use of the Property is subject to the Amended Redevelopment Plan for the Westampton Logistics Center

4. The Applicant seeks preliminary and final site plan approval involving the development and use of a 634,400 square foot warehouse/distribution/office facility, along with approximately 288 car parking spaces, 147 banked parking spaces, 171 tractor trailer parking spaces, 114 loading berths, guard houses, and related infrastructure improvements on the Subject Property.

5. The following witnesses and professionals appeared and testified in favor of the Application during the February 5, 2020 hearing: Daniel S. Hudson, principal of Applicant; Christian Roche, PE, LEED AP, Applicant's Engineer; Daniel D. Disario, PE, PTOE, Applicant's Traffic Engineer; Edward Mayer, II, AIA, LEED GA, Applicant's Architect; and Norman R. Dotti, PE, PP, Applicant's acoustic engineer.

6. The Applicant submitted the following exhibits during the February 5, 2020 hearing:

A-1 – Aerial Photograph of Property, Surrounding Uses and Road Network

A-2 – Rendered Site Plan

A-3 – Truck Turning Movements

A-4 – Conceptual Floor Plan

A-5 – Rendered North Elevation

A-6 – Rendered South Elevation

A-7 – Rendered West and East Elevations

A-8 – Building Perspective

A-9 – Title Commitments, dated November 25, 2019, issued by Fidelity National Title Insurance Company, Report No. 18-LT-0258(A)-(E), Western Drive and Adjoining Properties

7. At the February 5, 2020 hearing, Mr. Floyd presented and introduced the Application to the Board and opened with a statement that the Subject Property is within a redevelopment area and that no variances are being requested by the Applicant. The Applicant is requesting a design waiver from lighting standards.

8. Daniel Hudson, the Applicant's principal provided testimony starting with a brief history of the Applicant, MRP Industrial and a statement that the Applicant is one of the most active developers in the area; all of the Applicant's projects have been very similar to the project they are presenting this evening; and the location and proximity of the project to the New Jersey Turnpike is ideal as well as the location to Route 295; it is a robust market and the Applicant has high expectations for this project; the hours of operation could be as much as 24 hours each day although they are not specifically marketing for that; there will likely be fewer than 300 employees; and the building could possibly be split in half to allow for two tenants.

9. Christian Roche, the Applicant's engineer then provided testimony that the 3 lots are 41.6 acres in total; the site is bound to the east by Hancock Lane, to the west by Home Depot, to the north by farmland, and the south by the New Jersey Turnpike; a maximum of 10% of the building square footage may be used for office purposes; the parking is on the east and west sides and truck access on the north and south; all traffic will enter and leave via Western Drive; an emergency access can be installed via Hancock Lane and will be blocked with removable bollards; there are 288 stalls in the consolidated lot, as well as 147 "banked" spaces, 435 in total for the proposed facility; 1 loading space for every 8,000 square feet, or 80 spaces, are required,

114 are provided; and there are 171 trailer parking stalls provided on the plan. Mr. Roche further testified that there will be 360-degree circulation around the site; the storm water management design exceeds all requirements and they will prepare a video inspection of the existing headwall system on the site as suggested in the Board Engineer's report; they are in the process of finalizing their utility connections; water will be provided by Burlington Township via a 12-inch main; sewer is to be treated by the Mount Holly Municipal Utilities Authority; they propose landscaping consisting of 480 shrubs and 420 trees and that the northern property line is the most important where 138 evergreens are proposed along that line; all requirements of the Amended Redevelopment Plan relating to buffers have been met; lighting is accomplished with LED fixtures which are mounted at 30 feet and which are exceeding foot candles levels and the Applicant is requesting a waiver; no spillover lighting will leave the property; a 900-foot sound wall in the northeast and another 400-foot sound wall in the southeast corner is being proposed; landscaping will be provided on the outside of the walls; two guard sheds are proposed which are 12 feet by 25 feet in size and may or may not be installed depending on the tenants; patio areas of 40 feet by 40 feet are proposed at each corner of the office portion of the building; and signage will be dictated by the tenants and the Applicant intends to comply fully with the Township signage ordinance. Mr. Roche then testified that the Applicant shall comply with any of the comments in both the Board Engineer's and the Board Planner's report; two different styles of fencing are proposed for around the basin; the basin in the front yard will have a decorative aluminum fence which the Applicant prefers at the back basin as well instead of the split rail fence and it will be four feet in height.

10. Mr. Odenheimer asked about material for the sound wall and Mr. Roche testified that they are looking at materials now; one is fiberglass. The sound walls will have earth tone colors. Mr. Roche testified that they will not be using concrete. Mr. Blair asked about the intended use of the patios and Mr. Roche testified that they will be used for outdoor break areas or lunch and Mr. Blair suggested that the patios not be near any residential areas upon which the Applicant agreed to comply with Mr. Blair's request. Ms. Burkley asked Mr. Roche about the emergency access drive and Mr. Roche testified that it will come out on the south side of the sound wall to Hancock Lane and that they are still coordinating this with the County and with Westampton WTES. The Applicant agreed to provide the required amount of handicapped parking spaces as well.

11. It was discussed that Schoolhouse Lane needs to be vacated and the Applicant testified that they will make a formal request to the Township Committee. Also it was discussed that a right of way dedication is necessary for Hancock Lane and the Applicant agreed to comply in order to enable future road widening; the Applicant agreed to repave the surface of Western Drive. The Board asked for a Phase 1 environmental investigation and if any soil testing been done. Jim Winckowski, the Board Engineer, thinks soil sampling should be done as a minimum; the site had been used for farming. The Applicant agreed that if a Phase 1 had been prepared they will submit to the Board Engineer.

12. Daniel D. Disario, the Applicant's traffic engineer provided testimony, stating that an extensive traffic study had been conducted and most of the impact would be limited to Route 541, a County road which functions fairly well; shift times are unique because they will coincide with times not typical of other businesses and one does not usually see a lot of traffic generated during typical commute times; one hour a day from 7 AM to 9 AM weekdays the proposed project

would generate 90 vehicles coming in and 50 vehicles leaving; in the afternoon, for one hour between 4 PM and 6 PM, 115 vehicles would leave and 35 vehicles would be coming in, on average of which approximately 20% of these numbers would be trucks. Mr. Disario further testified that the traffic study took into consideration the Fountain Square project; and it is under County jurisdiction and review; The Applicant received conditional approval from the Burlington County Planning Board on January 28, 2020.

13. Edward Mayer, II, the Applicant's architect, testified and reviewed the architectural elevations of the project with the Board; colors will be white, two shades of grey and orange accents on the façade to identify the office areas. The Board asked what color the sound walls would be and Mr. Mayer testified that they were not sure at this point but would provide details once they decided on a material for the walls; the Applicant wanted something neutral that would be harmonious with the landscaping. The Applicant agreed to use earth tones so as to blend into the background. Barbara Fegley, the Board Planner, asked about the guard sheds and Mr. Mayer testified that the color scheme would be the same as the warehouse.

14. Mr. Floyd provided full copies of the title work to the Board solicitor and stated that the Applicant had a complete search performed on Western Drive and on each property that borders Western Drive; that everything they found shows that Western Drive is a public road, however in 1988 the Township passed an ordinance vacating a portion of Western Drive but it was never recorded in the County Clerk's office as is required. Mr. Floyd represented that the Applicant agrees as a condition of approval to bring Western Drive up to Township street standards and also agrees to coordinate with the Township on having the Township accept dedication once the work is completed. It was discussed that there is a process that needs to be undertaken in order for this to occur, including discussions with all property owners need to take place as well; a written confirmation from the Township Committee will be necessary to evidence that they will agree to accept Western Drive once it is brought up to Township standards. Gene Blair has concerns regarding timing and the issuance of the Certificate of Occupancy. Mr. Hudson testified that all improvements will be made before the issuance of the Certificate of Occupancy. Mr. Winckowski recommended that sidewalk be installed, at least on one side of the road, the hotel side and the Applicant agreed to comply and install a sidewalk on one side of Western Drive.

15. Ms. Burkley asked a question concerning the high number of parking spaces that were being proposed, as they seem to exceed the number of employees that would be working at the proposed project. Ms. Burkley asked why there were so many extra spaces proposed. The Applicant testified that they probably will not need to construct all this parking and the likelihood is it will remain green space and not parking.

16. Ms. Haas asked if this project is a fulfillment center or a typical warehouse and the Applicant testified that this will not be a fulfillment center like an Amazon warehouse, as a center like that would require 800-1000 parking spaces; and more likely it will be a high cube warehouse with low head counts and highly mechanized.

17. Mr. Odenheimer asked if there were any other offsite improvements and the Applicant testified that there are not.

18. Ms. Fegley, the Board Planner, confirmed that the design waiver for the size of the landscape islands at the ends of the parking rows was no longer required and that the Applicant agreed to revise the plans so no waiver is required. Ms. Fegley asked if any endangered or threatened species or vernal pool habitat were identified on the site because the Environmental Impact Statement did not evaluate the habitat and the Applicant testified that there were none.

19. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and the following member of the public appeared and were sworn in at the February 5, 2020 hearing:

- Carol Quattlander, 51 Manchester Way, Burlington – asked if double trailers were going to be onsite and the Applicant testified that there will not; Ms. Quattlander then submitted a photograph of the Steeplechase residential development in Burlington Township that has a sound wall (the picture was marked as Exhibit A-9); Ms. Quattlander asked for consideration for a similar color scheme as she thought it was quite attractive. The Applicant testified that this is the same color scheme that they are proposing and they anticipated theirs will be similar as far as color and looks. Ms. Quattlander then asked if the sound wall could be extended along the entire north side of the project. Mr. Blair stated that there was a large farmed field between the proposed project and Ms. Quattlander's home and that Burlington Township is considering the redevelopment of that land; another potential warehouse could be built there even though it is currently zoned residential. Mr. Hudson testified that it could be developed as residential with affordable housing. It was asked if it is needed now before anyone knows what the use on the Burlington Township property will be. There is currently a 5-foot berm along with 6 feet of trees on top. Mr. Odenheimer asked if sound levels had been met at the property line and the Applicant testified that they agree to comply with any DEP requirements regarding decibel levels. Norman R. Dotti, PE, PP, Applicant's acoustic engineer, was sworn in by the Board Solicitor. Mr. Dotti testified that he is a consulting acoustical engineer and the sound level limits apply at or within the receiver; it depends on the nature of the use; and it is a state regulation and the County Health Departments enforce it. Ms. Quattlander asked if the Township plans to limit the number of tenants in the building and also asked about fencing that would be installed during the time of construction. Mr. Blair stated that only silt fence is required during construction and that there would be no limits to the number of tenants so long as the tenancy complies with permitted uses and zoning requirements. Ms. Quattlander asked if the applicant intended to widen Western Drive and the Applicant testified that they are not and that curbing is already installed as well as lighting; there is no capacity issue with Western Drive.
- Sonia Woods-Odunbaku, 2 Tattersal Drive, Burlington – asked if there would be trucks coming down Bromley Boulevard and onto Hancock Lane and the Applicant testified that all access would be from Western Drive only.
- Jerry Mengel, 33 Fernbrooke Drive – was concerned about construction and where the vehicles will be and the Applicant testified that all site construction vehicles will have to access Western Drive only. It was also noted that some trucks would be on Hancock Lane during installation of the water main and possibly the sound wall.

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

20. The Applicant's attorney asked, assuming the Applicant received approval, if the Board would agree to allow the Applicant to proceed at risk with regard to the Applicant's sewer permitting since they think it will take longer than normal to receive approval.

21. Through the evidence submitted and testimony presented by the Applicant's witnesses, professionals, the Board's professionals, and members of the public, the Board finds and concludes that the proposed site plan complies with all site plan and other standards, specifications, and requirements established by the Township's Zoning Ordinance, and that the Subject Property is suitable for the proposed development and permitted uses in the Amended Redevelopment Plan. See, e.g., *Levin v. Livingston Twp.*, 35 N.J. 500, 510-11 (1961); *Pizzo Mantin Group v. Randolph Twp.*, 261 N.J. Super. 659 (App. Div. 1993), *aff'd. as modified*, 137 N.J. 216 (1994).

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for preliminary and final site plan approval for the development and use of a 634,400 square foot warehouse/distribution/office facility, along with approximately 288 car parking spaces along with 147 banked parking spaces, 171 tractor trailer parking spaces, 114 loading berths, guard houses, and related infrastructure improvements on the property in the OR-2 – Office Research 2 Zone and design waiver for lighting, upon motion duly made by Mr. Blair and seconded by Mr. Thorpe was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

| | <u>Ayes</u> | <u>Nays</u> | <u>Abstentions</u> | <u>Recusal</u> |
|------------|-------------|-------------|--------------------|----------------|
| Blair | x | | | |
| Guerrero | x | | | |
| Haas | x | | | |
| Thorpe | x | | | |
| Odenheimer | x | | | |
| Burkley | x | | | |

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

1. No patios shall be developed or constructed on any portion of the Subject Property unless blocked by a sound wall or not visible from a residential neighborhood.
2. Applicant shall submit a Phase I Environmental Report to the Board Engineer, and if NJDEP regulations require additional soil testing, the Applicant shall comply.
3. The Applicant agrees to increase the number of trees on the north side of the property in consult with the Board Planner.
4. This approval is conditioned upon the Township of Westampton formally accepting dedication of Western Drive and the completion of any and all improvements (including

sidewalk along one side of the street) by the Applicant required by the Township of Westampton, where such improvements shall be completed prior to the issuance of any certificate of occupancy.

5. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Engineer's Review Letters except as may be specifically noted on the record and will work with the Board Engineer to resolve all issues contained in said Review Letters.
6. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Planner's Review Letters except as may be specifically noted on the record and will work with the Board Planner to resolve all issues contained in said Review Letters.
7. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Fire Marshal's Report.
8. All agreements, conditions and representations made by the Applicant or imposed upon the Applicant as set forth in the record of this matter regarding this application shall be fully satisfied by the Applicant and/or successors in interest.

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. Upon discovery by the Board 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. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein;

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.

[Balance of this Page Intentionally Blank]

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Ronald Applegate, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



Township Of Westampton

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

DATE FILED 2/12/2020
 (for office use only)

BLOCK 1208 LOT 11

1. GENERAL INFORMATION

A. Applicant Name The SALT AND Light Company, Inc
 Address 1841 Burlington - Mt. Holly Rd Westampton
 Telephone Number (609) 284-8893

B. The Applicant is a:

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

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

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

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

Attorney Patrick F. McAndrew, Esq.
 Address PO Box 88 HADDON HEIGHTS, NJ 08035
 Telephone Number (609) 278-7296

D. Engineer/Surveyor: William H. Nicholson, P.E.
Address 4 RANCOAS BLVA RANCOAS BLVA RANCOAS,
Telephone Number 856-778-7447 NJ

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 1841 Burlington-Mt Holly Rd
- B. The location of the property is approximately 100 feet from the intersection of Holly Lane and County Rd 541
- C. Existing use of the property MIXED-USE Commercial & Residential
Proposed use of property MIXED-USE Commercial & Residential
- D. Zone in which property is located Commercial (C) zone
- E. Acreage of property 2.56 ac
- 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 X Expanded area Improved Parking Area Alteration to Structure Expansion to Structure X Change of Use Sign
- H. Name of business or activity (if any) The Salt and Light Company Inc
- I. Are there deed restrictions that apply or are contemplated? yes
(if yes, please attach a copy to application) (see attached)

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

- J. Number of lots proposed 2
- K. Was the property subject to a prior subdivision? Yes X No
(If so, list dates of prior subdivisions and attach resolutions)
- L. Number of lots created on tract prior to this application 2

M. Are there any existing or proposed deed restrictions, easements, rights-of way or other dedication? Yes X No ___ (if yes, attach a copy) see attached

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

WATER AND Sewer to new structures
NONE off-site

O. List maps and other exhibits accompanying this application:

Site Plan
Architectural Plan

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.

- (1) Ammed density variance from 30 to 31 units
- (2) Bulk variances as listed on plan, continuance of prior approvals Res. 1-2013
- (3) no additional parking

4. CHECK LIST AND WAIVER REQUESTS

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

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

C-Commercial Uses

5. AUTHORIZATION AND VERIFICATION

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

[Signature]
Signature of Applicant

2/11/2020
Date

[Signature]
Signature of Owner

2/11/2020
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>

RESOLUTION: 1-2013

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Salt and Light Company, Inc.
APPLICATION FOR: Use variance, parking variance, minor subdivision, floor area ratio variance, and bulk variances, and amended site plan
PROPERTY ADDRESS: 1841 Route 541, Westampton, New Jersey 08060
Block 1208, Lot 11
DATE OF HEARING: January 9, 2013

RESOLUTION MEMORIALIZING THE WESTAMPTON LAND USE BOARD'S APPROVAL OF AN APPLICATION BY THE SALT AND LIGHT, INC. FOR A USE VARIANCE, PARKING VARIANCE, MINOR SUBDIVISION, FLOOR AREA RATIO VARIANCE, BULK VARIANCES, AND AMENDED SITE PLAN FOR PROPERTY LOCATED ON 1841 ROUTE 541, WESTAMPTON TOWNSHIP, IDENTIFIED AS BLOCK 1208, LOT 11 ON TAX MAPS OF THE TOWNSHIP AND LOCATED WITHIN THE COMMERCIAL "C" ZONING DISTRICT.

WHEREAS, the Westampton Land Use Board ("Board") has previously granted the Salt and Light Company, Inc. ("Applicant") a use variance to add 13 low- and moderate-income apartments in a new building on the lot, as well as bulk variances, parking variances, and preliminary and final site plan approval;

WHEREAS, the Applicant filed another application seeking the following relief from the Board:

1. A use variance allowing the Applicant to convert three (3) existing apartments into five (5) apartments that will be deed-restricted as affordable housing units within the Commercial "C" Zone established by Section 250-16 of the Westampton Township Code, which does not permit residential uses;
2. Approval for the Applicant to use a portion of the second floor residential area temporarily as an office until a certificate of occupancy is issued on the new building, at which point the Applicant would move to the new building;
3. A variance deeming the previously approved sixty-eight (68) parking spaces sufficient where the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 *et seq*) require an additional two (2) parking spaces based on the proposed development, and also relief from the "C" Zone commercial parking requirements of Section 250-16(e), which would require an additional three (3) spaces;
4. For the purpose of securing financing, preliminary and final approval of a minor subdivision of the lot to divide the existing building from the proposed building pursuant to Chapter 215;

5. As a result of the subdivision, a floor area ratio variance allowing a 35% floor area ratio for lot 11.01 where Section 250-7, Section 250-16(D) and the Schedule of Yard, Area, and Bulk Requirements only permits a 20% ratio in the "C" Zone;
6. A bulk variance for the new lot 11.01 allowing a frontage of 33.34 feet where Section 250-7, Section 250-16(D) and the Schedule of Yard, Area, and Bulk Requirements requires a minimum of 150 feet; and
7. Amended site plan approval;

WHEREAS, the Board had jurisdiction to hear the matter under the New Jersey Municipal Land Use Law as the Board Solicitor and Secretary reviewed the proofs of notice submitted and determined that the Applicant had published proper notice and served the required parties within the 200 foot list certified by the Tax Assessor;

WHEREAS, the Board considered the following submissions from the Applicant:

1. Completed application forms;
2. Plan of Minor Subdivision, prepared by Avi Luzon, PLS., consisting of one (1) sheet, dated November 12, 2012, unrevised; and
3. Architectural Floor Plans, prepared by Architectural Management, Inc., consisting of two (2) sheets, dated August 6, 2012, unrevised;

WHEREAS, the Board also considered the following review letters submitted by the Board professionals:

1. A plan review prepared by the Fire Official, John P. Augustino, dated November 17, 2012;
2. A memorandum prepared by the Board Planner, Harry W. McVey, PP, AICP, dated November 21, 2012; and
3. A letter prepared by the Board Engineer, James Winckowski, PE, CME, dated November 29, 2012;

WHEREAS, Kent Pipes, President and CEO of the Salt and Light Company, appeared and gave sworn testimony on behalf of the Applicant, represented by Sandford Schmidt, Esq.;

WHEREAS, Mr. Pipes testified that the Applicant will comply with the recommendations made in the review letters submitted by the professionals, to be detailed in the "conditions" section below;

WHEREAS, regarding the use variance, the Board has previously granted the Applicant a use variance to add 13 low- and moderate-income apartments in a new building on the lot; affordable housing is an inherently beneficial use, providing the "special reasons" required by N.J.S.A. 40:55-70(d); and the five apartments will be deed-restricted as affordable units and will count toward the Township's constitutionally-mandated affordable housing obligations;

WHEREAS, the use variance can be granted without substantial detriment to the public good, as the site is consistent with the surrounding development since it is adjacent to both

residential and commercial uses; the previous site plan review has already addressed any concerns with storm-water management, landscaping and buffering, site lighting, parking, and circulation; and the public was properly notified of the application, and during the public portion of the meeting, there were no objections;

WHEREAS, the use variance will not substantially impair the intent and the purpose of the zone plan and zoning ordinance, as it is the Township's policy to ensure it complies with its affordable housing obligations, for instance by establishing procedures and regulations to that end (see Chapter 6 Affordable Housing Administration);

WHEREAS, regarding the parking variance, the Board finds that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment under N.J.S.A. 40:55-70(c)(2); specifically, the variance promotes the construction of affordable housing which advances the general welfare, and the 68 spaces would be sufficient since the site will continue to have excellent pedestrian and public transportation access;

WHEREAS, regarding the minor subdivision, the Board finds that the Applicant has submitted a plat sufficient for a minor subdivision under Chapter 215, subject to the conditions below relating to cross-easements, minor revisions, and a bond for the setting of monuments;

WHEREAS, regarding the floor area ratio, a previous variance was granted allowing a 25% floor area ratio where Section 250-7, Section 250-16(D) and the Schedule of Yard, Area, and Bulk Requirements only permits a 20% ratio in the "C" Zone; as a result the subdivision, although no new floor area is provided, the Applicant requires a variance permitting a floor area ratio of 35% for lot 11.01, and this variance is subject to the same analysis under N.J.S.A. 40:55-70(d) as the use variance relating to affordable housing;

WHEREAS, regarding a lot frontage variance, the Board finds that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment under N.J.S.A. 40:55-70(c)(2); specifically, the variance promotes the construction of affordable housing which advances the general welfare, and there is no new external construction proposed to an already-approved building and landscape buffers are provided;

WHEREAS, in consideration of all of the testimony, documents submitted, and the statutory and ordinance requirements, the Board took two separate votes, one for the use variance and a variance from the floor area ratio requirements, and another for the amended site plan, minor subdivision, and bulk variances;

NOW THEREFORE, BE IT RESOLVED, by the Land Use Development Board of the Township of Westampton that upon Motion made by Mr. Blair and seconded by Mr. Applegate, the Board affirmatively approved by a vote of 6 to 0, the following relief with respect to the property located at 1841 Route 451, Westampton, New Jersey and identified as Block 1208, Lot 11 on the tax maps of Westampton Township and located in the commercial "C" zoning district:

1. A use variance allowing the Applicant to convert three (3) existing apartments into five (5) apartments that will be deed-restricted as affordable housing units within the Commercial "C" Zone established by Section 250-16 of the Westampton Township Code, which does not permit residential uses;
2. Approval for the Applicant to use a portion of the second floor residential area temporarily as an office until a certificate of occupancy is issued on the new building, at which point the Applicant would move to the new building;
3. A floor area ratio variance allowing a 35% floor area ratio for lot 11.01 where Section 250-7, Section 250-16(D) and the Schedule of Yard, Area, and Bulk Requirements only permits a 20% ratio in the "C" Zone;

ROLL CALL VOTE

| | <u>Ayes</u> | <u>Nays</u> | <u>Abstentions</u> | <u>Recusal</u> |
|------------------|-------------|-------------|--------------------|----------------|
| Applegate | x | | | |
| Blair | x | | | |
| Chang | | | x | |
| Carugno | x | | | |
| Coe | | | | x |
| Freeman (absent) | | | | |
| Maybury | | | x | |
| Sampson | x | | | |
| Ryan | x | | | |
| Thorpe | x | | | |

IT IS FURTHER RESOLVED, that upon Motion made by Mr. Carugno and seconded by Mr. Blair, the Board affirmatively approved by a vote of 8 to 0, the following relief:

1. A variance deeming the previously proved sixty-eight (68) parking spaces sufficient where the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 *et seq*) require an additional two (2) parking spaces based on the proposed development, and also relief from the "C" Zone commercial parking requirements of Section 250-16(e), which would require an additional three (3) spaces;
2. Preliminary and final approval of a minor subdivision of the lot to divide the existing building from the proposed building pursuant to Chapter 215;
3. A bulk variance for the new lot 11.01 allowing a frontage of 33.34 feet where Section 250-7, Section 250-16(D) and the Schedule of Yard, Area, and Bulk Requirements requires a minimum of 150 feet; and
4. Amended preliminary site plan approval.

IT IS FURTHER RESOLVED, that all of the above relief is subject to the following **CONDITIONS**:

1. All residential units shall be deed-restricted as affordable units in compliance with Fair Housing Act, the regulations promulgated by the New Jersey Counsel on Affordable

Housing, and doctrine developed by *Southern Burlington County N.A.A.C.P. v. Mount Laurel Township* and its progeny;

2. All site improvements required by the Board's December 2011 approval and not modified by this approval remain as continuing conditions;
3. The commercial use of the second floor shall cease no later than 30 days after a Certificate of Occupancy is issued for the building to be built on Lot 11.01, and in no event later than three (3) years from the date of the hearing;
4. A full set of cross-easements for the adjoining lots shall be established in the deeds, including access for vehicles and pedestrians, parking, utilities, storm water management, signage, trash enclosure, and site lighting;
5. The maintenance responsibilities of common site elements, including but not limited to storm-water management basins and parking lots, shall also be addressed in the deeds.
6. The plat shall be revised to identify the adjoining lots and blocks within Mt. Holly Township;
7. As the subdivision plat identifies corner markers "to be set," if the monuments are to be set after filing the subdivision, a bond shall be posted with the Westampton Township with signature blank for the Township Clerk;
8. The deeds showing the easements and the revised plat shall be submitted to the Board Solicitor and the Board Engineer to demonstrate compliance;
9. The Applicant shall submit revised plan to the Fire Official showing compliance with all of the recommendations contained in his 10/18/2011 review letter, and after final approval, shall submit the site plan and utility plan on a CD in a PDF version to the Bureau of Fire Prevention along with one paper copy.

IT IS FURTHER RESOLVED, the above relief is subject to the following additional 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 pursue 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 | | | |
| Chang | x | | | |
| Carugno | x | | | |
| Coe | | | | x |
| Freeman (absent) | | | | |
| Maybury | x | | | |
| Sampson | x | | | |
| Ryan | x | | | |
| Thorpe | x | | | |

WESTAMPTON TOWNSHIP LAND
DEVELOPMENT BOARD

BY: 
Tim Ryan, Chairman, Westampton
Township Land Development Board

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

DATE MEMORIALIZED: 2/6/2013