

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

MARCH 6, 2019 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 4, 2019 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. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Myers, Mr. Odenheimer, Mr. Wisniewski, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 12/5/2018 and 2/6/2019
7. Resolutions: approval needed:

7-2019 McDonald's Corporation LLC, USA, Block 1204, Lots 2 & 3 (1864 Burlington-Mt. Holly Road – preliminary & final major site plan, variances, waivers
8. Old Business: none
9. New Business:
 1. Lillian Forrest, Block 301.01, Lot 24 (182 South Hill Drive) – variance (conversion of garage into living space)
 2. 979 Woodlane Road, LLC, Block 1104, Lot 3 (939 Woodlane Road) – preliminary & final major site plan, use variance & bulk variances (redevelopment of existing convenience store and gasoline service station)
 3. Resolution #6-2019 Authorizing the extension of a minor subdivision approval granted for Provco Pinegood Westampton, LLC, Block 201, Lots 7.01 & 7.02
10. Informal Applications: none

11. Correspondence: none

12. Open meeting for public comment

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

14. Adjourn

LDB Minutes of 12/5/18

Corrections to the minutes submitted by Dave Barger are highlighted in yellow. They appear on page 4.

He wanted the sentence changed from "Jim Winckowski said there was no way that PSE&G would agree to bury the existing lines along Route 541" to "it was highly unlikely that PSE&G would agree to bury the lines. I did listen to the recording and Jim did say it as I had it but changing the wording doesn't change the meaning, so it really doesn't matter. The outcome will still be the same.

Comments regarding historical preservation – Mr. Barger wanted his comments added.

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WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

DECEMBER 5, 2018 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on December 5, 2018 at 7:01 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2018 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance. There was a moment of silence in honor of the passing of George H. W. Bush.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Myers, Mr. Wisniewski (arrived at 8:45 PM), Engineer Jim Winckowski, Planner Barbara Fegley, Solicitor Robert Swartz, Secretary Marion Karp
Absent: Mr. Freeman, Mr. Mumbower, Mr. Henley

The minutes of the November 7, 2018 meeting were approved as written.

Resolutions:

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

New Business:

979 Woodlane Road, LLC/7-Eleven, Block 1104, Lot 3 (Woodlane & Jacksonville Roads). Chairman Borger made an announcement that the applicants requested a continuance of the application until the Board's January 9, 2019 meeting. No further notice would be required.

Old Business:

Fountain Square Shopping Center, Highview Homes, LLC, Block 807, Lot 1 (2035 Burlington-Mt. Holly Road). The applicant's attorney, Richard Hluchan, was present on behalf of the application, substituting for Bill Hyland who had become ill and couldn't attend the meeting. The plans have been substantially revised according to Mr. Hluchan. Lots have been reduced from 7 to 2; several bulk variances are still necessary, along with design waivers. Ed Brady, engineer was sworn; all other witnesses were present that were here and sworn in from the prior meeting. Cecilia

Schmidt, engineer gave a summary of the changes that were made as well as the variances that are being requested.

The subdivision was revised from 7 lots to 2 lots; a roundabout was added to Irick Road; a 20-foot setback was provided along Irick Road. They reduced the hotel room count from 150 to 125; the footprint was thus reduced. A drive thru restaurant was relocated, it is now along the entrance drive. The restaurant was replaced with a retail building with a drive through. They slightly enlarged the retail strip; they delineated dumpster areas in several spots on the site; they located the loading areas on the pad sites except for the bank and large retail store. The bus stop is shown; proposed sidewalks are shown on the plan. Another entrance is shown to the gas convenience station; sign locations and details have been provided. Parking was slightly reduced; evergreens were added along the Route 541 frontage; the access drive was widened from 24 to 30 feet in width.

Variances include a waiver for insufficient buffer to the east of the hotel; they aren't sure what hotel is going to go in at this time but will know at the time of final approval. They will meet the parking requirements and room size requirements of the Township Ordinance according to Ms. Schmidt. All approvals for variances must be granted at the time of preliminary approval, which is now, according to Solicitor Swartz. They cannot ask for them when coming in for final approval but if needed will have to come back for an amended preliminary approval. The applicants understand and agree to this. Lot A needs an impervious coverage variance; also, one for loading area. Waivers include a 12-foot separation between loading and parking area where 10 feet is provided. Fire lanes will be provided at final approval. The project ID sign on Lot D needs a waiver for the content of the sign where tenants will be listed; signage for Lot A for sign height and area, the canopy sign for number of signs; a free-standing sign area variance and a waiver for exceeding foot candles for lighting. A revised lighting plan has not been provided but will be.

Nathan Mosley, traffic engineer testified regarding modifications that were made that include the proposed roundabout; they added it for traffic calming purposes. There are dual left turn lanes from Irick Road going north on Route 541. An alternative access is provided to the gasoline convenience store; a dedicated deceleration lane is provided as well. An updated study was provided for traffic counts. They looked at the intersection of Woodlane Road and Irick Road; there is a heavy volume of traffic traveling on Woodlane from the western side of town and turning right onto Irick Road. Conversely there is a lot of traffic turning left onto Woodlane Road from Irick Road at this intersection. There is not much traffic traveling straight down Irick to the site. It is his opinion that the larger signs offer a safety benefit to drivers from a traffic perspective. He sees no detriment that could occur from the larger signage. Mr. Mosely explained that they don't have County approval at this point in time but have met with them informally; they will be submitting plans shortly.

Gene Blair stated that pylon signs are prohibited by ordinance. They are proposing a 20 foot and a 25-foot-high sign; both of which require variances.

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Engineer Jim Winckowski has concerns about the left turn lane into the convenience store. He asked if a queue analysis was done as he was concerned about stacking; Mr. Mosley stated it was provided in the new report. Level of service changes from B to C on Saturdays. Jim commented regarding the trash dumpster location and the convenience store; he thinks they should be moved; the applicants agree to look into this.

Andrew Doran, applicant's architect, next testified regarding signage. The size, height and number of signs all require variances. The main sign is a multi-tenant sign and there are individual pad site signs. The main sign identifies the tenants at the rear of the site, the proposed height is 25 feet and width is 18 feet, a total of 127.4 square feet in size and will be located in the center of the entrance to the site. Individual pad site signs are to be provided and will be monument style. They are 12 feet to 12.6 feet in height, 42 square feet in size, 8 feet in width. The sign on the gas station convenience store lot is 20 feet in height. The sign off Irick Road will be 15 feet in height and 10 feet in width and will be compliant. Jim wants to work with them to perhaps change the location of this sign, the applicants agree to this.

Spacing between the signs is 250 feet and 160 feet along Route 541. They need a variance for the signs because it is all one lot and only one sign is permitted per lot. Hotel signage will be on the side of the building, there will be no free-standing sign. The hotel will be four stories in height. The pylon signs aren't allowed by ordinance; the applicants agree to add a base to the pylon signs so that they will comply with the ordinance.

Barbara Fegley had concerns about the size of the individual pad site signs; she thought the small panels on the large sign were too small for the stores at the rear of the site and these other signs rather large. They are in the process of negotiating with 3 or 4 higher end tenants at this point and will have a larger anchor tenant. The applicant explained that the tenants expressly stated that if they couldn't get a monument sign that they would not sign the lease. Jim has concerns with the placement of the signs; he thinks they should be shifted north of where they are proposed now.

Ed Brady, engineer, will address the variances for impervious coverage and loading spaces. 62% is being asked for where 60% is the maximum allowable; this is for the lot with the gas and convenience store on it. They are providing 12 loading spaces for the site which requires a variance as well since 22 are required. Trucks can use the center entrance or come in the rear off of Irick Road. They will meet with the Fire Marshal to add striping and fire lanes.

Revised grading and drainage plans need to be provided as well as stormwater management plans to the Board Engineer. The applicants wanted to make sure this layout was acceptable to the Board, they agree to provide these items. Jim thinks the layout might change once they secure tenants, however, the applicants indicate this isn't so. If preliminary approval is granted, they will submit for County approval this

month. Jim would like to have another technical meeting with the applicants which they agree to.

Barbara Fegley reviewed some of the items in her report. The applicants agree to provide litter receptacles. Landscaping has not been provided along the common property line shared with Burlington Township but they agree to do so. The bank will not require exterior trash enclosures; they have a shredding company that will remove everything. Barbara would like to see more sidewalks added; the applicants agree to meet with her. The applicants are seeking to significantly reduce the amount of landscaping along the frontage of the site in order to increase visibility of the retail space. They are agreeing to provide more low growing shrubs and plants in exchange for the canopy trees. The applicant indicated that the proposed development on the adjacent lot in Burlington Township will closely mirror that what is proposed here in Westampton. Jim asked for a status update for water and sewer. A concept plan was submitted to Mt. Holly MUA and was approved; NJ American Water is most likely who will provide water service although it could be Burlington Township.

Solicitor Swartz reviewed the eight variances being requested in the most recent public notice. All landscaping deviations are being treated as waivers and not variances.

The meeting was opened to the public for comment. Tim Cook of Cook's Motors was sworn in before the Board. He asked about the realignment of Irick Road. He owns Cook's Motors across the road from the site. He thinks it is a great plan. There being no further comment from the public, the meeting was closed for public comment.

Dave Barger asked about the gas station down the road; that wouldn't count since it was further down the road; it was not at the intersection of 541 and Irick Road. He asked if there were any updated architectural plans; they were not available at this time. He then asked if any progress had been made with PSE&G and trying to go for underground utility lines; he thought it was a possibility. Jim Winckowski advised that it was **highly unlikely** that PSE&G would agree to bury the existing lines along Route 541; however, the new service being brought into the site would be underground.

Dave Guerrero asked if a variance was being requested for the signage on the gas station canopy; the applicants stated that there was one and it was included in the eight variances summarized by the solicitor.

Dave Barger followed up on a question asked in the prior meeting regarding the status of historic preservation confirmation. The applicants indicated that there were no historic preservation issues that they were aware of.

Ms. Haas made a motion to approve the application for preliminary major site plan and minor subdivision along with variances and waivers; the motion was seconded by Mr. Applegate. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero and Mr. Myers voted yes.

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Correspondence:

Kingdom Church, Block 1411, Lot 21. Gene Blair gave a brief history of the project; one of the conditions of the approval was the construction of a sidewalk along Rancocas Road. The project has long since been completed but Kingdom Church (now known as Change Church) is saying it is impossible to move two anchors for utility poles in order to install the sidewalk. Gene had made some phone calls and found out that this could indeed be done. Mr. Barger brought up a point and said why don't we have the applicant modify the plan to have the sidewalk go around the poles and guide wires. There is a grading issue there but it should not be impossible. The applicants did agree to install sidewalks; however, they are trying to take the easy way out. The Board would request that the applicant's counsel appear before them to discuss in January 2019.

RFPs for 2019 LDB Engineer & Solicitor.

The Board went into executive session to discuss the professional appointments for 2019. The Board went back into open session at 10 PM.

Open Meeting for public comment

No comments were made.

Comments from Board members

Dave Guerrero commented that the intersection at Irick and Woodlane is terrible; is this something the LDB can recommend be looked into, perhaps by going to the Township Committee. Jim can email the County engineer's office on behalf of the Board and the project (Fountain Square) that was just approved. Woodlane Road needs to be made straight, a new bridge constructed across the turnpike. It is a huge project but is a good idea.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

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WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

FEBRUARY 6, 2019 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 6, 2019 at 7:02 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 4, 2019 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Barger, Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Freeman, Mr. Guerrero (arrived at 7:07) Ms. Haas, Mr. Myers, Mr. Odenheimer, Mr. Wisniewski, Solicitor Robert Swartz, Engineer Greg Valesi, Planner Barbara Fegley, Secretary Marion Karp
Absent: Mr. Applegate

The minutes of the 1/9/2019 meeting were approved as written.

Resolutions: approval needed

1-2019 2019 LDB Reorganization – was memorialized

2-2019 Appoint LDB Solicitor – was memorialized

3-2019 Appoint LDB Engineer – was memorialized

4-2019 979 Woodlane Road, LLC, Block 1104, Lot 3 – continuance of preliminary and final major site plan approval with use and bulk variances – was memorialized

5-2019 Kingdom/Change Church, Block 1411, Lot 21 – administrative design change (elimination of sidewalk) – was memorialized

New Business:

McDonald's Corporation, LLC, USA, Block 1204, Lots 2 & 3 (1864 Burlington-Mt. Holly Road). Keith Davis, attorney was present on behalf of the application. He explained that this work is part of a national program to provide façade improvements to all buildings, as well as new signage. Some of the work has already been completed. In addition to those improvements, ADA improvements to the parking lot will be made, along with the installation of two new menu boards. There are a series of existing non-

conformities which require variances. Three new variances are being sought, all relating to the new signage being installed. Martin Swaggart, engineer with Core States was sworn in by the Board solicitor. The site is located between Woodlane Road and Burlington Mount Holly Road and has access from both. Proposed improvements include ADA improvements, repaving and restriping, replacing sidewalks and ramps as well as replacement of the drive thru signage. The new menu board will change three times a day to reflect breakfast, lunch and dinner menus. They are also installing two new pull forward signs in order to keep cars proceeding through the drive through. The whole façade of the building has been changed, as well as the interior décor, all of which has been updated and remodeled. The entire project should take no longer than 7 days to complete.

Hours of operation are from 6 AM to midnight 7 days a week and will not change; there are currently 12 employees which will not change. No traffic increase is expected; the improvements won't generate additional trips nor will they change waste generation. Trash is picked up on Mondays and Thursdays. A bit of additional landscaping is being proposed. There is a currently striped island which will be converted to a landscaped island, further reducing existing impervious coverage.

No changes to site lighting will take place. The older style menu boards have goose neck lighting; the existing ones will be removed. The site encompasses two lots; one lot is zoned commercial and the other is zoned residential. There is a provision in the ordinance that allows nonconforming uses to be maintained and repaired without requiring a use variance and the applicants feel that their proposed project complies with these constraints.

The two free standing signs will remain as they are. Façade signage on the front includes the arch logo and requires a variance; one is permitted; four in total are proposed. Total is 63.6 square feet for everything. Variance relief is requested for the pre-browse and menu board signs. They are digital menu boards, LED backlit, 20 square feet in size, lighting is adjusted automatically. Base height is 22 inches from the ground. A waiver is being requested for the signage projection, the welcome sign projects out about 3 feet from the building; letters are about $\frac{3}{4}$ of an inch thick.

The restaurant will remain open during construction. There will be no stockpiling of materials nor soil on the site. Engineer Greg Valesi recommends that they add another overlay to their plan that would hold the contractor responsible for the safety at the site. The applicant agrees to do this.

Bill Freeman suggested that there could be improvements made for the flow of traffic within the site. They testified that they will be adding some directional striping in order to help and that there is a bypass lane next to the drive thru to facilitate turning right onto Burlington Mt. Holly Road.

There are existing signs for mobile ordering curbside; Barbara Fegley asked if they had obtained variances for those prior; if they had not, it would probably be a good

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housekeeping measure to do so at this time.

The Engineer's report was reviewed with the applicant. They agree to comply with the conditions in the report.

Dave Guerrero asked how trucks deliver supplies; they deliver during off peak house and use a palletized system; it takes only about 15 minutes to make a delivery. He was concerned with the blocking of parking spaces while unloading. The loading area is the drive aisle.

This was opened to the public for comment; there being none, the meeting was closed.

The applicants wish to proceed at their own risk. The Board approved their request. Mr. Barger made a motion to approve; the motion was seconded by Ms. Haas. Mr. Barger, Mr. Blair, Mr. Borger, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Wisniewski and Mr. Myers all voted yes.

Open Meeting for public comment

No comments were made.

Comments from the Board

Gary Borger – it seems as if the issue of changeable signs has come up on more than one occasion. It may be a good idea to look at changing the ordinance in the future. The Board had a discussion about recommending ordinance changes to the township committee and the process by which to do so.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 7-2019

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: McDonald's USA, LLC

BOARD'S DECISION: Granted Application for Preliminary and Final Major Site Plan Approval with Bulk Variances & Waivers

PROPERTY ADDRESS: 1864 Burlington-Mount Holly Road – Block 1204, Lots 2 and 3

ZONING DISTRICT: Lot 2 within the Commercial "C" Zoning District and Lot 3 within the "R-2" Residential District

DATE OF HEARING: February 6, 2019

WHEREAS, McDonald's USA, LLC (the "Applicant") submitted an application for preliminary and final site plan approval and requesting certain bulk variances and waivers to the Westampton Land Use Development Board ("Board") for renovations at the property located at 1864 Burlington-Mount Holly Road (CR 541), Westampton, New Jersey, designated as Block 1204, Lots 2 and 3 on the Township Tax Map ("Subject Property"); and

WHEREAS, the Applicant's application proposed building renovations, four new building mounted signs, two new free-standing signs and improvements to the existing parking lot and walkways, including repaving and reconfiguring the parking and walkways in order to ensure compliance with the current Americans with Disability Act regulations and to improve access to the building; and

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

WHEREAS, at the February 6, 2019 Board meeting, upon proper notice to the public, the Applicant was represented by Keith A. Davis, Esq. of Nehmad Perillo & Davis, P.C. The Board heard testimony from the Applicant's professional as to the purpose, location, and details of the proposed major site plan and requested variance relief; and

WHEREAS, at the February 6, 2019 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 6, 2019 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, McDonald's USA, LLC, seeks preliminary and final major site plan approval with bulk variance relief and waivers to renovate the existing building, construct four new building mounted signs and two new free-standing signs along with improvements to the existing parking lot and walkways, including repaving and reconfiguring the parking and walkways in order to ensure compliance with the current ADA regulations and to improve access to the building.

2. The Application requires the grant of *N.J.S.A. 40:55D-70c* bulk variances in connection with the preliminary and final major site plan approval to permit several deviations from the bulk requirements as set forth in the Township Code.

3. Prior to the February 6, 2019 hearing, the applicant submitted proper notice, acknowledging its application for preliminary and final site plan approval, variances for the maximum number of façade signage and freestanding signage and for the existing non-conformities concerning minimum lot area and impervious coverage and any and all other variances or waivers the Board may reasonably require in order to allow the Applicant to construct, establish and maintain renovations to the existing McDonald's restaurant and drive-thru facilities to include refacing the existing exterior building façade, updating certain façade and free standing signage, improvements to the existing parking area and pathway to restaurant, replacement of existing drive-thru signage and menu board and performing improvements to the parking area and curbing in order to comply with the Americans with Disabilities Act ("ADA").

4. The following professional appeared and testified in favor of the Application during the February 6, 2019 hearing: the Applicant's Engineer, Martin Swaggard, PE, of Core States, Inc.

5. The Applicant submitted the following exhibits during the February 6, 2019 hearing:

- A1 – Plan of Existing Conditions
- A2 – Proposed Site Plan
- A3 – Color Building Elevation
- A4 – Plan of Digital Menu Boards

6. The Board began the February 6, 2019 meeting by hearing from Mr. Davis that the Applicant's request is part of a national program to provide façade improvements to all buildings, as well as new signage in addition to ADA improvements to the parking area and the installation of two new menu boards.

7. Mr. Swaggard, the Applicant's Engineer, testified as to location of the property and a summary of the request, providing such detail as: (i) the new LED menu board will change three times each day to reflect breakfast, lunch and dinner menus; (ii) two new pull forward signs in order to keep cars proceeding through the drive-thru; and (iii) a complete renovation of the building façade as well as interior décor. Mr. Swaggard also testified that the entire project would likely take no longer than approximately seven days to complete, the hours of operation of the restaurant and the number of employees would essentially remain the same during construction, no traffic increase is expected and the improvements would not generate additional trips or

change in waste generation. Further, Mr. Swaggard stated that some additional landscaping is proposed relative to the island, further reducing existing impervious coverage.

8. Relative to the site, the Applicant's representatives testified that the site encompasses two lots, one lot in the commercial zone and the other in a residential zone and there is a provision in the Township Ordinance (Section 250-22J(4)) that allows existing nonconforming uses to be maintained and repaired so long as the work does not change the use of the building, increase the area of a lot used or otherwise increase the nonconformity in any manner and that it is the Applicant's belief that their proposed project complies with such Ordinance and a "d" variance to expand the non-conforming use is therefore not necessary or required.

9. The Applicant's representatives further testified that the two existing free standing signs will remain as they are, the proposed façade signage on the front includes the arch logo and requires a variance as one is permitted and four are proposed, with a total square footage for all four amounting to approximately 63.6 square feet. Further, variance relief is requested for the pre-browse and menu board signs as the Applicant is proposing digital menu boards, LED backlit, approximately 20 square feet in size each, lighting to be adjusted automatically, with a base height of 22 inches from the ground. The Applicant is requesting a waiver for the signage projection for the welcome sign, as it projects out about three feet from the building.

10. The Board Engineer recommended, and the Applicant agreed, that the Applicant add another overlay to their plan that would hold the contractor responsible for the safety of the site.

11. Board Member, Mr. Freeman suggested the Applicant improve traffic flow within the site, and the Applicant agreed to add some directional striping in order ease movement.

12. The Board Engineer, Gregory R. Valesi, PE, PP, CME, presented and discussed his Review Letter, incorporated by reference herein. The Applicant agreed, as a condition of approval, to comply with all the recommendations and conditions set forth in the Board Engineer's Review Letter except as may be specifically noted on the record.

13. The Board Planner, Barbara J. Fegley, AICP, PP, presented and discussed her Review Letter, incorporated by reference herein. The Applicant agreed, as a condition of approval, to comply with all the recommendations and conditions set forth in the Board Planner's Review Letter except as may be specifically noted on the record.

14. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and, hearing none, the matter was closed for public comment.

15. With regard to the request for bulk variance relief, through the evidence submitted and testimony presented by the Applicant, the Board finds that the Applicant has sustained the burden of proof to support the following variances in accordance with the statutory requirements set forth in the MLUL, *N.J.S.A. 40:55D-70c(2)*:

- Signage – to allow for 4 building mounted signs where 1 is permitted. Ordinance §250-25K(1).
- Signage – variance relief for the maximum square footage of building mounted signage for 63.6 square feet where 40 square feet is permitted. Ordinance §250-25K(1)
- Signage – variance relief for 2 additional free standing identification signs (4 total) where 1 is permitted and further that one of the signs is a digital pre-browse sign and 1 sign is a digital menu board sign. Ordinance §250-25K(1)(c)
- Signage – to allow for the base height of the menu board signs to be 1.83 feet (22 inches) where 4 feet is required. Ordinance §250-25
- Signage – to permit 2 changing content electronic signs (1 pre-browse board and 1 menu board). Ordinance §250-25D(8).
- Signage – to permit total freestanding sign area of approximately 241 square feet (each existing free-standing sign being approximately 100 square feet and the pre-browse and menu boards being 41 square feet) where a total of 50 square feet is permitted. Ordinance §250-25K(1)(c)

The above deviations from the Township Code requirements serve several purposes of the MLUL, specifically: promotion of the general welfare of the community by encouraging development and increasing the property value of the Subject Property; *N.J.S.A. 40:55D-2a*; providing adequate open space at the Subject Property for the proposed uses; *N.J.S.A. 40:55D-2c*; providing sufficient space in an appropriate location for a needed commercial use that will be carried out in an environmentally friendly way to meet the needs of Township citizens; *N.J.S.A. 40:55D-2g*; and by improving the visual appearance and aesthetics of the Subject Property by including the 3 façade signs and proposed landscaping. *N.J.S.A. 40:55D-2i*.

16. Through the evidence submitted and testimony presented by the Applicant, the Board finds that the benefits of the requested variances substantially outweigh any detriment, of which there is none, that the variances can be granted without substantial detriment to the public good, and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance due to the permitted use in the C Zone, need for the business in the Township, and large, suitable size of the Subject Property. *N.J.S.A. 40:55D-70(c)(2)*.

17. The Board further finds that the requested variance relief:

- a. relates to a specific piece of property, namely the Subject Property;
- b. that the purposes of the MLUL would be advanced by a deviation from the Township Zoning Ordinance requirements;
- c. that the variance can be granted without substantial detriment to the public good; and
- d. that the benefits of the deviation substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

18. With regard to the requested preliminary and final major site plan approval, 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 major site plan complies with all site plan and other standards, specifications, and requirements established by the Township's Zoning Ordinance not addressed by variances and waivers as detailed herein, and that the Subject Property is suitable for the proposed development given the size of the Subject Property and permitted commercial uses in the C Zone. *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 major site plan approval along with bulk variance relief and waivers for the building renovations, four new building mounted signs, two new free-standing signs and improvements to the existing parking lot and walkways, including repaving and reconfiguring the parking and walkways in order to ensure compliance with the current Americans with Disability Act regulations and to improve access to the building upon motion duly made by Mr. Barger and seconded by Ms. Haas 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>
Barger	x			
Blair	x			
Borger	x			
Eckart	x			
Freeman	x			
Guerrero	x			
Haas	x			
Myers	x			
Wisniewski	x			

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

1. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Engineer's Review Letter except as may be specifically noted on the record and will work with the Board Engineer to resolve all issues contained in said Review Letter.
2. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Planner's Review Letter except as may be specifically noted on the record and will work with the Board Planner to resolve all issues contained in said Review Letter.
3. 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.

WESTAMPTON LAND DEVELOPMENT BOARD

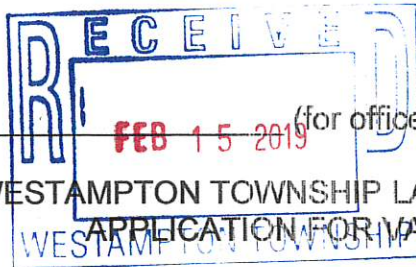
BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



DATE FILED: (for office use only)

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

To the Westampton Township Land Development Board:

The petition of William Forrest
who resides at 182 S. Hill Drive, Westampton, N.J. 08060
Email lforrest10comcast.net Phone # 609-880-5161
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 501.01, Lot(s) 24.
2. The property is located at 182 S. Hill Drive, Westampton, N.J. 08060 in a R-4 zone district.
- 2a. A variance is sought from Code Section(s) 250-28 I. (1) Table 4.4 RSIS (NJSA 5:21) of the Zoning Ordinance to permit conversion of a garage into a family room, which will eliminate its use for parking a vehicle.
- 2b. Applicant appeals from the decision of NA on _____, based upon Sections _____ of the Zoning Ordinance for the reasons outlined on paragraph 9. *(Complete only for appeals)*
3. William Forrest, who resides at 182 S. Hill Dr. Westampton, N.J. 08060, is the present owner of the property. Applicant's interest in the property is homeowner
4. No variance, conditional use, or special permit has ever been granted with respect to this property, except none

5. The last previous use or occupancy of the property was by prior homeowners

who used the property for residential purposes

6. The dimensions of the property are 24 X 140

a. Frontage: _____ b. Depth: _____

The total area of the property is _____

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

8. The percentage of coverage, height and setback of the proposed building(s) are _____

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

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

NA

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

damage to the Westampton Township Plan: There will be no effect on the Westampton Township Plan.

9c. Provide details of the future use of the property and structures if the

variance is granted: The property and structure would remain as my primary residency

9d. Describe any changes in traffic and/or parking patterns: Currently I do not use my garage for parking my vehicle. I have two vehicles that are parked in the drive parking area in front of my garage. Also ample parking is available directly in front of my residency.

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

9c: No impact as alteration of basic structure
would not have any impact on adjacent
neighborhood community.

- 10. Six (6) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board are submitted herewith.
- 11. Proof that taxes and assessments upon the property are not delinquent is attached hereto.

[Signature]
Applicant

STATE OF NS

ss.

COUNTY OF

Burlington

, of full age, being duly sworn

according to law on his/her oath deposes and says:

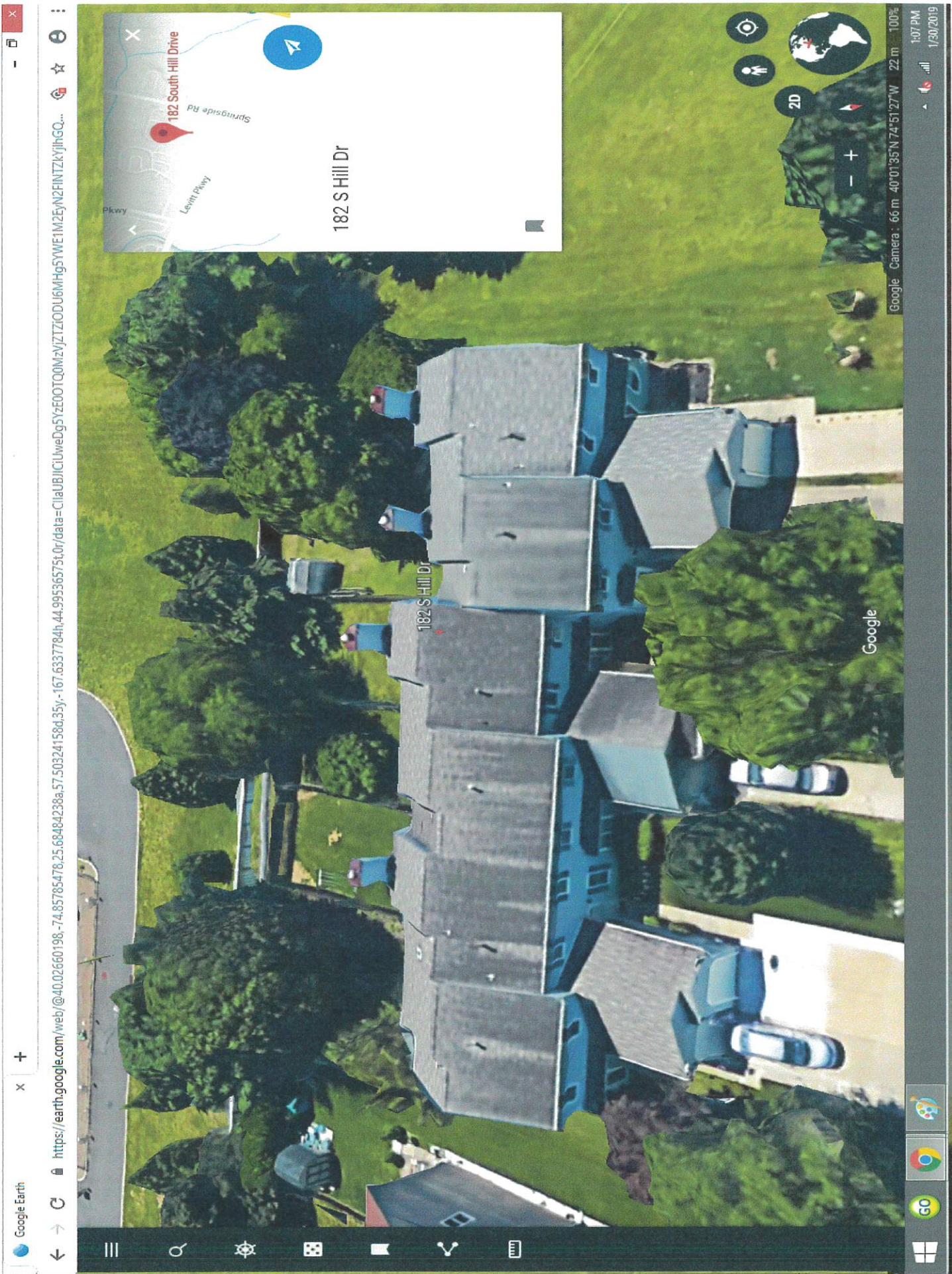
I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.

[Signature]
Applicant

Sworn to and Subscribed
before me this 13 day
of Feb, 2019.

[Signature]
Notary Public of

ELIZABETH H VOGT
Notary Public
State of New Jersey
My Commission Expires Oct. 1, 2023
I.D.# 2458387



182 S Hill Dr

182 South Hill Drive

Springside Rd

Levitt Pkwy

Google

Google Camera : 66 m 40°01'35"N 74°51'27"W 22 m 100%

1:07 PM

1/30/2019

Google Earth

https://earth.google.com/web/@40.02660198,-74.85785478,25.68484238a,57.50324158d,35y,-167.6337784h,44.99536575t,0r/data=ClaUBJCIUweBg5YzE00TQ0NiZjZlZk0DU6MHg5YVWE1M2EYwI2FINTZkYjIhGQ...



Township Of Westampton



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

BLOCK 11.04 LOT 3

1. GENERAL INFORMATION

A. Applicant Name 979 Woodlane Road, LLC

Address 79 Route 520, Englishtown, New Jersey 07726

Telephone Number 732-617-9905

B. The Applicant is a:

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

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

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

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

Attorney Kenneth L. Pape/Heilbrunn Pape, LLC

Address 516 Highway 33, Millstone Township, New Jersey 08535

Telephone Number 732-679-8844



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

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

Telephone Number 732-818-9988

2. INFORMATION REGARDING THE PROPERTY

A. Street address of the property 979 Woodlane Road

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

C. Existing use of the property Gasoline service station

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

D. Zone in which property is located R-3

E. Acreage of property .82 acres

F. Is the property located on a County road? Yes No ; State road? Yes No ; or within 200 feet of a municipal boundary? Yes No

SITE PLAN APPLICATIONS ONLY (ANSWER ITEMS G, H & I):

G. The type of proposal is: New Structure Expanded area Improved Parking Area Alteration to Structure Expansion to Structure Change of Use Sign

H. Name of business or activity (if any) 7-Eleven (proposed)

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

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

J. Number of lots proposed

K. Was the property subject to a prior subdivision? Yes No
(If so, list dates of prior subdivisions and attach resolutions)

L. Number of lots created on tract prior to this application

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

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

O. List maps and other exhibits accompanying this application:

3. INFORMATION REGARDING THE APPLICATION

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

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

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

4. CHECK LIST AND WAIVER REQUESTS

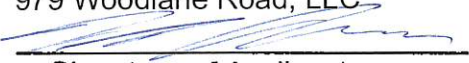
A. Please refer to the Ordinance for the specific submission requirements, which are listed in Chapters 196, 215 and 250 (Site Plan Review, Subdivision of Land and Zoning) from the Code of the Township of Westampton.*

M

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

5. AUTHORIZATION AND VERIFICATION

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



Signature of Applicant
Felix Bruselovsky, Managing Member

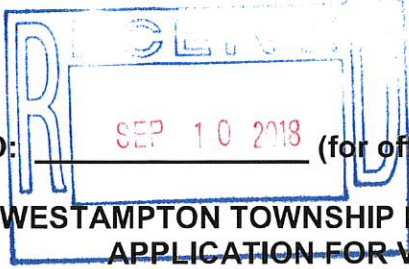
9-4-18

Date

Signature of Owner

Date

*Copies of the Township Ordinance are available for purchase at the Westampton Township Municipal Building. The entire ordinance is also available on the Internet at the Township website: <http://www.westampton.com>



DATE FILED: _____ (for office use only)

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL**

To the Westampton Township Land Development Board:

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

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 11.04, Lot(s) 3.
2. The property is located 979 Woodlane Road
_____ Phone # 732-617-9905 in
a R-3 zone district, the street number is 979.
- 2a. A variance is sought from Section(s) 250-12
_____ of the Zoning Ordinance to permit
The expansion of an existing gasoline service station to include a 7-Eleven
Convenience Store.
_____.
- 2b. Applicant appeals from the decision of N/A
_____ on _____, based upon
Sections _____ of the Zoning Ordinance
for the reasons outlined on paragraph 9.
3. 979 Woodlane Road, LLC, who resides at
79 Route 520, Englishtown, New Jersey 07726, is
the present owner of the property. Applicant's interest in the property is
Same as owner.

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

5. The last previous use or occupancy of the property was by _____
 979 Woodlane Road, LLC _____,
 who used the property for Gasoline service station _____.
6. The dimensions of the property are _____,
 a. Frontage: 170 +/- feet b. Depth: 133 +/- feet
 The total area of the property is .82 acres.
7. The property is now occupied by (a) building(s). Said building(s)
 occupy 9.7 % of the lot(s) as nearly as can be determined. The height
 of said building(s) is < 35 feet and 1 stories. (Please give the
 maximum if more than one building.) The setback from the nearest
 street is 78 feet.
8. The percentage of coverage, height and setback of the proposed
 building(s) are 13.8% coverage < 35' height front setback 77.9' side setback
20' rear setback 20'.
9. The petitioner advances the following reasons why the application
 should be approved:
- 9a. Describe how the proposed variances would promote the public welfare:
The proposed use will further the purposes of the Municipal Land Use Law.
Additional testimony to be provided at the time of the public hearing.
- 9b. Demonstrate that the proposed variance would do no substantial
 damage to the Westampton Township Plan: The site has been historically
utilized as commercial. The revitalization of the property will be consistent
with same. Additional testimony to be provided at the public hearing.
- 9c. Provide details of the future use of the property and structures if the
 variance is granted: 7-Eleven Convenience Store and Gasoline Station.
- 9d. Describe any changes in traffic and/or parking patterns: _____
See the submitted traffic report

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

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

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

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

979 Woodlane Road, LLC

By: 

Applicant

Felix Bruselovsky, Managing Member

STATE OF New Jersey

:

ss.

COUNTY OF Middlesex

:

Felix Bruselovsky, of full age, being duly sworn

according to law on his/her oath deposes and says:

I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.

979 Woodlane Road, LLC

By: 

Applicant

Felix Bruselovsky, Managing Member

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


Notary Public of

PETER H. KLOUSER
ATTORNEY AT LAW OF NEW JERSEY

Land Development Board
Of The
Township of Westampton

RESOLUTION # 9 -2005

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

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

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

SECTION 2 FINDINGS, DETERMINATIONS AND CONDITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Conditional Approvals

1. Conditions Precedent.

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

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

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

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

judgment.

2. Conditions Subsequent.

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

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

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

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

which the resolution of approval was adopted.

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

WESTAMPTON TOWNSHIP LAND
DEVELOPMENT BOARD

Dated: 3/2/05

By: 
Norm Miller, Chairman

ATTEST:

Marion Karp
Marion Karp, Secretary

Date of Approval: 2-5-05

Date of Memorialization: 3-2-05


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

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

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

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

Section 2. Findings, Determinations and Conditions:

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

OCT 11 2007

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

unusable

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

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

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

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

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

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

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

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

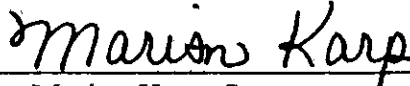
C. Other Agency Approval: The approval granted by this Resolution is subject to applicant obtaining from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

Land Use Board for the
Township of Westampton

Dated: 10-3-07

By: 
Dan Breslin, Chairman

Attest:


Marion Karp, Secretary

Date Approved: 9-5-07

Date Memorialized: 10-3-07

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

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

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

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

Section 2. Findings, Determinations and Conditions:

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

OCT 11 2007

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

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

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

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

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

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

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

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

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

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

Land Use Board for the
Township of Westampton

Dated: 10-3-07

By: 

Dan Breslin, Chairman

Attest:

Marion Karp
Marion Karp, Secretary

Date Approved: 9-5-07

Date Memorialized: 10-3-07

Land Development Board for the

Township of Westampton

RESOLUTION # 14-2008

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

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

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

Section 2. Findings, Determinations and Conditions:

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

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

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

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

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

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

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

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

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

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

E. Conditional Approvals.

(1) Conditions Precedent.

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

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

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

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

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

(2) Conditions Subsequent.

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

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

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

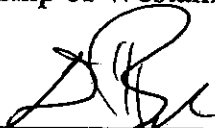
required approval be issued.

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

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

Land Development Board for the
Township of Westampton

Dated: 8/6/08

By: 
Dan Breslin, Chairman

Attest: Marion Karp
Marion Karp, Secretary

Date Approved: 5-7-08

Date Memorialized: 8-6-08

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



November 5, 2018

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

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

Attn: Marion Karp
Administrative Officer

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

Dear Chairman and Board Members:

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

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

Current Proposal

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

S:\Westampton\Project Files\CWAL1104.01 979 Woodlane Rd 7Elvnl2018-9-19 979 Woodlane Road - Eng Rvw #1.docx



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

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

Site Description

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

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

A. General

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



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

November 5, 2018
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Page 3

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

B. Traffic

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

C. Parking & Circulation

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



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

November 5, 2018
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Page 4

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

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

D. Grading & Stormwater Management

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



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

November 5, 2018
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Page 5

E. Utilities

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

F. Landscaping

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

G. Lighting

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

H. Environmental

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

I. Construction Details

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



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

November 5, 2018
Our File No. CWAL1104.01
Page 6

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

J. Outside agency permits and/or approvals

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

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

Very truly yours,
CME Associates


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

JW/aa

Enclosure (Stormwater Summary)

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



Westampton Township Emergency Services

780 Woodlane Road

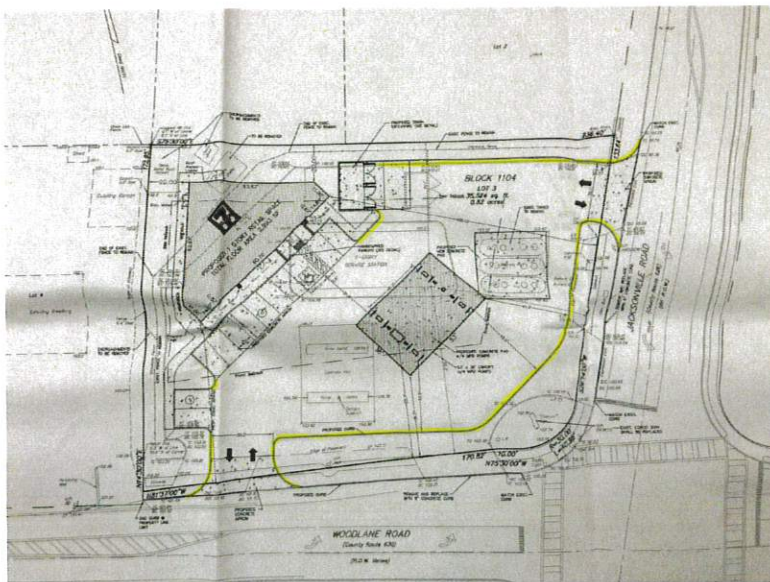
Westampton, New Jersey 08060

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

www.westamptonfire.org

LAND DEVELOPMENT BOARD REVIEW

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



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

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

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



Page 1 of 7
Rakesh R. Darji, PE, PP, CME, CFM
G. Jeffrey Hanson, PE, CME
Joseph R. Hirsh, PE, CME, CPWM
Joseph P. Orsino, CET
Marc H. Selover, LSRP, PG
Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054

Telephone (856) 235-7170 • Fax (856) 273-9239 • www.erinj.com

November 29, 2018
#88017 01

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

Attn: Marion Karp, Secretary Land Development Board

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

Dear Members:

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

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

The following documents have been received with this application:

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

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

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

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

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

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

Variiances

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

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

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

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

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

Waivers

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

Site Design

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

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

General Comments

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

As indicated above, retention of the existing stockade fence will compromise the health and vigor of plantings proposed along its northerly face as well as any required maintenance and irrigation. We recommend that it be removed.

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

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

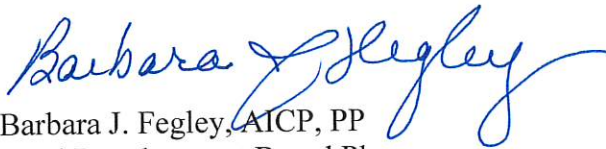
10. Ordinance §196-8B(3)(c) requires that the buffer contain a defined number of canopy and understory trees as well as shrubs. Existing lot size constraints will limit the number of plantings however the Landscape Architect should review the ordinance and comply to the extent possible with a focus on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

Outside Agency Approvals

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

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

Sincerely,



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

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., Board Solicitor, via email
James Winckowski, PE, CME, Board Engineer, via email
979 Woodlane Road, LLC, 79 Route 520, Englishtown, NJ 07726
Peter H. Klouser, Esq., Heilbrunn Pape, Counsellors at Law, 516 Highway 33, Millstone Township, NJ 08535 and via fax to 732-679-6554
Kenneth L. Pape, Esq., Heilbrunn Pape, Counsellors at Law, 516 Highway 33, Millstone Township, NJ 08535
Stuart Challoner, PE, Challoner & Associates LLC, 215 Main Street – 2nd Floor, Toms River, NJ 08753
Michael V. Testa Architect, LLC, 701 Tennent Road, Suite 201, Manalapan, NJ 07726
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TOWNSHIP OF WESTAMPTON LAND DEVELOPMENT BOARD

RESOLUTION NO. 6-2019

AUTHORIZING EXTENSION OF MINOR SUBDIVISION APPROVAL FOR PROVCO PINEGOOD WESTAMPTON, LLC, (DEVELOPER) BLOCK 201, LOTS 7.01 & 7.02, RANCOCAS ROAD & HIGHLAND DRIVE, WESTAMPTON TOWNSHIP

WHEREAS, on June 6, 2018 the Westampton Land Development Board (“Board”) adopted a Resolution memorializing preliminary and final site plan approval with bulk variances for a proposed Wawa convenience store with fueling station (the “Project”) on property known as Block 201, Lots 7.01 & 7.02 on the official Tax Map of Westampton Township (the “Property”); and

WHEREAS, as part of the approval for the Project, the Board also granted minor subdivision approval to subdivide the Property to create a lot for the Project and adjust the lot lines with the adjacent bank use; and

WHEREAS, the Municipal Land Use Law, NJS 40:55D-47(d), provides that approval of a minor subdivision expires 190 days from the date on which the municipal resolution of approval is adopted unless a minor subdivision deed or a minor subdivision plan is filed perfecting said minor subdivision; and

WHEREAS, the Municipal Land Use Law, NJS 40:55D-47(f) further provides that said 190 day time period may be extended by the Board if the developer was prevented, directly or indirectly, from recording the minor subdivision deed or plan because of delays in obtaining other required governmental approvals, and that the developer promptly applied for and diligently pursued the required approvals; and

WHEREAS, the Municipal Land Use Law, NJS 40:55D-47(f) further provides that a developer may apply for the extension either before or after the expiration date; and

WHEREAS, the developer having confirmed that the perfecting of the minor subdivision was delayed due to the need to obtain outside agency approvals, including specifically the Burlington County Planning Board approvals for the Project; and

WHEREAS, all outside agency approvals having been obtained, the minor subdivision plan is ready to be recorded and construction of the Project completed.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey, that the minor subdivision approval above is hereby affirmed and the time period for recording the minor subdivision plan is extended for an additional ____ day time period from the date of this Resolution.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Westampton Land Development Board held on _____, 2019.
