

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APRIL 3, 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: 3/6/2019
7. Resolutions: approval needed:
  - 8-2019 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)
  - 9-2019 Lillian Forrest, Block 301.01, Lot 24 (182 South Hill Drive) – variance (conversion of garage into living space)
8. Old Business: none
9. New Business:
  1. Presentation by MRP Industrial/ Resolution #46-19 Directing the Westampton Township LDB to amend the Redevelopment Plan for Block 902, Lots 1, 2 & 3
  2. Michael Webb, Block 204, Lot 3.03 (71 Springside Road) – site plan waiver & use variance (“Running on Dice” – hobby store with occasional board/card game tournaments)
  3. 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)

10. Informal Applications: none

11. Correspondence:

12. Open meeting for public comment:

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

14. Adjourn

**DRAFT**

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

MARCH 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 March 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. Applegate, Mr. Blair, Mr. Borger, Mr. Guerrero (arrived at 7:07) Mr. Odenheimer, Solicitor Robert Swartz, Secretary Marion Karp  
Absent: Mr. Barger, Mr. Eckart, Mr. Freeman, Ms. Haas, Mr. Wisniewski, Mr. Myers

Approval of meeting minutes 12/5/2018 & 2/6/2019 - were approved

**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 – was memorialized.

**New Business:**

**979 Woodlane Road, LLC, Block 1104, Lot 3 (939 Woodlane Road)** – was continued by the request of the applicant, until the Board's April 3<sup>rd</sup> meeting. No further notice will be required. Mr. Blair motioned to approve the continuance, Mr. Guerrero seconded. All voted yes.

**Resolution #6-2019 – Authorize the extension of a minor subdivision approval granted for Provco Pinegood Westampton, LLC, Block 201, Lots 7.01 & 7.02.** Tim Prime was present for a request that the Board grant an extension to a minor subdivision approval that the Board had approved several months ago. The Burlington County Planning Board had taken a long time issuing their approvals, thus requiring an extension to get the subdivision recorded. Mr. Prime would like to request a 180-day extension but would agree to a 120-day extension. He felt it enough time to get the subdivision perfected.

He showed the Board that a TD Bank logo would be added to the bottom of the approved sign. He also went over colors; the building would be tan with brick and not

gray with brick as the HPC wanted. The LDB approved the tan color, which is the standard Wawa color.

The meeting was opened to the public. It was asked where this Wawa was going to be located, Mr. Prime answered the questioner (name unintelligible). There being no further comments, the meeting was again closed to the public.

The Board agreed to extend the subdivision another 6 months (180 days). Mr. Applegate made a motion to approve; the motion was seconded by Mr. Blair. Mr. Applegate, Mr. Blair, Mr. Borger, Mr. Guerrero and Mr. Odenheimer all voted yes.

**Lillian Forrest, Block 301.01, Lot 24 (182 South Hill Drive) – variance for garage conversion to living space.** Ms. Forrest was sworn in by the Solicitor. She explained that she wanted to convert her garage into a family room; it is currently being used for storage. She does not park her car in there and noted that most residents don't park in their garages. She owns one vehicle at the current time and parks it in the driveway. Dave Guerrero asked if she was going to leave any area for storage; the room would be approximately 10 feet by 19 or 20 feet in size. She was going to leave a small area for storage but would be removing the garage door and replacing it with another kind of door. It would look like a garage door but would not function like a garage door. It is in three sections and permits entry. Building permits for building and electrical would be required.

RSIS requires 2.3 parking spaces for this kind of dwelling as explained by the Solicitor. He recommended not allowing the extended space to be used a bedroom which would require another parking space.

Gene Blair wants advised that whatever Ms. Forrest decides to use should fit within the framework of the garage door that she is removing. Gene would make sure her plans reflect the Board's concerns when she would go through the permitting process. He advised the Board that he would sit down with Ms. Forrest and her contractor when the time came for permits.

The meeting was opened to the public for comment. Linda Grant asked Gene Blair about the permit approval process; she asked if the family room would require a smoke detector to be installed. Gene advised her that it would not.

Mr. Applegate made a motion to approve the variance; the motion was seconded by Mr. Guerrero. Mr. Applegate, Mr. Blair, Mr. Borger, Mr. Guerrero and Mr. Odenheimer all voted yes.

#### **Open Meeting for public comment**

No comments were made.

**DRAFT**

**Correspondence:**

Michael Webb, Running on Dice – the Board was in receipt of a letter from Mr. Webb who was submitting an application for a variance and site plan waiver in time for the next meeting.

**Comments from the Board**

No comments were made.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board

**RESOLUTION: 8-2019**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** 979 Woodlane Road, LLC

**BOARD'S DECISION:** Third Continued Application for Preliminary and Final Major Site Plan Approval with Use and Bulk Variances

**PROPERTY ADDRESS:** 939 Woodlane Road – Block 1104, Lot 3

**ZONING DISTRICT:** R-3 Residential Zoning District

**DATE OF HEARING:** March 6, 2019

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**WHEREAS**, 979 Woodlane Road, LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary and final major site plan approval with use and bulk variances to redevelop the existing gasoline service station and convenience store located on the property with a new 3,000 square foot 7-Eleven convenience store and gas station in the R-3 Residential Zone. The property is located at 939 Woodlane Road, Westampton, New Jersey, designated as Block 1104, Lot 3 on the Township Tax Map (“Subject Property”); and

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

**WHEREAS**, prior to the December 5, 2018 Board meeting, the Applicant, through its attorney, Kenneth L. Pape, Esq, the Applicant submitted a letter requesting the Application to be continued to the next regularly scheduled public Board meeting in January 2019 to allow the Applicant to be heard on its application; and

**WHEREAS**, the Applicant’s request was granted and the application was continued to the January 9, 2019 Board meeting; and

**WHEREAS**, prior to the January 9, 2019 Board meeting, the Applicant, through its attorney, Kenneth L. Pape, Esq, the Applicant submitted a letter requesting the Application to be continued to the March 2019 regularly scheduled public Board meeting to allow the Applicant to be heard on its application; and

**WHEREAS**, prior to the March 6, 2019 Board meeting, the Applicant, through its attorney, Kenneth L. Pape, Esq, the Applicant submitted a letter requesting the Application to be continued to the April 2019 regularly scheduled public Board meeting to allow the Applicant to be heard on its application; and

**WHEREAS**, the Applicant's request was granted and the application was continued to the April 3, 2019 Board meeting.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the Applicant's request for preliminary and final major site plan approval within Application for preliminary major subdivision and site plan approval with use and bulk variances to redevelop the existing gasoline service station and convenience store located on the property with a new 3,000 square foot 7-Eleven convenience store and gas station in the R-3 Residential Zone was and is hereby **CONTINUED**, subject to the testimony and representations set for on the record by the Applicant, and any conditions set forth herein.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

\_\_\_\_\_  
Gary Borger, Chairman

ATTEST:

*Marion Karp*  
\_\_\_\_\_  
Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED:

*4-3-2019*  
\_\_\_\_\_

**RESOLUTION: 9-2019**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** Lillian Forrest  
**BOARD'S DECISION:** Granted Application for Bulk Variance Relief  
**PROPERTY ADDRESS:** 182 South Hill Drive – Block 301.01, Lot 24  
**ZONING DISTRICT:** Residential “R-4” Zoning District  
**DATE OF HEARING:** March 6, 2019

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**WHEREAS**, Lillian Forrest (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting bulk variance relief to permit the conversion of garage into a family room, which will eliminate its use for parking a vehicle in the Residential “R-4” Zone. The property is located at 182 South Hill Drive, Westampton, New Jersey, designated as Block 301.01, Lot 24 on the Township Tax Map (“Subject Property”); and

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

**WHEREAS**, the Application came before the Board at the regularly-scheduled public meeting held on March 6, 2019. The Applicant appeared and was sworn in to provide testimony as to the nature, purpose, location, and description of the requested bulk variance relief; and

**WHEREAS**, the Board discussed the Application. 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 March 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, Lillian Forrest, proposes to convert her garage into a family room at Block 301.01, Lot 24. The Subject Property is commonly known as 182 South Hill Drive and lies within the Residential “R-4” Zoning District. The Applicant is the owner of the Subject Property.
2. The relief from the proposed conversion is sought from Township Zoning Ordinance (“Township Code”) Chapter 250, Article VIII, Section 250-28(I)(1), Site Development Standards, which provides that developments will comply with the Residential Site Improvement Standards (*N.J.S.A. 5:21*) (“RSIS”). *N.J.A.C. 5:21-4.14(b)* provides that parking shall be provided as set forth in Table 4.4, which requires 2 bedroom townhouses to have 2.3 parking



spaces. Further, N.J.A.C. 5:21-4.14(d)2. provides that a one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. As such, a bulk variance is required.

3. Lillian Forrest was sworn in and testified as to the requested relief. The Applicant testified that she wanted to convert her garage into a family room and that it is currently being used for storage as she does not park her car in the garage; that she owns one vehicle at the current time and parks it in her driveway; that the room would be approximately 10 feet by either 19 feet or 20 feet in size and that she would leave a small area for storage but would be removing the garage door and replacing it with another kind of door that would look like a garage door but would not function like a garage door and would be in three sections and would permit entry from the driveway.

4. The Solicitor explained that RSIS requires 2.3 parking spaces for a 2 bedroom townhouse, and that if the converted space was to be used as an additional bedroom, the parking space requirement would increase and as such, recommended that the Board consider this in their decision.

5. Mr. Blair questioned if the replacement for the garage door would fit within the framework of the garage door being removed and Applicant stated it would. The Applicant showed the Board a picture on her phone of the intended type of garage door replacement and agreed to provide a physical picture to the Board Secretary as a condition of any approval. Further it was stated that the Applicant's plans would reflect the Board's concerns as she goes through the permitting process.

6. After testimony presented by the Applicant, the matter was opened to the public for comment. Ms. Linda Grant asked about the permit approval process and asked if the family room would require a smoke detector. Mr. Blair stated no smoke detector would be required.

7. 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 above variance in accordance with the statutory requirements set forth in the MLUL, *N.J.S.A.* 40:55D-70c(2); that is, the requested deviations from the Township Code requirements serve several purposes of the MLUL, specifically: promotion of the general welfare of the community by increasing the property value of the Subject Property; and allowing sufficient space for a specific use (residential family room with a small storage area) at the Subject Property; *N.J.S.A.* 40:55D-2g.

8. Through the evidence submitted and testimony presented by the Applicant, the Board finds that the benefits of the requested variances substantially outweigh any detriment, 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. *N.J.S.A.* 40:55D-70.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for bulk variance relief to permit the conversion of the garage into a family room in the Residential "R-4" Zone, upon motion duly made by Mr. Applegate and seconded by Mr. Guerrero, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth on the record and those specified herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Blair	x			
Borger	x			
Guerrero	x			
Odenheimer	x			

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

1. That the Application, all exhibits and testimony, and other documents submitted and to be 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, 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;
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 provide the Board Secretary with the picture presented on Applicant's phone at the hearing as a condition of this Approval.
11. 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.



TOWNSHIP OF WESTAMPTON

RESOLUTION DIRECTING THE TOWNSHIP OF WESTAMPTON LAND  
DEVELOPMENT BOARD TO AMEND THE REDEVELOPMENT PLAN FOR BLOCK  
902 LOTS 1,2 AND 3

RESOLUTION NO. 46-19

WHEREAS, Hovbros Burlington, LLC (the "Owner") was the owner of that certain property designated as Block 902 Lots 1, 2 and 3 on the tax maps of the Township of Westampton (the "Property"); and

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1, et seq. (the "LRHL"), the Township Committee of the Township of Westampton (the "Township") designated the Property as Non-Condensation Redevelopment Area (the "Redevelopment Area"); and

WHEREAS, pursuant to Ordinance No. 9-2014, the Township adopted a Redevelopment Plan governing the redevelopment of the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, on September 9, 2014, the Township adopted Resolution 98-14 which designated Woodmont Properties, LLC (the "Redeveloper") as redeveloper of the Property and subsequently engaged in negotiations for the redevelopment of the Property into multi-family housing rentals and related improvements (the "Redevelopment Project") which culminated with the execution of a Redevelopment Agreement dated November 20, 2014 between the Township and the Redeveloper (the "Redeveloper Agreement"); and

WHEREAS, the Township discovered that the mortgagee of the Property commenced foreclosure proceedings which ultimately resulted in a sheriff's sale of the Property; and

WHEREAS, given the fact that the Redeveloper failed to purchase and redevelop Property in accordance with the Redeveloper Agreement, and the Property has been lost in a foreclosure proceeding, the Township determined that the Redeveloper was in default of its obligations under the Redeveloper Agreement and terminated the Redeveloper Agreement pursuant to Resolution 141-18; and

WHEREAS, based upon changed circumstances, the Township Committee believes that it has become necessary to amend the Redevelopment Plan to provide for the redevelopment of the Redevelopment Area consistent with land uses the Committee believes are most desirable and beneficial to the Township; and

WHEREAS, the Township Committee desires to direct the Land Development Board to commence a process for the amendment of the existing Redevelopment Plan, in accordance with the LRHL, to consider land uses consistent with industrial

development and to transmit the proposed Redevelopment Plan to the Township Committee for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee that:

1. The Land Development Board is hereby authorized and directed to commence a process for the amendment of the existing Redevelopment Plan, in accordance with the LRHL, to consider land uses consistent with industrial development and to transmit an amended Redevelopment Plan and Report to the Township Committee in accordance with the LRHL.
2. The Land Development Board's Report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Land Development Board deems appropriate.

I, Marion Karp, Clerk of the Township of Westampton, hereby certify that the above is a true copy of a resolution adopted by the Township Committee on the 5<sup>th</sup> day of March 20 19

Marion Karp  
Marion Karp, Clerk

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 MICHAEL WEBB,  
who resides at 39 NEW COACH LANE WILLINGBORO NJ,  
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 204, Lot(s) 3.03.
2. The property is located 71 SPRINGSIDE RD #A2 WESTAMPTON NJ 08060 Phone # 609 217 0047 in a \_\_\_\_\_ zone district, the street number is 71.
- 2a. A variance is sought from Section(s) SS 250 H \_\_\_\_\_ of the Zoning Ordinance to permit OCCASIONAL BOARD AND CARD GAME TOURNAMENTS
- 2b. Applicant appeals from the decision of \_\_\_\_\_ on \_\_\_\_\_, based upon Sections \_\_\_\_\_ of the Zoning Ordinance for the reasons outlined on paragraph 9.
3. SPRINGWOOD REALTY, who resides at \_\_\_\_\_, is the present owner of the property. Applicant's interest in the property is RENTER
4. No variance, conditional use, or special permit has ever been granted with respect to this property, except \_\_\_\_\_

5. The last previous use or occupancy of the property was by UNKNOWN  
 who used the property for DRY CLEANING
6. The dimensions of the property are UNKNOWN  
 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 100 % 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 UNKNOWN
9. The petitioner advances the following reasons why the application should be approved:
- 9a. Describe how the proposed variances would promote the public welfare: RUNNING ON DICE WILL HOST A SAFE, FUN ENVIRONMENT FOR YOUNG AND OLD TO TEST THEIR SKILL AND LEARN DECISION MAKING
- 9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan: NO SPECIAL EFFORTS WILL NEED BE MADE BY ANY PART OF TOWNSHIP GOVERNMENT
- 9c. Provide details of the future use of the property and structures if the variance is granted: SALE OF BOARD AND CARD GAMES WITH OCCASIONAL CARD AND BOARD GAME TOURNAMENT PLAY
- 9d. Describe any changes in traffic and/or parking patterns: SMALL INCREASE IN TRAFFIC AND USE OF PARKING SPACES



9e. Describe impact on neighbors if variance is granted for use described in  
9c: SMALL INCREASES IN TRAFFIC, AND SOME USE OF  
PARKING SPACES

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.

Michael Webb  
Applicant

STATE OF New Jersey

ss.

COUNTY OF Burlington

Michael Webb, 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.

Michael Webb  
Applicant

Sworn to and Subscribed :  
before me this 28 day :  
of February, 2019.

Ashley Bernard

Notary Public of

ASHLEY JENNIE BERNARD  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
COMMISSION NUMBER 2432562  
MY COMMISSION EXPIRES APR. 12, 2023

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

Michael Webb/Running On Dice  
39 New Coach Lane  
Willingboro NJ  
08046  
RunningOnDice@gmail.com

Dear Sir and Madam-

I am writing to inform you of my plans to open a new hobby store at 71 Springside Road, otherwise known as the plaza with CVS and Pepperoni's Pizza. I will shortly be submitting to the Board a Use Variance Application to conduct board and card game tournaments in the store. I have resigned from my profession, retail pharmacy, in order to make this dream a reality. This is my first time attempting to be an entrepreneur, and while I may have taken some actions in the wrong order, I have signed a lease, incorporated, and I am quite serious about my plans.

I would like to inform the Board of the benefits that I believe my store will bring to Westampton. Board and card games have taken steps forward from the days of Monopoly and Risk. Modern games concern many different themes, from magic and horror to sports and history, and they teach strategy and decision making as well as requiring complex thought and reasoning from both young and old alike. For example, a player of "Washington's War" from GMT Games is faced with the same problems George Washington faced: how to maintain the loyalty of the people while facing a numerically superior British army. I would be eager to offer Westampton teachers a store discount, and I would be happy to work with them to show how games can add to their lessons.

Board gaming is a safe, intellectually rigorous activity that provides entertainment and educational value. Board gamers are, not to put too fine a point on it, nerds, not people who tend to use alcohol or drugs. Running On Dice will bring new shoppers to Westampton, which will benefit surrounding restaurants like Pepperoni's, Subway, Wawa, DiFrancesco's, Mr Cheng, and Dunkin Donuts, as well as generating new sales tax revenue, which will in the end benefit the town. Some parking spaces will no doubt be occupied more than they are currently, and there will be some small amount of additional traffic. But in the 18 years I have lived in the area and shopped in this very plaza, I have never had any trouble parking there. I firmly believe that this store will prove to be of benefit to the citizens of the town.

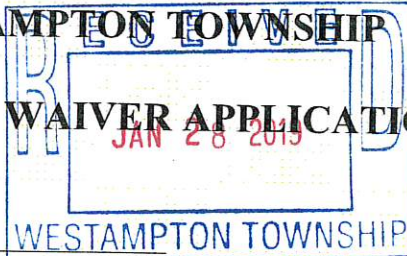
I will be shortly be submitting the completed Use Variance application. If you have any questions, problems, or comments about this letter or my application, please feel free to contact me, either now or when I appear before the board on April 3.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael Webb". The signature is written in a cursive, flowing style.

Michael Webb  
Running On Dice

WESTAMPTON TOWNSHIP  
SITE PLAN WAIVER APPLICATION



Date Filed (for office use only):

Block: 204 Lot: 3.03

Applicant Name: Running on Dice Email: runningondice@gmail.com

Address: 39 New Coach Lane Willingboro Phone: 609 217 0047

Present Owner's Name Running on Dice

Address: 71 Springside Rd #A2 Westampton NJ 08060

Location of Site: 71 Springside Rd Westampton NJ

Zoning Classification: C Present Use: Commercial

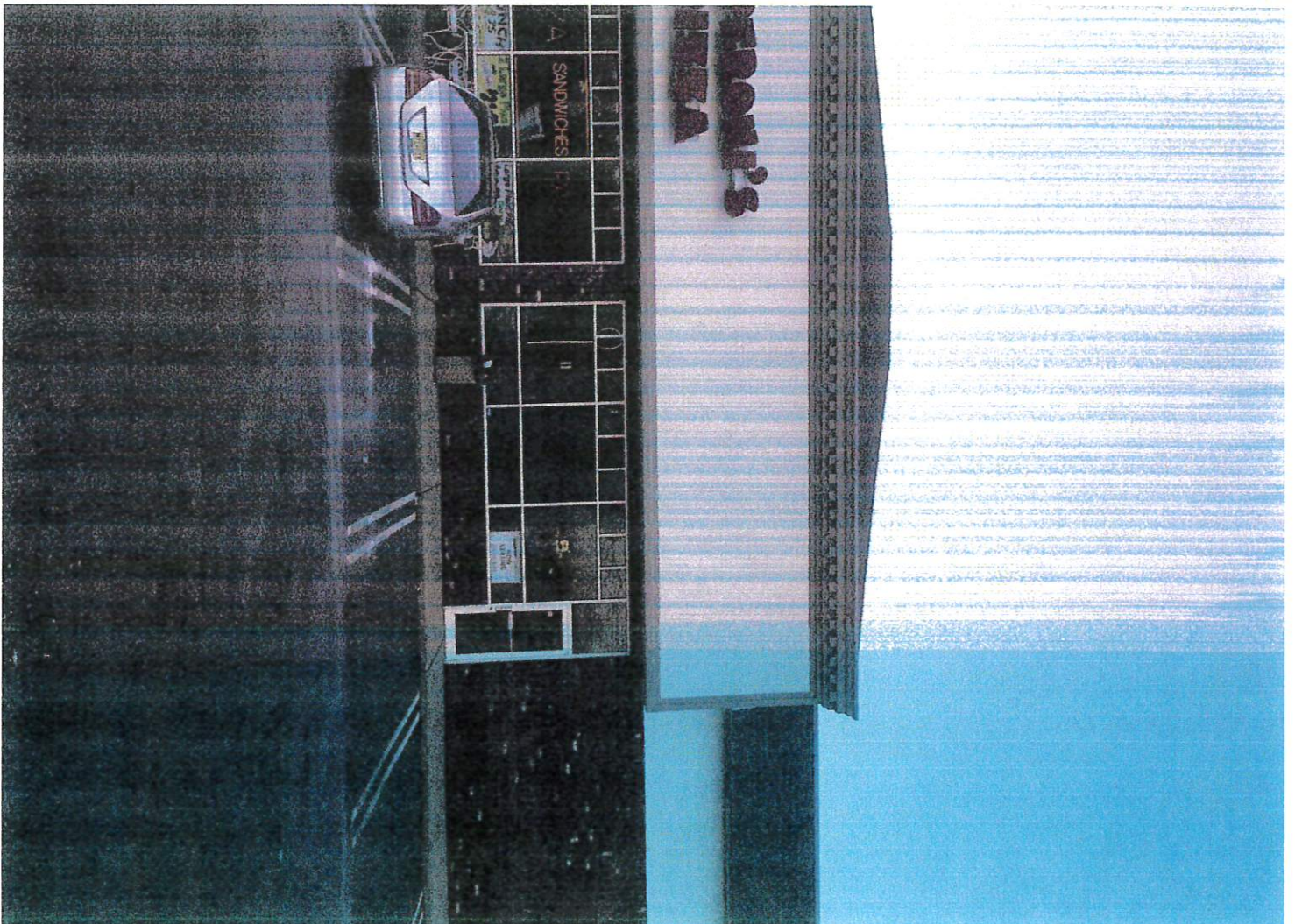
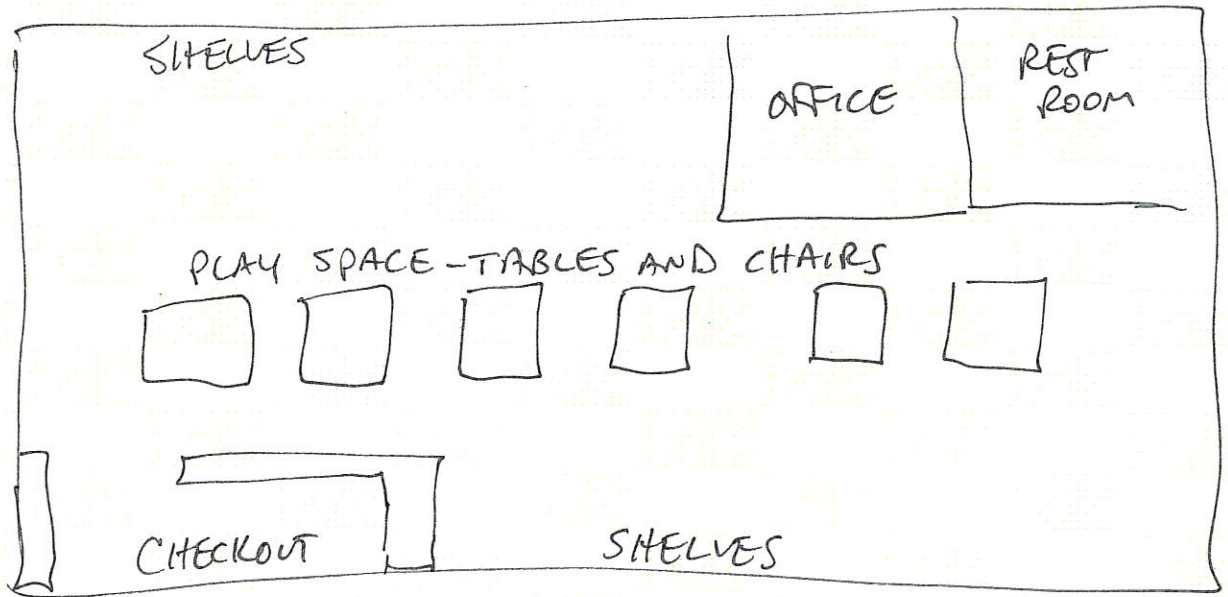
Proposed Use: Describe in detail the proposed change, as well as your reason for the request for waiver of site plan. Attach a sketch illustrating the proposed change or it's location and all other details of the entire property that are applicable, particularly parking spaces, type of existing material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

A hobby store selling board and card games, with space for games to be played. Occasionally, 10-12 players will gather for a tournament or special event where games will be played for merchandise prizes.

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

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

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





# Township Of Westampton



SITE PLAN REVIEW APPLICATION X  
SUBDIVISION APPLICATION \_\_\_\_\_  
MINOR \_\_\_\_\_ MAJOR X  
PRELIMINARY X FINAL X CONSOLIDATED \_\_\_\_\_

BLOCK 11.04 LOT 3

## 1. GENERAL INFORMATION

A. Applicant Name 979 Woodlane Road, LLC

Address 79 Route 520, Englishtown, New Jersey 07726

Telephone Number 732-617-9905

B. The Applicant is a:

Corporation\* \_\_\_\_\_  
Partnership\* \_\_\_\_\_  
Individual \_\_\_\_\_  
Other (specify) LLC

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

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

Purchaser under contract \_\_\_\_\_  
Owner X  
Lessee \_\_\_\_\_  
Other (specify) \_\_\_\_\_

Attorney Kenneth L. Pape/Heilbrunn Pape, LLC

Address 516 Highway 33, Millstone Township, New Jersey 08535

Telephone Number 732-679-8844



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

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

Telephone Number 732-818-9988

**2. INFORMATION REGARDING THE PROPERTY**

A. Street address of the property 979 Woodlane Road

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

C. Existing use of the property Gasoline service station

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

D. Zone in which property is located R-3

E. Acreage of property .82 acres

F. Is the property located on a County road? Yes  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:

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O. List maps and other exhibits accompanying this application:

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**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.

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**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.

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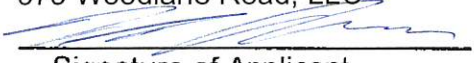
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**5. AUTHORIZATION AND VERIFICATION**

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



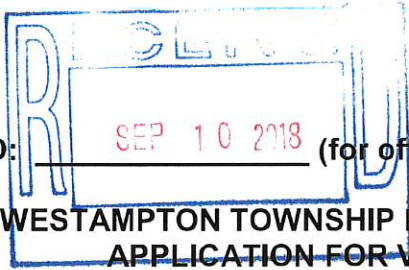
Signature of Applicant  
Felix Bruselovsky, Managing Member

9-4-18  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

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



DATE FILED: \_\_\_\_\_ (for office use only)

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

To the Westampton Township Land Development Board:

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

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 11.04, Lot(s) 3.
2. The property is located 979 Woodlane Road  
\_\_\_\_\_ Phone # 732-617-9905 in  
a R-3 zone district, the street number is 979.
- 2a. A variance is sought from Section(s) 250-12  
\_\_\_\_\_ of the Zoning Ordinance to permit  
The expansion of an existing gasoline service station to include a 7-Eleven  
Convenience Store.  
\_\_\_\_\_.
- 2b. Applicant appeals from the decision of N/A  
\_\_\_\_\_ on \_\_\_\_\_, based upon  
Sections \_\_\_\_\_ of the Zoning Ordinance  
for the reasons outlined on paragraph 9.
3. 979 Woodlane Road, LLC, who resides at  
79 Route 520, Englishtown, New Jersey 07726, is  
the present owner of the property. Applicant's interest in the property is  
Same as owner.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. No variance, conditional use, or special permit has ever been granted  
with respect to this property, except See attached prior Resolutions of  
Approval.  
\_\_\_\_\_.

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

who used the property for Gasoline service station

6. The dimensions of the property are \_\_\_\_\_

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

The total area of the property is .82 acres

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

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

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

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

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

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

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

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

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

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

See the submitted traffic report

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

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

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

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

979 Woodlane Road, LLC

By: 

**Applicant**

Felix Bruselovsky, Managing Member

STATE OF New Jersey

:

ss.

COUNTY OF Middlesex

:

Felix Bruselovsky, of full age, being duly sworn

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

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

979 Woodlane Road, LLC

By: 

**Applicant**

Felix Bruselovsky, Managing Member

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

  
Notary Public of

PETER H. KLOUSER  
ATTORNEY AT LAW OF NEW JERSEY

Land Development Board  
Of The  
Township of Westampton

RESOLUTION # 9 -2005

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

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

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

SECTION 2 FINDINGS, DETERMINATIONS AND CONDITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

E. Conditional Approvals

1. Conditions Precedent.

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

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

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

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

judgment.

## 2. Conditions Subsequent.

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

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

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


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

which the resolution of approval was adopted.

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

WESTAMPTON TOWNSHIP LAND  
DEVELOPMENT BOARD

Dated: 3/2/05

By:   
Norm Miller, Chairman

ATTEST:  
Marion Karp  
Marion Karp, Secretary

Date of Approval: 2-5-05

Date of Memorialization: 3-2-05

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

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

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

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

Section 2. Findings, Determinations and Conditions:

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

OCT 11 2007

store” would replace any use of the service station for the repair and servicing of motor vehicles.

Applicant would continue to dispense gasoline from the site.

*unavailable*

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

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

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

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

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

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

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

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

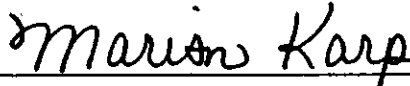
C. Other Agency Approval: The approval granted by this Resolution is subject to applicant obtaining from any and all other agencies having jurisdiction over the same any and all approvals required by law, and this approval is specifically conditioned upon applicant obtaining those approvals.

Land Use Board for the  
Township of Westampton

Dated: 10-3-07

By:   
Dan Breslin, Chairman

Attest:

  
Marion Karp, Secretary

Date Approved: 9-5-07

Date Memorialized: 10-3-07



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

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

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

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

Section 2. Findings, Determinations and Conditions:

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

OCT 11 2007

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

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

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

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

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

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

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

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

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

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

Land Use Board for the  
Township of Westampton

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

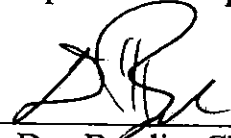
required approval be issued.

(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

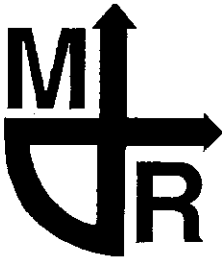
Dated: 8/6/08

By:   
Dan Breslin, Chairman

Attest: Marion Karp  
Marion Karp, Secretary

Date Approved: 5-7-08

Date Memorialized: 8-6-08



## McDonough & Rea Associates, Inc.

*Traffic and Transportation Consulting*

Kevin P. McDonough (1953-1994)  
John H. Rea, P.E.  
Jay S. Troutman, Jr., P.E.  
Scott T. Kennel

June 13, 2018

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

Re: Proposed 7-Eleven  
Lot 3 in Block 1104  
Westampton Township, Burlington County, NJ  
MRA File No. 18-178

Dear Board Members:

McDonough & Rea Associates (MRA) has been asked to provide the Land Development Board with a *Traffic and Parking Analysis* for plans to construct a *7-Eleven* convenience store on the noted property. The property is located on the northwest corner of Woodlane Road (Burlington County Route 630) and Jacksonville Road (Burlington County Route 628).

The site currently contains a *Conoco* gas station with an existing convenience food mart. The plans prepared by Challoner & Associates (C&A) show redevelopment of the site to include razing the existing food mart and fuel pumps and replacing them with the *7-Eleven* convenience store and new fuel pumps and a new canopy.

### **SCOPE OF STUDY**

In order to prepare the *Traffic and Parking Analysis*, MRA conducted the following tasks:

1. Made field visits to the site to establish existing roadway and traffic conditions in the area.
2. Conducted traffic generation analyses for the existing condition and proposed condition in accordance with Institute of Transportation Engineers (ITE) published data.
3. Reviewed the *Site Plan* with respect to availability and accessibility of parking spaces, access to the property and conformance to proper traffic engineering principles.

Please reply to:

- 1431 Lakewood Road, Suite C, Manasquan, NJ 08736 • (732) 528-7076 • Fax (732) 528-6673
- 105 Elm Street, Lower Level, Westfield, NJ 07090 • (908) 789-7180 • Fax (908) 789-7181



Westampton Township Planning Board

-2-

June 13, 2018

The following report represents our analysis and our findings.

### **EXISTING CONDITIONS**

The subject property is located on the northwest corner of Woodlane Road and Jacksonville Road at the intersection of 2 Burlington County roadways. The property contains approximately 0.82 acres. The property currently contains gasoline fueling islands oriented parallel to Woodlane Road and a 1-story convenience mart containing approximately 1,680 SF.

Access to the current property is provided from 2 curb cuts to Jacksonville Road and 2 curb cuts to Woodlane Road. The Woodlane Road curb cut closest to the intersection is signed for an entrance only. The Jacksonville Road curb cut closest to the intersection restricts left turn movements onto Jacksonville Road at that location.

The intersection of Woodlane Road at Jacksonville Road is a signalized intersection with separate left turn lanes provided on all 4 approaches to the intersection. The intersection is equipped with pedestrian push-buttons and signals, crosswalks and ADA compliant ramps on all 4 corners. Advance left turn arrows are provided on the Woodlane Road approaches to the intersection.

The surrounding area is primarily residential in nature with both single family homes and multi-family residential development along the Woodlane Road and Jacksonville Road corridors.

### **PROPOSED CONDITIONS**

It is proposed to raze the existing site improvements and replace them with a *7-Eleven* convenience store of approximately 2,900 SF. New pump islands and fueling positions will be provided underneath a canopy oriented at an approximate 45 degree angle to both Woodlane Road and Jacksonville Road. The fueling positions will line up with the location of the new *7-Eleven* convenience store which will be located in the northwest corner of the property. The existing fuel tanks, which have recently been replaced, will remain in their current location.

A total of 12 parking spaces have been delineated in order to support customer and employee demand. This is in addition to the 8 fueling positions which also will be used by a certain percentage of customers making a fuel purchase, who will also make a purchase at the *7-Eleven* convenience store while their vehicle is being fueled. Enhanced landscaping is proposed along the perimeter of the property.



**McDonough & Rea Associates, Inc.**

***Traffic and Transportation Consulting***

1431 Lakewood Road, Suite C, Manasquan, NJ 08736 • (732) 528-7076 • Fax (732) 528-6673  
105 Elm Street, Lower Level, Westfield, NJ 07090 • (908) 789-7180 • Fax (908) 789-7181

A significant improvement in access to and from the site is also proposed. The 2 curb cuts closest to the intersection will be closed and will be replaced with two 2-way driveways, 1 each to Woodlane Road and Jacksonville Road as far from the signalized intersection as the property permits.

**TRIP GENERATION-EXISTING VERSUS PROPOSED**

The site currently contains a gasoline fueling operation with 8 fueling positions and a convenience food mart of approximately 1,680 SF. If the improvements are approved, the fuel sales will remain (also with 8 fueling positions) and the size of the convenience store will increase from 1,680 SF to the 2,900 SF 7-Eleven store. Table I illustrates the anticipated increases in traffic movements onto and off the site as a result of the increase in the size of the convenience store, based on ITE data.

**TABLE I  
TRIP GENERATION COMPARISON  
EXISTING VS. PROPOSED**

<u>USE</u>	<u>AM PSH</u>	<u>PM PSH</u>	<u>WEEKEND PH</u>
Existing 1,680 SF convenience mart	71	83	83
Proposed 2,900 SF convenience store	<u>122</u>	<u>144</u>	<u>144</u>
Net Difference	+51	+61	+61

The ITE and New Jersey Department of Transportation (NJDOT) typically consider an increase of 100 peak hour trips to be *significant* in terms of their potential impact on surrounding intersections and roadways. In addition to the fact that none of the peak hour increases exceed this threshold, it should be recognized that the increases in driveway movements will be substantially generated from *pass-by* traffic that is already on the road passing the site and is diverted into the site. These trips are not *new* trips and tend to lessen the overall impact of the proposed changes. Based on published ITE data, it is anticipated that a minimum of 50 percent of the increase in driveway movements will be from *pass-by* traffic, thereby reducing the amount of new traffic generated by the changes to approximately 25 new trips during the AM peak street hour and 30 new trips during the PM peak street hour and weekend peak hour.



**McDonough & Rea Associates, Inc.**

***Traffic and Transportation Consulting***

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105 Elm Street, Lower Level, Westfield, NJ 07090 • (908) 789-7180 • Fax (908) 789-7181

Westampton Township Planning Board

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June 13, 2018

**SITE PLAN AND PARKING**

The *Site Plan*, prepared by C&A shows closure of the 2 curb cuts closest to the intersection and replacing those curb cuts with two 2-way driveways, 1 each to Woodlane Road and Jacksonville Road at a point furthest from the intersection in both cases. Twelve parking spaces are provided in order to support employee and customer demand as well as the 8 fueling position under the canopy which will also serve fuel purchase and convenience store purchase customers. The parking provided for this facility is in keeping with parking provided at similar facilities throughout the State of New Jersey.

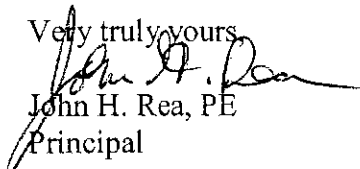
**CONCLUSIONS**

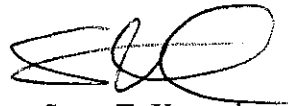
It is concluded, based on MRA's analysis of the proposed redevelopment plans to include a 7-Eleven convenience store at this location, that the plans can be approved and operate safely and compatibly with existing traffic conditions in the area. Although there is anticipated to be an increase in driveway movements to and from the site, as a result of the increase in the size of the convenience store, these increases are not significant, especially after considering the impact of pass-by traffic. MRA anticipates an increase of less than 1 new vehicle every 2 minutes during peak hours based upon ITE data.

The proposed access changes to the site will enable entering and exiting traffic to do so more safely and efficiently due to the closure of the 2 curb cuts closest to the intersection. On-site circulation patterns are sound and adequate parking is provided. Lastly, enhanced landscaping around the perimeter of the property will provide for an aesthetic improvement without impacting on-site or off-site circulation.

A representative from MRA will be in attendance at an upcoming Westampton Township Land Development Board meeting to provide expert testimony and answer any questions board members, board experts or the public may have.

Very truly yours,

  
John H. Rea, PE  
Principal

  
Scott T. Kennel  
Sr. Associate

cc: Kenneth L. Pape, Esq.  
Stuart Challoner, PE  
Felix Bruselovsky

JOHN H. ALLOAIR, 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 7Elev\2018-9-19 979 Woodlane Road - Eng Rvw #1.docx



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

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

### Site Description

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

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

#### A. General

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





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

November 5, 2018  
Our File No. CWAL1104.01  
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 95<sup>th</sup> 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  
Our File No. CWAL1104.01  
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**E. Utilities**

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

**F. Landscaping**

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

**G. Lighting**

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

**H. Environmental**

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

**I. Construction Details**

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



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

November 5, 2018  
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

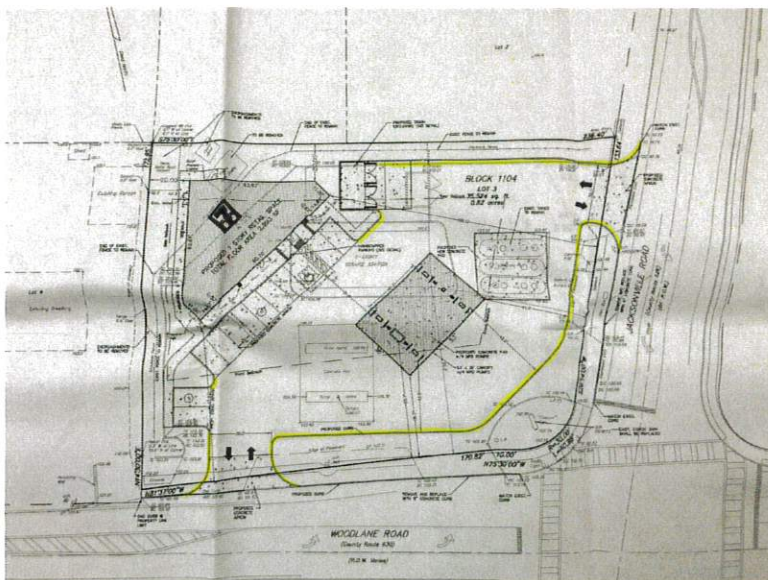
Westampton, New Jersey 08060

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:**
- 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:**
- Fire Lanes around structure/hazards with appropriate signage (see attached)
  - Height clearances for apparatus under fuel pump canopy
- BUILDING ACCESS:**
- Knox box
- NOTES:**
- 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, PTOE, PP  
Harry R. Fox, NICET III, CPSI  
Timothy Kaluhiokalani, LLA, PP, CPSI  
Matthew V. Litvinas, PE, CME

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

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

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

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

#### **Variances**

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

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

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



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

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

### **Waivers**

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

### **Site Design**

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

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

### **General Comments**

1. The applicant should provide a Demolition Plan as part of the site plan application.
2. The plan scales of the landscaping and lighting plans should be increased to a minimum of 1"=20' to improve readability.
3. The landscape plan indicates that the fence and shrubs along the western side wall are to remain in place, but that additional shrubs are proposed to be planted on the opposite 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.

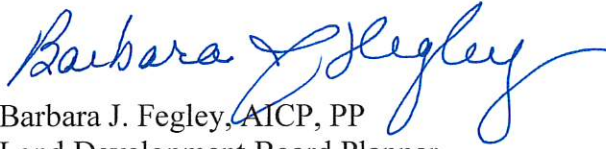
10. Ordinance §196-8B(3)(c) requires that the buffer contain a defined number of canopy and understory trees as well as shrubs. Existing lot size constraints will limit the number of plantings however the Landscape Architect should review the ordinance and comply to the extent possible with a focus on 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 – 2<sup>nd</sup> Floor, Toms River, NJ  
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