

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

MAY 2, 2018

REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2018 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. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Mumbower, Mr. Myers, Mr. Wisniewski, Solicitor Lou Capelli, Engineer Jim Winckowski, Planner, Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes 4/4/2018
8. Resolutions: approval needed:
 - 4-2018 SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – preliminary and final major site plan – (construction of 11,780 sq. ft. retail building and 4,671 sq. ft. car wash facility) – continued until 5/2/2018 meeting
 - 5-2018 Medallion Development Group, LLC, Block 1002.03, Lots 12 & 13 (215 Burrs Road) – minor subdivision, bulk variance – continued until 5/2/2018 Meeting
 - 6-2018 Allie Diaz, Block 1405, Lot 10 (902 Holly Lane) – variance (construction of porch with insufficient front yard setback
 - 7-2018 The Haven Church, Block 1201, Lot 20 (798 Woodlane Road) – use variance & site plan waiver
 - 8-2018 Redevelopment Need Study, Block 805, Lot 1 (2015 Route 541), GHM Properties

9. Old Business:

1. Medallion Development Group, LLC, Block 1002.03, Lots 12 & 13 (215 Burrs Road) – minor subdivision, bulk variance (continued from 4/4/18)
2. SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – preliminary and final major site plan – (construction of 11,780 sq. ft. retail building and 4,671 sq. ft. car wash facility) – continued from 4/4/18, **will be continued until meeting on 6/6/18**

10. New Business:

1. Provco Pinegood Westampton, LLC, Block 201, Lots 7.01 & 7.02 (580 Rancocas Road) – consolidated major site plan, minor subdivision, use & bulk variances (Wawa food market & fueling station)

11. Informal Applications:

12. Correspondence:

13. Open meeting for public comment

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

15. Adjourn

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

APRIL 4, 2018 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on April 4, 2018 at 7:00 P.M. The meeting was called to order by Chairman Gary Borger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2018 and posted in the Municipal Building. All guests were welcomed.

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Mumbower, Mr. Myers, Mr. Wisniewski; Solicitor Capelli, Engineer Greg Valesi, Planner Barbara Fegley, Secretary Marion Karp
Absent: Mr. Freeman

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

Resolutions:

2-2018 David Costain, Block 906, Lot 17 (211 Hill Road) – variance (construction of 30 x 40 foot pole barn) – was memorialized

3-2018 PAG New Jersey CS, LLC, Block 804, Lot 16 (1971 Burlington-Mt. Holly Road) - minor site plan, bulk variance (replacement of existing lighting fixtures) was memorialized

Old Business:

None

New Business:

SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – preliminary and final major site plan – (construction of 11,780 sq. ft. retail building and 4,671 sq. ft. car wash facility). The applicants had submitted a letter requesting that their application be carried until the Board's May meeting because they needed more time to address some issues. Board Chairman Gary Borger announced this in case anyone was present to hear the application. No further notice would be required.

Allie Diaz, Block 1405, Lot 10 (902 Holly Lane) – variance (construction of porch with insufficient front yard setback. Saturnino Lebron, the applicant's contractor was present at the meeting. The property in question is in the R-2 zone, the proposed porch is 12 by 40 feet in size. A 25 foot front yard setback is required in this zone and it won't be met if this porch is proposed. The setback will be 22.9 feet instead of the required 25 feet. The survey that was submitted was incorrectly marked with a 10 by 40 foot porch; it is indeed 12 by 40 feet in size.

The property is shallow and presents a hardship to the owner. There is no negative impact on the zoning code. Dave Guerrero asked why they were constructing a 12 by 40 vs a 10 by 40 porch; Mr. Lebron stated that this size is necessary to accommodate a wheelchair. It is an open porch with a roof covering; no screening or windows.

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

Mr. Applegate made a motion to approve; Mr. Henley seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

Gene Blair asked if Mr. Lebron wanted to request an at risk authorization to proceed before the resolution is memorialized. He stated that he did not wish to do so but would wait.

Medallion Development Group, LLC, Block 1002.03, Lots 12 & 13 (215 Burrs Road) – minor subdivision, bulk variance. Richard Israel, applicant's attorney was present on behalf of Medallion Development Group; two new lots would be created. The mother lot is almost 6 acres in size in the R-1 zone; the minimum lot size is 1 acre in this zone. The contract is conditioned upon the granting of the subdivision and the variance for insufficient width at the building line. The existing home will remain on one of the lots that would be created. Mark Malinowski, engineer and Perri Wachter from Medallion Group were sworn in by the Board solicitor.

Three lots will be created, lot 13.01 will retain all the improvements and two others will be created. Lot 13.01 has access to Burrs Road; this portion of Burrs Road is municipally owned and is not under County jurisdiction. Lot 13.02 will be 1.58 acres in size and the other 1.6 acres, which would be Lot 12.01. They are requesting a variance for the two lots; lot width at the building line will be about 126.19 feet where 150 feet is required. The remaining lot has two existing outbuildings of substantial size which exceed the 600 foot requirement for outbuildings on lots under 3 acres in size, thus, a variance is necessary for that condition. The lot is 2.64 acres in size after the subdivision. The applicants showed the Board a different plan, a "by right" subdivision plan that would eliminate both variances; however they don't prefer this plan. The

grading of the site grades down from Burrs Road to the rear of the site; in total, a 21 foot difference in grade from the front to the rear of the site. There were also issues with this plan as far as the location of onsite sewer and they much preferred to go with the plan as presented to the Board, with the variances. They feel that it won't have any impact on the Master Plan due to the density and other variables.

Dave Barger asked where the two new homes would be placed and if they would be in line with the existing home; the applicants answered that they would be, in the same general area. Lot 12 does have an existing 7000 + square foot tennis court on it which will be removed once a home is constructed on the lot. Driveways would be constructed of asphalt according to the testimony presented.

Greg Valesi asked if septic suitability was looked at; Ms. Wachter answered that it has been looked at and it is acceptable. Greg stated that the current septic system should be detailed on the existing lot as well. Testing would be completed to determine where the new systems would be placed as well as the setbacks of the systems.

The Board engineer's letter of March 24, 2018 was reviewed by the applicants. The applicants agree to comply with all details in the letter; they will be filing the subdivision by deed. They agree to do the recommended testing to make sure there is no contamination with pesticides. There are existing utility poles that provide service to the existing house that will need to be relocated. The applicants don't think the installation of dry wells is necessary since impervious coverage isn't being increased more than ¼ over existing conditions.

The Board Planner's letter of March 27, 2018 was then reviewed. The applicants agree to meet with the Tax Assessor who would assign lot numbers. They agree to all other conditions in the letter.

The meeting was opened to the public for comment. Dominic Coceano of 211 Burrs Road was sworn in; he read a prepared statement. He objects to the granting of the variance; it is a desirable area due to the privacy and beauty of the area. He thought a different configuration would be more beneficial and would not have as much impact on his property, which borders this. He was concerned that the septic system leach field could possibly impact his swimming pool area. He thought there were other ways to solve this problem and thought this subdivision would reduce the value of their properties. He asked the Board to consider what he had suggested and wanted them to consider a different configuration.

Toni Grant-Beverly, 210 Burrs Road was sworn in by the Board solicitor. She is concerned regarding the notice letter she received which had the wrong name for the property. It was termed Burrs Mill Road instead of Burrs Road and she thought she had received it in error. She thinks the granting of this variance would change the flavor of the area.

Greg Valesi stated that he wasn't sure that the "by right" plan was inferior to what was submitted; neither he nor the Planner had seen the "by right" plan until this evening so they didn't have a chance to consider nor compare it.

The Board took a 5 minute recess. The applicants asked for a continuance until the Board's May 2 meeting in order to redo their notice correctly. Gene Blair suggested that the applicants look into the suggestions Mr. Coceano had made before they came back before the Board. The Board has to consider the testimony of the residents.

Mr. Wisniewski made a motion to continue the application; Mr. Henley seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

The Haven Church, Block 1201, Lot 20 (798 Woodlane Road) – use variance & site plan waiver. Tyler Prime, applicant's attorney was present. The application is for a use variance to allow for a church in the Woodlane Shopping Center. There is no external construction proposed at the site. The site is in the C Commercial zone; places of worship are not permitted; they are only permitted conditionally in the residential zones. They are also seeking a waiver of site plan approval. They will be providing some testimony regarding traffic counts this evening, as was requested by the Board engineer. Pastor Paul Scrimale, Nathan Mosely, traffic engineer, Leah Furey Bruder, Professional Planner and Kyle Van Dyke, architect were sworn in before the Board.

Mr. Scrimale gave a brief background of the founding of The Haven Church. They are trying to find a place to accommodate their growing membership. They have looked outside of Westampton but prefer to locate in town if possible.

They hope to use about 10,000 square feet in the shopping center; their architect reviewed the proposed floor plans with the Board. There are no changes planned for the existing façade of the building with the exception of a new façade sign which will meet code. They would also add a panel sign onto the main sign for the shopping center. All alteration work will be interior, nothing exterior. There is one main entrance; there are 5 exits at the rear of the building. There are no kitchen facilities; no cooking will take place. Seating will consist of removable chairs and will provide for the seating of 300 persons. The space had been occupied by a dry cleaner, physical therapy and a nail salon previously. All of the spaces are vacant at this time. The building is fully fire suppressed.

Greg Valesi asked if there would be any vacancy in the center once the church was in; there will be approximately 2,000 square feet still vacant. Greg explained that this is important for the shared parking analysis. He doesn't have a problem with granting a site plan waiver; but a plan is needed for ADA accessibility; a plan with details will need to be provided for Gene's review. Accessible ramp details and sidewalk details will need to be shown. There are 7 accessible spaces according to the architect, which are designated as such.

There are two Saturday services at this time, one at 5 PM and one at 7 PM. They may want to add a Sunday morning service if they grow. They do have midweek gatherings of 15-20 people from time to time but the major impact is on Saturday nights as it stands now. There could be wedding ceremonies taking place there but no receptions because they won't have the facilities. Services are about an hour and 20 minutes each. More families attend the earlier service. Prayer groups might meet during the week at 7 PM. He estimated about 3 persons per car for the services. Individual counseling might take place during the week since the Pastor would have an office at the site.

Barbara Fegley asked if there is overlap between the services; Mr. Scrimale stated that there was and they allow for 45 minutes between the services. Generally at about 20 minutes before the second service, most people have gone. Dave Barger asked about volume levels and impact upon adjacent tenants. He explained that the places of business would mostly be closed at that time. They do have a full band but they are cognizant of noise levels and try to maintain safe sound levels. Businesses adjacent are a nail salon and an appliance store which hasn't opened yet.

Mr. Henley asked if there are any plans in the future to change their service day from Saturday; Mr. Scrimale said they would keep it on Saturdays; Sunday morning is a potential perhaps at 10 AM. Mr. Wisniewski asked how long the lease would be; they hope it's a long time, perhaps as long as a five year lease but they are still in negotiations.

The traffic engineer testified regarding parking and traffic. He looked at the engineer's and planner's review letters. They went out on Saturday and did traffic counts during the day; they divided the parking area into three spaces for ease of counting. They counted 212 parking spaces in total; the count was performed from 3 PM to 9 PM. A maximum of 46 cars were there at 3:30 PM in the afternoon. At 5 PM there were 18 vehicles; at 7 PM there were 24 vehicles in the parking lot. Most of the parking took place at the end of the site at the location of the Wawa. Traffic volumes are significantly reduced on Saturdays as opposed to during the week. There are about 160 spaces available for the congregants of the church according to Mr. Mosely. Church type facilities typically calculate 1 vehicle for 3 occupants; he agrees with this for this use. With 300 seats you would assume about 100 cars; this leaves about 60 spaces unused. There is more than adequate parking for the needs of the church at this site according to his testimony.

Mr. Applegate asked if an intersection capacity analysis onto Woodlane road was performed; it had not been done. He doesn't think there will be a problem exiting from services on Saturday evenings.

Currently the shopping center has about 20% of its total space vacant. Greg Valesi asked if they had given any thought as to what might happen if a restaurant were to come into the shopping center; they still believed the parking to be more than adequate. Shaun Meyers asked if they had considered parking offsite and bussing people in like

the Change Church does; they had not. Greg stated that there will be delays as there will be many cars leaving at the same time; there may be a need for a police officer since it is a different type of use not anticipated at a shopping center. He stated that it appears there is enough parking from the applicant's testimony. Gene wanted a parking study document; the applicants agree to provide same.

A representative of the landlord, Laura Hart, was sworn in. She is the property manager for the shopping center. She explained that Kid Academy was fine and had no objections to the church coming into the shopping center.

Leah Furey Bruder, applicant's planner, testified before the Board regarding the use variance and to bring it all together. She gave an overview of the permitted uses in the Commercial zone. The church is providing necessary services to the community and will be an asset to the community. It is appropriately paired with the site. This kind of space isn't particularly attractive to retailers and the landlord needs to be flexible; they are trying to maintain their occupancy levels. It will contribute to the vibrancy of the community as well and will serve to stabilize the shopping center.

Barbara Fegley's letter was reviewed; she thinks that traffic could have a negative impact. There will be temporary delays when everyone leaves at the same time but it should work itself out; Greg Valesi is content with limiting the study to be submitted to parking only, a traffic study isn't needed. He expects the report to deal with the vacancies that are currently there and what could possibly come in and how that could affect parking; this gives them a more conservative approach and is a much more solid application.

Barbara Fegley asked about occupancy loads in the building; the architect explained that it is different for the different areas of the church; different values are used for the different areas.

Greg Valesi thinks the parking study should speak to Sunday counts as well in order to take that into account now and avoid a return to the Board. Dave Barger asked if we could use parking spaces and back that into an occupancy number not to exceed; Greg answered that it could.

Dave Guerrero stated the Board is trying to figure out if the number of 300 will grow which would affect the number of parking spaces.

The Sunday service would take place from 10 AM to 11:30. Parking is less of a concern on a Sunday due to some of the businesses in the shopping center being closed.

The applicants agree to the conditions in the Fire Marshal's review letter.

The meeting was opened to the public for comment. Dorea Boyle, 13 Berkshire Road was sworn in before the Board. She lives behind the shopping center; she has concerns regarding the noise that might be generated which would impact the

neighbors. Greg Valesi stated that there are standards in the ordinance that they would have to comply with. She said there is a lot of through traffic that cuts through Berkshire Road, this would increase traffic with people cutting through the development.

Pam Overton, 1 Devonshire Drive, has been attending the church for the last 15 months with her family. The parishioners monitor the traffic and it flows nicely. Years ago there was a billiards hall located in this strip mall; she is sure that generated lots more noise than a church would. She thinks having a church here is a wonderful idea and it would help the Chinese restaurant and Wawa and she sees it as an improvement since this space has been empty. They would still be paying taxes if they rented this space. She thinks this is what the community needs; people could walk to church.

Teresa Armstrong, 2 Berkshire Court – lives right behind the shopping center. She has concerns regarding the noise and the traffic that will be generated.

Ruth Bonano, 21 Westwind Way – it is a loving and giving church; there is nothing they wouldn't do to help the community.

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

It was noted by the Board solicitor that the Mayor and member of Committee would not vote on the use variance portion of the application.

The first vote taken was for the waiver of site plan. Mr. Applegate made a motion to approve the waiver of site plan; seconded by Ms. Haas. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Henley, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes. The second vote was for the use variance; Mr. Blair made a motion to approve; seconded by Mr. Applegate. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Mumbower and Mr. Myers voted yes.

Public Hearing – Redevelopment Need Study, Block 805, Lot 1 (2015 Route 541).

Barbara Fegley, the Board Planner, had prepared a redevelopment need study. George Hulse, the applicant's attorney, was present for the presentation. This is the first step in a redevelopment as explained by Barbara. If the Board determines this property is in need of redevelopment, the next step would be to prepare a redevelopment plan. Barbara went through the study for the Board to summarize. There has been demolition going on at the site; several buildings have already been demolished. The current motel/hotel on site will remain. The site is obsolete as it currently is developed and more than meets the criteria for redevelopment.

Dave Barger asked if our current zoning was so onerous so as to prohibit development. Barbara doesn't think the zoning necessarily restricts it; there are tax abatements that can be used in conjunction with redevelopment that can benefit the town. He asked if redevelopment loosens the restrictions of zoning; she answered not necessarily, it depends on how the redevelopment plan is written. He sees redevelopment used around the state with the intent of renewing blighted areas but to him it seems almost

like spot zoning where developers can get around restrictions.

The meeting was opened to the public for comment. George Hulse stated that Barbara did an excellent job with her analysis. His client's vision is to work in partnership with the township and use the redevelopment tool for mutual benefit for a site that is underutilized, dilapidated and hopefully make it into a destination point. This is the first step in the process; this site is obviously in need of redevelopment.

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

Mr. Blair made a motion to approve the application; Ms. Haas seconded the motion. Mr. Applegate, Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Mumbower and Mr. Myers voted yes.

Open Meeting for public comment

There were no further comments from the public.

Comments from the Board

Due to the late hour, no Board members made comments.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 4-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: SBC Laundromat, Inc.

BOARD'S DECISION: Continued Application for Preliminary & Final Major Site Plan Approval

PROPERTY ADDRESS: 483 Woodlane Rd – Block 301, Lot 2

ZONING DISTRICT: Commercial “C” Zoning District

DATE OF HEARING: April 4, 2018

WHEREAS, SBC Laundromat, Inc. (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary and final major site plan approval for the construction of an 11,780 sf retail building and 4,671 sf carwash facility in the Commercial “C” Zone. The property is located at 483 Woodlane Road, Westampton, New Jersey, designated as Block 301, Lots 2 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; and

WHEREAS, prior to the April 4, 2018 Board meeting, the Applicant submitted a letter requesting the Application be continued to the next-regularly scheduled public Board meeting in May to allow the Applicant to address additional issues; and

WHEREAS, the Board Chairman announced the Applicant’s request at the April 4, 2018 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, in light of the Board Chairman’s announcement to the public at the April 4, 2018 public meeting, the Board determined that the Applicant would not be required to notice and advertise the Application again for the May meeting; and

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 for the construction of an 11,780 sf retail building and 4,671 sf carwash facility in the Commercial “C” Zone was and is hereby **CONTINUED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

WESTAMPTON LAND DEVELOPMENT BOARD

BY: _____
Gary Borger, Chairman

ATTEST: _____
Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 5-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Medallion Development Group, LLC

BOARD'S DECISION: Continued Application for Minor Subdivision Approval with Bulk Variance Relief

PROPERTY ADDRESS: 215 Burrs Road – Block 1002.03, Lots 12 & 13

ZONING DISTRICT: Residential “R-2” Zoning District

DATE OF HEARING: April 4, 2018

WHEREAS, Medallion Development Group, LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting minor subdivision approval with bulk variance relief pursuant to *N.J.S.A. 40:55D-70c* to permit the subdivision of an approximately 6-acre sized property in the Residential “R-1” Zone. The property is located at 215 Burrs Road, Westampton, New Jersey, designated as Block 1002.03, Lots 12 and 13 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on April 4, 2018. The Applicant was represented by Richard Israel, Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the nature, purpose, location, and description of the proposed minor subdivision and requested variance relief; and

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

WHEREAS, prior to the Board rendering a decision to grant or deny the Application, it was determined that the Applicant’s notice was defective and did not meet the requirements of *N.J.S.A. 40:55D-11* because the name of the street on which the Subject Property is located was incorrect; and

WHEREAS, the defective notice may render any action taken by the Board with respect to the Application vulnerable to legal challenge and/or void. *See, e.g., Pond Run Watershed v. Hamilton Twp. Zoning Bd. of Adj.*, 397 N.J. Super. 335 (App. Div. 2008); and

WHEREAS, the Applicant requested the Application be continued to the next-regularly scheduled Board meeting so that the Applicant can correct the notice defect and properly notice the Application in accordance with the requirements of the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application for minor subdivision approval with bulk variance relief to permit the subdivision of an approximately 6-acre sized property in the Residential "R-1" Zone upon motion duly made by Mr. Wisniewski and seconded by Mr. Henley, was and is hereby **CONTINUED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board will consider the testimony of the Applicant's witnesses and professionals, the members of the public, and the Board professionals provided during the April 4, 2018 hearing in addition to any new evidence submitted and testimony provided during the Applicant's subsequent hearing(s) following this continuance.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Henley	x			
Wisniewski	x			
Myers	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 6-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Allie Diaz

BOARD'S DECISION: Granted Bulk Variance

PROPERTY ADDRESS: 902 Holly Lane – Block 1405, Lot 10

ZONING DISTRICT: Residential “R-2” Zoning District

DATE OF HEARING: April 4, 2018

WHEREAS, Allie Diaz (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting bulk variance relief pursuant to *N.J.S.A. 40:55D-70c* to permit the construction of a proposed porch with a 22.9-foot front yard setback in the Residential “R-2” Zone. The property is located on 902 Holly Lane, Westampton, New Jersey, designated as Block 1405, Lot 10 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on April 4, 2018. The Applicant’s contractor, Saturnino Lebron, appeared on behalf of the Applicant and testified in favor of the Application; and

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

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the April 4, 2018 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, Allie Diaz, proposes to construct a 12 x 40 feet porch on the Subject Property, located at 902 Holly Lane, Westampton, New Jersey. The Subject Property is designated as Block 1405, Lot 10, and lies in the Residential “R-2” Zoning District.
2. The proposed porch will result in a 22.9-foot front yard setback whereas Chapter 250, Article IV, Section 250-7 “Schedule of Yard, Area, and Bulk Requirements” of the Township Zoning Ordinance requires a 25-foot front yard setback. The proposed porch therefore requires the granting of a bulk variance pursuant to *N.J.S.A. 40:55D-70c*.

3. The Applicant's contractor, Saturnino Lebron, was sworn in and testified in favor of the Application. Mr. Lebron explained the Applicant's survey was submitted incorrectly, and that the proposed porch will be 12 x 40 feet in size and not 10 x 40 feet. Mr. Lebron further testified as to the required variance relief, explaining that due to the unique shallow shape of the Subject Property, strictly imposing the front yard setback requirement would cause a hardship to the Applicant. Mr. Lebron further testified that there will be no negative impact to the Township or Township Zoning Ordinance.

4. Upon query from the Board, Mr. Lebron further explained that the 12 x 40 feet size of the proposed porch is necessary to accommodate a wheel chair, and that the proposed porch will not have a roof, screening, or windows.

5. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and no members of the public appeared to testify.

6. With regard to the request for bulk variance relief, through the evidence submitted and testimony presented by the Applicant's witnesses and professionals, the Board finds that the Applicant has established that due to the exceptional shallowness of the Subject Property and the need to construct the porch to accommodate a wheelchair, the strict application of the 25-foot front yard setback requirement for the R-2 Zone set forth in Chapter 250, Article IV, Section 250-7 of the Township Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the Applicant, thus bulk variance relief permitting a 22.9-foot front yard setback is warranted so as to relieve such difficulties or hardship. *N.J.S.A. 40:55D-70c(1)*.

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for a bulk variance pursuant to *N.J.S.A. 40:55D-70c* to permit the construction of a proposed porch with a 22.9-foot front yard setback in the Residential "R-2" Zone upon motion duly made by Mr. Applegate and seconded by Mr. Henley, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Henley	x			
Wisniewski	x			
Myers	x			

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

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein;
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;
6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 7-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: The Haven Church

BOARD'S DECISION: Granted Use Variance & Site Plan Waiver

PROPERTY ADDRESS: 798 Woodlane Road – Block 1201, Lot 20

ZONING DISTRICT: Commercial “C” Zoning District

DATE OF HEARING: April 4, 2018

WHEREAS, the Haven Church (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting a use variance pursuant to *N.J.S.A. 40:55D-70d(1)* and site plan waiver to permit the use of an approximately 10,000 sf unit within the Commercial “C” Zoning District as a church. The property is located on 798 Woodlane Road, Westampton, New Jersey, designated as Block 1201, Lot 20 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; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on April 4, 2018. The Applicant was represented by Tyler Prime, Esq., of Prime Law. The Board heard testimony from the Applicant’s witnesses and professionals as to the nature, purpose, location, and description of the requested variance relief; and

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

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the April 4, 2018 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, Haven Church, proposes to lease the Subject Property, located at 798 Woodlane Road, Westampton, New Jersey. The Subject Property is designated as Block 1201, Lot 20, and lies in the Commercial “C” Zoning District.
2. The Subject Property contains an approximately 10,000 sf unit which the Applicant proposes to use as a church. The use of the Subject Property as a church is not a permitted use

in the Commercial Zone per Chapter 250, Article VI, Section 250-16a of the Township Zoning Ordinance. The request to operate the church therefore requires the granting of a use variance pursuant to *N.J.S.A. 40:55D-70d*. The Applicant has also requested a waiver of site plan approval because no improvements to the Subject Property are proposed.

3. The Applicant's first witness, Pastor Paul Scrimale, was sworn in and testified in support of the Application. Pastor Scrimale described the proposed use and requested relief. Pastor Scrimale testified as to the background and history of the Haven Church, and explained that the Haven Church is growing and they have been trying to find a new location for their increased membership, and prefer to stay in Westampton. Pastor Scrimale further testified that there will be two Saturday services, one at 5 PM and one at 7 PM, lasting one hour and 20 minutes each, and may add a Sunday service in the future. Pastor Scrimale also testified that individual counseling and small prayer services of approximately 15-20 people may occur during the week.

4. The Applicant's architect, Kyle Van Dyke, was sworn in and testified in support of the Application. Mr. Van Dyke reviewed the proposed plans with the Board, explaining that the only changes will be to the interior of the unit and that there is no new exterior construction proposed; that the Applicant will not be making changes to the façade of the building other than the installation of a new sign, which will comply with the Township Zoning Ordinance; that there will be one entrance and five exits from the unit; that seating for the church will consist of removable chairs for approximately 300 people; that there will be no cooking or kitchen facilities on-site; and that the building is fully fire suppressed.

5. Upon query from the Board Engineer, Gregory R. Valesi, PE, PP, CME, CFM, CPWM, Mr. Van Dyke clarified that approximately 2,000 sf of the 10,000 sf unit will remain vacant. Mr. Valesi explained that he has no objection to the granting of the requested site plan waiver, but that the Applicant must provide an ADA accessibility plan with details showing accessible ramps and sidewalks, as well as accessible parking spaces.

6. Upon query from the Board Planner, Barbara J. Fegley, AA, AICP, Pastor Scrimale further testified that the Haven Church allows 45 minutes between services on Saturday evenings so most attendees from the first service will have left the Subject Property by the time attendees to the later service begin to arrive.

7. The Board further questioned Pastor Scrimale about the impact of the proposed use on the adjacent businesses, a nail salon and appliance store, and the term of the Applicant's proposed lease of the Subject Property. Pastor Scrimale testified that the businesses will be closed by the time of Saturday evening services and that while the Haven Church will use a band, they will be aware of and monitor their noise level.

8. The Applicant's traffic engineer, Nathan Mosely, was sworn in and testified in support of the Application. Mr. Mosely testified as to parking and traffic at the Subject Property, explaining that there are 212 parking spaces available in total and that he had previously observed 46 parked vehicles at 3:30 PM; 18 parked vehicles at 5 PM; and 24 vehicles at 7 PM, most of which were there for the nearby Wawa. Mr. Mosely further testified that there are 160

parking spaces available for church congregants, which is more than enough to accommodate the approximately 100 cars that may park for 300 attendees during Saturday evening services.

9. Upon query from the Board and Board professionals, Mr. Mosely further explained that while no intersection capacity analysis onto Woodlane Road had been performed, he did not believe there would be a problem exiting the Subject Property on Saturday evenings; that there will be adequate parking even if a restaurant were added to the shopping center; that they had not considered off-site parking; and that they will provide a parking study document.

10. The Board Engineer testified that based on the Applicant's testimony, he does not believe parking will be a problem.

11. The Applicant's next witness, Laura Hart, was sworn in and testified in support of the Application. Ms. Hart, appearing on behalf of the landlord, explained she is the property manager of the shopping center and has no objections to the proposed use of the Subject Property as a church.

12. The Applicant's planner, Leah Furey Bruder, was sworn in and testified in support of the Application. Ms. Bruder summarized the permitted uses in the Commercial Zone, and testified as to the positive and negative criteria needed for a use variance, explaining: the proposed church use provides necessary and beneficial services to the Township and will be an asset to the community; that the proposed church use is particularly suited for the Subject Property; that the church will contribute to the vibrancy of the community and stabilize the shopping center; and

13. The Board Engineer and Board Planner discussed the submission of a parking study as a condition of approval. The Board professionals requested that the parking study report detail the existing availability of parking for the proposed church use and how the available parking could be impacted by new uses in the shopping center, on both Saturdays and Sundays since the Applicant has indicated that a Sunday service from 10 AM to 11:30 AM may be added in the future.

14. As conditions of approval, the Applicant agreed to: (1) submit the requested parking study as discussed on the record; and (2) comply with the conditions in the Fire Marshal's review letter.

15. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and the following members of the public were sworn in and appeared to testify:

a. Dorea Boyle, 13 Berkshire Road -- testified that she lives behind the shopping center and has concerns about the noise and traffic associated with the proposed use.

b. Pam Overton, 1 Devonshire Drive -- testified in support of the Application, indicating she has attended the church the last 15 months and thinks the Haven Church handles services and traffic nicely. Ms. Overton further testified that she thinks having the

church there is a wonderful idea and a benefit to the community.

c. Teresa Armstrong, 2 Berkshire Court – testified she lives behind the shopping center and has concerns about the noise and traffic associated with the proposed use.

d. Ruth Bonano, 21 Westwind Way – testified the Haven Church will give back and be a benefit to the community.

16. In response to the concerns of the public regarding noise, the Board Engineer explained that the Applicant must comply with the Township's noise ordinance requirements.

17. Following the close of public testimony, the Board moved to consider the Applicant's request for use variance relief and a site plan waiver.

18. With regard to the request for use variance relief, through the testimony presented by the Applicant's witnesses and professionals, the Board finds that the Applicant has established the proposed use as a church:

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

b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely: the promotion of the morals and general welfare by allowing for the offering of a beneficial and needed church service in the community; the preservation of neighborhood character and conservation of neighborhood values; and the provision of sufficient space for a beneficial recreational use since the Subject Property is currently vacant.

c. that the variance can be granted without substantial detriment to the public good because the Township will benefit from the provision of the Applicant's church services in the community; there is adequate parking and will not be a substantial adverse impact on traffic; and because the Applicant has agreed to comply with the Township's noise ordinance requirements.

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

19. The Board further finds that the Subject Property is particularly suitable for the proposed use as a church because: (1) the service being offered by way of the proposed use is valuable and much needed in the area; and (2) the Subject Property is currently vacant and has sufficient parking available for the proposed church use.

20. With regards to the site plan waiver, the Applicant has not proposed any exterior improvements to the Subject Property and the condition of the Subject Property is otherwise satisfactory and meets the requirements of the Township Ordinance, thus the grant of a site plan waiver is appropriate. *Garofalo v. Burlington Tp.*, 212 N.J. Super. 458 (Law Div. 1985).

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for a use variance pursuant to *N.J.S.A. 40:55D-70d* to permit the use of an approximately 10,000 sf unit within the Commercial "C" Zoning District as a church upon motion duly made by Mr. Blair and seconded by Mr. Applegate, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE – USE VARIANCE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Mumbower	x			
Myers	x			

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's request for a site plan waiver to permit the use of an approximately 10,000 sf unit within the Commercial "C" Zoning District as a church upon motion duly made by Mr. Applegate and seconded by Ms. Haas, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE – SITE PLAN WAIVER

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Henley	x			
Wisniewski	x			
Myers	x			

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

1. The Applicant shall provide a parking study providing the information requested on the record by the Board and Board Professionals.
2. The Applicant shall comply with the conditions set forth in the Fire Marshal's review

letter, incorporated herein by reference.

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

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

agencies, if any, such approvals are required;

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

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 8-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICATION: **Preliminary Investigation for the Determination of an Area in Need of Non-Condensation Redevelopment**

INVESTIGATION AREA: **2015 Route 541 – Block 805, Lot 1**

DATE OF PUBLIC HEARING: **April 4, 2018**

BOARD’S DECISION: **Recommended Township Committee Designate the Investigation Area as “In Need of Redevelopment”**

WHEREAS, by way of Westampton Township Committee (“Township Committee”) Resolution No. 43-18, dated February 6, 2018, and in accordance with the Local Redevelopment and Housing Law (“LRHL”), *N.J.S.A.* 40A:12A-6a, the Township Committee directed the Westampton Land Development Board (“Board”) to conduct a preliminary investigation to determine whether 2015 Route 541 – Block 805, Lot 1 (“Investigation Area”) is “an area in need of redevelopment”; and

WHEREAS, the Board Planner, Barbara J. Fegley, AICP, PP, prepared a Preliminary Investigation for the Determination of an Area in Need of Non-Condensation Redevelopment, dated March 18, 2018 (“Preliminary Investigation”); and

WHEREAS, prior to holding a public hearing to consider the Preliminary Investigation, the Board prepared a map showing the boundaries of the Investigation Area, the location of various parcels included in the Investigation Area, and appending a statement setting forth the basis for the Preliminary Investigation as required by *N.J.S.A.* 40A:12A-6b(1); and

WHEREAS, the Board specified and gave notice of the date of the public hearing to consider the Preliminary Investigation: April 4, 2018 at 7:00 PM, and gave proper notice of the public hearing to persons who are interested in or would be affected by a determination that the Investigation Area is a redevelopment area; *N.J.S.A.* 40A:12A-6b(2); and

WHEREAS, the contents of the Board’s notice of the public hearing to consider the Preliminary Investigation complied with the requirements of the LRHL, specifically *N.J.S.A.* 40A:12A-6b(3)(a); -6b(3)(b); and was published and sent to the required parties in accordance with the requirements of *N.J.S.A.* 40A:12A-6b(3)(d); and

WHEREAS, at the April 4, 2018 public hearing to consider the Preliminary Investigation, the Board Planner summarized and explained the Preliminary Investigation in-detail, noting that demolition has already begun within the Investigation Area; that the Investigation Area is obsolete as currently developed; and that the Investigation Area meets the

criteria for redevelopment; and

WHEREAS, upon query from the Board, the Board Planner explained that the Township's existing Zoning Ordinance does not restrict development; that there are tax abatements that can be used in conjunction with redevelopment; and that the next step is to prepare a redevelopment plan if the Board recommends to the Township Committee that the Investigation Area be designated as a redevelopment area; and

WHEREAS, the hearing was opened to the public as required by *N.J.S.A.* 40A:12A-6b(4), and the following members of the public appeared to testify:

a. George H. Hulse, Esq. – testified that the Board Planner did an excellent job with her analysis and his client proposes to work with the Township and use the redevelopment tool for mutual benefit; Mr. Hulse further testified that the site is currently underutilized, dilapidated, and that his client intends to make the Investigation Area into a destination site for the Township.

WHEREAS, based on the Preliminary Investigation, testimony, and other evidence presented at the April 4, 2018 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board hereby adopts and incorporates by reference as if fully set forth at length herein the entirety of the Preliminary Investigation, including the factual findings and conclusions of law set forth in Article VII – Applicability of Statute and Article VIII – Summary of Findings.
2. As set forth in the Preliminary Investigation Article VIII – Summary of Findings, the Investigation Area meets the statutory criteria to be designated an “Area in Need of Redevelopment,” specifically the criteria listed at *N.J.S.A.* 40A:12:5b; -5d; -5e; and -5h.
3. Because the Investigation Area meets the criteria listed at *N.J.S.A.* 40A:12-5, the Investigation Area is a redevelopment area. *N.J.S.A.* 40A:12-6a.

NOW, THEREFORE, in accordance with *N.J.S.A.* 40A:12A-6b(5)(a), upon motion made by Mr. Blair and seconded by Ms. Haas, **IT IS HEREBY RECOMMENDED** by the Land Development Board of the Township of Westampton that the Township Committee designate the Investigation Area, defined as 2015 Route 541 – Block 805, Lot 1, as “an area in need of redevelopment” pursuant to the procedures set forth in the LRHL, *N.J.S.A.* 40A:12A-1 *et seq.*

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger	x			
Blair	x			
Borger	x			
Guerrero	x			
Haas	x			
Henley	x			
Mumbower	x			
Myers	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



Township Of Westampton



SITE PLAN REVIEW APPLICATION
 SUBDIVISION APPLICATION
 MINOR MAJOR
 PRELIMINARY FINAL CONSOLIDATED

BLOCK 201 LOT 7.01, 7.02

1. GENERAL INFORMATION

A. Applicant Name Provo Pinegood Westampton, LLC
 Address 795 E. Lancaster Ave., Suite 200
Villanova, PA 19085
 Telephone Number 610-520-4572

B. The Applicant is a:

Corporation*
 Partnership*
 Individual
 Other (specify)

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

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

Purchaser under contract
 Owner
 Lessee
 Other (specify)

Attorney Tim Prime, Esquire
 Address 14000 Horizon Way, Suite 325 Mt. Laurel, NJ 08054
 Telephone Number 856-273-8300

D. Engineer/Surveyor: Bohler Engineering c/o David Wisotsky, P.E.
Address 305 Fellowship Road, Mount Laurel, NJ 08054
Telephone Number 856-930-4000

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 580 Rancoas Road
- B. The location of the property is approximately 375 feet from the intersection of Highland Drive and Rancocas Road
- C. Existing use of the property Bank and Farmland
Proposed use of property Bank and Food Market with fuel sales
- D. Zone in which property is located B-1
- E. Acreage of property 4.971
- 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) Wawa Food Market
- I. Are there deed restrictions that apply or are contemplated? _____
(if yes, please attach a copy to application)

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

- J. Number of lots proposed 2
- K. Was the property subject to a prior subdivision? Yes 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:

362 LF 4" PVC Schedule 40 Sanitary Sewer

345 LF of 2" Type K Copper Domestic Water Service

Telephone, cable, electric, gas service

O. List maps and other exhibits accompanying this application:

Please refer to cover letter of this application.

3. INFORMATION REGARDING THE APPLICATION

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

Please refer to Sheet C-04 of the Preliminary/Final Site Plan & Minor Subdivision set.

4. CHECK LIST AND WAIVER REQUESTS

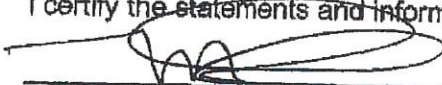
A. Please refer to the Ordinance for the specific submission requirements, which are listed in Chapters 196, 215 and 250 (Site Plan Review, Subdivision of Land and Zoning) from the Code of the Township of Westampton.*

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

Please refer to Sheet C-04 of the Preliminary/Final Site Plan & Minor Subdivision set.

5. AUTHORIZATION AND VERIFICATION


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



Signature of Applicant

3/12/18

Date



Signature of Owner
Tess Gruenstein

3/12/18

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>



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: March 27, 2018
ADDRESS: 580 Rancocas Rd
PROPOSED USE: WaWa
HYDRANTS: N/A

FIRE PROTECTION SYSTEMS:
- Exterior horn/strobe if alarmed
- Map of Detection/Protection locations upon completion if alarmed

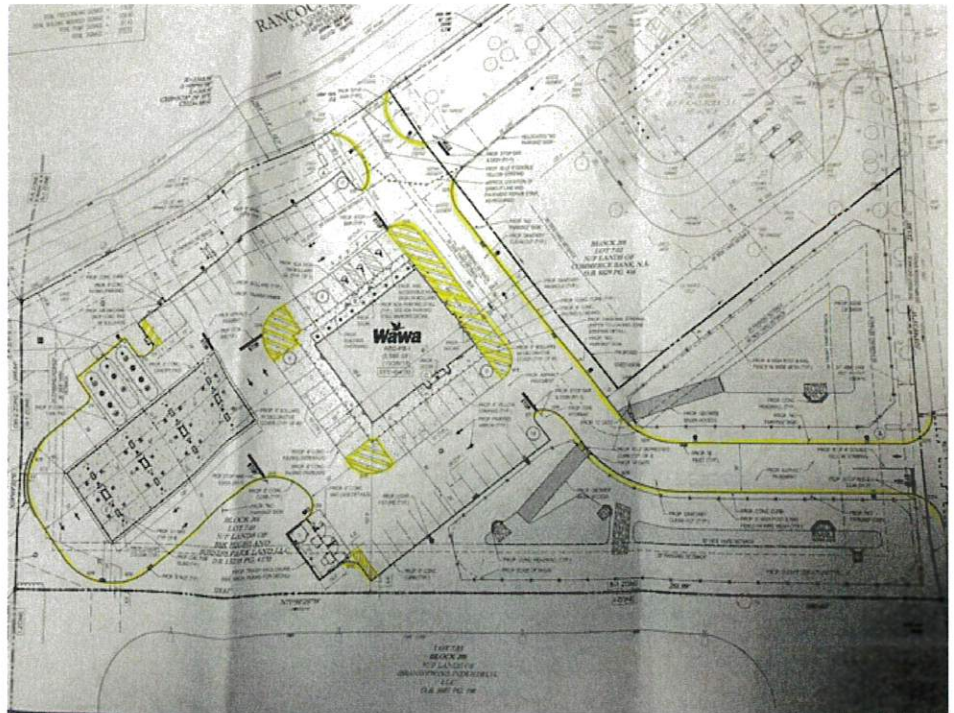
APPARATUS ACCESS:
- Fire Lanes around structure/hazards with appropriate signage per the attached highlighted picture
- Height clearances for apparatus for fuel island canopy
- Apparatus turning radius
- FD Access during construction aka solid base prior to construction to allow emergency vehicles in and out of project in event of emergency.

BUILDING ACCESS:
- Knox Box as per Township Fire Prevention Ordinance

NOTES
- Bollards for utilities and exterior hazards such as CG in compliance with NJ IFC 312
- Exterior labeling of hazards (NFPA 704)
- Proposed locations of exterior hazards (CO2 for soda system)

Respectfully,

Craig R. Farnsworth, II
Fire Chief / Fire Official
Township of Westampton





**ENVIRONMENTAL
RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors

Christopher J. Noll, PE, CME, PP
President & CEO
Barbara J. Tegley, AICP, PP
Sec/Treas. & Sr. Vice President
William H. Kirchner, PE, CME, N-2
Vice President

Rakesh R. Dajji, PE, PP, CME, CFM
Joseph R. Hirsch, PE, CME, CPWM
Joseph P. Orsino, CET
Marc H. Seloven, LSRF, PG

815 East Gate Drive • Suite 103 • Mount Laurel • New Jersey • 08054-1208

Telephone (856) 235-7170 • Fax (856) 273-9289 • www.ertnj.com

April 18, 2018
#88013-01

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

Attn: Marion Karp, Secretary Land Development Board

Re: Rancocas Wawa
Block 201 Lots 7.01 and 7.02
580 Rancocas Road (CR 626) & Highland Drive
Use Variance, Minor Subdivision, Preliminary & Final Major Site Plan Bulk
Variances and Design Waivers

Dear Members:

An application has been received for Preliminary and Final Major Site Plan and Minor Subdivision approval to construct a 5,585 square foot Wawa Food Market with sixteen (16) fueling stations. The Site is located adjacent to the eastbound lanes of Rancocas Road, west of its intersection with Highland Drive. The Site contains vacant, cultivated fields on Lot 7.01 and an existing TD Bank and cultivated fields on Lot 7.02. The bank has access drives from Rancocas Road and Highland Drive. The Rancocas Road access is contained within an access easement across Lot 7.01.

The applicant is proposing to consolidate and subdivide the Site. The proposed subdivision will result in the TD Bank parcel (Lot 7.02) reduced in area from 2,943 acres to 1,787 acres. Existing Lot 7.01 will be increased in area from 2,028 acres to 3,184 acres. In addition to the proposed Wawa Food Market and fuel fueling stations, Lot 7.01 will be improved with a new full movement access drive from Highland Drive, parking, site lighting, landscaping and two connected aboveground stormwater basins. No improvements are proposed to the TD bank site.

The Site and the TD Bank to the east are located in the B-1 (Business) Zone. Land immediately to the south is zoned I (Industrial) and is improved with Highland Business Park. Land immediately to the west is zoned OR2 (Office Research) and is improved with athletic facilities owned by Westampton Township.

Stacey Arcari, PE, PP, CME, PTOE
G. Jeffrey Hanson, PE, CME
Timothy Kaluhiokalani, LLA, PP, CISI
Matthew V. Livinas, PE, CME

C. Jeremy Noll, PE, CME
John L. Scott, Jr., PLS
Charles L. Walton, PE, LS, PP

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3
Harry R. Fox, NICTE III, CPSI
John T. Potts, W-2, F-2

The following documents have been received with this application:

1. Preliminary/Final Site Plans and Minor Subdivision Plans prepared by Bohler Engineering dated 2/01/18, including the following:
 - a. Cover Sheet, Sheet C-01 of 19.
 - b. General Notes Sheet, Sheet C-02 of 19.
 - c. Existing Conditions/ Demolition Plan, Sheet C-03 of 19.
 - d. Site Layout Plan, Sheet C-04 of 19.
 - e. Grading Plan, Sheet C-05 of 19.
 - f. Drainage Plan, Sheet C-06 of 19.
 - g. Drainage Profiles, Sheet C-07 of 19.
 - h. Utilities Plan, Sheet C-08 of 19.
 - i. Landscape Plan, Sheet C-09 of 19.
 - j. Landscape Details, Sheet C-10 of 19.
 - k. Lighting Plan, Sheet C-11 of 19.
 - l. Lighting Details, Sheet C-12 of 19.
 - m. Soil Erosion & Sediment Control Plan, Sheet C-13 of 19.
 - n. Soil Erosion Control Notes & Details, Sheet C-14 of 19.
 - o. Detail Sheet, Sheet C-15 of 19.
 - p. Detail Sheet, Sheet C-16 of 19.
 - q. Detail Sheet, Sheet C-17 of 19.
 - r. Detail Sheet, Sheet C-18 of 19.
 - s. Detail Sheet, Sheet C-19 of 19.
2. Plans prepared by Control Point Associates, Inc., dated 2/08/18 and revised to 3/08/18 including the following:
 - a. Minor Subdivision Plan, Sheet 1 of 2.
 - b. Minor Subdivision Plan, Sheet 2 of 2.
3. ALTA/NSPS Land Title Survey prepared by Control Point Associates, Inc., dated 12/08/17.
4. Stormwater Management Report prepared by Bohler Engineering dated February 2018.
5. Stormwater Management Facility Operations & Maintenance Manual prepared by Bohler Engineering dated February 2018.
6. Transportation Impact Study prepared by Traffic Planning and Design, Inc, dated March 9, 2018.
7. Stormwater Management Area Evaluation prepared by Whitestone Associates dated March 14, 2018.
8. Township of Westampton Site Plan Application dated 3/12/18.
9. Submission letter prepared by Ahmad Tamous, PE and Gregory S. DiBona, LLA, RLA, Bohler Engineering, 305 Fellowship Road, Suite 210, Mt. Laurel, NJ 08054 dated 3/14/18.

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10. Review letter prepared by Craig R. Farnsworth, II, Fire Chief/ Fire Official, Township of Westampton dated 3/27/18.

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

Variations

1. Ordinance §250-15A, Permitted Uses in the B-1 District, does not list a gas station or motor vehicle fueling station as a permitted use. A d(1) use variance is required.
2. Ordinance §250-15A permits convenience stores however Ordinance §250-15B(3) states that the sale of gasoline is not permitted as an accessory use to a convenience store. A d(1) use variance is required.
3. Ordinance §250-15G(1) requires that front yard buffers be planted to a minimum depth of 25 feet from the front lot line. The plan does not comply. A bulk variance is required.
4. Ordinance §250-15G(2) requires screen plantings be installed to a minimum depth of 25 feet along property lines where a non-residential use abuts another non-residential use. The plan does not comply. A bulk variance is required.
5. Ordinance §250-22B(2) requires a buffer strip be provided along property lines adjacent to a zone of lesser degree of use as to provide protection to adjacent properties. Buffer strips shall be free from structures, signs, driveways, parking areas or other active uses. We interpret this to apply to the recreation fields and township open space to the west of the site and potentially to the Highland Business Park to the south. In the buffer strip on the western side of the Site, the plan proposes a modular block wall, a timber barrier, and a driveway. Within the potential buffer strip on the southern side of the Site, the plan proposes a trash enclosure, parking stalls and fencing. A bulk variance is required.
6. Ordinance §250-22G prohibits the maximum average footcandle limit from exceeding an average of 0.5 over the lighted area. The plan proposes an average of 2.46 footcandles. A bulk variance is required.
7. Ordinance §250-22S(1) states no loading and parking spaces shall be located within any required buffer area. Parking spaces are proposed within the 25' potential buffer strip on the southern side of the Site. A bulk variance may be required.

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8. Ordinance §250-25D(8) prohibits changeable copy signs. The plan proposes four changeable copy sign panels on the two, two-sided Wawa pylon signs that advertise pricing for regular fuel and diesel fuel. A bulk variance is required.
9. Ordinance §250-25G(1)(a) prohibits freestanding signs with a height in excess of eight (8) feet. The plan proposes two freestanding signs with a height of twenty (20) feet. A bulk variance is required.
10. Ordinance §250-25K(1)(a) permits one (1) facade sign not to exceed forty (40) square feet. The plan proposes five (5) facade signs including two (2) building signs with areas of 67.70 square feet on the front of the building and 36.90 square feet on the rear of the building. In addition, one (1) canopy mounted facade sign with an area of 12.77 square feet is proposed on the northeast corner of the fueling station canopy and two spanner signs each with an area of 39.33 square feet are proposed at stacked pumps on the south western and southeastern pumps under the fueling station canopy. Total proposed facade signage is 196.03 square feet. A bulk variance is required.
11. Ordinance §250-25K(1)(c) permits retail businesses one (1) freestanding with an area not to exceed fifty (50) square feet. The plan proposes two (2) freestanding signs with areas of 59.75 square feet each and a total area of 119.50 square feet. A bulk variance is required.

The applicant will require bulk variances for deviation from the ordinance requirements listed above. Under the terms of the Municipal Land Use Law, the applicant must show that the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Waivers

12. Ordinance §196-8B(1) requires a front yard screen and buffer in nonresidential areas to be 25' in width and the nonresidential to nonresidential screen to be 25 feet in width. The plan proposes 10' to a structure in the front yard, 2' to the timber barrier on the western property line, 4.5' to the drive on the southern property line and 10' to the eastern property line. Design waivers are required.
13. Based upon the Wawa's Rancoeas Road frontage of approximately 294 lineal feet, Ordinance §196-8B(3)(c) requires twelve (12) canopy trees, eighteen (18) understory trees and ninety (90) shrubs. Along the Highland Drive frontage of approximately 270 lineal feet, eleven (11) canopy trees, sixteen (16) understory trees and eighty-one (81) shrubs are required. The plan does not comply. Design waivers are required.

14. Ordinance §196-8A requires that parking and loading areas be a minimum of 12' from buildings and 25' from property lines. Parking is proposed 8' from the convenience store and 6.38' from the southerly property line. Loading is proposed adjacent to the convenience store. Design waivers are required.
15. Ordinance §196-8B(4) permits the Land Development Board to require berms of up to 5' in height when parking is proposed in a front yard. The plan proposes seven (7) parking stalls within the front yard setback. The applicant has requested a waiver from providing a berm.
16. Ordinance §196-8C(1) and (3) require a landscaped island of at least 200 square feet at the end of all rows of parking with each island containing at least one deciduous shade tree or ornamental tree. The required islands are lacking in the areas adjacent to the Food Market. A design waiver is required.

General Comments

17. The applicant should provide architectural drawings depicting elevations and floor plans of the Food Market and fueling canopy.
18. The applicant should provide testimony on operations 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.
19. 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.
20. The freestanding sign detail indicates that diesel fuel will be sold. The applicant should discuss tractor trailer circulation through the site and where the diesel pumps will be located. A vehicle circulation plan for all anticipated truck traffic should be provided.
21. The post and rail fencing proposed between the basin and the tract's southerly property line should be dimensioned from the property line.

22. The amount of landscaping proposed on the Site is extremely minimal. Per the Ordinance, 7 canopy trees are proposed where 23 are required; 6 understory trees are proposed where 34 are required; and 75 shrubs are proposed where 171 are required. The applicant has proposed 68 perennials, grasses and ground cover plantings but these do not compensate for trees and evergreen shrubs that would provide a visual softening of the site including the number and size of signage that exceeds ordinance requirements and parking in the front buffer area that is not permitted. We recommend that the plan comply with buffer requirements for front yards and along adjacent property lines and that the number of trees and shrubs be significantly increased. Providing additional plantings and buffering is consistent with the 2015 Master Plan Reexamination which identified the ongoing Township efforts for landscaping along main roads and the 2010 Visioning Statement that identified a Township goal to promote a desirable visual environment through screening and buffering of proposed developments.
23. A large portion of the development area will be occupied by two stormwater management basins. We recommend that they be vegetated with a mix of trees, shrubs and ornamental grasses.
24. The undeveloped portion of Lot 7.02 is currently under cultivation, specifically the area adjacent to the bank drive thru. The Landscape Plan shows a limit of existing grass area and trees to remain but nothing is depicted on how the area to the south and west of the existing grass area will be stabilized. The applicant should discuss how it will be permanently stabilized as cultivation will no longer be practical.
25. We recommend a paved pedestrian connection be provided to the Township recreation property to the west. The 2015 Master Plan Reexamination Report stated the ongoing efforts to provide bicycle and walking facility options for both recreation and travel. The 2010 Visioning Statement likewise discussed providing bicycle paths and pedestrian networks. The 2009 Open Space, Recreation and Farmland Preservation Plan discussed the objective of establishing linkages of public spaces through the use of greenways, waterways, paths and bikeways and increasing connectivity between existing neighborhoods, commercial areas, open space and recreational facilities in conjunction with the Circulation Plan. The 2014 Amendments to the Open Space, Recreation and Farmland Preservation Plan also recommended addressing the increasing demand for pedestrian and bicycle facilities. The 2002 Circulation Plan Element discusses the objectives to establish policies and programs that improve connections between housing and employment, including vehicular and pedestrian travel and bicycle paths. The plan states that major roads in the Township which provide links among community facilities, open space and recreational facilities, commercial areas, residential neighborhoods and employment sites are hazardous to non-motorized transportation. Bicycle paths and sidewalks minimize the hazards. Paved pedestrian connections should also be provided to the adjacent bank property and Highland Drive.

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26. The applicant's professional should provide testimony on the species and condition of the existing trees along the Site's Highland Drive frontage.
27. Landscape specification note 11A should be revised to provide a two year plant guarantee.

Outside Agency Approvals

28. 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. Historic Preservation Committee.
 - f. 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
Timothy M. Prime, Esq., 14000 Horizon Way, Suite 325, Mt. Laurel, NJ 08054
David F. Wisotsky, PE, Bohler Engineering, 305 Fellowship Road, Mt. Laurel, NJ 08054
Deanna B. Drumm, PE, PP, PTOE, Traffic Planning and Design, Inc., One Port Center, 2 Riverside Drive, Suite 506, Camden, NJ 08103
Lawrence W. Keller, PE, Whitestone Associates, Inc. Mt. Bethel Corporate Center, 35 Technology Drive, Warren, NJ 07059
Provo Pinegood Westampton, LLC, 795 E. Lancaster Ave., Suite 200, Villanova, PA 19085



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

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

April 20, 2018

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

Attn: Marion Karp
Administrative Officer

**Re: *Provco Pinewood Westampton, LLC.
Preliminary/Final Major Site Plan &
Minor Subdivision &
Use Variance - Review #1
Block 201, Lots 7.01 & 7.02
Location: 580 Rancocas Road
Zone: B-1 (Business)
Westampton Township, Burlington County, NJ
Our File: CWAL0201.06***

Dear Chairman and Board Members:

In accordance with your authorization, our office has performed a review of the above referenced Preliminary/Final Major Site Plan, Minor Subdivision & Use Variance application, including the following:

- Plans entitled "Preliminary/Final Major Site Plan & Minor Subdivision for Provco Pinewood Westampton, LLC proposed Wawa Food Market", consisting of nineteen (19) sheets, prepared by David F. Wisotsky, PE, of Bohler Engineering, dated February 1, 2018, unrevised;
- Land Title Survey, consisting of one (1) sheet, prepared by James A. Conway Jr., of Control Point Associates, Inc., dated December 8, 2017, unrevised;
- Minor Subdivision Plan, consisting of two (2) sheets, prepared by James A. Conway Jr., of Control Point Associates, Inc., dated February 8, 2018, revised, March 8, 2018;
- Transportation Impact Study for Rancocas Road Wawa, prepared by Traffic Planning and Design, Inc., dated March 9, 2018, unrevised;
- Stormwater Management Report for Proposed Wawa Food Market, by David F. Wisotsky, PE, of Bohler Engineering, dated February 2018, unrevised;

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Westampton Township Land Development Board
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- Stormwater Management Facility Operations & Maintenance Manual for Proposed Wawa Food Market, by David F. Wisotsky, PE, of Bohler Engineering, dated February 2018, unrevised;
- Stormwater Management Area Evaluation for Proposed Wawa Food Market & Fueling Station, by Whitestone Associates, Inc., dated March 14, 2018, unrevised; and,
- Westampton Land Development Board Site Review Application

The Applicant is seeking approval and proposing to subdivide existing Lot 7.01 & Lot 7.02, Block 201, containing 2.03 acres and 2.941 acres, respectively, and construct a commercial development consisting of a 5,585 square foot convenience store “Wawa” with 16 fueling stations. The site is currently developed with a 3,828 SF Bank. The Proposed Lot 7.01 will be 1.787 acres in area and contain the existing 3,828 SF Bank. Proposed Lot 8.02 will be 3.184 acres and is to contain the Proposed “Wawa”. Currently, there is one right-in, right-out driveway along Rancocas Road and one full-movement along Highland Drive. The Applicant is proposing to construct a full-movement driveway on the Highland Drive frontage. Additional site improvement include parking improvements, landscaping, lighting, and other related site improvements.

The 4.971-acre property is situated within the B-1 (Business) Zone District and has frontage along Rancocas Road (CR 627) and Highland Drive.

It should be noted that the Traffic Impact will be subject to review by the Burlington County Planning Board as Rancocas Road is under County jurisdiction and the Applicant is proposing one of the entrances to be on Rancocas Road (CR 627).

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

Minor Subdivision

- 1) We have reviewed the subdivision plat for conformance to the Map Recordation Law and the Township Code and offer the following comments that should be addressed by the Applicant’s Land Surveyor:
 - a. A minimum of three (3) outbound corner markers should be identified with coordinates.
 - b. Bulk Variance table shows two proposed Lot 7.01. Revise accordingly.
 - c. Closure calculations should be provided for each proposed lot.



Westampton Township Land Development Board
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- d. Signature blocks shall be provided on each sheet of the subdivision plat.
 - e. Include on the plat the date by which the plat must be filed.
- 2) The Applicant should address the purpose of the existing 40 foot wide emergency access easement that is to be vacated. The deed which established the emergency access easement should be provided.
 - 3) The Applicant should clarify to whom the existing drainage easement to be modified is dedicated. The deed which established the drainage access easement should be provided.
 - 4) The Subdivision Plan and Site Plan appear to refer to the adjacent Township parcel as Lot 7.03. The Applicant should check and revise the lot number accordingly.

VariANCES

- 5) A Motor Vehicle Service Station is not a permitted conditional use within the B-1 Zone District.
- 6) The Applicant has requested the following bulk variance relief:
 - a. The maximum number of ground/pole signs permitted is one, whereas two are proposed.
 - b. A maximum sign area of 50 square feet for ground/pole signs is permitted, whereas 119.50 square feet is proposed.
 - c. The maximum height above grade of 15 feet for ground/pole signs is permitted, whereas 20 feet is proposed.
 - d. The maximum number of wall signs permitted is one, whereas five are proposed.
 - e. A maximum sign area of 40 square feet for wall signs is permitted, whereas 196.03 square feet is proposed.
 - f. Screen plantings shall be provided to a depth of 25 feet along property lines where a nonresidential use abuts another nonresidential use, none are proposed.



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- g. Commercial use abuts any industrial use must buffer along abutting property line along such other property line as necessary in order to effectively screen and buffer its uses from the uses, no buffer plantings are proposed.
- h. A buffer strip shall be provided along property lines adjacent to a zone of lesser degree of use as to provide protection to adjacent properties. Buffer strips shall be free from structures, trash enclosures are proposed within the buffer zone.
- i. Changeable copy signs, either manually or electrically changes are prohibited signs; whereas two (2) are proposed.
- j. The average at ground level lighting shall not exceed 0.50 foot-candles, whereas an average of 2.46 foot-candles is proposed.

Waivers

7) The Applicant has requested the following design waivers:

- a. The required minimum distance between parking and loading areas and a building is twelve (12) feet. An eight (8) foot separation is proposed between the building and parking. A zero (0) foot separation is proposed between the loading area and the proposed building.
- b. The required parking and loading areas to be a minimum of twenty-five (25) feet from property line whereas parking spaces are proposed within 6.8 feet from the property line common with adjacent Lot 7.03. Access drive aisles are located up to 4.5 feet (Lot 7.03), 5.5 feet (Lot 6)
- c. The required minimum landscape screening and buffering required along nonresidential to nonresidential property and zoning lines is twenty-five (25) feet, ten (10) feet is proposed.
- d. Where parking is located in a front yard, the Board may require a landscaped berm up to the height of five (5) feet with slopes at a ratio of not less than two to one; whereas, no landscaping berm is proposed.
- e. A landscaped island of at least 200 square feet shall be located at all ends of rows of parking; whereas, no landscaped islands are proposed at the ends of the parking rows around the perimeter of the building.



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Stormwater Management

- 8) The Applicant's Engineer should check and revise the Time of Concentration flow path corresponding to EDA 3. It appears the Tc line for the developed portion should extend to the high point/ridge line adjacent to Highland Drive.
- 9) The grading plan for the concrete pad under the refueling canopy and surrounding area should be revised to eliminate, to the maximum extent possible, stormwater runoff from the parking area flowing through the re-fueling area.
- 10) An analysis of the storm sewer within Highland Drive must be completed to ensure same has adequate capacity to convey discharge from the basin outfall.
- 11) The Applicant's should address how water quality treatment will be provided for stormwater directly discharged to inlet #13. All runoff from the proposed pavement areas shall be treated for water quality/TSS removal prior to being discharged off-site.
- 12) Reinforced concrete pipe should be utilized for the project storm sewer. RCP is recommended where cover is less than 2 feet from the top of pipe and bottom of proposed parking lot pavement section. Furthermore, the use of HDPE pipe at facility with the potential for fuel spills is also not recommended.
- 13) The Applicant's engineer should identify the plan for emergency overflow from the basin as no emergency spillway appears to be proposed.
- 14) The ridge line or high point between inlets #3 and #13 should be identified.
- 15) The velocity between Inlet B3 and Manhole 2 is less than 2 fps. The pipe slope should be adjusted so that it is between 2-10 fps.
- 16) A storm sewer profile should be provided for Inlet B8 and headwall 2.

Traffic Impact

- 17) The Applicant completed a Traffic Impact Study to determine the impact the project will have on the signalized intersection of Rancocas Road (County Route 627), Springside Road (County Route 635) and Highland Drive as well as to determine whether the proposed site access drives will acceptably function. The Applicant's Engineer should be prepared to review the scope of the study and conclusions noted within the report to the Board. The signalized intersection is under the jurisdiction of Burlington County. Approval from Burlington County will be required.



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- 18) Additional details should be provided on the plans for the Highland Drive approach to the signalized intersection to verify the storage queue storage lengths available are properly represented. The existing approach should be restriped in order to lengthen the storage lanes for the various turning movements to ensure proper channelization of vehicles in queue.
- 19) The Applicant's Engineer should discuss the extent vehicles will queue along Highland Drive and the impact queued vehicles may have the access driveway intersections for the bank and Camuto site.
- 20) The sight distance lines for the driveway along Rancocas Road (County Route 627) should be identified.

Parking and Circulation

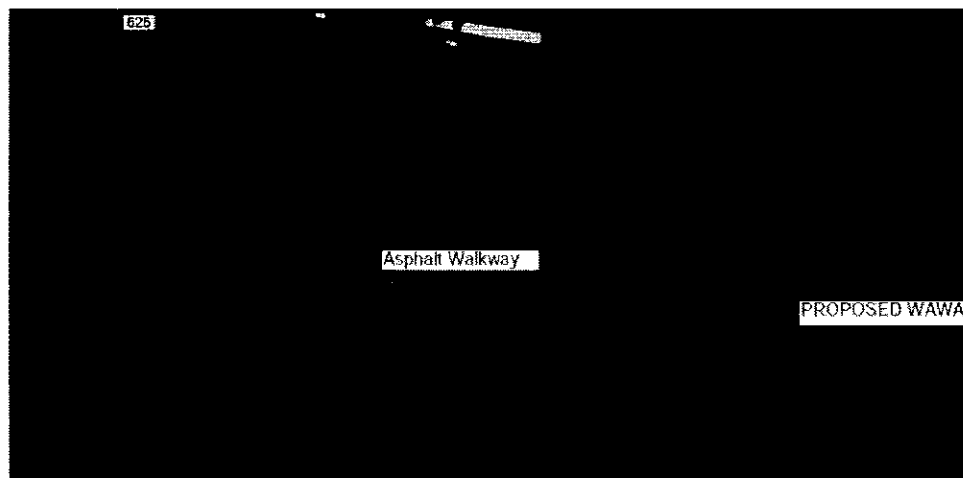
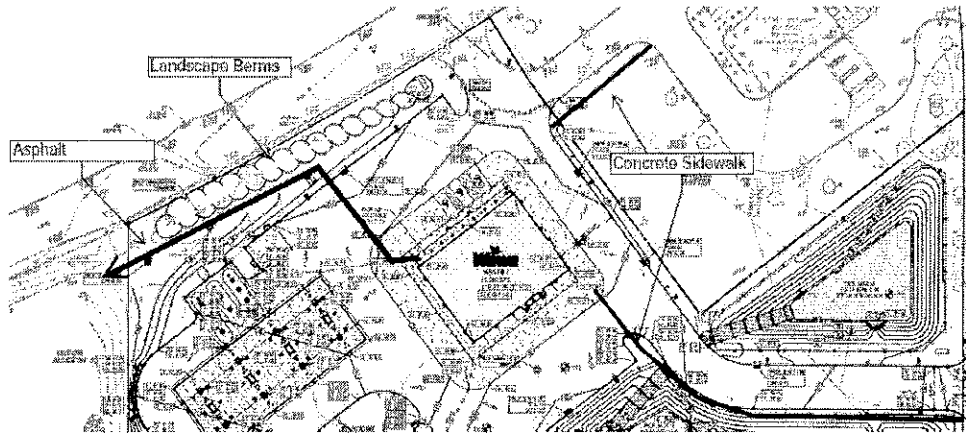
- 21) The Applicant has not provided a circulation plan (same is referenced on the title sheet but does not appear to have been included with the application submission). One should be provided to our office for review. The path for which fuel delivery trucks and tractor trailers will circulate the site should be identified.
- 22) A minimum curb radius of 25 feet should be provided for each curb return at Highland Drive. An increased turning radius may be required based on our review of the circulation plan noted above. The turning radius for the existing driveway should also be identified.
- 23) The Applicant is proposing to provide 56 parking spaces. As per 250-15 F.; 23 parking spaces at one space for each 250 sf of building area would be required. We do not as per 250-26 D. "Parking facilities shall be provided in the ratio of one parking space for every 100 square feet of floor area in the principal building which is specifically devoted to use as a motor vehicle service station. Additional parking will be required if any portion of the site is used as a convenience store." If the 1 space per 100 sf parking space ratio were applied to the convenience store, 56 parking spaces would be required and are provided.
- 24) A separation or a protective barrier between the Wawa sidewalk and loading zone should be provided to ensure pedestrians do not walk out into the Wawa loading zone while being obstructed of sight distance by the building.



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25) A pedestrian sidewalk should be provided to connect the proposed convenience store to Highland Drive and to the existing bank. There should also be a pedestrian connection to the Westampton Recreation Complex. The Applicant should consider a paved asphalt path to connect the proposed site improvements to the asphalt path located between the existing soccer fields. See below a sketches depicting the recommended improvements:





Westampton Township Land Development Board
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Construction Details

- 26) There are conflicting details for the trash enclosure concrete pad on sheets C-15 (details 10 and 16).
- 27) The fencing around the proposed stormwater management basins is shown as a 4 foot high wooden spilt 2-rail fence. The Applicant should consider the use of vinyl post and rail fence for durability and maintenance purposes. Specifications for the proposed wire mesh should also be identified. The wire mesh should be no. 6 gauge and consist of black (or green) vinyl coated mesh with max 1" openings.
- 28) There are two separate directional arrow marking details on sheet C-15. The plans should be revised for consistency.
- 29) The handicap parking signage should be revised to be applicable to New Jersey.

Frontage Improvements

- 30) The site plan should identify a 2" HMA half-width resurfacing of Highland Drive between the outer limits of utility and curb construction.

Utilities

- 31) Water and sewer utility service are subject to the review and approval of the Willingboro Municipal Utilities Authority.
- 32) A shut off line valve should be provided for the freestanding hose bib in the trash enclosure.

Architectural

- 33) Architectural plans for the proposed building and canopy should be provided.
- 34) The location of the HVAC units required to support the building should be identified.

Landscape and Lighting

- 35) We defer review of the proposed landscaping and buffering plan to the Board Planner.
- 36) The installation of landscape berms across the projects Rancocas Road frontage is recommended.



Westampton Township Land Development Board
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- 37) The proposed LED light fixtures color temperature should be 4000K not 5700K as specified on the drawings.
- 38) The Applicant should clarify whether the previously farmed area to be located to the rear of the back but outside the development of this project will be converted to grass coverage.

Administrative

- 39) The Approval Block on the cover sheet should be revised to indicate Land Use Board engineer as opposed to Township Engineer.

Outside Agency Approvals

- 40) The Applicant should indicate the status of all required outside agency permits and/or approvals, including but not limited to:
- a. Burlington County Planning Board
 - b. Westampton Township Tax Assessor
 - c. Westampton Township Historical Commission
 - d. Burlington County Soil Conservation District
 - e. Willingboro Municipal Utilities Authority
 - f. Westampton Township Fire Official

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

JW/EFD

cc: Gene Blair, Construction Code Official
Barbara Fegley, PP, Board Planner



Westampton Township Land Development Board
Re: Provco Pinegood Westampton, LLC. – 580 Rancocas Road
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Lou Cappelli, Esq, Board Solicitor
Tim Prime, Esq, Applicant's Solicitor
David Wisotsky, PE, Bohler Engineering, Applicant's Engineer
Provco Pinegood Westampton, LLC, Applicant



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: March 27, 2018
ADDRESS: 580 Rancocas Rd
PROPOSED USE: WaWa
HYDRANTS: N/A

FIRE PROTECTION SYSTEMS:
- Exterior horn/strobe if alarmed
- Map of Detection/Protection locations upon completion if alarmed

APPARATUS ACCESS:
- Fire Lanes around structure/hazards with appropriate signage per the attached highlighted picture
- Height clearances for apparatus for fuel island canopy
- Apparatus turning radius
- FD Access during construction aka solid base prior to construction to allow emergency vehicles in and out of project in event of emergency.

BUILDING ACCESS:
- Knox Box as per Township Fire Prevention Ordinance

NOTES
- Bollards for utilities and exterior hazards such as CG in compliance with NJ IFC 312
- Exterior labeling of hazards (NFPA 704)
- Proposed locations of exterior hazards (CO2 for soda system)

Respectfully,

A handwritten signature in black ink, appearing to read "Craig Farnsworth, II".

Craig R. Farnsworth, II
Fire Chief / Fire Official
Township of Westampton

