

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

JUNE 3, 2020 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2020 and posted in the Municipal Building.

Pledge of Allegiance

3. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 3/4/2020
7. Resolutions: approval needed:  
  
13-2020 Salt & Light Company, Inc., Block 1208, Lot 11 (1841 Route 541) – amended site plan approval, subdivision approval and amended “D” variance (mixed use development)
8. Old Business: None
9. New Business:
  1. Dolan Contractors, Inc., Block 203, Lot 7.03, (86 Stemmers Lane) – amended preliminary and final site plan approval, variances (decrease in size for previously approved warehouse, 200,541 sq. feet to approximately 176,123 sq. feet)
  2. KCA Westampton, LLC, Block 203, Lot 5 (76 Springside Road) – amended preliminary and final major site plan; minor subdivision (Wawa & pad site)
10. Informal Applications: None
11. Correspondence: None
12. Open meeting for public comment:

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

14. Adjourn

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

MARCH 4, 2020 7:00 P.M.

MINUTES

DRAFT

The regularly scheduled meeting of the Westampton Township Land Development Board was held at the Municipal Building on Rancocas Road on March 4, 2020 at 7:04 P.M.

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

Everyone stood for the Pledge of Allegiance.

**Roll Call:** Present: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Freeman, Mr. Guerrero, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Engineer Jim Winckowski, Secretary Marion Karp  
Absent: Mr. Eckart, Ms. Haas

Solicitor Robert Swartz swore in the Board Engineer and Planner.

Approval of meeting minutes 2/5/2020 – minutes were approved as written.

**Resolutions:** approval needed:

11-2020 Brian Janson, Block 602, Lot 1 (118 Hillside Road) – minor subdivision, bulk variances – was memorialized.

12-2020 MRP Industrial NE, LLC, Block 902, Lots 1, 2 & 3 (Western Drive & Hancock Lane) – preliminary & final site plan approval for construction of a 634,000 sq. foot warehouse and associated improvements – was memorialized.

**Old Business:** None

**New Business:**

**Salt & Light Company, Inc., Block 1208, Lot 11 (1841 Route 541).** It shall be noted that Vice Chair Gary Borger recused himself from the application due to a conflict of interest. Mayor Henley would not sit for the hearing either since the application involves a use variance.

DRAFT

The applicant's attorney Pat McAndrew was present representing the applicant. Engineer Bill Nicholson and principal Kent Pipes were sworn in by the Board Solicitor.

A D1 use variance is required to permit the addition of an apartment above the converted garage, for a total of 31 units from the prior 30 units. A D4 use variance is necessary due to an increase in floor area ratio from the prior approval, an increase from 29% to 30.4%. This additional living unit would not be deed restricted as it was for onsite management. Rutgers has started a peer support 24 hour hotline; it is an important part of the project according to Kent Pipes. The Salt and Light office is on site as well as the on-site manager, who will be a recovering addict of several years.

A subdivision will take place; it was approved years ago but never perfected and filed at the County. It is for funding purposes; there will be cross easements for utilities and for parking but will have common ownership. This subdivision makes it easier for them to obtain funding. It is anticipated that not much parking is necessary due to the income level of the people who will be living there; most will not be able to afford a car. They don't anticipate the spaces will ever be fully used. They can restrict occupancy to those that don't have a car if it ever becomes necessary.

The existing 5 units have finally been deed restricted; it was filed at the County yesterday. Deed restrictions will be attached to the 30 new units.

RSIS parking standards require 77 spaces; the plans propose 49 spaces. The layout of the units is the same as what was presented at last month's meeting. Lot 11.01 is the southern lot where the existing building is and Lot 11.02 will contain the proposed units. They believe there will be no adverse impact on the township zoning plan and that the plan meets the positive criteria necessary for the grant of the variance.

The applicants agree to all conditions in both the planners and the engineer's reports. As far as the soil borings for the basin, the applicants agree to provide information that will support that the basin will function appropriately.

Jim Winckowski asked why they never perfected the subdivision; they explained that they did it to save on taxes.

Parking would be managed by Salt and Light and could be put in the subdivision deed. Nancy Burkley asked if they anticipated people getting jobs; they explained that yes, they would. They provide job training and can help with transportation; bus routes are also right in the immediate area. It is probably one of the best areas in the County for those that don't have a car. Jim asked if they would consider extending the sidewalk in the rear; they agree to do this.

They will need a sewer extension permit; Jim would like to see the utility plan; there may be a need for a resurfacing plan. They have a pretty good handle on the sewer but the water is a question at this point; sprinklers will be installed in all the units. They are prepared for this. As far as lighting, there are some existing lights in the parking area.



Jim suggested some lighting around the facades and the walkways. They agree to provide lighting for the walkways and will present a plan to Jim for his approval; there will be lights on the building facades as well.

Barbara Fegley asked if the designs for the buildings would be similar; Kent said they would be. The question was raised if the meeting space would ever be used by non-residents; the meeting room would sometimes hold meetings where the community might be invited and would have some participation; he wasn't quite sure yet. He said it was 95% for the people that live there. There are monitoring wells on the site; Kent Pipes stated that he can provide a copy of the report that was done years ago. The units don't have basements and he is satisfied that the site is environmentally stable.

The plans would be reviewed by the Fire Official and the applicants agree to comply with his comments.

The applicants agree to augment the landscaping as suggested in the planner's report to the northwest of the site where it backs up to a residential area. The buildings are designed to look like Cape Cods. Jim stated there is some room for maneuverability and they could shift the units a bit to increase the buffer. There are no windows at the rear of the buildings. This is residential to residential – the impact isn't as much as if it were residential to commercial or another such use. Gene Blair doesn't think that the distance of 20 feet presents an issue in this case. Existing trees will be kept as much as possible which should help supplement the buffer. HVAC is provided by ductless minisplits; they are very high tech, state of the art, green technology according to Kent. It will be a model project for this town. Jim wanted these units shown on the plan. Burlington County Planning Board approval shall be required.

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

The first vote taken was for the D1 use variance. Mr. Freeman made a motion to approve; the motion was seconded by Mr. Thorpe. Mr. Applegate, Mr. Blair, Mr. Freeman, Mr. Guerrero, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley all voted yes.

The second vote taken was for the D4 variance. Mr. Thorpe made a motion to approve; the motion was seconded by Mr. Blair. Mr. Applegate, Mr. Blair, Mr. Freeman, Mr. Guerrero, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley all voted yes.

The last vote taken was for minor subdivision and site plan approval. Mr. Thorpe made a motion to approve; Mr. Blair seconded the motion. Mr. Applegate, Mr. Blair, Mr. Freeman, Mr. Guerrero, Mr. Thorpe, Mr. Odenheimer and Ms. Burkley all voted yes.

**Land Use Liability Training.** All Board members had received a training booklet which they had been instructed to read from the BURLCO JIF. Solicitor Robert Swartz gave the Board members a brief presentation and then entertained questions that they had regarding the training.

**DRAFT**

**Open Meeting for public comment**

No comments were made.

**Comments from the Board**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board

**RESOLUTION: 13-2020**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** Salt and Light Company, Inc.

**BOARD'S DECISION:** Granted Minor Subdivision and Preliminary and Final Site Plan Approval including a d(2) and d(4) Use Variance and Bulk Variances

**PROPERTY ADDRESS:** 1841 Burlington – Mt Holly Road – Block 1208, Lot 11

**ZONING DISTRICT:** Commercial "C" Zone

**DATE OF HEARING:** March 4, 2020

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**WHEREAS**, Salt and Light Company, Inc. ("Applicant") filed an application with the Westampton Land Development Board ("Board") seeking a Minor Subdivision and Preliminary and Final Site Plan Approval including relief from *N.J.S.A. 40:55D-70d(2)* Use Variance approval to permit thirty-one (31) residential units, including one (1) manager apartment, where a Use Variance to allow thirty (30) residential units was previously approved; a *N.J.S.A. 40:55D-70d(4)* Use Variance approval to permit a Floor Area Ratio ("FAR") of 30.4% where a Use Variance was previously approved to permit a FAR of 29%. In addition to the request for Site Plan Approval, the Applicant is seeking a Minor Subdivision Approval to subdivide Lot 11 into two (2) parcels identified as lots 11.01 and 11.02. Proposed lot 11.01 will comprise 1.475 acres and retain the existing 9,975 square foot, 2-story frame building that houses a childcare center, office space and five (5) apartments. An existing garage that will be enlarged and used as a meeting hall and a proposed 1-bedroom apartment will also be retained on lot 11. Proposed lot 11.02 will comprise 1.079 acres and will be improved with the five multi-family apartment buildings. Existing driveways from Burlington-Mt. Holly Road and Holly Avenue will provide shared access to both parcels. Existing parking stalls overlap both properties. The property is in the Commercial "C" Zone and is located at 1841 Burlington-Mt Holly Road, Westampton, New Jersey, and designated as Block 1208, Lot 11 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 March 4, 2020. The Applicant was represented by Patrick F. McAndrew, Esq. The Board heard testimony from the Applicant as to the nature, purpose, location, and description of the requested variance relief; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-25c, the Class I and Class III Board members may not participate in a request for a Use Variance, Mayor Henley left the room and Mr. Eckart was absent; and

**WHEREAS**, Mr. Borger recused himself due to a conflict of interest; 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.

**WHEREAS**, based on all the evidence submitted, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant:
  - A. Township of Westampton Application dated February 12, 2020; and
  - B. Site Plans and documents prepared by William H. Nicholson, PE, of William H. Nicholson Associates, PA, dated February 7, 2020; and
  - C. Site Plan, Sheet 1 of 5; and
  - D. Grading Plan, Sheet 2 of 5; and
  - E. Landscaping & Utility Plans and Details, Sheet 3 of 5; and
  - F. Construction Details, Sheet 4 of 5.
  - G. Construction Details, Sheet 5 of 5; and
  - H. Stormwater calculations prepared by William H. Nicholson, PE, of William H. Nicholson Associates, PA, dated February 2020; and
  - I. Plan of Minor Subdivision prepared by Avi Luzon dated November 11, 2012 and revised to January 27, 2014
2. The Board considered the following review letters submitted by the Board professionals:
  - A. A letter prepared by the Board Engineer, James Winckowski, PE, CME, dated February 28, 2020; and
  - B. A letter prepared by the Board Planner, Barbara Fegley, AICP, PP, dated March 1, 2020
3. The Applicant, Salt and Light Company, Inc., is the owner of the Subject Property, which is located at 1841 Burlington-Mt Holly Road, Westampton, New Jersey. The Subject Property is designated as Block 1208, Lot 11, and lies in the Commercial "C" Zone.
4. The subject tract contains 2.557 acres with 30 feet of frontage along Burlington-Mount Holly Road (County Route 541) and has 33.34 feet of frontage along Holly Lane. An existing +/- 10,000 sf (gross floor area) building onsite is currently occupied with a childcare center, office space and five (5) affordable housing units. On January 8, 2020 the Board granted the Subject Property a d(1) Use Variance to permit thirty (30) multi-family units which are proposed in five (5) buildings, each of which contain six (6), 1-bedroom efficiency apartments; a d(2) Use Variance to expand an existing garage with a 12' x 24' addition for use as a meeting place and a d(4) Use Variance to permit a FAR of 29% where a maximum of 20% is permitted. The Applicant is now seeking a Minor Subdivision and Preliminary and Final Site Plan Approval including a d(2) Use Variance approval to permit thirty-one (31) residential units, including one (1) manager apartment and a d(4) Use Variance approval to permit a Floor Area Ratio ("FAR")



of 30.4%. In addition to the request for Site Plan Approval, the Applicant is seeking a Minor Subdivision Approval to subdivide Lot 11 into two (2) parcels identified as lots 11.01 and 11.02. Proposed lot 11.01 will comprise 1.475 acres and retain the existing 9,975 square foot, 2-story frame building that houses a childcare center, office space and five (5) apartments. An existing garage that will be enlarged and used as a meeting hall and a proposed 1-bedroom apartment will also be retained on lot 11. Proposed lot 11.02 will comprise 1.079 acres and will be improved with the five multi-family apartment buildings. Existing driveways from Burlington-Mt. Holly Road and Holly Avenue will provide shared access to both parcels. Existing parking stalls overlap both properties. The Subject Property is located in the Commercial "C" Zoning District in which residences are not permitted uses. The Subject Property was the subject of four prior Land Development Board Approvals.

5. The following witnesses and professionals were sworn in and appeared and testified in favor of the Application during the March 4, 2020 hearing: Kent Pipes, Applicant's principal and president and William Nicholson, the Applicant's Engineer.

6. The Applicant submitted the following exhibits during the March 4, 2020 hearing:  
A-1 – Architectural Additions and Alterations – From Garage  
A-2 – Architectural Addition – Floor Design – Garage  
A-3 – Site Plan  
A-4 – Prior Subdivision Plan

7. At the March 4, 2020 hearing, Mr. McAndrew presented and introduced the Application to the Board.

8. Mr. Pipes started his testimony stating that a d(1) use variance is required to permit the addition of an apartment above the converted garage, for a total of 31 units from the previously approved d(1) use variance permitting 30 units and a d(4) use variance is necessary due in order to permit an increase in floor area ratio from the previously approved FAR variance of 29% to 30.4%. Mr. Pipes testified that the additional living unit would not be deed restricted as it will be for use by onsite management as Rutgers has started a peer support 24 hour hotline and an onsite manager is an important part of the project; further, in addition to the onsite manager, Salt and Light's office is also on site. The onsite manager will be a recovering addict of several years.

9. Mr. Pipes then testified that a subdivision will be required; it was approved years ago but never perfected and filed at the County; it is for funding purposes; there will be cross easements for utilities and for parking but will have common ownership; the subdivision will make it easier for the Applicant to obtain funding; it is anticipated that no significant parking will be required due to the income level of the people who will be living in the units as most will not be able to afford a car; the Applicant does not anticipate the spaces will ever be fully used but would be willing to restrict occupancy in the units to those that do not have a car if it ever becomes necessary. Mr. Pipes testified that the existing five (5) units have finally been deed restricted and such restriction was filed with the County yesterday and as for the current plan, 30 of the 31 new units will also be deed restricted in conformance with the prior approval.

10. After placing his credentials on the record, William Nicholson, the Applicant's Engineer, testified on behalf of the application. Mr. Nicholson testified RSIS parking standards require 77 spaces; the plans propose 49 spaces and that the layout of the units is the same as what was

presented at the January 2020 hearing; Lot 11.01 is the southern lot where the existing building is and Lot 11.02 will contain the proposed units; the Applicant believes there will be no adverse impact on the Township Zoning Plan and that the Applicant's plan meets the positive criteria necessary for the grant of the variance and further testified with similar positive and negative criteria as was made in at the January, 2020 hearing relating to similar Use Variance requests. Mr. Nicholson testified that the Applicant agrees to all conditions in both the Board Planner's and the Board Engineer's reports and as far as the soil borings for the basin, the Applicant agrees to provide information that will support that the basin will function appropriately.

11. Mr. Winckowski, the Board Engineer, asked the Applicant why they never perfected the subdivision and the Applicant testified that they did it to save on taxes.

12. The Applicant testified that parking would be managed by Salt and Light and could be included in the subdivision deed. Ms. Burkley asked if the Applicant anticipated tenants getting jobs and the Applicant testified that the tenants would get jobs and that the Applicant would provide job training and can help with transportation; bus routes are also right in the immediate area. Mr. Pipes testified that it is probably one of the best areas in the County for those that do not have a car and Mr. Winckowski asked if the Applicant would consider extending the sidewalk in the rear and the Applicant agreed.

13. Mr. Pipes testified that they will need a sewer extension permit and Mr. Winckowski stated that he would like to see the utility plan and there may be a need for a resurfacing plan. The Applicant testified that they have a pretty good handle on the sewer but the water is a question at this point; sprinklers will be installed in all the units; the Applicant is prepared for this; as far as lighting, there are some existing lights in the parking area. Mr. Winckowski suggested some lighting around the facades and the walkways and the Applicant agreed to provide lighting for the walkways and will present a plan to Mr. Winckowski for his approval; the Applicant testified that there will be lights on the building facades as well.

14. Barbara Fegley, the Board Planner, asked if the designs for the buildings would be similar and Mr. Pipes testified that they would. The question was raised if the meeting space would ever be used by non-residents and Mr. Pipes testified that the meeting room would sometimes hold meetings where the community might be invited and would have some participation but that he was not quite sure yet; the meeting room was 95% for the people that live in the apartments. Mr. Pipes also testified that there are monitoring wells on the site and that he can provide a copy of the report that was done years ago and the units do not have basements and he is satisfied that the site is environmentally stable.

15. The Applicant acknowledged and agreed that the plans would be reviewed by the Fire Official and the Applicant agreed to comply with the Fire Official's comments.

16. The Applicant agreed to augment the landscaping as suggested in the Board Planner's report to the northwest of the site where it backs up to a residential area; the buildings are designed to look like Cape Cods. Mr. Winckowski stated that there is some room for maneuverability and they could shift the units a bit to increase the buffer as there are no windows at the rear of the buildings; this is residential to residential – the impact isn't as much as if it were

residential to commercial or another such use. Mr. Blair does not think that the distance of 20 feet presents an issue in this case. The Applicant testified that existing trees will be kept as much as possible which should help supplement the buffer; the HVAC is provided by ductless minisplits; they are very high tech, state of the art, green technology according to Mr. Pipes; it will be a model project for this town. Mr. Winckowski requested the air-condition units be shown on the plans and the Applicant agreed. Burlington County Planning Board approval shall be required.

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

18. With regard to the request for use variance relief, through the testimony presented, the Board finds that the Applicant has established that the Application:

- a. relates to a specific piece of property, namely the Subject Property;
- b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals, and general welfare by allowing for the offering of a needed service in the community and the preservation of neighborhood character and conservation of neighborhood values;
- c. that the variances can be granted without substantial detriment to the public good because the Township will benefit from the provision of the Applicants' services in the community;
- 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 31 efficiency or studio type apartments because: (1) the service being offered by way of the proposed use is valuable and much needed in the area; (2) the Subject Property will allow the Applicants' clients to visit and feel comfortable in the stated location and neighboring facilities and setting; and (3) the Subject Property will be developed in a responsible manner for the proposed use by virtue of the Board's decision that the Applicants submit a Site Plan for the use at the Subject Property.

20. The Board further finds that the proposed use as 31 efficiency or studio type apartments would not negatively impact the local neighborhood and community or be a substantial detriment to the public good because it is a low impact, low use type of business with only a small number of clientele and tenants; there is adequate parking available; and the proposed use will not substantially impair the intent and the purpose of the zone plan and zoning ordinance because a portion of the Subject Property has already been approved and is being used in a similar nonconforming use; thus 31 efficiency or studio type apartments will enhance the character of the neighborhood and surrounding properties.

21. With regard to the requested preliminary and final minor subdivision and preliminary and final site plan approval, through the evidence submitted and testimony presented by the Applicant's witnesses, professionals, the Board's professionals, and members of the public, the Board finds and concludes that the proposed site plan complies with all site plan and other standards, specifications, and requirements established by the Township's Zoning Ordinance not addressed by variances and waivers as detailed herein, and that the Subject Property is suitable for the proposed development. *See, e.g., Levin v. Livingston Twp.*, 35 N.J. 500, 510-11 (1961); *Pizzo Martin Group v. Randolph Twp.*, 261 N.J. Super. 659 (App. Div. 1993), *aff'd as modified*, 137 N.J. 216 (1994).

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton that based upon the findings of facts and conclusions of law along with the testimony provided by the Applicant's witnesses and professionals, that the application of Salt and Light Company, Inc. seeking use variance relief pursuant to N.J.S.A. 40:55D-70d(1) to permit the 31 multi-family units which are proposed in five (5) buildings with six (6) units in each building and an additional residential unit within the garage structure was and is hereby **GRANTED**, by a vote of seven (7) in favor and none (0) opposed, upon motion by Mr. Freeman and seconding by Mr. Thorpe.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Blair	x			
Freeman	x			
Guerrero	x			
Thorpe	x			
Odenheimer	x			
Burkley	x			

**BE IT FURTHER RESOLVED**, by the Land Development Board of the Township of Westampton that based upon the findings of facts and conclusions of law along with the testimony provided by the Applicant's witnesses and professionals, that the application of Salt and Light Company, Inc. seeking use variance relief pursuant to N.J.S.A. 40:55D-70d(4) to exceed the C-Commercial District's permitted Floor Area Ratio of 20% where a variance of 30.4% is proposed was and is hereby **GRANTED**, by a vote of seven (7) in favor and none (0) opposed, upon motion by Mr. Thorpe and seconding by Mr. Blair.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			

Blair	X			
Freeman	X			
Guerrero	X			
Thorpe	X			
Odenheimer	X			
Burkley	X			

**BE IT FURTHER RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for preliminary and final minor subdivision and preliminary and final site plan approval along with bulk variance relief for the development of

Thirty-one (31) multi-family units which are proposed in five (5) buildings, each of which contain six (6), 1-bedroom efficiency apartments, an additional one (1) bedroom manager unit in an existing garage along with a meeting hall and a minor Subdivision subdividing Lot 11 into two (2) parcels identified as lots 11.01 and 11.02, where lot 11.01 will comprise 1.475 acres and retain the existing 9,975 square foot, 2-story frame building that houses a childcare center, office space and five (5) apartments and lot 11.02 comprising 1.079 acres and will be improved with the five multi-family apartment buildings where existing driveways from Burlington-Mt. Holly Road and Holly Avenue will provide shared access to both parcels and existing parking stalls overlap both properties in the Commercial "C" Zone upon motion duly made by Mr. Thorpe and seconded by Mr. Blair 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**

	Ayes	Nayes	Abstentions	Recusal
Applegate	X			
Blair	X			
Freeman	X			
Guerrero	X			
Thorpe	X			
Odenheimer	X			
Burkley	X			

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

1. The thirty (30) residential units within the five (5) buildings will be shall be deed restricted as affordable units in compliance with Township's affordable housing requirements with evidence of a 30 year deed restriction in place for each unit prior to issuance of a any building permit, with such deed restriction to be approved by the Board Solicitor prior to recording as provided in the January, 2020 approval; and



2. The Applicant shall prepare a cross access, utility easements and parking between Lots 11.01 and 11.02, subject to the review and approval of the Board Solicitor and Board Engineer and recorded with the Burlington County Clerk.
3. The Applicant shall memorialize the following requirements as deed restrictions in the deed of minor subdivision and any conveyance deed to subsequent property owners:
  - A. The Subject Property may only be used in a manner that is in compliance with the Board Approvals, including those Approvals included in Resolution 7-2020 and this Resolution of Approval; and
  - B. The availability of parking shall be managed by the Applicant so to control the number of vehicles allowed based on the number of approved parking stalls; and
  - C. In the event of any transfer of the Subject Property, lots 11.01 and 11.02 must be transferred together to the same transferee in a single transaction.

**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 relief. 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. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation 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;
3. The Applicant shall comply with all comments and recommendations set forth in the Board Engineer's February 28, 2020 Review Letter and the Board Planner's March 1, 2020 Review Letter;
4. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Fire Marshal's Report.

5. The Applicant shall comply, satisfy and adhere to any and all conditions and/or requirements imposed by the Board at the hearing of this Application;
6. The Applicant shall comply, satisfy and adhere to any and all conditions and/or requirements contained within this Resolution;
7. 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;
8. 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;
9. 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;
10. 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;
11. 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;
12. 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;
13. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
14. Failure of the Applicant to comply with any representation, requirement or condition contained within this Resolution or stated on the record during the hearing of this

Application will permit this Board, at its sole option, to rescind the approval and relief granted under this Resolution and/or advise the Township to revoke any permits issued to the Applicant in connection with the proposals contained in this Application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

\_\_\_\_\_  
Ronald Applegate, Chairman

ATTEST:

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

DATE MEMORIALIZED: \_\_\_\_\_