

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

JULY 11, 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 6/6/2018
7. Resolutions: approval needed:

12-2018 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 7/11/2018 meeting

13-2018 Rob Carter, Block 1002, Lot 2, (3 Gilbert Road) – variance (pole barn)

14-2018 National DCP, LLC, Block 202, Lot 3 (20 East Park Drive) – site plan waiver (pre-fab guard shack & 40 x 60 open car port)

15-2018 Dolan Group VII, LLC, 80 Stemmers Lane, Block 203, Lot 7.01 – request for 1 year extension

16-2018 Dolan Contractors, Inc., 97 Stemmers Lane, Block 203, Lot 6.04 – request for 1 year extension

8. Old Business:

1. 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 6/6/2018 meeting

9. New Business:

1. Inductotherm, Block 403, Lot 1 (10 Indel Avenue) – site plan waiver (public water service hook up and associated improvements; foundation for future picnic pavilion for employees
2. Shayona Donuts, LLC, Block 904, Lot 3.01 (Burl.-Mt. Holly Rd. & Western Drive)- Amended preliminary & final major site plan (construction of a Dunkin Donuts)
3. APCO Petroleum Corporation, Block 904, Lot 2 (2036 Burl.-Mt. Holly Rd.) – request for 1 year extension

10. Informal Applications: none

11. Correspondence: none

12. Open meeting for public comment

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

14. Adjourn

DRAFT

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

JUNE 6, 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 June 6, 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. Barger, Mr. Blair, Mr. Borger, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Myers, Mr. Wisniewski; Solicitor Stephen Boraske, Engineer Greg Valesi, Planner Tim Kaluhiokalani, Secretary Marion Karp  
Absent: Mr. Applegate, Mr. Henley, Mr. Mumbower

The minutes of the May 2, 2018 meeting were approved as written.

**Resolutions:**

9-2018 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 6/6/2018 meeting – was memorialized

10-2018 Medallion Development Group, LLC, Block 1002.03, Lots 12 & 13 (215 Burrs Road) – minor subdivision, bulk variance – **DENIAL** – was memorialized

11-2018 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) – was memorialized

**Old Business:**

None

**New Business:**

**Rob Carter, Block 1002, Lot 2, (3 Gilbert Road) – variance (pole barn).** Mr. Carter was present and sworn in before the board. A variance is necessary because accessory structures larger than 600 square feet can only be placed on lots 3 acres or greater in size. Mr. Carter wants to put up a pole barn for personal use. The lot is 1.92

acres in size and the proposed pole barn is 1944 square feet in size. He owns several vehicles and wants to store them in here as well as his woodshop equipment that is currently being stored in his two car garage. The building will be placed more than 100 feet from the front and side property lines. It is a corner lot on Gilbert and Oxmead Roads. He showed a photo of the pole barn to the Board. He will be installing a crushed asphalt driveway to the pole barn. Greg Valesi stated that millings aren't permitted to be used as a surface; he would need to use something else. Mr. Carter wanted to use some kind of a crushed blend for the driveway; he wasn't sure exactly what at this point in time. The pole barn will have three doors on the front; it is a pre engineered building. He wanted to bring electric to the building as well. No trees would need to be removed from the lot in order to accommodate the building.

He had had a wetlands delineation done; things were fine, there were no wetlands where he wishes to construct the pole barn. The planner suggested perhaps moving it closer to the house; he did think of that but they do have to be concerned with the onsite septic and well. Setback from Gilbert Road and Oxmead Road will be 100 feet. He would require another variance due to the fact that the building could not meet the setback for an accessory building due to the dual street frontage. It can't be any closer to Oxmead Road than the rear wall of the house, thus requiring a variance. Gene Blair doesn't think this will create a detriment. The lot is large enough to support the structure and he doesn't believe it will create a negative impact. A C1 and a C2 variance are necessary.

The solicitor recommended conditioning the approval on the structure actually being built so it complies with our ordinance.

It would be a hardship for Mr. Carter to restrict the building to 600 feet; he stated that it would also benefit the neighborhood by removing the trucks from his driveway and making his property more aesthetically pleasing.

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

Ms. Haas made a motion to approve the variances; the motion was seconded by Mr. Wisniewski. Mr. Barger, Mr. Blair, Mr. Borger, Mr. Freeman, Ms. Haas, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

Mr. Carter requested an at risk permit in order to begin his project before the resolution was memorialized at the next meeting. The Board was in favor and granted the at risk permit.

**National DCP, LLC, Block 202, Lot 3 (20 East Park Drive) – site plan waiver (pre-fab guard shack & 40 x 60 open car port).** Pete Reilly, representative for Dunkin Donuts, was sworn in before the Board. They want to place a guard shack as well as an open car port on the site. Their on time deliveries would be enhanced; they could go out both entries and the car port would enhance the appearance of the site. The carport



would be installed over paving and hand trucks would be stored underneath. This is on the Route 295 fence line but isn't very visible from the road. Concrete would be poured for a pad to install the guard shack.

Gene stated that these improvements are minor in nature. There is no impact upon drainage or impervious coverage.

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

Mr. Freeman made a motion to approve the site plan waiver; seconded by Mr. Guerrero. Mr. Barger, Mr. Blair, Mr. Borger, Mr. Freeman, Ms. Haas, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes.

The applicant indicated that they wished to proceed at risk. The Board approved.

**Dolan Group VII, LLC, 80 Stemmers Lane, Block 203, Lot 7.01 – request for 1 year extension.** The applicants are before the Board again, seeking the last of their one year extensions on a previously approved site plan. It shall be noted that Dave Barger recused himself. Mike Dolan and Bernie Wojtkowiak were sworn in before the Board. They have been granted two one year extensions at prior meetings. Russ Whitman, applicant's attorney, explained that it is a great advantage for them to have approvals secured already in case there is a prospect that comes along that is interested and wants to move forward quickly. No changes to the approved plan are desired.

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

Mr. Guerrero made a motion to approve the 1 year extension; the motion was seconded by Mr. Blair. Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes, Mr. Freeman abstained.

**Dolan Contractors, Inc., 97 Stemmers Lane, Block 203, Lot 6.04 – request for 1 year extension.** Mr. Whitman explained that this project also needed another one year extension since it was due to expire at the end of June 2018. Russ Whitman explained that at the time project was approved in 2007, the State had created a permit extension act due to the poor economy during which certain developers were entitled to automatic approvals based on the economy.

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

Mr. Guerrero made a motion to approve the 1 year extension; the motion was seconded by Ms. Haas. Mr. Barger, Mr. Blair, Mr. Borger, Ms. Haas, Mr. Guerrero, Mr. Wisniewski and Mr. Myers voted yes, Mr. Freeman abstained. Mr. Barger had recused himself for this application as well.

**DRAFT**

**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) – adjourned and continued from 4/4/18 & 5/2/18 meetings.**

The applicant's attorney, Pat McAndrew was present on behalf of an application proposing to construct a new car wash facility. Sangmok Kim, architect, Jay Chung, Property Manager, Frank Lash, Brian Cleary, engineer, Bob Rempfer and Sharon Rempfer were sworn in before the Board as witnesses by the Board solicitor. They are adding just under 12,000 square feet of retail space as well as a 5000 square foot car wash. They are also adding and upgrading the signage at the shopping center.

Mr. Kim, architect, testified regarding the application. They will be using the same material, stucco, as the shopping center, along with three feet of stone and the cornice at the top. They want to use a darker brick to give it a more urban feel. This is really the only difference in the architectural style from what is already there.

Brian Cleary, engineer, gave a brief overview. The proposed improvements would take place on the two approved pad sites at the Westampton Marketplace shopping center. Access is provided by 3 existing access drives; 48 parking spaces are required for the retail space and 19 parking spaces for the car wash. They are providing 18 in front of the car wash and 53 for the retail building. Considering the entire lot, the site is compliant; there is sufficient parking for both buildings. Landscaping design is fairly complete; they will work with the Board planner to finalize this. The loading ordinance is met for the retail building; it is not for the car wash. He explained that they do not feel a loading space is necessary; deliveries are made by small van only. Storm water is being handled by two existing above ground basins and they are proposing a small underground storm water system as well. They want to remove the existing signage. The County has required a traffic study; they are working on providing one. Mr. Cleary reviewed the numerous waivers that are being requested. Variances being requested include: insufficient minimum buffer from non-residential property that is preexisting; allow average lighting level to exceed .05 foot candles; no loading space provided for the car wash; allow individual tenant signage on the monument sign for the shopping center; a total of 5 free standing signs where currently 3 exist; to allow a 240 square foot monument sign where a 100 foot sign currently exists. There will be 18 slats for businesses on the monument sign. Part of the submission was the sign plan; the actual sign is about 100 square feet but is about 240 feet in size in total. The sign will be backlit.

They don't believe that the granting of the variances will pose a substantial detriment to the zone plan.

The menu board signs are 8 by 4 feet in size. Gene Blair thinks two signs of this size are excessive; the engineer explained that this serves two drive aisles.

The Board engineer addressed applicant's wish to postpone the test boring; he does not recommend waiving this. In the event the soil boring shows high water table or



DRAFT

something like that, they need to deal with this now and not later.

The parking is adequate at the entire site; he wondered if 19 spaces are needed and asked the applicants. Traffic is best left to the County.

The applicants wished to discuss the sidewalk connection at Springside Road; there currently is no sidewalk around the corner property. They would need another variance if they put this in and they also consider it a safety concern. Greg Valesi stated that since there is already sidewalk on Springside Road he thought it should be installed but would leave that up to the Board. The applicants agree to provide the requested fencing. Gene suggested vinyl fencing and eliminating the sidewalk; the applicants agree to this condition.

The applicants agree to the conditions in the Fire Official's report; sprinklers are not going to be provided. The building falls under the requirement for suppression as far as square footage; horns and strobes will be required as far as an alarm system. Fire lanes and a Knox box are required, which the applicant will provide. They do not have to provide a 5" fire department connection as the Fire Official originally requested.

Regarding the foot candle variance, the applicants stated they would exceed the .05 level and provide 1.5 foot candles; Greg needs them to provide more information which they agree to provide. Most lighting is turned off when the business closes; however some is left on for security overnight.

Frank Lash explained the business aspect of the carwash. They offer an unlimited plan; the average person will visit 2.5 times per month; he thinks this is the wave of the future and what customers want. The idea of the menu board sign is to help customers decide what to order while they are waiting in line. There will be an onsite manager; a loader to help customers load onto the conveyor and one other employee to make sure the facility stays neat and clean. There is an accessory shop that will sell car related accessories such as air fresheners and floor mats. Hours are 8 AM to either 8 PM or 9 PM. There will be as many vacuum spaces as they can fit in at the site. Employees are not needed to drive off cars as they exit the car wash. Drinks and snacks will be available for purchase by customers. Dave and Gene were concerned whether this could be considered an accessory use.

Sharon Rempfer testified regarding the signs; the two replacement signs are the same height as the existing signs and 6 feet wider. The sign was designed to accommodate all potential tenants. The sign panels are adjustable and easily changeable. They are trying to match the existing colors; there will be individually lit channel letters on the façade sign. The address on the sign base is dimensional letters and is not illuminated, however, they could backlight them so they could be seen at night if the Board desired. The header is backlit. The tenant signs are 4 inches in height. The façade above each tenant space is ten feet in height and will accommodate individual signs, such as channel letters. The maximum number of tenants would be 8. The Board would like to see some kind of consistency in the signage. Letter size would depend on the number

DRAFT

of tenants; the more tenants, the smaller the letter size.

Gene thinks the proposed menu boards are too large and need to be reduced in size. The applicants agree to do whatever the Board desires. Gene thinks one menu board is enough for both drive aisles and to reduce the size to 4 feet by 6 feet. He also wants to pin down the intent of the convenience store contained within the carwash. The solicitor stated that they need to show that this use is accessory to the carwash use. The Board needs limitations set forth in the resolution. The Board also wanted to see a color of brick that more closely matches what is there now at the shopping center.

The application would be continued until the next meeting and they would come back with answers to the Board's questions. They may require a use variance for the convenience store in the carwash – two principal uses in one structure. The next step is to determine if this use is accessory to the carwash use.

The meeting was opened to the public for comment. Nancy Burkley asked if she heard right, they are adding 18 store fronts and only 50 spaces. They are adding a total of 8 maximum. She asked if the fire alarm would be connected to notify the fire department; it would be. She welcomes more stores especially for the new apartments in the area. She thinks this is going to add more traffic to the area, it is bad already. She asked if they need permission from Willingboro MUA; Gene answered that they would need to. She feels bad for the owner of the existing car wash in the Township.

Ed Machiorowski was sworn in. He has owned the Westampton Car Wash for 24 years; he said there are questions people aren't asking. There will be an issue if they install free vacuums; he had done this years ago and it turned out to be a bad idea. Vacuums need to only be offered to paying customers. He had free vacuums for 3 years but it caused such a nuisance. The way the site is designed the people will need someone to direct traffic. The best thing to do is to make them pay for the vacuums, make it full service. He thinks the convenience store is a waste of time. He doesn't sell much and he is a busy car wash. He thinks it will also create noise for the residents of Rolling Hills from the blowers.

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

Dave Guerrero thinks the point about traffic was a valid one. A traffic engineer is working on a traffic study and the applicants now agree to only provide paid vacuums, no free vacuums.

Mr. Blair made a motion to continue the application until the Board's July 11 meeting; Mr. Guerrero seconded the motion. All voted yes.

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

No comments were made.



**DRAFT**

**Comments from the Board**

No comments were made.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary  
Westampton Township Land Development Board

**RESOLUTION: 12-2018**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** SBC Laundromat, Inc.

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

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

**ZONING DISTRICT:** Commercial “C” Zoning District

**DATE OF HEARING:** June 6, 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 (“MLUL”), *N.J.S.A. 40:55D-1 et seq.*; and

**WHEREAS**, the Application was previously carried from the April 4, 2018 Board meeting to the May 2, 2018 Board meeting, and from the May 2, 2018 Board meeting to the June 4, 2018 Board meeting; and

**WHEREAS**, at the June 6, 2018 Board meeting, the Applicant was represented by Patrick F. McAndrew, Esq. The Board heard testimony from the Applicant’s witnesses and professionals as to the purpose, location, and details of the proposed major site plan 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, the Applicant requested the Application be continued to the next regularly-scheduled Board meeting so the Applicant can address comments and concerns raised by the Board, Board Professionals, and members of the public at the June 6, 2018 Board meeting; and



**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for preliminary and final major site plan approval and bulk variance relief for the construction of an 11,780 sf retail building and 4,671 sf carwash facility in the Commercial "C" Zone upon motion duly made by Mr. Blair and seconded by Mr. Guerrero 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, as well as the evidence and exhibits, provided during the June 6, 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>
Barger	x			
Blair	x			
Borger	x			
Freeman	x			
Guerrero	x			
Haas	x			
Myers	x			
Wisniewski	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

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

ATTEST:

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

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

**RESOLUTION: 13-2018**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** Rob Carter  
**BOARD'S DECISION:** Granted Application for Bulk Variance Relief  
**PROPERTY ADDRESS:** 3 Gilbert Road – Block 1002, Lot 2  
**ZONING DISTRICT:** Residential “R-1” Zoning District  
**DATE OF HEARING:** June 6, 2018

---

**WHEREAS**, Rob Carter (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting bulk variance relief to permit the construction of a 1,944 sf pole barn in the Residential “R-1” Zone. The property is located at 3 Gilbert Road, Westampton, New Jersey, designated as Block 1002, Lot 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 (“MLUL”), *N.J.S.A.* 40:55D-1 et seq.; and

**WHEREAS**, the Application came before the Board at the regularly-scheduled public meeting held on June 6, 2018. The Applicant, Rob Carter appeared and was sworn in to provide testimony as to the nature, purpose, location, and description of the requested bulk variance relief; and

**WHEREAS**, the Board discussed the Application 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 June 6, 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, Rob Carter, proposes to construct a 1,944 sf pole barn at Block 1002, Lot 2. The Subject Property is commonly known as 3 Gilbert Road and lies within the Industrial “I” Zoning District.
2. The proposed pole barn will be 1,944 sf in area whereas the Township Zoning Ordinance (“Township Code”) Chapter 250, Article VII, Section 250-22A(1) limits the size of accessory structures in all districts on lots three acres in size or less to 600 sf. In addition, the proposed pole barn will be located closer to the front property line than the rear building line of



the principal building at the Subject Property whereas Section 250-22A(1) further requires that no accessory building shall be located closer to the front property line than the rear building line of the principal building. The Application therefore requires the grant of bulk variances pursuant to *N.J.S.A. 40:55D-70c*.

3. Rob Carter was sworn in and testified as to the requested relief. Mr. Carter testified that the Subject Property is approximately 2 acres in size; that the purpose of the proposed accessory pole barn is for personal use only and the storage of multiple trucks and equipment; that the location of the proposed pole barn meets all setback requirements; that the only utilities to the pole barn will be electric; that the Applicant has no plans to construct or extend his current driveway, but may do so in the future; and that there is an existing well and septic system located directly behind the principal structure on the Subject Property.

4. The Applicant submitted Exhibit A1 – Color Photograph/Rendering of the Proposed Accessory Pole Barn.

5. The Board reviewed the survey submitted by the Applicant and satellite imagery of the Subject Property; the Board further questioned the Applicant regarding the uses and sizes of the surrounding properties.

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

7. With regard to the request for bulk variance relief, through the evidence submitted and testimony presented by the Applicant, the Board finds that the Applicant has established that due to the exceptional status of the Subject Property as a corner lot and the existing topographical conditions thereon, namely the well and septic system behind the principal structure, the strict application of the 600 sf limitation and setback requirements of the accessory structure set forth in Chapter 250, Article VII, Section 250-22A(1) of the Township Code and in paragraph 2 herein, would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon, the Applicant, thus bulk variance relief permitting the 1,944 sf accessory pole barn in the location proposed in the Application and depicted in Exhibit A-1 is warranted so as to relieve such difficulties and hardship. *N.J.S.A. 40:55D-70c(1)*.

8. Through the evidence submitted and testimony presented by the Applicant, the Board further finds that the Applicant has sustained the burden of proof to support the above variances in accordance with the statutory requirements set forth in the MLUL, *N.J.S.A. 40:55D-70c(2)*; that is, the requested deviations from the Township Code requirements serve several purposes of the MLUL, specifically: promotion of the general welfare of the community by increasing the property value of the Subject Property; *N.J.S.A. 40:55D-2a*; providing adequate open space at the Subject Property; *N.J.S.A. 40:55D-2c*; allowing sufficient space for a variety of uses (residential and storage) at the Subject Property; *N.J.S.A. 40:55D-2g*; and by improving the visual appearance and aesthetics of the Subject Property by allowing the Applicant to store large trucks indoors and out-of-sight from neighbors. *N.J.S.A. 40:55D-2i*.

9. Through the evidence submitted and testimony presented by the Applicant, the Board

finds that the benefits of the requested variances substantially outweigh any detriment, that the variances can be granted without substantial detriment to the public good, and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance due to the large size of the Subject Property. *N.J.S.A. 40:55D-70.*

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for bulk variance relief to permit the construction of a 1,944 sf pole barn in the Residential "R-1" Zone, upon motion duly made by Ms. Haas and seconded by Mr. Wisniewski, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth on the record and those specified herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger	X			
Blair	X			
Borger	X			
Freeman	X			
Guerrero	X			
Haas	X			
Myers	X			
Wisniewski	X			

**IT IS FURTHER RESOLVED**, the Applicant is entitled to proceed **AT RISK**.

**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: 14-2018**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** National DCP, LLC  
**BOARD'S DECISION:** Granted Application for Site Plan Waiver  
**PROPERTY ADDRESS:** 20 East Park Drive – Block 202, Lot 3  
**ZONING DISTRICT:** Industrial "I" Zoning District  
**DATE OF HEARING:** June 6, 2018

**WHEREAS**, National DCP, LLC ("Applicant") filed an application with the Westampton Land Development Board ("Board") requesting a site plan waiver to permit the installation of a small pre-constructed guard shack and a 2,400 sf pre-constructed open car port in the Industrial "I" Zone. The property is located at 20 East Park Drive, Westampton, New Jersey, designated as Block 202, Lot 3 on the Township Tax Map ("Subject Property"); and

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

**WHEREAS**, the Application came before the Board at the regularly-scheduled public meeting held on June 6, 2018. Peter Reilly appeared on behalf of the Applicant, and was sworn in to provide testimony as to the nature, purpose, location, and description of the requested site plan waiver; 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 June 6, 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, National DCP, LLC, proposes to install a small pre-constructed guard shack and a 2,400 sf pre-constructed open car port at Block 202, Lot 3. The Subject Property is commonly known as 20 East Park Drive and lies within the Industrial "I" Zoning District.
2. Pursuant to Chapter 196, Section 196-2 of the Township Zoning Ordinance ("Township Code"), any change of use requires site plan review or the grant of a site plan waiver. A site plan waiver may be granted when the site plan involves the following and is not within the Township's flood hazard area: (1) an existing building; (2) no new construction; (3) no

extension of the on-tract parking improvements required; (4) no change in the existing drainage; or (5) construction of a building for agricultural purposes. Township Code § 196-2B.

3. Peter Reilly was sworn in and testified as to the requested relief. Mr. Reilly testified that the Applicant wants to place a guard shack as well as an open car port on the site in order to enhance the timeliness of their on-site deliveries and the visual aesthetic and appearance of the Subject Property. The proposed car port is to be installed over paving and the hand trucks would be stored underneath, and concrete would be poured for a pad to install the pre-constructed guard shack.

4. After testimony presented by the Applicant's witnesses, the matter was opened to the public for comment. No members of the public appeared to testify.

5. The Board finds and concludes pursuant to Township Code § 196-2B that site plan review is not required and the Applicant is therefore entitled to the requested site plan waiver because the proposed improvements are minor in nature and will not impact the Subject Property's impervious coverage or drainage, the Applicant has not proposed any exterior physical changes to the existing building at the Subject Property, does not propose any new construction, proposes a permitted use in the "I" Zone, and has presented sufficient evidence and information allowing the Board to determine the Application as proposed meets the applicable Township Code requirements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for a site plan waiver to permit the installation of a small pre-constructed guard shack and a 2,400 sf pre-constructed open car port in the Industrial "I" Zone, upon motion duly made by Mr. Freeman and seconded by Mr. Guerrero was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth on the record and those specified herein.

ROLL CALL VOTE

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

**IT IS FURTHER RESOLVED**, the Applicant is entitled to proceed **AT RISK**.

**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: 15-2018**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** Dolan Group VII, LLC

**BOARD'S DECISION:** Granting One Year Extension of Amended Preliminary and Final Site Plan Approval and Protection

**PROPERTY ADDRESS:** 80 Stemmers Lane – Block 203, Lot 7.01

**ZONING DISTRICT:** Industrial – “I”

**DATE OF HEARING:** June 6, 2018

**WHEREAS**, Dolan Group VII, LLC (the “Applicant”) was previously granted Amended Preliminary and Final Major Site Plan Approval (“Approval”) to construct an 89,996 square foot building addition to the existing warehouse and a 4,000 square foot addition of office space onto the existing warehouse at 80 Stemmers Lane, Westampton, New Jersey, designated as Block 203, Lot 7.01 on the Township Tax Map (“Subject Property”) by the Westampton Land Development Board (“the Board”); and

**WHEREAS**, the Approval was granted on December 7, 2011, and the resolution memorializing the Approval was adopted on January 4, 2012 under Resolution #19-2011; and

**WHEREAS**, the Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-52(a)* provides: “[i]f the developer has followed the standards prescribed for final approval, . . . , the planning board may extend such period of protection for extensions of one year but not to exceed three extensions”; and

**WHEREAS**, the Applicant was previously granted the first of three one-year extensions of protection at the regularly scheduled public meeting held on May 4, 2016, and the resolution memorializing said extension was adopted on September 7, 2016 under Resolution #11-2016; and

**WHEREAS**, the Applicant was previously granted the second of three one-year extensions of protection at the regularly scheduled public meeting held on June 7, 2017, and the resolution memorializing said extension was adopted on August 2, 2017 under Resolution #11-2017; and

**WHEREAS**, the Applicant now seeks a third and final one-year extension of approval and protection to June 30, 2019 (the “Application”);

**WHEREAS**, the Application was presented by the Applicant's attorney, Russell Whitman, Esq.; 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, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Subject Property is located at 80 Stemmers Lane, Westampton, New Jersey and is owned by The Dolan Group VII, LLC. The Subject Property is designated as Block 203, Lot 7.01, and lies in the "I" – Industrial District.
2. The Applicant is seeking a one-year extension of approval and protection to June 30, 2019 for Amended Preliminary and Final Major Site Plan Approval to construct an 89,996 square foot building addition to the existing warehouse and a 4,000 square foot addition of office space onto the existing warehouse at the Subject Property pursuant to *N.J.S.A. 40:55D-52(a)*.
3. Mike Dolan, as principal of the Applicant, and Bernie Wojtkowiak, the Applicant's Engineer, were sworn in and testified as to the requested relief, and the Applicant's on-going efforts to develop the Subject Property in accordance with the Applicant's prior approvals. Mr. Dolan testified that granting the Application would allow the Applicant to attract tenants and have the Subject Property ready to be leased as needed for an additional year. No changes to the plans and prior approvals are requested.
4. After testimony presented by the Applicant and the Applicant's professionals, the matter was opened to the public for comment. No member of the public appeared to testify.
5. The Board finds and concludes that the Applicant has followed the standards prescribed for final approval and is entitled to a final one-year extension of approval and protection pursuant to *N.J.S.A. 40:55D-52(a)*.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application for a one-year extension of approval and protection to June 30, 2019 of Amended Preliminary and Final Major Site Plan Approval to construct an 89,996 square foot building addition to the existing warehouse and a 4,000 square foot addition of office space onto the existing warehouse at the Subject Property, upon motion duly made by Mr. Guerrero and seconded by Mr. Blair, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.



ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger				x
Blair	x			
Borger	x			
Freeman			x	
Guerrero	x			
Haas	x			
Myers	x			
Wisniewski	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: 16-2018**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** Dolan Contractors, Inc.

**BOARD'S DECISION:** Granting One Year Extension of Preliminary and Final Site Plan Approval and Protection

**PROPERTY ADDRESS:** 97 Stemmers Lane – Block 203, Lot 6.04

**ZONING DISTRICT:** Industrial – “I”

**DATE OF HEARING:** June 6, 2018

---

**WHEREAS**, Dolan Contractors, Inc. (the “Applicant”) was previously granted Preliminary and Final Major Site Plan Approval (“Approval”) to construct a non-residential building of approximately 69,000 square feet at 97 Stemmers Lane, Westampton, New Jersey, and designated as Block 203, Lot 6.04 on the Township Tax Map (“Subject Property”) by the Westampton Land Development Board (“the Board”); and

**WHEREAS**, the Approval was granted on September 5, 2007, and the resolution memorializing the Approval was adopted on October 3, 2007 under Resolution #32-2007; and

**WHEREAS**, the Applicant was previously granted automatic extensions of approval and protection pursuant to the Permit Extension Act, *N.J.S.A. 40:55D-130 et seq.*; and

**WHEREAS**, the Municipal Land Use Law (“MLUL”), *N.J.S.A. 40:55D-52(a)*, allows for further extensions of approval, and provides: “[i]f the developer has followed the standards prescribed for final approval, . . . , the planning board may extend such period of protection for extensions of one year but not to exceed three extensions”; and

**WHEREAS**, the Applicant was previously granted the first of three one-year extensions of protection at the regularly scheduled public meeting held on April 6, 2016, and the resolution memorializing said extension was adopted on May 4, 2016 under Resolution #8-2016; and

**WHEREAS**, the Applicant was previously granted the second of three one-year extensions of protection at the regularly scheduled public meeting held on June 7, 2017, and the resolution memorializing said extension of approval was adopted on August 2, 2017, under Resolution #12-2017; and

**WHEREAS**, the Applicant now seeks a third and final one-year extension of approval and protection to June 30, 2019 (the “Application”);

**WHEREAS**, the Application was presented by the Applicant's attorney, Russell Whitman, Esq.; 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, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Subject Property is located at 97 Stemmers Lane, Westampton, New Jersey and is owned by Dolan Contractors, Inc. The Subject Property is designated as Block 203, Lot 6.04, and lies in the "I" – Industrial District.
2. The Applicant is seeking a one-year extension of approval and protection to June 30, 2019 for Amended Preliminary and Final Major Site Plan Approval to construct a 69,000 square foot building at the Subject Property pursuant to *N.J.S.A. 40:55D-52(a)*.
3. Mike Dolan, as principal of the Applicant, and Bernie Wojtkowiak, the Applicant's Engineer, were sworn in and testified as to the requested relief, and the Applicant's on-going efforts to develop the Subject Property in accordance with the Applicant's prior approvals.
4. After testimony presented by the Applicant and the Applicant's professionals, the matter was opened to the public for comment. No member of the public appeared to testify.
5. The Board finds and concludes that the Applicant has followed the standards prescribed for final approval and is entitled to a final one-year extension of approval and extension pursuant to *N.J.S.A. 40:55D-52(a)*.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton, that the within Application requesting a one-year extension to June 30, 2019 of Preliminary and Final Major Site Plan Approval to construct a non-residential building of approximately 69,000 square feet at the Subject Property upon motion duly made by Mr. Guerrero and seconded by Ms. Haas, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger				X
Blair	X			
Borger	X			
Freeman			X	
Guerrero	X			



Haas	x
Myers	x
Wisniewski	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

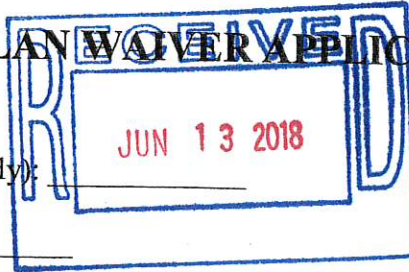
ATTEST:

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

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

**WESTAMPTON TOWNSHIP**

**SITE PLAN WAIVER APPLICATION**



Date Filed (for office use only): \_\_\_\_\_

Block: 403 Lot: 1

Applicant Name: JIM SUPLEE (INDUCTOTHERM) Email: jsuplee@inductotherm.com

Address: 10 INDEL AVE, RANCOCAS, NJ 08073 Phone: 609-267-9000 x 419

Present Owner's Name ROWAN TECHNOLOGIES

Address: 10 INDEL AVE, RANCOCAS, NJ 08073

Location of Site: 10 INDEL AVE

Zoning Classification: IND Present Use: INDUSTRIAL

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

The proposed changes include:

1. Connecting the existing Inductotherm private domestic water system to the New Jersey American Water municipal water system.
2. One above ground Hot-Box on a concrete foundation (approx. 9' x 21') containing the NJAW Meter and the Backflow assembly.
3. One pre-assembled Booster Pump House set on a concrete foundation (Approx. 9' x 13')
4. One concrete foundation (approx 30' x 30') for a future Picnic Area Pavilion.

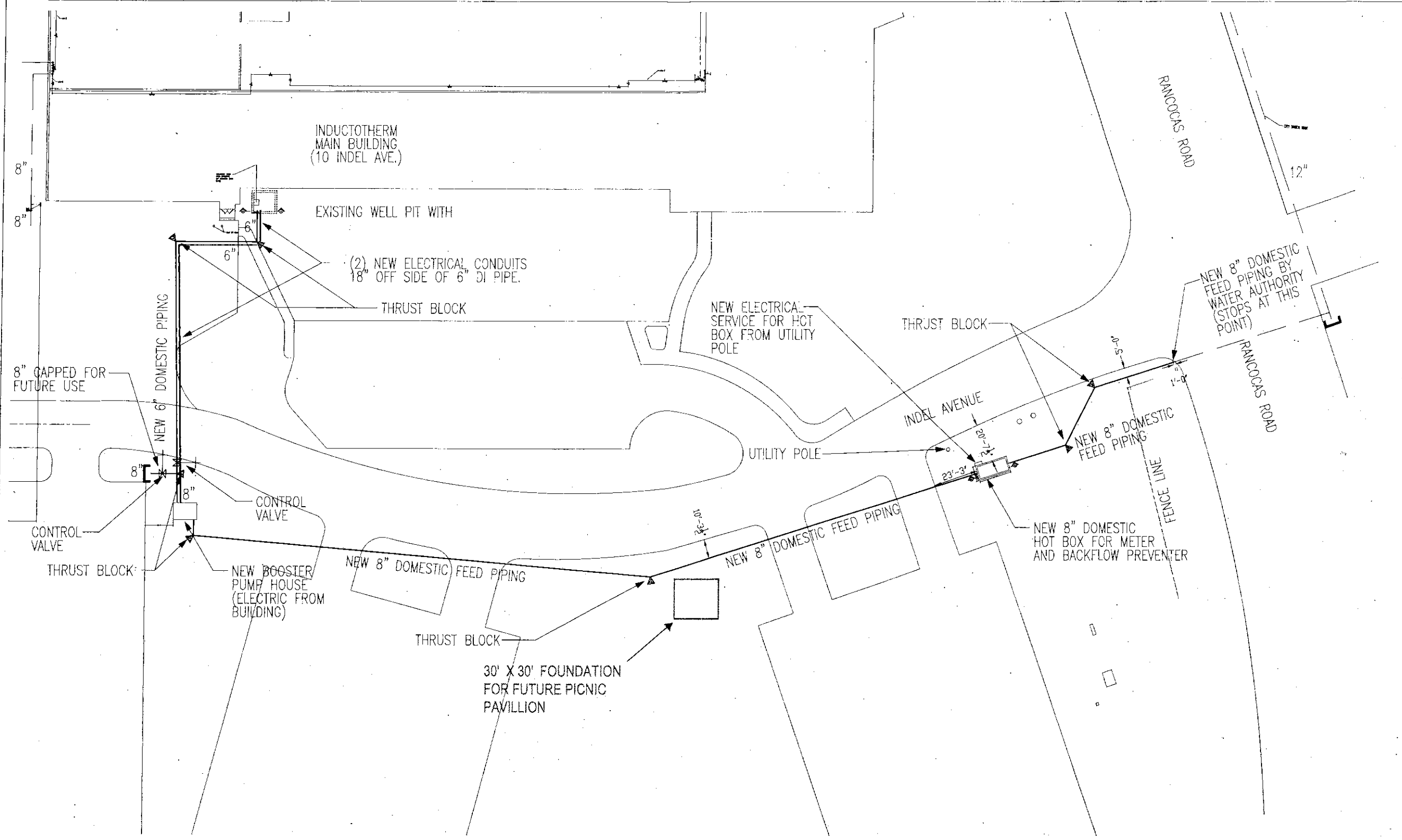
The reasons for the site waiver application are as follows:

1. Provide the companies connected to the existing wells with a more reliable and better domestic water source.
2. Provide a covered area for employees to take breaks and lunch..
3. There will be no impact on any surrounding properties, buildings or activities.

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

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

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



MUNICIPAL WATER SUPPLY FEED PLAN  
1/16" = 1'-0"

**SPECIAL NOTE**  
ALL NEW UNDERGROUND PIPING TO HAVE A MINIMUM DEPTH OF COVER OF 4'-0"  
ALL UNDERGROUND PIPING TO CEMENT LINED (CL-52) TYSON JOINT WITH M. FITTINGS

**SCOPE OF WORK**  
CONTRACTOR TO INSTALL A COMPLETE, CODE COMPLIANT DOMESTIC WATER SERVICE FROM THE NEW CITY DE-WR TO THE EXISTING WELL PIT. INSTALL A HOT BOX WITH FOUNDATION AND ELECTRICAL FOR THE METER AND BACKFLOW. INSTALL NEW PUMP HOUSE ENCLOSURE WITH FOUNDATION AND ELECTRICAL FOR THE 2 NEW 150 GPM BOOSTER PUMPS.

**GENERAL NOTES**  
1. ALL WORK TO BE PERMITTED, INSTALLED AND TESTED IN ACCORDANCE WITH STATE AND LOCAL CODE REQUIREMENTS OF THE AUTHORITY HAVING JURISDICTION.  
2. ALL UNDERGROUND PIPE TO BE CEMENT LINED DUCTILE IRON WITH TYSON JOINTS AND MECHANICAL JOINT FITTINGS.  
3. DRAWING IS GRAPHICAL IN NATURE. CONTRACTOR IS RESPONSIBLE FOR FULLY FURNISHED CODE COMPLIANT INSTALLATION.

**SPECIAL NOTE**  
ALL NEW UNDERGROUND PIPING TO HAVE A MINIMUM DEPTH OF COVER OF 4'-0"  
ALL UNDERGROUND PIPING TO CEMENT LINED (CL-52) TYSON JOINT WITH M. FITTINGS

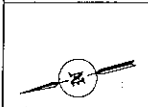
NO.	REVISIONS	BY	DATE
1	Initial set of drawings	SM	10/17/18
2	Revised for 12" dia. pipe	SM	11/05/18

**S.A. COMUNALE Co. INC.**  
 1000 W. 10th St. | 1000 W. 10th St. | 1000 W. 10th St.  
 CLAYTON, OH 44027 | COLUMBUS, OH 43215 | CLEVELAND, OH 44115  
 PHONE: 419-884-8800 | FAX: 419-884-8800 | WEBSITE: www.sacomunale.com  
 SALES: 419-884-8800 | SERVICE: 419-884-8800 | TRAINING: 419-884-8800

**ROWAN TECHNOLOGIES**  
 10 INDEL AVE. RANCOCAS, N. J. 08070  
 MUNICIPAL WATER SUPPLY FEED

**JOHN A. PETER, P.E.**  
 PROFESSIONAL ENGINEER  
 IN THE STATE OF OHIO  
 NO. 10000

**DATE:** 11/15/18  
**SCALE:** AS SHOWN  
**PROJECT:** MUNICIPAL WATER SUPPLY FEED  
**JOB NO.:** 18-001  
**DATE:** 11/15/18







# Township Of Westampton



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

**BLOCK**  904  **LOT**  3.01

Currently Lot is Vacant with existing pavement from previous Holiday Inn Building.

## 1. GENERAL INFORMATION

A. Applicant Name  Shree Shayona Donuts, LLC, c/o Yogesh Patel

Address  802B Woodlane Road

Telephone Number  609-505-6283

B. The Applicant is a:

Corporation\* \_\_\_\_\_

Partnership\*  X

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  X

Other (specify) \_\_\_\_\_

Name  Jefferson Street Partners II, LP c/o David Lehmkul, VP

Address  111 Paterson Avenue, Hoboken, NJ 07030

Telephone Number  800-442-7272

D. Engineer/Surveyor: Avila Engineering, LLC c/o Michael E. Avila, P.E., P.P.  
Address 228 West White Horse Pike, Berlin, NJ 08009  
Telephone Number 856-809-2572

**2. INFORMATION REGARDING THE PROPERTY**

- A. Street address of the property Intersection of County Route 541 & Western Drive
- B. The location of the property is approximately 0 feet from the intersection of County Route 541 and Western Drive
- C. Existing use of the property Vacant Lot  
Proposed use of property Dunkin Donuts
- D. Zone in which property is located C - Community Commercial
- E. Acreage of property 1.49 Acres
- F. Is the property located on a County road? Yes X No    ; State road? Yes     No X; or within 200 feet of a municipal boundary? Yes     No X

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

- G. The type of proposal is: New Structure X Expanded area     Improved Parking Area     Alteration to Structure     Expansion to Structure     Change of Use     Sign
- H. Name of business or activity (if any) Dunkin Donuts
- I. Are there deed restrictions that apply or are contemplated? N/A  
(if yes, please attach a copy to application)

**SUBDIVISION APPLICATIONS ONLY (ANSWER ITEMS J, K, L & M) NOT APPLICABLE**

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

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

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

SITE TO BE SERVICED BY PUBLIC WATER AND SEWER

NO OFF-TRACT IMPROVMENTS PROPOSED

O. List maps and other exhibits accompanying this application:

SHAYONA DONUTS SITE PLAN PREPARED BY AVILA ENGINEERING

STORMWATER REPORT PREPARED BY AVILA ENGINEERING

COUNTY PLANNING BOARD 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.

NO BULK VARIANCES PROPOSED WITH THIS INITIAL SUBMISSION

### 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.

SEE RIDER 'A'

---

---

---

---

---

**5. AUTHORIZATION AND VERIFICATION**

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

*Yatin Patel*

Signature of Applicant

*9/18/17*

Date

Signature of Owner

Date

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

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



May 25, 2018

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

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

Attn: Marion Karp  
Administrative Officer

**Re: Shayona Donuts, LLC**  
**Amended Preliminary and Final Major Site Plan - Review #1**  
**Block 904, Lot 3.01**  
**Location: Intersection of County Route 541 & Western Drive**  
**Zone: C (Community Commercial)**  
**Westampton Township, Burlington County, NJ**  
**Our File: CWAL0904.01**

Dear Chairman and Board Members:

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

- Plans entitled "Amended Preliminary and Final Major Site Plan, Block 904, Lot 3.01, Westampton Township, Burlington County, New Jersey," consisting of one (1) sheet, prepared by Avila Engineering, dated March 22, 2018, unrevised;
- Stormwater Management Report, prepared by Michael E. Avila, P.E., of Avila Engineering, dated March 22, 2018, unrevised;
- Maintenance Manual, prepared by Michael E. Avila, P.E., of Avila Engineering, dated March 22, 2018, unrevised;
- Completed application forms.

#### Current Proposal

The Applicant, Shayona Donuts, LLC, has submitted new site plan to develop the site with a single use, a Dunkin Donuts restaurant with drive-thru. The site is subject to previously received site plan approval to develop a retail strip center but the plan was never perfected. The 1,832 square foot Dunkin Donuts has a seating capacity of fourteen (14) and associated drive-through service. Site improvements include but are not limited to the construction/installation of twenty (20) parking spaces and associated drive aisles, a pedestrian sidewalk, a trash enclosure, landscaping and parking lot lighting. Stormwater management improvements are proposed including storm sewer and a stormwater management basin.

S:\Westampton\Project Files\CWAL0904.01 Shayona Donuts\18-05-10 Shayona Donuts - Eng Rvw #1.docx





Marion Karp  
Westampton Township Land development Board  
Re: Shayona Donuts, LLC  
Amended Site Plan – Engineering Review #1

May 25, 2018  
Our File No. CWAL0904.01  
Page 2

Access to the site is proposed to be provided via a one-way ingress driveway along Burlington-Mt. Holly Road (County Route 541). A second full-movement driveway is proposed to connect to the existing driveway extending from Western Drive. The Applicant is also proposing a driveway interconnection with the adjacent gas station.

#### Site Description

The subject 1.49 acre rectangular parcel is has approximately 274 feet of frontage on the easterly side of Burlington-Mount Holly Road (a.k.a. County Route 541) and approximately 237 feet of frontage on the southerly side of Western Drive. Across the project frontage Western Drive is part of the County jughandle for Irick Road. The property is situated in a C (Commercial) Zoning District. The site is currently vacant with the remnants of a paved area for parking and circulation. The site was formerly used as a bus terminal for Academy Bus Tours.

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

#### A. General

1. Architectural Plans for the proposed building should be provided for review.
2. The architectural treatment for the walk-in coolers should be clarified.
3. The location of HVAC equipment to service the building should be identified.
4. The Key Map on the cover sheet and several other sheets says Bristol, PA-NJ. The Applicant's engineer should address and correct.
5. On the cover sheet, the Applicant request approval from the Westampton Township Municipal Utilities Authority. The applicant should check and revise to identify the correct utility agency(ies) having jurisdiction over this site.

#### B. Parking & Circulation

1. The Applicant is proposing twenty (20) parking spaces (10' x 18'), with one (1) van-accessible handicap parking space. A 12 foot by 60 foot loading zone is also proposed.
2. The distance the rear drive aisle is setback from the property line should be identified. A 20 foot setback is required as per Section 196-8 of the Township Code. It appears 15 feet is provided which would require relief.



Marion Karp  
Westampton Township Land development Board  
Re: Shayona Donuts, LLC  
Amended Site Plan – Engineering Review #1

May 25, 2018  
Our File No. CWAL0904.01  
Page 3

3. The intersection between the ingress driveway from Route 541 and the two-way driveway from Western Drive should be revised to eliminate potential driver confusion as to right-of-way and turning conflicts. Additional traffic control signage and striping should be considered as well as modification the driveway to a formal T-intersection. At a minimum, the striping hatch to enforce right turns toward Western Drive should be a mountable curbed island.
4. ADA compliant ramps should be provided at the ingress drive off of Burlington-Mount Holly Road (CR 541).
5. A sidewalk connection should be made between the proposed sidewalk on Burlington-Mount Holly Road and the restaurant.

**C. Grading & Stormwater Management**

1. The proposed basin design/drainage area maps shall be revised to include off-site runoff from Lot 3 that flows into the site.
2. Our office is concerned with the length of gutter flow along the Western Drive access driveway. Storm sewer should be utilized to intercept gutter flow and convey it to the basin.
3. A rip-rap or concrete chute should be provided where gutter flow will be directed into the basin (ie. end of the loading area curb and area of the parking spaces at the west corner of the pavement area).
4. A low flow channel should be provided in the stormwater basin along the swale (within 78 contour) that directs water to the recharge area. A slope of less than 1% is currently proposed.
5. The Applicant should check and revised the curb grading along the eastern side of the parking lot, adjacent to Lot 3. The curb grades are not consistent with the proposed pavement contours and it also appears the curb as graded will trap water on Lot 3.
6. The Applicant's engineer should check and revise the TC and G grade at the end of the curb transition at the end of the loading zone.
7. The Applicant's engineer should check and revise the TC and G grade along the forced right-turn drive aisle as an 8" curb face is depicted.



Marion Karp  
Westampton Township Land development Board  
Re: Shayona Donuts, LLC  
Amended Site Plan – Engineering Review #1

May 25, 2018  
Our File No. CWAL0904.01  
Page 4

8. The Applicant's engineer should check and revise the TC and G grade along the forced right-turn drive aisle as an 8" curb face is depicted.
9. Additional existing grading information should be provided at the proposed driveway interconnection with the adjacent gasoline service station to ensure proper grading transition.
10. The Applicant's engineer should check and revise the proposed curb tie in grades and inlet grate elevation along Route 541. A proposed 6" curb face is shown to tie into an existing flush curb adjacent to the E-Inlet. The grading contour also makes it appear the inlet grate is to be raised 6". It appears a curbed radius for the adjacent driveway apron may be required along with a curb ramp for the proposed frontage sidewalk.
11. The Applicant's engineer must complete a Major Development Stormwater Summary and include within the design report for the project.

**D. Utilities**

1. The Applicant is proposing to provide public water and sewer utility service by connecting to existing water and sewer gas mains located in Western Road. The utility connections will be subject to the approval of the Willingboro Municipal Utility Authority.
2. The location of the electrical transformer, if required, should be identified.
3. The 1" water service line should be relocated to avoid being located underneath the trash enclosure.
4. A sewer service cleanout will be required outside of the connection to the building. A detail should be provided for the location of the cleanout in the pavement area.

**E. Landscaping**

1. Section 196-8 - Where parking is located in a front yard, the Land Development Board may require construction of landscaped berms up to a height of five feet, with slopes at a ratio of not less than two to one. The need for landscaping berming across Route 541 should be considered.
2. We defer review of the adequacy of the required buffering as per Section 196-8 B. to the Board Planner.



Marion Karp  
Westampton Township Land development Board  
Re: Shayona Donuts, LLC  
Amended Site Plan – Engineering Review #1

May 25, 2018  
Our File No. CWAL0904.01  
Page 5

3. The Applicant should indicate whether irrigation will be provided for the landscape areas.

F. Lighting

1. The Applicant has indicated the fixtures are to be installed on a twenty (20) foot pole, however the 'Concrete Base Detail' indicates an eighteen (18) foot pole. The plans should be revised for consistency
2. The plans must demonstrate adequate lighting coverage is provided along the Western Driveway site access and the ingress driveway from Route 541. Currently, no light coverage appears to be provided.
3. The Applicant shall provide a cut sheet on the proposed pole indicating the allowable EPA rating to ensure it can support the proposed fixtures.
4. The Applicant shall revise the 'Concrete Base Detail' to include the burial depth of the conduit and the size of the proposed anchor bolts required.
5. The Applicant shall include the point-by-point calculations on the 'Lighting Plan' for further review, as it appears there are several dark spots within the parking lot.
6. The Applicant shall ensure the light levels do not exceed a maximum of 0.50 foot-candles over the entire site. The 'Statistics' shall be updated to include this calculation.
7. The Applicant shall indicate the color for each fixture within the 'Lighting Schedule'. In addition, the Applicant shall clarify the colors proposed for the poles and spoke arm. Currently the pole is specified as black and the spoke arm as gray.
8. The Applicant shall revise Fixture 'B' to provide a flat lens instead of a drop lens.

G. Construction Details

1. The plans should note that the lane lines and parking spaces lines should be thermoplastic or epoxy resin.



Marion Karp  
Westampton Township Land development Board  
Re: Shayona Donuts, LLC  
Amended Site Plan – Engineering Review #1

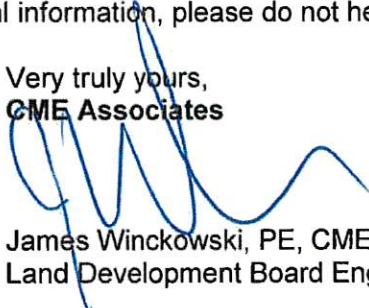
May 25, 2018  
Our File No. CWAL0904.01  
Page 6

H. Outside agency permits and/or approvals

1. Burlington County Planning Board
2. Burlington County Soil Conservation District
3. Willingboro Municipal Utilities Authority
4. Westampton Fire Marshall

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

Very truly yours,  
**CME Associates**

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

JW/aa

Enclosure (Stormwater Summary)

cc: Gene Blair, Construction Code Official  
Lou Cappelli, Esq, Board Solicitor  
Barbara Fegley, PP, Board Planner  
Shayona Donuts, LLC, Applicant  
Michael AE. Avila, P.E., Avila Engineering, Applicant's Engineer



### Attachment D - Major Development Stormwater Summary

General Information			
1. Project Name:			
2. Municipality:	County:	Block(s):	Lot(s):
3. Site Location (State Plane Coordinates - NAD83):		E:	N:
4. Date of Final Approval for Construction by Municipality:			
Date of Certificate of Occupancy:			
5. Project Type (circle all that apply):			
Residential	Commercial	Industrial	Other (please specify) _____
6. Soil Conservation District Project Number:			
7. Did project require NJDEP Land Use Permit?		Yes	No
		Land Use Permit #:	
8. Did project require the use of any mitigation measures?		Yes	No
If yes, which standard was mitigated?			

Site Design Specifications	
1. Area of Disturbance (acres):	Area of Proposed Impervious (acres):
2. List all Hydrologic Soil Groups:	
3. Please Identify the Amount of Each Best Management Practices (BMPs) Utilized in Design Below:	
Bioretention Systems _____	Constructed Wetlands _____
Dry Wells _____	Extended Detention Basins _____
Infiltration Basins _____	Combination Infiltration/Detention Basins _____
Manufactured Treatment Devices _____	
Pervious Paving Systems _____	Sand Filters _____
Vegetative Filter Strips _____	Wet Ponds _____
Grass Swales _____	Subsurface Gravel Wetlands _____
Other _____	

Storm Event Information			
Storm Event: Rainfall (inches and duration)	2 yr.: _____	10 yr.: _____	
	100 yr.: _____	WQ DS: _____	
Runoff Computation Method (circle one):			
NRCS: Dimensionless Unit Hydrograph	NRCS: Delmarva Unit Hydrograph	Rational	Modified Rational
Other: _____			

Basin Specifications (answer all that apply) <small>If not applicable, circle "N/A"</small>			
1. Type of Basin:	Surface/Subsurface (circle one)		
2. Owner (circle one):	Public Private: If so, Name: Phone number:		
3. Basin Construction Completion Date:			
4. Drain Down Time (hr.):			
5. Design Soil Permeability (in./hr.):			
6. Seasonal High Water Table Depth from Bottom of Basin (ft.):		Date Obtained:	
7. Groundwater Recharge Methodology (circle one):		2 Year Difference	NJGRS Other NA
8. Groundwater Mounding Analysis (circle one): Yes No If, Yes Methodology Used:			
9. Maintenance Plan Submitted: Yes No Is the Basin Deed Restricted: Yes No			

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name of Person Filling Out This Form: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Basin Specifications (answer all that apply) <small>(Use additional sheets if more than 10 sheets)</small>	
10. Type of Basin:	Surface/Subsurface (circle one)
11. Owner (circle one):	Public Private: If so, Name: Phone number:
12. Basin Construction Completion Date:	
13. Drain Down Time (hr.):	
14. Design Soil Permeability (in./hr.):	
15. Seasonal High Water Table Depth from Bottom of Basin (ft.):	Date Obtained:
16. Groundwater Recharge Methodology (circle one):	2 Year Difference NJGRS Other NA
17. Groundwater Mounding Analysis (circle one):	Yes No If, Yes Methodology Used:
18. Maintenance Plan Submitted: Yes No	Is the Basin Deed Restricted: Yes No

Basin Specifications (answer all that apply) <small>(Use additional sheets if more than 10 sheets)</small>	
19. Type of Basin:	Surface/Subsurface (circle one)
20. Owner (circle one):	Public Private: If so, Name: Phone number:
21. Basin Construction Completion Date:	
22. Drain Down Time (hr.):	
23. Design Soil Permeability (in./hr.):	
24. Seasonal High Water Table Depth from Bottom of Basin (ft.):	Date Obtained:
25. Groundwater Recharge Methodology (circle one):	2 Year Difference NJGRS Other NA
26. Groundwater Mounding Analysis (circle one):	Yes No If, Yes Methodology Used:
27. Maintenance Plan Submitted: Yes No	Is the Basin Deed Restricted: Yes No

Basin Specifications (answer all that apply) <small>(Use additional sheets if more than 10 sheets)</small>	
28. Type of Basin:	Surface/Subsurface (circle one)
29. Owner (circle one):	Public Private: If so, Name: Phone number:
30. Basin Construction Completion Date:	
31. Drain Down Time (hr.):	
32. Design Soil Permeability (in./hr.):	
33. Seasonal High Water Table Depth from Bottom of Basin (ft.):	Date Obtained:
34. Groundwater Recharge Methodology (circle one):	2 Year Difference NJGRS Other NA
35. Groundwater Mounding Analysis (circle one):	Yes No If, Yes Methodology Used:
36. Maintenance Plan Submitted: Yes No	Is the Basin Deed Restricted: Yes No

Name of Person Filling Out This Form: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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

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

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



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

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

Telephone (856) 235-7170 • Fax (856) 273-9239 • [www.erinj.com](http://www.erinj.com)

June 26, 2018  
#88015 01

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

Attn: Marion Karp, Secretary Land Development Board

Re: Shayona Donuts, LLC  
Block 904 Lot 3.01  
Burlington-Mt. Holly Road (County Route 541) and Western Drive  
Westampton, New Jersey  
**Amended Preliminary & Final Major Site Plan**

Dear Members:

An application has been received for Amended Preliminary and Final Major Site Plan approval to construct a Dunkin Donuts on a 1.49 acre parcel located at the intersection of Burlington-Mt. Holly Road and Western Drive. The site was previously granted approval to construct a retail strip center. The subject tract consists of 1.49 acres of land containing pavement from a prior Holiday Inn Building located on the site. The building has been demolished and removed, however, the majority of the site remains paved. Current access to the site is provided via a curb cut along Burlington-Mt. Holly Road and a driveway located on adjacent Lot 3 that connects with Western Drive.

The applicant proposes to eliminate the existing curb cut on Burlington-Mt. Holly Road and construct a one-way in driveway in its place. The existing driveway accessing Western Drive via Lot 3 will be retained to provide both ingress and egress. The Dunkin Donuts will contain a drive thru, customer parking, lighting, landscaping and concrete sidewalk along both frontages.

The property is located within the C (Commercial) Zone. The Commercial zone permits retail sales establishments including bakeries, specialty food shops and restaurants.

The following documents have been received with this application:

1. Plans prepared by Avila Engineering dated March 22, 2018 including the following:
  - a. Cover Sheet, Sheet 1 of 12.
  - b. Demolition Plan, Sheet 2 of 12.
  - c. Site Layout Plan, Sheet 3 of 12.
  - d. Grading Plan, Sheet 4 of 12.
  - e. Utility Plan, Sheet 5 of 12.
  - f. Soil Erosion & Sediment Control Plan, Sheet 6 of 12.
  - g. Lighting & Landscaping Plan, Sheet 7 of 12.
  - h. Vehicle Access Plan, Sheet 8 of 12.
  - i. Roadway Improvement Plan - CR #541, Sheet 9 of 12.

*Page two*

- j. Roadway Improvement Plan - Western Drive, Sheet 10 of 12.
- k. Details -1, Sheet 11 of 12.
- l. Details -2, Sheet 12 of 12.
2. Westampton Township Application for Preliminary and Final Major Site Plan.
3. Submission letter prepared by Michael E. Avila, PE. dated 4/03/18.

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

#### **Variances & Waivers**

1. Ordinance §196-8B contains landscape standards for screening and buffering in nonresidential zones that shall be used for front yard buffers and for the screening of parking areas and buildings along property lines. For the Commercial District, the front yard buffer shall be 20 feet and the nonresidential to nonresidential screen shall be 20 feet. Screening and buffering is insufficient and shall comply with ordinance requirements.
2. Ordinance §250-16 F(1) requires that front yard buffers be planted to a depth of 20 feet from the front property line and §250-16 F(2) requires screen plantings be provided to a depth of 20 feet along property lines where a nonresidential use abuts another nonresidential use. The proposed plantings do not comply and the Landscaping Plan should be revised.
3. Ordinance §250-22B(2) prohibits signs in buffers. At least two signs are proposed in the landscape buffer of Burlington-Mt. Holly Road and Western Drive. Variances are required unless the signs are relocated.
4. Ordinance §250-25E(3) prohibits directional signs from exceeding 4 square feet and containing any advertising matter. It appears directional signs exceeding 4 square feet are proposed. In addition, some of the signs contain "DD" or Dunkin Donuts which is advertising matter. The size of directional signs according to the method of measurement in §250-25E(1) should be provided to determine the extent of variances required.
5. Ordinance §250-25G(1)(a) permits retail establishments to have freestanding signs that are monument or ground-mounted with a maximum height of eight feet including the base. The base shall be no higher than four feet, the length shall be 100% of the length of the sign and the base shall not be considered part of the permitted sign size. Under certain conditions, the height of a freestanding sign can be increased up to 15 feet. The applicant is proposing two Drive Thru sign with a base height of 6' 1 1/8" and an overall height of 18' 2." One sign is proposed on Burlington-Mt. Holly Road and the second is proposed at the entrance to the site along Western Drive. Variances are required. Ordinance §250-25K(1)(c) permits restaurants to have one freestanding sign not exceeding 50 square feet in size indicating the name and logo of the tenant and the street address. The proposed DD, DUNKIN, Drive Thru signs are approximately 67 square feet in size, not counting the 6'+ brick monument on which the signs are situated. Variances are required for sign base height, overall sign height, square footage of the signs, number of signs and sign messages.

6. Ordinance §250-25K(1)(a) permits restaurants to have one (1) facade sign not exceeding 40 square feet. The applicant is proposing at least three facade signs. One sign is 31.2 square feet and says, "DD." The second facade sign is 29.5 square feet and says, "DUNKIN" and the third facade sign is 30 square feet and says, "SOMETHING FRESH IS ALWAYS BREWING." The applicant should quantify the number of each proposed signs and designate the mounting locations of each. While each facade sign is less than 40 square feet, the three signs total 90.7 square feet. Variances are required for the number of proposed facade signs.
7. Based upon buffer planting requirements outlined in Ordinance §196-8B(3)(c)[1] and [2], a minimum of ten (10) canopy trees, fifteen (15) understory trees and seventy-five (75) shrubs are required in the buffer along Burlington-Mt. Holly Road where two (2) canopy trees and thirty-eight (38) shrubs are proposed. Along this frontage, the site is deficient by 8 canopy trees, 10 understory trees and 22 shrubs.

Along the site's Western Drive frontage eight (8) canopy trees, twelve (12) understory trees and sixty (60) shrubs are required where four (4) canopy trees are shown on the Site Layout Plan to be existing and no shrubs are proposed. In addition, one existing (1) canopy tree is shown at the site's access drive from Lot 3. The five (5) existing trees are assumed to be canopy trees, however, the applicant should confirm the condition, species, and diameter at breast height (dbh) of the trees. Along the Western Drive frontage, the site is deficient by four (4) canopy trees, eight (8) understory trees and forty-eight (48) shrubs, assuming the existing trees are in good condition. It should be noted that the Landscaping Plan proposes one (1) canopy tree and fifty-six (56) shrubs along the access drive that parallels Western Drive. If these trees and shrubs are counted in the overall plantings required, the Western Drive frontage is deficient by three (3) canopy trees, eight (8) understory trees and eight (8) shrubs.

Overall, the site is deficient by eleven (11) canopy trees, eighteen (18) understory trees, and thirty (30) shrubs.

Overlaying the Lighting and Landscaping Plan on the Site Layout Plan shows approximately 58 feet of lawn is proposed between the site's Western Drive boundary and the landscaping along the site's interior driveway. Applicant should provide testimony on whether a future use may be proposed in this area and if not, why the landscaping is not better distributed along the Western Drive frontage.

8. Ordinance §196-8C(1) requires landscape islands of at least 200 square feet at the end of all rows of parking. The two islands at the ends of the two ADA spaces are less than 200 square feet and require variances.
9. Ordinance §196-8B(4) states that where parking is located in the front yard, the Board may require construction of landscaped berms up to a height of five feet, with a slope at a ratio of not less than two to one. The Board should discuss whether or a not a berm should be provided since twelve (12) parking spaces are situated within the 50' front yard setback.

10. Ordinance §250-22Q(6)(a) requires non-employee parking stalls to measure 10' x 20' where the plan proposes 10' x 18' stalls. A design waiver will be required.
11. Ordinance §196-8A requires driveways be at least 20 feet from another driveway. The driveway at the southeastern side of the property is 15' from the property line on Lot 3 and the driveway appears to terminate at the property line. The applicant should discuss its purpose and indicate if an easement has been granted by the owner of Lot 2 for interconnection of the properties. Applicant should also discuss whether a future connection to Lot 3 to the east is proposed.

The applicant will require c(2) 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.

#### **General Comments**

12. Ordinance §250-22C requires that non frontage property lines within corner lots be considered side yards. The area and bulk chart should be revised accordingly.
13. A sidewalk connection to the building has been provided from the proposed sidewalk on Western Drive. A sidewalk connection to the building should also be provided from the sidewalk on Burlington-Mt. Holly Road.
14. The applicant should provide architectural drawings depicting elevations and floor plans of the Dunkin Donuts.
15. The applicant should provide testimony on operations of the proposed facility including:
  - a. Hours and days of operation.
  - b. Maximum number of employees on any shift.
  - c. Waste generated.
  - d. Truck types, scheduling and trip frequency for deliveries and waste removal.
16. The Site Layout Plan indicates a Mobile Device drive thru lane in addition to the regular drive thru lane. The applicant should discuss how the Mobile Device lane functions as well as potential conflicts with the drive thru lane in accessing the service window.
17. We recommend that a stop sign and stop bar be provided where the access drive from Lot 3 meets the one way ingress from Burlington Mt. Holly.
18. The striped triangle depicted at the intersection described above should be dimensioned to the curb. We recommend that it be surfaced with a textured material such as stamped concrete for better visibility and effectiveness.
19. The planting islands proposed adjacent to the ADA parking stalls should be dimensioned.



20. The applicant should indicate whether there is an access easement to permit use of the driveway crossing Lot 3. If one exists the plan should reference it.
21. Additional site lighting should be provided along the driveway accessing the site from Lot 3.

### Landscaping

We recommend the following revisions to the Landscaping Plan:

- a. The Inkberries proposed between the drive thru area and the basin should be re-located to the other side of the basin and replaced with a suitable groundcover to avoid erosion by stormwater flow from the paved areas.
- b. The relocated Inkberries cited above should be supplemented with wet tolerant shrubs such as Summersweet and Winterberry as well as trees such as Dawn Redwood and Sweetbay Magnolia to the extent possible to meet the buffering requirements of Ordinance §250-16 F(2).
- c. The evergreen shrub border proposed along the driveway accessing Lot 3 should be supplemented with ornamental trees such as Amur Maackia as well as deciduous shrubs such as 'Goldflame' Spirea and Merlot Sweetpire
- d. The Leyland Cypress proposed around the trash enclosure achieve a mature height of 40-50' and a width of 15-20'. Consequently we recommend replacing those proposed between the enclosure and sidewalk with 'Emerald Sentinel' Juniper because of its more appropriate scale.
- e. Flowering ornamentals such as 'Red Rocket' Crape myrtle and Sweetbay Magnolias and contrasting evergreens such as 'Gold Coast' Junipers should be planted along the rear property line between the trash enclosure and the southerly property line to compliment the evergreen screen on Lot 3. We also recommend that groupings of a spreading juniper such as 'Grey Owl' Juniper be installed at the easterly and westerly ends as a visual transition to proposed turf areas.
- f. Mulch bedding lines should be depicted on the landscape plan.
- g. The planting islands adjacent to the ADA parking stalls should be planted with low maintenance groundcovers such as Blue Rug Juniper and Gro-Low Sumac.
- h. The caliper of the deciduous canopy trees should be specified in the plant list. Ordinance §196-8B3(f) requires a minimum trunk diameter of 1 ½ to 2 inches.
- i. Landscaping General Note 21 should be revised to require removal of all subbase material in existing paved areas that will be landscaped and replacement with topsoil.

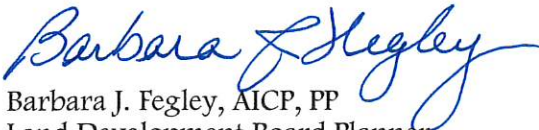
- j. Landscaping General Note 25 should be eliminated as it conflicts with the permanent vegetative cover seed specification listed on the Soil Erosion Control Plan.

**Outside Agency Approvals**

22. 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. Westampton Fire Marshal.
  - e. Willingboro Municipal Utilities Authority.
  - 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  
Michael E. Avila, LLC, PE, Avila Engineering, LLC, 228 West White Horse Pike, Suite B, Berlin, NJ 08009 and via email  
Shayona Donuts, LLC, c/o Yogesh Patel, 802B Woodlane Road, Westampton, NJ 08060  
Jefferson Street Partners II, LP c/e David Lehmnkul VP, 111 Paterson Avenue, Hoboken, NJ 07030



# 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:** June 20, 2018

**ADDRESS:** County Route 541 & Western Dr

**PROPOSED USE:** Shayona Donuts

**HYDRANTS:**

N/A at this time

**FIRE PROTECTION SYSTEMS:**

- Exterior horn/strobe (if Fire Alarmed)
- Map of Detection/Protection locations upon completion
- Fire Protection & Building Documents to be housed on site (PVC tube above door in FACP or Sprinkler Room)

**APPARATUS ACCESS:**

- Fire Lanes around structure/hazards with appropriate signage as per Twp Ordinance (SEE ATTACHED)
- Apparatus turning radius
- FD Access during construction aka solid base prior to construction per Twp Ordinance.

**BUILDING ACCESS:**

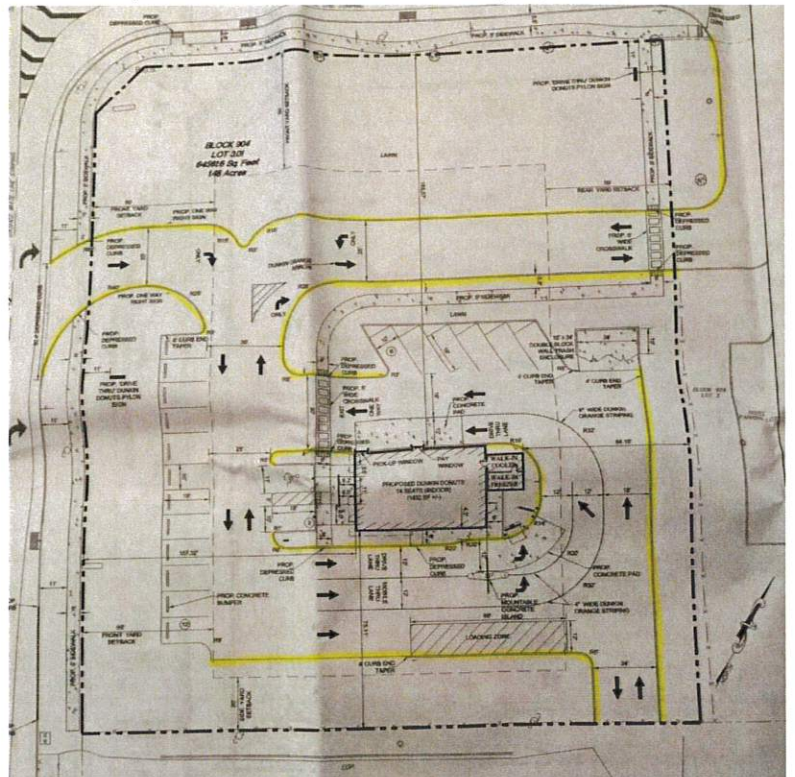
- Knox
- Emergency contact list

**NOTES:**

- Bollards for utilities and exterior hazards such as CG in compliance with NJ IFC 312
- Exterior labeling of hazards (NFPA 704)
- Truss/solar panel signage
- Proposed locations of exterior hazards (CG)

Respectfully,

Craig R. Farnsworth, II  
Fire Chief / Fire Official



# Sills Cummis & Gross

A Professional Corporation

600 College Road East  
Princeton, New Jersey 08540  
Tel: (609) 227-4600  
Fax (609) 227-4646

The Legal Center  
One Riverfront Plaza  
Newark, NJ 07102  
Tel: (973) 643-7000  
Fax: (973) 643-6500

Kevin J. Moore  
Member  
Admitted In NJ  
Direct Dial: 609-227-4620  
Email: kmoore@sillscummis.com

101 Park Avenue  
28<sup>th</sup> Floor  
New York, NY 10178  
Tel: (212) 643-7000  
Fax: (212) 643-6500

June 26, 2018

Marion Karp, Land Development Board Secretary  
Township of Westampton  
710 Rancocas Road  
Westampton, New Jersey 08060

Re: APCO Petroleum Corporation  
2036 Burlington-Mt. Holly Road, Designated on the Westampton Tax Maps as  
Block 904, Lot 2  
Extension of Approvals

Dear Ms. Karp:

By this letter, and on behalf of APCO Petroleum Corporation (the "Applicant"), we are requesting one (1) one-year extension for the above-referenced project, pursuant to N.J.S.A. 40:55D-52 and Section 149-25.B. of the Code of the Township of Westampton. The protections afforded by the approvals for the above-referenced project are set to expire on June 30, 2018. This extension will extend the vested approvals to June 30, 2019.

As you will recall, on September 7, 2016, the Westampton Township Land Development Board granted the Applicant one one-year extension of the preliminary and final major site plan, use variance approval with conditional use variances, bulk variances, and design waivers/exceptions ("Approvals"), that were previously granted for the property, which extension was memorialized by resolution on November 2, 2016.

The Applicant is working diligently to satisfy all of the conditions of the Approvals. However, due to economic conditions and the scope of the conditions of the Approvals, especially the cross-access easement required by the Burlington County Planning Board, the Applicant has been unable to satisfy all of the conditions yet. Thus, the Applicant seeks one one-year extension of the Approvals.

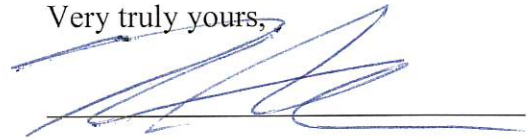
**Sills Cummis & Gross**  
A Professional Corporation

Ms. Marion Karp, Land Development Board Secretary  
June 26, 2018  
Page 2

Therefore, the Applicant hereby requests that the Land Development Board of the Township of Mansfield hear this matter at its next regularly scheduled meeting to extend the vesting period for the Approvals to June 30, 2019.

If you have any questions regarding this matter, or would like any additional materials, please feel free to contact me. Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Kevin J. Moore', written over a horizontal line.

Kevin J. Moore

KJM: ajf

**RESOLUTION: 14-2017**

**WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD**

**APPLICANT'S NAME:** APCO Petroleum Corporation

**BOARD'S DECISION:** Granting One Year Extension of Preliminary and Final Site Plan Approval with Conditional Use Variance, Bulk Variance, and Waivers

**PROPERTY ADDRESS:** 2036 Burlington-Mount Holly Rd – Block 904, Lot 2

**ZONING DISTRICT:** Commercial – “C”

**DATE OF HEARING:** August 2, 2017

---

**WHEREAS**, APCO Petroleum Corporation (“the Applicant”) was previously granted Preliminary and Final Major Site Plan Approval with Conditional Use Variance, Bulk Variance, and Waiver Relief (“Approval”) to permit the demolition of an existing motor vehicle service station and convenience store and to construct a new, larger motor vehicle service station and convenience store at 2036 Burlington-Mount Holly Road, Westampton, New Jersey, and designated as Block 904, Lot 2 on the Township Tax Map (“Subject Property”) by the Westampton Land Development Board (“Board”); and

**WHEREAS**, the Applicant’s Approval was granted on April 4, 2012;

**WHEREAS**, the Applicant was previously granted a one (1) year extension of approval from June 30, 2016 to June 30, 2017 at the regularly scheduled public meeting held on September 7, 2016; and the resolution granting said extension of approval was memorialized on November 2, 2016 under Resolution #14-2016;

**WHEREAS**, the Applicant now seeks an additional one (1) year extension of approval to June 30, 2018 (the “Application”);

**WHEREAS**, the Application was presented by the Applicant’s attorney, Kevin J. Moore, Esq.;

**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 Subject Property is located at 2036 Burlington-Mount Holly Road, Westampton, New Jersey. The Subject Property is designated as Block 904, Lot 2, and lies in the "C" – Commercial District.
2. The Applicant is seeking a one (1) year extension of approval to June 30, 2018 of Preliminary and Final Major Site Plan Approval with Conditional Use Variance, Bulk Variance, and Waiver Relief to permit the demolition of an existing motor vehicle service station and convenience store and to construct a new, larger motor vehicle service station and convenience store at the Subject Property.
3. The Applicant has worked diligently to satisfy all of the conditions of the Approval; however, due to economic conditions and the scope of conditions attached to the Approval, the Applicant has yet to satisfy all the conditions.
4. After presentation by the Applicant's professionals, the matter was opened to the public for comment. No member of the public appeared to testify.

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting a one (1) year extension to June 30, 2018 of Preliminary and Final Major Site Plan Approval with Conditional Use Variance, Bulk Variance, and Waiver Relief to permit the demolition of an existing motor vehicle service station and convenience store and to construct a new, larger motor vehicle service station and convenience store at the Subject Property upon motion duly made by Mr. Blair and seconded by Mayor Daniels, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant, and any conditions set forth herein.

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

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate	x			
Barger				x
Blair	x			
Daniels	x			
Lopez	x			
Mumbower	x			
Gehin-Scott	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

\_\_\_\_\_  
Ron Applegate, Acting Chairman

ATTEST:

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

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