

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

AUGUST 2, 2017 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, 2017 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. Daniels, Mr. Freeman, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Ms. Berkley, Mr. Gehin-Scott, Solicitor Lou Capelli, Engineer Jim Winckowski, Planner Tamika Graham, Secretary Marion Karp
5. Approval of minutes – 6/7/2017
6. Swear in Board Professionals
7. Resolutions: approval needed:
 - 10-2017 Dolan Contractors, LLC, Block 203, Lot 7 (90 Stemmers Lane) – major site plan and bulk variance (warehouse building expansion) – continued from May 3, 2017 LDB meeting
 - 11-2017 Dolan Group VII, LLC, 80 Stemmers Lane, Block 203, Lot 7.01 – request for 1 year extension
 - 12-2017 Dolan Contractors, Inc., 97 Stemmers Lane, Block 203, Lot 6.04 – request for 1 year extension
 - 13-2017 KCA Westampton, LLC (Wawa), 76 Springside Road, Block 203, Lot 5 – preliminary and final major site plan, conditional use & bulk variances
8. Old Business:

None
9. New Business:
 - a. APCO Petroleum Corporation, Block 904, Lot 2 – one year extension of prior approval

10. Informal Applications:

- a. Peachfield Plantation, Block 906, Lot 12 – informal review of proposed improvements (barn, parking lot, well and septic)

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 7, 2017 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 7, 2017 at 7:00 P.M. The meeting was called to order by Chairman David Barger and the opening statement required by Sunshine Law was read. This meeting was advertised in the Burlington County Times on January 5, 2017 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. Daniels, Mr. Guerrero, Mr. Lopez, Mr. Mumbower, Mr. Gehin-Scott, Solicitor Lou Cappelli, Planners Sam Agresta and Tamika Graham, Engineer Jim Winckowski, Secretary Marion Karp
Absent: Mr. Applegate, Mr. Freeman

The minutes of the May 3, 2017 meeting were approved.

Solicitor Cappelli swore in the Board professionals.

Resolutions:

6-2017 Dolan Contractors, LLC, Block 203, Lot 7 (90 Stemmers Lane) – major site plan and bulk variance (36,150 sq. foot building expansion) – continuation of application until June 7, 2017 meeting – was memorialized

7-2017 A. Duie Pyle, Inc., Block 202, Lot 2 (45 East Park Drive) – preliminary and final site plan approval (installation of security fencing, parking lot modifications) – was memorialized

8-2017 Dolan Contractors, Inc., Block 203, Lot 1.03, 2 & 3 (32 Springside Road) – amended final site plan (improvements to include guard booths, driveway with acceleration lane onto Ikea Drive, fencing, patio, site lighting, landscaping, trash compactor, truck staging area and entrance barrier gate – **NOT MEMORIALIZED**. The application was withdrawn by the applicant with the understanding that a new application would be required if any modifications were required. It is an unusual request according to Solicitor Cappelli; it will be a condition that any bills generated are to be paid; the applicant will have to waive their 45 day right and a new application would be required.

9-2017 Virtua Health, Inc., Block 1201, Lot 20 (798 Woodlane Road) – site plan waiver (mobile Farmer's Market) – was memorialized. Mr. Lopez stated that he had received a

letter from a resident regarding Farmer's Markets; the resident had concerns that the produce sold here should be locally grown and thought this may violate the Township's right to farm ordinance. It is the Solicitor's opinion that it doesn't apply here.

Old Business:

Dolan Contractors, LLC, Block 203, Lot 7 (90 Stemmers Lane) – major site plan and bulk variance (36,150 sq. foot building expansion) – continued from May 3, 2017 LDB meeting. Russ Whitman, the applicant's attorney was again present for the third time before the Board. Mr. Whitman gave a brief history of the application to refresh the Board's memory. They believe they have addressed all the Board's and their professionals concerns.

Bernie Wojtkowiak, engineer and William Stevens, engineer were sworn in by the Board Solicitor. They first reviewed the Board Planner's letter dated June 1, 2017. They reviewed the items in the report and clarified some of the engineer's concerns. 9 foot by 18 foot spaces are allowed for employee only parking, abutting sidewalk needs to be 6 feet in width to accommodate overhang, however, the sidewalk they are installing is only 4 feet wide. This is a concern according to Board Engineer Jim Winckowski in addition to the spaces located along the loading/drive aisle. Mr. Stevens testified that there will only be 10 truck trips per day which reduces the possibility of conflicts between tractor trailers and employees. They are hoping to expand their business and thus want to provide as many parking spaces as possible. Many warehouses in the industrial park also have this same condition. Jim Winckowski suggested that if they install wheel stops on the spaces adjacent to the sidewalk that it would help with overhang and the reduced width sidewalk. They agree to install these; Jim is agreeable to working it out with the applicants. Jim Winckowski asked why the parking space sizes were mixed; Bernie Wojtkowiak stated that this was to meet the applicant's parking requirements.

Planting design involves mature landscaping already existing on the site; they will leave that and also fill in some areas that aren't landscaped. The Board would like some more landscaping added at the back property line to screen the view a bit better; arborvitae will also be added as requested by the Board.

Lights can have shields added if the Board requires at the south side of the property; however the applicants would like to leave the plan the way they have designed as it provides an adequate level of safety and all surrounding property is industrial, not residential. Dave Barger had concerns about one of the lights and would like the potential for glare on neighboring properties reduced; the applicants agree to do this.

They next reviewed the Board engineer's letter dated June 5, 2017. 15,921 square feet of the building will be dedicated as office space. Three times the amount of parking spaces needed are being proposed. Operations are during off peak hours; there are 2 shifts that operate and they are not during peak traffic times.

There is an existing swale on the eastern side of the building; it will be modified to help

mitigate the increase in impervious coverage. There are still some technical issues to be resolved but Jim Winckowski says they are minor in nature and he is confident they can be worked out.

Gene Blair stated that we are still waiting for a report from the Fire Official; any approval granted this evening would be subject to his report; the applicants agree to this condition. They wanted to be able to proceed “at risk”.

Dave Barger wanted to be able to have the applicant revisit the Board if in the future the shifts would change and present a problem. This could also be a condition in the resolution.

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

Mr. Lopez made a motion to approve the application; Mr. Blair seconded the motion. All voted yes; the motion carries and the approval is granted.

New Business:

Dolan Group VII, LLC, 80 Stemmers Lane, Block 203, Lot 7.01. Chairman Dave Barger recused himself; Vice Chair David Guererro took over. Russ Whitman explained that they were seeking another one year extension for a previously approved site plan application. This provides for an expansion of the building. They want to be able to attract tenants in a competitive market and people look for properties with short delivery times. Mike Dolan was sworn in. He stated that there is a tremendous advantage if you have a building that suits a tenant’s needs that is ready to go. They are hopeful to bring in some more tenants to the Township. The permit extension act finally expired in June of 2016. They had come to the Board last year and secured their first one year extension. Mayor Daniels stated that he is inclined to agree with Mr. Dolan; both site plan approvals should be extended.

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

Mr. Borger asked how many extensions were available to the applicant; there are 3 one year extensions that are permissible, unless the building is more than 200,000 square feet.

Mr. Lopez made a motion to approve the extension of the application, Mr. Mumbower seconded the motion. All voted yes with the exception of the Chair, who recused himself. The motion carries and the extension is approved.

Dolan Contractors, Inc., 97 Stemmers Lane, Block 203, Lot 6.04. This is currently an undeveloped parcel and involves the construction of a new building. Russ Whitman explained that they are again requesting another one year extension of the approval. They had secured their first 1 year extension last year; this would be their second extension.

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

Mr. Lopez made a motion to approve the extension; the motion was seconded by Mayor Daniels. All voted yes, with the exception of the Chair, who had recused himself. The motion carries and the extension is approved.

KCA Westampton, LLC (Wawa), 76 Springside Road, Block 203, Lot 5. Tim Prime, attorney, was present on behalf of the applicant. Matt Sharo, engineer, Nick Verderesb and Paul Phillips, Planner were present. The application is for conditional use approval, preliminary and final site plan approval and several bulk variances. The property is at the corner of Woodlane and Rancocas/Springside Roads and currently is occupied by a Wawa retail store, no fuel dispensing pumps.

Mr. Prime summarized the ordinance as it related to convenience stores. The site is approximately 4 acres in size. There will be no servicing of motor vehicles; only fuel will be sold and dispensed; they will only be accommodating cars, not trucks. The canopy height will limit trucks as will the slower flow gas dispensing nozzles on the pumps. The Wawa and the fast food restaurant will be on the same lot and will enter a lease agreement; there will be no subdivision. The new Wawa offers much improvement over the old store currently on the site. The detention basin will be surrounded by fencing. One variance being requested refers to the front yard buffer setback from the street due to the corner lot configuration. There are no other motor vehicle service stations at the intersection.

There is more than adequate parking proposed. Two free standing signs are permitted, not to exceed 60 feet. The proposed fast food restaurant will need a sign variance to add a panel on the Woodlane Road sign. Façade signs for the restaurant will require variances as well. Two other variances are requested – the front yard buffer which was required because they shifted away from the home located nearby. Secondly, lighting under the canopy will be higher than average due to business needing to be conducted 24/7; however there is zero light shed at the lot line. Mr. Prime feels that this Wawa will add a lot of convenience to people’s lives; most customers are already out on the road and they known as “pass through traffic”.

Gene Blair asked if a variance was being requested for the proposed pylon sign; such signs are no longer permitted by ordinance. Monument signs are allowed and preferred.

Matthew Sharo was sworn in by the Board solicitor. He is the applicant's engineer. He gave an overview of the site. The property is in the C Commercial zone; fast food restaurants are permitted and the Wawa is a conditional use. He showed architectural elevations, the building is 5,585 square feet in size, 22.5 feet high, with stone veneer on the bottom of the building. The front of the building is 33 feet in height. The fuel canopy will contain 6 fuel dispensers. Clear height is 14 feet.

Deliveries take place 4 times a week for fresh groceries; chips and sodas are delivered two to three times a week; dairy items approximately 3 times a week. Trash pickup takes place via a trash enclosure in the southeast corner, which is 16 by 30 feet in size. It is screened by an eight foot high enclosure. The gates are self-closing and are substantial. Trash is picked up three times a week and takes place during daytime hours. Each fuel dispenser does offer diesel; attendants will turn away tractor trailers that wish to refuel here. There are two 20,000 gallon underground tanks located in the northern corner of the site.

The fast food restaurant will seat 132 people and is 5100 square feet in size; hours of operation will be from 6:30 AM to 10:00 PM. There will be 60 or so employees on 3 shifts. Deliveries take place at the rear of the store. There will be 2-3 deliveries every day and fresh food delivered daily via a box truck. Trash pickup will occur 3-4 times a week, along with pickup of recyclables, during day time hours. The drive thru is at the east side of the site; the que can handle 22 cars stacking.

There are two access points to the site; one on Springside Road and one on Woodlane Road. Both driveways are subject to Burlington County approval. Wawa has 25-30-35 foot wide drive aisles.

Regarding parking spaces, 23 are required by Ordinance, 50 spaces are proposed for the Wawa. For the fast food restaurant, 24 spaces are required and 50 are proposed; all parking spaces will meet ordinance requirements at 10 feet by 20 feet in size. Adequate ADA parking is proposed. The loading zone at Wawa is to the south of the building; the restaurant's is between the drive thru and the building at the eastern part of the site. A waiver is requested for the location of the loading zone. Waivers are also requested for parking closer to the building than allowed by ordinance. There are crosswalks and sidewalks throughout the site; sidewalks are going to be installed along Springside and Woodlane Roads.

Landscaping is pretty substantial throughout the site according to Mr. Sharo; evergreens are being provided along both road frontages. 557 plantings are proposed in total for the site; at this time they are requesting a waiver for providing the 28 required canopy trees but they agree to work with the Board Planner on this. The chain link fence will be replaced with a four foot high split rail fence, as suggested by the Board engineer.

Mr. Lopez – has polled the residents; their primary concern with the new Wawa is traffic

and aesthetics. He asked if the canopy could be modified in any way; perhaps an A frame style. He showed a photo of another canopy from a Wawa to Mr. Prime. The applicants agree to explore this option but they can't promise this will be installed.

Storm water management is handled by two basins, one underground along Woodlane Road and the other at the rear of the site. They will comply with the Board engineer's comments regarding storm water management.

The signage package includes one free standing sign on Springside Road, 3 façade signs, and one shared monument sign on Woodlane Road with an added panel that will require a variance. The restaurant is proposing a monument sign, 3 façade signs (variance required because only 1 is allowed by ordinance); and a 15 foot high pylon sign. Gene Blair is concerned with the number of signs on Springside Road and especially with the pylon sign which isn't permitted by ordinance. Gene thinks the proposed signage is excessive and thinks they need to ask for a waiver for the proposed digital gas signage as well. The sign on Springside should be a monument sign like the one proposed for Woodlane Road and that is enough signage for the site, according to Gene. Mr. Sharo stated that the digital signage proposed for the site is limited only to the gas prices and only changes once a day.

The applicants agree to comply with the Fire Official's report. They aren't providing any oversized parking spaces since it has proved to be a problem at other Wawa locations. There is a flagpole 35 feet in height proposed at the restaurant. Landscaping will be fully irrigated.

Nicolas Verderesb was sworn in by the Board Solicitor to address traffic. He addressed on site traffic flow. The Springside road driveway is in the same location as the current one; however it will be made larger. Left turns are being restricted onto Springside Road. They feel comfortable that their proposed design will be approved by the County. Drivers making deliveries to Wawa are instructed on how to deliver to the sites; they should primarily be arriving from the south. They have completed a traffic impact study. Existing Wawa traffic counts were utilized and they added traffic generated by the gas pumps and restaurant. They did counts in the morning, midday and the evening. They did an analysis of the intersection as well; there are small changes in the delays but those changes are acceptable. The County hasn't completed their traffic review yet.

Mr. Lopez wanted to know what the difference was between the different types of traffic studies; he also let the applicants know that there have been quite a few accidents at this intersection in recent years. Traffic generated at this Wawa is higher than what convenience stores typically generate. Jim Winckowski said the overall study was consistent with ITE; but they did question one method they had used. Because they had existing counts they were better able to understand what the traffic will be. Jim isn't concerned; the County knows what they are doing and they are the higher authority. Residents are welcome to attend the County Planning Board meetings where they can voice their concerns.

Paul Phillips, Professional Planner, was sworn in by the Board Solicitor. This application largely complies with the Township ordinance. Only one bulk variance is being sought for setback on Woodlane Road where a 20 foot setback is required; the buffer is 5 to 6 feet deficient in order to provide as many parking spaces as possible. The excess buffer at the rest of the site makes up for this lack, according to Mr. Phillips. They are below the impervious coverage limits. He sees no detrimental effects for granting the variance.

The meeting was opened to the public for comment.

Allie Stanford – she is opposing this Wawa, the same as she did in 1999. She doesn't think it belongs in a residential neighborhood. It will bring traffic and gas fumes. She sees no benefit to the neighborhood, nor to Westampton. Wawa isn't an asset and they don't belong here, they belong on a highway.

Robert Maybury – says he didn't receive notice of the meeting and isn't properly prepared. He read a statement that he had prepared. He owns property adjacent to the Wawa site. He asked that the Board not vote on this tonight as he needed more time to review the plans.

Mike Eaton – Spring Meadows was approved 20 years ago and recently Project Freedom was constructed a few years ago. He feels like the residents are an afterthought. The only good thing about this application are the sidewalks they are installing. He likes Wawa but he doesn't think it will be beneficial in this area; it will cause problems for the residents.

Machell Pettis – asked if an air quality study was done. She was told that it isn't a requirement. She asked if the gas station has to be on their property or if it could be across the street. She asked what the increase in traffic would be.

Patricia Iannone – said she doesn't think a lot of Westampton residents know a Wawa is being proposed; she thinks more people need to know. She doesn't think a Wawa belongs in this residential neighborhood. She is very concerned with traffic.

Mr. Lopez explained that we want to see sidewalks along areas such as Springside Road; it is beneficial both for the residents and the Township.

Ms. Iannone absolutely opposes it.

Vernita Jones – it took her a long time to figure out where to move; we need to stop giving our town away. This is a residential area; we don't need another super Wawa here. It will bring in crime as well as more traffic. We need to think about the residents.

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

Tim Prime – respectfully, this is a Commercial zone, it is a multimillion dollar

redevelopment, this is not in a residential zone. This site needs to be improved; they have done everything they could to try to minimize the impact. The County will ultimately decide if this goes through.

Dave Guerrero – asked about procedure and proof of mailing. They have to provide proof of mailing, certified mail, not returned receipt. He just wanted to make sure.

Mr. Lopez – there have been announcements on social media as well as newspaper articles regarding this impending application. There have been diverse opinions and chatter about this meeting. He has heard all the concerns of the residents; this is a project that will bring in taxes; nothing is being given away. This development isn't taking anything from us; to the contrary, we do need some funds to pay for other projects that are coming in such as the Ingerman project that will be bringing many school children into the Township and very little as far as taxes. He has received comments from residents that want to see a gas station here and they want to see a total overhaul of the Wawa.

Dave Guerrero – would like to see buffering increased on the south side if possible. Jim Winckowski stated the only possible thing is to add fencing.

Gene Blair – the landscaping plan on page 7 shows a dual row of evergreens; if they consider fencing go with something long lasting; like white vinyl. As far as signage, the pylon sign is prohibited under our ordinance. Mr. Prime stated that they will reduce signs to one monument sign on each road and those will be dual use.

Dave Barger – there is already a Wawa here. It is in conformance with the Master Plan. This is in the commercial zone and will improve the aesthetics of the area, it needs remodeling. There have been gas stations at this intersection; these aren't any new uses that are being introduced. The overall benefits of this project outweigh the detriments in his opinion.

Mayor Daniels – most of the comments he has received regarding this project have been positive. The alternative of what could happen here has scared people even more. Additional parking and the availability of gas all add value. The new restaurant adds ratables and will bring jobs into the Township. He thinks it is the right thing to do.

Gilbert Gehin Scott – didn't see much information on the fast food restaurant as far as aesthetics; Tim Prime stated that it would conform with the look of the Wawa. They will eliminate the façade sign on Woodlane Road; there will be a monument Wawa sign on Woodlane and one on Springside road and a monument restaurant sign on Springside. Jim recommended spacing them so they are balanced. There is one remaining variance for the façade sign for the restaurant.

Mr. Barger made a motion to approve the application; the motion was seconded by Mr. Gehin Scott. All voted yes, with the exception of Mr. Lopez, who left the meeting at 10:40 PM. The motion carries and the application is approved.

DRAFT

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

Comments from the Board

Ms. Berkley – is glad the Wawa is going to be upgraded; however she is concerned with the 24 hour gas station.

Mr. Mumbower – understands some residents are upset about the decision but thinks the Board reached the right decision.

Mayor Daniels – it is time for that corner to be upgraded; it would be far more problematic if it became a 6-12 store.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board

RESOLUTION: 10-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Dolan Contractors, LLC

BOARD'S DECISION: **Granted Preliminary and Final Major Site Plan with Variance and Waiver Relief**

PROPERTY ADDRESS: 90 Stemmers Lane – Block 203, Lot 7

ZONING DISTRICT: Industrial – “I”

DATE OF HEARING: April 5, 2017; May 3, 2017; June 7, 2017

WHEREAS, Dolan Contractors, LLC (“the Applicant”) filed on March 17, 2017, an application with the Westampton Land Development Board (“the Board”) requesting Preliminary and Final Site Plan Approval with variance and waiver relief from the Township Zoning Ordinance to permit the construction of a 30,426.25 square foot building addition to an existing building located at 90 Stemmers Lane, Westampton, New Jersey, and designated as Block 203, Lot 7 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board had jurisdiction to hear this matter under the New Jersey Municipal Land Use Law; and

WHEREAS, the Application previously came before the Board at the regularly-scheduled public meetings held on April 5, 2017 and May 3, 2017; and

WHEREAS, the Application came before the Board a third time at the regularly-scheduled public meeting held on June 7, 2017. The Application was presented by the Applicant’s attorney, Russell Whitman, Esq. The Board questioned and heard testimony from the Applicant and the Applicant’s professionals, Bernie Wojtkowiak, P.E., and William Stevens, P.E., P.P., as to the location, nature, and purpose of the Application; and

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

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 90 Stemmers Lane, Westampton, New Jersey and is owned by The Dolan Group VIII, LLC. The Subject Property is designated as Block 203, Lot 7, and lies in the "I" – Industrial District.

2. The Applicant is seeking Preliminary and Final Major Site Plan Approval with variance and waiver relief to permit the construction of a 30,426.25 square foot building addition to an existing building located at the Subject Property. The Subject Property has a total lot area of 22.17 acres, lot depth of 350 feet, and lot width of 300 feet.

3. The Applicant and the Applicant's engineers, Bernie Wojtkowiak, P.E., and William Stevens, P.E., P.P., were sworn in and testified as to the details of the Application. The Applicant testified that the proposed addition will serve as a freezer and be attached to the existing building at the Subject Property. The expansion will support the existing operation at the Subject Property which is a food processing and storage facility. Approximately 15,921 square feet of the building at the Subject Property will be dedicated as office space. There will be 300 total parking spaces at the Subject Property with mixed dimensions. Mr. Wojtkowiak testified that the mixed dimensions and requested variance relief are necessary to meet the Applicant's and proposed tenant's parking requirements.

4. At the May 3, 2017 meeting, the Board heard additional testimony from Don Barnett, CEO of Sunbasket, the proposed tenant occupant of the Subject Property. Mr. Barnett was sworn in and testified that Sunbasket is a home meal delivery company that prepares and packages ingredients in healthy meal kits for customers to order. Mr. Barnett further testified that they currently have 250 employees, a number which may grow to as many as 300 to 350 employees. Sunbasket intends to operate two (2) shifts at the Subject Property, from 5:30 AM to 2:30 PM and 3:00 PM to 11:00 PM. Mr. Barnett further testified that they currently have 5-10 inbound truck deliveries a day, and ship the meal kits on Saturday, Sunday, Monday or Tuesday. Mr. Barnett further testified that all outbound trucks from the Subject Property will exit onto Ikea Drive.

5. The Applicant further agreed to work with the Board and the Board's professionals to: paint the wall panels of the addition to match the color of the existing building; supplement the buffer along Route 295 east of the future freezer area; install wheel stops on parking spaces adjacent to the sidewalk; add additional landscaping to the Subject Property; reduce the potential for lighting glare on neighboring properties; revisit the Board if employee shift times change and cause problems at the Subject Property; modify the existing swale on the eastern side of the existing building to reduce the increase in impervious coverage; resolve additional minor technical issues with the Board engineer and other Board professionals as agreed during the April 5, 2017, May 3, 2017, and June 7, 2017 public meetings.

6. 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.

7. With respect to the requested variance relief, as a result of the testimony of the Applicant's professionals and the evidence introduced with the Application, the Board found that the Applicant had satisfied the positive and negative criteria necessary to grant the requested variance relief, as the granting of the parking space dimension variance would have no detrimental effect on the public good; and the Board further found that the Applicant had advanced sufficient proofs to be granted the requested waivers.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton that the Applicant's Application requesting Preliminary and Final Site Plan Approval with variance and waiver relief from the Township Zoning Ordinance to permit the construction of a 30,426.25 square foot building addition to an existing building at 90 Stemmers Lane upon motion duly made by Mr. Lopez 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.

IT IS FURTHER RESOLVED that the Applicant may proceed with the Application "at risk".

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

1. Submission of the Fire Official's report and approval.

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>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger	x			
Blair	x			
Daniels	x			
Guerrero	x			
Lopez	x			
Mumbower	x			
Gehin-Scott	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 11-2017

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

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

ZONING DISTRICT: Industrial – "I"

DATE OF HEARING: June 7, 2017

WHEREAS, Dolan Group VIII, 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, and 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 Applicant's Approval was granted on December 7, 2011, and the resolution granting the Approval was memorialized on January 4, 2012 under Resolution #19-2011; and

WHEREAS, the Applicant was previously granted a one (1) year extension of approval at the regularly scheduled public meeting held on May 4, 2016, and the resolution granting said extension of approval was memorialized on September 7, 2016 under Resolution #11-2016;

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, Russell Whitman, 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 80 Stemmers Lane, Westampton, New Jersey and is owned by The Dolan Group VIII, 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 (1) year extension of approval to June 30, 2018 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.

3. Mike Dolan, as principal of the Applicant, was sworn in and testified as to the nature of the Application and requested relief. 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.

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.

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 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. Lopez and seconded by Mr. Mumbower, 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>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger				x
Blair	x			
Daniels	x			
Guerrero	x			
Lopez	x			
Mumbower	x			
Gehin-Scott	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY: _____
Dave Barger, Chairman

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

DATE MEMORIALIZED: _____

RESOLUTION: 12-2017

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

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

ZONING DISTRICT: Industrial – “I”

DATE OF HEARING: June 7, 2017

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 Applicant’s Approval was granted on September 5, 2007, and the resolution granting the Approval was memorialized on October 3, 2007 under Resolution #32-2007; and

WHEREAS, the Applicant was previously granted a one (1) year extension of approval at the regularly scheduled public meeting held on April 6, 2016, and the resolution granting said extension of approval was memorialized on May 4, 2016 under Resolution #8-2016;

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, Russell Whitman, 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 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 (1) year extension of approval to June 30, 2018 of Amended Preliminary and Final Major Site Plan Approval to construct a 69,000 square foot building at the Subject Property.
3. 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 to construct a non-residential building of approximately 69,000 square feet at the Subject Property upon motion duly made by Mr. Lopez 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>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger				x
Blair	x			
Daniels	x			
Guerrero	x			
Lopez	x			
Mumbower	x			
Gehin-Scott	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 13-2017

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: KCA Westampton, LLC

BOARD'S DECISION: **Granted Application for Preliminary and Final Major Site Plan Approval with Variance and Waiver Relief**

PROPERTY ADDRESS: 76 Springside Rd – Block 203, Lot 5

ZONING DISTRICT: Commercial – “C”

DATE OF HEARING: June 7, 2017

WHEREAS, KCA Westampton, LLC (“the Applicant”) filed on May 17, 2017, an application (“Application”) with the Westampton Land Development Board (“the Board”) requesting Preliminary and Final Major Site Plan Approval with variance and waiver relief to permit: (1) the demolition of the existing structure, a Wawa convenience store; and (2) the construction of a new Wawa convenience store with motor vehicle service (fueling); and (3) the construction of a fast food restaurant with drive-through service at the property located at 76 Springside Rd, Westampton, New Jersey, and designated as Block 203, Lot 5 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board had jurisdiction to hear this matter under the New Jersey Municipal Land Use Law; and

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on June 7, 2017. The Application was presented by the Applicant’s attorney, Timothy Prime, Esq. The Board questioned and heard testimony from the Applicant’s professionals, Matthew Sharo, P.E., Nicolas Verderseb, and Paul Phillips, P.P., as to the location, nature, and purpose of the Application; and

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

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 owned by Wawa, Inc., and is located at 76 Springside Rd, Westampton, New Jersey. Applicant is the contract purchaser of the Subject Property. The Subject Property is designated as Block 203, Lot 5, and lies in the "C" – Commercial District.
2. The Applicant seeks Preliminary and Final Major Site Plan Approval with variance and waiver relief to permit: (1) the demolition of the existing structure, a Wawa convenience store; and (2) the construction of a new Wawa convenience store with motor vehicle service (fueling); and (3) the construction of a fast food restaurant with drive-through service at the Subject Property. The Subject Property has a total Lot Frontage of 748.3 feet, Lot Depth of 311.2 feet, Lot Width of 337.0 feet, and a total Lot Area of 4.01 acres.
3. The Applicant's engineer, Matthew Sharo, P.E., was sworn in and testified as to the details of the Application, describing the Subject Property as being located in the "C" Commercial Zone. Mr. Sharo introduced five (5) exhibits: A-1: Aerial Photographs of the Site; A-2: Color Version of Site Plan; A-3: Wawa building elevation; A-4: Canopy Elevation; A-5: Prepared Signage. Mr. Sharo testified that fast food restaurants are permitted in the zone and that the Wawa, as a convenience store, is permitted as a conditional use. Mr. Sharo testified that the new Wawa building will be 5,585 sq. feet and the new fast food building will be 5,100 sq. feet. Mr. Sharo testified that the site will include a trash enclosure in the southeast corner, six (6) fuel dispensaries, and two (2) 20,000 gallon underground tanks. Mr. Sharo further testified that the fast food restaurant is 5,100 sq. feet in size, will seat 132 people, employ 60 people, and operate from 6:30 AM to 10:00 PM.
4. Mr. Sharo further testified as to access to the Subject Property, representing that there will be two access points: one from Springside Road and one from Woodland Road. Mr. Sharo testified that there will be 50 parking spaces for the Wawa, exceeding the 23 required by ordinance. Mr. Sharo testified there will be 50 parking spaces for the fast food restaurant, exceeding the 24 required by ordinance. Mr. Sharo testified that there would be substantial landscaping throughout the Subject Property, including 557 plantings.
5. Mr. Sharo testified as to the storm water management at the Subject Property, representing that it will be handled by an underground basin along Woodland Road and a second at the rear of the Subject Property. Mr. Sharo further testified as to the signage at the Subject Property, which is to include 3 façade signs, and one shared monument sign on Woodlane Road. Mr. Sharo further testified that the fast food restaurant would also include a monument sign, 3 façade signs and a 15-foot high pylon sign. Mr. Sharo testified that digital signage would be used at the Subject Property, but only to display gas prices for the Wawa.
6. Mr. Sharo testified that the Applicant would require a design waiver for: (1) the location of the loading zones; (2) parking closer to the building than allowed by ordinance; and (3) the 28 required canopy trees.
7. Nicholas Verdersb was sworn in and testified as to traffic at the Subject Property. Mr. Verdersb testified that the Applicant has completed a traffic study and determined that any changes in local traffic were within acceptable standards.

8. Paul Phillips, P.P., was sworn in and testified as to the requested variance relief. Mr. Phillips testified that the Application largely conforms with the Township ordinance, and that a bulk variance is sought for the setback on Woodland Road. Mr. Phillips testified that the excess buffer at the rest of the Subject Property makes up for the lack of buffer along Woodland Road, and that there is no public detriment to granting the variance.

9. After testimony presented by the Applicant and the Applicant's professionals, the matter was opened to the public for comment. The following members of the public appeared to testify:

- a. Allie Stanford testified in opposition to the Application. Ms. Stanford testified she does not believe a Wawa belongs in the neighborhood because it will bring traffic and gas fumes and no benefit to Westampton.
- b. Robert Maybury testified in opposition to the Application. Mr. Maybury testified that he did not receive notice of the meeting, and requested the Board adjourn its decision until the next meeting because he needed more time to review the plans for the Subject Property.
- c. Mike Eaton testified in opposition to the Application. Mr. Eaton testified that he feels the local residents are becoming an afterthought and that the Application does not benefit the neighborhood, except with respect to the installation of sidewalks along Springside and Woodlane roads. Mr. Eaton also testified he was concerned with increased traffic.
- d. Machell Pettis testified in opposition to the Application. Ms. Pettis testified that she was concerned about air quality, the location of the gas station, and a possible increase in traffic.
- e. Patricia Iannone testified in opposition to the Application. Ms. Iannone testified that she absolutely opposes the Application because it does not belong in the neighborhood. Ms. Iannone further testified that she believes that most Westampton residents do not know about the new Wawa and is very concerned about traffic.
- f. Vernita Jones testified in opposition to the Application. Ms. Jones testified that the new Wawa will bring in crime and traffic and that Westampton is giving the neighborhood away to commercial development.

10. In response to the concerns of the public and the Board, the Applicant represented that the Subject Property is in a commercial zone and that the County would have the final say on traffic. The Applicant further agreed to: comply with the Fire Official's report; work with the Board Planner on including the required amount of canopy trees at the Subject Property; replace the chain link fence at the Subject Property with a four foot high split rail fence; install crosswalks and sidewalks throughout the Subject Property, including along Springside and

Woodland Roads; explore the use of a modified canopy; and explore possible changes to signage at the Subject Property.

11. With respect to the requested variance relief, as a result of the testimony of the Applicant's professionals and the evidence introduced with the Application, the Board found that the Applicant had satisfied the positive and negative criteria necessary to grant the requested variance relief, as the granting of the setback and sign variances would have no detrimental effect on the public good; and the Board further found that the Applicant had advanced sufficient proofs to be granted the requested design waivers.

NOW, THEREFORE, BE IT RESOLVED, that the Applicant's Application requesting Preliminary and Final Major Site Plan Approval with variance and waiver relief to permit: (1) the demolition of the existing structure, a Wawa convenience store; and (2) the construction of a new Wawa convenience store with motor vehicle service (fueling); and (3) the construction of a fast food restaurant with drive-through service at the Subject Property, upon motion duly made by Mr. Barger and seconded by Mr. Gehin Scott, was and is hereby **GRANTED**, subject to the testimony and representation set forth on the record by the Applicant and the Applicant's professionals, and any conditions set forth on the record and stated 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>Nayes</u>	<u>Abstentions</u>	<u>Recusal</u>
Barger	x			
Blair	x			
Daniels	x			
Guerrero	x			
Mumbower	x			
Gehin-Scott	x			

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Dave Barger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

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
28th Floor
New York, NY 10178
Tel: (212) 643-7000
Fax: (212) 643-6500

June 15, 2017

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, 2017. This extension will extend the vested approvals to June 30, 2018.

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.

Ms. Marion Karp, Land Development Board Secretary
June 15, 2017
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, 2018.

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,

/s/ Kevin J. Moore *AJF*

Kevin J. Moore

KJM: ajf

Resolution # 14-2016
WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

Applicant: APCO Petroleum Corporation

Property Address: 2036 Burlington-Mount Holly Road, Block 904, Lot 2

Zoning District: C – Commercial District

Board Decision: Granting One-Year Extension of Preliminary and Final Major Site Plan with
Conditional Use Variance, Bulk Variances and Waivers

Date of Hearing: September 7, 2016

WHEREAS, the Applicant, APCO Petroleum Corporation, as owner of the premises in the Township of Westampton, County of Burlington, State of New Jersey, located at 2036 Burlington-Mount Holly Road and designated as Block 904, Lot 2 on the tax maps of the Township of Westampton, has filed an application pursuant to N.J.S.A. 40:55D-52(d) for three one-year extensions of the prior preliminary and final major site plan approval.

WHEREAS, after a public hearing held on September 7, 2016, the following initial findings of facts were made, to wit:

1. On April 4, 2012, the Applicant was granted preliminary and final major site plan approval with a conditional use variance, bulk variances and associated waivers 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 containing 3,000 square feet. The motor vehicle service station building was proposed to contain 420 square feet, a 4,400 square foot gasoline canopy with six (6) fuel pumps (12 gasoline fueling positions), a reconfigured diesel canopy with four (4) diesel fuel pumps (8 diesel fueling positions) and 26 truck parking stalls, together with associated site improvements including lighting, landscaping, drainage and parking.
2. The subject property is located at 2036 Burlington-Mount Holly Road (C.R. 541) and is located within the Commercial "C" Zoning District.
3. Since the approvals were granted, the Applicant has enjoyed the benefit of the automatic extensions provided by the Permit Extension Act, N.J.S.A. 40:55D-136.1, et seq.
4. There has been no change in the zoning with regard to this property since the approvals in 2012.
5. The Applicant has requested three (3) one-year extensions of its site plan approval from June 30, 2016 to June 30, 2019.
6. The Applicant was represented by Adam Fiola, Esquire.
7. The Applicant presented the testimony of Amar Singh Gill, a Principal of the Applicant.

8. The Applicant introduced Exhibit A-1, a conditional approval letter from Burlington County Planning Board dated April 1, 2014 which was marked into evidence in this matter.
9. The Board presented the testimony of Greg Valesi, P.E. of CME Associates, the Board Engineer, who testified with regard to this application.
10. No residents and/or members of the public testified at the public hearing in this matter.
11. No new variances or waivers are required with regard to this application.
12. Public notice of the hearing was provided in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-12.

WHEREAS, the Applicant testified that it is seeking three (3) one-year extensions of its site plan approval, however, the Applicant testified that it would agree to revise its request and will accept a one-year extension.

WHEREAS, the Applicant testified that it was having difficulty obtaining County Planning Board approval since a condition of the approval by this Board required that the Applicant obtain a cross-access easement from the adjacent property owner, Academy Bus Terminal. To date, the Applicant has not been successful in obtaining said cross-access easement.

WHEREAS, the Applicant testified that the economic conditions since the approvals were granted in 2012 have not been favorable to enable the Applicant to proceed with these approvals and this project.

WHEREAS, the Applicant testified that it has not yet submitted conforming plans to the Board consistent with the 2012 approvals and the Applicant acknowledged that all of the conditions contained in the Resolution of approval from April 4, 2012 have not been complied with by the Applicant.

WHEREAS, the Applicant testified that the County issued a conditional approval letter dated April 1, 2014 which was marked Exhibit A-1; however, since the Applicant has not yet obtained an agreement for the required cross-access easement, the County has been unable to review said easement.

WHEREAS, the Applicant testified that if the extension is granted, it will work diligently to comply with all of the conditions of approval, including trying to obtain the required cross-access agreement.

WHEREAS, the Applicant testified that it has agreed to all of the proposed conditions set forth by the Land Development Board as set forth in detail below.

WHEREAS, from the submissions made by the Applicant, the testimony and evidence presented, and based upon the entire record, the following findings of facts and conclusions of law were made:

1. All of the initial findings of facts as set forth in paragraphs 1 - 12 are hereby incorporated by reference herein as further findings of facts.
2. The Applicant testified that it is seeking three (3) one-year extensions of its site plan approval, however, the Applicant testified that it agreed to revise its request and accept one-year extension.
3. The Applicant testified that it was having difficulty obtaining County Planning Board approval since a condition of the approval by this Board required that the Applicant obtain a cross-access easement from the adjacent property owner, Academy Bus Terminal. To date, the Applicant has not been successful in obtaining said cross-access easement.
4. The Applicant testified that the economic conditions since the approvals were granted in 2012 have not been favorable to enable the Applicant to proceed with these approvals and this project.
5. The Applicant testified that it has not yet submitted conforming plans to the Board consistent with the 2012 approvals and the Applicant acknowledged that all of the conditions contained in the Resolution of approval from April 4, 2012 have not been complied with by the Applicant.
6. The Applicant testified that the County issued a conditional approval letter dated April 1, 2014 which was marked Exhibit A-1; however, since the Applicant has not yet obtained an agreement for the required cross-access easement, the County has been unable to review said easement.
7. The Applicant testified that if the extension is granted, it will work diligently to comply with all of the conditions of approval, including trying to obtain the required cross-access agreement.
8. The Applicant testified that it has agreed to all of the proposed conditions set forth by the Land Development Board as set forth in detail below.

NOW, THEREFORE, based upon the foregoing findings of facts and conclusions of law, including all of the testimony presented at the hearing, **BE IT RESOLVED** by the Land Development Board of the Township of Westampton, New Jersey that the application by APCO Petroleum Corporation for an extension of the prior preliminary and final major site plan approval with variances and waivers for a period of one year from June 30, 2016 pursuant to N.J.S.A. 40:55D-52.(d), is hereby **GRANTED** by a vote of seven (7) in favor and none (0)

opposed, for the reasons set forth on the record in this matter and subject to the following conditions:

1. All agreements, conditions and/or representations which were made by or on behalf of the Applicant or imposed upon the Applicant as set forth in this matter and as contained in the "WHEREAS" recital paragraphs of this Resolution and/or as contained in the prior Resolution No. 9-2012, which is made a part hereof and is incorporated herein by reference; must be fully satisfied by the Applicant in accordance with their terms.
2. The Applicant's extension as set forth herein shall expire on June 30, 2017.
3. The Applicant shall diligently and in good faith work to obtain the required cross-access easement from the adjacent property owner prior to the expiration date set forth herein, June 30, 2017.
4. The proposed cross-access easement shall be submitted to the Board Engineer and Board Solicitor for their advance review and approval.
5. The Applicant shall diligently work to prepare and submit conforming and revised site plans to the Board Engineer, Board Planner and Board Attorney prior to the expiration of the extension date, June 30, 2017.
6. The Applicant shall diligently work to submit revised plans and obtain approval from any required outside agency, including the Burlington County Planning Board prior to June 30, 2017.
7. The Applicant is hereby notified that prior to the issuance of any zoning or building permits:
 - a. All taxes and assessments shall be paid on the property for which this application is made. The Applicant shall submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made.
 - b. Any and all conditions that are made a part of this approval, including those noted by the consultants to the Board, must be satisfied by the Applicant.
 - c. The Applicant shall pay all required escrows, costs and professional fees associated with the application to the Township prior to the signing of the plans by the Township. Any inspection escrow and performance bonds required for this application and an estimate for all on/off site improvements including structures shall be reviewed and approved by the Board engineer.
 - d. Zoning approval must be obtained by the Applicant.

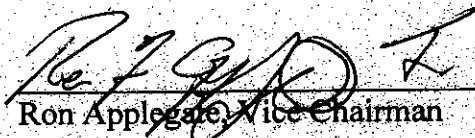
- 8. The approval may be subject to the review and approval of any outside agencies that may be required.
- 9. The failure of the Applicant to comply with any of the conditions contained in this Resolution will permit the Board, at its sole option, to rescind the approvals being granted by this Resolution and/or to advise the Township to revoke any permits which have been issued to the Applicant.

BE IT FURTHER RESOLVED, that this Resolution will be published within 10 days of the date of the adoption of this Resolution in the Burlington County Times, which is designated as the official newspaper of the publication of the Township of Westampton Land Development Board.

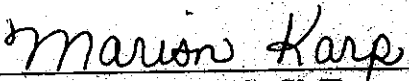
Roll Call Vote

	Ayes	Nays	Abstentions	Recusals
Mr. Barger				X
Mr. Applegate	X			
Mr. Attaway	X			
Mr. Blair	X			
Ms. Coe	X			
Mr. Daniels	X			
Mr. Lopez	X			
Ms. Berkley	X			

Westampton Land Development Board

By: 
 Ron Applegate, Vice Chairman

Attest:


 Marion Karp, RMC, CMR
 Westampton Township Land
 Development Board Secretary
 Date Memorialized: 11-2-16



Alaimo Group

200 High Street, Mt. Holly, New Jersey 08060 Tel: 609-267-8310 Fax: 609-845-0300
2 Market Street, Paterson, New Jersey 07501 Tel: 973-523-6200 Fax: 973-523-1765

July 20, 2017

Ms. Marion Karp, Secretary
Westampton Township Land Development Board
710 Rancocas Road
Westampton, NJ 08060

Re: Peachfield Plantation
Block 906, Lot 12 R-1 Zone
180 Burrs Road
Westampton Township, NJ
Our File No. A-0000-0140-000

Dear Ms. Karp:

Confirming our conversation of July 19th, we would like to meet with the Land Use Board to conceptually review site improvements proposed by the Colonial Dames for the Peachfield Farm.

The following are a list of the proposed improvements:

1. Erection of the historical barn which is being relocated from the (Mildred) Deacon property.
2. A small gravel/stone parking lot for visitors.
3. Potable water (well) and sanitary (septic tank and tile field) facilities for visitor to the barn exhibit.

The barn would be on display for the public view coupled with a visit to the historic Peachfield Homestead.

We are requesting a conceptual review of the project at the Board's August 2nd meeting. For the record, the applicant is The National Society of the Colonial Dames of American in the State of New Jersey. They are a Heritage Society and they have a 501-C3 designation. The "Homestead" is listed on the State and National Registers.

- Consulting Engineers -

Civil • Structural • Mechanical • Electrical • Environmental • Planners

Enclosed is a check for \$500 for the professional services escrow account. Any questions, please call me.

Very truly yours,

ALAIMO GROUP



Richard A. Alaimo, P.E., P.P.
President

RAA/glm
Enclosure

c: Ms. Judy Perinchief (207 Carleton Lane, Mt. Laurel, NJ 08054)