

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

OCTOBER 7, 2020 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2020 and posted in the Municipal Building. This meeting is being held virtually via Zoom technology.
3. Pledge of Allegiance. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 9/2/2020
7. Resolutions: approval needed: none from the last meeting
8. Old Business: none
9. New Business:
 - a. Terrence & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – minor subdivision
 - b. Highview Commercial, LLC, Block 807, Lot 1 (2035 Route 541) – use variance, height variance (amend previously approved plan to add a warehouse)
 - c. SBC Laundromat, Inc., Block 301, Lot 2 (483 Woodlane Road) – extension request for site plan (three one-year extensions to expire 10/3/2023)
 - d. Re-Review Ordinance #14-2020 An Ordinance Supplementing Chapter 250, “Zoning” of the Code of the Township of Westampton to add the TC – Town Center Zone
 - e. Re-Review Ordinance #13-2020 An Ordinance Supplementing Chapter 250, “Zoning” of the Code of the Township of Westampton to add the MU-1 Mixed Use Zone

f. Re-Review Ordinance #10-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the R-9 Residential Zone

10. Informal Applications: None

11. Correspondence: None

12. Open meeting for public comment:

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

14. Adjourn

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

REGULAR MEETING

SEPTEMBER 2, 2020 7:00 P.M.

MINUTES

The regularly scheduled meeting of the Westampton Township Land Development Board was held virtually, via the Zoom app on September 2, 2020 at 7:01 P.M.

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

Everyone stood for the Pledge of Allegiance.

Roll Call: Present: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Guerrero, Ms. Haas, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Planner Barbara Fegley, Secretary Marion Karp

Absent: Mr. Applegate, Mr. Freeman, Mr. Henley

Solicitor Robert Swartz swore in the Board Planner and Engineer.

Approval of meeting minutes 8/5/2020 – minutes were approved as written; motion to approve made by Ms. Burkley, seconded by Mr. Blair. All voted yes.

Resolutions: None

Old Business:

Master Plan Reexamination Report – this was last updated in April 2015 by way of a reexamination; it must be done at least every 10 years. The Master Plan must be consistent with the ordinances, Housing Element and the Fair Share Plan. Barbara Fegley spoke regarding the Woodmont Property, MRP and the changes that had taken place since the last reexamination. There are three new zoning ordinances that are creating new zones, The TC Town Center zone; the MU-1 Mixed Use zone and the R-9 Residential zone.

Dave Guerrero asked why the Winner Farm and the Pew Farm weren't included in the plan. Solicitor Ruben Perez explained that sites that have been in a plan for a long time with no movement were likely to be removed from the plan. This is why the three sites were chosen that are currently in the plan, for their advantageous attributes. The new court master started questioning the Winner site and determined that it should be removed since it wasn't providing a realistic opportunity. There were also environmental restrictions with large buffers and the density wasn't as high as they needed which was a minimum of six units per acre. He asked if there was any

information on the Pew farm on Irick Road.

Gene Blair stated that there were also sewer service issues with the Winner Farm; utility extension issues and a bridge that needed to be replaced.

Dave Guerrero had concerns regarding the concentration of low- and moderate-income housing in one corner of the Township. He wanted to know if this was looked at during the process.

Mr. Thorpe doesn't like the fact that a judge says we have to do this; it kind of hurts. He is an affordable housing advocate and it is important to him to spread them amongst a development and not cluster them in one spot.

Ruben Perez explained that at least here we have choice while under a builder's remedy lawsuit we have no choice.

Craig Gianetti, attorney for the Hancock Family spoke. It is his understanding that his client's property has been designated as a town center zone for a while but the family has no interest in doing so. They still have an interest in continuing farming their property. They were surprised to have not had a chance to have a dialog with the township. Agricultural uses aren't permitted in the new TC zone; he thinks they should consider adding it as a permitted use so the property can continued to be farmed. In respect to future development, he suggested making the TC zone an overlay zone or at least consider adding the uses from the current zoning as permitted in the new TC zone. They do understand the constraints that the town is under but they don't want the zoning to impact their right to continue to farm their land. They don't see any harm in adding agriculture as a permitted use in the TC zone.

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

Memorialize Resolution #20-2020 - Adopt Housing Element & Fair Share Plan. Motion to approve made by Mr. Blair; seconded by Ms. Haas. All voted yes.

New Business:

Terrence & Kimberly Brennan, Block 106, Lot 15 (220 Main Street) – minor subdivision. The applicant was experiencing computer issues and wasn't able to attend the meeting virtually. They would come back and present their application to the Board at the October 7 meeting.

Review Ordinance #14-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the TC – Town Center Zone.

Gene Blair suggests that the owner and counsel submit something to the Board as to what they hoped to see in the new ordinance. Solicitor Ruben Perez would reach out to him via email and schedule a Zoom call with Mr. Gianetti. Solicitor Robert Swartz recommends that this be continued until the Board's next meeting, however, it may be too late. Ruben suggests meeting as soon as possible.

Mr. Gianetti spoke about putting comments in the resolution that the LDB would send to the Committee; at least their concerns will be noted. The resolution could be modified and the landowner's concerns could be added to it. It doesn't have to be memorialized this evening. Ruben concurs; he thinks it's a good way to move forward on this.

This was opened to the public for comment. Faith Boradaille spoke, she appreciates everything and wants to try to work with the township. They aren't trying to make trouble for the town, she knows that they have a deadline. She is the current manager of Hancock Family LLC.

The Board's task this evening is simply to review the zoning ordinances and to determine if they are consistent with the Master Plan, nothing else.

Memorialize Resolution #22-2020 – recommend adoption of Ordinance #14-2020. Motion to approve made by Ms. Burkley; seconded by Mr. Blair. All voted yes.

Review Ordinance #13-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the MU-1 Mixed Use Zone.

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

Memorialize Resolution #23-2020 - recommend adoption of Ordinance #13-2020. Motion to approve made by Mr. Eckert; seconded by Mr. Thorpe. All voted yes.

Review Ordinance #10-2020 An Ordinance Supplementing Chapter 250, "Zoning" of the Code of the Township of Westampton to add the R-9 Residential Zone.

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

Memorialize Resolution #24-2020 – recommend adoption of Ordinance #10-2020. Motion to approve made by Mr. Borger; seconded by Ms. Burkley. All voted yes.

Informal Applications: None

Correspondence: None

Open Meeting for public comment

No comments were made.

Comments from the Board

Ms. Burkley – wants special zoning for the village, there are lots of variances necessary when someone wants to do something.

Mr. Guerrero - spoke about the changes that had been made to the Historic ordinance; Robert Thorpe said they hoped to submit these soon to the township committee.

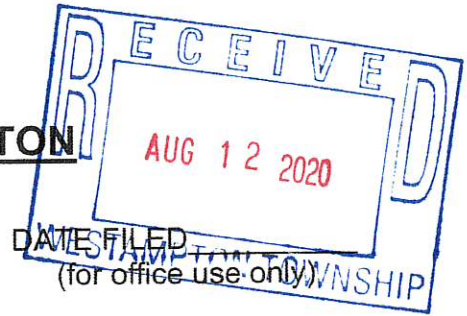
There being no further business, the meeting was adjourned.

Respectfully submitted,

Marion Karp, Secretary
Westampton Township Land Development Board



TOWNSHIP OF WESTAMPTON



SITE PLAN REVIEW APPLICATION _____
SUBDIVISION APPLICATION
MINOR MAJOR _____
PRELIMINARY _____ FINAL _____ CONSOLIDATED _____

BLOCK 106 **LOT** 15

1. GENERAL INFORMATION

A. Applicant Name Terrence and Kimberly Brennan
Address 220 Main Street, Rancocas, NJ 08060
Telephone Number 856-780-0606 Email: tbrennan@carefreelivin.com

B. The Applicant is a:
Corporation* _____
Partnership* _____
Individual
Other (specify) _____

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

C. The relationship of the applicant to the property in question is:
Purchaser under contract _____
Owner
Lessee _____
Other (specify) _____

Attorney: _____
Address _____
Telephone Number _____ Email _____

D. ~~Engineer~~/Surveyor: Robert L. Vallee, PLS
Address PO Box 419, Hainesport, NJ 08036
Telephone Number 732-244-2373 Email robert@valleesurveying.com
Engineer: William H. Nicholson, PE
4 Rancocas Blvd, Mount Laurel, NJ 08054
856-778-7447 bnicholson@whnapa.com

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 220 Main Street, Rancocas, NJ 08060
- B. The location of the property is approximately 200 feet from the intersection of Main St and Wills Ave
- C. Existing use of the property Single residential lot
Proposed use of property Subdivided into three (3) residential lots
- D. Zone in which property is located R6- Residential
- E. Acreage of property 3.27 Acres
- F. Is the property located on a County road? Yes ___ No ; State road? Yes ___ No ; or within 200 feet of a municipal boundary? Yes ___ No

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

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

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

- J. Number of lots proposed 3
- 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 1

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:

Two proposed single-family dwellings to connect to existing water service and sanitary sewer line in Main St. Fence in Township ROW to be moved or relocated.

Shade trees proposed in front of new lots. Drainage improvements proposed to include an "A" inlet in Main St.

O. List maps and other exhibits accompanying this application:

Minor Subdivision Plan- Vallee Surveying, Inc.

Improvement Plan- William H. Nicholson Associates, P.A.

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.

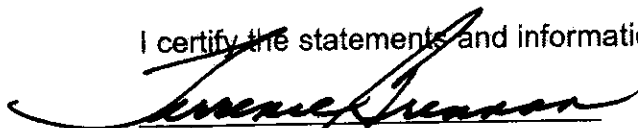
No variances are required.

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.

5. AUTHORIZATION AND VERIFICATION

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


Signature of Applicant

7/28/21
Date


Signature of Owner

7/28/20
Date

*The entire ordinance is available on the internet at the Township website:
<http://www.westamptonnj.gov>

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



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Marc H. Selover, LSRP, PG

Harry R. Fox, NICET III, CPSI

C. Jeremy Noll, PE, CME, CPWM

Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

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Telephone (856) 235-7170 • Fax (856) 273-9239 • www.erinj.com

August 27, 2020
#88032 01

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

Attn: Marion Karp, Secretary Land Development Board

Re: Terrence and Kimberly Brennan
220 Main Street, Rancocas, NJ
Block 106 Lot 15
Minor Subdivision

Dear Members:

A Minor Subdivision Application was received and reviewed for Block 106, Lot 15 located at 220 Main Street in Westampton, New Jersey within the R-6 Zoning District. The property has 280' of frontage on Main Street and 12' of frontage on Wills Street. It is improved with a 2.5 story brick and frame dwelling that is set back approximately 287' from Main Street. A one-story frame barn and a 1.5 story metal and frame barn are located behind the dwelling. A stone driveway provides access to the dwelling from both Main Street and Wills Street. Lot 15 comprises 142,351.3 square feet (3.26 ac.).

The applicant is proposing to subdivide the property into three (3) lots. Proposed lot 15.01 will comprise 20,026.9 square feet (0.46 ac.). Proposed lot 15.03 will comprise 20,026.6 square feet (0.46 ac.) and proposed lot 15.02 will comprise 102,297.9 square feet (2.35 ac.) and contain the existing dwelling and barns referenced above. The applicant is proposing to construct a single family dwelling with an attached garage on each of the two remaining lots. All of the lots will be serviced with public water and sewer. A new stone driveway is proposed to access the existing house located on proposed lot 15.02. Proposed lot 15.01 will utilize a portion of the driveway servicing the existing dwelling for access to Main Street and a new driveway will be constructed to access proposed lot 15.03.

An application for a three lot Minor Subdivision was heard and approved on February 5, 2014. It appears the plans were not perfected or filed. Resolution: 10-2014 contained a number of conditions. Planning related conditions are restated in this review letter.

Documents Submitted

The following documents have been received with this application:

1. Township of Westampton Minor Subdivision Application.
2. Minor Subdivision Plan, prepared by Vallee Surveying Inc., dated 7/21/20.

Stacey Arcari, PE, CME, PTOE, PP
Timothy Kaluhiokalani, LLA, PP
Anthony R. Lopez, PE, CFM
José Ruiz-del-Valle, PLS
Karen Hermack, PE

Andrew J. Orsino, NICET III
John T. Potts, NICET III, W-2, T-2
Charles Sabatini, PE, CME, CPWM, PP
Edward E. Fox, III, AICP, PP

John L. Scott, Jr., PLS, NICET III
Rohan Tadas, CHMM, LSRP
Neil J. Werket, LLA, RLA
Kathryn Haywood, PE, CFM
Mathew Kensler, NICET III

3. Improvement Plan, Sheet 1 of 2 prepared by William H. Nicholson Associates, PA, dated 10/04/13 and revised to 6/19/20.
4. Construction Details, Sheet 2 of 2 prepared by William H. Nicholson Associates, PA dated 10/15/13 and revised to 2/11/14.
5. Submission letter prepared by Kyle J. Spohn, EIT of William H. Nicholson Associates, PA, dated 8/12/20.

**TABLE 1
LOT BULK REQUIREMENTS IN R-6 ZONING DISTRICT
1- FAMILY DETACHED DWELLINGS
PROPOSED CONDITIONS**

	Required	Existing Lot 15	Proposed Lot 15.01	Status	Proposed Lot 15.02	Status	Proposed Lot 15.03	Status
Minimum Lot Size If Public Water & Sewer Are Available	20,000 Square Feet	142,351.3 Square Feet	20,026.9 Square Feet	C	102,297.9 Square Feet	C	20,206.6 Square Feet	C
Minimum Lot Width at the Building Line	100'	281.4'	110.1'	C	281'	C	110.1'	C
Minimum Front Yard	50'	287.4'	50'	C	105.4'	C	50'	C
Minimum Rear Yard	25'	121.9'	25'	C	121.9'	C	25'	C
Minimum Side Yard (Both)	30'	246'	30'	C	246'	C	30'	C
Minimum Side Yard- 1 Side	12'	110.1'	12'	C	110.1'	C	12'	C
Accessory Structures, Side or Rear	6'	33.5' Rear 104' Side	6' Rear 6' Side	C	33.5' Rear 104' Side	C	6' Rear 6' Side	C
Maximum Building Height	35'	<35'	<35'	C	<35'	C	<35'	C
Building Coverage	20%	1.8%	<20%	C	2.5%	C	<20%	C
Building and Paving Coverage	30%	2.4%	<30%	C	3.3%	C	<30%	C

C-Conforming

General Comments

1. The Improvement Plan notes that an existing fence located within the right of way of Main Street is to be removed or relocated out of the right of way. Testimony on the condition of the fence should be provided.
2. Testimony should be provided on whether any demolition of existing structures is proposed. If so, Historical Preservation Commission approval is required.

3. There is an existing row of mature evergreen tree along the easterly border of proposed lot 15.01. Resolution: 10-2014 required a deed restriction prohibiting the removal of this evergreen buffer unless a letter or report was submitted to the Township from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. It appears that a portion of the trees will need to be removed to construct the house as depicted on the Improvement Plan. Testimony should be provided on whether individual trees have been located, if any require removal, and if approval was obtained from the Township. Trees may be able to be saved if the house and driveway are shifted to the west. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
4. In 2014, Resolution: 10-2014 required a deed restriction prohibiting the removal of any tree on the subdivided property with a caliper of 12" or more, unless a letter or report is submitted from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
5. There is no sidewalk proposed along the frontage of any of the lots. A condition of Resolution: 10-2014 was that a contribution-in-lieu-of sidewalk construction shall be paid.
6. The two barns on proposed Lot 15.02 have areas of approximately 400 and 768 square feet which exceed the 200 square foot size limit for storage buildings in the R-6 Zoning District, however this is an existing non-conforming condition.
7. The existing driveway accessing Wills Drive encroaches onto adjacent lot 11. The applicant should provide testimony regarding an access easement or agreement allowing the encroachment.
8. A NJDEP Letter of Interpretation (LOI): Presence/Absence Determination was submitted with revised plans that accompanied a 2014 conformance plan submission for the previous Minor Subdivision application. The LOI indicates there are no wetlands or open waters on the property. In addition, no part of the property is within a transition area or buffer.
9. The applicant should coordinate the proposed lot numbers with the Township tax assessor.
10. The Fire Marshal should comment regarding availability of hydrants.

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If you have any questions or require further information, please feel free to contact me.

Sincerely,


Barbara J. Fegley, AICP, PP
Township Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., via email
Robert Swartz, Esq., Board Solicitor, via email
James Winckowski, PE, CME, Board Engineer, via email
Robert L. Vallee, PLS, via email, robert@valleesurveying.com
William H. Nicholson, PE, via email bnicholson@whnapa.com
Terrance Brennan, 220 Main Street, Rancocas, NJ 08060 and via email
tbrennan@carefreelivin.com



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

TIM W. GILLEN, PE, PP, CME (1991-2019)
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

August 28, 2020

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

Attn: Marion Karp
Administrative Officer

**Re: Brennan – Minor Subdivision
Land Development Board Review #1
Location: 220 Main Street
Block 106, Lot 15
Westampton Township, Burlington County, NJ
Our File: CWAL0106.02**

Dear Chairman and Board Members:

In accordance with your authorization, our office has performed a review of the above referenced application, including but not limited to the following:

- Minor Subdivision Plan, Block 106, Lot 15, Burlington County, New Jersey, consisting of one (1) sheet, prepared by Robert L. Vallee, PLS, dated July 21, 2020;
- Improvement Plan, Block 106, Lot 15, consisting of two (2) sheets, prepared by William H. Nicholson Associates, P.A., revised through June 19, 2020.

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

- 1) The Applicants, Terrence and Kimberly Brennan, are seeking Minor Subdivision approval to subdivide the existing property into three (3) new lots. One lot is proposed to contain the existing homestead on the property while the other two proposed lots will contain new single-family residential dwellings. The two lots that will contain single family homes will have frontage along Main Street. This subdivision was previously approved by Resolution 10-2014 of the Westampton Land Use Board. Because the subdivision was never perfected and filed with the County, the approvals have expired and new minor subdivision approval is required.
- 2) The subject 142,351.20 square foot (+/-3.27 acre) parcel is has frontages of 12.00 feet and 280.72 feet along Wills Avenue and Main Street, respectively, and is situated in an R-6 (Residential) Zoning District, as are the adjacent properties to the north, east and south. The properties across Wills Avenue to the west are situated in an R-2 (Residential) Zoning District. Currently, the property contains a 2-1/2 story dwelling, two (2) accessory structures, and a stone driveway extending from the Main Street frontage through the property to the Wills Avenue frontage. It appears that the dwelling and accessory structures are proposed to remain.

S:\Westampton\Project Files\L0106.02 Brennan\2020-8-27 Brennan Subdivision Eng Rvw#1 REAPPROVAL.docx



Westampton Township Land Development Board
Re: Brennan – Minor Subdivision
Land Development Board Review #1

August 28, 2020
Our File: CWAL0106.02
Page 2

- 3) Public water and sanitary sewer are proposed to service the new lots.
- 4) No freshwater wetlands, wetlands transition areas, open water features, or other environmentally sensitive areas are identified on the Subdivision Plans and none are shown in the immediate vicinity of the property based on the NJ-GeoWeb database. The Applicant has provided a presence/absence type Letter of Interpretation from NJDEP to verify the tract is free of freshwater wetlands and/or wetland buffer areas.
- 5) Although we defer to the Board Planner regarding the review and determination of the required variance and/or design waiver relief required for this project, we note it does not appear that any variance relief is required at this time.
- 6) The Applicant should be prepared to discuss the following with the Board:
 - a) The need for sidewalk to be provided across the project frontage should be discussed. The Applicant previously agreed to posting a fee with the Township in lieu of installing sidewalks.
 - b) It appears a low area will be maintained on the north side of the proposed re-aligned driveway. It appears the area north of the existing driveway has always been low and had the potential to pond water. It is unknown to our office whether this area has been prone to flooding, especially after significant rainfall events. This area of the township is known to have well-draining soils, which may allow stormwater runoff to infiltrate into the ground rather than pond on the surface. Disclosure should be made to any future resident regarding the existing grading condition.
 - c) The proposed residential dwellings will have basements. Soil logs conducted show the proposed basement floor elevations to be 1 foot above the elevation of seasonal high groundwater. Basement sump pumps should be provided and connected to the storm sewer system. Copies of the soil logs should be provided to our office.
 - d) Drywells are proposed to collect runoff from the dwelling roof leaders and recharge the stormwater into the ground. We take no exception to same.
 - e) All yard drainage pipe should be a minimum of 6" diameter.
 - f) The Applicant's Engineer should check the sanitary sewer service invert shown on the Improvement Plan for the new lateral that will serve the existing dwelling. The first-floor elevation of the existing dwelling should be identified. It does not appear that a minimum 2% slope can be maintained for the 4" sewer lateral as required by code based on the grade elevations shown around the existing dwelling.



Westampton Township Land Development Board
Re: Brennan – Minor Subdivision
Land Development Board Review #1

August 28, 2020
Our File: CWAL0106.02
Page 3

- 7) If the subdivision is to be filed by deed, copies of the Deeds of Subdivision and corresponding legal description shall be forwarded to our office and the Board Solicitor for review.
- 8) The Applicant should indicate the status of all required outside agency approvals, including but not limited to the following:
 - a) Burlington County Planning Board
 - b) Westampton Township Bureau of Fire Prevention
 - c) Willingboro Municipal Utilities Authority

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

cc: Gene Blair, Construction Code Official
Robert Swartz, Esq., Board Solicitor
Barabara Fegley, Board Planner
Terrance and Kimberly Brennan
William H. Nicholson, PE

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

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

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



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Joseph P. Orsino, CET
Marc H. Selover, LSRP, PG
Harry R. Fox, NICET III, CPSI
C. Jeremy Noll, PE, CME, CPWM
Benjamin R. Weller, PE, CME, CPWM, S-3, C-3

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August 27, 2020
#88032 01

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

Attn: Marion Karp, Secretary Land Development Board

Re: Terrence and Kimberly Brennan
220 Main Street, Rancocas, NJ
Block 106 Lot 15
Minor Subdivision

Dear Members:

A Minor Subdivision Application was received and reviewed for Block 106, Lot 15 located at 220 Main Street in Westampton, New Jersey within the R-6 Zoning District. The property has 280' of frontage on Main Street and 12' of frontage on Wills Street. It is improved with a 2.5 story brick and frame dwelling that is set back approximately 287' from Main Street. A one-story frame barn and a 1.5 story metal and frame barn are located behind the dwelling. A stone driveway provides access to the dwelling from both Main Street and Wills Street. Lot 15 comprises 142,351.3 square feet (3.26 ac.).

The applicant is proposing to subdivide the property into three (3) lots. Proposed lot 15.01 will comprise 20,026.9 square feet (0.46 ac.). Proposed lot 15.03 will comprise 20,026.6 square feet (0.46 ac.) and proposed lot 15.02 will comprise 102,297.9 square feet (2.35 ac.) and contain the existing dwelling and barns referenced above. The applicant is proposing to construct a single family dwelling with an attached garage on each of the two remaining lots. All of the lots will be serviced with public water and sewer. A new stone driveway is proposed to access the existing house located on proposed lot 15.02. Proposed lot 15.01 will utilize a portion of the driveway servicing the existing dwelling for access to Main Street and a new driveway will be constructed to access proposed lot 15.03.

An application for a three lot Minor Subdivision was heard and approved on February 5, 2014. It appears the plans were not perfected or filed. Resolution: 10-2014 contained a number of conditions. Planning related conditions are restated in this review letter.

Documents Submitted

The following documents have been received with this application:

1. Township of Westampton Minor Subdivision Application.
2. Minor Subdivision Plan, prepared by Vallee Surveying Inc., dated 7/21/20.

3. Improvement Plan, Sheet 1 of 2 prepared by William H. Nicholson Associates, PA, dated 10/04/13 and revised to 6/19/20.
4. Construction Details, Sheet 2 of 2 prepared by William H. Nicholson Associates, PA dated 10/15/13 and revised to 2/11/14.
5. Submission letter prepared by Kyle J. Spohn, EIT of William H. Nicholson Associates, PA, dated 8/12/20.

**TABLE 1
LOT BULK REQUIREMENTS IN R-6 ZONING DISTRICT
1- FAMILY DETACHED DWELLINGS
PROPOSED CONDITIONS**

	Required	Existing Lot 15	Proposed Lot 15.01	Status	Proposed Lot 15.02	Status	Proposed Lot 15.03	Status
Minimum Lot Size If Public Water & Sewer Are Available	20,000 Square Feet	142,351.3 Square Feet	20,026.9 Square Feet	C	102,297.9 Square Feet	C	20,206.6 Square Feet	C
Minimum Lot Width at the Building Line	100'	281.4'	110.1'	C	281'	C	110.1'	C
Minimum Front Yard	50'	287.4'	50'	C	105.4'	C	50'	C
Minimum Rear Yard	25'	121.9'	25'	C	121.9'	C	25'	C
Minimum Side Yard (Both)	30'	246'	30'	C	246'	C	30'	C
Minimum Side Yard- 1 Side	12'	110.1'	12'	C	110.1'	C	12'	C
Accessory Structures, Side or Rear	6'	33.5' Rear 104' Side	6' Rear 6' Side	C	33.5' Rear 104' Side	C	6' Rear 6'Side	C
Maximum Building Height	35'	<35'	<35'	C	<35'	C	<35'	C
Building Coverage	20%	1.8%	<20%	C	2.5%	C	<20%	C
Building and Paving Coverage	30%	2.4%	<30%	C	3.3%	C	<30%	C

C-Conforming

General Comments

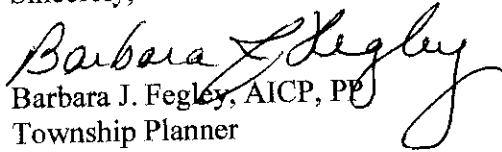
1. The Improvement Plan notes that an existing fence located within the right of way of Main Street is to be removed or relocated out of the right of way. Testimony on the condition of the fence should be provided.
2. Testimony should be provided on whether any demolition of existing structures is proposed. If so, Historical Preservation Commission approval is required.

3. There is an existing row of mature evergreen tree along the easterly border of proposed lot 15.01. Resolution: 10-2014 required a deed restriction prohibiting the removal of this evergreen buffer unless a letter or report was submitted to the Township from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. It appears that a portion of the trees will need to be removed to construct the house as depicted on the Improvement Plan. Testimony should be provided on whether individual trees have been located, if any require removal, and if approval was obtained from the Township. Trees may be able to be saved if the house and driveway are shifted to the west. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
4. In 2014, Resolution: 10-2014 required a deed restriction prohibiting the removal of any tree on the subdivided property with a caliper of 12" or more, unless a letter or report is submitted from a qualified arborist or landscape architect stating that a particular tree should be removed because it is dead, dying, or otherwise unsafe. The Township shall approve the request prior to removal. Testimony should be provided on whether this deed restriction was provided to Board Professionals for review and approval and whether it was filed.
5. There is no sidewalk proposed along the frontage of any of the lots. A condition of Resolution: 10-2014 was that a contribution-in-lieu-of sidewalk construction shall be paid.
6. The two barns on proposed Lot 15.02 have areas of approximately 400 and 768 square feet which exceed the 200 square foot size limit for storage buildings in the R-6 Zoning District, however this is an existing non-conforming condition.
7. The existing driveway accessing Wills Drive encroaches onto adjacent lot 11. The applicant should provide testimony regarding an access easement or agreement allowing the encroachment.
8. A NJDEP Letter of Interpretation (LOI): Presence/Absence Determination was submitted with revised plans that accompanied a 2014 conformance plan submission for the previous Minor Subdivision application. The LOI indicates there are no wetlands or open waters on the property. In addition, no part of the property is within a transition area or buffer.
9. The applicant should coordinate the proposed lot numbers with the Township tax assessor.
10. The Fire Marshal should comment regarding availability of hydrants.

Page four

If you have any questions or require further information, please feel free to contact me.

Sincerely,


Barbara J. Fegley, AICP, PP
Township Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., via email
Robert Swartz, Esq., Board Solicitor, via email
James Winckowski, PE, CME, Board Engineer, via email
Robert L. Vallee, PLS, via email, robert@valleesurveying.com
William H. Nicholson, PE, via email bnicholson@whnapa.com
Terrance Brennan, 220 Main Street, Rancocas, NJ 08060 and via email
tbrennan@carefreelivin.com

DATE FILED: _____ (for office use only)

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

To the Westampton Township Land Development Board:

The petition of Highview Commercial X5, LLC,
who resides at 280 Highway 35, Suite 150, Red Bank, NJ 07701,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block 807, Lot(s) 1.
2. The property is located at Route 541 and Trick Road
_____ Phone # _____ in
a C1 zone district, the street number is 2035 Burlington-Mount Holly Road.
- 2a. A variance is sought from Section(s) 250-16A and 250-16D
_____ of the Zoning Ordinance to permit
a warehouse distribution facility in a Commercial zone that does not permit such facilities and to
permit the warehouse building to be a maximum of 50 feet in height where a maximum of 35 feet
is permitted in the zone.
- 2b. Applicant appeals from the decision of N/A
_____ on _____, based upon
Sections _____ of the Zoning Ordinance
for the reasons outlined on paragraph 9. *(Complete only for appeals)*
3. Peter Tucci, a member of 2035 Burlington Mount Holly Road, LLC, who resides at
560 Hudson Street, Hackensack, New Jersey, is
the present owner of the property. Applicant's interest in the property is
as a purchaser

_____.
4. No variance, conditional use, or special permit has ever been granted
with respect to this property, except N/A
_____.

5. The last previous use or occupancy of the property was by _____
 _____,
 who used the property for _____
 _____.
6. The dimensions of the property are _____,
 a. Frontage: 2861ft(includes Rt 541 & Irick Rd) b. Depth: 900 ft
 The total area of the property is 24.762 AC _____.
7. The property is now occupied by (a) building(s). Said building(s)
 occupy _____% of the lot(s) as nearly as can be determined. The height
 of said building(s) is _____feet and _____stories. (Please give the
 maximum if more than one building.) The setback from the nearest
 street is _____feet.
8. The percentage of coverage, height and setback of the proposed
 building(s) are 50 ft height proposed; 50 ft minimum building setback _____
 _____.
9. The petitioner advances the following reasons why the application
 should be approved:
- 9a. Describe how the proposed variances would promote the public welfare:
 See attached Narrative.

- 9b. Demonstrate that the proposed variance would do no substantial
 damage to the Westampton Township Plan: See attached Narrative.

- 9c. Provide details of the future use of the property and structures if the
 variance is granted: See attached Narrative.

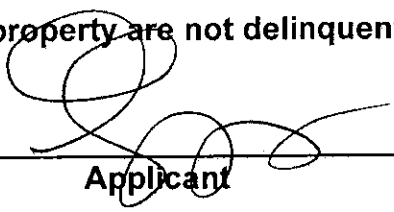
- 9d. Describe any changes in traffic and/or parking patterns: See attached Narrative.

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

9c: See attached Narrative.

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

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



Applicant

GEORGE M. MORRIS,
ATTORNEY FOR THE APPLICANT

STATE OF _____ :

ss.

COUNTY OF _____ :

_____, of full age, being duly sworn according to law on his/her oath deposes and says:

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

Applicant

Sworn to and Subscribed :
before me this day :
of , 20 .

Notary Public of

Block 807 Lot 1
Westampton Township
Narrative for inclusion with the Zoning Board Application

A variance is sought from Section 250-16A of the Zoning Ordinance to permit a warehouse and distribution use on the property located within the C-1 zoning district at 2035 Burlington-Mount Holly Road (Route 541). **A variance is also sought from Section 250-16D** of the Zoning Ordinance to permit the warehouse building to be a maximum of 50 feet in height where a maximum of 35 feet is permitted.

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

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

The proposal will enable the site to be put to productive use and to take advantage of the location along an urban arterial roadway and in close proximity to exit 5 of the New Jersey Turnpike. The proposed development will provide opportunity for retail and services uses to serve the public and to provide warehouse space in an area equipped with necessary transportation and utility infrastructure.

9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan:

The property is within the C-1 zoning district which allows retail, service, restaurant, bank, and office uses. The proposal will include permitted commercial uses along the Route 541 frontage, but will enable the southwestern (rear) portion of the site to be developed with a 217,500 square foot warehouse and distribution facility. The 2010 Vision Plan and 2015 Master Plan Reexamination focus on the desire to foster coordinated development along the Route 541 corridor. Most of the focus was on the area east of the Turnpike. The subject property is the last lot in Westampton along Route 541 and is between the Turnpike and the border with Burlington Township. The proposal will advance the goals of improving circulation and pedestrian connectivity and will make productive use of an underused site.

9c. Provide details of the future use of the property and structures if the variance is granted:

The intersection of Irick Road with Route 541 will be relocated to improve the geometry and to provide a signalized intersection. The commercial frontage along Route 541 will be developed with uses that may include restaurant, convenience store, bank, retail and personal services. A 217,500 square foot warehouse and distribution building together with 199 parking spaces and approximately 118 truck loading/trailer parking spaces. The site will be designed in an interconnected way that will also allow truck traffic to be separated from vehicular traffic.

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

See 9c above

Describe impact on neighbors if variance is granted for use described in 9c:

One of the reasons that the site is ideally suited for the proposed development is that it is adjacent to the New Jersey Turnpike and other commercial properties. Areas to the southwest are wetlands that will remain undisturbed. There are no residential neighbors that would be directly impacted by the proposal.

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



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOGKONKA, 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

October 5, 2020

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

Attn: Marion Karp
Administrative Officer

**Re: Highview Commercial X5, LLC
Use Variance – Review #1
Block 807, Lot 1
2035 Burlington-Mount Holly Road
Zone: C (Commercial)
Westampton Township, Burlington County, NJ
CME File: CWAL0807.01**

Dear Chairman and Board Members:

In accordance with your authorization, our office has performed a review of the following items in consideration of the above referenced application:

- Plan entitled, "Use Variance Plan - Warehouse, The Gateway", Burlington-Mount Holly Road (C.R. 541), Block 807, Lot 1, Westampton Township, Burlington County, New Jersey," consisting of one (1) sheet, prepared by Taylor Wiseman & Taylor, dated September 15, 2020.
- Plan entitled, "Overall Site Plan, The Gateway", Burlington-Mount Holly Road (C.R. 541), Block 807, Lot 1, Westampton Township, Burlington County, New Jersey," consisting of one (1) sheet, prepared by Taylor Wiseman & Taylor, dated September 15, 2020.

Site Description

The subject property is a 24.762+/- acre triangular parcel located at the south corner of Burlington-Mt. Holly Road (a.k.a. County Route 541) and Irick Road (a.k.a. County Road 637). The property is bound to the south by the New Jersey Turnpike. The parcel has approximately 1,166 feet of frontage along Burlington-Mt. Holly Road to the northeast and approximately 2,196 feet of frontage along Irick Road to the northwest. The property is situated in the C-Commercial Zoning District. The site is currently unoccupied; two (2) existing structures and a dirt path remain. Access to the site is currently achieved from Irick Road via the aforementioned dirt path. No other access to the site was identified.

S:\Westampton\Project Files\CWAL0807.01 - Highview Homes, LLC\20-10-01 - Highview Commercial X5, LLC - Use Var Rvw 1.docx



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: Highview Commercial X5, LLC – Engineering Review #1
Use Variance

October 5, 2020
Our File No. CWAL0807.01
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Current Proposal

The previous applicant, Crown Point Associates, LLC, received amended preliminary and final subdivision approval (phases I and II), an amended preliminary site plan approval (phase I and II), and a final site plan approval (for phase I only) on the property in October 2019. The current applicant, Highview Commercial X5, LLC, has assumed ownership of the property and is submitting an application for a Use Variance for the construction of a warehouse, which are not a permitted use in the district.

Site improvements depicted in the Variance Plan include an eight (8) -pump gas station with 5,585 square-foot convenience store, a 217,500 square-foot warehouse, a 3,000 square-foot bank, a 2,400 square-foot fast-foot restaurant with drive-thru, and an 8,900 square foot building consisting of one (1) 3,500 square-foot restaurant, one (1) 2,400 square-foot restaurant, and two (2) unidentified retail units totaling 3,000 square-feet.

Site improvements include, but are not limited to: three-hundred, eighty-five (385) parking spaces, seventy-two (72) trailer parking spaces, and associated drive aisles, access roads, and a stormwater management basin.

As was the case with the previous application, the plan also depicts the relocation of the eastbound approach of Irick Road (C.R. 637) with Burlington-Mt. Holly Road (C.R. 541) so that it aligns with Western Drive to create a new four-legged signalized intersection. The Right of Way (ROW) associated with the relocated portion of Irick Road is proposed to be vacated and become part of the proposed lot.

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

A. Variations

1. The Applicant is requesting a use Variance to construct a warehouse in the C-Commercial Zone, which is not a permitted use in the zone.
2. The maximum building height in the zone is 35 feet whereas 50 feet is proposed for the proposed warehouse. A (d) variance will be required since the proposed height is greater than 10% or 10 feet. Please note: The maximum building height in the Commercial Zone can be increased to 45 feet if the front yard setback is increased to 100 feet. A variance would still be required.
3. Based on the provided Variance Plan, the applicant may require the following variations when submitting for Site Plan approval:



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: Highview Commercial X5, LLC – Engineering Review #1
Use Variance

October 5, 2020
Our File No. CWAL0807.01
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- a. The maximum floor area ratio in the Commercial Zone is 20% whereas 33.29% is depicted on the plan. (The proposed warehouse is 217,500 SF and the proposed lot size is ±15 acres.). A variance would be required.
- b. The maximum lot coverage in the Commercial Zone is 60%. While the provided plan does not quantify the lot coverage in the bulk table, based on the layout it appears that a variance for lot coverage may be required.

B. Major Subdivision

1. An Amended major subdivision plan application will need to be submitted to reflect the now lot layout as depicted on the Use Variance Plan.

C. Design Waivers:

1. Based on the provided Variance Plan the applicant may require the following design waivers when submitting for Site Plan approval:
 - a. §250-22(R)(6): No off-street loading and maneuvering areas shall be located in any front yard where one appears to be proposed in the front yard of the proposed warehouse and retail lots.

D. Traffic

1. The Applicant is proposing to relocate the intersection of Burlington-Mount Holly Road (CR 541) and Irick Road and align Irick Road with Western Drive to create a new four-legged signalized intersection and replace the existing intersection. Any updated plans should be forwarded to the board and our office for review.
2. It appears that no access is provided to the solar farm located west of Irick Road. Same should be revised.
3. The Applicant's Engineer utilized a previously completed site-specific study from NJDOT of similar facilities that are operational today in New Jersey to determine the new trips for the warehouse use.
4. The Applicant should provide details on the hours of operation for the proposed warehouses as well as when the peak hours of the warehouse traffic will occur.



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: Highview Commercial X5, LLC – Engineering Review #1
Use Variance

October 5, 2020
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5. The analysis does not appear to update heavy vehicle percentages for the build condition. The Applicant's Traffic Engineer should provide a breakdown of the amount of heavy vehicles accessing the warehouse and update the Highway Capacity Manual (HCM) 2010 reports. The additional heavy vehicles within the network will increase overall delay as well as 95th percentile queues.
6. The Applicants Engineer should update the pass-by trip percentages per NJDOT approved pass-by rates for each use. The pass-by rates differ between AM, PM, and Saturday peak hours. For instance, the approved pass-by rate for a Land Use Code (LUC) 960 - Super Convenience Market with Gas Station is 75% for AM and PM peak hours but 50% for the Saturday peak hour. The Applicant's analysis for the AM and PM peak hours is conservative while the Saturday peak hour should include 206 extra trips. The Applicant should revise the Saturday peak hour trips to ensure there is no significant increase in delay.
7. The Applicant's Traffic Engineer should provide clarification on how the trip distribution was determined. Trip Distribution may be different for the Warehouse land use compared to the other uses. If so, the two separate distributions should be discussed within the Traffic Assessment and the trips should be depicted on separate figures.
8. The Applicant's Traffic Engineer should provide clarification on how the volumes were redistributed. Some approach volumes do not equal the existing no-build volumes such as the western and northern approaches of Western Drive and Irick Road. The northern approach in Figure 2 had zero (0) vehicles during all peak hours while Figure 8 (redistributed volumes) has 71, 18, and 52 vehicles for the AM, PM, and Saturday peak hours, respectively. While it is understood that the intersection is being renovated, vehicles are currently able to make through and right-turn movements from the northbound approach but none are depicted. Additionally, the overall volumes between Figure 2 and Figure 8 should match as no vehicles are being added or removed from the network. The northbound approach of CR 541 at Western Drive/Irick Road has increased vehicles due to the addition of the left-turn. Vehicles in Figure 2 that utilize the right-turn lane to access the jughandle should be removed to off-set the additional left-turn vehicles.
9. The Applicant's Traffic Engineer should update Figure 9 to depict all turning movements including the intersection of Western Drive and Irick Road as well as the proposed intersection of CR 541 and Jug handle/Driveway #3. It does not appear that the volumes for the Synchro 10 analysis reports will all match up with the volumes in the figure.



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: Highview Commercial X5, LLC – Engineering Review #1
Use Variance

October 5, 2020
Our File No. CWAL0807.01
Page 5

10. For the intersection of Woodlane Road and Irick Road, significant delays for the Build condition are depicted for the westbound lane AM and PM peak hours of 479.6 seconds and 358.5 seconds, respectively. No-build delays should be provided for all proposed intersections to determine how much of the delay is due to the proposed project and if mitigation should be considered. Additional intersections such as the proposed signalized intersection of CR 541 and Irick Road/Western Drive have multiple approaches that have a Level of Service (LOS) E. A summary table should be provided to compare the LOS at each studied intersection for each movement as well as overall for No-Build and Build conditions. Our office defers further comment to the Burlington County Traffic Engineer.

E. Utilities

1. The Applicant should update the Board the plan to provide water, sewer and gas for the property. We do not the plan does identify a sewer pump station and water tower.

F. Site Plan

1. Any approval of the Use Variance for the proposed warehouse shall be conditioned upon receipt of amended site plan approval for the overall project.

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
Robert Swartz, Esq, Board Solicitor
Barbara Fegley, PP, Board Planner
James Smith, Highview Commercial X5, LLC, Applicant
Edward P. Brady, P.E., Taylor Wiseman & Taylor, Applicant's Engineer
George M. Morris, Esq., Parker McCay, Applicant's Attorney

Christopher J. Noll, PE, CME, FP
President & CEO

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

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



Rakesh K. Darji, PE, PP, CME, CFM, Vice President
Harry R. Fox, NICET III, CPSI
G. Jeffrey Hansori, PE, CME
Joseph R. Hirsh, PE, CME, CPWM
C. Jeremy Noll, PE, CME, CPWM
Joseph P. Orsino, CET
Marc H. Selover, LSRP, PG
Benjamin R. Weller, PE, CME, CPWM, S-S, C-3

October 12, 2020
#88018 03

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

Attn: Marion Karp, Secretary Land Development Board

Re: Highview Commercial X5, LLC
The Gateway
Block 807, Lot 1
2035 Burlington-Mount Holly Road (CR 541)
Use Variance and Bulk Variance

Dear Members:

An application has been received and reviewed for a d(1) Use Variance to permit construction of a 217,500 square foot warehouse distribution facility, a d(6) Use Variance to permit a building height of 50 feet which exceeds the maximum height permitted by more than 10%, and potentially a d(4) Use Variance to increase the permitted floor area ratio (FAR). The Use Variance Plan depicts the warehouse with a setback of approximately 400 feet from Burlington-Mount Holly Road behind several pad sites proposed along the frontage of the site. The pad sites include a 5,585 square foot Wawa gas station and convenience store, a 3,000 square foot bank with a drive thru, an 8,900 square foot commercial building comprised of a 3,500 square foot restaurant, two 1,500 square foot retail spaces and a 2,400 square foot restaurant. A separate, 2,400 square foot fast food restaurant with a drive thru pad site is also proposed. The plan also depicts a pump station, a water tower, a stormwater basin and a pylon mounted sign along its NJ Turnpike frontage.

Block 807, Lot 1 received Land Development Board approval on 12/5/18 (Resolution 24-2018) for Preliminary Major Subdivision and Major Site Plan with Variances and Waivers to develop the property as a shopping center with seven separate lots consisting of a gas station with a 5,525 square foot convenience store, a 3,660 square foot bank, two fast food restaurants with drive-thru totaling 9,200 square feet, a 250 seat restaurant totaling 10,300 square feet, a four story 150 room hotel with a footprint of 24,175 square feet and a retail shopping center totaling 60,625 square feet in the C-Commercial Zone.

The site received Land Development Board approval on October 2, 2019 (Resolution 21-2019) for Amended Preliminary and Final Subdivision and Amended Preliminary Site Plan and Final Site Plan Approval for Phase I with Variances to create two lots and construct the following: an eight pump gas station with a 5,585 square foot convenience store to be constructed on Lot "A" and a 10,500 square foot Kiddie Academy day care center, a water treatment building, a water storage tank, and the stormwater management basin on Lot "B." Amended Preliminary Site Plan approval for Phase II improvements to be constructed on Lot "B" included a 20,000 square foot Retail Building, a 8,900 square foot Retail Building comprised of a 3,500 square foot restaurant, a 2,400 square foot restaurant and two 1,500 square foot retail spaces, a 3,000 square foot bank, a 22,500 square foot retail building, a 41,250 square foot retail building and a 9,000 square foot retail building with an end unit restaurant.

The Use Variance Plan proposes to re-align the northern terminus of Irick Road with the intersection of Burlington-Mount Holly Road (CR 541) at Western Drive. The proposed signalized intersection is intended to serve as the primary access to the site. The roundabout proposed as part of Irick Road improvements included with previous submissions has been replaced with a four-way intersection and a second traffic signal to facilitate cross traffic from the commercial development and a second 313,500 square foot warehouse proposed on adjacent land in Burlington Township. The right in, right out secondary access proposed in previous applications has been retained and provides direct ingress and egress to the 217,500 square foot warehouse from CR 541. The proposed 217,500 square foot warehouse effectively eliminates the previously approved 22,500 square foot Retail Building A, 40,000 square foot Retail Building B, 20,000 square foot Retail Building C, 9,000 square foot Retail Building D, and the 10,500 square foot Kiddie Academy.

The site contains 24.76 acres. It is located in the triangle between Burlington-Mount Holly Road, the New Jersey Turnpike, and Irick Road in the central part of the Township within the Commercial (C) zone. The area north of the parcel, opposite Burlington-Mount Holly Road contains a number of commercial uses in Westampton Township's Commercial zone. The New Jersey Turnpike is located to the south and Irick Road and a solar farm and agricultural lands are located to the west.

The following documents have been received with this application:

1. Plans prepared by Taylor Wiseman & Taylor of Mount Laurel, NJ, dated 9/14/20 unless otherwise noted, including:
 - a. Use Variance Plan - Warehouse, Sheet 1 of 2.
 - b. Overall Site Plan, Sheet 2 of 2.
 - c. ALTA/NSPS (2016) Land Title Survey, Sheet 1 of 1 dated 02/28/20.
2. Traffic Engineering Assessment prepared by Nathan B. Mosley, PE, CME, of Shropshire Associates dated September 16, 2020.
3. Submission letter prepared by George M. Morris, Esq., of Parker McCay, dated September 16, 2020.

4. Westampton Township Land Development Board Application for Variance or Appeal, undated.
5. Westampton Township Land Development Board Affidavit dated September 11, 2020.
6. Ownership Authorization dated 8/31/20.

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

Variances

The subject tract is located in the Commercial (C) Zone.

1. The applicant is proposing to include a 217,500 square foot warehouse within the commercial development. Ordinance §250-16A does not list warehouses as a permitted use. **Consequently a d(1) use variance is required.**
2. Ordinance 250-16D, (§250 Attachment 2) permits a maximum building height of 35 feet which may be increased to 45 feet if the building has a minimum front yard setback of 100 feet however the warehouse appears to be set back approximately 95 feet from its Irick Road frontage. The proposed 50' height exceeds that permitted by more than 10% (3.5 feet). **Consequently a d(6) Use Variance is required to permit a building height of 50'.**
3. Ordinance §250-16D, (§250 Attachment 2) permits a maximum floor area ratio (FAR) of 20% in the Commercial Zone. The Site Data Chart indicates FAR is To Be Determined. **If FAR exceeds 20%, a d(4) Use Variance will be required.**

The applicant must demonstrate the positive and negative criteria associated with the Use Variances. The applicant must also demonstrate that the site is suited for the use, particularly with respect to the surrounding properties and that the proposed use will not impair the intent and purpose of the Master Plan and Zoning Ordinance nor be substantially detrimental to the public good. The applicant should include testimony responding to the General Comments offered below as part of the discussion.

4. Ordinance §250 -16E(1) requires one parking space per 250 of gross floor area for all uses except restaurants, theaters and bowling alleys in the Commercial Zone. Based upon that requirement, 870 parking space are required whereas the plan proposes 199 spaces. Testimony should be provided indicating what percentage of the building will be reserved for office space and warehouse space. **A bulk variance will be required.** If the site were in a zone that permitted distribution centers and warehouses, 1 parking space per 250 square feet is required for offices and one space per 5,000 square gross floor area is required for the warehouse or distribution center.

5. Ordinance §250-16F(2) requires screen plantings be provided to a minimum depth of 20 feet along property lines where a nonresidential use abuts another nonresidential use. The access drive leading to the warehouse loading area abuts a Transcontinental Pipeline Easement which typically prohibits tree planting. Testimony should be provided regarding the easement language. **A bulk variance may be required.**
6. Ordinance §250 Attachment 2 permits a maximum impervious coverage of 60% for the Commercial (C) Zone. The Site Data Chart indicates that the coverage is To Be Determined. **A Bulk Variance may be required.**

General Comments

1. Testimony should be provided with regard to potential tenants and to the extent known, whether the warehouse will support a single or multiple tenants.
2. Testimony should be provided on the operation of the warehouse use, including the following:
 - a. Hours and days of operation.
 - b. The number of trucks using the facility(ies) on a daily basis.
 - c. Truck volume during peak hours of ingress and egress.
 - d. Number of employees anticipated per shift.
 - e. Number of shifts.
3. The applicant should provide testimony regarding traffic patterns for trucks entering and exiting the subject tract as well as the 313,500 square foot warehouse facility proposed in Burlington Township.
4. The applicant should provide testimony regarding methods proposed to control the timing and number of tractor trailers entering the warehouse facility and whether gates and a guard house will be required.
5. The applicant should discuss how potential stacking of tractor trailers waiting to enter the warehouse facility will be accommodated.
6. The southerly most right in/right out driveway from Burlington-Mount Holly Road directly approaches the loading area of the warehouse and may well be the major means of truck ingress and egress. If the Use Variance is approved, we recommend that the driveway be shifted south in order to visually separate the warehouse from the retail component and better integrate the retail uses or that the entrance to the warehouse use end at the retail uses and access to the warehouse only be permitted from Irick Road.
7. Architectural elevations for the proposed warehouse should be presented to the Board.

8. The applicant should provide testimony regarding phasing of the warehouse and retail components.
9. The subject tract was granted bulk variances and Site Plan approval on October 2, 2019 (Resolution 25-2019) to construct a 100' tall, 800 square foot pylon sign along its NJ Turnpike frontage based upon testimony that it was a requirement imposed by certain tenants prior to signing leases to buildings that will now be replaced with the warehouse. The applicant should provide testimony to justify the need for the sign should the use variance be granted.
10. The previously approved plan provided a roundabout as part of the Irick Road re-alignment. The Use Variance Plan has replaced the roundabout with a four way intersection and traffic signal. The applicant should discuss the modification as well as any discussion regarding same with the Burlington County Planning Board.
11. As indicated above, the Wawa gas station and convenience store received Amended Final Site Plan and Subdivision approval from the Board on 10/02/19. The Use Variance plan depicts several changes to the Wawa site, including an additional driveway and expansion of the trash enclosure into Burlington Township. The elimination of the round-about as described above affects the subdivision. The modifications will require Amended Site Plan approval and Subdivision approval.
12. If the Board grants a use variance to permit the warehouse, the approval should be conditioned on the subject tract obtaining site plan approval from the Board and all required outside agencies.

If you have any questions or require further information, please feel free to contact me.

Sincerely,



Barbara J. Fegley, AICP, PP
Township Planner

Cc: Gene Blair, Construction Code Official, via email
Louis Capelli, Esq., Board Solicitor, via email
Robert Swartz, Esq., via email
James Winckowski, PE, CME, Board Engineer, via email
Jennifer Bupp, Secretary, Burlington Township Planning Board, 851 Old York Road, Burlington Township, NJ 08016
Highview Commercial X5, LLC, 280 Rt. 35, Suite 150, Red Bank, NJ 07701
George M. Morris, Esq. via email (gmorris@parkermeccay.com)
Edward P Brady, PE, Taylor Wiseman & Taylor, via email
Nathan B. Mosley, PE, CME, via email

PATRICK F. MCANDREW, ESQ.
ATTORNEY AT LAW

Mailing address:

P.O. Box 88
Haddon Heights, NJ 08035
email: pfxmlanduse@aol.com
phone: 856-278-7296

Conference location:

7A N. Main Street, Ste 3
Medford, NJ 08055
(by appointment only)

September 8, 2020

(Sent by Email and Regular Mail)

Marion Karp, Secretary
Westampton Township Land Development Board
710 Rancocas Road Ste 1
Westampton NJ 08060-5642

**Re: SBC Laundromat, Inc.
Lot 2, Block 301 - Westampton Township**

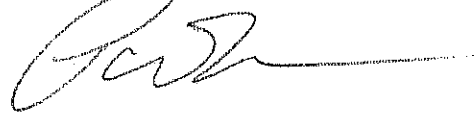
Dear Marion:

I represented the applicant in the above matter. A final site plan approval with variances was granted by Resolution 2000-2018, a copy of which is attached. It was memorialized on October 3, 2018.

Under normal circumstances, the terms and conditions of this approval would be protected from zoning changes for two years from the date of the Resolution. The Legislature has adopted a Permit Extension Act of sorts due to the pandemic, however, but its precise application remains to be seen and both the Permit Extension Act and the various pandemic orders are somewhat vague. Therefore, in order to be more precise, we are writing to request an extension of the prior approval. A final site plan may be granted extensions of one year and the statute allows up to three years in total. Therefore, we are respectfully requesting that the Board consider and grant three one-year extensions so that the approval is extended from October 3, 2020 to October 3, 2023.

If you need any additional information or if we need to be appear and be heard on this request, please let me know. Thank you for your help in processing this request for extensions of the prior approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. McAndrew', with a long horizontal flourish extending to the right.

PATRICK F. McANDREW

PFM:pah

cc: Jay Chung (by email)
Brian Cleary (by email)

RESOLUTION: 20-2018

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: SBC Laundromat, Inc.

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

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

ZONING DISTRICT: Commercial “C” Zoning District

DATE OF HEARING: June 6, 2018; July 11, 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 car wash facility in the Commercial “C” Zone. The property is located at 483 Woodlane Road, Westampton, New Jersey, designated as Block 301, 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 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 6, 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, at the June 6, 2018 Board meeting, 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 tabled and the hearing continued until 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 during the June 6, 2018 Board meeting; and

WHEREAS, the Applicant again appeared before the Board at the July 11, 2018 Board meeting, where the Applicant was again represented by Patrick F. McAndrew, Esq. The Board heard further 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, at the July 11, 2018 Board meeting, the Board again 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 and July 11, 2018 public hearings, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, SBC Laundromat, Inc., seeks preliminary and final major site plan approval with bulk variance relief to permit the construction of an 11,780 sf retail building and 4,671 sf car wash facility in the Commercial "C" Zone. The Subject Property is 483 Woodlane Road, Westampton, New Jersey, designated as Block 301, Lots 2 on the Township Tax Map.
2. The Subject Property is 8.39 acres and presently used as a shopping center. The Applicant proposes to develop the Subject Property further to construct an 11,780 sf retail building and 4,671 sf car wash facility, along with associated site improvements and amenities, requiring the grant of site plan approval in accordance with Chapter 196 "Site Plan Review" of the Township Code.
3. The Application also requires the grant of *N.J.S.A. 40:55D-70c* bulk variances in connection with the preliminary/final major site plan approval to permit several deviations from the bulk requirements of the C-Zone set forth in the Township Code.
4. The following witnesses and professionals appeared and testified in favor of the Application during the June 6, 2018 and July 11, 2018 hearings: Jay Chun, San Wook Kim, the Applicant's Architect, Brian Cleary, the Applicant's Engineer, Nathan Mosley, the Applicant's Traffic Engineer, Frank Lash, the Applicant's Car Wash Consultant, and Sharon Renfor and Bob Renfor, the Applicant's Sign Experts.
5. The Applicant submitted the following exhibits during the June 6, 2018 and July 11, 2018 hearings: A1 – Car Wash; A2 – Retail Building; A3 – Brick Detail; and A4 – Retail Signage.
6. Mr. McAndrew presented and introduced the Application to the Board, reminding the Board as to the details of the Application and the Applicant's prior presentation from the June 6, 2018 Board Meeting, whereat the Applicant's various professionals, including Mr. Cleary and Mr. and Ms. Renfor, testified in support of the Application. Mr. McAndrew represented the purpose of the Application is to add a new building to the site for up to 8 potential tenants,

as well as a mostly automated car wash. Mr. McAndrew further explained that since the Applicant's prior hearing, the plans had been revised to address many of the Board's concerns.

7. The Board began the July 11, 2018 hearing by questioning the Applicant's professionals regarding changes to the Application from the prior hearing, and the Applicant's professionals explained the changes included a different color brick for the proposed retail building, which will now be reddish in color instead of black, along with more detailed information and examples of the proposed signage and consistent, uniform lettering to be used for the signage.

8. Mr. Cleary, the Applicant's Engineer, testified regarding the site plan changes, explaining the Applicant removed the vacuum canopies and are proposing to reduce the size of the menu boards at the Subject Property from 32 feet to 24 feet in size. The Applicant was still requesting 2 menu boards, which will require a variance. Mr. Cleary further testified that the average lighting level at the Subject Property will be 1.2-1.5 foot candles, which will also require a variance because the Township Code permits a maximum of .5 foot candles. Mr. Cleary testified the Applicant would revise the on-site directional signs to meet Township Code requirements, and that the existing monument sign is 15 feet whereas only 8 feet is permitted by Township Code, therefore it is a pre-existing non-conformity. Mr. Cleary also testified the Applicant is not proposing a loading space, but will add a striped 12 foot wide area for turning and will include 15 paid vacuums instead of the proposed 16 vacuums as a condition of approval, and may add bollards to protect the vacuums from vehicles. In response to questions from the Board, Mr. Cleary further testified that the Applicant's use of vacuums would comply with noise pollution standards and the Applicant can add mufflers if complaints are received from neighbors relating to the noise of the vacuums.

9. Mr. Mosely, the Applicant's Traffic Engineer, testified regarding the stacking space at the car wash, explaining there will be two pay kiosks which will allow vehicles to pay and move through the automated car wash quickly, with the tunnels processing multiple vehicles at the same time. Mr. Mosely explained the pay kiosks can process up to 70-120 vehicles per hour, and can stack up to 14 vehicles without affecting the internal vehicle circulation of the Subject Property. Mr. Mosely further testified that the Application is similar to an existing car wash located on Route 70 near I-295, and that the Applicant observed the traffic and flow of the site and believe the Subject Property will operate in a similar manner with no traffic or circulation issues. In response to questions from the Board, Mr. Mosely explained the Applicant is working on resolving other traffic issues with the County.

10. The Board further questioned the Applicant regarding the proposed retail store use. The Applicant's witnesses explained the Applicant would be selling car-related items like air fresheners, windshield wipers, as well as small snacks and drinks. The Applicant would not be selling cooked or prepared foods, and the store will be open 8 AM to 6 PM, with possible later hours in the summer. After further discussion with the Applicant, the Board determined the size of the proposed retail store would need to be reduced as a condition of approval, and the Applicant agreed to reduce the size to approximately 600 sf in total, which will include an office, retail desk, and bathrooms, with no more than 300 sf of "to go" items with the remaining items to be auto-retail related, such as wipers, windshield fluid, and air fresheners. The Applicant cannot sell cooked, grilled, or prepared foods.

11. The Board Engineer, Jim Winckowski, PE, CME, presented and discussed his Review Letters, each incorporated by reference herein. The Applicant agreed, as a condition of approval, to comply with all the recommendations and conditions set forth in the Board Engineer's Review Letters. The Applicant further agreed to submit revised floor plans and revised sign letter detail to the Board Engineer as a condition of approval.

12. The Board Planner, Barbara J. Fegley, AA, AICP, presented and discussed her Review Letters, incorporated by reference herein. The Applicant agreed, as a condition of approval, to comply with all the recommendations and conditions set forth in the Board Planner's Review Letters.

13. After testimony presented by the Applicant's witnesses and professionals, the matter was opened to the public for comment, and the following member of the public appeared at both the June 6, 2018 and July 11, 2018 hearings:

- Edward Macioroski – testified about the proposed car wash use and his experience running a car wash business in the Township. Mr. Macioroski asked various questions and made recommendations to the Applicant and the Board, as further detailed in the Westampton Land Development Board Regular Meeting Minutes, dated June 6, 2018 and July 11, 2018.

14. 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 sustained the burden of proof to support the following variances in accordance with the statutory requirements set forth in the MLUL, *N.J.S.A. 40:55D-70c(2)*:

- Subject Property Lighting – up to 1.5 foot candle whereas only .5 foot candle is permitted. § 250-22G.
- Project Identification Signs – 2 project identification signs including the name of each tenant whereas only the name and logo of the project are permitted to be shown on the signs. § 250-25J(2).
- Sign Area – 268.33 sf signs on Woodlane and Springside Rd whereas only 100 sf signs are permitted. § 250-25J(2))
- Monument Identification Signs – 2 monument identification signs whereas only 1 is permitted. § 250-25J(2).
- Monument Identification Sign Height – A 15 ft high monument sign whereas only 8 ft is permitted. § 250-25G(1)(a).
- Parking Setbacks – 5 ft from the car wash and 8 ft from the retail building whereas 12 ft is required. § 196-8A.

The above deviations from the Township Code requirements serve several purposes of the MLUL, specifically: promotion of the general welfare of the community by encouraging development and increasing the property value of the Subject Property; *N.J.S.A. 40:55D-2a*; providing adequate open space at the Subject Property for the proposed uses; *N.J.S.A. 40:55D-*

2c; providing sufficient space in an appropriate location for a needed commercial use that will be carried out in an environmentally friendly way to meet the needs of Township citizens; *N.J.S.A. 40:55D-2g*; and by improving the visual appearance and aesthetics of the Subject Property by including the 3 façade signs and proposed landscaping, *N.J.S.A. 40:55D-2i*.

15. Through the evidence submitted and testimony presented by the Applicant, the Board finds that the benefits of the requested variances substantially outweigh any detriment, of which there is none, 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 permitted use in the C Zone, need for the business in the Township, and large, suitable size of the Subject Property. *N.J.S.A. 40:55D-70*.

16. 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.

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

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that 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 car wash facility in the Commercial "C" Zone upon motion duly made by Mr. Blair 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 herein.

ROLL CALL VOTE

	<u>Aves</u>	<u>Naves</u>	<u>Abstentions</u>	<u>Recusal</u>
Applegate			x	
Barger	x			
Blair	x			
Borger	x			
Freeman	x			
Guerrero	x			
Haas	x			

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

1. The Applicant shall conduct the required soil boring in the area of the proposed underground filtration system.
2. The Applicant will keep identification signage to 240 sf and increase the size of the lettering subject to the review and approval of the Board professionals.
3. The Applicant shall install only 15 vacuums at the Subject Property whereas 16 were originally proposed, and shall use the available space to stripe an area for turnarounds.
4. The Applicant shall limit the proposed convenience store use to 600 sf in total, which shall include no more than 300 sf of "to go" items for sale. The remainder of the space shall be for an office, retail desk, and bathrooms, with additional auto-related items being sold such as windshield wipers, windshield fluid, and air fresheners. The Applicant shall not be permitted to offer or sell any cooked, grilled, or prepared food.
5. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Engineer's Review Letters.
6. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Planner's Review Letters.
7. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Fire Marshal's Report.

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

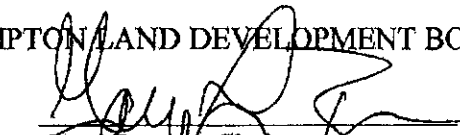
misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is 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;

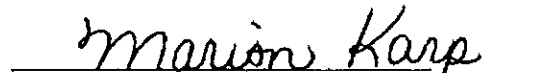
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction 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: 10-3-18

TOWNSHIP OF WESTAMPTON

AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
R-9 RESIDENTIAL ZONE

ORDINANCE NO. 10-2020

Section 1

Add Section 250-14.3 R9 Residential Zone to read as follows:

250-14.3 R-9 Residential Zone

The purpose of the R-9 Residential Zone is to provide for the construction of a residential development consisting of a total of 498 dwelling units that is intended to assist the Township of Westampton in satisfying a portion of its fair share housing obligation. The development shall consist of a combination of attached townhouses and rental apartments, with 15 percent of the units (*i.e.*, 75 family rental non-age restricted apartments) set aside for very low-, low- and/or moderate-income family households. The R-9 Residential Zone shall encompass Block 204, Lot 2, which is currently located within the OR-2 Office-Research 2 Zone and which hereafter shall be referred to as the "tract." The following regulations shall apply in the R-9 Zone:

- A. Definitions. The following terms shall apply to the R-9 Residential Zone:

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the deckline of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

TOWNHOUSE

A one-family dwelling with ground-floor out-side access, attached to two or more one-family dwellings by common vertical walls without openings.

APARTMENT/MULTIFAMILY DWELLING/FLAT

One or more two, or three story multi-family structures including related off-street parking, open space and recreation facilities. A building containing three or more dwelling units, including units that are located one over another.

OPEN SPACE

As defined in the Municipal Land Use Law, including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

RECREATIONAL FACILITIES

May include items such as but not limited to a clubhouse(s) and other building(s) for recreational uses, bike path(s), walking path(s), tennis court(s), bocce court(s), swimming pool(s) and similar recreational improvements and related parking.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the R-9 Zone, the purpose of which is to provide the name and address of the development.

B. Permitted principal uses:

1. Attached, market-rate townhouses shall comprise 223 dwelling units within the R-9 Zone.
2. Attached, multi-family rental non-age restricted apartments shall comprise 275 dwelling units in the R-9 Zone. A maximum of 36 dwelling units shall be included within a single building. 15 percent of the dwelling units (*i.e.*, 75) shall be set aside for very low-, low-, and/or moderate-income households as per current COAH regulations (N.J.A.C. 5:93-1) and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), except as to the very low income housing obligation, which shall comply with the thirteen percent (13%) very low income requirement of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et seq. The 15% set-aside requirement is applied against the total number of units to equal 75 affordable units overall.

The Affordable Units shall be family rental units. Subject to the provisions of Section K(6), the affordable units shall be integrated fully with the market-rate units and shall not be permitted in stand-alone buildings. The affordable units shall be constructed and integrated with the market rate family rental units as recommended by COAH Regulations (N.J.A.C. 5:93-5.6(f)) and UHAC'S Regulations. Affordability requirements shall remain in effect for a minimum period of 30 years and until released by the municipality in accordance with UHAC.

The developer shall take all necessary steps to ensure the Affordable Units provided for under the Agreement are creditworthy under COAH and UHAC regulations and

all other applicable laws. Specifically, the developer agrees that all Affordable Units shall comply with COAH's and UHAC's Regulations, as well as the FHA, including, but not limited to those concerning (a) income qualification, (b) bedroom distribution, (c) low/moderate income split, (d) affirmative marketing and (e) handicap accessibility.

The income level for the Affordable Units within each bedroom distribution shall be as follows: (i) thirteen percent (13%) shall be available to very low income households (or a minimum of ten units) ; (ii) thirty seven percent (37%) shall be available to low income households; and (iii) fifty percent (50%) shall be available to moderate income households. The income levels of very low, low and moderate shall be as defined by applicable COAH and UHAC regulations. None of the affordable units shall be age-restricted.

C. Permitted accessory uses and structures:

1. Recreational facilities.
2. Off-street parking facilities.
3. Utility and service structures, including, but not limited to, trash enclosure(s) generator(s), transformers, and maintenance shed(s).
4. Storm water management structures and areas.
5. Development identification, traffic and directional signs.
6. Fences, retaining walls and wall enclosures.
7. Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.
8. Trash/recycling enclosures.
9. Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
10. Satellite dish antenna.

D. Conditional uses permitted: none.

E. Tract requirements.

1. Number of units: The maximum number of residential dwelling units shall be 498.

2. Maximum density: 6.8 dwelling units per acre based upon gross tract area (prior to ROW dedication and including all environmentally constrained land).
3. Buffers:
 - a. Buffer strips shall be provided along all tract property lines as set forth in this subsection, except where a watercourse and related regulatory buffer comprise the property boundary line. However, streets and driveways providing access to any development in the R-9 Zone may traverse a buffer strip. A pipeline or other utility easement and stormwater management structures may be located within a required buffer area together with any sidewalks and necessary monument signs.
 - b. Minimum buffer to all tract property lines at the time of application: 45 feet.
 - c. A portion of the required buffer (described in (1) to (3) below) shall be comprised of a six-foot-high visual barrier, at the time of planting, of evergreen plantings set in a double row, staggered and spaced to accomplish this purpose. At the developer's option, landscaped areas may be planted with a mixture of evergreen and deciduous plantings designed to accomplish this goal.
 - (1) The buffer plantings from the apartments to the single family residences to the west of the property shall be a minimum width of 25 feet.
 - (2) The buffer plantings along the property frontage along Springside Road shall be a minimum width of 15 feet.
 - (3) The buffer plantings in the northeast corner of the property adjacent to the townhouses and parking areas shall be a minimum width of 25 feet.
4. Open space: A total of 20% of the tract shall be reserved for a combination of open space and recreational facilities. Wetland areas, wetland transition areas, flood plains, riparian buffers, detention basins, and required buffers may be considered open space for the purposes of this requirement.
5. Recreational facilities. The following recreational facilities may be provided for the use of residents of dwellings within the R-9 Zone: a clubhouse, an outdoor swimming pool, a public park, a playground, a tot lot, decorative and safety fencing, and related parking.
6. Development identification signs:
 - a. The sign regulations in Section 250-25 of this chapter shall not apply to development identification signs within the R-9 Zone.

- b. Either a two (2) single-sided or a single two-sided development identification sign(s) shall be permitted at each entrance from a public street to a development within the R-9 Zone.
- c. The maximum area of a development identification sign shall not exceed 60 square feet on the face of the sign, which shall include all lettering, wording, coloring and accompanying designs and symbols, together with background, but excluding any associated decorative elements or supporting framework, such as landscaping, berming, fencing, stone or masonry columns or walls, or any combination of the above or other ornamentation or materials, provided that any sign and associated decorative elements shall not exceed 6 feet in height from ground level.
- d. The minimum setback of a development identification sign from a public street shall be 10 feet from the street right-of-way.
- e. A development identification sign may be located a minimum of 10 feet from a private road or driveway providing access to a development within the R-9 Zone, or it may be located on a boulevard or other island or median, and shall be located a minimum of 10 feet from the projected intersection of the curblines of cross streets. All signs, including those within public street rights-of-way, shall be maintained by a homeowners' association or the multi-family apartment building owner.

F. Area, yard and building requirements:

1. Overall tract requirements.

- a. Minim lot area: 70 acres.
- b. Minimum lot width: 2,000 feet.
- c. Minimum lot frontage: 2,000 feet.
- d. Minimum lot depth: 800 feet.
- e. Maximum building coverage: 15 percent.
- f. Maximum impervious coverage: 40 percent.
- g. Minimum tot lot and passive recreational area: 2 acre.
- h. Maximum building height: 3 stories.
- i. Maximum building height: 40 feet.
- j. Maximum fence height within the buffer: 6 feet.

2. Fee simple lot bulk requirements.
 - a. Minimum lot area: 1,600 square feet.
 - b. Minimum lot width: 20 feet.
 - c. Minimum lot frontage: 20 feet.
 - d. Minimum lot depth: 80 feet.
 - e. Maximum building coverage: 60 percent.
 - f. Maximum impervious coverage: 85 percent.
3. Fee simple lot – principal building requirements.
 - a. Minimum front yard setback: 18 feet.
 - b. Minimum rear yard setback: 10 feet, excluding patios and decks.
 - c. Minimum side yard setback: 0 feet.
 - d. Maximum building height: 3 stories.
 - e. Maximum building height: 40 feet.
4. Accessory buildings and structures.
 - a. Maximum building height: 1 story.
 - b. Maximum building height for one story building (*i.e.*, clubhouse): 30 feet.
5. Minimum building distance requirements.
 - a. Side wall to side wall: 30 feet.
 - b. Side wall to front or rear wall: 30 feet. (Excludes the Maintenance Building and Clubhouse Building).
 - c. Front wall to rear wall: 80 feet.
 - d. Front wall to front wall: 80 feet.

- e. Rear wall to rear wall: 40 feet.
- f. Distance between principal building and access driveway or internal driveway curblines: 10 feet.
- g. Distance between principal building and parking area curblines: 10 feet.
- h. Distance between accessory building and access driveway or internal driveway curblines: 0 feet.

6. Maximum fence height: 6 feet.

7. Sidewalks.

- a. Minimum sidewalk width: 4 feet.
- b. Minimum sidewalk width abutting parking: 6 feet.

G. Minimum parking requirements.

1. Townhouse area:

- a. Minimum number of parking stalls: 2.4 parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.) parking stalls per unit.
- b. Total number of required parking stalls per Residential Site Improvement Standards (N.J.A.C. 5:21-1.1 et seq.): 536 parking stalls.
- c. Minimum number of guest parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 0.5 parking stalls per unit.
- d. Total number of guest parking stalls per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 112 parking stalls.

2. Multi-family rental apartments:

- a. Minimum number of parking stalls for 1-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 1.8 parking stalls per unit.
- b. Total number of parking stalls for 1-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 216 parking stalls.
- c. Minimum number of parking stalls for 2-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 2.0 parking stalls per unit.

- d. Total number of parking stalls for 2-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 296 parking stalls.
 - e. Minimum number of parking stalls for 3-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 2.1 parking stalls per unit.
 - f. Total number of parking stalls for 3-bedroom units per Residential Site Standards (N.J.A.C. 5:21-1.1, et seq.): 15 parking stalls.
 - g. Clubhouse: 1 parking stall required for each 200 square feet of gross floor area.
 - h. Total number of parking stalls required for clubhouse: 15 parking stalls.
3. Total lot and passive recreational area: 4 parking stalls required per acre for a total of 8 parking stalls.
4. Parking area requirements.
- a. Minimum size of parking stall: 9 feet x 18 feet
 - b. Minimum drive aisle width: 24 feet.
 - c. Minimum landscape island size: 200 square feet at the end of a row.
 - d. Minimum amount of landscaped islands in parking areas: 1 island per 10 parking stalls.
 - e. Parking is permissible in front, rear, and side yards.

H. Site plan standards and review.

1. The standards set forth in Chapter 196 of the Code of Ordinances of the Township of Westampton shall apply to all development within the R-9 Zone, except for the following subsections or as clarified below:
- a. Section 196-7(H), providing Noise Abatement or Noise Study.
 - b. Section 196-8A, parking and loading.
 - c. Section 196-8(B) 3(c) 1, canopy and understory tree list except that native landscape material be utilized to the maximum extent possible.
 - d. Section 196-8B(5), fencing around parking lots in residential zones.

- e. Section 196-9(A)8, providing all roads, driveways, water courses and existing buildings within 200 feet of tract shall be provided but may be based on aerial imagery.

I. Design standards and improvements.

1. All of the following improvements, including but not limited to streets, curbs and/or gutters, pavement, street grades, sidewalks, street signs, water mains, sanitary sewers and storm sewers and any other improvements subject to the requirements of the New Jersey Residential Site Improvement Standards, shall be in accordance with said New Jersey Residential Site Improvement Standards, as amended.
2. For all other improvements not controlled by the New Jersey Residential Site Improvement Standards, as amended, the standards set forth in Chapter 215 of the Code of Ordinances of the Township of Westampton shall apply, except for the following subsections:
 - a. Section 215-7F shall be modified to provide for a ten-year period of vesting.
 - b. Section 215-9B shall be modified to require documents in conformance with Burlington County filing requirements, as amended.
 - c. Section 215-14A(7), topsoil protection except that soil erosion and sediment control measures as required by the Burlington County Soil Conservation District shall be followed.
 - d. Section 215-19A(14)(a)[2], manholes.
 - e. Section 215-19A(15), drainage and drainage improvements.
3. Building Design Standards: The design of the multi-family buildings shall be residential not institutional and conform to the following:
 - a. The exterior of all apartment buildings in the development shall be of consistent or compatible size, scale and appearance so as to not differentiate buildings with or without affordable housing units.
 - b. Floor plans shall be provided for each of the buildings. Architectural design shall be consistent with architect's project elevation provided.
 - b. Buildings shall include breaks in the facades with the use of different colors or materials to break up building lengths.
 - c. Rooflines shall be pitched.

- d. All HVAC and mechanical equipment shall be inconspicuously placed or adequately screened from view.

4. Additional standards:

- a. Copies of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the final application for approval.
- b. The homeowner or property owner shall pay an annual sewer fee to the sewer authority or agency having jurisdiction over the sanitary sewer collection system. The developer shall pay the sewer connection charge to the Willingboro Sewer Authority.
- c. Soil erosion and sediment control plans shall be submitted to the Burlington County Soil Conservation District for certification as part of the final application for each section of the development.
- d. Manholes shall be spaced in accordance with N.J.A.C. 7:14A-23.8.
- e. Drainage and ditch swales shall be stabilized in accordance with the Soil Conservation District standards.
- f. Preliminary subdivision submissions shall include all engineering information that is necessary and normally required to produce a complete set of properly engineered construction plans of the proposed improvements.
- g. All of the improvements required by Chapters 196 and 215 of the Township Code not otherwise amended by this R-9 District shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
- h. Trash enclosures shall be surrounded on three (3) sides by a solid wall or fence and the fourth side shall be enclosed by gates and/or otherwise screened.
- i. Lighting standards:
 - i. Minimum average foot candles for walkways and parking areas: 0.5.
 - ii. Maximum foot candles at property line: 0.2.
 - iii. Minimum foot candles at intersections of roadways: 1.
 - iv. Maximum mounting height: 25 feet.

- v. House shields shall be provided for perimeter lighting.
- vi. Light fixtures shall be LED and Dark Sky compliant.

J. General performance standards.

1. Swimming pools, if any, shall be constructed in conformance with all applicable construction and building codes.
2. Restrictions on similarity of design. With regard to attached housing units, the developer shall, to the extent feasible, alter the exterior of the buildings or structures in order to provide variation in appearance (accent elements, color, material or design), except where the similarity in appearance is an element of the design. The front facade of any attached housing dwelling unit shall not continue on the same plane for a distance of more than the width of two connected dwelling units and all offsets between front facades shall be at least two feet in depth. If garages are to be provided, they shall be an integral part of the structure and design scheme.
3. The Township shall abide by COAH's regulation against cost generative measures as set forth in N.J.A.C. 5:93-10.1(b).

K. Affordable housing requirements.

1. Very low-, low-, and moderate-income housing units within developments in the R-9 Zone shall comply with applicable sections of the Township's Affordable Housing Ordinance.
2. Inclusionary development set-aside. A total of 75 affordable attached, family rental dwelling units in a development in the R-9 Zone shall be set aside for very low-, low- and/or moderate-income rental households in accordance with the provisions of this section. The inclusionary development set-aside is 15% against any development that occurs under this Ordinance.
3. All affordable units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., or any successor regulation, with the exception that (13%) of the affordable units shall be required to be at 30% of the median income (very low income) requirement of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et seq., and in compliance with all other applicable laws.
4. At least ten (10) of the affordable units developed must be very low income units.
5. At least half of all affordable units within each bedroom distribution shall be low-income units, which shall include at least 13% of all restricted rental units within

each bedroom distribution as very low-income units (affordable to a household earning 30% or less of median income).

6. The Affordable Units shall be family rental units constructed within the family rental portion of the overall development. The Affordable Units shall be constructed and integrated with the market rate family rental units as recommended by COAH Regulations (N.J.A.C. 5:93-5.6(f)). To provide such integration, the following requirements shall apply: (i) one (1) building within the family rental portion of the overall development may be configured such that no less than 8 units or forty percent (40%) of the total units within that building shall be designated as Affordable Units; (ii) for all remaining buildings within the family rental portion of the overall development, all buildings shall be configured such that no less than ten percent (10%) and no more than forty percent (40%) of the total units within a given building shall designated as Affordable Units. Affordability requirements shall remain in effect for a minimum period of 30 years and until released by the municipality in accordance with UHAC.
 7. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and 311b and all other applicable law.
 8. Phasing plan: Phasing for the construction of residential dwelling units in the R-9 Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).
- L. Relationship to other sections of the combined land use ordinance: The regulations of the R-9 Zone are intended to guide the orderly development of this zone district in accordance with the parameters of the February 18, 2020 Settlement Agreement between the Diocese of Trenton and the Township of Westampton. Where there is a conflict between the R-9 Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning Ordinance, the regulations contained in this section for the R-9 Zone shall apply unless otherwise specified in the regulations of the R-9 Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WESTAMPTON

**AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
MU-1 MIXED USE ZONE**

ORDINANCE NO. 13-2020

Section 1

Add Section 250-21.2 MU-1 Mixed Use Zone to read as follows:

250-21.2 MU-1 Mixed Use Zone

The purpose of the MU-1 Zone is to create a balanced development of commercial/office and residential uses in convenient and complementary relation to each other in order to encourage imaginative, efficient and orderly growth, in a pedestrian friendly and pedestrian scaled, walkable, mixed use environment. The MU-1 Mixed Use Zone will provide housing opportunities for a range of residents and incomes, ensure that outdoor lighting and signage do not adversely affect the visual environment and the use and enjoyment of residential property nor detract from retail areas.

The MU-1 Zone will provide 224 family residential apartment units for sale or rent with 15 percent set-aside for affordable units that are non-age restricted over retail/commercial or over parking structures along County Route 541 (Burlington-Mount Holly Road) and along a main entrance road. Thirty-four (34) non-age restricted units shall be available to low- and moderate- income households. The development shall consist of non-age-restricted units. The MU-1 Zone will also provide two commercial/office building sites along County Route 541 (Burlington-Mount Holly Road). The commercial/office buildings will be one story with three and four story residential buildings behind the commercial/office use in order to provide higher density residential development to satisfy a portion of the Township's fair share housing obligation. The development shall consist of a combination of commercial and residential uses, with a 15 percent set aside for low- and moderate-income households. The MU-1 Zone shall encompass Block 1001, Lots 58, 59 60, and 61. The following regulations shall apply in the MU-1 Zone:

- A. Definitions. The following terms not defined in Chapter 250. Zoning, Article II. Word Usage and Definitions, shall apply to the MU-1 Zone:

APARTMENT

A building or portion thereof, designed for occupancy by three or more families living independently of each other. For the purposes of this Ordinance, an apartment is defined as a renter occupied unit as opposed to a Condo which is an owner occupied unit.

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the declivity of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

OPEN SPACE

As defined in the Municipal Land Use Law including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the MU-1 Mixed Use Zone, the purpose of which is to provide the name and other identifying information about said development.

B. Permitted principal uses:

- (1) Residential: Retail/commercial uses fronting on Burlington-Mount Holly Road and multi-family residential behind the commercial/office uses;
 - (a) In accordance with the December 23, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC) or subsequent Agreements or Settlements in effect and/or Court Orders, the multi-family residential development shall provide affordable housing opportunities for low-and moderate-income households. A 15% affordable housing set-aside shall be applied to all residential development, and a minimum of 34 affordable multi-family non-age-restricted residential units shall be provided at a minimum density of 6.76 du/acre (plus office/commercial uses). The units shall be provided in compliance with the Council on Affordable Housing rules, Uniform Housing Affordability Controls and Burlington County Superior Court Orders, as applicable except as to the very low income housing obligation, which shall require that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.
 - (b) The affordable units shall be integrated fully with the market-rate units.
 - (c) Affordability requirements of the affordable units shall remain in effect for a minimum period of 30 years and until released by Westampton Township.
 - (d) The inclusionary development set-aside is 15% against any development that occurs under the ordinance. The set aside for very low-, low- and/or moderate-income households shall be 15% of all residential units developed.

(e) The bedroom distribution of affordable units shall be compliant with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq.

(f) Construction schedule, rents, affordability controls, income eligibility, control period, affirmative marketing plan of low and moderate income units and all other applicable regulations concerning the affordable units shall be compliant with the Township's Affordable Housing Ordinance, the Fair Share Housing Center Settlement Agreement and Burlington County Court Order(s).

(2) Commercial/Office: General and medical office, physical therapy, basic research, outpatient care facilities, professional uses, banks, pharmacy, day spa, are permitted on the first floor or over a parking structure;

(3) Retail: Restaurants, eating and drinking establishments, cafes, shops, bakery, delicatessen, general stores, movie theater, grocery store / supermarket, book and stationery, florist, are permitted on the first floor or over a parking structure;

C. Permitted Accessory Buildings and Structures.

(1) Recreational facilities.

(2) Off-street parking facilities.

(3) Bus stops.

(4) Utility and service structures, including, but not limited to, trash /recycling enclosure(s), hot boxes, generator(s), transformers, and maintenance shed(s).

(5) Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.

(6) Storm water management structures and areas.

(7) Development identification, traffic and directional signs.

(8) Fences, retaining walls and wall enclosures.

(9) Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.

D. Standards Applicable to Accessory Buildings and Structures:

(1) Accessory structures and uses shall comply in all respects with the requirements of this ordinance applicable to the principal structures and uses.

- (2) When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements of this ordinance applicable to the principal structure.
- (3) No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities (surface or structure) which may be constructed prior to the primary use.
- (4) In no event shall the height of an accessory structure exceed the height of the principal building.
- (5) The aggregate area covered by accessory structures shall not exceed twenty-five percent (25%) of the rear yard.

E. Prohibited Uses:

- (1) Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited.

F. Density, Area, Yard and Height Requirements:

The following requirements apply to the MU-1 Zone:

- (1) Minimum Lot Area: The MU-1 development should be regarded as a cohesive unit that contains the entire acreage of Block 1001, Lots 58-61 which is 33.1 acres in size. However, a crescent shaped portion of the site situated along Burlington-Mount Holly Road is separated from the portions of the site to the southeast and northwest. This parcel may be developed separately as a commercial/office pad site with the other two parcels to be developed together. There is no minimum or maximum acreage for individual buildings.
- (2) The maximum number of residential units is 224 units at a density of 6.76 units per acres plus the commercial/office uses.
- (3) The minimum square footage of commercial/office use to be accommodated on the southeastern end of the site is anticipated to be approximately 28, 000 square feet in size.
- (4) Building heights will vary between the one story commercial/office building and pad site that front on Burlington-Mount Holly Road (maximum height of 35 feet), to the four story residential buildings behind the frontage structures (maximum height of 50 feet).
- (5) Floor Area Ratio shall not apply to the MU-1 Zone.
- (6) Minimum Setback
 - (a) The minimum setback from Burlington-Mount Holly Road is 50 feet.
 - (b) Utility structures, exhaust air vents, backflow preventers, or other similar devices when located above grade, must be located behind the setback, be screened and should not be located on the Boulevard. Utility structures located below grade may

be located within the setback;

(c) Minimum Side Yard is 25 feet except where the site is adjacent to existing residences in which case it is 35 feet.

(d) The Minimum Rear Yard when adjacent to existing residences is 50 feet.

(7) Minimum residential building distance requirements.

(a) Side wall to side wall: 40 feet.

(b) Side wall to front or rear wall: 45 feet.

(c) Front wall to rear wall: 80 feet.

(d) Front wall to front wall: 80 feet.

(e) Rear wall to rear wall: 40 feet.

(f) Distance between principal building and access driveway or internal driveway curblines: 15 feet.

(g) Distance between principal building and parking area curblines: 15 feet.

(8) Maximum fence height: 6 feet.

(9) Sidewalks.

(a) Minimum sidewalk width: 4 feet.

(b) Minimum sidewalk width abutting parking: 6 feet.

G. Parking Standards:

(1) Parking Standards: The minimum parking requirements for the MU-1 Mixed Use Zone are as follows:

<u>Use</u>	<u>Parking Ratio</u>
Residential Uses	Per Residential Site Improvement Standards (RSIS)
Retail	4.0 sp / 1,000 GFA ¹
Restaurant	1.0 sp / 3.0 seats plus 1.0 per employee based on Maximum Work Shift ¹
Restaurant	6.0 sp / 1,000 GFA ¹
Medical Office	4.0 sp / 1,000 GFA ²
General Office	3.5 sp / 1,000 GFA

(1) Outdoor seating areas do not count toward the required parking ratios

(2) For projects where medical office use comprises over 25% of office space in the project the parking requirements shall be 6.0 spaces per 1,000 GFA

(2) When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required.

- (3) Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure.
- (4) Up to 10% of the required parking stalls may be designated for compact cars.
- (5) Accessory uses do not require parking.
- (6) Setback Maneuvering: No surface parking or maneuvering space is permitted within any required setback, or between the permitted use and the required setback, except driveways providing access to the parking area may be installed across these areas.
- (7) Any shared parking shall require a Shared Parking Analysis based on the ULI Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer, preferably a PTOE.
- (8) Bicycle Parking: Bicycle parking is required at one bicycle parking space for every 50 vehicle parking spaces, up to 200 vehicle parking spaces.
 - (a) Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one bicycle space;
- (9) Additional Off-Street Parking Regulations: For all parking standards not covered in this section refer to Off-Street Parking Regulations in the Westampton Township Zoning Ordinance;
 - (a) Off-street parking dimensions can be 9'-0" x 18'-0" and allow two lane drive aisle dimensions can be 24'-0";
- (10) Electric Vehicle Charging Stations: 2% of all parking spaces;

H. Screening Standards

- (1) Off Street Parking: All proposed off street surface parking areas with twenty (20) spaces or more, shall be screened from all public streets with the following criteria:
 - (a) A minimum eight (8) foot (8'-0") planting strip shall be located between the back of the public sidewalk and the parking area;
 - (b) The planting strip shall be planted with evergreen shrubs at least two and a half feet high (2'-5") at the time of planting with species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height;
 - (c) Perimeter shade trees shall be planted at no greater than thirty foot (30'-0") on center based on the perimeter length of the parking area;

- (2) Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 2 ½ to 3" caliper tree for every eight parking spaces which include perimeter trees;
- (a) Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - (b) Each such tree shall be located in a planting island with a minimum width of 9' and a minimum area of 150 square feet of pervious surface;
 - (c) The following distribution of trees shall apply:
 - [1] Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - [2] No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area;
- (3) Required Screening: The following uses must be screened from abutting property and view from a public street:
- (a) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - (b) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - (c) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - (d) Outdoor storage of materials, stock and equipment; and
 - (e) Any other uses for which screening is required under these regulations;
- (4) Landscape Buffer: Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least ten feet (10'-0") wide.
- (a) This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this section;
 - (b) A wall or fence may be used in conjunction with planted material. The composition of the screening material and its placement on the lot will be left up to the discretion of the property owner, so long as the purpose and requirements of this section are

satisfied;

- (5) Installation Requirements: The following contains standards to be used in installing screening:
- (a) Deciduous trees must be installed with a minimum 2 ½ to 3" caliper and evergreen species must have a minimum planting height of 6.' The minimum growth height of deciduous and evergreen species shall be 25'-0";
 - (b) Street trees should be trimmed up eight feet (8'-0") at the time of planting;
 - (c) Shrubs used in any screening or landscaping must be evergreen, at least 2 ½ feet (2'-5") tall with a minimum spread of two feet (2'-0") when planted and no further apart than four feet (4'-0"). They must be of a variety and adequately maintained so that an average height of three to four feet (3'-0" to 4'-0") could be expected as normal growth within four years of planting;
 - (d) Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
 - (e) A chain link fence with plastic, metal or wooden slats does not satisfy the requirements of this section;
 - (f) The maximum height for a wall or fence shall be four feet (4'-0") with the exception of screening for dumpsters which shall have a maximum height of six feet (6'-0");

I. Affordable Housing Requirements

- (1) Low- and moderate-income housing units within developments in the MU-1 Zone shall comply with accordance current COAH or court-approved rules and regulations and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation, which shall require that that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.
- (2) 15% of all residential units developed in the MU-1 Zone shall be set-aside as affordable. A minimum of 34 units shall be set aside as affordable for very low-, low- and/or moderate-income households in accordance with the provisions of this section.
- (3) Phasing plan: Phasing for the construction of buildings in the MU-1 Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).
- (4) Affordable housing units within developments in the MU-1 Zone shall comply with current COAH or court-approved rules and regulations and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation

which shall comply with the thirteen percent (13%) very low income requirements of the New Jersey Fair Housing Act ("FHA"), N.J.S.A. 52:27D-301, et. seq.

- (5) At least five (5) of the affordable units developed must be very low income households (earning 30% or less of area median income).
- J. Relationship to other sections of the combined land use ordinance: The regulations of the MU-1 Zone are intended to guide the orderly development of this zone district in accordance with the parameters of the referenced settlement agreement. Where there is a conflict between the MU-1 Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning Ordinance, the regulations contained in this section for the MU-1 Zone shall apply unless otherwise specified in the regulations of the MU-1 Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF WESTAMPTON

**AN ORDINANCE SUPPLEMENTING CHAPTER 250, "ZONING", OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD
TC-TOWN CENTER ZONE**

ORDINANCE NO. 14-2020

Section 1

Add Section 250-21.1 TC-Town Center Zone to read as follows:

250-21.1 TC-Town Center Zone

The purpose of the TC-Town Center Zone is to create a balanced development of commercial, residential and public uses in convenient and complementary relation to each other in order to encourage imaginative, efficient and orderly growth, in a pedestrian friendly and pedestrian scaled, walkable, mixed use environment. The TC Zone will provide housing opportunities for a range of residents and incomes, establish a streetscape and minimize the number of curb cuts along Burlington-Mount Holly Road, ensure that outdoor lighting and signage do not adversely affect the visual environment and the use and enjoyment of residential property nor detract from retail areas.

The TC-Town Center Zone will provide 1,144 multi-family residential apartment/condo units for sale or rent with 20 percent set aside over retail/commercial or over parking structures along County Route 541 (Burlington-Mount Holly Road) and along a main boulevard entrance road of which 228 shall be available to low- and moderate- income households. The development shall consist of a combination age-restricted and non-age-restricted units. Of the 228 affordable units, up to 148 of the affordable units may be, but shall not be required to be, senior units in accordance with applicable COAH regulations. The TC Zone will also provide between 125,000 square feet to 140,000 square feet of commercial/office development on the first floor of buildings along County Route 541 (Burlington-Mount Holly Road) and along a main boulevard entrance road. In areas toward the rear of the site, higher story buildings are permitted to be entirely residential or residential over parking structures in order to provide higher density residential development to satisfy a portion of the Township's fair share housing obligation. The development shall consist of a combination of commercial, residential and public uses, with a 20 percent set aside for low- and moderate-income households. The TC-Town Center Zone shall compass Block 906.07, Lot 5. The following regulations shall apply in the TC Zone:

- A. Definitions. The following terms not defined in Chapter 250. Zoning, Article II. Word Usage and Definitions, shall apply to the TC Zone:

APARTMENT

A building or portion thereof, designed for occupancy by three or more families living independently of each other. For the purposes of this Ordinance, an apartment is defined as a renter occupied unit as opposed to a Condo which is an owner occupied unit.

BUILDING HEIGHT

The vertical distance from the average elevation of the finished grade along the exterior of the building to the highest point of a flat roof, to the decline of a mansard roof, and to the average distance between the ridge and eaves for a gable hip or gambrel roof.

COAH

The New Jersey State Council on Affordable Housing.

CONDO

A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

OPEN SPACE

As defined in the Municipal Land Use Law including all green areas (including any environmentally constrained areas) and recreation areas (including impervious improvements thereon) and conservation areas based on the gross tract area prior to any dedications.

SIGN, DEVELOPMENT IDENTIFICATION

A one-sided or two-sided sign located at an entrance from a public street to a development within the TC Zone, the purpose of which is to provide the name and other identifying information about said development.

B. Permitted principal uses:

- (1) Residential: Multi-family residential apartments and condos over retail/commercial or over parking structures;
 - (a) In accordance with the December 23, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC) or subsequent Agreements or Settlements in effect and/or Court Orders, the multi-family residential development shall provide affordable housing opportunities for low-and moderate-income households. A minimum of 1,144 multi-family residential apartment/condo units shall be allowed at a density of 13.5 du/acre (plus office/commercial uses), with a twenty percent (20%) set-aside for a minimum of 228 affordable units. The units shall be provided in compliance with the Council on Affordable Housing rules, Uniform Housing Affordability Controls and Burlington County Superior Court Orders, as

applicable, except as to the very low income housing obligation, which shall require that thirteen (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq..

- (b) The affordable units shall be integrated fully with the market-rate units.
 - (c) Affordability requirements of the affordable units shall remain in effect for a minimum period of 30 years and until released by Westampton Township.
 - (d) The set-aside for very low-, low- and/or moderate income households shall be twenty percent (20%) of all residential units developed. The set aside for low- and/or moderate-income households shall be as per current COAH regulations (N.J.A.C. 5:93-1, et seq.), or as otherwise approved by the court.
 - (e) The bedroom distribution of affordable units shall be compliant with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
 - (f) Construction schedule, rents, affordability controls, income eligibility, control period, affirmative marketing plan of low and moderate income units and all other applicable regulations concerning the affordable units shall be compliant with the Township's Affordable Housing Ordinance, the Fair Share Housing Center Settlement Agreement and Burlington County Court Order(s).
- (2) Commercial/Office: General and medical office, physical therapy, basic research, outpatient care facilities, professional uses, banks, pharmacy, day spa, are permitted on the first floor or over a parking structure;
 - (3) Retail: Restaurants, eating and drinking establishments, cafes, shops, bakery, delicatessen, general stores, movie theater, grocery store / supermarket, book and stationery, florist, are permitted on the first floor or over a parking structure;
 - (4) Entertainment: Indoor recreation facilities limited to children's recreation facilities, racquet clubs, health clubs, miniature golf, golf learning center rock climbing, fitness related uses and other social or business related activities; s .
 - (5) Civic, Cultural, Institutional and Religious: Libraries, museums, theaters, art galleries, police and fire substations, municipal and civic uses;
 - (6) Outdoor Open Markets: Food trucks, florist truck, ice skating, live performances, outdoor movies, outdoor markets and selling fresh food and plants based on state laws and regulations;
 - (7) Structured Parking: Free standing or as an accessory use to a permitted use;
 - (8) Live Work / Studios: For artists, designers, photographers, musicians, sculptors,

gymnasts, potters, antique dealers and designers of ornamental and precious jewelry;

- (9) Public Plaza, Park or Open Space: Multi-functional outdoor uses including but not limited to music, movies, performances, ice skating, water, festivals, food trucks for individual or public gatherings.

C. Permitted Accessory Buildings and Structures.

- (1) Recreational facilities.
- (2) Off-street parking facilities.
- (3) Bus stops.
- (4) Utility and service structures, including, but not limited to, trash /recycling enclosure(s), generator(s), transformers, and maintenance shed(s).
- (5) Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
- (6) Storm water management structures and areas.
- (7) Development identification, traffic and directional signs.
- (8) Fences, retaining walls and wall enclosures.
- (9) Accessory uses and structures customarily incidental and subordinate to the principal permitted uses, including management and leasing offices.

D. Standards Applicable to Accessory Buildings and Structures:

- (1) Accessory structures and uses shall comply in all respects with the requirements of this ordinance applicable to the principal structures and uses.
- (2) When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements of this ordinance applicable to the principal structure.
- (3) No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities (surface or structure) which may be constructed prior to the primary use.
- (4) In no event shall the height of an accessory structure exceed the height of the principal building.

- (5) The aggregate area covered by accessory structures shall not exceed twenty-five percent (25%) of the rear yard.
- (6) The following accessory uses shall be permitted within a permitted commercial or retail use provided they are located on the first or second floor.
 - (a) Bank branch, walk-up ATM's;
 - (b) Retail shops;
 - (c) Barber, beauty and coffee shops;
 - (d) Confectionery and tobacco sales;
 - (e) Dry cleaning establishments;
 - (f) Travel agencies and automobile rental services;
 - (g) Conference center, meeting rooms;
 - (h) Massage therapy uses.

E. Prohibited Uses:

- (1) Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited.

F. Density, Area, Yard and Height Requirements:

The following requirements apply to the TC Zone:

- (1) Minimum Lot Area: The TC development shall be regarded as a cohesive unit that contains the entire acreage of Block 906.07, Lot 5 which is 84.56 acres. There is no minimum or maximum acreage for individual buildings.
- (2) The maximum number of residential units is 1,144 units at a density of 13.5 units per acres plus the commercial/office uses.
- (3) The minimum square footage of commercial/office use is 80,000 square feet and the maximum square footage of commercial/office use is 120,000 square feet.
- (4) Building heights will vary among the three story commercial/office buildings that front on Burlington-Mount Holly Road (maximum height of 35 feet), to the four story commercial/office/residential buildings behind the frontage structures (maximum height of 50 feet), to the five story commercial/office and/or the commercial/office/residential structures that are behind the four story structures (maximum height of 65 feet).

(5) Floor Area Ratio shall not apply to the TC Town Center Zone.

(6) Minimum Setback

(a) The minimum setback from Burlington-Mount Holly Road is 50 feet.

(b) The minimum setback for four story buildings is 150 feet from Burlington-Mount Holly Road and five story buildings shall be set behind the four story buildings.

(c) The minimum setback from the Main Boulevard entrance from Burlington-Mount Holly Road is 18' from the face of the curb.

(d) Utility structures, exhaust air vents, backflow preventers, or other similar devices when located above grade, must be located behind the setback, be screened and should not be located on the Boulevard. Utility structures located below grade may be located within the setback;

(e) Minimum Side Yard is 25 feet.

(f) The Minimum Rear Yard is 75 feet.

(7) Minimum building distance requirements.

(a) Side wall to side wall: 40 feet.

(b) Side wall to front or rear wall: 40 feet.

(c) Front wall to rear wall: 80 feet.

(d) Front wall to front wall: 80 feet.

(e) Rear wall to rear wall: 40 feet.

(f) Distance between principal building and access driveway or internal driveway curblines: 15 feet.

(g) Distance between principal building and parking area curblines: 15 feet.

(8) Maximum fence height: 6 feet.

(9) Sidewalks.

(a) Minimum sidewalk width: 4 feet.

(b) Minimum sidewalk width abutting parking: 6 feet.

G. Public Plaza:

- (1) A minimum 16,000 SF multi-functional public plaza shall be located along the main Boulevard outside of the public right of way;

H. Parking Standards:

- (1) Parking Standards: The minimum parking requirements for the TC zone are as follows:

<u>Use</u>	<u>Parking Ratio</u>
Residential Uses	Per Residential Site Improvement Standards (RSIS)
Retail	4.0 sp / 1,000 GFA ¹
Restaurant	1.0 sp / 3.0 seats plus 1.0 per employee based on Maximum Work Shift ¹
Medical Office	4.0 sp / 1,000 GFA ²
General Office	3.5 sp / 1,000 GFA
Civic, Cultural, Institutional	1.0 sp / 4.0 seats
Assembly	2.5 sp / 10.0 seats

⁽¹⁾ Outdoor seating areas do not count toward the required parking ratios

⁽²⁾ For projects where medical office use comprises over 25% of office space in the project the parking requirements shall be 6.0 spaces per 1,000 GFA

- (2) When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required.
- (3) Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure.
- (4) Up to 10% of the required parking stalls may be designated for compact cars.
- (5) Accessory uses do not require parking.
- (6) All surface parking shall be screened based on the Design Standards indicated in the Streetscape section of this TC zone.
- (7) For Civic Uses without seating, the Retail/Commercial parking requirements shall apply.
- (8) Setback Maneuvering: No surface parking or maneuvering space is permitted within any required setback, or between the permitted use and the required setback, except driveways providing access to the parking area may be installed across these areas.

- (9) Any shared parking shall require a Shared Parking Analysis based on the ULI Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer, preferably a PTOE.
- (10) On-Street Parking Spaces: Parking spaces located along the portion of a public street(s) abutting the use may be counted toward the minimum number of parking spaces required for retail / commercial uses only. On-street parking spaces must be located on the same side(s) of the street as the use. On-street parking cannot be counted for shared parking.
- (11) Bicycle Parking: Bicycle parking is required at one bicycle parking space for every 50 vehicle parking spaces, up to 200 vehicle parking spaces.
 - (a) Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one bicycle space;
- (12) Structured/Underground Parking Decks: For residential units the following requirements shall be met:
 - (a) Parking Security / Gates: Residential developments, including mixed or multi-use with a residential component may provide security for residents by controlling vehicular and pedestrian access to the second level or underground level in areas designated for the residential parking
 - (b) At-grade parking shall remain available for commercial/office and residential uses;
- (13) Additional Off-Street Parking Regulations: For all parking standards not covered in this section refer to Off-Street Parking Regulations in the Westampton Township Zoning Ordinance;
 - (a) Off-street parking dimensions can be 9'-0" x 18'-0" and allow two lane drive aisle dimensions can be 24'-0";
- (14) Electric Vehicle Charging Stations: 2% of all parking spaces;

I. Screening Standards

- (1) Off Street Parking: All proposed off street surface parking areas with twenty (20) spaces or more, shall be screened from all public streets with the following criteria:
 - (a) A minimum eight (8) foot (8'-0") planting strip shall be located between the back of the public sidewalk and the parking area;

- (b) The planting strip shall be planted with evergreen shrubs at least two and a half feet high (2'-5") at the time of planting with species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height;
 - (c) Perimeter shade trees shall be planted at no greater than thirty foot (30'-0") on center based on the perimeter length of the parking area;
- (2) Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 2 ½ to 3" caliper tree for every eight parking spaces which include perimeter trees;
 - (a) Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - (b) Each such tree shall be located in a planting island with a minimum width of 9' and a minimum area of 150 square feet of pervious surface;
 - (c) The following distribution of trees shall apply:
 - [1] Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - [2] No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area;
- (3) Required Screening: The following uses must be screened from abutting property and view from a public street:
 - (a) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - (b) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - (c) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - (d) Outdoor storage of materials, stock and equipment; and
 - (e) Any other uses for which screening is required under these regulations;
- (4) Landscape Buffer: Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least ten feet (10'-0") wide.

- (a) This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this section;
 - (b) A wall or fence may be used in conjunction with planted material. The composition of the screening material and its placement on the lot will be left up to the discretion of the property owner, so long as the purpose and requirements of this section are satisfied;
- (5) Installation Requirements: The following contains standards to be used in installing screening:
- (a) Deciduous trees must be installed with a minimum 2 ½ to 3” caliper and evergreen species must have a minimum planting height of 6.’ The minimum growth height of deciduous and evergreen species shall be 25’-0”;
 - (b) Street trees should be trimmed up eight feet (8’-0”) at the time of planting;
 - (c) Shrubs used in any screening or landscaping must be evergreen, at least 2 ½ feet (2’-5”) tall with a minimum spread of two feet (2’-0”) when planted and no further apart than four feet (4’-0”). They must be of a variety and adequately maintained so that an average height of three to four feet (3’-0” to 4’-0”) could be expected as normal growth within four years of planting;
 - (d) Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
 - (e) A chain link fence with plastic, metal or wooden slats does not satisfy the requirements of this section;
 - (f)The maximum height for a wall or fence shall be four feet (4’-0”) with the exception of screening for dumpsters which shall have a maximum height of six feet (6’-0”);
- (4) Off-Street Standards: Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers take place within the property line, service alley or secondary street. These parking spaces shall not interfere with the normal movement of vehicles and pedestrians in the public rights-of-way, unless otherwise approved. These parking spaces must be provided in accordance with the following:
- (a) Less than 25,000 square feet: None Required
 - (b) 25,000 – 50,000 square feet: 1 bay + 1 compactor –
 - (c) 50,000 – 100,000 square feet: 2 bays + 1 compactor

- (d) 100,000 – 150,000 square feet: 2 bays + 2 compactor
- (5) The minimum dimension of a loading area shall be 12' x 35' with a height clearance of 14 feet.
- (6) Off-street loading and unloading shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading or unloading operations, other than ingress and egress to the lot.

J. Development / Place-Making Design Standards

- (1) The design standards in this section provide the criteria for development within the TC zone in order to promote a high quality, pedestrian friendly, mixed use environment. These standards promote:
 - (a) Appropriate scale for Town Center zone;
 - (2) Standards for commercial, office, residential and civic uses;
 - (3) Mixture of architectural styles with;

K. Town Center Design Standards:

- (1) Architectural Character: All buildings shall reinforce pedestrian scale.
 - (a) The base of buildings shall be distinguished from the middle and top of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
 - (b) Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
 - (c) Special attention must be given to the design of windows at the base of buildings;
 - (d) Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged;
 - (e) Building facades in excess of 120'0" in length shall be designed to avoid a monolithic appearance through the use of different façade materials and building setbacks that act to break the building appearance into smaller increments and sections;
 - (f) Building materials may include: brick, stone, cast stone, metal and glass storefront assemblies, wood and fiber cement siding;

- (g) Vinyl siding of any type and grade is strictly prohibited on any portion of any building façade visible from a public area within the TC zone;
- (h) Primary building materials shall include: brick, stone, cast stone, and/or glass which cover a minimum of 65% of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 35% for each building façade;
- (i) Generic national branding architecture for freestanding retail/commercial buildings unless it meets the requirements of this section is prohibited;
- (j) Storefront design should reflect the individual tenant's brand identity;

L. Building Orientation

- (1) All buildings shall be oriented toward public streets and public open spaces. The building front is considered to be the elevation facing any public street unless the building is adjacent to a park, plaza or open space, in which case the building should orient to both the public street and the open space.
 - (a) The first floors of all buildings, including structured parking, must be designed to encourage and compliment pedestrian-scale activity. It is intended that this be accomplished principally by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 75% of the retail or commercial length of the first floor street frontage;
 - (b) All new commercial and retail first floors shall have a 14'- 0" minimum interior floor to floor height;

M. Building Entrances: Building entrances should be easily identifiable and feature large, open and transparent windows with unique and interesting signage; (Operable windows are encouraged)

- (1) Entrances for residential, office and uses other than retail should be separate and distinct from retail entrances;
- (2) In locations adjacent to a public plaza, permanent shade structures for outdoor dining are strongly encouraged. The depth of outdoor dining should be coordinated based on the amount of area for pedestrian access;

N. Building Storefronts

- (1) All retail tenants may have the opportunity to design and install their own storefronts as a way to express their individual identity and positioning provided they observe the minimum guidelines noted below:
 - (a) Storefronts should be "individual" expressions of a tenant's identity;

- (b) Tenant's storefront construction should be of high quality and craftsmanship;
- (c) Any restaurant use is encouraged to provide outdoor seating;
- (d) In locations adjacent to a public plaza, permanent shade structures for outdoor dining are strongly encouraged. The depth of outdoor dining should be coordinated based on the amount of area for pedestrian access;

O. Storefront Components:

- (1) Entries & Doors: The placement of doors and their design are an integral part of the storefront because they establish a clear point of entry to the store;
 - (a) Restaurants especially should use doors to open interior seating spaces to the outside café seating on the sidewalk;
- (2) Canopies & Awnings: Canopies, awnings, and similar architectural accents are encouraged along the boulevard;
 - (a) Canopies and awnings should be comprised of rigid materials and should be horizontal in nature;
 - (b) Any canopy may extend from the building up to one half of the width of the setback area in front of the building, or eight (8) feet, whichever is less;
 - (c) Minimum overhead clearance shall be ten (10'-0") feet. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement shall be required;
- (3) Balconies/balconettes: Can be incorporated into the building façade and are allowed to project into the setback up to 4'-0" starting at the second level;
- (4) Windows: Operable windows are strongly encourage for all restaurant uses facing the boulevard and public plaza's;

P. Storefront Materials:

- (1) The approach to storefront design should be to create the highest quality level possible with an emphasis on user-friendly materials. The minimum recommendations below, outline some of the specifics when considering materials for storefronts:
 - (a) Focus should be on window design to create a visual connection between the interior and exterior;
 - (b) Recommended materials are wood, metal, brick, stone, glass and concrete as well as plaster;

- (c) Acceptable materials are durable, smooth exterior grade woods such as oak, redwood and poplar;
 - (d) Durable materials are especially critical at street level where pedestrian contact will be considerable. EIFS or similar materials are not permitted on the ground level;
 - (e) Storefronts should be predominantly glass to provide views into the store, but glass should not be the exclusive material;
- (2) The following materials are strongly discouraged:
- (a) Plastic and metal laminates;
 - (b) Acrylic;
 - (c) Plastics;
 - (d) Smoked or tinted glass;
 - (e) Simulated materials;
 - (f) Mirror;
 - (g) EIFS;

Q. Street Level Frontage / Uses: Uses fronting the boulevard must be either occupied commercial, retail, entertainment or restaurant.

- (1) Residential uses are not permitted fronting on the first floor along the boulevard but are permitted on the first floor for all other streets in the TC zone;
 - (a) Residential lobbies and entrances, however are permitted on the first floor along the boulevard so long as they are less than 25% of the total street frontage for the building;
 - (b) Entrances for residential should be distinct and separate from the entrances of all other first floor uses;
- (2) All non residential ground floor space shall include a ventilation shaft regardless of whether or not restaurants uses are proposed;
- (3) Temporary / semi-permanent outdoor dining and seating is encouraged within the minimum 16'-0" setback for retail and restaurant uses;
- (4) Seating is encouraged to be designed either along the building façade or at the back of the curb. These areas should be clearly identified with either permanent, semi-

permanent or temporary barriers;

- (5) A minimum six foot (6'-0") clear zone must be maintained within the building setback in order to allow adequate pedestrian flow;

R. Doors and Windows: Where windows are used they must be transparent. Where expanses of solid wall are necessary, they may not exceed 30'-0" feet in length.

- (1) The first floor and street level must be designed to address all public streets and all adjacent public plaza;
- (2) For buildings fronting on two streets or one street and one public plaza or open space the entrance to the building should provide access from the primary street and is encouraged to provide access from the secondary street or public plaza;
 - (a) For buildings that do not provide access from the secondary street or open space, the building facade should provide windows and/or architectural details that are aesthetically interesting;
- (3) Operable windows are strongly encouraged at the street level;

S. Public Plaza:

- (1) For any building that fronts a public plaza, the first floor uses shall wrap the building and provide frontage on the plaza space;
- (2) The public plaza shall be designed as a multi-functional space that permits a variety of uses through the year for gathering;

T. Structured Parking:

- (1) Structured parking shall be screened with uses along the boulevard;
- (2) Structured parking shall be screened with either uses or shall include decorative architectural details such as building materials, windows and detailing along all other streets in the TC zone;
 - (a) Architectural detail elements should have the same or similar materials and should have the same or similar scale for openings as the residential / commercial building above;
 - (b) Other than at the parking entrances, vehicles shall not be visible from the center line of either public street;
- (3) All ramps shall be internal to the parking structure and shall not be visible from any public street;

- (4) Driveway and garage openings should not exceed 28'-0" in width and should include traffic calming measures and a change in surface materials where driveways cross the sidewalk to help ensure pedestrian and bicycle safety;
- U. Mechanical Equipment Screening: The screening of rooftop mechanical equipment is required.
- (1) All rooftop mechanical equipment including cell phone antennae shall be screened from view from all adjacent public streets, open spaces and parks in all directions and elevations to minimize the negative impact from any public street, neighborhood or adjacent building;
 - (2) Screening materials shall be consistent with the architectural detail, color and materials of the building;
 - (a) Wire mesh screening is not permitted;
 - (3) All roof and HVAC systems must be set back a minimum of 15' from the boulevard and 10' from any other public street or public open space from the building edge and screened as to not be visible from any adjacent public street or public property;
 - (4) Any wall pack ventilation unit facing a public street must match the adjacent material color;
- V. Building Service Locations: All service locations for new development shall be provided at the rear, side or interior portions of the building and shall not be permitted directly on the boulevard;
- W. Streetscape Design Standards: A successful neighborhood is not complete until its parks, open space, sidewalks and streetscape have been designed and "furnished". The items that are referred to as streetscape elements in this guideline include such things as street lights, sidewalks, benches, trash receptacles and other street furniture which reinforce the character of the street and the neighborhoods. The following section addresses an overall approach for the design of streetscape elements that are to be considered as part of the overall TC zone vocabulary. These standards are meant to establish the minimum criteria that will be required for the design and implementation of streetscape, parks and open space improvements.
- (1) Town Center Streetscape: The streetscape for the TC zone should be designed with a similar palette of materials and standards in order to portray a cohesive district.
 - (2) Street Dimensions:
 - (a) The minimum dimension from the primary building facade to the primary

building facade along the boulevard shall be 140'-0";

- (c) The minimum setback from the building to the face of curb shall be 16'-0";
 - (c) The boulevard should be based on a paired one way system;
 - (d) Parallel parking shall be provided along the 16'-0" setback and angled parking shall be provided along the interior portions of both sides of the boulevard;
 - (e) Pedestrian bump outs shall be included at all internal intersections;
- (3) Streetscape Elements: The following streetscape elements shall be provided per this section of the Design Standards. Proposed development projects shall provide these elements as a part of the approval process;
- (a) Street Trees: Street trees shall be planted in either grates or open landscape areas equivalent to 30'-0" on center along all public street frontage;
 - [1] Street trees shall be planted with a minimum four inch 2 ½ to 3" caliper, shall be trimmed up to 8'-0" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen;
 - [2] Prior to installation a minimum 4'-0" by 8'-0" area should be treated and prepared for tree root growth.
 - [3] A minimum 2 year maintenance and watering plan shall be put into place;
 - [4] Recommended street trees such as but not limited to: Gleditsia Tricanthos (Honey Locust – thornless and pod free), Zelkova, Katsura, Hedge Maple, Hornbeam and Ginko (Male only);
 - [5] 120 V ground mounted GFI receptacles should be located at the base of every street tree;
 - [6] Tree up light fixture should be located at the base of every street tree. (Recommend: Hadco #BT1-AL, 75 W MR16 Lamp or equal);
 - [7] Conduit for all power should be located at the back of the 4'-0" street furniture area (under the pavers);
 - [8] Drip irrigation system;
 - (b) Design & Materials:

- [1] Sidewalks should incorporate street furniture setback a minimum of 4'0" from the back of curb toward the building on both sides of the boulevard. This area should include trees, plantings, and street furniture;
- [2] Sidewalks should have a higher level of finish on pedestrian oriented, mixed-use streets (pavers, colored stamped concrete, etc. - asphalt is prohibited);
- [3] The pattern and type of materials will be determined during the design phase;

(c) Seating, Benches & trash receptacles:

- [1] Two sets of benches with one trash receptacle should be located at minimum every 60'-0" on center, centered between the street trees;

(d) Street Lighting:

- [1] Street lights should be located as part of the streetscape and function as a unifying element;
- [2] Fixtures should exhibit an aesthetic as well as functional purpose to create interest and a sense of scale for the pedestrian and should provide at minimum brackets to allow for banners;
- [3] Luminaires should be translucent or glare-free using opaque glass or acrylic lenses;
- [4] Diffusers and refractors should be installed to reduce unacceptable glare adjacent to residential areas;
- [5] The specific street light and spacing of poles shall be determined during the design phase; - GFI's should be located at the top of the pole;
- [6] The height and spacing of the light poles should be based on a photometric calculation, however, the maximum light pole height shall be 25';
- [7] Lights should be centered between the street trees within the 4'-0" street furniture zone;
- [8] Street light specifications and locations shall be submitted for review and approval prior to installation;

(e) Planting Pots & Planters:

- [1] Pots and planters can be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety;
- [2] Pots and planters can be placed anywhere pedestrian or vehicular traffic is not disturbed, but may function as a separation between pedestrians and vehicles;
- [3] Large pots are preferred to fixed boxes to allow for maintenance or service access;
- [4] Pots and planters are ideally located near seating areas, but plant materials should not interfere with circulation or comfort;
- [5] Drip irrigation system;

[6] Flower baskets;

(f) Tree Grates:

- [1] Tree grates can be used wherever a tree is placed within a high traffic area;
- [2] Tree grates should allow for tree growth and be made of ductile iron and should be factory painted;
- [3] Tree grates should be designed to allow for GFI's and uplighting;

(g) Trash Receptacles:

- [1] Trash receptacles should be located conveniently for pedestrian use and service access in significant areas and gathering places;
- [2] Trash receptacles should be permanently attached to deter vandalism and have sealed bottoms with sufficient tops to keep contents dry and out of pedestrian view;
- [3] The type and location of the trash receptacles will be determined during the design phase;
- [4] At minimum every other trash receptacle should include an additional recycling container;

(h) Bicycle Racks:

- [1] Bicycle racks should be permanently mounted and placed in convenient locations to encourage bicycle use but not to obstruct views or cause hazards to pedestrians or drivers;

[2] Bicycle racks should exhibit a simple and easy design that allows for convenient and safe use by the public;

(i) Bollards:

[1] Bollards should integrate with and aesthetically complement the overall streetscape concept; respond to the area it supports (Plaza vs Services); setback from curbs to allow unobstructed opening of parked car doors;

[2] Bollards may be chained or cabled together to ensure pedestrian safety or define areas for public functions;

[3] Removable bollards should be used where service vehicles need access and for street closures in the event of festivals or community events;

(j) Fountains:

[1] Fountains or water features can be located in key public areas such as parks or plazas, should allow for ample pedestrian circulation on all sides and should be designed to encourage “sitting” or for interaction;

(k) Public Art:

[1] Public art should be “accessible”; tie to the history of Westampton Township and if possible, should be created by a local source; include water, seating, planting, decorative architectural elements or plaza space design;

[2] Public art should be visible, but not interfere with pedestrian circulation or create a traffic hazard; made of durable, weatherproof materials; and should be designed to avoid physical hazards;

(l) Kiosks:

[1] Kiosks can be used for retail purpose or to impart community information to the public;

[2] Kiosks should be accessible and attractive from all sides and well-illuminated and they should be flexible to allow for up-to-date information;

(m) Utility Accessories:

[3] Utility boxes, meters, man hole covers and fire hydrants should be coordinated with other streetscape accessories;

[8] Utilities should be readily accessible and placed so as not to obstruct pedestrian movement;

[4] Utility locations should minimize visual and physical impact as much as possible;

[5] Utilities should blend in with the surroundings or enhance the area;

X. Signage Standards Overview

- (1) The developer is encouraged to explore a variety of signage types, sizes and styles with the objective of integrating the design of the signage into the streetscape design. Storefronts are expected to take maximum advantage of store logos, specialty letter styles, quality materials, graphic flourishes and high impact graphics;
 - (a) The goal is to maintain creative consistency that identifies the tenant's identity and integrates with the storefront façade design;
 - (b) Signs can be in the form of a painted sign, flat sign, fin sign, window sign, illuminated or non-illuminated sign, dimensional sign, sidewalk sign or awnings;
 - (c) Emphasis should be on durable, natural materials and quality manufacturing and can include cast, polished or painted metal; painted, stained or natural wood; glazed and ceramic tile; etched, cut, edge-lit or stained glass; cast stone and carved natural stone;
 - (d) Tenants should strive for creativity, uniqueness and high quality;
 - (e) Neon signs strictly prohibited;
- (2) For all signage standards not covered or specifically stated in this Section, refer to Chapter 250.25. Signs;
- (3) Storefront Zone Criteria: A variety of sign types is both permitted and encouraged.
 - (a) Primary Signs: The Primary sign refers to a tenant's sign above the entry;
 - (b) Secondary Signs: Secondary signs are those signs that mark a second entrance or corner condition such as would occur on a street corner or at a public place;
 - (c) Additional Signs: A variety of other sign types are encouraged including;
 - [1] Projecting Signs: A projecting sign mounts perpendicular to a building façade and typically hangs from decorative cast or wrought iron brackets, or is firmly mounted to the façade. The use of projecting signs is strongly encouraged;
 - [2] Blade Signs: Should be located at a minimum of 10'-0" above finished

grade, and should only project a maximum of 4'-0" from the face of the storefront;

[3] Flags & Banners: Canvas or nylon flags and banners may be used but vinyl banners are discouraged. Flags or banners can be hung perpendicular to the building from poles, or flat against the building. Flag or banner content should be limited to tenant identity, and should not be used for advertisement of specific products or services;

- (4) Sidewalk Signs: Can be used to enhance a tenant's identity and should be considered as temporary signage. Restaurant menu boards are the best example of the appropriate use of sidewalk signs;
- (5) Window Signs: These signs are meant to establish or enhance a tenant's identity and should not be considered as temporary signage that advertises sales, promotions, etc.;
- (6) Pad mounted transformers within storefront area are prohibited unless architecturally screened;

Y. Affordable Housing Requirements

- (1) Very low-, low-, and moderate-income housing units within developments in the TC Zone shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., except as to the very low income housing obligation, which shall require that thirteen percent (13%) of the affordable units within each bedroom distribution are very low income, per the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq.
- (2) Twenty percent (20%) of all residential units developed in the TC Zone shall be set-aside as affordable. Based on a density of 13.5 du/acre, a minimum of 228 affordable units in the TC Zone shall be set aside for very low-, low- and/or moderate income households in accordance with the provisions of this section.
- (3) A minimum of thirty (30) of the affordable units developed shall be restricted to very low income households (earning 30% or less of area median income).
- (4) Construction of buildings in the TC Zone may be phased in any matter to be determined by the developer, subject to the phasing schedule established by N.J.A.C. 5:93-5.6(d).

Z. Relationship to other sections of the combined land use ordinance: The regulations of the TC Zone are intended to guide the orderly development of this zone in accordance with the parameters of the referenced settlement agreement. Where there is a conflict between the TC Zone regulations and any other regulations of the Westampton Township Site Plan Review Ordinance, Land Subdivision Ordinance or Zoning

Ordinance, the regulations contained in this section for the TC Zone shall apply unless otherwise specified in the regulations of the TC Zone.

Section 2

All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3

This ordinance shall take effect upon final passage and publication according to law.