

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APRIL 7, 2021 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 4, 2021 and posted in the Municipal Building. This meeting is being held virtually via Zoom technology. For Zoom instructions, please go to the Township website: www.westamptonnj.gov, click on Government, then Land Development Board. Instructions to join the meeting are listed under "News and Announcements"
3. Pledge of Allegiance. Welcome to guests.
4. Roll Call: Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Thorpe, Mr. Wisniewski, Mr. Odenheimer, Mr. Ottey, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 3/3/2021
7. Resolutions: for approval/memorialization
 - a. 8-2021 DR Horton, NJ/PA, Block 204, Lot 2 (Springside Road & Valley Farm Road) – application for preliminary & final site plan approval, preliminary and final major subdivision approval (Laurel Run subdivision)
8. Old Business: None
9. New Business:
 - a. Dolan Contractors, Inc., Block 203, Lots 8 & 9 (597 Rancocas Rd.) – site plan & variance (electronic changeable copy sign for Rancocas Business Park)
 - b. Oaks Integrated Care, Block 1701, Lot 30 – site plan waiver (walk in freezer/ refrigerator with ramps)
 - c. Public Hearing: Westampton Township Amended Housing Element & Fair Share Plan

d. Review Ordinance #4-2021 – an Ordinance Supplementing Chapter 250, Zoning, of the Code of the Township of Westampton to add Agrihood Mixed Use Zone

10. Resolutions for approval/memorialization:

a. 9-2021 Recommend Adoption of Ordinance #4-2021, an Ordinance Supplementing Chapter 250, Zoning, of the Code of the Township of Westampton to add Agrihood Mixed Use Zone

b. 10-2021 Adopt Housing Element & Fair Share Plan

11. Informal Applications: None

12. Correspondence: None

13. Open meeting for public comment:

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

15. Adjourn

RESOLUTION: 8-2021

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: DR Horton NJ/PA Inc.

BOARD'S DECISION: GRANTED - Application for Preliminary and Final Site Plan Approval and Preliminary and Final Major Subdivision Approval

PROPERTY ADDRESS: Springside Road and Valley Farm Road - Block 204, Lot 2

ZONING DISTRICT: R-9 Residential District

DATE OF HEARING: March 3, 2021

WHEREAS, DR Horton NJ/PA ("Applicant") filed an application with the Westampton Land Development Board ("Board") requesting preliminary and final site plan approval and preliminary and final subdivision approval. The Applicant is proposing to subdivide an existing 73.56 acre parcel for development of 223 fee simple townhomes in 39 separate buildings and 275 apartments units contained in eleven (11) multistory buildings. The apartment buildings will be contained within proposed lot 2.02 with an area comprising 30.76 acres. Proposed improvements contained within the apartment parcel include a clubhouse comprising approximately 2,887 square feet and a pool, a maintenance building and parking areas. The townhouses will be contained within proposed lot 2.01 which will comprise 42.19 acres. Proposed improvements contained within the townhouse parcel include a 6' wide asphalt walkway encircling a grass, open field area. Recreation and playground amenities are proposed on the interior side of the walkway, on the eastern side of the open area. Both the apartment and townhouse components will be improved with landscaping, site lighting and stormwater management facilities. The majority of the site fronts along the southbound lane of Springside Road (CR 635). A 0.62 acre portion of the tract will be dedicated to Burlington County for road widening purposes. The southerly most portion of the tract fronts on Valley Farm Road. Access to the overall tract will be provided from Springside Road via two (2) new full movement driveways. The property is located at Springside Road and Valley Farm Road, Westampton, New Jersey, designated as Block 204, Lot 2 on the Township Tax Map ("Subject Property"). The R-9 Ordinance was adopted specifically for Block 204, Lot 2 to permit market rate townhouses and apartment units and 75 affordable apartment (multifamily) units to satisfy a portion of the township's affordable housing obligation; and

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

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on March 3, 2021. The Applicant was represented by Stephen R. Nehmad, Esquire

and CherylLynn Walters, Esquire. The Board heard testimony from the Applicant's witnesses and professionals as to the nature, purpose, location, and description of the proposed preliminary and final major site plan and proposed preliminary and final subdivision plan; and

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

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the March 3, 2021 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Board considered the following submissions from the Applicant:
 - A. Preliminary & Final Major Subdivision and Major Site Plans, Laurel Run, prepared by Hammer Land Engineering, dated 12/07/20, including:
 - 1) Cover Sheet, Sheet 1 of 38.
 - 2) General Notes and Zoning Sheet, Sheet 2 of 38.
 - 3) Existing Conditions & Removals Plan, Sheet 3 of 38.
 - 4) Overall Site Layout Plan, Sheet 4 of 38.
 - 5) Enlarged Site Layout Plan, Sheets 5 to 7 of 38.
 - 6) Overall Grading, Drainage and Utility Plan, Sheet 8 of 38.
 - 7) Enlarged Grading Plan, Sheets 9 to 11 of 38.
 - 8) Enlarged Drainage Plan, Sheets 12 to 14 of 38.
 - 9) Enlarged Utility Plan, Sheets 15 to 17 of 38.
 - 10) Enlarged Soil Erosion and Sediment Control Plan, Sheets 18 to 20 of 38.
 - 11) Soil Erosion and Sediment Control Notes & Details, Sheet 21 of 38.
 - 12) Conduit Outlet Protection Details, Sheet 22 of 38.
 - 13) Enlarged Landscaping Plan, Sheets 23 to 25 of 38.
 - 14) Enlarged Lighting Plan, Sheets 26 to 28 of 38.
 - 15) Landscaping Details, Sheet 29 of 38.
 - 16) Lighting Details, sheet 30 of 38.
 - 17) Profiles, Sheets 31 to 34 of 38.
 - 18) Construction Details, Sheets 35 to 37 of 38.
 - 19) Emergency Vehicle Circulation Plan, Sheet 38 of 38.
 - B. Boundary & Topographic Survey, Sheets 1 and 2 of 3 and Sheet 1 of 1 prepared by Professional Design Services, LLC dated 6/08/20.
 - C. Final Plat - Major Subdivision - "Laurel Run," Sheets 1 to 3 of 3 prepared by Professional Design Services, LLC dated 6/08/20.
 - D. Architectural Plans prepared by Wade Architecture dated 2/10/18 including:
 - 1) Cover Sheet, Sheet CS.1.
 - 2) Specifications, Sheet SP.1.
 - 3) Specifications, Sheet SP-2.
 - 4) Quick View, Sheet A.0.1.
 - 5) Quick View with Optional Alternate Entry, Sheet A.0.2.
 - 6) Front Elevation, Sheets A1.1-A.1.5.

- 7) Rear Elevations, Sheet A.2.1.
 - 8) Side Elevations, Sheets A.2.2-A.2.5.
 - 9) Section View, Sheet A.2.11.
 - 10) Section View With Loft, Sheet A.2.12.
 - 11) Foundation Plan, Sheet A.3.1.
 - 12) Lower Level Floor Plan, Sheet A.3.2.
 - 13) Lower Level Floor Plan-Options, Sheet A.2.3.
 - 14) First Floor Plan, Sheet A.4.1.
 - 15) Second Floor Plan, Sheet A.5.1.
 - 16) Second Floor Plan With Loft, Sheet A.5.2.
 - 17) Loft Level Floor Plan, Sheet A.6.1.
- E. Stormwater Management Report, prepared by Hammer Land Engineering, dated 12/07/12.
 - F. Operations and Maintenance Manual, prepared by Hammer Land Engineering, dated 12/07/12.
 - G. Sanitary Sewer Engineer's Report, prepared by Hammer Land Engineering, dated 12/07/12.
 - H. Water System Engineer's Report, prepared by Hammer Land Engineering, dated 12/07/12.
 - I. Ecological Resource Evaluation and Impact Assessment Report prepared by Eastern States Environmental Associates, Inc. dated 11/25/20.
 - J. Traffic Engineering Assessment, prepared by Nathan B. Mosely, PP, CME, of Shropshire Associates, LLC, of Atco, NJ, dated December 4, 2020.
 - K. Preliminary Subsurface Investigation prepared by Mellick-Tully & Associates dated March 24, 2020.
 - L. Soil Test Pit investigation performed by Underwood Engineering dated 8/03/20.
 - M. Application Cover Letter, prepared by Stephen R. Nehmad, Esq. of Nehmad Davis & Goldstein, PC, dated 12/11/20.
 - N. Sample Declaration of Restrictive and Protective Covenants
 - O. Township of Westampton Site Plan Application dated 12/04/20.
 - P. Hammer Response to Professional letters dated 2/12/21.
2. The Board considered the following review letters submitted by the Board Professionals:
- A. A letter prepared by the Board Engineer, James Winckowski, PE, CME dated January 30, 2021; and
 - B. A letter prepared by the Board Planner, Barbara Fegley, AICP, PP, dated January 29, 2021; and
 - C. A report prepared by the Westampton Township Emergency Services, dated February 3, 2021
3. The Subject Property is owned by the Diocese of Trenton and is located at 39 Springside Road, Westampton, New Jersey. Applicant is the contract purchaser of the Subject Property. The Subject Property is designated as Block 204, Lot 2, and lies in the R-9 Residential District.

4. The Applicant seeks (1) preliminary and final major site plan approval for the development of 275 apartment units contained in eleven (11) multistory buildings, and (2) a preliminary and final major subdivision approval of the property to subdivide an existing 73.56 acre parcel for development of 223 fee simple townhomes in 39 separate buildings and a lot containing the 275 apartments units.

5. The Applicant submitted the following exhibits during the March 3, 2021 hearing: Exhibit A-1 – Exhibit List; Exhibit A-2 – Witness List; Exhibit A-3 – Existing Conditions Exhibit; Exhibit A-4 – Site Layout Rendering; Exhibit A-5 – Subdivision Exhibit; Exhibit A-6 – Architectural Elevations & Renderings – Townhouse Sample; Exhibit A-7 – Floor Plans – Townhouse Sample; Exhibit A-8 – Architectural Elevations & Renderings – Townhouse Sample; Exhibit A-9 – Floor Plans – Townhouse Sample; Exhibit A-10 – Architectural Rendering, Elevation & Floor Plan – Apartments Sample; Exhibit A-11 – Architectural Elevation & Floor Plan – Apartments Building Type B; Exhibit A-12 – Architectural Elevation & Floor Plan Building Type C; Exhibit A-13 – Architectural Rendering, Elevations & Floor Plan – Apartments (Club House & Maintenance Building); Exhibit A-14 – Sign Exhibit; and Exhibit A-15 – Rancocas Village Historic District Exhibit.

6. Robert Fecso, Applicant's representative, Joseph D. Hanrahan, Applicant's site and civil engineer, Robert Regazzoni, Applicant's townhome architect, Thomas Bernnan, Applicant's apartment architect and Nathan B. Mosley, Applicant's traffic engineer, were all sworn in by the Board solicitor.

7. Mr. Nehmad presented and introduced the Application to the Board and explained the requested relief. Mr. Nehmad stated that the site is about 73 and one-half acres in size; the Application is for an inclusionary housing development and is part of Westampton Township's Fair Share plan; pursuant to the terms of the settlement, this tract was to be included in the Township's Affordable Housing plan; the governing body has already seen this plan and everything was incorporated into the settlement; and this project assists the Township in providing affordable housing.

8. After placing his credentials on the record, the Applicant's site / civil engineer, Mr. Hanrahan, testified that the plan was designed to fit the ordinance and existing site conditions were reviewed. Mr. Hanrahan further testified that the site is located off of Rancocas Springside Road, next to the Rancocas Valley Baptist church on the site formerly owned by the Diocese of Trenton; it has 700 feet of frontage on Valley Farm Road and 2,100 feet of frontage along Springside Road; it is in the R-9 District and is fully compliant with the zone. The R-9 zone was created recently by the governing body; Springside Road is a County road; this plan has been conditionally approved by the County Planning Board. Further, Mr. Hanrahan testified that the plan consists of 498 units in total; 223 townhomes are on the north side of the property, and to the south are the apartment buildings, consisting of 275 units, separated by a two-acre passive recreation park; the townhomes consist of 39 buildings, with 4 to 7 units per building; there are three different product types; three story and two-story units. Mr. Hanrahan then testified as to certain of the unit types, the Nash unit, which is a 3-story unit with a one car garage; the Atlas, is a three-story unit with a two-car garage, the Lafayette, a 3 story with a one car garage and the Delmar, a two story with a one car garage, all on fee simple lots. There are 28 foot wide and 24

foot wide roads, all compliant with RSIS standards. The apartment community consists of 11 buildings, 3 story rental units; a 2,900 square foot clubhouse with a pool and patio, a 1,300 square foot maintenance building and a stormwater management basin; the townhome section will have its own stormwater management basin; 75 apartment units will be affordable; there will be a walking path around the perimeter of the two-acre park. Additionally, Mr. Hanrahan testified that the lot will be subdivided into 225 lots; one for the apartment community, one for the common area lot for the homeowner's association and the 223 townhome lots; two boulevard drives are proposed; one near the townhomes, the other to service the apartments; the plan complies with RSIS requirements; and parking exceeds ordinance requirements as 1,087 spaces are required and 1,135 spaces are provided.

9. Mr. Hanrahan further testified that the landscape plan is extensive; it complies with ordinance requirements; buffers all comply with ordinance requirements; water and sewer will be provided by existing mains on Springside Road as well as on the Willingboro Township line. Mr. Hanrahan testified that all applications have been submitted to the Willingboro MUA for review; soil conservation is under review and the Applicant has the County's comments; the Applicant has conditional approval from the County for site and subdivision approval and the County has approved the Applicant's access plan. No variances are being requested and they have received the Board's professional's reports and have already responded with letters with comments. The Applicant can address all of the comments in the professional reports and do not find any to be problematic except as noted hereinafter on Page 10. Mr. Hanrahan testified that there are two signs for the project, one at each entrance drive, 3 feet by 8 feet in size mounted within a monument structure.

10. Mr. Guerrero asked which buildings would be two stories since the site plan depicts only three-story buildings. Mr. Hanrahan testified that it will depend on market conditions when they units are sold and that it will not be decided until construction time.

11. James Winckowski, the Board's engineer, asked if the end units would be all two car garages, and the Applicant testified that most likely they would, but this is part of the options. The Applicant testified that there will be cross access easements for the park and the clubhouse and the pool are for the apartments only. Mr. Winckowski stated his concerns regarding the parking since there is limited on street parking available. The Applicant agreed to add some parking along Road B and they will increase the width of Road C from 24 feet to 28 feet to allow for additional parking. The Applicant testified that outdoor unit maintenance is the responsibility of the homeowner's association predominantly; Mr. Winckowski confirmed that it is a good idea to have a homeowner's association since no sheds or fencing are permitted and he was concerned as to where homeowners would store their lawn equipment.

12. Mr. Blair stated that a ditch that runs through the site into Willingboro would need to be maintained, as a resident who lives in the vicinity had contacted Mr. Blair regarding this and it needs to be maintained in order to function properly. Mr. Blair asked if the Applicants had reviewed the Fire Official's February 3 report and the Applicant testified that they had. Mr. Blair wanted to make sure they were aware of the report and if there were any disputes that they meet with the Fire Official. The Applicant testified that they did meet with the Fire Official via the phone and reviewed his report point by point. The Applicant testified that the Fire Official agreed

with what they are proposing and they will improve some areas to give more room for fire truck access; and the comments will be addressed on the final site plans. Mr. Blair stated that he will not issue construction permits until the hydrants have been installed.

13. After placing his credentials on the record, Mr. Regazzoni, the Applicant's townhome architect, testified regarding the different townhouse models that would be available; the Applicant has used these products in other developments; basements are not an option in any of the units; and interior units are 20 feet wide and corner units 22 feet wide.

14. Robert C. Fecso, Applicant's representative, testified regarding options that are available in the townhome section. Mr. Fecso testified that there are second floor decks that are available, 8 feet by 10 feet in size; there will be a concrete patio on the ground floor adjacent to the sliding doors; privacy fences are between each unit, twelve feet in length and no other fences are allowed. Mr. Fecso testified that the fences will be constructed of PVC white fencing and will be on every unit; air conditioner units are ground mounted; foundation plantings are installed by the Applicant; irrigation is provided throughout the site; trash collection is private; and garages are 10 feet by 20 feet. Mr. Winckowski has concerns as to storage as residents tend to store trash cans, yard tools, chairs, decorations, etc. in the garage. Mr. Fecso testified that the Applicant has sold this product elsewhere in New Jersey and in other states and have never had a problem with residents complaining about storage. Mr. Blair stated that he agrees with Mr. Winckowski and thinks there will not be enough space for storage. Mr. Winckowski stated that in similar communities they use the garages for storage and park their cars in the driveways. Mr. Nehmad stated that the Applicant will not be involved in the homeowner's association after the units are sold out and ultimately the homeowners will self-govern. Mr. Winckowski stated that he does not understand how the Applicant knows there are not any problems if they are not involved with the homeowner's association.

15. Mr. Fecso testified that the entire community will be serviced by private trash and recycling and that Westampton Township will not be responsible for providing any of these services nor for providing containers. Mr. Fecso further testified that the homeowners' association will enforce the storage of trash and recycling containers in the garage. The Board has concerns regarding the lack of parking and lack of storage due to the garage sizes.

16. After placing his credentials on the record, Mr. Brennan, the Applicant's apartment architect, testified regarding the elevations of the apartment buildings. Mr. Brennan testified that the affordable units are integrated within the buildings; bathrooms all meet Americans with Disabilities Act (ADA) requirements; buildings are fully sprinklered; there is vinyl siding and cultured stone on the exterior of the apartments which will be 38 feet in height; the clubhouse is about 2,800 square feet in size and consists of a leasing office, a multi-purpose room, a large kitchen with an island, a fitness center and restrooms; there is a covered porch to the rear of the clubhouse which leads out to the pool; and the exterior is similar to that of the apartment buildings.

17. Mr. Blair asked about provisions for recreational vehicles and the Applicant testified that there will be provisions prohibiting recreational vehicles in the homeowners' documents.

18. After placing his credentials on the record, Mr. Mosley, the Applicant's traffic engineer, testified regarding their traffic impact study that was completed in December 2020. Mr. Mosley testified that the County thinks the impact will not be great and no additional mitigation for offsite intersections is required. Mr. Mosely also testified regarding the two entrances into the development; there will be one inbound lane and two outbound lanes; there are improvements along Springside Road, the addition of dedicated left hand turn lanes and also a left-hand turn lane into the northernmost entrance; the Applicant is adding a dedicated shoulder area along their frontage and maintaining the existing shoulder on the opposite side of the road; there will be no impacts upon any existing rights of ways; and it is his professional opinion that the site meets all applicable standards and provides for safe ingress and egress as well as internal circulation at the site.

19. Ms. Burkley had a question concerning Exhibit A-4. It seems to Ms. Burkley as if the Applicant is encouraging drivers to turn into Valley Farm Road. Mr. Mosely testified that the Applicant's egress is tying into the existing right turn lane and is not changing anything from the way the egress functions today. Ms. Burkley stated that she is concerned about people cutting through Rancocas Village; anything that can be done to dissuade traffic through there would be great. Mr. Mosley testified that he anticipates most traffic will head to the Route 295 corridor and will use the signalized intersection.

20. Mr. Winckowski asked whether a phase 1 environmental assessment was completed. The Applicant testified that it was completed as well as a limited phase 2 which came up clean for pesticides. The Applicant agrees to provide an affidavit to Mr. Winckowski documenting and evidencing the results. The Board asked what would happen to the remaining open space area outside the development area and the Applicant testified that they propose low maintenance grasses in those areas and the large area next to Valley Farm Road will be the responsibility of the apartment developer; it will only require limited maintenance. Mr. Winckowski stated that he wants the lot line clear regarding plowing of snow between the apartments and the townhomes. The Applicant testified that the open space next to the townhomes will be the responsibility of the homeowners' association.

21. Barbara Fegley, the Board planner, stated that the Applicant's written response to her letter pretty much agreed with everything in her report.

22. Mr. Thorpe stated that the response letter from the Applicant refers to things that will be corrected on the plans but that the Board has not seen the actual drawings yet. Mr. Nehmad stated that none of the comments materially alter the content of the plans; they are relatively minor changes and they will be addressed in the resolution compliance plans. Mr. Nehmad further stated that the policy of law for inclusionary housing developments is to streamline the process. Mr. Thorpe asked how they would prevent homeowners from changing colors of roofs or siding. Mr. Nehmad stated that this is controlled within the homeowners' association documents a sample of which has been provided in response to the Board professionals' reports. Mr. Thorpe asked about the break between the units with the two garages and stated that it is his preference to have a visual break instead of just blacktop. Mr. Winckowski suggested paver block instead of landscaping which would be hard to maintain in such a small area. The Applicant agreed to use either a stamped concrete or paver block. The Applicant also agreed that there will be a deed

restriction to not allow garages to be converted to living space and there will be irrigation and windows in the end units.

23. After testimony was presented by the Applicant and comments by the Board professionals during the March 3, 2021 hearing, the matter was opened to the public for comment.

i. After being sworn in, Maureen Malecki, 6 North Hill Drive, stated that traffic is an issue for residents; traffic is backed up and they cannot get in or out of their developments during rush hour. Ms. Malecki wanted to know what the impact will be on the schools and the number of children they are anticipating. Mr. Mosley testified that he studied Meadowbrook Drive and took historical data considering the effects of the pandemic on traffic counts today in order to get a non-covid estimate of traffic. Ms. Malecki then raised a question concerning the impact of school children and Mr. Nehmad stated that the law is clear and the impact of school children is not a Planning Board consideration and that he could not comment on it.

ii. There being no further comment from the public, the public portion of the hearing was closed.

24. Mr. Guerrero asked about screening for the rear yards of the homes that back up to Springside Road. He wanted to know about any landscaping planned there. Mr. Hanrahan showed the landscaping plan and Ms. Fegley stated that she thought the landscaping was a bit sparse. The Applicant agreed to enhance the buffer further and hoped to submit resolution compliance plans within 45 days of receipt of the resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Applicant's Application requesting (1) preliminary and final major site plan approval for the development of 275 apartment units contained in eleven (11) multistory buildings, and (2) a preliminary and final major subdivision approval of the property to subdivide an existing 73.56 acre parcel for development of 223 fee simple townhomes in 39 separate buildings and lot containing the 275 apartments units, upon motion duly made by Mr. Thorpe and seconded by Ms. Burkley, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant and the Applicant's professionals, and any conditions set forth on the record and stated herein.

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

1. The Applicant shall deed restrict the garages from being converted to living space.
2. The Applicant will install either paver block or stamped concrete between double driveways.
3. The Applicant shall include side windows in the end units of the townhouses.
4. The Applicant shall install irrigation throughout the townhouse development.
5. The Applicant agrees that there shall be no basements in the townhouse units.

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 upon notice to applicant, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;

2. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate;
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. § 40:55D-12(c), and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;
6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land

development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;

8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.
11. The Applicant shall comply with all comments and recommendations set forth in the Board Engineer's January 30, 2021 review letter, the Board Planner's January 29, 2021 review letter and the Township Emergency Services letter of February 3, 2021 except items related to "Fire Protection Systems" as the buildings shall be constructed in accordance with the applicable construction code, and all applicable sub-codes, and "Apparatus Access" as discussed during the hearing.

ROLL CALL VOTE

| | <u>Ayes</u> | <u>Naves</u> | <u>Abstentions</u> | <u>Recusal</u> |
|------------|-------------|--------------|--------------------|----------------|
| Blair | X | | | |
| Borger | X | | | |
| Burkley | X | | | |
| Guerrero | X | | | |
| Henley | X | | | |
| Thorpe | X | | | |
| Odenheimer | X | | | |

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Gary Borger, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____



TOWNSHIP OF WESTAMPTON



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

BLOCK 203 LOT 8 & 9

1. GENERAL INFORMATION

A. Applicant Name Dolan Contractors Inc.
Address 94 Stemmers Lane, Westampton, NJ 08060
Telephone Number 609-871-6200 Email: Jake@dolancon.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) _____ General Contractor

Attorney: Russell Whitman, Esq.
Address 44 East Water Street
Telephone Number 732-431-0010 Email Bernie@dolancon.com

D. Engineer/Surveyor: Bernard Wojtkowiak
Address 94 Stemmers Lane
Telephone Number 609-871-6200 Email Bernie@dolancon.com

2. INFORMATION REGARDING THE PROPERTY

- A. Street address of the property 597 Rancocas Road
- B. The location of the property is approximately 825 feet from the intersection of Rancocas Road and Highland Drive
- C. Existing use of the property Warehouse
Proposed use of property Warehouse
- D. Zone in which property is located I (Industrial zone)
- E. Acreage of property 17.82
- 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) Rancocas Business Park
- I. Are there deed restrictions that apply or are contemplated? N/A
(if yes, please attach a copy to application)

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

- J. Number of lots proposed N/A
- 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 N/A

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

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

O. List maps and other exhibits accompanying this application: N/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.

A Variance is requested from section 250-25D (8) to allow an electronic chnageable
copy sign as part of overall sign. Dimensions are 76" wide x 42" high. Copy
change rate is 10 seconds or greater.

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.

N/A

5. AUTHORIZATION AND VERIFICATION

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

J. Anderson
Signature of Applicant

1/21/21
Date

Michael J. Dolan
Signature of Owner

1/21/21
Date

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

Dolan Contractors Inc:

Mike Dolan: Owns 100% of Dolan Contractors Inc.

94 Stemmers Lane, Westampton NJ, 08060



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. 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

February 26, 2021

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

Attn: Marion Karp
Administrative Officer

**Re: Dolan Contractors Inc. – Proposed Development Sign
Engineering Review #1
Block 203, Lot 8 & 9
597 Rancocas Road
Zone: B-1 (Business 1)
Westampton Township, Burlington County, NJ
CME File: CWAL0203.16**

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 Site Plan application:

- Plans entitled, "Site Improvements for 597 Rancocas Road Block 203, Lots 8 & 9, Township of Westampton, Burlington County, New Jersey," consisting of two (2) sheets, prepared by Dolan Contractors, Inc., dated May 13, 2019, last revised October 16, 2020;
- Completed application forms and project summary rider.

Site Description

The subject parcel is known as Block 203 Lot 8 & 9 and is ±17.82 acres in size. The lot has approximately 340 feet of frontage on the northern side of Rancocas Road (County Route 626) and 1,200 feet of frontage on the northern side of an existing paved access road that connects Rancocas Road (County Route 626) to Stemmers Lane. The access road appears to be closed to through traffic, but does appear to allow emergency vehicle access to the adjacent industrial facilities to the north. Directly west of the project frontage along Rancocas Road is a signalized intersection with Highland Drive and Springside Road. The property is situated in a B-1 (Business) Zoning District and is currently vacant.

Current Proposal

The Applicant, Dolan Contractors Inc., received approval for Preliminary and Final Site Plan design to develop the site with a 254,134 square foot office/warehouse facility with a height of 45 feet and 44 Loading Docks. In addition, 196 passenger vehicle parking spaces are proposed

S:\Westampton\Project Files\CWAL0203.16 - 597 Rancocas Rd Signage\2021-2-26 597 Rancocas Road Signage - Eng Rvw 1.docx



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: 597 Rancocas Road Signage
Engineering Review #1

February 26, 2021
Our File No. CWAL0203.16
Page 2

along with 51 trailer storage spaces. The applicant is proposing to extend Stemmers Lane to create a Right-in/Right-out intersection with northbound CR 646. Additionally, shoulder widening at the jughandle from westbound Rancocas By-Pass to Springside Road was approved.

The Applicant is proposing to install 40' x 6' sign at ground height which will also include a 76" wide by 42" electronic changeable copy sign. A 25' high flagpole is also proposed directly behind the proposed sign. Same would be located in the between the relocated segment of Stemmers Lane and Rancocas Road.

The Applicant should be prepared to discuss the following with the Board:

1. The Applicant is requesting a variance from Section 250-25D (8) to allow for an electronic changeable copy sign as part of the overall sign. Additional variances or design waivers may be required as noted by the Board Planner.
2. The Applicant should ensure that the electronic sign will not flash per Section 250-25D(2).
3. An updated Site Plan should be provided to depict the following:
 - a. The exact proposed placement with dimensions of the sign to various surrounding improvements and property lines.
 - b. Sight triangles for the adjacent intersection must be provided.
 - c. A grading plan for the area. It appears that the proposed sign will also be utilized as a retaining wall.
 - d. The Applicant's Engineer should clarify how electric service will be routed to the sign.
 - e. A construction detail, signed and sealed by a structural professional engineer for the retaining wall, pole and associated foundations should be provided. Additionally, the strength of the concrete should be provided.
 - f. The Applicant should provide details for the proposed ground mounted flood lights and ensure same will not affect nearby traffic.
 - g. A concrete pad is depicted behind the sign but is not depicted in the either wall face section detail although Section 1 appears to go through a portion of same. Additional detail about the concrete pad should be provided.



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: 597 Rancocas Road Signage
Engineering Review #1

February 26, 2021
Our File No. CWAL0203.16
Page 3

4. The sign is currently proposed within a portion of the Applicant's property that is proposed to be dedicated to the Township as right-of-way associated with the reconfiguration of Stemmers Lane. A sketch depicting a "Sign Easement" appears to be proposed which we assume is to provide the Applicant the ability to own, operate and maintain the sign within the future township ROW. It is unclear to our office what proper legal instrument should be to allow the sign to be located within Township property. Any approval of this application by the Board should be explicitly conditioned upon approval of the sign within Township ROW. An agreement with the Township may need to be formally prepared.
5. Any approval should also be conditioned upon approval from the Burlington County Planning Board.

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

Very truly yours,
CME Associates

A handwritten signature in black ink, appearing to read 'James Winckowski', is written over the typed name and company name.

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

JW/rs

cc: Gene Blair, Construction Code Official
Robert Swartz, Esq, Board Solicitor
Chris Dochney, PP, Board Planner
Bernard Wojtkowiak, P.E., Applicant's Engineer

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



February 26, 2021

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

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

Attn: Marion Karp
Administrative Officer

**Re: Dolan Contractors Inc. – Proposed Development Sign
Planning Review #1
Block 203, Lot 8 & 9
597 Rancocas Road
Zone: B-1 (Business 1)
Westampton Township, Burlington County, NJ
CME File: CWAL0203.16**

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 Site Plan application:

- Two (2) sheet set of site plan drawings from Dolan Contractors Inc. dated May 13 2019, last revised October 16, 2020;
- Six (6) sheet set of color site plan detail drawings, from Dolan Contractors Inc. undated.
- Application form and associated materials

1. Project and Property Description

The property is located at 597 Rancocas Road, at the intersection of Rancocas Road (CR 626) and Stemmers Lane, just west of the interchange with I-295. The property is 17.8 acres in size and has 340 feet of frontage along Rancocas Road. The site is currently vacant, although a 250,000 s.f. warehouse and associated parking was previously approved for the site. As a part of the previous approval, Stemmers Lane will be reconfigured and a portion of the lands in between Stemmers Lane and Rancocas Road on the south side of the site will be dedicated to the Township.

Surrounding the property are primarily other warehouse uses along Stemmers Lane, and to the west on Springside Road. To the south of the property across Rancocas Road are more warehouse uses along Highland Drive.

S:\Westampton\Project Files\CWAL0203.16 - 597 Rancocas Rd Signage\21.02.23 - 597 Rancocas Road Signage - Planning Review 1.docx



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: 597 Rancocas Road Signage
Planning Review #1

February 26, 2021
Our File No. CWAL0203.16
Page 2

The Applicant is proposing to construct an electronic sign along the Rancocas Road frontage of the site, within the area between Stemmers Lane and Rancocas Road that will be dedicated to the Township. The proposed sign will have a "V" shape with two faces, one facing southeast and the other facing southwest. Each sign face will be 6'x20' (120 s.f.) in area, and the east facing sign will include an electronic message board. The message board will be 42"x76". The sign is proposed to be constructed into the sloping landscape and to function as a retaining wall with the grade behind the sign several feet higher than the front. The sign will be constructed of concrete with a stone veneer on the front, with "Rancocas Business Park" written on each face. Landscaping is proposed in front of and behind the sign.

A 25' high flagpole is also proposed directly behind the proposed sign.

The property is located in a B-1 (Business) Zoning District.

2. Zoning Compliance

The property is located in the B-1 zoning district. A warehouse has already been approved for the site. The proposed signage would be a permitted accessory use to the warehouse and business uses located along Stemmers Lane, notwithstanding that the sign is proposed to be located within right-of-way to be dedicated to the Township and not a specific lot that that will contain a warehouse.

3. Bulk Requirements

The building proposed for the site was previously approved.

4. Variances and Waivers

The applicant has requested a variance from the following provisions of the Township's land development ordinance:

- a) Section 250-25.D(8) – to allow an electronic changeable copy sign.

It appears that the following additional variances may be required:

- b) Section 250-25.G(1)(a) – the base of a ground mounted sign shall be no higher than 4 feet. The proposed sign will have a base height of 6 feet.
- c) Section 250-25.G(2) – all signs shall be setback a minimum of 10 feet from all property lines, where it appears the proposed sign may be located within 10 feet of the Rancocas Road ROW.



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: 597 Rancocas Road Signage
Planning Review #1

February 26, 2021
Our File No. CWAL0203.16
Page 3

- d) Section 250-22.X(1)(c) – flagpoles are required to be setback a minimum of 35 feet, where it appears that the flagpole will be setback approximately 15 feet from Rancocas Road.

5. Planning Comments

- a) We note that the proposed location of the sign is on Lot 9, but is within the area that will be eventually dedicated to the Township. For the purposes of this review and identifying potential variances, the sign is considered to be on private property and reviewed with the existing property boundary lines as governing. However, as the property will be dedicated to the Township, for future purposes buildings or structures on municipally owned properties do not necessarily need to conform to the bulk requirements of the Township ordinance. Permission from the Township to utilize public property would be required.
- b) The Applicant should describe the nature of the proposed sign, in particular the electronic message sign. What will be displayed on the message board?
- c) The Applicant should address compliance with Section 250-25.D of the Township Code. Will the sign advertise anything off-premise? Will the sign flash or be animated in any way? Will the sign cause any glare into the roadway?
- d) The materials provided only indicate an approximate location of the sign. The applicant should confirm the exact location of the sign relative to property boundary lines and the ROW of Rancocas Road. All signs are required to be setback a minimum of 10 feet from the property line. Based on manually scaling the drawings, it appears that the sign may encroach into this 10-foot setback requirement of the Rancocas Road ROW. Although this is on lands that will be dedicated to the Township, the general intent of the ordinance is that signage be setback 10 feet from a front property line, which in most cases would be the street ROW.
- e) The Applicant should confirm the size of the proposed sign. A maximum of 60 square feet is permitted as per Attachment 4, and according to Section 250-25.G(1)(a) the base of the sign may be excluded from the calculation of the sign area. It appears that the “Rancocas Business Park” logo and the message board together will be approximately 45 s.f, so it does not appear that a variance would be required.
- f) The Applicant should provide drawings illustrating the required sight triangle at the intersection to show whether or not the proposed sign will interfere with sight lines.
- g) The Applicant should provide testimony addressing the required variances. For a bulk variance, the applicant must demonstrate that both the positive and negative criteria can be satisfied:



Marion Karp, Board Secretary
Westampton Township Land Development Board
Re: 597 Rancocas Road Signage
Planning Review #1

February 26, 2021
Our File No. CWAL0203.16
Page 4

- i. Positive Criteria – the applicant must demonstrate that either there is a practical hardship in strictly conforming to the requirements of the code, or that the proposed conditions will advance the purposes of zoning and will be a preferable alternative over strict conformance with the code.
 - ii. Negative Criteria – the applicant must demonstrate that the variance can be granted without substantial detriment to the general welfare of the community, and without substantially impairing the intent of the zoning ordinance.
- h) The Applicant should discuss the intent of the proposed 46.5' or 40' wide signage easement. As the proposed sign will be on property that is going to be dedicated to the Township, the applicant should discuss the purpose of the easement as a legal instrument in lieu of a simple agreement with the Township to permit the sign to be located on public property.

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

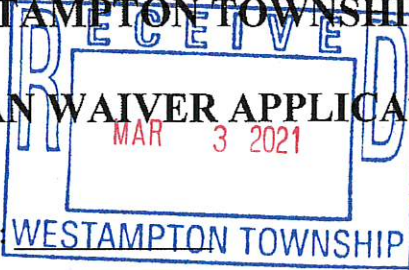
Very truly yours,
CME Associates

Chris Dochney, PP, AICP
Land Development Board Planner

cc: Gene Blair, Construction Code Official
Robert Swartz, Esq, Board Solicitor
Jim Winckowski, P.E., Board Engineer
Dolan Contractors, Inc. Applicant
Bernard Wojtkowiak, P.E., Applicant's Engineer

WESTAMPTON TOWNSHIP

SITE PLAN WAIVER APPLICATION



Date Filed (for office use only):

Block: 1701 Lot: 30

Applicant Name: DAVID NELSON @ OAKS INTEGRATED CARE Email: OAKS INT CARE, LLC

Address: 270 WOODLAND ROAD Phone: 609 922-4513

Present Owner's Name OAKS INTEGRATED CARE

Address: 770 WOODLAND ROAD WESTAMPTON

Location of Site: 770 WOODLAND RD.

Zoning Classification: C Present Use: BUSINESS

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

CONSTRUCT WALK IN FREEZER/REFRIGERATOR WITH RAMPS USING 2 PARKING SPACES -

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

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

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

TOWNSHIP OF WESTAMPTON

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

ORDINANCE NO. 4-2021

Section 1

Add Section 250-21.1 AMU-Agrihood Mixed Use Zone to read as follows:

250-21.1 AMU-Agrihood Mixed Use Zone

The purpose of the AMU-Agrihood Mixed Use Zone ("AMU Zone") is to create a balanced development of residential, non-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, provide housing and employment opportunities for a range of residents and incomes, establish a streetscape and minimize the number of curb cuts along Burlington-Mount Holly Road, and continue to preserve the Township's rural character by supporting agricultural activities, farmland preservation, adaptive reuse of historic barns, open spaces, and recreation spaces.

The AMU Zone shall encompass Block 906.07, Lot 5 and provide 1,144 primarily multi-family apartment/condo units for rent or sale, with a twenty percent (20%) set aside for 228 units to be available to low- and moderate-income households, in a mixed-use community centered around an existing historic farmstead along County Route 541 (Burlington-Mount Holly Road) which will serve as the central focus of the Agrihood community and create a unique destination for the entire Township and the region.

In addition to multi-family apartment/condo units, residential development may include mixed-use buildings, single-family detached dwellings, two-family dwellings, townhouses, carriage units, accessory dwelling units, live/work units, group living homes, and senior residential consisting of independent living, assisted living and continuing care retirement community, and may consist of a combination of age-restricted and non-age-restricted units.

Of the 228 affordable units, no more than 148 of the affordable units may be, but shall not be required to be, senior age-restricted units in accordance with applicable COAH and UHAC regulations. At least 80 of the affordable units must be non-age-restricted family affordable units.

The AMU Zone shall consist of two (2) areas within it: (1) a Farmstead Residential Neighborhood Area comprising approximately 66.4 acres including the 10-acre Core Farm; and (2) a Residential/Non-Residential Area comprising approximately 22 acres,

which is located on the northern end of the AMU Zone generally as shown on the attached exhibit entitled, "Agrihood Mixed Use Zone (AMU Zone)."

Development of the AMU Zone will create a unique destination by supporting the continuation of agriculture and agricultural-related uses and activities, including preservation, reuse, and retention of the existing farmhouse and historic barns as the focus for the Agrihood. The AMU Zone will create a unique quality of life for residents with diverse opportunities and experiences centered around an agrarian lifestyle, community engagement, healthy living, connection to the outdoors and sense of well-being.

The approximate 66.4-acre Farmstead Residential Neighborhood Area shall consist of residential uses in addition to mixed-use buildings containing non-residential uses on the first floor with at least two (2) stories of upper floor residential uses, and the continuation of existing agricultural uses. The Farmstead Residential Neighborhood Area will be situated to surround and focus on the 10-acre Core Farm which will preserve agriculture and agriculture-related uses and support adaptive reuse and alterations of existing buildings and uses, the addition of new complementary stand-alone non-residential uses and structures, and creation of a Great Lawn multi-functional gathering space. Residential uses and mixed-use buildings shall be permitted to be located within the Core Farm; however, mixed-use buildings in the Core Farm shall not be required to have a minimum two (2) stories of residential uses over non-residential uses on the first floor.

The approximate 22-acre Residential/Non-Residential Area shall be located on the northern end of the AMU Zone and may consist of residential uses in addition to mixed-use buildings containing non-residential uses on the first floor with upper floor residential uses, stand-alone non-residential uses, and the continuation of existing agricultural uses. Large business uses including flex space, office/service centers, light industry, warehousing, distribution centers, computer and data processing centers and facilities, and laboratories dedicated to research, design, and experimentation may comprise of one or multiple buildings, provided that the total floor area shall not exceed a maximum of 250,000 square feet for all such uses and shall only be located within the Residential/Non-Residential Area within the AMU Zone.

Higher story buildings in the AMU Zone are permitted to be entirely residential, mixed-use, or residential located adjacent to or over parking structures in order to provide higher-density residential development to satisfy a portion of the Township's fair share housing obligation.

There is no minimum or maximum acreage for individual uses or buildings, there is no maximum density for individual phases, developments or lots, and there may be more than one principal building or use per lot. Cross easements for utilities and stormwater management including common facilities shared among uses, and access, ingress and egress utilizing shared, common driveways are permitted to facilitate mixed use development which may be on the same or separate lots within the AMU Zone. Any large business use within the Residential/Non-Residential Area with intensive trip generation from trucks, such as warehousing and distribution centers, shall provide a circulation route

for trucks that minimizes impacts to existing residential uses adjacent to the AMU Zone and proposed residential development in the AMU Zone.

The following regulations shall apply in the AMU Zone:

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

AGRIHOOD

An organized community that integrates agriculture into a residential neighborhood. The purpose of an Agrihood is to preserve and incorporate agricultural elements in the community, facilitate local food production, and integrate agriculture with civic, social, economic and recreational activities in the community.

ACCESSORY DWELLING UNIT

A dwelling unit either attached to a single-family principle dwelling or located on the same lot and having an independent means of access.

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 deck line of a mansard roof, and to the average distance between the ridge and eaves for a gable, hip or gambrel roof.

CARRIAGE UNIT

A dwelling unit with living space on one or more floors immediately above a private garage or garages. The footprint of the garage or garages is used as the footprint for the remaining floor or floors of the units above and the garage level contains no habitable space. A carriage unit may also be defined as living quarters above a two-story structure used to shelter horses and protect carriages.

CORE FARM

The heart of the AMU Zone, approximately 10 acres in area, in which agricultural uses such as farmland, gardens, orchards, vineyards and vegetation, the existing farmhouse, the historic barns and other accessory structures which may be adaptively reused, altered and expanded for permitted principal uses such as a farm bakery/market/shop, conference/event center, lodging, microbrewery, distillery, beer garden, bar, wine tasting establishment, and spa/health club. May include new stand-alone structures such as stables and greenhouses, and new stand-alone buildings for permitted principal uses such as a farm-to-table restaurant. A Great Lawn multi-

functioning gathering space may include other functions such as agricultural educational events, weddings, community gardens, community shared agriculture, farm-to-table dining, pick-your-own, indoor/outdoor farm markets and petting zoo. Residential uses and mixed-use buildings shall be permitted in the Core Farm.

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.

FARMSTEAD RESIDENTIAL NEIGHBORHOOD

A neighborhood or area comprising of the majority of the AMU Zone, approximately 66.4 acres in area including the Core Farm, including residential uses, mixed-use buildings containing non-residential uses on the first floor with upper floor residential uses, and the continuation of existing agricultural uses.

FHA

The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq.

GREAT LAWN MULTI-FUNCTIONAL GATHERING SPACE

An open space in the Core Farm that can be used for agricultural-related events and other public, semi-public and private functions for residents of the Agrihood and non-residents.

LARGE BUSINESS USE

Large business uses include flex space, office/service centers, light industry, warehousing, distribution centers, computer and data processing centers and facilities, and laboratories dedicated to research, design, and experimentation, the total floor area shall not exceed a maximum of 250,000 square feet for all such uses.

LIVE/WORK UNITS

Areas within buildings that are jointly used for agricultural, commercial and residential purposes.

MARKET STALLS

A market stall or a booth is a typically immobile, temporary structure erected by farmers, merchants or artisans to display and shelter their produce or merchandise in a farmer's market, street fair or other setting. Stalls may be easily erected, taken down or simply moved on wheels.

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.

RESIDENTIAL/NON-RESIDENTIAL AREA

A neighborhood or area located on the northern end of the AMU Zone, approximately 22 acres in area, including residential uses, mixed-use buildings containing non-residential uses on the first floor with upper floor residential uses, non-residential uses including large business uses, and the continuation of existing agricultural uses.

SIGN, DEVELOPMENT IDENTIFICATION

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

TWO-FAMILY DWELLINGS

A single structure containing two dwelling units, each of which has direct access to the outside.

UHAC

The Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq.

WINDMILL

A windmill is a structure that converts wind power into rotational energy by means of vanes called sails or blades, specifically to mill grain (gristmills). The scale of a windmill in the Agrihood should reflect the agricultural character and purpose of the accessory use and shall not appear or be used for commercial purposes.

B. Permitted Principal Uses.

- (1) Residential uses shall be permitted anywhere in the AMU Zone.
 - a) Multi-family apartments/condos in free-standing buildings.
 - b) Mixed use buildings comprising of upper floor residential uses over non-residential uses, including located adjacent to or over parking structures
 - c) Live/work units.
 - d) Independent living, assisted living and continuing care retirement community.
 - e) Group living homes.
 - f) Townhouses.
 - g) Single-family detached dwellings, two-family dwellings, carriage units and accessory dwelling units, in accordance with Paragraph F(3).

- (2) Large business uses shall be permitted only in the Residential/Non-Residential Area, the total floor area shall not exceed a maximum of 250,000 square feet for all such uses.
 - a) Flex space and office/service centers.
 - b) Light industry, warehousing and distribution centers.
 - c) Computer and data processing centers and facilities.
 - d) Laboratories dedicated to research, design, and experimentation.
- (3) Non-residential uses shall be permitted in the Residential/Non-Residential Area, Core Farm and located on the first floor of mixed-use buildings in the Farmstead Residential Neighborhood.
 - a) Retail sales establishments, including general stores, indoor or outdoor farm markets, meat markets, seafood markets, specialty food stores and delicatessens, grocery stores / supermarkets, convenience stores, music lessons/store, art galleries and frame shops, artisan/craftsman store, antique stores, jewelry stores, drug stores, home furnishing stores, sporting goods stores, gift shops, hobby shops, toy stores, book, magazine, and stationary stores, record and tape stores, video stores, camera stores, pet shops, art and craft supply stores, clothing stores, consignment shops, shoe stores, hardware stores, package liquor stores, office supply stores, fabric stores, paint and wall covering stores, electronic equipment stores, appliance equipment stores and florists.
 - b) Retail service establishments, including spa, massage therapy, barber and beauty shops, tailoring and dressmaking shops, dry-cleaning and laundering operations, travel agencies and automobile rental services, appliance repair shops, shoe repair shops, optical services and optical clinics, printing and copying shops, mail service, art, yoga, martial arts, gymnastics, and dance studios, photography studios, and upholsterers.
 - c) Restaurants, eating, and drinking establishments, including bars, craft distilleries, microbreweries, beer gardens, beer and wine tasting establishments, cafes, coffee shops, juice bar, ice cream parlor, bakery, and confectionaries.
 - d) Offices including but not limited to work-share environments for business, executive, professional and administrative purposes.
 - e) Live/work space may contain offices, retail sales and service establishments, and studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, antique dealers, and designers of ornamental and precious jewelry.

- f) General and medical / health-care-related uses such as medical offices, dental clinics, rehabilitation facilities, laboratories, chiropractic, acupuncture, reiki, integrative and environmental medicine.
 - g) Banks and financial institutions, including walk-up ATMs.
 - h) Pharmacies.
 - i) Outpatient care facilities and activities such as mental or physical therapy rehabilitation including animal therapy.
 - j) Child-care centers.
 - k) Hotels, motels, inns, other lodging establishments, and bed and breakfasts.
 - l) Conference, hospitality and event centers including meeting space, which will permit both business and social gatherings such as corporate retreats, weddings, anniversaries, birthday parties, and educational events.
 - m) Indoor entertainment and recreation such as movie theaters, children's recreation facilities, skating, racquet clubs, gym, fitness, or health clubs, miniature golf and golf learning centers, rock climbing, arcades, escape rooms, fitness related uses and other social or business-related activities.
 - n) Public, civic, cultural, institutional and religious uses such as libraries, museums, theaters, art galleries, police and fire substations, municipal and civic uses.
 - o) Outdoor open markets and activities such as food trucks, floral stalls, market stalls, wine and beer tasting and festivals, craft and art events, holiday events such as Easter egg hunts, ice skating, live performances, outdoor movies, outdoor markets and selling fresh food and plants based on state laws and regulations.
 - p) Agricultural-related activities such as agricultural educational events, community gardens, community shared agriculture, farm-to-table dining, pick-your-own, orchards, vineyards, indoor/outdoor farm markets, and petting zoos.
 - q) Plazas, Parks, Open Spaces, Great Lawn. Multi-functional outdoor uses including but not limited to music, movies, performances, ice skating, water fountains, festivals, and food trucks for private or public gatherings.
- (4) Agricultural uses including but not limited to agricultural uses protected by the Township's Right to Farm ordinance shall be permitted anywhere in the AMU Zone. As the tract is developed, agricultural uses shall be limited to remaining on undeveloped portions of the tract and the Core Farm. Once the tract is fully developed, agricultural uses shall be limited to the Core Farm.

C. Permitted Accessory Uses, Buildings and Structures.

- (1) Kiosks, event tents, and market stalls.
- (2) Supportive agricultural elements including but not limited to barns, silos, grain storage, mills, and livestock facilities such as stables and chicken coops. Nonhousehold animals shall be permitted in undeveloped portions of the tract and in the Core Farm in accordance with the Right to Farm Act. Residentially developed areas of the site will abide by Chapter 88 Article IV Household and Nonhousehold Animals.
- (3) Wine cellars, barrel rooms, and distilleries.
- (4) Recreational facilities, pools, playgrounds, open space and trails.
- (5) Alternative energy systems such as solar or wind as a secondary principal use in addition to an existing housing, retail, industrial, warehouse, or agricultural use.
- (6) Off-street parking facilities including parking structures.
- (7) Bus stops.
- (8) Utility and service structures, including, but not limited to, trash /recycling enclosure(s), generator(s), transformers, and maintenance shed(s).
- (9) Pump houses which are used for maintenance and operation of sanitary sewer utilities serving the development.
- (10) Storm water management structures and areas which may be common facilities shared among uses on the same or separate lots with cross easements, and storm water may be utilized to provide irrigation to agricultural uses.
- (11) Business, development identification, traffic, and directional signs.
- (12) Fences, retaining walls and wall enclosures.
- (13) 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 agricultural structures, which lie under the Right to Farm Act and 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, with the exception of silos, water towers, and windmills.

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 AMU Zone:

- (1) Lot Area. The AMU development shall be regarded as a cohesive unit that contains the entire acreage of Block 906.07, Lot 5 which is approximately 88.4 acres. There is no minimum or maximum lot area for individual uses or buildings. There is no maximum density for individual phases, developments or lots. There may be more than one principal building or use per lot.
- (2) Concept Plan for AMU Zone. Any application for phased development or subdivision shall include an overall concept plan for the AMU Zone delineating the relationship of the proposed phase or lot to the potential future phases of development for the remainder of the AMU Zone including the provision of areas to accommodate residential development that provides for 228 affordable units. The concept plan shall be prepared as a diagram that identifies development phases, the uses proposed in various phases and the sequence of phasing which is intended to be flexible and may be updated and revised in subsequent phases or subdivisions. The overall concept plan may identify proposed and potential future cross easements for utilities and stormwater management including common facilities shared among uses, and access, ingress and egress utilizing shared, common driveways to facilitate mixed use development which may be located on the same or separate lots within the AMU Zone.
- (3) The number of residential units shall be 1,144 units which may be contained anywhere in the AMU Zone. A maximum of 742 of the residential units may be age-restricted, assisted living, or group home/special needs units. At least 402 of the residential units must be family non-age-restricted units, and all of the residential units may be family non-age-restricted units. A maximum of 5%

of the total residential acreage may be in the form of single-family detached dwellings, two-family dwellings, carriage units and accessory dwelling units.

- (4) Building heights may vary with one-, two- and three-story buildings (maximum height of 45 feet), four-story buildings (maximum height of 55 feet) and five-story buildings and buildings over parking structures (maximum height of 75 feet) throughout the AMU Zone. Mixed-use buildings outside of the Core Farm shall be a minimum of three (3) stories, comprising of at least two (2) stories of residential uses over non-residential uses on the first floor.
- (5) Floor Area Ratio shall not apply to the AMU Zone.
- (6) Minimum setbacks. Minimum setbacks to buildings, except to barns and other buildings in the Core Farm, shall be regulated as follows:
 - (a) The minimum setback from Burlington-Mount Holly Road is 50 feet except as specified below:
 - [1] The minimum setback for four-story buildings from Burlington-Mount Holly Road is 100 feet.
 - [2] The minimum setback for five-story buildings and large business uses from Burlington-Mount Holly Road is 250 feet.
 - (b) The minimum side or rear yard setback from a tract boundary is 25 feet except as specified below:
 - [1] The minimum side or rear yard setback from a tract boundary for residential uses in the AMU Zone from abutting residential uses or zones is 50 feet.
 - [2] The minimum side or rear yard setback from a tract boundary for non-residential uses in the AMU Zone abutting residential uses or zones is 75 feet.
 - (c) The minimum setback from any internal road curblines is 18 feet.
 - (d) The minimum setback from an access driveway or internal driveway curblines is 10 feet.
 - (e) The minimum setback from a parking area curblines is 10 feet.
 - (f) Utility structures, exhaust air vents, backflow preventers, or other similar devices when located above grade, must be located behind the setback and be screened. Utility structures located below grade may be located within the setback.

- (7) Minimum building separation distance requirements. Minimum building separation distances, except for barns and other buildings in the Core Farm, shall be regulated as follows:
- (a) Side wall to side wall: 20 feet.
 - (b) Side wall to front or rear wall: 20 feet.
 - (c) Front wall to front wall: 50 feet.
 - (d) Rear wall to rear wall: 20 feet.
- (8) Permitted projections. Permitted projections from buildings, except from barns and other buildings in the Core Farm, shall be regulated as follows:
- (a) Non-enclosed one-story porches, porticos, stoops and entrance platforms leading to the front entrance shall be permitted to project not more than eight (8) feet into a front yard setback or building separation distance. Such porch, stoop and entrance platform may have an uncovered balcony directly above provided it has the same footprint as, and is attached to, the structure below.
 - (b) Non-enclosed one-story porches, porticoes, stoops, entrance platforms, uncovered decks, basement entrances and balconies shall be permitted to project not more than four (4) feet into a side or rear yard setback or building separation distance.
 - (c) Cornices, eaves, chimneys, gutters, downspouts, awnings, canopies, cantilevered roofs, uncovered balconies and bay windows shall be permitted to project not more than three (3) feet into any yard setback or building separation distance.
 - (d) Belt courses, window sills and other similar ornamental features may project not more than nine (9) inches into any yard setback or building separation distance.
 - (e) Window wells may project not more than five (5) feet into any yard setback or building separation distance.
 - (f) In no case shall a permitted projection attached: to any structure be less than five (5) feet from a front lot line; to any principal structure be less than three (3) feet from a side or rear lot line; and, to any accessory structure be less than one (1) foot from a side or rear lot line.
 - (g) Ramps and stairways leading to a porch, stoop or other building entrance may project into a yard setback or building separation distance without

limitation, provided that the steps do not encroach upon the public right-of-way.

(h) Awnings and canopies may project over a sidewalk and/or in the public right-of-way, provided that such structure has a minimum vertical clearance of eight (8) feet and is set back a minimum of four (4) feet from the face of curb along the street.

(9) Fence and wall heights.

(a) Maximum fence and wall height: 6 feet.

(b) Berms, screen and/or sound wall heights, where required, shall be sized in order to adequately control noise in accordance to NJDEP regulations.

(10) Sidewalks.

(a) Minimum sidewalk width: 4 feet.

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

G. Plaza, Park, Open Space, Great Lawn

(1) A minimum 16,000 SF multi-functional space ideally in the form of a "Great Lawn" will be located at the center of the Agrihood to serve as both a formal and informal gathering space and to stage a range of outdoor events.

H. Parking Standards.

(1) Parking Standards. The minimum parking requirements for the AMU Zone are as follows:

| <u>Use</u> | <u>Parking Ratio</u> |
|---------------------------------|--|
| Residential Uses | Per Residential Site Improvement Standards |
| Age-Restricted Residential Uses | 1.25 sp / dwelling unit |
| Assisted Living Uses | 0.40 sp / dwelling unit |
| Retail | 4.0 sp / 1,000 GFA ¹ |
| Restaurant | 1.0 sp / 3.0 seats 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 |
| Childcare Center | 1.0 sp / 5.0 children |
| Hotel | 1.0 sp / 1.0 room |
| Large Business Use | 1.0 sp / 5,000 GFA |

All Other Uses

1.0 sp / 400 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) The above parking provisions shall not apply to barns and other buildings and uses in the Core Farm, the Great Lawn, and all accessory uses. The amount, distribution, and type of parking for non-resident usage of the Core Farm shall be provided based on a parking plan provided for review and approval by the Planning Board and may include non-paved parking areas, shared parking strategies, and temporary parking areas for special events.
- (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) For public, civic, cultural, institutional and religious uses without seating, the Retail parking requirements shall apply.
- (5) When the calculation for parking spaces results in a fraction of a parking space, fractions of less than one half shall be disregarded and fractions equal to or greater than one half shall be considered to be one parking space.
- (6) Compact Car Parking. Up to 10% of the required parking stalls may be designated for compact cars.
- (7) Electric Vehicle Charging Stations. A minimum of 2% of all parking spaces for non-residential uses shall be provided with infrastructure to accommodate electric vehicle charging stations. These provisions shall not apply to barns and other uses in the Core Farm including the Great Lawn and temporary parking areas for special events.
- (8) Bicycle Parking. Bicycle parking is required at one bicycle parking space for every 50 vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. When the calculation results in a fraction of a bicycle space, fractions of less than one half shall be disregarded and fractions equal to or greater than one half shall be considered to be one bicycle space. Provisions for bicycle parking shall be provided for resident and non-resident use of the Core Farm and Great Lawn.
- (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 or private street(s) abutting the use may be counted toward the minimum number of parking spaces required for any permitted use. On-street parking may be counted for shared parking.
- (11) 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. These provisions shall not apply to barns and other buildings in the Core Farm.
- (12) All surface parking shall be screened based on the Design Standards indicated in the Streetscape section of this AMU Zone. These provisions shall not apply to barns and other buildings in the Core Farm.
- (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.

I. Loading Standards. Loading standards for uses, except for barns and other buildings in the Core Farm, shall be regulated as follows:

- (1) 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 compactors
- (2) The minimum dimension of a loading area shall be 12' x 35' with a minimum height clearance of 14 feet.
- (3) Off-street loading and unloading shall be located that minimizes impacts to existing residential uses adjacent to the AMU Zone and proposed residential development in the AMU Zone, 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. Buffering & Screening Standards.

- (1) Core Farm. In order to preserve the existing agricultural nature of the Core Farm, buffering and screening standards shall not be required in the Core Farm, except that buffering and screening shall be required for dumpsters, recycling containers and solid waste handling areas.
- (2) Large business uses. Large business uses must be screened from abutting property and view from a public street:
 - (a) Front yard buffers shall be planted to a depth of 25 feet from the front lot line.
 - (b) Screen plantings shall be provided to a depth of 25 feet along property lines where a large business use abuts another non-residential use.
 - (c) Screen plantings shall be provided to a depth of 50 feet along property lines where a large business use abuts a residential use.
- (3) Required Screening. The following uses must be screened from abutting property and view from a public street:
 - (a) Off street surface parking areas.
 - (b) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas.
 - (c) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures.
 - (d) Loading docks or spaces, except in the area where such use abuts other loading docks or spaces.
 - (e) Outdoor storage of materials, stock and equipment.
 - (f) Any other use for which screening is required under these regulations.
- (4) Off Street Surface Parking Areas.
 - (a) All proposed off street surface parking areas with 20 or more parking spaces shall be screened from all public streets with the following criteria:

- [1] A minimum five (5) foot planting strip shall be located between the back of the public sidewalk and the parking area.
 - [2] Perimeter shade trees shall be planted at an average of no greater than 30 feet on center based on the perimeter length of the parking area.
- (b) All proposed off street surface parking areas with 36 or more parking spaces or at least 12,000 square feet in area shall be subject to the following additional criteria:
- [1] A minimum of one (1) 2 ½" caliper tree shall be provided for every eight (8) parking spaces which include perimeter trees. Existing trees may be used to meet this requirement.
 - [2] Fractions equal to or greater than one half resulting from this calculation shall be considered to be one (1) tree.
 - [3] Each such tree shall be located in a planting island with a minimum width of eight (8) feet and a minimum area of 150 square feet of pervious surface.
 - [4] The following distribution of trees shall apply:
 - [a] Each end space in a row of 12 or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space.
 - [b] No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area.
- (5) Landscape Buffer. Any screening or buffer areas used to comply with the provisions of this section or other ordinance provisions for uses other than off-street parking areas and parking structures shall consist of a planted area which is at least 10 feet wide, except for dumpsters, recycling containers and solid waste handling areas in the Core Farm Area which shall be at least three (3) feet wide.
- (a) This area may contain any type of 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.

- (6) Installation Requirements. The following contains standards to be used in installing screening:
- (a) Deciduous trees must be installed with a minimum 2 ½" caliper and evergreen species must have a minimum planting height of six (6) feet. The mature height of deciduous and evergreen species shall be a minimum of 20 feet. Flowering cherry trees, magnolias, and weeping willows are encouraged.
 - (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'-6") high at the time of planting, spaced an average of four (4) feet apart. They must be of a variety and adequately maintained so that an average height of three (3) to four (4) feet could be expected as normal growth within four (4) years of planting. Flowering shrubs are encouraged.
 - (d) Any fence or wall used for screening shall be constructed in a durable fashion. Fences shall be constructed of wood, metal or vinyl, and walls shall be constructed of brick, stone, other masonry material.
 - (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 within a landscape buffer shall be four (4) feet, with the exception of screening for dumpsters which shall have a maximum height of six (6) feet.

K. Agrihood Development / Place-Making Design Standards.

- (1) The placemaking focus of the AMU Zone is a central Core Farm that includes preservation of the existing farmhouse, reuse of the historic barns, retention of existing agricultural uses, the addition of new uses, buildings and structures, and a Great Lawn multi-functional gathering space. The Core Farm will create diverse opportunities and experiences centered around an agrarian lifestyle, community engagement, healthy living, connection to the outdoors and sense of well-being. The Core Farm will be a unique central gathering area where the Great Lawn will be used for staging various types of multi-functional outdoor events.
- (2) The design standards in this section provide the criteria for development within the AMU Zone in order to promote a high quality, pedestrian friendly, mixed use environment.

- (3) Architectural Design Standards for the Core Farm. The design of new buildings and structures within the Core Farm are encouraged to be architecturally compatible and complementary with the barns and other buildings in the Core Farm. The design of new buildings and structures shall be provided in a comprehensive design package, which shall provide street-facing elevations as well as indicate the proposed materials, colors, finishes and/or details for courtesy review by the Planning Board.
- (4) Architectural Design Standards for all other buildings in the AMU Zone.
 - (a) All buildings, except large business uses, shall reinforce pedestrian scale.
 - (b) 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.
 - (c) 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.
 - (d) Special attention must be given to the design of windows at the base of buildings.
 - (e) Building facades, except for indoor entertainment and recreation uses or large business uses, exceeding 120 feet 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 facades for indoor entertainment and recreation uses or large business uses exceeding 200 feet 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.
 - (g) All sides of the building not along a street shall be architecturally compatible with the street-facing facades in regard to style, materials, colors, finishes and details. The use of untreated concrete block as an exterior material finish shall be prohibited.
- (5) Building Orientation.
 - (a) All buildings shall be oriented toward public streets and/or open spaces, except indoor entertainment and recreation uses or large business uses.

- (b) The first floors of all buildings should be designed to encourage and compliment pedestrian-scale activity, except indoor entertainment and recreation uses or large business uses.
- (6) Building Entrances.
 - (a) Building entrances should be easily identifiable and non-residential buildings shall feature entrances with large, open and transparent windows with unique and interesting signage.
 - (b) Entrances for residential uses should be separate and distinct from non-residential uses in mixed use buildings, except for live/work units which may have a common entrance.
- (7) Building Storefronts.
 - (a) All retail sales or service establishments and restaurants shall 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:
 - [1] Storefronts should be "individual" expressions of a tenant's identity but compliment the Agrihood theme.
 - [2] Tenant's storefront construction should be of high quality and craftsmanship.
 - [3] Any restaurant use is encouraged to provide outdoor seating including permanent shade structures for outdoor dining.
 - [4] Canopies, awnings, and similar architectural accents are encouraged.
- (8) Building Service Locations. All service locations for new development shall generally be located at the rear, side or interior portions of the building where feasible or in less visibly exposed locations. Small-scale non-residential uses may be serviced directly from a street. The above provisions shall not apply to large business uses.
- (9) Mechanical Equipment Screening. The screening of rooftop mechanical equipment is required.
 - (a) 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.

- (b) Screening materials shall be consistent with the architectural detail, color and materials of the building.
 - (c) Any wall pack ventilation unit facing a public street must match the adjacent material color.
- (10) Structured Parking. Parking structures shall be designed with publicly visible exterior to be clad in a vine-covered trellis, graphic panels, solar panels, a window-like façade treatment, or a multi-story liner building, or ground floor space utilized for a permitted use.
- (11) 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 streetlights, 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 AMU 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.
- (a) 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:
 - [1] 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.
 - [2] Street trees shall be planted with a minimum 2 ½” 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.
 - [3] Prior to installation a minimum 4’-0” by 8’-0” area should be treated and prepared for tree root growth.
 - [4] A minimum 2-year maintenance and watering plan shall be put into place.
 - [5] 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), Cherry Trees, Magnolia, Weeping Willows.

(b) Design & Materials.

- [1] Sidewalks should incorporate street furniture and have a higher level of finish on pedestrian oriented, mixed-use streets (pavers, colored stamped concrete, etc. - asphalt is prohibited).
- [2] Sidewalks, pathways and trails within the Core Farm may utilize more natural, permeable, or semipermeable materials such as gravel, crushed stone and fine-crushed rock.
- [3] A multi-use trail along County Route 541 (Burlington-Mount Holly Road) may be paved with asphalt.
- [4] Roads within the Core Farm may be more natural, permeable, or semipermeable materials such as gravel, crushed stone and fine-crushed rock. The existing gravel road to the Core Farm will be permitted to remain and be used as both a public and private access point to the Core Farm.
- [5] Pots and planters can be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety.
- [6] The pattern and type of materials will be determined during the design phase.

(c) 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 streetlight 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'.

[8] Street light specifications and locations shall be submitted for review and approval prior to installation.

(d) 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.

(e) 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.

(f) Bollards.

[1] Bollards should integrate with and aesthetically complement the overall streetscape concept; respond to the area it supports (Great Lawn vs building service areas); 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.

(g) Storm Water Management Facilities, Ponds and Fountains.

- [1] Storm water management facilities, ponds and fountains are features that can be located in passive or active open spaces, which may be common facilities shared among uses on the same or separate lots with cross easements and may be utilized to provide irrigation to agricultural uses.
 - [2] Ponds and fountains should be aesthetically pleasing, allow for ample pedestrian circulation and should be designed to encourage “sitting” and interaction.
 - [3] Storm water management may incorporate NJDEP Stormwater Best Management Practices for both grey and green infrastructure, including common shared facilities, green roofs, planter boxes, rain barrels, cisterns, native landscaping, rain gardens, infiltration beds, pervious paving and landscape islands in parking areas, and tree pits, tree trenches, pervious pavers and sidewalks along roads or within rights-of-ways.
- (h) 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.
- (i) Kiosks and Market Stalls.
- [1] Kiosks and Market Stalls can be used for retail purpose or to impart community information to the public.
 - [2] Kiosks and Market Stalls should be accessible and attractive from all sides and well-illuminated and they should be flexible to allow for up-to-date information.
- (j) Utility Accessories.
- [1] Utility boxes, meters, manhole covers, and fire hydrants should be coordinated with other streetscape accessories.
 - [2] Utilities should be readily accessible and placed so as not to obstruct pedestrian movement.

[3] Utility locations should minimize visual and physical impact as much as possible.

[4] Utilities should blend in with the surroundings or enhance the area.

L. Signage.

- (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) Development identification signs:
 - (a) Either a two (2) single-sided or a single two-sided development identification sign(s) shall be permitted at each entrance from a public or private street to a development within the AMU Zone. The Core Farm shall be permitted to have a development identification sign at each entrance as well as along County Route 541 (Burlington-Mount Holly Road).
 - (b) 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.

- (c) The minimum setback of a development identification sign from a public street shall be 10 feet from the street right-of-way.
 - (d) 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 AMU 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.
- (4) All signage for all uses, except for the Core Farm, shall be indicated in a comprehensive master signage package. Such signage package shall provide sufficient information regarding the proposed number, size, materials, colors, finishes and/or details for review and approval by the Planning Board. Once approved, the master signage package shall supersede the requirements of §250-25. Future variances shall be requested from the master signed package.
 - (5) All signage associated with the Core Farm shall be indicated in a comprehensive master signage package. Such signage package shall provide sufficient information regarding the proposed number, size, materials, colors, finishes and/or details for review and approval by the Planning Board. Once approved, the master signage package shall supersede the requirements of §250-25. Future variances shall be requested from the master signed package.

M. Affordable Housing.

- (1) In accordance with the December 23, 2019 Settlement Agreement between the Township and Fair Share Housing Center (FSHC), as may be amended, the Township's Housing Element and Fair Shape Plan, as well as Court Orders, all residential development in the AMU Zone shall provide a twenty percent (20%) set-aside of affordable housing for very-low-, low-, and moderate-income households.
- (2) A minimum of 1,144 residential units shall be allowed with a required twenty percent (20%) affordable housing set-aside for no fewer than 228 affordable units.
- (3) No more than 148 of the 228 affordable units may be age-restricted, assisted living, or special needs affordable units, and at least eighty (80) of the affordable units must be family non-age-restricted units available to households of all ages and sizes. All 228 affordable units may be family non-age-restricted affordable units.

- (4) Development of the residential component may be completed in multiple phases of development and subdivisions of the property if necessary. If any phase of development or subdivision is less than 1,144 units, the number of affordable units shall provide the twenty percent (20%) affordable housing set-aside in proportion to that phase of development or subdivision.
- (5) All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that at least thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning less than thirty percent (30%) of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA"). Of the 228 affordable units in the AMU Zone, at least thirty (30) of the affordable units shall be very-low-income units.
- (6) The affordable units shall be integrated fully with the market-rate units. The residents of the affordable units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- (7) All of the affordable units shall be subject to affordability controls of at least thirty (30) years from the date of initial occupancy and affordable deed restrictions as provided for by UHAC, with the sole exception that very low income shall be defined as at or below thirty percent (30%) of median income pursuant to the Fair Housing Act, and the affordability controls shall remain until released by Westampton Township in accordance with UHAC and applicable law.
- (8) Construction of residential buildings in the AMU Zone may be phased in any manner to be determined by the developer, subject to the phasing schedule for affordable housing units established by N.J.A.C. 5:93-5.6(d).
- (9) The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include the community and regional organizations identified in the Settlement Agreement between Westampton and Fair Share Housing Center, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website.

N. Relationship to other sections of the combined land use ordinance. The regulations of the AMU 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 AMU 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 AMU Zone shall apply unless otherwise specified in the regulations of the AMU 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.

Hancock Lane

Residential /
Non-Residential Area
±22 ac

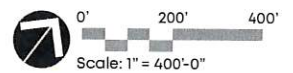
Burlington-Mount Holly Road

Core Farm
±10 ac

Farmstead
Residential
Neighborhood
±66.4 ac

Burrs Road

Agrihood Mixed Use Zone (AMU Zone)



WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

**RECOMMENDING ADOPTION OF ORDINANCE NO 4-2021
“AN ORDINANCE SUPPLEMENTING CHAPTER 250, “ZONING”, OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WESTAMPTON TO ADD AGRIHOOD
MIXED USE ZONE”**

RESOLUTION NO. 9-2021

WHEREAS, the Township Committee of the Township of Westampton (“Township Committee”), in the County of Burlington, State of New Jersey, has introduced and proposed the adoption of the following ordinance: Ordinance No 4-2021 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add Agrihood Mixed Use Zone” (the “Ordinance”); and

WHEREAS, the Ordinance is a land development regulation in that it adds to, amends, or otherwise modifies the Township’s Land Use, Development, and Zoning regulations to establish standards and requirements for the Township to satisfy its *Mt. Laurel* affordable housing obligation in accordance with the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310 et seq., as established by the Settlement Agreement between the Township and Fair Share Housing Center (“FSHC”) and the Superior Court of New Jersey’s February 10, 2020 Conditional Judgment of Compliance and Repose, resolving the Township’s affordable housing litigation, captioned In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-26a provides that prior to adoption of any land development regulation by the governing body, the land development regulation must be transmitted to the Land Development Board for its report and recommendations thereon; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26a, Township Committee transmitted the Ordinance to the Land Development Board of the Township of Westampton (the “Board”) for its report and recommendations thereon regarding the Ordinance’s consistency with the Township’s Master Plan; and

WHEREAS, at a regular meeting held on April 7, 2021, the Board reviewed and discussed the Ordinance, the Township’s Master Plan, land use regulations, affordable housing obligation, affordable housing litigation history, including the Settlement Agreement between the Township and FSHC, and the Township’s efforts to implement the terms of that Settlement Agreement, with the Board’s Attorney, Planner, and members of the public; and

WHEREAS, based on the Ordinance, testimony, and other evidence presented at the April 7, 2021 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. **Incorporation by Reference of “WHEREAS” Clauses.** In addition to the paragraphs below, the above “WHEREAS” clauses are expressly adopted and incorporated by reference herein as the Board’s Findings of Fact and Conclusions of Law, as appropriate.
2. **Adoption of the Ordinance.** The Board hereby adopts and incorporates by reference as if fully set forth at length herein the entirety of the Ordinance.
3. **Participation of Public.** No member(s) of the public appeared during the Board’s April 7, 2021 public hearing to comment on the Ordinance.
4. **Conclusion as to the Ordinance.** The Board hereby finds and concludes that the Ordinance as presented is substantially consistent with, adheres to, and advances the purposes of the Township’s Master Plan; and further, that the Ordinance creates a realistic opportunity for the Township to satisfy a portion of its affordable housing obligation as required by the Court in the Township’s affordable housing litigation, In the Matter of the Adoption of the Township of Westampton Housing Element and Fair Share Plan and Implementing Ordinance, Docket No. BURL-L-1625-15, N.J.S.A. 40:55D-26a.

NOW, THEREFORE, IT IS HEREBY DETERMINED by the Land Development Board of the Township of Westampton that Ordinance No 4-2021 “An Ordinance Supplementing Chapter 250, “Zoning,” of the Township Code of the Township of Westampton to Add Agrihood Mixed Use Zone” is substantially consistent with and designed to effectuate the Township’s Master Plan, creates a realistic opportunity for the Township to satisfy its affordable housing obligation, and it is therefore **RECOMMENDED** by the Land Development Board of the Township of Westampton that the Township Committee of the Township of Water adopt the Ordinance as presented in accordance with law.

ROLL CALL VOTE

| | <u>Ayes</u> | <u>Nays</u> | <u>Abstentions</u> | <u>Recusal</u> |
|------------|-------------|-------------|--------------------|----------------|
| Blair | | | | |
| Borger | | | | |
| Burkley | | | | |
| Freeman | | | | |
| Guerrero | | | | |
| Henley | | | | |
| Haas | | | | |
| Thorpe | | | | |
| Wisniewski | | | | |
| Odenheimer | | | | |
| Ottey | | | | |

Attest:

Gary Borger, Chairman

**Marion Karp, RMC, CMR, Board
Secretary**

CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meeting held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on April 7, 2021, and said Resolution was authorized for memorialization at a meeting held on April 7, 2021.

Marion Karp, RMC, CMR, Board Secretary

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

**RESOLUTION OF MEMORIALIZATION ADOPTING HOUSING ELEMENT AND
FAIR SHARE PLAN**

RESOLUTION NUMBER 10-2021

WHEREAS, in the New Jersey Supreme Court's March 10, 2015 decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court, and established a transitional process for certified municipalities, like the Township of Westampton, to file declaratory judgment actions seeking to have their Housing Elements and Fair Share Plans ("HEFSPs") found constitutionally compliant;

WHEREAS, municipalities whose HEFSPS are found constitutionally compliant by the New Jersey Superior Court are entitled to protections similar to those they would have received if they had continued to proceed before COAH; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and Mount Laurel IV, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Township of Westampton filed a declaratory judgment action on July 8, 2015 with the New Jersey Superior Court asking the Court to declare Westampton Township's HEFSP constitutionally compliant, and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Action"); and

WHEREAS, the Township's Affordable Housing Planning Consultant, Barbara J. Fegley, AICP, PP of Environmental Resolutions Inc., has prepared an HEFSP dated July 24, 2020, Revised December 1, 2020 and Revised March 24, 2021, that addresses the Township's affordable housing obligation ("2020 HEFSP");

WHEREAS, the 2020 HEFSP is an amendment to the 2015 plan amendment which was not certified by COAH prior to the Appellate Division invalidation of COAH's 'growth share' methodology.

WHEREAS, the 2020 HEFSP is the basis for the Township's request to the New Jersey Superior Court for a Judgment of Compliance and Repose;

WHEREAS, the New Jersey Superior Court has advised that it is acceptable and appropriate for Westampton Township to settle its Action through entry of a settlement agreement with interested party, Fair Share Housing Center ("FSHC");

WHEREAS, on behalf of the Westampton Township Committee, the Mayor executed the settlement agreement on December 24, 2019 (the "Settlement Agreement");

WHEREAS, the Settlement Agreement was approved by the New Jersey Superior Court by Order of the Honorable Jeanne T. Covert, A.J.S.C., dated February 10, 2020, which Order established the Township's fair share obligations and preliminarily approved the Township's compliance mechanisms;

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Development Board held a public hearing on the Housing Element and Fair Share Plan on April 7, 2021; and

WHEREAS, the Land Development Board has determined that the Housing Element and Fair Share Plan is consistent with the goals and objectives of the Township's Master Plan and Master Plan Re-examination Report, and that the adoption and implementation of the Housing Element and Fair Share Plan are in the public interest, protect public health and safety, and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Land Development Board of the Township of Westampton, Burlington County, New Jersey, on this 7th day of April, 2021, the Land Development Board hereby adopts the 2020 HEFSP, in the form attached hereto as Exhibit A.

MOTION TO FIND 2020 HEFSP CONSISTENT WITH THE TOWNSHIP MASTER PLAN and MASTER PLAN RE-EXAMINATION REPORT, AND TO ADOPT SAID PLAN AS THE HOUSING ELEMENT OF THE TOWNSHIP MASTER PLAN:

ROLL CALL VOTE

Ayes Nays Abstentions Recusal

Blair
Borger
Burkley
Freeman
Guerrero
Henley
Haas
Thorpe
Wisniewski
Odenheimer
Ottey

Attest:

Gary Borger, Chairman

**Marion Karp, RMC, CMR, Board
Secretary**

CERTIFICATION

I HEREBY CERTIFY that the Land Development Board of the Township of Westampton, County of Burlington, State of New Jersey adopted the foregoing Resolution at its meetings held in the Municipal Building, 710 Rancocas Road, Westampton, New Jersey, on April 7, 2021 and said Resolution was authorized for memorialization at a meeting held on April 7, 2021.

Marion Karp, RMC, CMR, Board Secretary