

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

AUGUST 5, 2020 REGULAR MEETING 7:00 P.M.

AGENDA

1. Call meeting to order.
2. Requirements of the Sunshine Law. This meeting was advertised in the Burlington County Times on January 5, 2020 and posted in the Municipal Building. This meeting is being held virtually via Zoom technology.
3. Pledge of Allegiance. Welcome to guests.
4. Roll Call: Mr. Applegate, Mr. Blair, Mr. Borger, Ms. Burkley, Mr. Eckart, Mr. Freeman, Mr. Guerrero, Ms. Haas, Mr. Henley, Mr. Odenheimer, Mr. Thorpe, Solicitor Robert Swartz, Engineer Jim Winckowski, Planner Barbara Fegley, Secretary Marion Karp
5. Swear in Board Professionals
6. Approval of Meeting Minutes: 7/1/2020
7. Resolutions: approval needed:
 - 17-2020 Colonial Dames, Block 906, Lot 12 (180 Burrs Road) – preliminary and final site plan (rebuild existing barn)
 - 18-2020 Robert Elbertson, Block 1002.01, Lot 7 (14 Manor Drive) – bulk variance (pole barn/garage)
 - 19-2020 Provco Westampton, LLC, Block 201, Lot 7.01 (Rancocas Road & Highland Drive) – amended preliminary and final major site plan; use variance & bulk variances - addition of drive through window
8. Old Business: None
9. New Business:
 1. Amended Redevelopment Plan, Block 805, Lot 1 (2015 Burlington-Mt. Holly Rd.) – FAR discrepancy and change in impervious coverage to improve site design
 2. Public Hearing - Westampton Township Housing Element & Fair Share Plan, Master Plan Reexamination Report
 3. Memorialize resolution #20-2020 - Adopt Housing Element & Fair Share Plan

10. Informal Applications:

1. NJ American Water, Block 1203, Lots 17 & 18 (Woodlane Road) – Woodlane Station modifications

11. Correspondence: None

12. Open meeting for public comment:

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

14. Adjourn

RESOLUTION: 17-2020

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: National Society of Colonial Dames of America
BOARD'S DECISION: Application for Preliminary and Final Site Plan Approval
PROPERTY ADDRESS: 180 Burrs Road – Block 906, Lot 12
ZONING DISTRICT: Residential “R-1” Zone
DATE OF HEARING: July 1, 2020

WHEREAS, National Society of Colonial Dames of America (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary and final site plan approval to develop the site with a 3,723 square foot barn with two bathrooms and a proposed gravel parking lot with thirteen (13) parking spaces will connect to the existing driveway loop on the property in the R-1 Residential Zone. The property is located at 180 Burrs Road, Westampton, New Jersey, designated as Block 906, Lot 12 on the Township Tax Map (“Subject Property”); and;

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

WHEREAS, the Application came before the Board at the regulary scheduled public meeting held on July 1, 2020, where the Applicant was represented by Gary J. Zangerle, Esq. The Board heard testimony from the Applicant’s witness and professional as to the purpose, location, and details of the proposed site plan; and

WHEREAS, at the July 1, 2020 Board meeting, the Board discussed the Application and the Board Professionals offered recommendations. The Application was opened to the public for comment, and any members of the public wishing to comment on the Application were given the opportunity to do so; and

WHEREAS, Mr. Borger recused himself from the Application; and

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the July 1, 2020 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. Westampton Township Site Plan Review application, dated May 8, 2020.
 - B. Site Proposal Documentation-Proposed Use of Barn.

- C. Engineering plans prepared by William H. Nicholson Associates, PA dated February 21, 2020 including:
 - i. Overall Site Plan, Sheet 1 of 3.
 - ii. Site & Grading Plans, Sheet 2 of 3.
 - iii. Construction Details, Sheet 3 of 3.
 - D. Architectural Plans prepared by Archer & Buchanan dated September 18, 2019 and revised to November 19, 2019 including:
 - i. A-1 Proposed Plan.
 - ii. Exterior Elevations.
 - iii. Exterior Elevations.
 - E. Submission letter dated May 19, 2020 prepared by Patrick F. McAndrew, Esq.
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 June 26, 2020; and
 - B. A letter prepared by the Board Planner, Barbara Fegley, AICP, PP, dated June 27, 2020
3. The Applicant, National Society of Colonial Dames of America, is the owner of the Subject Property, which is located at 180 Burrs Road, Westampton, New Jersey. The Subject Property is designated at Block 906, Lot 12 on the Township of Westampton tax map, and lies in the R-1 Residential Zoning District.
4. The Applicant seeks preliminary and final site plan approval to construct a 3,723 square foot barn with two bathrooms and a proposed gravel parking lot with thirteen (13) parking spaces and will connect to the existing driveway loop on the property, and related infrastructure improvements on the Subject Property.
5. The following witnesses and professionals appeared and testified in favor of the Application during the July 1, 2020 hearing: Judith Perinchief, Applicant's representative, and Bill Nicholson, PE, Applicant's Engineer.
6. At the July 1, 2020 hearing, Mr. Zangerle presented and introduced the Application to the Board.
7. Ms. Perinchief, the Applicant's representative, testified as to the background of the Colonial Dames to the Board, stating that historical education programs are conducted for the public at the Subject Property; they offer programs for children on at the Subject Property, which is also known as Peachfield Plantation; the barn was moved from the Deacon property to this property and it dates back from 1870. Ms. Perinchief also testified that the project will not involve a change in any activities that currently take place on the site and that sewer, water and electric will be run to the barn. Ms. Perinchief further testified that the facility will operate according to the requests that are made; the day of the week may change but it is never more than a three-hour program (for children); other programs are held nine months out of the year on Sundays; the house on the property is open between the hours of 10 AM and 4 PM; groups number about 40-60 children and 50-70 adults but would not occur at the same time; size of the groups of children depends on class size; and no deliveries will take place. Ms. Perinchief

testified that there is no lighting plan; everything closes down before dusk; trash removal is accomplished by bags being brought to the curb; their programs do not generate much trash and that programs are over by 5 o'clock at night.

8. Bill Nicholson, the Applicant's engineer then provided testimony that a parking area will be created to the east of the barn and waivers include a stone parking area instead of paved; no curbing around the parking area; 9 feet by 18 feet parking spaces instead of 10 feet by 20 feet parking spaces. Mr. Nicholson further testified that no landscaping has been proposed.

9. The Applicant testified that the construction will be in two phases; the septic system install depends on when the addition will be put on the barn and it would be installed along with the addition which consists of a four bay on the barn which consists of bathrooms, utilities and storage; and there are no bathrooms in the barn.

10. James Winckowski, the Board Engineer wanted to know how 50-70 adults park in 13 parking spaces and Ms. Perinchief testified that they carpool, they park in the grass and on both sides of the driveway. Mr. Winckowski discussed ADA accessible parking and the Applicant testified that they can park nearly 100 total cars on the Subject Property if they have to. Mr. Winckowski questioned if two ADA accessible spaces were enough.

11. Mr. Blair asked if the two ADA spaces were to be paved and Mr. Nicholson testified that they would be and concrete will be extended to the south as suggested by the Board Planner and Engineer. Mr. Blair will require that the plan be reviewed by the Township Fire Marshal especially as relates to parking and the Applicant agreed to secure such approval. Mr. Blair then asked what facilities would be provided until the new bathrooms were constructed and the Applicant testified that they would use the existing facilities in the building. The Applicant acknowledged that they would need to carefully examine distances as it relates to ADA requirements.

11. Ms. Burkley asked if lighting rods are to be installed on the barn and the Applicant testified that they will.

12. Barbara Fegley, the Board Planner, asked about a potential use variance; and if there was a possibility that one was required. It was determined that no use variance was not required since the same types of activities would be taking place as have been for 50 years. Ms. Fegley review her letter with the Applicant and the Applicant agreed with the comments and will provide the necessary details.

13. The Applicant agreed to comply with all of the comments in the Board Engineer's report. Mr. Winckowski requested that parking be shown on a plan in order to detail where parking is accomplished now and to have something for the file. Mr. Winckowski also stated that the Fire Official needs to see this to be sure that parking is being done in a safe and orderly manner.

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

15. Through the evidence submitted and testimony presented by the Applicant's witnesses, professionals, the Board's professionals, and members of the public, the Board finds and concludes that the proposed site plan complies with all site plan and other standards, specifications, and requirements established by the Township's Zoning Ordinance, and that the Subject Property is suitable for the proposed development and permitted uses in the R-1 Residential Zone. *See, e.g., Levin v. Livingston Twp.*, 35 N.J. 500, 510-11 (1961); *Pizzo Mantin Group v. Randolph Twp.*, 261 N.J. Super. 659 (App. Div. 1993), *aff'd. as modified*, 137 N.J. 216 (1994).

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for preliminary and final site plan approval for the development and use of the site with a 3,723 square foot barn with two bathrooms and a proposed gravel parking lot with thirteen (13) parking spaces, connecting to the existing driveway loop on the Subject Property, and related infrastructure improvements on the property in the R-1 Residential Zone, upon motion duly made by Mr. Thorpe and seconded by Mr. Blair was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Blair	X			
Borger				X
Guerrero	X			
Haas	X			
Thorpe	X			
Odenheimer	X			
Burkley	X			

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

1. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Engineer's Review Letter except as may be specifically noted on the record and will work with the Board Engineer to resolve all issues contained in said Review Letter.
2. The Applicant shall comply with all terms, conditions, and recommendations set forth in the Board Planner's Review Letter except as may be specifically noted on the record and will work with the Board Planner to resolve all issues contained in said Review Letter.
3. The Applicant shall request review by the Fire Marshal and comply with all terms, conditions, and recommendations set forth by the Fire Marshal.

4. All agreements, conditions and representations made by the Applicant or imposed upon the Applicant as set forth in the record of this matter regarding this application shall be fully satisfied by the Applicant and/or successors in interest.

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

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein;
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant

is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;

6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Ronald Applegate, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 18-2020

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Robert Elbertson
BOARD'S DECISION: Granted Application for Bulk Variance Relief
PROPERTY ADDRESS: 14 Manor Drive – Block 1002.01, Lot 7
ZONING DISTRICT: Residential “R-1” Zoning District
DATE OF HEARING: July 1, 2020

WHEREAS, Robert Elbertson (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting bulk variance relief to permit the construction of a 24 ft x 32 ft pole barn garage in the Residential “R-1” Zone. The property is located at 14 Manor Drive, Westampton, New Jersey, designated as Block 1002.01, Lot 7 on the Township Tax Map (“Subject Property”); and

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

WHEREAS, the Application came before the Board at the regularly-scheduled public meeting held on July 1, 2020. The Applicant appeared and was sworn in to provide testimony as to the nature, purpose, location, and description of the requested bulk variance relief; and

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

WHEREAS, based on all the evidence submitted to the Board and testimony presented at the July 1, 2020 public hearing, the Board renders the following factual findings and conclusions of law in addition to any contained in the preceding paragraphs:

1. The Applicant, Robert Elbertson proposes to construct a 24 ft x 32 ft pole barn garage at Block 1002.01, Lot 7. The Subject Property is commonly known as 14 Manor Drive and lies within the Residential “R-1” Zoning District. The Applicant is the owner of the Subject Property.
2. The proposed pole barn will be approximately 768 sf in area whereas the Township Zoning Ordinance (“Township Code”) Chapter 250, Article VII, Section 250-22A(1) limits the size of accessory structures in all districts on lots three acres in size or less to 600 sf.

3. Robert Elbertson was sworn in and testified as to the requested relief. The Applicant testified that he is proposing the construction of a 24 foot by 32 foot pole barn, metal, to be used as a garage; the building will be constructed on a finished concrete pad; the maximum size permitted by ordinance is 600 square feet; this will be 768 square feet. The Applicant testified that he is looking to store pool furniture and other assorted items in the pole barn and he needs the extra space. The Applicant further testified that the pole barn be 23 feet from the side property line and 160 feet from the rear property line and over 180 feet from the front property line and it will be color coordinated to match his house.

4. The Applicant requested that, if approved, he wished to proceed at risk as he was anxious to begin his project.

5. Ms. Haas asked about materials and the Applicant testified that it will be constructed of metal with concrete footings; specifically, metal sides and roof with a garage door and a walk-in door with a couple of windows; there will be no electric installed at this point in time.

6. The Board Engineer, Mr. Winckowski, stated that has no issues with the pole barn and believes the lot is large enough, stormwater management issues are negligible and it is not that much larger than what is allowed and the lot is a bit over an acre in size. The Applicant testified that that there will be no access to it in the form of a driveway. The Applicant also submitted a septic and well plan and testified that neither will be damaged by a driveway extension.

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

8. Mr. Guerrero asked about the existing frame shed; he wanted to know if it was being eliminated and the Applicant testified that if it was a requirement of an approval, he would remove it. Mr. Blair stated that he didn't have an issue with the shed remaining.

9. With regard to the request for bulk variance relief, through the evidence submitted and testimony presented by the Applicant, the Board finds that the Applicant has established that due to the exceptional status of the Subject Property, the strict application of the Township Code requirements relating to the maximum size of an accessory structure and location of an accessory structure herein, would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the Applicants thus bulk variance relief permitting the 24 ft x 32 ft pole barn garage in the location proposed in the Application is warranted so as to relieve such difficulties and hardship. *N.J.S.A. 40:55D-70c(1)*.

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

visual appearance and aesthetics of the Subject Property by allowing the Applicant to store Applicant's items in an attractive garage that will match the visual appearance of the principal structure at the Subject Property. *N.J.S.A. 40:55D-2i.*

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

12. The Board further finds that the requested variance relief:

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

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for bulk variance relief to permit the construction of a 24 ft x 32 ft pole barn garage in the Residential "R-1" Zone, upon motion duly made by Ms. Burkley and seconded by Mr. Guerrero, was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth on the record and those specified herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Blair	X			
Borger	X			
Guerrero	X			
Haas	X			
Thorpe	X			
Odenheimer	X			
Burkley	X			

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

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for approval. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. Upon discovery by the Board of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate. In addition, at any time within 45 days after the adoption of this resolution, a party of interest may appeal to the Superior Court for an order vacating or modifying any term or condition as set forth herein;
3. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;
4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required;

6. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
7. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
8. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
9. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
10. The Applicant shall comply with all of the representations and stipulations as contained in the application and as represented through testimony in support of the application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Ronald Applegate, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

RESOLUTION: 19-2020

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Wawa Inc. on behalf of Provco Pinegood Westampton, LLC

BOARD'S DECISION: Granted Application for Amended Preliminary and Final Site Plan Approval with a d(1) Use Variance and Bulk Variances and Waivers

PROPERTY ADDRESS: Rancocas Road & Highland Avenue – Block 201, Lot 7.01

ZONING DISTRICT: B-1 Business Zoning District

DATE OF HEARING: July 1, 2020

WHEREAS, Wawa, Inc. (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting amended preliminary and final site plan approval with a d(1) Use Variance and bulk variances for a reduction in the number of previously approved fueling stations from sixteen (16) to twelve (12) together with an approval to permit the addition of an 88 square foot drive-thru window to the previously approved 5,585 square foot building as an ancillary service to the convenience store and such proposed drive-thru provides stacking lanes that can accommodate 19 vehicles located on the property in the B-1 Business Zoning District. The property is located at Rancocas Road and Highland Avenue, Westampton, New Jersey, designated as Block 201, Lot 7.01 on the Township Tax Map and comprises approximately 3.279 acres (“Subject Property”); and

WHEREAS, the Board previously granted the Subject Property a d(1) use variance to permit a 5,585 square foot Food Market Convenience Store with sixteen (16) motor vehicle fueling stations together with Preliminary and Final Major Site Plan and Minor Subdivision approval on May 2, 2018 by Resolution 11-2018. In addition to the proposed Wawa Food Market and fuel fueling stations, Lot 7.01 was granted approval for a new full movement access drive from Highland Drive, parking, site lighting, landscaping and two connected aboveground stormwater basins; 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 July 1, 2020. The Applicant was represented by Duncan Prime, Esquire. The Board heard testimony from the Applicant’s witnesses and professionals as to the nature, purpose, location, and description of the requested use variance; proposed preliminary and final plan; use variance and requested bulk variances and waiver relief; and

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

WHEREAS, based on all the evidence submitted, 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 Site Plans and Minor Subdivision Plans prepared by Bohler Engineering dated June 10, 2020
 - B. Addendum to Stormwater Management Report prepared by Bohler Engineering dated June 10, 2020.
 - C. Traffic Assessment of Drive Thru prepared by Dynamic Traffic dated June 9, 2020.
 - D. Township of Westampton Site Plan Application dated June 8, 2020.
 - E. Submission letter prepared by Duncan Prime, Esq. dated June 10, 2020.
 - F. Title Report list of Easements and Right of Way Documents.
 - G. Site Layout Plan (Rendering) prepared by Bohier Engineering, Original Date June 10, 2020.
 - H. Drive Thru Signage Plan prepared by Bohler Engineering, dated June 24, 2020.
 - I. Wawa Gas Canopy Plan (Rendering) and Exterior Elevation Floor Plan (Rendering) prepared by Richard W. Luke, Architect, dated June 17, 2020.
 - J. Transmittals from Ronald E. Klos, Jr. PE of Bohler Engineering dated June 11, 2020 and June 24, 2020.
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 June 26, 2020; and
 - B. A letter prepared by the Board Planner, Barbara Fegley, AICP, PP, dated June 27, 2020
3. The Subject Property contains approximately 3.279 acres. The Applicant is now seeking amended preliminary and final site plan approval with a d(1) Use Variance and bulk variances for a reduction in the number of previously approved fueling stations from sixteen (16) to twelve (12) together and approval to permit the addition of an 88 square foot drive-thru window to the previously approved 5,585 square foot building as an ancillary service to the convenience store and the proposed drive-thru provides stacking lanes that can accommodate 19 vehicles located on the Subject Property.
4. The following witnesses and professionals were sworn in and appeared and testified in favor of the Application during the July 1, 2020 hearing: Ronald E. Klos, Jr. P.E., Applicant's Engineer, Michael Redel, Applicant's representative, Nick Verdserese, Applicant's Traffic Engineer and Elizabeth Leheny, Applicant's Planner.

5. The Applicant submitted the following exhibits during the July 1, 2020 hearing:
A-1 – Color Rendering
A-2 – Pedestrian Crossing Exhibit
6. At the July 1, 2020 hearing, Mr. Duncan presented and introduced the Application to the Board stating that the Board granted the Applicant an administrative approval at the June, 2020 meeting to reduce the number of fueling stations from 16 to 12 and that the Applicant is now requesting to add a drive-thru window. Mr. Prime stated that if approved, this will be the first Wawa drive-thru for the entire chain
7. Mr. Redel, the Applicant's representative, testified that that this site was selected as a drive-thru site since it was in the home territory of Pennsylvania and New Jersey where the most loyal customer base is; the location is good as well; it beat out 50 other locations for a test of the first drive-thru. Mr. Redel further testified that they have toyed with the idea of a drive-thru for many years but never pulled the trigger but the catalyst now is the COVID crisis and they think the timing is right as they want to offer this alternative to those who do not want to come into the store. Mr. Redel testified that they spoke to customers and found out what they would want and what they would expect in a drive-thru if Wawa had one and it was decided that Wawa would focus on speed of service to set them apart from other drive-throughs and they will only offer items that they can prepare quickly as Wawa is driven by convenience; the goal is three minutes or less prep time in the morning and four minutes prep time for each order at lunchtime.
8. Mr. Guerrero asked if the Applicant will have dedicated parking spaces for cars for pickup and Mr. Redel testified that they are not planning on having that; they tried it years ago; they do offer curbside pickup for people who order off of the mobile app. Barbara Fegley, the Board Planner, stated there were 3 curbside pickup spots on the plan and Mr. Redel testified that they are mislabeled and would be removed from the plan.
9. Mr. Klos presented a color rendering of the site plan and testified that the drive-thru is on the southwest side of the building and it only adds 88 square feet; the site access still remains the same. Mr. Klos testified that generally parking stays the same, with just a small reduction in spaces; drive-thru access is from south to north and there will be a left lane and a right lane; there will be preview boards and order boards; stacking is provided for 19 vehicles; one sign is on the southwest side of the building, mounted on the building and is 17.46 square feet in size, one at Rancocas Road and another at Highland Drive, they are 8 square feet and four feet in height. Mr. Klos further testified that there will be no change in delivery patterns for fuel nor for loading patterns, lighting and landscaping are generally the same and that parking is being reduced from 56 spaces to 44 spaces.
10. The Applicant addressed the comments in Mr. Winckowski's report. The Applicant testified that they propose curbing in the drive aisle, the current plan reduces impervious coverage by about 400 square feet and they will add landscaping. Mr. Winckowski, the Board Engineer, recommended supplementing the directional signage with some arrows on the pavement in order to reinforce correct circulation around the building.

11. Ms. Burkley asked if there was an entrance in the rear and the Applicant testified that there is. Ms. Burkley thought there may be a problem with the two lanes merging into one in the drive-thru and Mr. Winckowski thought it should function adequately.

12. Barbara Fegley, the Board Planner, stated that with curbside pickup the spaces are sometimes numbered and the Applicant stated they could work that into the sign.

13. Mr. Blair asked if the Fire Official had reviewed the plan and the Applicant testified that they do not have a new report yet but would make sure to obtain the Fire Official's comments and review.

14. Mr. Guerrero asked if there was a policy or restrictions on certain vehicles allowed on the site and the Applicant testified that they do not have such a policy.

15. A variance is necessary for the number of free-standing signs. The Applicant testified that they were not sure of the exact size of the signs but could agree that they will not be larger than a certain size so that they have a bit of variation and do not have to return to the Board for another approval.

16. Nick Verderese, the Applicant's Traffic Engineer, addressed the drive through findings from a study they performed. Mr. Verderese testified that there will be some reduction in traffic with removing 4 fueling stations, however there will be an overall increase associated with the drive-thru window and the Applicant did extensive studies of other drive throughs; it should take about 40 seconds per vehicle; and a 19-vehicle stack should take about 12 minutes to get from the back of the queue to the window to pick up an order.

17. Elizabeth Leheny, the Applicant's Planner, gave testimony regarding the variances. She stated that a d(1) use variance is necessary because a drive through is not a permitted use in the B-1 Business Zone. Ms. Leheny testified that there is no real detrimental impact; and the closest uses are not residential in nature. Ms. Leheny also testified that several bulk variances are required; they received some in 2018 and several more are required; and they need the additional signage to accommodate the drive-thru.

18. Ms. Burkley had concerns regarding the amount of light at the site. Mr. Blair explained that these variances had already been granted in 2018 when the application had received site plan approval and that additional landscaping had been added along Rancocas Road to mitigate the effects of the lighting. It was stated that canopy size is being reduced by 25% which will help with lighting reduction. The Applicant testified that they agree to look at the possibility of adding some additional landscaping.

19. Mr. Thorpe thinks there are some inadequacies that have not been addressed and believes oversized landscaping vehicles will be parking here and it should be a concern. Mr. Thorpe believes the additional traffic should be addressed and the intersection is a nightmare at rush hour and this will be adding more traffic to the intersection.

20. After testimony was presented by the Applicant and comments by the Board

professionals during the July 1, 2020 hearing, the matter was opened to the public for comment. Seeing no public comment, public comment was then closed

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

- a. relates to a specific piece of property, namely the Subject Property;
- b. that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, namely the promotion of the public health, safety, morals, and general welfare by allowing for the offering of a needed service in the community and the preservation of neighborhood character and conservation of neighborhood values;
- c. that the variances can be granted without substantial detriment to the public good because the Township will benefit from the provision of the Applicants' services in the community;
- d. that the benefits of the deviations would substantially outweigh any detriment and that the variances will not substantially impair the intent and purpose of the zone plan and ordinance.

22. The Board further finds that the Subject Property is particularly suitable for the proposed use as the Subject Property has been previously approved for use as a services station and convenience store and is adjacent to other commercial uses; the property would serve a benefit within the zone; the Subject Property fits comfortably within the uses of the surrounding properties; and the Subject Property will be developed in a responsible manner for the proposed use.

23. The Board further finds that the proposed use as an 88 square foot drive-thru window to the previously approved 5,585 square foot building as an ancillary service to the convenience store would not negatively impact the local neighborhood and community or be a substantial detriment to the public good because its impact, use type and anticipated clientele are similar to those buildings and uses surrounding the Subject Property and the proposed use will not substantially impair the intent and the purpose of the zone plan and zoning ordinance because a portion of the Subject Property has already been approved for the same use.

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

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton based upon the findings of facts and conclusions of law along with the testimony provided by the Applicant's witnesses and professionals, that the application of WaWa, Inc. seeking use variance relief pursuant to *N.J.S.A. 40:55D-70d(1)* to permit an 88 square foot drive-thru window to the previously approved 5,585 square foot building as an ancillary service to the convenience store was and is hereby **GRANTED**, by a vote of seven (7) in favor and none (0) opposed, upon motion by Mr. Blair and seconding by Ms. Haas.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Blair	X			
Borger	X			
Guerrero	X			
Haas	X			
Thorpe		X		
Odenheimer	X			
Burkley		X		

BE IT FURTHER RESOLVED, by the Land Development Board of the Township of Westampton, that the within Application for amended preliminary and final site plan approval along with bulk variance and waiver relief for a reduction in the number of previously approved fueling stations from sixteen (16) to twelve (12) together and approval to permit the addition of an 88 square foot drive-thru window to the previously approved 5,585 square foot building as an ancillary service to the convenience store and the proposed drive-thru provides stacking lanes that can accommodate 19 vehicles located on the Subject Property in the B-1 Business Zone upon motion duly made by Ms. Haas and seconded by Mr. Blair was and is hereby **GRANTED**, subject to the testimony and representations set forth on the record by the Applicant, and any conditions set forth herein.

ROLL CALL VOTE

	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Blair	X			
Borger	X			
Guerrero	X			
Haas	X			
Thorpe	X			
Odenheimer	X			
Burkley	X			

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

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

1. That the Application, all exhibits, testimony, map, and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it is determined by the Board, on non-arbitrary, non-capricious and reasonable grounds, that the Application, exhibits, testimony, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may review its approval and rehear the Application, if circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice;
2. At any time within 45 days after the adoption of this resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon presentation of clear and convincing evidence of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, consistent with the MLUL and case law, including but not limited to a reconsideration of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate;
3. The Applicant shall comply with all comments and recommendations set forth in the Board Engineer's June 26, 2020 Review Letter and the Board Planner's June 27, 2020 Review Letter;
4. The Applicant shall comply, satisfy and adhere to any and all conditions and/or requirements imposed by the Board at the hearing of this Application;
5. The Applicant shall request review by the Fire Marshal and comply with all terms, conditions, and recommendations set forth by the Fire Marshal
6. The Applicant shall comply, satisfy and adhere to any and all conditions and/or requirements contained within this Resolution;
7. The Applicant shall indemnify and hold the Township harmless from any Claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to *N.J.S.A. § 40:55D-12(c)*, and publication of the notice of public hearing in this matter in accordance with the law;

8. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed;
9. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining from which governmental and/or public agencies, if any, such approvals are required;
10. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner;
11. The Applicant must pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law;
12. The Applicant assumes all risks should the Applicant fail to obtain any other construction or other municipal permits required with respect to the relief as granted herein during the statutory appeal period associated with the language of this resolution;
13. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein;
14. Failure of the Applicant to comply with any representation, requirement or condition contained within this Resolution or stated on the record during the hearing of this Application will permit this Board, at its sole option, to rescind the approval and relief granted under this Resolution and/or advise the Township to revoke any permits issued to the Applicant in connection with the proposals contained in this Application.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:

Ronald Applegate, Chairman

ATTEST:

Marion Karp, RMC, CMR, Board Secretary

DATE MEMORIALIZED: _____

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

RESOLUTION OF MEMORIALIZATION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN

RESOLUTION NUMBER 20-2020

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 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 Council, 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 August 5, 2020; 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 5th day of August, 2020, 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

Applegate
Blair
Borger
Eckart
Freeman
Guerrero
Henley
Haas
Thorpe
Odenheimer
Burkley

Attest:

Ronald Applegate, 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 August 5, 2020, and said Resolution was authorized for memorialization at a meeting held on August 5, 2020.

Marion Karp, RMC, CMR, Board Secretary



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March 25, 2020

VIA REGULAR MAIL

Marion Karp, Administrator
Land Development Board
Municipal Building
710 Rancocas Road
Westampton, New Jersey 08060

**Re: New Jersey American Water Company, Inc.
Woodlane Station Modifications
Request for Informal Land Development Board Presentation
Block 1203, Lots 17 & 18/Woodlane Road, Westampton Township
Our File No.: NEW248-045**

Dear Ms. Karp:

On behalf of our client, New Jersey American Company, Inc. (the "Applicant"), we are submitting the following material in support of our request for an informal presentation to the Land Development Board regarding the above-referenced matter:

1. Site development plans entitled "New Jersey American Water Company, Inc., Westampton Township, Burlington County, Woodlane Station Modifications at Block 601, Lots 17/18," prepared by Mott Macdonald, dated March 2020, consisting of three (3) sheets – eight (8) copies; and
2. Our firm's check, made payable to Westampton Township, in the amount of \$500.00 **will be submitted to you under separate cover**, to establish a Professionals Escrow account for review of this matter.

The Applicant is proposing the redevelopment of an existing Public Utility Water Well and Treatment facility known as the Woodlane Station, that is located on a 1.803 acre, landlocked parcel, that is owned by the Applicant, located within an R-3 Residential Zoning District and more particularly known as Block 1203, Lots 17 & 18 on the official Tax Maps of Westampton Township, Burlington County (the "Property").

The Applicant is a Public Utility regulated by the New Jersey Board of Public Utilities and provides public water service within Westampton Township. The Property currently contains two (2) potable water wells, a water treatment building and related utility and other site

Marion Karp, Administrator

March 25, 2020

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improvements. Because the Property is landlocked, access to the Woodlane Station is provided by access easements from Woodlane Road and Burlington Mount Holly Road (C.R. 541).

The proposed development will include the removal of the existing water treatment building to be replaced by a new 5,200 square foot treatment building which will house water treatment equipment, electrical equipment and the existing Public Utility Well #5, in addition to three (3) filter systems, two (2) backwash holding tanks, a sludge tank and an emergency generator. The project will also include new water mains, a 48-inch chlorine contact pipe, chemical delivery containment areas, secure access and egress, in addition to other related site improvements.

As set forth above, the Property is located within an R-3 Zoning District in which public utilities are not a permitted use and the Applicant will be seeking "d2" Use Variance Approval for the Expansion of a Nonconforming Use, in addition to Preliminary and Final Site Plan Approval for the proposed redevelopment of the well and treatment station. In addition, because the Property is a landlocked parcel, the Applicant will also be requesting (to the extent necessary) Variance Approval to allow the property to continue not to have frontage on a public street, in addition to Bulk Variances to allow (i) a proposed Front Yard Setback of 13.75 feet to the Property line, when a minimum Front Yard Setback of 50 feet is required by Ordinance; and (ii) to allow Accessory Structures (Backwash Holding Tanks 1 & 2) to be 615.75 feet in size, when Accessory Structures may be a maximum of 600 square feet in size by Ordinance.

Consistent with our recent communication, I would appreciate if you would schedule this matter for informal presentation and discussion on the agenda for the next available Westampton Township Land Development Board Meeting, which had previously been scheduled for April 1, 2020. In the meantime, should you have any questions, or require additional information, please do not hesitate to contact me.

Thank you for your courtesy and assistance.

Very truly yours,



NIALL J. O'BRIEN

NJO:js

Encl.

cc: Jeffrey DeRusso, Senior Project Engineer (via email)
Carolynn Zebrowski, P.E. (via email)
Barbara Fegley, P.P., AICP (via email, w/enc.)
Gregory R. Valesi, P.E. (via email, w/enc.)
Jim Winckowski, P.E. (via email, w/enc.)
Robert Swartz, Esquire (via email, w/enc.)
Robert W. Bucknam, Jr., Esquire

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