

RESOLUTION: 09-2023

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Fly High Express, LLC
BOARD'S DECISION: Continuing Use Variance
PROPERTY ADDRESS: 501 Woodlane Road, Block 401, Lot 3
ZONING DISTRICT: C – Commercial Zoning
DATE OF HEARING: November 2, 2022; March 1, 2023

WHEREAS, Fly High Express LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting a Use Variance approval. The Applicant is proposing a use variance to develop one-third of the site with a 3,600 square foot commercial truck repair facility with two truck repair bays, and office space. The Applicant proposes 7 standard vehicular parking spaces in the front of the lot and 13 tractor trailer parking spaces are proposed in the side yard (the “Application”). The property is currently vacant and unimproved, comprised mostly of vegetation. Access to the proposed facility would be provided by 1 ingress/egress drive from Woodland Road. The 4.18-acre tract of property is located at 501 Woodlane Road, approximately 500 feet east of the intersection of Woodlane Road (Burlington County Route 630) and Springside Road, Westampton, New Jersey, designated as Block 401, Lot 3 on the Township Tax Map (“Subject Property”). The Subject Property is within the C - Commercial Zone; 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, prior to the September 7, 2022 Board meeting, the Applicant requested the Application be carried to the October 5, 2022 Board meeting; and

WHEREAS, during the New Business portion of the September 7, 2022 Board Meeting it was announced the Applicant requested to carry this Application until the October 5, 2022 Board meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, on November 2, 2022, the Applicant came before the Board seeking approval of the Application. The Applicant was represented by its attorney, Sarah Werner, Esq.; and

WHEREAS, the Board’s Solicitor swore in Mr. Gurpreet Singh, the Applicant, Civil Engineer Bob Stout, Traffic Engineer Lee Klein, and Planner Mark Remsa; and

WHEREAS, Ms. Werner stated the Applicant was not seeking site plan approval at the time of the meeting and has elected to bifurcate the Application. Mr. Stout testified that the parcel is 4.18 acres and is currently vacant. Further, he testified the Applicant is proposing a 3600 sq. ft. building with three bays, with one bay to be used as office space and the other two bays for repairs. He testified there would be 7 employee parking spaces and the hours of operation would be 8 a.m. to 8 p.m. Monday through Saturday. He testified there will be 13 truck and tractor trailer spaces for storage areas and the trash receptacles would be enclosed behind a fence; and

WHEREAS, the Applicant testified the plan is for the truck and tractor trailer repairs to occur on the Subject Property. He testified individuals would make appointments for minor maintenance, tire rotations, oil changes, and similar activities. Mr. Singh testified his business would not engage in towing of vehicles; and

WHEREAS, Lee Klein testified regarding his June 2, 2022 traffic engineering report based on a total of 20 parking spaces; three service bays, and 1800 sq. ft. of office space. Mr. Klein testified there would be no significant impact on traffic on the roadway; and

WHEREAS, Mark Remsa testified he reviewed the Township's Land Use Ordinances and Master Plan. He testified that the Subject Property is a wooded parcel that is a little over four acres in the Commercial District. He testified the southeast corner of the Subject Property will be developed and 2/3rds of Subject Property will keep its natural wooded state. He further testified to the positive and negative criteria and that he found no detriment to the public good; and

WHEREAS, based on the evidence submitted, the Board asked the following questions:

1. Mr. Guerrero and Mr. Borger asked about the noise from the business and the potential to insulate the structure. Ms. Werner responded the business will not exceed the level of noise permitted by the statewide and municipal codes. Mr. Singh responded the work will be performed in the bays and he did not anticipate noise being an issue. He stated if required by the Board, he would look into insulation for the noise and the bay doors would usually be closed.
2. Mr. Guerrero responded expressing his concern about the noise and the use of hammers and pneumatic tools because such tools make a lot of noise and Freedom Village is approximately 150' away from the Subject Property. Mr. Guerrero further stated he disagreed with Mr. Remsa assessment that the Subject Property is surrounded by industrial uses and stated his belief the Subject Property is surrounded by commercial and residential uses.
3. Mr. Dochney responded stating a service station attached to a gas station performing minor repairs is permitted but the proposed use by the Applicant is considered a full body auto shop with major repairs.
4. Mr. Thorpe responded providing his agreement with Mr. Guerrero that the Subject Property is not surrounded by industrial uses.

WHEREAS, following questions and comments from the Board, Ms. Werner requested to continue the application to a future date to permit the Applicant to provide additional studies and information to the Board; and

WHEREAS, following this request, the public was given the opportunity to provide comment regarding the Application; and

WHEREAS, at the March 1, 2023 Board meeting, Ms. Werner was present on behalf of the Applicant; and

WHEREAS, Mr. Sullivan swore in the Applicant, Mr. Singh. Mr. Singh testified that he had made minor changes based on the comments received and comments on the received reports. He testified there would be two service bays instead of the three originally proposed. He testified the bays would comply with all applicable and environmental regulations, including regulations pertaining to ventilation and waste disposal. He testified air wrenches would be the loudest equipment used on site and there would only be two operating at one time. Mr. Singh testified the air compressors will be located to the rear of the service bays away from the door openings; and

WHEREAS, following the testimony of Mr. Singh, Mr. Sullivan swore in Matthew Walsh ("Mr. Walsh"), civil engineer for the Applicant. Mr. Walsh provided his credentials and he was recognized as an expert in civil engineering by the Board; and

WHEREAS, Mr. Walsh shared his screen and testified regarding four exhibits:

1. Exhibit A3a, which demonstrated a rendering of the front of the two service bays and main door that leads into an office space;
2. Exhibit A3b, which demonstrated an aerial rendering of the proposed site located on Woodlane Road;
3. Exhibit A3c, which demonstrated a street-side view from Woodlane Road of the proposed building; and
4. Exhibit A3d, which demonstrated a rendering of the proposed berm and landscape and an estimation of the berm and landscape in ten years after the trees reached full maturity.

WHEREAS, following the testimony of Mr. Walsh, Mr. Sullivan swore in Lee Klein ("Mr. Klein"), traffic engineer for the Applicant. Mr. Klein was previously determined by the Board to be an expert in his field at the Board meeting in November 2022. Mr. Klein testified regarding his revised traffic report based on the Applicant revising the number of bays and reducing the size of the office space. Based on these proposed revisions, Mr. Klein testified there would be no significant impact on traffic; and

WHEREAS, following the testimony of Mr. Klein, Mr. Sullivan swore in Norman Dotti ("Mr. Dotti"), acoustical engineer for the Applicant. Mr. Dotti provided his credentials and was deemed an expert in his field by the Board. Mr. Dotti testified to the goal of his sound impact report. He testified that the report assessed the site's layout and use and how such would impact the residential areas close to the Subject Property. Mr. Dotti testified that the Application is for a commercial use and is subject to the State noise regulation of 65 DBA due to the nearby

residential area. He testified that they used Lenny's facility in Delran, New Jersey as a comparable measurement and extrapolated data from the Lenny's site due to his similar nature to the proposed Subject Property.

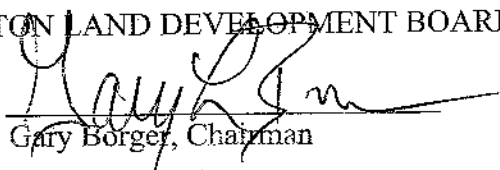
WHEREAS, Mr. Dotti provided Exhibit A4, which demonstrated an aerial overlay. Mr. Dotti testified he took measurements from Lenny's at 25' and 50' in front of the open bay door while the impact wrench was operating. He testified the sound from the impact wrench would need to come out of the bay doors and around the corner or edge of the building, which would decrease the sound as it travels. Mr. Dotti provided and testified regarding Exhibit A5, which depicted a sound graph of maintenance bay sound levels. Mr. Dotti provided and testified regarding Exhibit A6, which depicted the typical range of common sounds. Mr. Dotti testified if there are multiple sources of noise, such as two air wrenches in each bay being used at the same time, and if each air wrench is emitting 50 DBA of noise level, the noise level of one will increase by 3 DBA when using two. He testified in his opinion it would be the same sound levels as trucks and cars driving by in the street and it is clearly under the permitted maximum limit. He testified that if the noise exceeded the maximum limit, the County Health Department would initiate enforcement; and

WHEREAS, due to time restrictions, Ms. Werner requested the remainder of the testimony to be carried until May 3, 2023;


NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the Applicant's request for a use variance on the Subject Property in the C- Commercial Zone was and is hereby **CONTINUED**, subject to the testimony and representations set forth on the record and/or by written correspondence by the Applicant, and any conditions set forth herein.

WESTAMPTON LAND DEVELOPMENT BOARD

BY:


Gary Borger, Chairman

ATTEST:


Jodie Termini, Board Secretary

DATE MEMORIALIZED: 4/5/23