

RESOLUTION: 11-2022

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: MRP Industrial NE, LLC

**BOARD'S DECISION: DENIED Application for Preliminary
and Final Site Plan Approval**

PROPERTY ADDRESS: Irick and Woodlane Road - Block 804, Lot 12

ZONING DISTRICT: I – Industrial Zone

DATE OF HEARING: April 6, 2022

WHEREAS, MRP Industrial NE, LLC (“Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting preliminary and final site plan approval. The Applicant is proposing to construct two warehouse buildings totaling approximately 520,320 square feet. The proposed Warehouse Building 1 will contain 305,040 square feet including 13,600 square feet of office space and the proposed Warehouse Building 2 will contain 215,280 square feet including 14,800 square feet of office space. Warehouse Building 1 is proposed to contain 10,800 square feet of additional future office space; Warehouse Building 2 is proposed to contain 5,600 of additional future office space. The proposed development will contain over 600 parking spaces, 96 loading spaces, and 99 trailer parking stalls. The property is located at Irick and Woodlane Roads, Westampton, New Jersey, designated as Block 804, Lot 12 on the Township Tax Map (“Subject Property”). The Subject Property is within the I – Industrial 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, during the May 5, 2021 Board meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the June 2, 2021 meeting as it was determined that the Zoom capacity was insufficient to allow all members of the public to attend the hearing; and

WHEREAS, the Board solicitor announced the Applicant’s request at the May 5, 2021 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, the Applicant agreed to re-notice and re-advertise for the June 2, 2021 meeting; and

WHEREAS, prior to the June 2, 2021 meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the July 7, 2021 meeting; and

WHEREAS, the Board Chairman announced the Applicant's request at the June 2, 2021 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, prior to the July 7, 2021 meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the August 4, 2021 meeting; and

WHEREAS, the Board Chairman announced the Applicant's request at the July 7, 2021 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting; and

WHEREAS, at the August 4, 2021 and September 1, 2021 Board meetings, the Applicant was represented by Michael F. Floyd, Esquire. The Board heard testimony from the Applicant's witnesses and professionals as to the requested relief; and

WHEREAS, prior to the October 6, 2021 meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the November 3, 2021 meeting to allow Applicant additional time to address comments raised by the Board members concerning traffic; and

WHEREAS, the Board Chairman announced the Applicant's request at the October 6, 2021 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting and no further notice would be required of the Applicant for the November 3, 2021 Board meeting.

WHEREAS, prior to the November 3, 2021 meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the December 1, 2021 meeting to allow Applicant additional time to address comments raised by the Board members concerning traffic; and

WHEREAS, the Board Chairman announced the Applicant's request at the November 3, 2021 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting and the Applicant would re-notice and re-advertise for the December 1, 2021 Board Meeting.

WHEREAS, prior to the March 2, 2022 meeting, the Applicant, through its attorney, Michael F. Floyd, Esquire, requested the Application be carried to the April 6, 2022 meeting to allow Applicant additional time to address comments raised by the Board members concerning traffic; and

WHEREAS, the Board Chairman announced the Applicant's request at the March 2, 2022 meeting to advise any members of the public present for the Application that the Application would be heard at the next meeting and the Applicant would re-notice and re-advertise for the April 6, 2022 Board Meeting; and

WHEREAS, issues of jurisdiction regarding whether or not the Application requires a D-1 use variance and whether or not the Application complies with the new stormwater management regulations established by Ordinance No. 1-2021 have arisen; and

WHEREAS, the Board has considered correspondence from Jeffrey M. Brennan, Esquire, attorney for Christina Goetz and Kirsten Bjork-Jones, 120 West Maple Tree Drive, Westampton dated March 1, 2022 and April 6, 2022, correspondence from Michael F. Floyd, Esquire, attorney for the Applicant, correspondence from David C. Frank, Esquire, attorney for the Pew family, the March 25, 2022 report of Chris Dochney, PP, AICP of CME Associates and a letter from the Board attorney, Louis Cappelli, Jr., Esq. dated March 23, 2022; and

WHEREAS, the Board heard the argument of counsel and discussion of the issues with the Land Development Board Planner and makes the following findings:

1. The proposed warehouse use by the Applicant is in the Industrial District.
2. The Industrial District does not expressly permit multiple distinct principal uses on a site.
3. The Township Code §250-22.1 permits multiple uses on commercial or industrial sites where "all buildings are designed as united and comprehensive plan in accordance with applicable zoning district standards."
4. The two different uses as proposed by the Applicant are a cell telephone tower and a warehouse.
5. The proposed uses by the Applicant are unrelated uses to occupy the same site as distinct and separate principal uses that happen to occupy the same property.
6. A D-1 use variance will be required to permit multiple uses on the property as proposed. Therefore, this Application is DENIED as the Board capacity as a Planning Board does not have the jurisdiction to consider the Application.
7. The Application was filed prior to the effective date Ordinance 1-2021, the stormwater ordinance, is not subject to New Jersey Department of Environmental Protection's stormwater regulations, N.J.A.C. 7:8-1.6(b)1.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the Applicant's request for preliminary and final site plan approval on the Subject Property in the I-Industrial Zone is hereby **DENIED**.

<u>ROLL CALL VOTE</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Recusal</u>
Alvarez			X	
Borger	X			
Carr			X	
Fagan			X	
Grace				
Guerrero	X			
Henley			X	
Karp	X			
Odenheimer	X			
Thorpe	X			

WESTAMPTON LAND DEVELOPMENT BOARD

BY: David M. Guerrero
David Guerrero, Vice Chairman

ATTEST: Jodie Termi
Jodie Termi, Board Secretary

DATE MEMORIALIZED: 5/4/22