

RESOLUTION: 16-2022

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Westampton Realty Urban Renewal, LLC

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

PROPERTY ADDRESS: 2015 Route 541, Westampton, NJ 08060, Block 805 Lot 1

ZONING DISTRICT: C - Commercial Zone

DATE OF HEARING: June 1, 2022

WHEREAS, Westampton Realty Urban Renewal, LLC ("Applicant") filed an application with the Westampton Land Development Board ("Board") requesting preliminary and final site plan approval and preliminary and final subdivision approval whereby the Applicant proposed to subdivide an existing 11.24-acre parcel for development of hotels, a restaurant and a drive-through establishment, the drive-through restaurant to be contained within the 11.24-acre parcel, an area comprising 1,520 square feet. The hotel, which is in addition to the current hotel, shall be for a combined four-story hotel (173 total rooms). Additional proposed improvements contained within the parcel include parking areas, signage, and lighting. The hotel and both restaurant components will be improved with landscaping, site lighting, and stormwater management facilities. The site is located at the north side of the New Jersey Turnpike entrance on Route 541 in Westampton Township at 2015 Route 541 Westampton, New Jersey, designated as Block 805, Lot 1 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 June 1, 2021, represented by George H. Hulse, 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 evidence submitted to the Board and testimony presented at the June 1, 2022 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 consisting of 15 sheets, prepared by Stout & Caldwell Engineering, dated March 31, 2020, last revised January 31, 2022;
 - B. Stormwater Management Report prepared by Stout & Caldwell Engineers dated February 17, 2020, last revised January 31, 2022;
 - C. Stormwater Operations and Maintenance Manual prepared by Stout & Caldwell Engineers dated February 17, 2020, last revised January 31, 2022;
 - D. ASTM Phase I Environmental Site Assessment prepared by Federated Environmental Associates dated June 30, 2017;
 - E. Traffic Engineering Assessment prepared by Nathan B. Mosely, PP, CME of Shropshire Associates, LLC of Atco, NJ dated February 9, 2022;
 - F. Architectural Drawings prepared by Babak Architecture dated December 6, 2018;
 - G. Township of Westampton Site Plan Application dated 12/04/20;
 - H. Stout & Caldwell Response to professionals' letters dated February 10, 2022; and
 - I. Burlington County letter Regarding Preliminary & Final Major Subdivision and Major Site Application dated May 7, 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 January 31, 2022;
 - B. A letter prepared by the Board Planner, Chris Dochney, AICP, PP, dated March 29, 2022; and
 - C. A report prepared by the Westampton Township Emergency Services, dated May 2, 2022.
3. The Subject Property is owned by Westampton Realty Urban Renewal, LLC, located at 2015 Route 541 Westampton, New Jersey, the title owner of the subject property, designated as Block 805, Lot 1, lying within the C - Commercial District.
4. The Applicant seeks preliminary and final major site plan approval for the development of one restaurant, one drive-through restaurant, and one hotel in addition to the currently existing hotel at the subject property.
5. The Applicant submitted the following exhibits during the March 3, 2021 hearing and resubmitted at the June 1, 2022 hearing:
 - a. Exhibit A-1 – Westampton Realty Aerial Rendering;
 - b. Exhibit A-2 – Westampton Realty Site Rendering;
 - c. Exhibit A-3 – Westampton Realty Hotel Building Elevation 1;
 - d. Exhibit A-4 – Westampton Realty Hotel Building Elevation 2;

- e. Exhibit A-5 – Westampton Realty Hotel Rendering; and
- f. Exhibit A-6 – Westampton Realty Redevelopment Rendering.

6. Rishi Goragandhi, Applicant's representative; Mark Malinowksi, Applicant's site and civil engineer; and Randal Barringer, Applicant's traffic engineer, were all sworn in by the Board solicitor.

7. Mr. Hulse presented and introduced the Application to the Board and explained the requested relief. Mr. Hulse indicated that the Westampton Township Committee adopted an amended redevelopment agreement the week prior to this meeting. He indicated the application originally filed by the Applicant a year ago has changed due to market conditions. He explained the Applicant is seeking to pursue development of the Subject Property in phases. The first phase would be to develop roadside improvements for the pad site for the restaurant and drive-through restaurant pad sites, to include construction of the restaurant and drive-through restaurant. The second phase will involve renovations to the existing Red Roof Inn and site work necessary to improve the building. Phase three would involve construction of the first of the two hotel units. The fourth phase would be construction of the second hotel unit.

8. After placing his credentials on the record, the Applicant's site/civil engineer, Mr. Malinowski, testified how the plan was designed to fit the ordinance and existing site conditions. Mr. Malinowski further testified that the site is bordered by Burlington-Mount Holly Road to the northeast and the New Jersey Turnpike to the west. He stated the site currently has two ingress and egress points off Burlington-Mount Holly Road. He explained that the site is developed, with the Red Roof Inn currently operating at the site. Mr. Malinowski explained there is significant parking along the perimeter of the site and a paved area that is currently used for truck parking. He indicated there is a wooded area in the rear of the site and an established tree line along the westerly and easterly side of the Subject Property. He explained that the property is in the "C" Commercial Zone and is subject to the 2015 Mount Holly Redevelopment Area. Further, Mr. Malinowski testified that the plan consists of a 6,000 square foot restaurant to be located in the northeasterly corner of the Subject Property with a 200-seat capacity. He indicated there would be a reconfiguration of all the pavement and parking areas around the restaurant to accommodate the facility. He stated there would be a 1,520-square foot drive-through restaurant to be located on the southeast side of the Subject Property, which would have parking and a drive-through. He testified the next phase would be further improvements to the parking lots and sidewalk areas and improvements at the existing Red Roof Inn. The next phase would be completion of one of the combined hotels in the back area of the Subject Property. The hotel would be a dual hotel with easterly and westerly wings. The easterly wing would run parallel to the New Jersey Turnpike ramp. The dual hotel would have 173 rooms.

9. Mr. Malinowski further testified that the landscape plan is extensive and complies with ordinance requirements; buffers all comply with ordinance requirements; water and sewer will be provided by existing mains. The Applicant requested waivers for Section 196-9.A(18) building elevations and floor plans for the restaurant and drive-through. Mr. Malinowski indicated there are signage variances sought according to the redevelopment plan. He indicated for the hotel the Applicant is permitted a side sign for the two hotels. He indicated the Applicant is seeking to place three signs for each wing. He was proposing a sign on the front of each wing.

a sign on the side of each wing, and a sign on the rear of each wing. Mr. Malinowski further testified that the maximum square footage of a façade sign under the redevelopment plan is 200 square feet and that the proposed signs would comply.

10. Mr. Roberts asked if the signs on the buildings would be illuminated or merely aesthetic. Mr. Goraghandi testified that the signs will be illuminated with internal lighting. Mr. Goraghandi testified that the signage is part of the branding for the hotels and must be purchased through the hotels' vendor.

11. After placing his credentials on the record, Mr. Barranger, the Applicant's traffic engineer, testified regarding a traffic impact study completed in February 2022. Mr. Barranger testified that there are two primary nearby signalized intersections of the Burlington-Mount Holly Road (County Road 541) and Hancock Lane. He further testified his firm reviewed County Road 541 and Irick Road, the northbound jug handle from County Road 541 to Hancock Lane, and the northbound jug handle from County Road 541 to Western Drive. He testified he found little to no change to operational levels of service at those intersections. Further, he testified to the access points for the Subject Property driveways. He indicated such driveways are under the jurisdiction of Burlington County and that he has met with the County and received their review and comments. He testified there may be changes to the access driveways based on the County's concern regarding exiting the site and trying to get into the adjacent dual left-turn lane. He testified that all exiting movements would be further to the north, permitting more opportunity to get to the left-turn lane. He testified that the County indicated there must be changes to accommodate for pedestrians. Additionally, Mr. Barranger testified the drive-through restaurant is expected to be a coffee/donut shop.

12. Mr. Borger had a question concerning Exhibit A-2. Mr. Borger asked whether the vehicles at the drive-through restaurant would be pulling in front of the site and traveling around the rear of the building. Mr. Barranger testified that was his understanding, but the County expressed concern regarding the egress.

13. Mr. Roberts asked whether the trip generations calculations include growth. Mr. Barranger testified the growth rate provided by the New Jersey Department of Transportation was 1% per year and this was used for two years in the traffic study report.

14. Mr. Thorpe stated the Applicant mentioned the drainage area and the sides that are not on Burlington-Mount Holly Road having a large number of trees at the current time. Mr. Thorpe suggested a stipulation that the Applicant keep as many trees as possible, particularly near the drainage area. Mr. Thorpe commented he would like to maintain the light fixtures at the proposed 3,000-degree Kelvin level and not any higher. He also asked whether the 100' ladder truck issue had been resolved. Mr. Malinowski testified that some of the encroachments are bumper overhangs and the vehicle itself would drive over the curb. Further, he testified the ladder truck wheel base is relatively short compared to the overall length of the truck and are designed that way to accommodate tight maneuvering. Mr. Hulse followed up, stating that the Applicant will keep as many trees as possible.

15. Mr. Dochney, the Board's Planner, asked whether the Applicant was seeking preliminary and final approval for the entirety of the site. Mr. Hulse responded in the affirmative.

i. After testimony was presented by the Applicant and comments by the Board professionals during the June 1, 2022, hearing, the matter was opened to the public for comment; there were no public comments.

NOW, THEREFORE, BE IT RESOLVED, that the Applicant's Application requesting preliminary and final major site plan approval for the development of a hotel, restaurant, and drive-through restaurant at an existing 11.24-acre parcel located at 2015 Route 541, Westampton, New Jersey 08060, upon motion duly made by Mr. Grace and seconded by Mr. Fagan, 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 that 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 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 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 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, 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 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;
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, zoning 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; and
10. The Applicant shall comply with all representations and stipulations contained in the application and as represented through testimony in support of the application.

ROLL CALL VOTE

Ayes Nays Abstentions Recusal

Board Members	Ayes	Nays	Abstentions	Recusal
Robert Thorpe	✓			
Joseph Odenheimer	✓			
Patty Berger	✓			
Ryan Fagan	✓			

WESTAMPTON LAND DEVELOPMENT BOARD

BY: David M. Duenno
David Guetto, Vice Chairman

ATTEST: Jodie Terri
Jodie Terri, RMC, CMR, Board Secretary

DATE MEMORIALIZED: 7/16/22