

RESOLUTION: 23-2022

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

APPLICANT'S NAME: Inductotherm
BOARD'S DECISION: Approval of a Use Variance
PROPERTY ADDRESS: 10 Indel Avenue – Block 403, Lot 1
ZONING DISTRICT: I, Industrial District
DATE OF HEARING: September 7, 2022

WHEREAS, Inductotherm (the “Applicant”) filed an application with the Westampton Land Development Board (“Board”) requesting a “d2” Use Variance approval (“Approval”). The Applicant is proposing a façade sign greater than three feet in height on the existing Inductotherm building in the I, Industrial District and located at 10 Indel Avenue, Westampton, New Jersey, designated as Block 403, Lot 1 on the Township Tax Map (“Subject Property”); and

WHEREAS, the Board has 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 Subject Property is a 114-acre parcel located on the north side of Rancocas Road (CR 626) at the intersection with Interstate Route 295. The property has approximately 498 feet of frontage along Rancocas Road (CR 626) and over 1,800 feet of frontage along Interstate 295. There are ten buildings on the site, which are identified as industrial uses, including light manufacturing facilities and airplane hangars; and

WHEREAS, the Applicant is proposing to install a building mounted sign on the Inductotherm building on the property, which is a two story building closest to Rancocas Road with the proposed sign being 6 feet in height and 16 feet in width and would be located on the southern façade facing Rancocas Road between the first and second stories of the building; and

WHEREAS, the Applicant came before the Board at the regularly-scheduled public meeting held on September 7, 2016 and was represented by Rowan Watson, Esquire. The Board heard testimony from the Applicant’s professional, Nick Kappato, as to the nature, purpose, location, and description of the Application; and

WHEREAS, the Board discussed the Application and the Board Professionals offered comments. 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. One sheet signage proof drawing from SignPros, dated August 27, 2021
 - B. Photos of subject property illustrating signage on building, undated; and
 - C. The Applicant's Application form.
2. The Board considered the following review letters submitted by the Board Professionals:
 - A. A letter prepared by the Board's Planner Chris Dochney, PP, AICP, August 24, 2022.
3. The Subject Property is owned by the Applicant and is located at 10 Indel Avenue Westampton, New Jersey, lying within the I, Industrial District.
4. The Applicant seeks a Use Variance approval for the installation of a building mounted sign on the building with the proposed sign being 6 feet in height and 16 feet in width.
5. Rowan Watson, Esq., Applicant's representative and attorney, and Nick Kappato, were both sworn in by the Board's Solicitor.
6. Ms. Watson presented and introduced the Application to the Board and explained the requested relief.
7. Ms. Watson addressed the Board and stated the Applicant is seeking a variance for a new sign on the side of the Applicant's building. She indicated the Applicant is seeking a variance because the Township Ordinance requires the maximum sign height not to exceed 3 feet but a portion of the sign would be 6 feet because of the "T" in the Inductotherm logo. She stated the proposed sign would be on the front of the building to help identify the building to the community.
8. Ms. Watson stated that the signed would be positive for the community. Further, she stated the building is a large building and it is setback from the road. She stated she found no negative impact because the lights of the sign would not blink or flash.
9. Mr. Kappato testified that the sign will use reverse channel letters, which means there is an internal illumination. He stated the letters will light up with a halo effect and will illuminate the sign.
10. Mr. Guerrero asked about the lumen output of the LEDs.
11. Mr. Kappato responded that he could not testify to the exact lumen output.

11. Mr. Thorpe asked about the color temperature for the LEDs and commented that a standard white does not exist because there are different color values and temperatures.

13. Mr. Kappato responded to Mr. Thorpe asking for his recommendation for lumens and temperatures.

14. Mr. Thorpe responded stating the Board usually suggests staying under 4000 Kelvin. Mr. Thorpe applauded the Applicant for the use of the halo effect.

15. Mr. Kappato responded by testifying he had no objections to 4000 or less.

16. Mr. Dochney asked for the photos to be shared on the screen of an image of the sign. Ms. Termi shared the screen to show four photos of the Inductotherm sign.

15. After testimony was presented by the Applicant and comments by the Board and Board Professionals during the September 7, 2022, hearing, the matter was opened to the public for comment; no members of the public provided comment.

16. Following a summary of the Application by the Board's Solicitor, Mr. Guerrero asked for a motion to approve or deny the application for a Use Variance with the 4000 or less on the lighting. The Motion to approve was moved by Mr. Thorpe and second by Mr. Holshue.

17. Following the vote of the Board, the Applicant requested a waiver to proceed at its own risk instead of waiting for the Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Land Development Board of the Township of Westampton, that the Applicant's Application for a Use Variance for the installation of a building mounted sign which is 6 feet in height and 16 feet in width at the Subject Property upon motion duly made by Mr. Thorpe and seconded by Mr. Holshue, was and is hereby **GRANTED**, subject to the representation set forth on the record by the Applicant and the Applicant's professionals, and any conditions set forth on the record and stated herein.

IT IS FURTHER RESOLVED, the above relief is subject to the following 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.
11. The Applicant shall comply with all other applicable Township Code requirements.

ROLL CALL VOTE

| | Ayes | Nays | Abstentions | Recusal |
|-----------------|------|------|-------------|---------|
| Board Members | | | | |
| Mr. Carr | | | ✓ | |
| Mr. Fasan | ✓ | | | |
| Mr. Guellerio | ✓ | | | |
| Mr. Holshue | ✓ | | | |
| Mr. Jones | ✓ | | | |
| Mr. Oddenheimer | ✓ | | | |
| Mr. Thorpe | ✓ | | | |

WESTAMPTON LAND DEVELOPMENT BOARD

BY: David M. Duenen
David Guellerio, Vice Chairman

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

DATE MEMORIALIZED: 10/5/22