

TOWNSHIP OF SOUTHAMPTON  
5 Retreat Road  
Southampton, New Jersey 08088  
609-859-1394  
FAX 609-388-5532  
[Planning-zoning@southamptonnj.org](mailto:Planning-zoning@southamptonnj.org)

The application, with supporting documentation, must be filed with the Office of the Planning and Zoning Board Administrator. Determination of completeness will be made within forty-five (45) days. Any additional information provided will be subject to a forty-five (45) days determination of completeness. After a meeting is scheduled, any documents submitted must be delivered to the Board and professionals no later than fifteen (15) days prior to the meeting scheduled.

**PLANNING BOARD & ZONING BOARD APPLICATION FORM**

Date Filed: \_\_\_\_\_ Application No. \_\_\_\_\_  
Planning Board: \_\_\_\_\_  
Zoning Board of Adjustment: \_\_\_\_\_  
Application Fees: \_\_\_\_\_  
Scheduled for: Review for Completeness: \_\_\_\_\_ Hearing: \_\_\_\_\_

1. **SUBJECT PROPERTY:**  
Property Location Address: 1869 Route 38

Tax Map: Page 4.0 Block 403 Lot(s) 1  
Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions: Frontage No change Depth No change Total Area No change  
Zoning District I-Industrial

2. **APPLICANT/OWNER/DEVELOPER:**  
Name: Tractor Supply Company  
Address: 5401 Virginia Way, Brentwood TN, 37027  
Telephone No: (615) 440-4533 Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
Applicant is a: Corporation  Partnership \_\_\_\_\_ Individual \_\_\_\_\_  
Corp., Partnerships & LLC's, please provide a W-9 form.

3. **DISCLOSURE STATEMENT:**  
Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirements applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. (Attach pages as necessary to fully comply.)

Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____

4. If Owner is other than the applicant, provide the following information on the Owner(s):  
Owner's Name: Ara 1869, LLC  
Address: 1320 S Dixie Hwy, Coral Gables FL, 33146  
Telephone No: \_\_\_\_\_ Fax No.: \_\_\_\_\_

5. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING: SUBDIVISION:

- Minor Subdivision Approval
- Subdivision Approval (Preliminary)
- Subdivision Approval (Final)

Number of lots to be created \_\_\_\_\_ Number of proposed dwelling units \_\_\_\_\_  
 (including remainder lot) (if applicable)

**SITE PLAN:**

- Minor Site Plan Approval
- Preliminary Site Plan Approval {Phases (if applicable) \_\_\_ }
- Final Site Plan Approval {Phases (if applicable) \_\_\_\_\_ }
- Amendment or Revision to an Approved Site Plan
- Area to be disturbed (square feet) 371
- Total number of proposed dwelling units N/A
- Request for Waiver from Site Plan Review and Approval

Reason for request: 1,000 Gallon Bulk Propane Tank Addition

- Informal Review (Planning Board only)
- Appeal decision of an Administrative Officer (N.J.S. 40:55D-70a)
- Map or Ordinance Interpretation of Special Question (N.J.S. 40:55D-70b)
- Variance Relief (hardship) (N.J.S.40:55D-70c(1))
- Variance Relief (substantial benefit) (N.J.S.40:55D-70c(2))
- Variance Relief (use) (N.J.S. 40:55D-70d)
- Conditional Use Approval (N.J.S.40:55D-67)
- Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin (N.J.S. 40:55D-34)
- Direct issuance of a permit for a lot lacking street frontage (N.J.S.40:55D-35)

6. Attach in paragraph form, an explanation of the exact nature of the application and the changes to be made, including proposed use of the premises, and why any variances or waivers should be granted: (Attach separate sheet)

7.

**PROPERTY INFORMATION:**

Restrictions, covenants, easements, association by-laws, existing and proposed on the property:

Yes(attach copies) \_\_\_\_\_ No \_\_\_\_\_ Proposed \_\_\_\_\_

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of the premises: Tractor Supply Company

8. APPLICANT'S ATTORNEY: Damien DelDuca, Esq.  
 Address: 21 E. Euclid Avenue, Suite 100, Haddonfield, NJ 08033  
 Telephone No: (856) 427-4200 Fax (856) 427-4241  
 email: dod@delducalewis.com

9. APPLICANT'S ENGINEER: Dynamic Engineering Consultants, PC  
Address: 1904 Main Street, Lake Como, NJ 07719  
Telephone No.: (732) 974-0198 Fax (732) 974-3521  
email: jsewald@dynamicec.com
10. APPLICANT'S PLANNING CONSULTANT: TBD  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
email: \_\_\_\_\_
11. APPLICANT'S TRAFFIC ENGINEER: N/A  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
email: \_\_\_\_\_
12. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary)  
Name: N/A  
Field of Expertise: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
email: \_\_\_\_\_
13. Section(s) of Ordinance from which a variance is requested: 12-3.7.d
14. Waivers Requested of Development Standards and/or Submission Requirements:  
(attach additional pages as needed)
15. **Attach a copy of the Notice to appear in the official newspaper of the municipality (The Central Record or The Burlington County Times) and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.**  
**The publication and the service on the affected owners must be accomplished at least ten (10) days prior to the date scheduled by the Administrative Officer of the hearing.**  
**An affidavit of service on all property owners and a proof of publication must be filed at least three (3) days prior to meeting before the application will be complete and the hearing can proceed.**
16. Is a public water line available? N/A
17. Is public sanitary sewer available? N/A
18. Does the application propose a well and septic system on site? No
19. Have any proposed new lots been reviewed with the Township Engineer to determine appropriate lot and block numbers? No
20. Are any off-tract improvements required or proposed? No
21. Is the subdivision to be filed by Deed or Plat? N/A

22. What form of security does the applicant propose to provide as performance and maintenance guarantees? N/A

23. Other approvals which may be required and date plans submitted:

	Yes	No	Dates Plans Submitted
Burlington County Board of Health	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Burlington County Planning Board	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Burlington County Soil Conservation District	<u>      </u>	<u>  ✓  </u>	<u>      </u>
NJ Dept. of Environmental Protection	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Pinelands Commission	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Stream Encroachment Permit	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Wetlands Permit	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Other	<u>      </u>	<u>  ✓  </u>	<u>      </u>
NJ Dept. of Transportation	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Public Service Electric & Gas Company	<u>      </u>	<u>  ✓  </u>	<u>      </u>
County 9-1-1 Coordinator, Street Name Approval	<u>      </u>	<u>  ✓  </u>	<u>      </u>

24. Certification from the Tax Collector that all taxes due on the subject property have been paid.

25. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing).

26. The applicant hereby requests that copies of the reports of the professional staff reviewing the application be provided to the following of the applicant's professionals: Specify which reports are requested for each of the applicant's professionals or whether all reports should be submitted to the professional listed.

Applicants Professional	Reports Requested
Attorney	<u>All</u>
Engineer	<u>All</u>

**CERTIFICATION**

27. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.  
(If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this 30 day of April, 2020.

*Jamie Turner*  
Notary Public

*Jeremy Black*  
Signature of Applicant



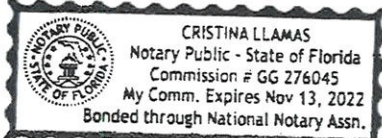
28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.  
(If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.)

Sworn to and subscribed before me this

9 day of September, 2020.

Notary Public

Signature of Owner



29. I understand that the sum of \$ 7500 has been deposited in an escrow account. In accordance with the Ordinance of the Township of Southampton, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned under the procedures in the ordinance. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days. I understand that no further review of my application will be made until such time as my escrow account is current.

9/9/2020

Date

Signature of Applicant

30. I agree to be responsible for all bills against this development's escrow account. In the event that this project is sold or my interest is transferred to another party, my obligation can only be relieved if all outstanding escrow bills are paid and the new principal obligates himself to the responsibility of all future bills in an agreement with the Township.

9/9/2020

Date

Signature Developer/Applicant

LAND DEVELOPMENT

12 Attachment 1

Township of Southampton

Appendix A  
Checklists

Appendix A-1  
Minor Subdivision/Site Plan

CHECKLIST MINOR

REVISED: 10-6-2003

REVISED: 12-8-2004

SUBMISSION CHECKLIST, TOWNSHIP OF SOUTHAMPTON  
APPLICATION FOR MINOR SUBDIVISION/SITE PLAN

(FIFTEEN COPIES OF ALL INFORMATION SUBMITTED, MUST BE PROVIDED BY APPLICANT.)

BLOCK 403, LOT(S) 1

APPLICANT/OWNER/DEVELOPER'S NAME Tractor Supply Company

PROPERTY LOCATION ADDRESS: 1869 Route 38

- Required Application, Application Fee and Escrow Deposit, and Escrow Agreement. (See attached Fee and Escrow Ordinance.)
- Certification by the Tax Collector that all taxes on said property are paid to date.
- Minor Plat or Minor Plan drawn to scale of one inch equals 100 inches by professional engineer or land surveyor in accordance with the Township's Land Development Ordinance on one of the four of the following standard sheet sizes: 8 1/2" x 13", 15" x 21", 24" x 36", or 30" x 42".
- 1. Key map showing entire tract and its relation to the surrounding area at a scale of one inch equals not more than 2,000 feet.
- 2. Title Block in accordance with the rules governing title blocks for professional engineers including:
  - a. Name of subdivision or development, township name and county.
  - b. Name, title, address and telephone number of the subdivider or developer.
  - c. Name, title, address, telephone number and license number of the professional(s) that prepared plat or plan.
  - d. Name, title, address and telephone number of the owner or owners of record.
  - e. Scale in inches to feet and bar scale.

## SOUTHAMPTON CODE

- f. Date of original preparation and of each subsequent revision and a list of the specific revisions entered on each sheet.
- ✓ 3. Acreage figures and north arrow.
  - ✓ 4. Approval signature lines for: Planning or Zoning Board Chairperson, Board Secretary and Township Engineer.
  - ✓ 5. Existing block and lot numbers as they appear on the official Tax Map of Southampton Township to be subdivided or developed.
  - ✓ 6. Boundary lines (heavy solid line) of subdivision or development.
  - ✓ 7. Location of existing and proposed property lines with bearings and distances, streets, buildings with their numerical dimensions and indication as to whether existing buildings will be retained or removed, parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features including wetlands and treed areas, historic features including family burial grounds and buildings more than 60 years old, both within the tract and within 200 feet of its boundary.
  - ✓ 8. Location and width of all existing and proposed utility easements.
  - ✓ 9. Zoning district affecting the tract, including district names and requirements.
  - ✓ 10. Proposed buffer and landscaping areas.
  - W 11. Delineation of flood plains, including both floodway and flood fringe areas.
  - ✓ 12. Contours as shown on the U.S.G.S. topographic sheets.
  - ✓ 13. Marshes, ponds and lands subject to flooding within the tract and within 100 feet of subject tract.
  - ✓ 14. The name of all adjacent property owners within 200 feet as they appear on the most recent tax list prepared by the Tax Assessor.
  - ✓ 15. Minor subdivisions shall include existing and proposed iron or copper pins and/or monuments.
  - N/A 16. Certification by a professional engineer that the proposed lot(s) can adequately accommodate a septic system and a copy of any written review or report by the County Board of Health and the standards for High Quality Groundwater in Ordinance #2003-2.
  - ✓ 17. Minor subdivision or minor site plan involving any street(s) requiring additional right-of-way width shall be shown granted to the Township or other government agency along one side or both sides of the streets.
  - N/A 18. Minor subdivision or site plan of any corner lot shall provide a sight triangle easement.
  - ✓ 19. Any deed descriptions including metes and bounds, easements, covenants, restrictions, roadways and sight triangle dedication must be shown.
  - ✓ 20. Official Street name(s) and house numbers.

LAND DEVELOPMENT

Appendix A-5  
D Variance (Use Variance)

CHECKLIST D VARIANCE

4-12-2004  
Rev. 12-8-2004

SUBMISSION CHECKLIST  
TOWNSHIP OF SOUTHAMPTON, NEW JERSEY  
APPLICATION FOR "D" USE VARIANCE  
ZONING BOARD OF ADJUSTMENT

(ORIGINAL AND 15 COPIES OF ALL INFORMATION SUBMITTED, MUST BE PROVIDED BY APPLICANT.)

BLOCK 403 LOT(S) 1

APPLICANT/DEVELOPER'S NAME Tractor Supply Company

PROPERTY LOCATION ADDRESS: 1869 Route 38

DATE OF SUBMISSION: 03/11/2020

- Required Application.
- Required Application Fee and Escrow Deposit. (See attached Fee and Escrow Ordinance.)
- Certification by the Tax Collector that all taxes on said property are paid to date.
- Current Survey and/or Site Plan in accordance with Site Plan Ordinance.
- Escrow Agreement.
- Written request for any waiver(s).

This checklist is not a substitute for any specific submission requirement of our Ordinances. See Ordinances for details. For any of the above requirements not submitted, a statement requesting a waiver and reason(s) must be submitted.

All applications received by the Zoning Board will be reviewed for completeness. No application will proceed to the Board until deemed complete by the review staff.

Pursuant to N.J.S.A. 40:55D-70(d) "The Zoning Board of Adjustment shall have the power to: In particular cases for special reasons, grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to § 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in § 3.1 of P.L. 1975, c.291 (C.40:55D-4), (5) an increase in the permitted density as defined in § 3.1 of P.L. 1975, c.291 (C.40:55D-4), except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which



## LAND DEVELOPMENT

exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or 2/3 of the full authorized membership, in the case of a regional board, pursuant to article 10 of this act.”

No variance or other relief may be granted under the terms of this section, including variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief 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 the zoning ordinance.

### USE VARIANCE:

The granting of a Use or “d” variance under N.J.S.A. 40:55D-70(d) requires the applicant to provide certain proofs, specifically positive and negative criteria.

### POSITIVE CRITERIA

In demonstrating the positive criteria, the applicant should rely upon providing special reasons for the requested relief. The applicant is required to prove that the proposed project carries out a purpose of zoning or an undue hardship will result if the proposed project is denied.

1. The purposes of zoning in N.J.S.A. 40:55D-2 are:
  - a. To encourage municipal action to guide the appropriate use of development of all lands in the State, in a manner which will promote the public health, safety, morals and general welfare;
  - b. To secure safety from fire, flood, panic and other natural and man-made disasters;
  - c. To provide adequate light, air and open space;
  - d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
  - e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
  - f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
  - g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
  - h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
  - i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;

## LAND DEVELOPMENT

- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land;
  - k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
  - l. To encourage senior community housing construction;
  - m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
  - n. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.
2. In addition, the following purposes of zoning from the Southampton Township's Zoning Ordinances can be used as sufficient proofs in providing special reasons:
    - a. To further the goals and policies of the Master Plan of the Township of Southampton.
    - b. To further the goals and objectives of the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.
    - c. To promote the development and use of greenways, which are contiguous tracts and corridors of recreation, forest or other open space land that protects sensitive natural and cultural resources including endangered species and particularly ground and surface.
  3. The Supreme Court has also stated that "the preservation of the character of a neighborhood and conservation of neighborhood values" can also be considered valid purpose of zoning. Promotion of a State policy has also been held as promoting the general welfare and can serve as a special reason.
  4. General Welfare as a Special Reason. If the applicant relies upon the promotion of general welfare as a special reason, the use must be considered inherently beneficial or is peculiarly suitable to the particular location for which the variance is sought. Typical inherently beneficial uses such as schools, hospitals and public housing have characteristics that are essential within a community and are generally institutional and noncommercial in nature. The applicant is required to prove that the use is peculiarly suitable to the proposed location.

## NEGATIVE CRITERIA

In addition to proving special reasons, the applicant must offer "an enhanced quality of proof." The applicant must address to the satisfaction of the Zoning Board of Adjustment the following issues:

1. The applicant must prove that the proposed is not inconsistent with the intent and purpose of the Southampton Township's Master Plan and Zoning Ordinances.

## LAND DEVELOPMENT

2. The applicant must also prove that the proposed use will not present a substantial detriment to the public good. The applicant should provide potential impacts on surrounding properties in determining whether the character of the neighborhood will be substantially impacted. The Board should consider potential impacts to traffic, safety, aesthetic views, the environment, noise and property values.

## BALANCING TEST

The responsibility of the Zoning Board of Adjustment is to determine whether the benefits outweigh the detriments. There is a four-step process to help the Board make this determination as provided below:

1. Identify the public interest at stake.
2. Identify the detrimental effects that would result from the granting of the variance.
3. Identify potential mitigating reasonable conditions that would reduce the anticipated detriments.
4. Weigh the public interest issues against the public detriments to determine if the granting of the variance would cause a substantial detriment to the public good.