

**PATRICK F. MCANDREW, ESQ.**  
ATTORNEY AT LAW

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*Mailing address:*

P.O. Box 88  
Haddon Heights, NJ 08035  
*email:* pfxmlanduse@aol.com  
*phone:* 856-278-7296

*Conference location:*

7A N. Main Street, Ste 3  
Medford, NJ 08055  
(by appointment only)

May 13, 2020

Denise Schmeid, Secretary  
Southampton Township Zoning Board of Adjustment  
5 Retreat Road  
Southampton, New Jersey 08088

**Re: 17 Pemberton Road  
Lot 1.02 (plus Lots 1 and 1.01), Block 603**

Dear Ms. Schmeid:

I am representing Pinelands Preservation Alliance in the above matter. They obtained a use variance and amended site plan approval in 2018 under Resolution 2018-13z. That resolution of approval to use a second floor of a barn for catered affairs contained a condition limiting a use of the upstairs for this purpose to April through October.

We would like to amend that prior application to delete this limitation. Generally, we are finding that the upstairs of the barn does not have heating limitations during the Winter, so it is feasible to have catered affairs upstairs during that time frame. We are also finding generally that there is some demand for catered affairs during those months.

The general desire to delete the monthly limitation is given some urgency at this time due to the ongoing Corona Virus crisis since we have an immediate need to reschedule and back up some of our already scheduled events.

Therefore, please find enclosed an application to delete this condition permanently in the prior Resolution 2018-13z. I am also enclosing my client's checks in the amount of \$250.00 for the application fee and \$2,500.00 for the escrow. By copy of this letter, I am sending a copy of the letter and the enclosed application to the Board's professionals, namely Rakesh Darji, PE, Ed Fox, III, PE, and Tom Coleman, Esquire.

Should you require anything further from me, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick F. McAndrew', written in a cursive style.

PATRICK F. McANDREW

PFM:pah

Enclosures

cc: Thomas Coleman, Esquire  
Rakesh Darji, PE  
Ed Fox, III, PE  
Pinelands Preservation Alliance

**TOWNSHIP OF SOUTHAMPTON**  
**5 Retreat Road**  
**Southampton, New Jersey 08088**  
**609-859-1394**  
**FAX 609-388-5532**  
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: 17 PEMBERTON ROAD

Tax Map: Page \_\_\_\_\_ Block 603 Lot(s) 1.02 plus 1 + 1.01

Page \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Dimensions: Frontage 510' Depth 885' Total Area 12.167 ACRES - LOT 1.02\*  
 Zoning District \_\_\_\_\_

**2. APPLICANT/OWNER/DEVELOPER:**

Name: PINELANDS PRESERVATION ALLIANCE  
 Address: 17 PEMBERTON ROAD SOUTHAMPTON, NJ 08088  
 Telephone No: 859-8860 Fax No.: \_\_\_\_\_ Email: A  
 Applicant is a: Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ Individual \_\_\_\_\_  
 Corp., Partnerships & LLC's, please provide a W-9 form.

*CARLTON @ PINELANDS ALLIANCE.ORG*

**3. DISCLOSURE STATEMENT: N/A**

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: SAME

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No.: \_\_\_\_\_

\* LOT 1 = 11 PEMBERTON RD 23.23 ACRES - FARM  
 LOT 1.01 = 460 N. MAIN ST. 50 ACRES - FARM

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) \_\_\_\_\_
- Total number of proposed dwelling units \_\_\_\_\_
- Request for Waiver from Site Plan Review and Approval

**Reason for request:** \_\_\_\_\_

- 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) — AMEND PRIOR VARIANCE TO REMOVE 1 CONDITION OF APPROVAL
- 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 N/A Proposed NO

**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: LINCOLN ALLIANCE SITE

8. APPLICANT'S ATTORNEY: PATRICK Mc ANDREW  
 Address: P.O. BOX 88 HADDON HTS, NJ 08035  
 Telephone No: 86-278-7296 Fax \_\_\_\_\_  
 email: PPFLANDUSE@AOL.COM

9. APPLICANT'S ENGINEER: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
 email: \_\_\_\_\_
10. APPLICANT'S PLANNING CONSULTANT: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
 email: \_\_\_\_\_
11. APPLICANT'S TRAFFIC ENGINEER: \_\_\_\_\_  
 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: \_\_\_\_\_  
 Field of Expertise: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_ Fax \_\_\_\_\_  
 email: \_\_\_\_\_
13. Section(s) of Ordinance from which a variance is requested: N/A
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? NO
17. Is public sanitary sewer available? NO
18. Does the application propose a well and septic system on site? EXISTING
19. Have any proposed new lots been reviewed with the Township Engineer to determine appropriate lot and block numbers? N/A
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? 20%

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

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

24. Certification from the Tax Collector that all taxes due on the subject property have been paid. 2000 - 2001

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

Engineer

### 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 2th day of May, 20 20.

John W. Kline  
Notary Public

NJ Comm.  
2316576

Expires 6/26/21

[Signature]  
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

8th day of May, 2020

Jane Willshire  
 Notary Public Jane Willshire Signature of Owner  
135 May Park Lane  
227 0576  
Expires 6/26/21

29. I understand that the sum of \$ \_\_\_\_\_ 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.

5/8/20  
 Date [Signature]  
 Signature of Owner

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.

5/8/20  
 Date [Signature]  
 Signature Developer/Applicant

## ATTACHMENT

The subject property is the site of the Pinelands Preservation Alliance ("PPA") at 17 Pemberton Road in Southampton, NJ and is particularly known as Lot 1.02, Block 603 on the Southampton Township Tax Maps. The overall tract now includes adjoining farmland lots owned as well by PPA which are particularly known on the Southampton Tax maps as Block 603, Lot 1 and 1.01. These recently acquired lots are preserved farmland and about 73 acres in area.

The applicant is seeking to amend a prior use variance and related relief granted by the Zoning Board under its Resolution No. 2018-13z (attached). The prior approval limited catered events in the second floor of the Barn to "the months of April through October." Resolution 2018-13z, p. 13, para. 24. PPA is requesting that this condition be removed so that catered events may occur without a set monthly range limit and so they could occur throughout the year. All other conditions of the prior Resolution will remain in effect and unchanged.

When the prior application was made by PPA, it was thought that the Barn would be too cold and there would be basically no demand to have catered events during winter months so the original proposed time frame for events was April through October. See Resolution 2018-13z, p. 6, para. 1. Now that the facility has been up and operating for catered events, however, the second floor of the Barn has proved to be warm enough for events year-round and there has also been general demand and strong interest in catered events year-round. Not having a monthly range limit would also be particularly helpful this year to reschedule events impacted by the current statewide shutdown.

## NOTICE

PLEASE TAKE NOTICE that the Southampton Zoning Board shall hold a hearing on the application of Pinelands Preservation Alliance (PPA”) on **June 11, 2020, at 7:30 PM** at the Southampton Municipal Building, 5 Retreat Road, Southampton, NJ. The subject property is the site of the Pinelands Preservation Alliance at 17 Pemberton Road in Southampton, NJ and is particularly known as Lot 1.02, Block 603 on the Southampton Township Tax Maps. The overall tract includes adjoining farmland owned as well by PPA and generally known as 11 Pemberton Road and 460 North Main Street which are particular known on the Southampton Tax maps as Block 603, Lot 1 and 1.01.

The applicant is seeking to amend a prior use variance and related relief granted by the Zoning Board under its Resolution No. 2018-13z. The prior approval limits catered events in the second floor of the Barn to “the months of April through October.” Resolution 2018-13z, p. 13, para. 24. PPA is requesting that this condition be removed so that catered events may occur without a set monthly range limit and so they could occur throughout the year. The applicant will also seek any other submission waivers, design waivers or variances noted by the board or its staff during the course of review for the project.

Interested persons may attend this meeting and be heard. Copies of the plans and supporting documents are on file with the Board Secretary at the Southampton Municipal Building and may be inspected during regular business hours.

Patrick F. McAndrew  
Attorney for the applicant  
7A North Main Street  
Medford, NJ 08055  
Tel. 856-278-7296

NOTE: THIS NOTICE IS SUBJECT TO BEING REVISED AS NEEDED TO INCLUDE ZOOM INFORMATION FOR ANY VIRTUAL HEARING.

**ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTHAMPTON**

**RESOLUTION NO. 2018 – 13z**

**CONCERNING THE APPLICATION OF  
THE PINELANDS PRESERVATION ALLIANCE  
FOR VARIANCE AND  
AMENDED SITE PLAN APPROVAL**

**WHEREAS**, the Pinelands Preservation Alliance has applied to the Zoning Board of Adjustment of the Township of Southampton for Variance and Amended Site Pan Approval for property located at 17 Pemberton Road, known as Block 603, Lot 1.02 (the “Property”) on the Official Tax Map of the Township of Southampton, for the purpose of renovating and converting the second floor of the existing barn structure into a meeting and event space to be used by the Applicant for meetings and events and rented to a catering companies for other events; and

**WHEREAS**, the Applicant received Use Variance, Bulk Variance and Site Plan Approvals in 2002 to use the farmhouse and carriage house for its purposes of advocating for the protection of the New Jersey Pinelands and educating the public about the Pinelands and threats facing the Pinelands’ natural resources; and

**WHEREAS**, the Applicant received Use Variance, Bulk Variance and Amended Site Plan Approval in 2016 to convert the first floor of the barn into office space, a multi-purpose/assembly room, restrooms and a kitchenette; and

**WHEREAS**, the conversion of the second floor of the barn into a meeting and event space to be used by the Applicant is an expansion of the Applicant’s non-conforming use of the Property in the Village Commercial Zoning District of the Township and requires a variance pursuant to *N.J.S.A. 40:55D-70(d)(2)*; and

**WHEREAS**, the rental of the second floor of the barn to a catering company for events unrelated to the Applicant’s non-conforming use of the barn is not a permitted use in the Village Commercial Zoning District and requires a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)*; and

**WHEREAS**, the Applicant has not submitted the Environmental Impact, Community Impact and Traffic Impact Statements and is requesting a waiver of these submission requirements; and

**WHEREAS**, the Amended Site Plan does not satisfy the ordinance requirements for signage, curbing and landscaping for parking areas, number of parking spaces, traffic circulation,

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loading areas and trash enclosures, and variances pursuant to *N.J.S.A. 40:55D-70(c)* are required; and

**WHEREAS**, the Applicant submitted the following documents and plans in support of the proposed development of the Property, which are incorporated herein by reference:

- a. Land Development Application dated April 20, 2018, including Variance Checklist, Site Photographs and Planning Narrative supporting variances/waivers;
- b. Plans, entitled “Pinelands Preservation Alliance” prepared by William H. Nicholson Associates, PA, dated 07/29/03, including Site Plan, last revised 04/12/18; Lighting and Landscaping Plan; last revised 03/16/18 and Sign Plan and Details; last revised 03/16/18;
- c. Architectural Plans, entitled “Conversion of the Barn – Phase 2 at the Bishop Farmstead for the Pinelands Preservation Alliance, prepared by Pickell Architecture, LLC, dated 04/12/18, including, including Ground Floor Plan identified as Sheet A-1, Second Floor Plan identified as Sheet A-2, Exterior Elevations identified as Sheet A-3 and Electrical Plans identified as Sheet E-1;
- d. Permit Denial, issued by the Township’s Code Enforcement/Zoning Office, dated 03/28/18;
- e. Declaration of Restrictions, prepared by the Applicant’s Attorney, Wayne C. Streitz, Esquire,
- f. Deed of Conservation Restriction, Applicant to the New Jersey Department of Environmental Protection, dated 10/25/02;
- g. Septic System design criteria, prepared by South Jersey Engineers, LLC, dated 04/02/18;
- h. Recharge-Based Nitrate Dilution Model for Small Commercial Establishments in New Jersey, dated 03/01/18;
- i. Planning Narrative in Support of Use Variance, prepared by Scott Williams, PP, PP, dated April, 2018;
- j. Site photographs; and

**WHEREAS**, the Application for Use Variance, Bulk Variance and Amended Site Plan Approvals was deemed complete by the Board on June 14, 2018; and

**WHEREAS**, Public Hearings to consider the application were held by the Zoning Board of Adjustment on June 14, 2018 and July 12, 2018, after appropriate public and personal notice

was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township as required by the land development regulations of the Township of Southampton and the statutes of the State of New Jersey; and

**WHEREAS**, the following exhibits were introduced by the Applicant during the Public Hearings:

- A-1 Colored rendering of Site Plan;
- A-2 Site Plan;
- A-3 Site plan hi-lighted in red showing walkways around the site;
- A-4 Planning Narrative;
- A-5 Revised Site Plan; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of its application for Variance and Amended Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property located at 17 Pemberton Road in the Village Commercial Zoning District of the Township of Southampton. The Property is approximately 12.167 acres in area and is improved with a farmhouse, carriage house and barn. The farmhouse, carriage house and the first floor of the barn, together with related site improvements, are used by the Applicant as its office in carrying out its purpose of advocating for the preservation of the Pinelands and to educate the public about the Pinelands and protection of its natural resources.

2. The Applicant was granted use variances in 2002 and 2016 to utilize the farmhouse, the carriage house and the first floor of the barn for its uses as stated above.

3. The Applicant is now proposing to renovate and convert the second floor of the existing barn structure into a meeting and event space to be used by the Applicant for meetings and events as well as renting the second floor space to a catering company for other events.

4. The Applicant is proposing the following development of the Property:

- a. Renovate and convert the second floor of the barn into a meeting and event space for the Applicant's use;

- b. Rent the converted second floor space to a catering company to host events;
- c. Construction of an additional handicap parking stall and pervious walkways that extend from the barn to parking areas;
- d. Expansion of the turf parking area to add twenty-eight (28) additional parking spaces along the Property's westerly property line;
- e. Installation of pole mounted lighting to the expanded parking area;
- f. Construction of a pervious paver patio and a pedestrian scale pole mounted light fixture adjacent to a walkway leading to the expanded parking area;
- g. Installation of a new septic system.

4. The Applicant's proposed use of the second floor of the barn is an expansion of its non-conforming use of the Property.

5. The Applicant's proposed rental of the second floor space to a catering company for hosting of events in the barn is not a permitted use in the Village Commercial Zoning District.

6. The Applicant has filed a Land Development Application with the Board for (i) Waiver for the submission of Environmental Impact, Traffic Impact and Community Impact Statements; (ii) Variances pursuant to *N.J.S.A. 40:55D-70(c)*; (iii) Variance pursuant to *N.J.S.A. 40:55D-70(d)(1)*; (iv) Variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* and (v) Amended Site Plan Approval for its proposed development of the Property

7. The taxes on the Property are current or exempt.

8. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

9. Proper notice of the Application for Variance and Amended Site Plan Approval has been given, based upon the certified list prepared by the Southampton Tax Assessor.

10. In connection with the Applicant's prior development of the Property, the Board granted "C" variances to the Applicant pertaining to the Ordinance requirements for Buffers, Parking Surface Area, Landscaping in Parking Areas and Distance of Parking Spaces from Building. The Applicant is requesting that these previously granted variances continue.

11. The Applicant is requesting the following variances for the proposed development of the Property:

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- a. Expansion of a non-conforming use to renovate and convert the second floor barn space into meeting and event space for the Applicant's use of advocating for and educating the public for the protection of the New Jersey Pinelands;
- b. Use variance for the rental of the second floor barn space to a catering company for private event hosting;
- c. Variance to permit two (2) identification signs along Pemberton Road where one (1) sign is permitted;
- d. Variance to permit a parking area for six or more vehicles to remain uncurbed;
- e. Variance to permit less than the amount of trees and landscaping required between the parking area and buildings;
- f. Variance to permit the access drives to be stone surface and not paved;
- g. Variance to permit 102 parking spaces for catered events and 107 spaces for the Applicant's normal use of the Property where 112 parking spaces are required;
- h. Variance for no dedicated loading space;
- i. Variance for no dedicated trash pick-up area.

12. Wayne Streitz, Esquire represented the Applicant at the Public Hearings. Carlton Montgomery, Christopher Pickell, Jeffrey Miller, Clifford Davis, Scott Williams and Vincent Gioffre testified on behalf of the Applicant during the Public Hearings.

13. Mr. Montgomery provided the following sworn testimony during the Public Hearings:

- a. He is the Applicant's Executive Director;
- b. The Applicant moved to and has occupied the Property since 2004;
- c. The Applicant is a non-profit organization supported by monetary gifts, fund raising and grants;
- d. The Applicant is an advocacy group whose goal is to preserve and promote the Pinelands;
- e. The conversion of the second floor will support the Applicant's educational programs and the rental of the second floor to a caterer creates

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- an additional source of revenue that will further support the educational programs offered by the Applicant;
- f. Jeffrey Miller Catering is the anticipated caterer and no other caterer will be able to rent the space;
  - g. He anticipates the caterer catering 30 to 40 events per year with up to 200 guests attending;
  - h. The caterer will have 25 staff members on site for the catered events;
  - i. The Applicant will utilize the second floor for its own use approximately 5 to 8 times a year;
  - j. The caterer will be responsible for all deliveries and waste management;
  - k. Currently, the Applicant does not utilize the second floor of the barn;
  - l. The second floor of the barn is not fully insulated, so the second floor space will only be utilized for catered events from April to October;
  - m. The Green Acres deed restriction is for the entire Property;
  - n. The caterer will not be physically located on site and either the Applicant or the caterer will coordinate permits for social affairs;
  - o. The catering use will make the Property a destination location;
  - p. All money generated through the rental of the facility for catered events will be used by the Applicant for its normal use and operations;
  - q. The Agreement with the caterer will include a limitation on the number of guests and the dates available;
  - r. The Lease Agreement will identify the Applicant and the caterer as the event Lessors;
  - s. There are no other venues like this in the area;
  - t. The use of the Property is deed restricted by Green Acres and Green Acres still has to decide on the request to allow the catering use.
14. Mr. Miller provided the following sworn testimony during the Public Hearings:
- a. He is the owner of Jeffrey Miller Catering and has been in the catering business for 39 years;
  - b. The events held at the barn will be from April though October;
  - c. He has had similar relationships with non-profit organizations in the past;

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- d. The primary events to be catered at the barn will be weddings;
  - e. The clients will bring their own alcoholic beverages for the catered events, we do not supply same as part of are catering packages;
  - f. Most people will arrive by buses that are arranged for by the clients;
  - g. The number of parking spaces will be sufficient for an event that has a 200 person guest list;
  - h. Most of the staff will bc local;
  - i. Food will be prepared and cooked off-site and only heated on site;
  - j. We bring everything to the facility necessary for a catered event;
  - k. No event will go later than midnight;
  - l. No music will be played on the exterior of the barn.
15. Mr. Pickell provided the following sworn testimony during the Public hearings:
- a. He is the Applicant’s architect, licensed in the State of New Jersey, and has been qualified by land use boards in New Jersey to provide expert testimony in architecture;
  - b. The maximum occupancy of the barn for catered events is 200 persons;
  - c. Sprinklers and an elevator will be added to the barn and the building will conform to the current code;
  - d. All bathrooms will be located inside the barn but not on the second floor.
16. Mr. David provided the following sworn testimony during the Public Hearings:
- a. He was previously with a non-profit organization that had a relationship with Jeffrey Miller Catering;
  - b. The caterer was very helpful to the non-profit organization in generating additional revenue.
17. Mr. Williams provided the following sworn testimony during the Public Hearings:
- a. He is the Applicant’s Professional Engineer and Planner, licensed in the State of New Jersey and has been qualified by land use boards in New Jersey to provide expert testimony in his fields of engineering and land planning;

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- b. Describes the interior and exterior improvements being made to the Property to support the Applicant's proposed use of the barn for the Applicant's own use as well as to rent the facility for catered events;
- c. A concrete walkway will be added to take guests from the parking area to the barn, as well as a drop-off area provided;
- d. A new septic system will be utilized;
- e. Thirty (30) new parking spaces are being added for a total of 107 parking spaces on site;
- f. Seven (7) additional parking spaces will be "banked" and will be added to the site if proven necessary;
- g. The new gates will not be locked;
- h. The Applicant will comply with the comments of the Board Engineer and Planner;
- i. The special characteristics of the Property make it suitable for the uses proposed by the Applicant;
- j. The rental of the facility for catered events will enhance the Applicant's use as it will bring additional people to the Applicant's non-profit use of the site and will financially assist the Applicant's main use of bringing awareness of the Pinelands area to the public;
- k. The Applicant's proposed development of the Property promotes the general welfare and preserves open and green space, advances preservation and provides a unique and desirable visual experience;
- l. The Applicant's proposed catering use of the Property will not harm the neighbors or neighborhood;
- m. The Applicant's proposed catering use will not have any impact on the area;
- n. The catering use will be less intensive than uses permitted in this zone;
- o. The revenue from catering will be used solely to promote the Applicant's education endeavors;
- p. The number of parking spaces required of one parking space for every two seats is designed more for restaurants and not catering facilities;

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- q. Guests for this type of use will typically arrive in groups by buses or vans so the 102 parking spaces available for catered events will be sufficient for the demands of the catering use;
  - r. The Township does not have a specific parking standard for catering facilities.
18. Mr. Gioffre provided the following sworn testimony during the Public Hearings:
- a. He is a New Jersey Licensed Plant Operator, employed by South Jersey Engineers;
  - b. The catering use will increase the sewer flows and South Jersey Engineers designed the new septic system to address the increase;
  - c. The new septic system is designed to allow a flow of 1,600 gallons per day and will satisfy the Township's nitrate dilution model of 2.0 parts per million;
  - d. The new septic system will utilize a three tank dosing system and an additional septic filed will be added;
  - e. No bathrooms are proposed for the second floor.

19. The Board Engineer and Planner reviewed their review letters with the Board and expressed their opinions that the Applicant has addressed or will be able to address their respective comments. As the Applicant has been operating on the Property for 15 years and based on the testimony provided on behalf of the Applicant as to the purpose of the expansion of the barn use, neither the Board Engineer nor Planner objected to the Applicant's request for a waiver that Environmental Impact, Traffic Impact and Community Impact Statements be submitted.

20. The Hearings were opened to the public at which time individuals asked questions and were presented with the opportunity to testify regarding the proposed development of the Property, including (i) Pat Topham who testified that the roof and barn structure improvements are wonderful; and (ii) Pauline Taylor who testified that the Applicant's proposed development of the Property was great and presented a unique opportunity being brought to the Township.

**AND WHEREAS**, based upon the above factual findings, the Zoning Board of Adjustment has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Southampton would be advanced by the deviation from the zoning ordinance requirement pertaining to (i) the expansion of the Applicant's non-conforming use of the Property resulting from the expansion of its primary use into the second floor of the barn; (ii) the rental use of the barn for catered events and (iii) signage, parking areas, number of parking spaces, traffic areas, loading zones and trash enclosures, in the Village Commercial Zoning District, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would promote the safety, health and general welfare of the community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Southampton.

4. The Applicant has submitted sufficient information to the Board, in the form of plans, exhibits and sworn testimony, so that the Board can act on the Application submitted by the Applicant for Waivers, the Variances as specified herein and Amended Site Plan Approval.

5. Waivers from the submission requirements pertaining to Traffic Impact, Environmental Impact and Community Impact are reasonable as the Applicant has been utilizing the Property for 15 years and the improvements being made to the site are minor as no new buildings are proposed for the proposed development of the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of Southampton, on the 12<sup>th</sup> day of July 2018, that this Board hereby grants the following to the Applicant:

(i) Waiver of the requirement that Environmental Impact, Traffic Impact and Community Impact Statements be submitted;

(ii) To the extent necessary, variances pursuant to *N.J.S.A. 40:55D-70(c)* for the pre-existing non-conforming conditions pertaining to front yard setback, side and front buffer areas, barn height and distance between parking spaces and buildings;

(iii) Variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* to permit the expansion of the Applicant's non-conforming use resulting from the conversion of the second floor of the barn

into a meeting and event space to be used by the Applicant for meetings and events, including site improvements required for the expansion of the Applicant's non-conforming use;

(iv) Variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit the barn, and especially the second floor space, to be a rental use for catered events;

(v) Variances pursuant to *N.J.S.A. 40:55D-70(c)* to permit:

- (a) two (2) identification signs along Pemberton Road where one (1) sign is permitted;
- (b) the parking area for six or more vehicles to remain uncurbed;
- (c) less than the amount of trees and landscaping required between the parking area and buildings;
- (d) the access drives to be stone surface and not paved;
- (e) to permit 102 parking spaces for catered events and 107 spaces for the Applicant's normal use of the Property where 112 parking spaces are required;
- (f) no dedicated loading space;
- (g) no dedicated trash pick-up area.

(vi) Amended Site Plan Approval for the renovation and conversion of the second floor of the barn into a meeting and event space to be used by the Applicant for meetings and events and rented to a catering company for catered events, together with exterior improvements for additional parking spaces, an ADA compliant parking space, walkways, lighting, concrete repair and replacement and well and septic systems, in accordance with the Application, plans and sworn testimony submitted by the Applicant, which said approvals are subject to the following conditions:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator, including Burlington County Planning Board, Burlington County Board of Health, Burlington County Soil Conservation District and the New Jersey Pinelands Commission.

2. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an

appropriate manner. Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.

3. Subject to the testimony of the Applicant's agents and representatives at the June 14, 2018 and July 12, 2018 Public Hearings.

4. Subject to the comments of the Board Planner as contained in the May 16, 2018 review letter of Scangarello, LLC, by Thomas J. Scangarello, PP, except as may be modified herein.

5. Subject to the comments of the Board Engineer as contained in the May 29, 2018 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, except as may be modified herein.

6. Subject to the submission of revised plans complying with this Resolution, if required.

7. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, if required for the development of the Property as approved.

8. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

9. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

10. Subject to the Applicant submitting, six (6) months after construction, testing results confirming that the nitrogen dilution meets the 2.0 PPM requirement. The testing shall be performed by a qualified person/company licensed as a sewer operator for such testing. If the 2.0 PPM requirement is not satisfied, the Applicant shall take all action necessary to bring the nitrogen dilution into compliance.

11. Subject to the Applicant continuing to monitor and police the traffic on site when events open to the public are held.

12. Subject to the Approval of the New Jersey Department of Environmental Protection Green Acres Program permitting the rental of the barn for the catering use.

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13. Subject to the catering use limited to a maximum of 200 guests.
14. Subject to all food for the catered events being cooked at the caterer's off-site facility; heating of food only will be permitted on site.
15. Subject to the washing of all glasses, plates, utensils and other catering kitchenware and implements used for catered events being done off-site; no washing of such implements shall occur on site.
16. Subject to this Use Variance approval for catered events limited to the Applicant only and shall not run with the land.
17. Subject to Use Variance approval being extinguished upon the Property being transferred by the Applicant or upon a change in ownership structure.
18. Subject to all rent payments for the rental of the barn for catered events being made to the Applicant and not to a third party.
19. Subject to all leases for the rental of the barn for catered events being in the name of the Applicant and the caterer as Lessors.
20. Subject to the fire department being notified when catered events are to occur.
21. Subject to catered events complying with all Alcohol Beverage Control requirements of the State of New Jersey and the Township of Southampton.
22. Subject to the Applicant closing out the open permit issued in 2014 for the repairs to the barn's roof.
23. Subject to the caterer removing off-site all of the trash and waste generated by the catered events.
24. Subject to the catered events limited to the months of April through October.
25. Subject to the Planning Narrative, dated April, 2018, identified as Exhibit A-4.
26. Subject to the Applicant, except as modified herein, continuing to comply with the conditions of Resolutions 2002.08z, 2003.17z, 2016-05, by which the Board granted prior approvals to the Applicant for the use and development of the Property.
27. Subject to no amplified music being played outside of the barn.

**ROLL CALL VOTE – (d)(1) and (d)(2) VARIANCES**

Those in Favor: 6  
Those Opposed: 0  
Those Abstaining: 0

**ROLL CALL VOTE – WAIVERS, (c) VARIANCES AND AMENDED SITE PLAN**

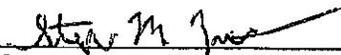
Those in Favor: 6  
Those Opposed: 0  
Those Abstaining: 0

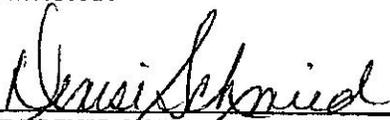
**CERTIFICATION**

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Zoning Board of Adjustment of the Township of Southampton in accordance with its decision at its regular meeting on July 12, 2018.

**THE ZONING BOARD OF ADJUSTMENT  
OF THE TOWNSHIP OF SOUTHAMPTON**

Attested:

  
STEPHEN ZOLTOWSKI, CHAIRMAN

  
DENISE SCHMIED, SECRETARY

Dated: 9-13-18  
Date of Approval: 7/12/18  
Date of Memorialization: 9-13-18