

**TOWNSHIP OF SOUTHAMPTON**

**ORDINANCE 2022-05**

**AN ORDINANCE OF THE TOWNSHIP OF SOUTHAMPTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 3002, LOTS 5, 5.02, & 5.03; FAMILIARLY KNOWN AS THE RED LION DINER REDEVELOPMENT AREA.**

**WHEREAS**, the Township Committee of the Township of Southampton (“Township”) following referral to and upon recommendation of, the Southampton Township Planning Board (“Planning Board”), desires to adopt a Redevelopment Plan for certain areas in need of redevelopment at Block 3002, Lots 5, 5.02 & 5.03 within the Township of Southampton, Burlington County, New Jersey, (the “Red Lion Diner Redevelopment Area”) which Plan has been prepared by Environmental Resolutions, Inc. dated April 8, 2021 and revised March 21, 2022, which is incorporated herein and made a part hereof by reference; and

**WHEREAS**, the Planning Board has examined and considered the proposed Redevelopment Plan prepared by Environmental Resolutions, Inc. regarding the subject designated redevelopment areas; and

**WHEREAS**, the Planning Board conducted a public meeting on May 6, 2021, concerning the Plan, which was open to the public and where said Plan was explained and discussed and members of the public had an opportunity to pose questions and submit concerns; and

**WHEREAS**, the Planning Board has reported that the proposed Plan is consistent with the Township Master Plan and has recommended that the Plan be adopted by the Township; and

**WHEREAS**, thereafter, the Plan was referred to the Pinelands Commission which recommended changed consistent with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Township Planner continued to work with Pinelands officials to amend the plan ultimately resulting in the March 23, 2022 revised plan referred back to the Planning Board; and

**WHEREAS**, the Plan, upon adoption by this Ordinance, is expected to facilitate redevelopment/development of the subject redevelopment areas, and to provide new opportunities for the community.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Southampton that, with the referral to and recommendation from the Southampton Township Planning Board to adopt the proposed Redevelopment Plan, such recommendation is accepted and the Plan is hereby adopted, including any necessary overlay zoning regulations contained therein.

**BE IT FURTHER ORDAINED** by the Township Committee of the Township of Southampton that the Redevelopment Plan prepared by Environmental Resolutions, Inc. for the subject redevelopment area, having been subjected to prior Notice and public hearing before the Committee, be and hereby is adopted to govern the Red Lion Diner Redevelopment Area.

**BE IT FURTHER ORDAINED**, that the Redevelopment Plan prepared by Environmental Resolutions is site specific to Block 3002, Lots 5, 5.02 & 5.03 and that the Township Committee will address specific regulations for other Block and Lots designated as redevelopment areas as development plans and concepts are proposed in the future.

**BE IT FURTHER ORDAINED** that any prior Ordinances or Plans which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty

(20) days following final passage and publication as required by law, as the Ordinance adopting the Redevelopment Plan for these designated areas, and zoning and redevelopment maps for the areas, as applicable.

**ACTION ON INTRODUCTION:**

Motion made by: Heston  
Motion seconded by: Rafferty

**VOTE:**

Committeeman Heston:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Committeeman Rafferty:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Deputy Mayor Rossell:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Committeeman Young, Sr.:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Mayor Mikulski:	<input checked="" type="radio"/> Yes	No	Abstain Not Present

**ACTION ON ADOPTION (after public hearing)**

Motion made by: Heston  
Motion seconded by: Rossell

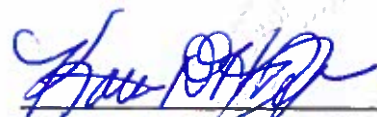
**VOTE:**

Committeeman Heston:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Committeeman Rafferty:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Deputy Mayor Rossell:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Committeeman Young, Sr.:	<input checked="" type="radio"/> Yes	No	Abstain Not Present
Mayor Mikulski:	<input checked="" type="radio"/> Yes	No	Abstain Not Present

\*\*\*\*\*

**CERTIFICATION**

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Southampton Township Committee held on April 19, 2021 and adopted after a public hearing at a meeting of the Southampton Township Committee held on May 17, 2021.

  
Kathleen D. Hoffman, RMC  
Township Clerk/Administrator

**SOUTHAMPTON TOWNSHIP PLANNING BOARD  
RESOLUTION 2022.08P**

**A RESOLUTION OF REFERRAL BY THE SOUTHAMPTON TOWNSHIP PLANNING BOARD  
RECOMMENDING THE REVISED RED LION DINER NON CONDEMNATION  
REDEVELOPMENT PLAN FOR BLOCK 3002, LOTS 5,5.02, & 5.03 AS SUBSTANTIALLY  
CONSISTENT WITH THE TOWNSHIP'S MASTER PLAN AND RECOMMENDING ADOPTION  
OF THE REDEVELOPMENT PLAN BY THE TOWNSHIP**

WHEREAS, the Township Committee of Southampton (the "Township") adopted Resolution No. 2019-97 on September 17, 2019 and Resolution No. 2019-101 on October 15, 2019 which authorized and directed the Southampton Township Planning Board (the "Board") to conduct a preliminary investigation to determine whether the property which is located at the southwest corner of the Red Lion Circle formed by US Route 206 and NJ Route 70 in the Red Lion neighborhood in the southwestern part of the Township (the "Property") qualified as a Non-Condemnation Area in Need of Redevelopment as that term is defined in the Local Housing and Redevelopment Law ("LRHL"), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Board planning expert Edward Fox, PP, AICP prepared a report entitled Preliminary Investigation for the Determination of an "area in need of non-condemnation redevelopment" dated July 3, 2020 and supplemented on July 6, 2020 (the "Area in Need Study") and submitted it to the Planning Board for its review and analysis; and

WHEREAS, on July 16, 2020, the Board adopted resolution 2020.08P recommending that the Property be designated by the Township as a Non-Condemnation Redevelopment Area as provided for under the LRHL; and

WHEREAS, after receiving the Board's resolution recommending the designation of the Property as a Non-Condemnation Redevelopment Area, the Township adopted Resolution #2020-76 on July 21, 2020, which designated the Property as a Non-Condemnation Redevelopment Area in Accordance with the LRHL, and directed that the Board prepare a redevelopment plan for the Property; and

WHEREAS, Board Planning expert Edward Fox, PP, AICP has prepared a proposed redevelopment plan entitled "Redevelopment Plan for Red Lion Diner Non-Condemnation Redevelopment Area" dated April 8 2021 and revised April 22 2021; and

WHEREAS, the Planning Board considered the Redevelopment Plan at its public meeting on May 6, 2021, heard evidence in connection with the Redevelopment Plan, and provided the general public with an opportunity to ask questions and comment on the Redevelopment Plan, and then found that the Redevelopment Plan will promote the redevelopment of the Property in a manner that will advance the public health, safety,

morals and general welfare and, further, that the Redevelopment Plan is substantially consistent with the Township Master Plan; and

WHEREAS, Board Planning expert Edward Fox, PP, AICP has prepared a proposed and further revised redevelopment plan entitled Redevelopment Plan for Red Lion Diner Non-Condensation Redevelopment Area dated April 8 2021 and revised April 22 2021 and further revised March 21, 2022 (the "Redevelopment Plan"); and


WHEREAS, the Planning Board considered the further revised Redevelopment Plan at its public meeting on May 5, 2022, heard evidence in connection with the Redevelopment Plan, and provided the general public with an opportunity to ask questions and comment on the Redevelopment Plan, and then found that the Redevelopment Plan will promote the redevelopment of the Property in a manner that will advance the public health, safety, morals and general welfare and, further, that the Redevelopment Plan is substantially consistent with the Township Master Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Southampton Township Planning Board hereby finds that the "Redevelopment Plan" for Red Lion Diner Non-Condensation Redevelopment Area for Block 3002, Lots 5, 5.02, & 5.03 will promote the redevelopment of the Property in a manner that will advance the public health, safety, morals and general welfare and, further, that the Redevelopment Plan is substantially consistent with the Township Master Plan; and

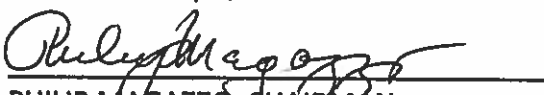
BE IT FURTHER RESOLVED, that the Planning Board hereby recommends that the Township adopt an ordinance adopting the "Redevelopment Plan" for Red Lion Diner Non-Condensation Redevelopment Area for Block 3002, Lots 5, 5.02, & 5.03; and

BE IT FURTHER RESOLVED, that the Secretary of the Board is directed to forward a copy of this resolution to the Mayor and Township Committee of the Township of Southampton, along with the "Redevelopment Plan" for Red Lion Diner Non-Condensation Redevelopment Area (which shall bear a date of April 8, 2021 revised on March 21, 2022) for further consideration and action.

I hereby certify that the above is a true copy of the resolution adopted by the Planning Board of the Township of Southampton at a meeting on May 5, 2022.

  
MICHELE GITTINGER, SECRETARY  
DATED: May 5, 2022

Southampton Planning Board

  
PHILIP MAGAZZO, CHAIRMAN  
DATED: May 5, 2022

Southampton Planning Board

**REDEVELOPMENT PLAN FOR  
RED LION DINER NON-CONDEMNATION REDEVELOPMENT AREA  
SOUTHWEST CORNER OF US ROUTE 206 & NJ ROUTE 70  
(BLOCK 3002, LOTS 5, 5.02, & 5.03)  
SOUTHAMPTON TOWNSHIP  
BURLINGTON COUNTY, NEW JERSEY**



**ENVIRONMENTAL  
RESOLUTIONS, INC.**

*Engineers • Planners • Scientists • Surveyors*

*Prepared By:*

**Environmental Resolutions, Inc.  
815 East Gate Drive, Suite 103  
Mount Laurel, New Jersey 08054  
(856) 235-7170**

*Prepared For:*

**Southampton Township  
5 Retreat Road  
Southampton Township, NJ 08088**

A handwritten signature in blue ink that reads "Edward Fox". The signature is written in a cursive style and is positioned above a horizontal line.

**Edward Fox, AICP, PP  
NJ Professional Planner #33LI00510400**

**April 8, 2021 (revised 03.21.22)  
#75049-02**

The original document was appropriately signed and sealed in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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## **APPENDICES**

### ***Appendix A***

Fig.1: USGS Location Map

Fig. 2: Adjacent Tax Parcels Map

### ***Appendix B***

*Southampton Township Committee Resolution 2020-76,  
Designating Lots 5, 5.02, and 5.03 of Block 3002 as  
“A Non-Condemnation Area in Need of Redevelopment”*

### ***Appendix C***

*Letter from the Commissioner of the NJ Department of Community Affairs  
Dated November 4, 2020 Approving the Non-Condemnation Redevelopment Area Designation*

### ***Appendix D***

*Southampton Township Tax Sheet 30, Amended June 6, 2018  
Appending NJDOT Parcel VXR74B2 to Block 3002, Lot 5.02*

### ***Appendix E***

*Burlington County Book OR 13325, Page 2073, Recorded March 6, 2018  
Transferring title of a 0.472-acre parcel known as NJDOT Parcel VXR74B2  
In the southwest corner of Red Lion (US 206 and NJ 70) Circle  
From the NJ Department of Transportation  
To Lontokal, Inc. a New Jersey Corporation in Southampton Township, NJ*

### ***Appendix E***

*Southampton Township Committee Ordinance 20##-##,  
Adopting a Redevelopment Plan for the  
Red Lion Diner Non-Condemnation Redevelopment Area  
(Lots 5, 5.02, and 5.03 of Block 3002)  
TO BE INCLUDED AFTER ADOPTION*



## **ACKNOWLEDGMENTS**

### **Southampton Township Planning Board**

Philip Magazzo, Chair

John Schwarz, Vice Chair

Ronald Heston, Mayor's Designee

Patricia Conover

David Coyle, Jr.

Ryan Hagerthy, DPW Director, Township Employee

Patrick Kavanagh

Edward Keebler

Bill Raftery, Committee Member

Michele Gittinger, Board Secretary

Peter C. Lange, Esq., Board Attorney

Rakesh Darji, PE, PP, CME, CFM, Board Engineer

Edward Fox, AICP PP, Board Planner

### **Southampton Township Committee**

Michael Mikulski II, Mayor

Elizabeth Rossell, Deputy Mayor

Ronald Heston

Bill Raftery

James F. Young

### **Southampton Township Staff**

Kathleen Hoffman, Township Administrator / Clerk

Denise Schmied, Zoning Officer

## **A. Introduction**

This Redevelopment Plan relates to the Red Lion Diner Non-Condensation Redevelopment Area (Redevelopment Area), which is a 20-acre tract listed as Lots 5, 5.02, and 5.03 of Block 3002 on the Southampton Township Tax Maps. It is within the non-condemnation redevelopment area designated by the Southampton Township Committee (Committee). A copy of the Committee's resolution is in Appendix B.

The boundaries of the Redevelopment Area are shown on the following location maps, which are included in Appendix A.

Figure 1:USGS Location Map

Figure 2:Adjacent Tax Parcels Map

In N.J.S.A. 40A:12A-7a., the LRHL requires all redevelopment plans to "include an outline for the planning, development, redevelopment, or rehabilitation of the project area...." The outline for this Redevelopment Plan is the Table of Contents page.

## **B. Definitions**

The following definitions, which are set forth in N.J.S.A. 40A:12A-3 of the Local Redevelopment and Housing Law (LRHL), are pertinent to the Redevelopment Plan:

Redevelopment -- means clearance, re-planning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

Redevelopment area or area in need of redevelopment - means an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Redevelopment Plan - means a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or an area in need of rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation, or both.

Redevelopment Project - means any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping and administrative, community, health, recreational, educational, and welfare facilities.

Rehabilitation - means an undertaking, by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard structural or housing conditions and arrest the deterioration of that area.

### **C. Property Description**

The Redevelopment Area includes the Red Lion Diner and two vacant properties to the west. The c. 1973 diner sits about two miles west of Hampton Lakes neighborhood (started 1956) and Leisuretowne (started 1970). The roughly 20-acre Study Area includes Block 3002, Lots 5 (13.82 acres), 5.02 (3.07 acres), and 5.03 (4.0 acres). It is located on the southwest corner of the Red Lion Circle formed by US Route 206 and NJ Route 70 in the Red Lion neighborhood in the southwestern part of the Township.

The Redevelopment Area's three tax parcels are all owned by Psiloriti Realty, LLC, 1753 Route 206, Southampton, NJ 08088, which is the same address as the Red Lion Diner. Except for the diner and related improvements on Lot 5.02, some of which appear to have spilled onto Lot 5.03, all the land in the Study Area is vacant woodlands.

### **D. Lot 5.02 Size Clarification**

The purpose of this section is to clarify that, at the time of the Committee's request to investigate whether Lot 5.02, also known as the "diner lot," was eligible for designation as an "area in need of non-condemnation redevelopment," Lot 5.02 had included a 0.472-acre former NJ Department of Transportation (NJDOT) right-of-way parcel and had been held by the current owner for more than one year. This clarification is necessary because the author of the July 2020 preliminary investigation reports for Lot 5.02 relied on state and county electronic mapping data, which for some reason did not include the Township Engineer's June 6, 2018 update to Tax Sheet 30 showing the mapping change for that parcel to include the former NJDOT parcel that the former owner of Lot 5.02 had purchased from NJDOT earlier that year. (See **Appendix D**.)

The Committee adopted Resolution 2019-97 on September 17, 2019, authorizing the preliminary investigation for Lots 5, 5.02, and 5.03 of Block 3002. It then adopted Resolution 2019-101 on October 15, 2019 amending the study area to include nearby Lot 1 of Block 2204. The July 3, 2000 Preliminary Investigation for the Determination of an "Area in Need of Non-Condensation Redevelopment" for Red Lion Diner Study Area, and the July 6, 2020 first amendment to the investigation, recommended that Lots 5, 5.02, and 5.03 of Block 3002 met the criteria for such designation. These documents were approved by Committee Resolution 2020-76 on July 21, 2020 and by the Commissioner of the NJ Department of Community Affairs (NJCA) on November 4, 2020.

While preparing this redevelopment plan in early 2021, the author reviewed the chain of title for Lot 5.02, and learned that the mapping he had prepared for the above documents was incorrect. His mapping of Lot 5.02 did not include the former NJDOT parcel area, which had been improved with diner parking spaces decades ago, which the prior diner owner (Lontokal, Inc.) had purchased from NJDOT on February 15, 2018. (See **Appendix E**.) On May 14, 2018, the prior diner owner sold these properties in one piece, as Tract 2, to the current diner owner (Psiloritis Realty, LLC), as recorded on June 7, 2018 in Burlington County Book OR 13337, Page 4809.

After consultation with NJCA staff on this matter, the author was advised that the previous mapping error has no effect on the Commissioner's prior approval and that clarification of this matter should be included in any subsequent redevelopment plan.

### **E. Goal and Objectives**

The overall goal of the Redevelopment Plan is to ensure the Township's orderly future economic development by facilitating the redevelopment of the Redevelopment Area into an attractive, sustainable, vibrant commercial area that will provide needed services and retail opportunities, support opportunities for

economic growth, increase vehicular and pedestrian traffic safety, and protect natural resources through the revitalization of vacant or underutilized land.

The objectives set forth below provide the framework for the Redevelopment Plan and will guide the implementation of the plan and the realization of the vision for revitalization of the properties.

1. Protect the present and future residents of the Township, respect the natural features and conditions of the land, and deal wisely with their constraints.
2. Enable the Township's use of the tools available under the Local Redevelopment and Housing Law (LHRL) to facilitate and encourage private investment in the Redevelopment Area.
3. Provide guidance for the future use and design of the Redevelopment Area and maintain sufficient flexibility to accommodate creative redevelopment scenarios.
4. Strengthen the economic vitality of this Township's key commercial district to better serve the community.
5. Highlight opportunities to update deteriorated site improvements and to coordinate land planning and design within the Redevelopment Area consistent with sound land use, environmental resource, and traffic circulation planning principles.
6. Create land use, design, and building requirements specific to the Redevelopment Area that are compatible with adjacent land uses and neighborhoods, harmonious with the surrounding environment, and provide sufficient development opportunity to facilitate investment.
7. Provide for a maximization of private investment through the attraction of qualified (re)developers capable of securing private financing commitments and utilizing the tools provided in the NJ LHRL and the NJ Long-Term Tax Exemption Law and capable of demonstrating a financial commitment upon the execution of a redevelopment agreements with the Township.

#### **F. Relationship to Definite Local Objectives**

N.J.S.A. 40A:12A-7a(1) requires the redevelopment plan to indicate:

*Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.*

The Redevelopment Area is within the New Jersey Pinelands Protection Area, which includes lands south of NJ Route 70 west of US Route 206 and lands between South Pemberton Road (CR 530) and the municipal boundary east of US Route 206. This area is regulated by the Pinelands Comprehensive Management Plan (CMP). The CMP requires the Pinelands Commission to certify that all municipal and county master plans, master plan reexamination reports, master plan elements, and implementation ordinances are in conformance with the CMP before they may take effect.

#### **1. Land Use Objectives**

The Township's Pinelands-certified land use planning documents have always designated the Redevelopment Area as a non-residential, highway commercial district. The Redevelopment Plan maintains this land use objective but reduces the number of permitted uses to reflect those most financially feasible and compatible with the surrounding environs inside and outside the Pinelands

Protection Area.

## **2. Population Density / Housing Objectives**

The Township's Pinelands-certified land use planning documents have always designated the Redevelopment Area as a non-residential, highway commercial district. The Redevelopment Plan does not propose the development of any housing in the Redevelopment Area, which does not contain any dwelling units.

## **3. Traffic and Public Transportation Objectives**

The Township's Pinelands-certified land use planning documents do not provide any traffic or public transportation objectives. The Redevelopment Area is situated at the intersection of US Route 206 and NJ Route 70, both of which are managed by the NJ Department of Transportation. The nearest public transit opportunities are in Marlton, Mount Holly, and Pemberton.

## **4. Public Utilities / Infrastructure Objectives**

The Township's Pinelands-certified land use planning documents designated the Redevelopment Area as a non-sewer service area. The Redevelopment Plan indicates that any future development's water and wastewater management systems will comply with the CMP.

## **5. Recreational and Community Facilities Objectives**

The Township's Pinelands-certified land use planning documents have always designated the Redevelopment Area as a non-residential, highway commercial district. The Redevelopment Plan should have no impact on nearby municipal recreation areas or community facilities. It also should have no impact on the State's nearby Retreat and Red Lion Bear Swamp nature preserves.

## **6. Other Public Improvement Objectives**

Not applicable.

## **G. Proposed Land Uses and Building Requirements**

N.J.S.A. 40A:12A-7a(2) requires the redevelopment plan to indicate:

*Proposed land uses and building requirements in the project area.*

The Redevelopment Area's land use and building requirements provide a framework that permits creative and coordinated redevelopment of the overall tract, rather than piecemeal, uncoordinated development of the individual parcels. Though each parcel may be developed independently, from a planning and zoning standpoint, the parcels are very much interconnected. Together, Lots 5, 5.02, and 5.03 consist of approximately 20.89 acres at the southwest corner of US Route 206 and NJ Route 70. The area is currently located within the Pinelands Highway Commercial (HC) zoning district and in the CMP's as Rural Development Area.

This Redevelopment Plan incorporates the following chapters of the Southampton Township Code: Chapter 12: Land Development, Chapter 19: Pinelands Development and Chapter 21: Waste Disposal/Pollution Control/Stormwater Management; however, the requirements set forth below supersede them. The Planning Board shall review all site plan and subdivision approval requests for approval and may grant any requests for application submission waivers, design waivers, and bulk variances, as permitted by the Municipal Land Use Law. Neither the Planning Board nor the Zoning Board of Adjustment shall grant any use variances.

**1. Permitted uses:**

- a. Banks, credit unions, and financial service uses, with or without drive-through services, but excluding cash checking establishments, second-hand goods stores, pawn shops, and precious metal dealers.
- b. Restaurants, including fast food restaurants, with or without drive-through services.
- c. Retail stores and shops, with or without drive-through services, but excluding and new and used auto, mobile home, and recreation vehicle sales.
- d. Professional, scientific, and technical service uses: businesses engaged in trades, including, but not limited to the following: accounting, tax preparation, bookkeeping, and payroll services; advertising, public relations, and related services; architectural, engineering, environmental, and related services; computer systems design and related services; insurance and real estate services; legal services; management, scientific, and technical consulting services; marketing research and public opinion polling; natural and social science research and development services without laboratories; specialized design and graphics services; translation and interpretation services; and similar services.
- e. Medical service uses: businesses engaged in providing outpatient services for physical, mental, dental, animal, and other health wellness concerns by licensed health care practitioners.
- f. Business administration and support service uses: businesses whose purpose is to provide the following to other businesses, including, but not limited to the following: copying, photocopying and printing services; employment services; investigation and security services; mailing, packaging and labeling services; office administrative services; property maintenance, janitorial, pest control, and similar services; travel arrangement and reservation services; and similar services.
- g. Personal and household service uses: businesses wherein the practical skills of one person are used for the benefit of another person or household, provided no function involves manufacture, cleaning, storage, or distribution of products or goods, except for cleaning and repairing of clothing, furniture, appliances, and similar personal and household objects.
- h. Gyms, fitness centers, and health clubs.
- i. Shopping centers with any of the above permitted uses.
- j. Service Stations, which may include a convenience store located on the same lot that is operated and maintained as an integrated business with the service station. A convenience store shall be defined as a small retail business that stocks a range of everyday items including: packaged and/or prepared hot or cold, non-alcoholic beverages; foods and prepared foods meant for off-site consumption; personal and household items; media, etc. A convenience store may include a drive-through service.
- k. Self-storage facilities.

**2. Permitted Accessory Uses:**

- a. Off-street loading, per §12-5.10.

- b. Off-street parking, per §12-5.10, unless superseded by section 4, below.
- c. Employee/customer electric vehicle charging stations, which may be counted towards the requirements of Section b, above.
- d. Signs, per §12-5.15, unless superseded by section 5, below.
- e. Other customarily incidental accessory uses and structures, such as:
  - 1) Alternative energy systems, per §12-5.22;
  - 2) Electric Vehicle Supply Equipment (EVSE) and Make-Ready parking spaces, per PL 2021 c.171;
  - 3) Emergency electrical generators;
  - 4) Fences and walls per §12-5.6;
  - 5) Heating, ventilation, air-conditioning, and refrigeration equipment (HVAC/R);
  - 6) Lighting and telecommunications / data fixtures and equipment;
  - 7) Maintenance, security, storage, and utility buildings;
  - 8) Outdoor seating and recreation areas, including ornamental landscaping;
  - 9) Stormwater management structures and facilities, including green infrastructure.
  - 10) Underground electricity, telecommunications / data, and other available utilities;
  - 11) Waste / recycling management pads and enclosures; and
  - 12) Water wells and wastewater treatment / facilities.

**3. Area, Bulk, and Height Regulations:**

- a. Principal Uses and Structures

<b>Dimension</b>	<b>Required</b>
Min. Lot Area (acres)	2 <sup>A</sup>
Min. Lot Frontage (feet)	200
Min. Lot Width (feet)	200
Min. Lot Depth (feet)	300
Min. One Side Yard Setback (feet)	50 <sup>B</sup>
Min. Front Yard Setback (feet)	50
Min. Rear Yard Setback (feet)	40
Min. Front Buffer (feet)	15
Min. Rear Buffer (feet)	15
Min. Side Buffer (feet)	15 <sup>C</sup>
Max. Impervious Surface (percent)	50
Max. Total Gross Floor Area in Redevelopment Area	25,000
Max. Building Height (feet)	35
Basin permitted in Front Yard Setback	Yes
Min. Distance between Principal Buildings (feet)	50

<sup>A</sup> The minimum lot area shall not be less than that needed to meet the water quality standards of Subsection 19-4.7b4, whether or not the lot may be served by a centralized sewer treatment or collection system.

<sup>B</sup> When adjacent properties are interconnected by vehicular driveways with cross-access easements, the minimum setback adjacent to the connected property may be reduced to 25’.

<sup>C</sup> When adjacent properties are interconnected by vehicular driveways with cross-access easements, the minimum side buffer adjacent to the connected property may be reduced to 5’.

b. Accessory Structures and Uses

<b>Min. Setback Requirements</b>	<b>Required</b>
<b>Off-Street Parking / Pavement</b>	
from ROW (feet)	15
from Side Yard Line (feet)	15 <sup>A</sup>
from Rear Yard Line (feet)	15 <sup>A</sup>
<b>Accessory Storage Structures</b>	
from ROW (feet)	50
from Side Rear Yard (feet)	15
from Rear Yard (feet)	15
<b>Free-Standing Signs</b>	
from ROW (feet)	5
from Side Rear Yard (feet)	10
<b>Air Pumps &amp; Electric Charging Equipment</b>	
from ROW (feet)	20
from Side Yard Line (feet)	15 <sup>A</sup>
from Rear Yard Line (feet)	15 <sup>A</sup>
<b>Waste / Recycling Management Pads and Enclosures</b>	
from ROW (feet)	50
from Side Yard Line (feet)	15 <sup>A</sup>
from Rear Yard Line (feet)	15 <sup>A</sup>
<b>Septic Disposal Systems</b>	
from ROW (feet)	50
from Lot 5.01 (feet)	50
from Side Yard Lines in Redevelopment Area (feet)	15 <sup>B</sup>
from Rear Yard Line (feet)	50
<b>Fences and Walls</b>	
from ROW (feet)	4
from Lots 4.03 and 5.01 (feet)	0
from Side Yard Lines in Redevelopment Area (feet)	0
from Rear Yard Line (feet)	0

<sup>A</sup> When adjacent properties are interconnected by vehicular driveways and cross access easements, the minimum setback adjacent to the connected property may be reduced to 5’.

<sup>B</sup> When a septic disposal system is shared among uses on more than one lot, the minimum setback from the shared property lines may be reduced to 0’.

**4. Off-Street Parking and Loading Requirements:** Off street parking and loading per §12-5.10, except as modified below.

- a. Max. number of driveway cuts along NJ Route 70 for Lots 5 and 5.03 shall be 1 each. Lot 5.02 may contain a total of 2 driveways.
- b. Min. perpendicular parking space size: 9’ x 18’.
- c. Min. distance between parking space and any building: 6’.
- d. Min. number of off-street parking spaces:
  - 1) Banks, credit unions, and financial service uses, with or without drive-through services,



but excluding cash checking establishments, second-hand goods stores, pawn shops, and precious metal dealers: 1 space per 250 square feet of gross building area, plus 2 spaces per walk-up ATM (if applicable).

- 2) Restaurants: 1 space per 100 square feet of gross floor area and outdoor dining area (if applicable).
  - 3) Retail stores and shops, with or without drive-through services, including service station convenience centers: 1 space per 250 square feet of gross floor area.
  - 4) Service Stations: 3 spaces per service bay, 0.5 spaces per fuel pump, plus 1 space per service station employee on the maximum work shift.
- 5. Signs.** Signs shall be in accordance with section 12-5.15 except as set forth below:
- a. A parcel with only 1 principal business tenant may have:
    - 1) 1 double-sided, freestanding business identification sign per right-of-way frontage not exceeding 20' in height and 60 square feet in area per sign face; and
    - 2) 2 single-sided, attached business identification signs with each attached sign not exceeding 10% of the total square feet of the wall surface on which it is attached, or 80 square feet whichever is smaller.
  - b. A parcel with more than 1 principal business tenant, use, and/or building may have the following signs when they are designed in a coordinated manner:
    - 1) 1 double-sided, freestanding multiple occupancy identification sign per ROW frontage, not exceeding 20' in height and 80 square feet per sign face; and
    - 2) 2 single-sided, attached signs for each principal business use / building with each attached sign not exceeding 10% of the total square feet of the wall surface on which it is attached, or 80 square feet, whichever is smaller.
  - c. Freestanding sign bases shall be designed to complement the parcel's building(s) and be appropriately landscaped with year-round interest.
  - d. Attached signs may have internally illuminated individual channel letters, channel letters on a raceway, or cloud signs, but may not be an illuminated "box sign".
  - e. Uses that include drive-through facilities may have 1 additional freestanding menu board sign intended to be viewed by motorists using the drive-through, not to exceed 40 square feet per sign face.
- 6. Additional Requirements for Service Stations:**
- a. Fuel pumping stations shall be setback a minimum of 40' from the ROW line, from one another by a minimum of 25', and from all other structures, except an overhead canopy structure by a minimum of 25'.
  - b. Canopy structures shall be setback a minimum of 25' from all property lines.
  - c. All pits, lifts and working areas shall be within an enclosed building. All lubrication, repair or similar activities shall be performed in an enclosed building. Minor repair work may be per-

formed at an island or pump location. All storage areas shall be enclosed with a fence or similar permanent structure and shall be screened from public view.

- d. No unregistered or inoperable automobiles or motor vehicles shall be stored on the premises of any service station for a period more than 30 days.
- e. All vehicles stored overnight on the premises outside the main building shall be screened from public view by a fence or other permanent structure or a landscaped buffer in accordance with the landscaping buffer requirements per §§12-5.2 and 5.7.
- f. A 20' wide landscaped buffer shall be provided along the ROW frontage per §§12-5.2 and 5.7.
- g. No sale or rental of cars, trucks, trailers, or other vehicles shall be permitted.
- h. Motorists may only circulate and park their vehicles on an impermeable surface with collection devices that are properly serviced to prevent vehicle fluids from entering the aquifer or surface water.
- i. Signs for service stations that include a changeable area for fuel prices may have an additional 20 square feet in area per sign face.

**7. Other regulations:**

- a. Multiple principal buildings are permitted on 1 parcel of land when they are designed in a coordinated manner, under common ownership, and with shared access and parking.
- b. Vehicular access among parcels shall be provided with cross-access easements. If parcels are developed at different times or by different developers, their plans shall show opportunities for interconnection and shall provide deed restrictions for future connection.
- c. Pedestrian sidewalks shall be provided along main driveways to and among the parcels.
- d. Light fixtures should be designed to complement the site's architectural theme and to accent the site's other structures and landscape features. Matching light fixtures shall be used within parking areas throughout the Redevelopment Area.
- e. Water Quality Standards.
  - 1) All development in the Redevelopment Area shall be served by a wastewater treatment system that is located on Block 3002, Lots 5.02 and 5.03, as the lots exist as of the date of adoption of this redevelopment plan, and is intended to reduce the level of nitrate/nitrogen in the wastewater in accordance with N.J.A.C. 7:50-6.84(a)5;
  - 2) Any site plan or subdivision approval for development in the Redevelopment Area that generates wastewater shall be conditioned upon:
    - a) Replacement of the existing on-site septic system on Block 3002, Lots 5.02 and 5.03 with the wastewater treatment system required in 1) above; and
    - b) Permanent protection of one (1) acre of contiguous or noncontiguous land by the re-developer for each 1,000 square feet of existing and proposed floor area, as defined

by the Pinelands Comprehensive Management Plan N.J.S.A. 7:50-2.11, in accordance with the following standards:

- i. All lands to be protected shall be vacant and located in the Pinelands Area, within the Highway Commercial (HC) or Rural Development (RD) zones;
  - ii. Should the square footage of existing and proposed floor area not be evenly divisible by 1,000, the amount of land to be protected shall be rounded up to the next whole acre; and
  - iii. Permanent protection shall be achieved through recordation of a deed of restriction. Such deed of restriction shall permit the lands to be managed for low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 19 (Pinelands Development) of the Code of Southampton Township. Such restriction shall be in favor of the parcel in the redevelopment area proposed for development and the Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.
- c) The design of the wastewater treatment system and its discharge point, and the size of the entire contiguous parcel on which the system is located, shall ensure that ground water existing from the entire contiguous parcel or entering a surface water body will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands dilution model. For purposes of this section, the entire contiguous parcel shall be defined as the Redevelopment Area.
- d) No development that generates wastewater, including a change in use from one non-residential use to another, shall occur until the wastewater treatment system required pursuant to (1) above has been installed and the deed restriction required pursuant to (2)(b) above has been duly recorded.
- f. Architectural Requirements.
- 1) Architectural plans showing all building elevations must be submitted as part of a site plan application.
  - 2) Architectural design features shall be employed to create visual interest at the pedestrian level and to integrate each building or structure with the surrounding area.
  - 3) Main entrances to principal buildings shall have architecturally distinctive doorways with covered walkways / overhangs.
  - 4) Buildings shall be designed to avoid long, monotonous, uninterrupted wall planes by incorporating fenestration, wall projections and recesses, architectural details, coloring, lighting, signage, landscaping, and/or other techniques.

- 5) Rooflines shall be designed to reduce the scale of large buildings and to screen roof-mounted equipment by incorporating the above building design techniques, as well as variation in roof pitches, parapets, cornices and eaves, color, texture and/or other techniques.
- g. Waste management / recycling enclosures shall be:
    - 1) Constructed of decorative masonry material complimentary in material, texture, and color to the principal building;
    - 2) A minimum of 4' and a maximum of 6' in height to conceal the storage containers and shall be provided with opaque vehicular access gates of the same height.
    - 3) Buffered with appropriate landscaping.
    - 4) Include a door or opening for employee access in addition to vehicular access gates.
  - h. Financial subdivisions, as herein defined, shall not be required to meet the bulk requirements set forth in the Redevelopment Plan so long as site plan approval is obtained, and the overall site plan meets the bulk requirements considering the entire site as a whole. Financial subdivisions shall be defined as any subdivision requested for commercial development which is sought to enable each parcel to be separately owned and financed.
  - i. All development in the Redevelopment Area shall comply with the minimum environmental standards of the Pinelands Comprehensive Management Plan (N.J.A.C. &:50).

#### **H. Provisions for Relocation**

N.J.S.A. 40A:12A-7a(3) requires the redevelopment plan to indicate:

*Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.*

Because the Redevelopment Area does not contain any existing residential uses, the Redevelopment Plan requirement does not apply.

#### **I. Identification of Property to be Acquired**

N.J.S.A. 40A:12A-7a(4) requires the redevelopment plan to indicate:

*An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.*

Because the Redevelopment Area is within a non-condemnation redevelopment area, any future development or redevelopment that may involve property acquisition will require an acceptable arrangement between the property owner(s) and the redeveloper.

#### **J. Relationship to Other Plans**

N.J.S.A. 40A:12A-7a(5) requires the redevelopment plan to indicate:

*Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et*

seq.).

**1. Contiguous Municipalities:** Except for permitting restaurants as a principal use, the Redevelopment Plan's does not make any significant changes to the Redevelopment Area's current land use and building requirements. The Redevelopment Area in the southwest corner of Southampton Township is within 1.4 miles of Tabernacle Township by way of US Route 206 and 2.6 miles from Medford Township by NJ Route 70. Therefore, implementation of the Redevelopment Plan should not have any adverse impacts on nearby adjacent municipalities.

**2. Burlington County:** Because Burlington County does not have a county master plan, this requirement is not applicable.

**3. State Development and Redevelopment Plan:** The Redevelopment Area is within the New Jersey Pinelands Protection Area which is regulated by the CMP and is outside the jurisdiction of the State Development and Redevelopment Plan.

#### **K. Affordable Housing Impact**

N.J.S.A. 40A:12A-7a(6) requires the redevelopment plan to indicate:

*As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.*

Because the Redevelopment Area does not contain any existing residential uses, the Redevelopment Plan requirement does not apply.

#### **L. Affordable Housing Replacement Provisions**

N.J.S.A. 40A:12A-7a(7) requires the redevelopment plan to indicate:

*A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last eighteen (18) months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.*

Because the Redevelopment Area does not contain any existing residential uses and is in a non-residential zoning district that does not permit residential development, and because the Redevelopment Plan does not propose any residential development, the Redevelopment Plan requirement does not apply.

### **M. Public Electric Vehicle Charging Infrastructure**

N.J.S.A. 40A:12A-7a(8) requires the redevelopment plan to indicate:

*Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.*

The Redevelopment Plan shall require the redeveloper to install public Electric Vehicle Supply Equipment (EVSE) and Make-Ready parking spaces, per PL 2021 c.171. The location of such infrastructure shall be determined as part of future site plan approvals in the Project Area.

### **N. Affordable Housing Provisions**

N.J.S.A. 40A:12A-7b. indicates:

*A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.*

Because Southampton Township does not have an affordable housing development fee ordinance or trust fund, it is unable to assess, collect, or use any such development fees, such as the State-approved 2.5% of the equalized assessed value of the non-residential development.

### **O. Relationship to Local Development Regulations**

N.J.S.A. 40A:12A-7c. requires the redevelopment plan to indicate:

*The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).*

The CMP §7:50-3.32 requires that all municipal land use ordinances to be in conformance with the CMP. The Redevelopment Plan, which supersedes certain sections of Township Code Chapter 12: Land Development and Chapter 19: Pinelands Development, will become effective after the Pinelands Commission determines that the Township ordinance adopting the Redevelopment Plan does conform.

### **P. Municipal Master Plan Consistency**

N.J.S.A. 40A:12A-7d. requires that:

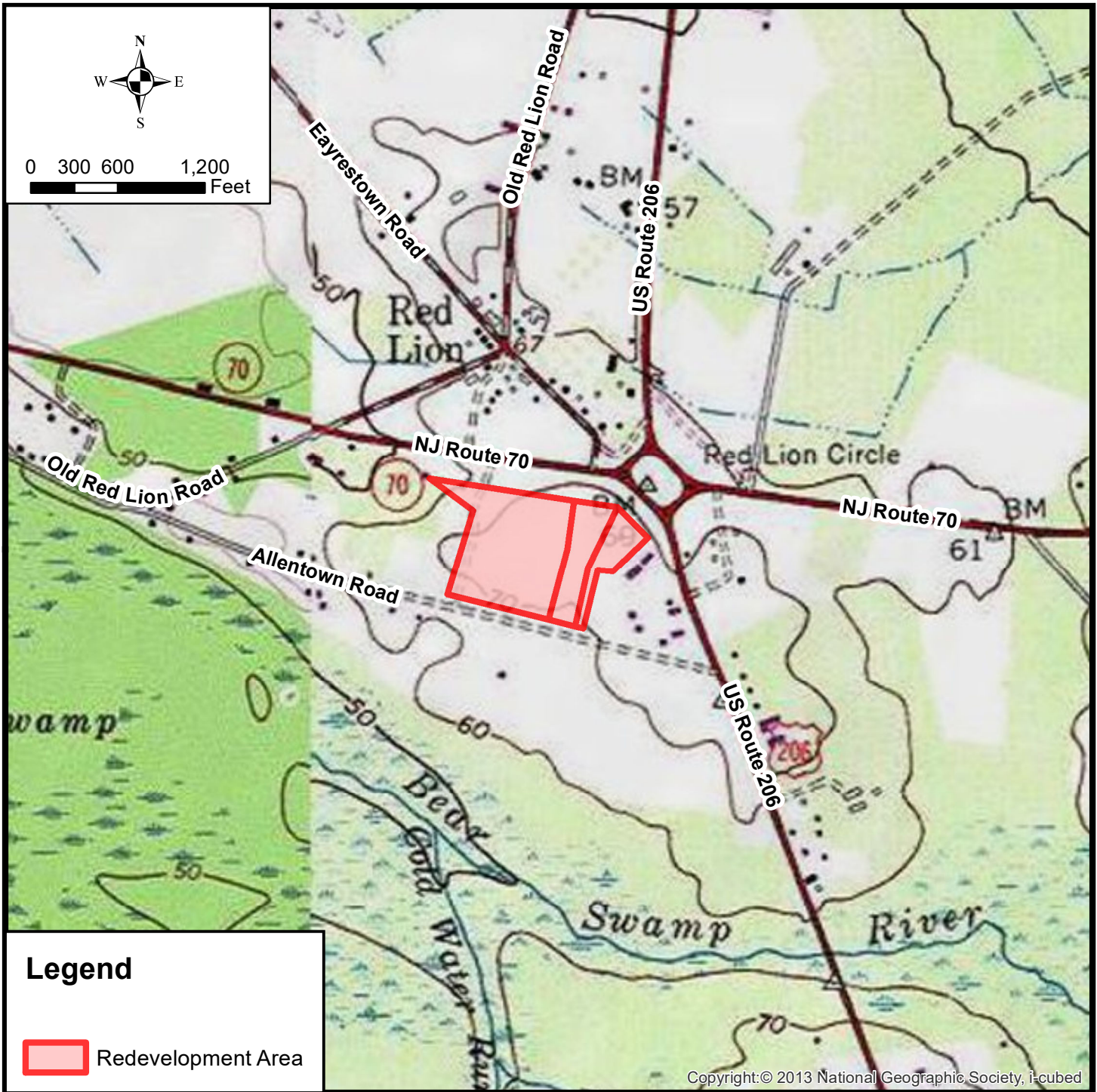
*All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.*

The CMP §7:50-3.32 requires that all municipal land use ordinances to be in conformance with the CMP. The Redevelopment Plan, which supersedes certain sections of Township Code Chapter 12: Land Development and Chapter 19: Pinelands Development, will become effective after the Pinelands Commission determines that the Township ordinance adopting the Redevelopment Plan does conform.

*Appendix A*

Fig. 1: USGS Location Map

Fig. 2: Adjacent Tax Parcels Map



**Fig. 1: General Location**

**Red Lion Diner Study Area  
 Southwest Corner of  
 US Route 206 and NJ Route 70  
 Southampton Township, NJ  
 Block 3002, Lots 5, 2.02, & 5.03**

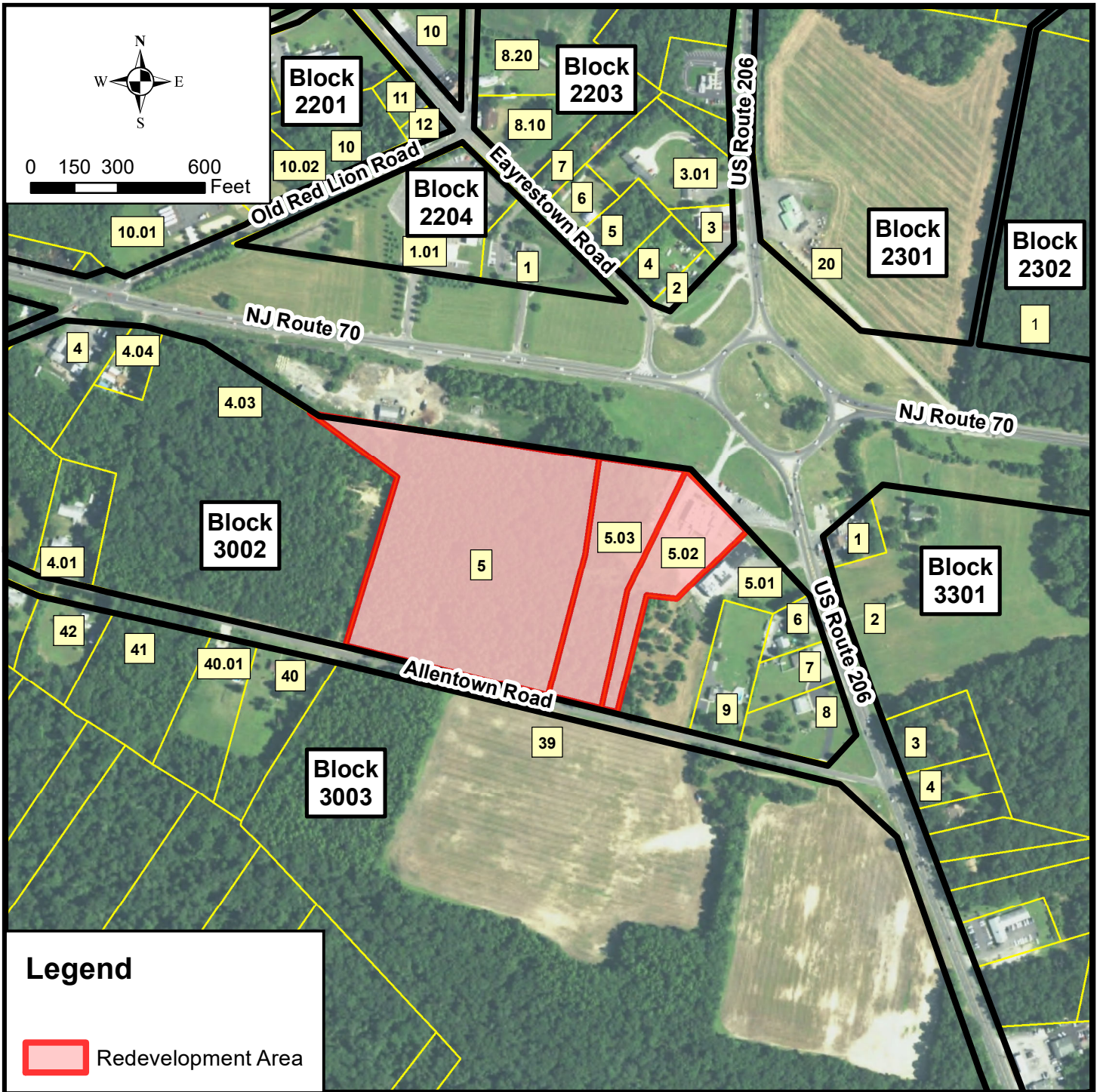
SOURCE: NJDEP GIS DATA



**ENVIRONMENTAL  
 RESOLUTIONS, INC.**

Engineers • Planners • Scientists • Surveyors  
 815 EAST GATE DR. SUITE 103  
 MOUNT LAUREL, NEW JERSEY 08054  
 TEL. 856-235-7170 FAX 856-273-9239





**Legend**

 Redevelopment Area

**Fig. 2: Adjacent Tax Parcels**

**Red Lion Diner Study Area  
 Southwest Corner of  
 US Route 206 and NJ Route 70  
 Southamptton Township, NJ  
 Block 3002, Lots 5, 2.02, & 5.03**

SOURCE: NJDEP GIS DATA



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**Appendix B**  
*Southampton Township Committee Resolution 2020-76*  
*Designating Lots 5, 5.02, and 5.03 of Block 3002as*  
*“A Non-Condernnation Area in Need of Redevelopment”*

TOWNSHIP OF SOUTHAMPTON

**RESOLUTION ACCEPTING THE PLANNING BOARD  
RECOMMENDATION FOR CERTAIN LOTS NEAR AND AROUND THE RED  
LION CIRCLE TO BE DESIGNATED A NON-CONDEMNATION AREA IN  
NEED OF REDEVELOPMENT**

**WHEREAS**, the Southampton Township Committee authorized and directed the Township Planning Board to conduct a preliminary redevelopment investigation to determine whether certain properties within the municipality qualified under the statutory criteria as an “area in need of redevelopment”, or alternatively, as an “area in need of rehabilitation”, within the meaning and intendment of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, (the “Study Area”); and

**WHEREAS**, the properties in question, and comprising the “Study Area” are known and identified as:

Block	Lots
3002	5, 5.02 and 5.03
2294	✓ not included

**WHEREAS**, the Township Planning Board conducted a public hearing on the matter on July 16, 2020, as a result of which hearing, the Planning Board made recommendations to the Township Committee regarding the Study Area; and

**WHEREAS**, the designation of the area will allow a redeveloper develop the otherwise constrained land for commercial uses improving the value of the lands and providing much needed commercial development to the Township; and

**WHEREAS**, the Planning Board recommends that the Area of Study be classified as a Non-Condemnation Area in Need of Redevelopment and that standards be established to promote future commercial development on this site; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Southampton, County of Burlington, State of New Jersey, as follows:

1. The Township incorporates the foregoing recitals as the factual predicate, along with those set forth below, for the adoption of this Resolution.

2. The Township Committee hereby reaccepts the recommendations of the Planning Board regarding the geographical boundaries that will define the proposed Redevelopment Area as an "Area in Need of Redevelopment" made of the following Blocks and Lots:

Block	Lots
3002	5, 5.02 and 5.03
2204	7 <i>not included</i>

3. The designation provided herein is considered a non-condemnation area of redevelopment.

**BE IT FURTHER RESOLVED** that the Planning Board is instructed to develop standards for this redevelopment area which will support appropriate economic revitalization of the Study Area through the development of a solar array; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Township Planning Board, to the Burlington County Office of Land Use Planning, to the Department of Community Affairs; that a copy be posted on the municipal bulletin board; and that a copy be published in the *Burlington County Times* within fourteen (14) days of the date of the adoption of this Resolution.

\*\*\*\*\*

ACTION:

Motion made by:

Rafferty

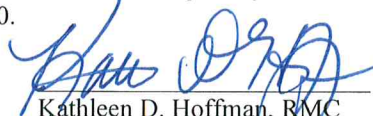
Motion seconded by: Heston

VOTE:

Committeeman Heston:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Deputy Mayor Raftery:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeewoman Rossell:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Committeeman Young, Sr.:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present
Mayor Mikulski:	<input checked="" type="radio"/> Yes	No	Abstain	Not Present

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the Resolution adopted by the Southampton Township Committee at their meeting held on July 21, 2020.

  
Kathleen D. Hoffman, BMC  
Township Clerk/Administrator

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF  
SOUTHAMPTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY,  
MAKING FINDINGS AND RECOMMENDATIONS CONCERNING WHETHER  
CERTAIN PROPERTIES CONSTITUTE AN AREA IN NEED OF REDEVELOPMENT  
UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW  
(N.J.S.A.40A:12A-1 *et seq.*)**

**RESOLUTION NO. 2020.08P**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute an area in need of redevelopment, The Township Counsel (the “Township Counsel”) of the Township of Southampton (the “Township”) by way of a resolutions 2019-97 and 2019-101 adopted on October 15, 2019, authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation to determine whether the areas consisting of:

**Block 3002, Lots 5, 5.02, and 5.03; and**

**Block 2204, Lot 1; and**

meet the criteria set forth in the Redevelopment Law and should be designated as areas in need of redevelopment; and

**WHEREAS**, the Planning Board caused Mr. Edward Fox, AICP, PP of Environmental Resolutions Inc. (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Areas should be designated as areas in need of redevelopment; and

**WHEREAS**, on July 6, 2020, the Planning Board received reports and maps for each area depicting the Study Areas prepared by the Planning Consultant, entitled “PRELIMINARY INVESTIGATION FOR THE DETERMINATION OF AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT” and dated July 3, 2020 and July 6, 2020 (the “Report(s)”), concerning the determination of the Study Areas as areas in need of redevelopment; and

**WHEREAS**, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether any Study Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that any Study Area is a redevelopment area; and

**WHEREAS**, the Redevelopment Law further requires the Planning Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made not less than ten days prior to such public hearing; and

**WHEREAS**, the Redevelopment Law further requires that such notice be mailed, at least ten days prior to such public hearing, to the last owner(s) of the relevant properties according to the Township's assessment records; and

**WHEREAS**, the Planning Board caused the aforementioned notices to be: (i) published on June 25, 2020 and July 2, 2020 in the Courier Post; (ii) served on the owner(s) of record of the relevant properties according to the Township's assessment records on June 23, 2020; and

**WHEREAS**, on July 16, 2020, the Planning Board reviewed the Reports, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Study Areas as areas in need of redevelopment; and

**WHEREAS**, the Planning Board accepted into evidence the Report (See Composite Exhibit 1 attached hereto including the **Red Lion Diner Study Area** Report); and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board on July 16, 2020 that there is evidence to support the following findings: (i) Block 3002, Lots 5, 5.02 and 5.03 as part of the **Red Lion Diner Study Area** satisfy the criteria for redevelopment and / or rehabilitation area designation as set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-14 for the reasons detailed in the Reports and (ii) that the collective designation of such sites as areas in need of redevelopment is necessary for the effective redevelopment of the area comprising such sites; and

**WHEREAS**, the Planning Board desires to set forth its findings and conclusions, and its recommendations to the Township Counsel, concerning the designation of the Study Areas as areas in need of redevelopment.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Southampton as follows;

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Based on the information and testimony presented at the July 16, 2020 Planning Board meeting, as well as, the Reports themselves and the advice from the Planning Board's and Township's consultants, it is the opinion of the Planning

Board that (i) Block 3002, Lots 5, 5.02 and 5.03 as part of the **Red Lion Diner Study Area** satisfy the criteria for redevelopment and / or rehabilitation area designation as set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-14; and (ii) that the sites collectively satisfy the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5 and (iii) pursuant to N.J.S.A. 40A:12A-3, the collective designation of such sites as areas in need of redevelopment are necessary for the effective redevelopment of the areas comprising such sites.

3. It is the recommendation of the Planning Board that the Township Counsel designate the Block 3002, Lots 5, 5.02 and 5.03 as part of the **Red Lion Diner Study Area** as areas in need of redevelopment and / or rehabilitation pursuant to the Redevelopment Law and that the Township Counsel NOT so designate the remaining portion or Block 2204, Lots 1, as part of the **Red Lion Diner Study Area** as an area in need of redevelopment and/ or rehabilitation because a change in land use is not deemed necessary to promote redevelopment given the current uses and in view of the condition of the structures and improvements located on the site.
4. The Secretary of the Planning Board shall forward a copy of this resolution to the Township Administrator upon adoption.
5. This resolution shall take effect immediately.

The foregoing action was taken by the STPB on July 16, 2020 upon the motion of Mr. Schwarz, seconded by Mr. Kavanagh with the vote on the motion being as follows:

AYE: Ms. Conover, Mr. Coyle, Ms. Gower, Mr. Heston, Mr. Kavanagh, Chairman Magazzo, Mr. Raftery, and Mr. Schwarz

NAY:

ABSTAIN:

ABSENT: Mr. Keebler and Mr. Moore

DID NOT PARTICIPATE:

The foregoing action was memorialized by the STPB on July 16, 2020 upon the motion for approval of this resolution by Mr. Kavanagh seconded by Ms. Gower with the vote on the motion being as follows:

AYE: Ms. Conover, Mr. Coyle, Ms. Gower, Mr. Heston, Mr. Kavanagh, Chairman Magazzo, Mr. Raftery, and Mr. Schwarz

NAY:

ABSTAIN:



ABSENT: Mr. Keebler and Mr. Moore

DID NOT PARTICIPATE:

The undersigned Secretary of the STPB hereby certifies that the above is a true copy of Resolution # 2020.08P adopted by the STPB on July 16, 2020.

  
Michele Gittinger, BOARD SECRETARY

***Appendix C***

*Letter from the Commissioner of the NJ Department of Community Affairs*

*Dated November 4, 2020 Approving the Non-Condensation Redevelopment Area Designation*



CR#916

State of New Jersey  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO Box 800  
TRENTON, NJ 08625-0800  
(609) 292-6420

PHILIP D. MURPHY  
Governor

LT. GOVERNOR SHEILA Y. OLIVER  
Commissioner

November 4, 2020

The Honorable Michael Mikulski  
Mayor  
Township of Southampton  
5 Retreat Road  
Southampton, New Jersey 08088

RE: Review of Resolution 2020-76 designating Block 3002, Lots 5, 5.02, and 5.03 as an Area in Need of Redevelopment (Non-Condemnation)

Dear Mayor Mikulski:

The Department of Community Affairs (DCA) is in receipt of the above-referenced resolution. Pursuant to N.J.S.A. 40A:12A-6b(5)(c), a review of the delineated area has been conducted. The site is within the Pinelands Rural Development Area and, as such, is not located in an area in which development or redevelopment is to be encouraged pursuant to any State law or regulation. However, it does meet the criteria for an Area in Need of Redevelopment set forth in N.J.S.A. 40A:12A-5.

Based on our review, the Township's determination is approved. However, please note that any redevelopment or plan that arises from this designation must recognize the constraints and limitations on development of this site. All redevelopment plans in the Pinelands Area require review and approval by the Pinelands Commission and all development or redevelopment must be consistent with the land use and environmental standards of the Pinelands Comprehensive Management Plan. We encourage the Township to discuss these standards with the Pinelands Commission before proceeding with the next steps in the redevelopment planning process.

The municipality or redeveloper may find the New Jersey Business Action Center (BAC), located in the Department of State, helpful in identifying potential sources of state financing to facilitate the redevelopment of these properties. You may contact the BAC by calling (866) 534-7789.

This determination is a tribute to the work the Township of Southampton has done. Please feel free to contact Keith Henderson at (609) 292-4523 if you need any further assistance.

Sincerely,

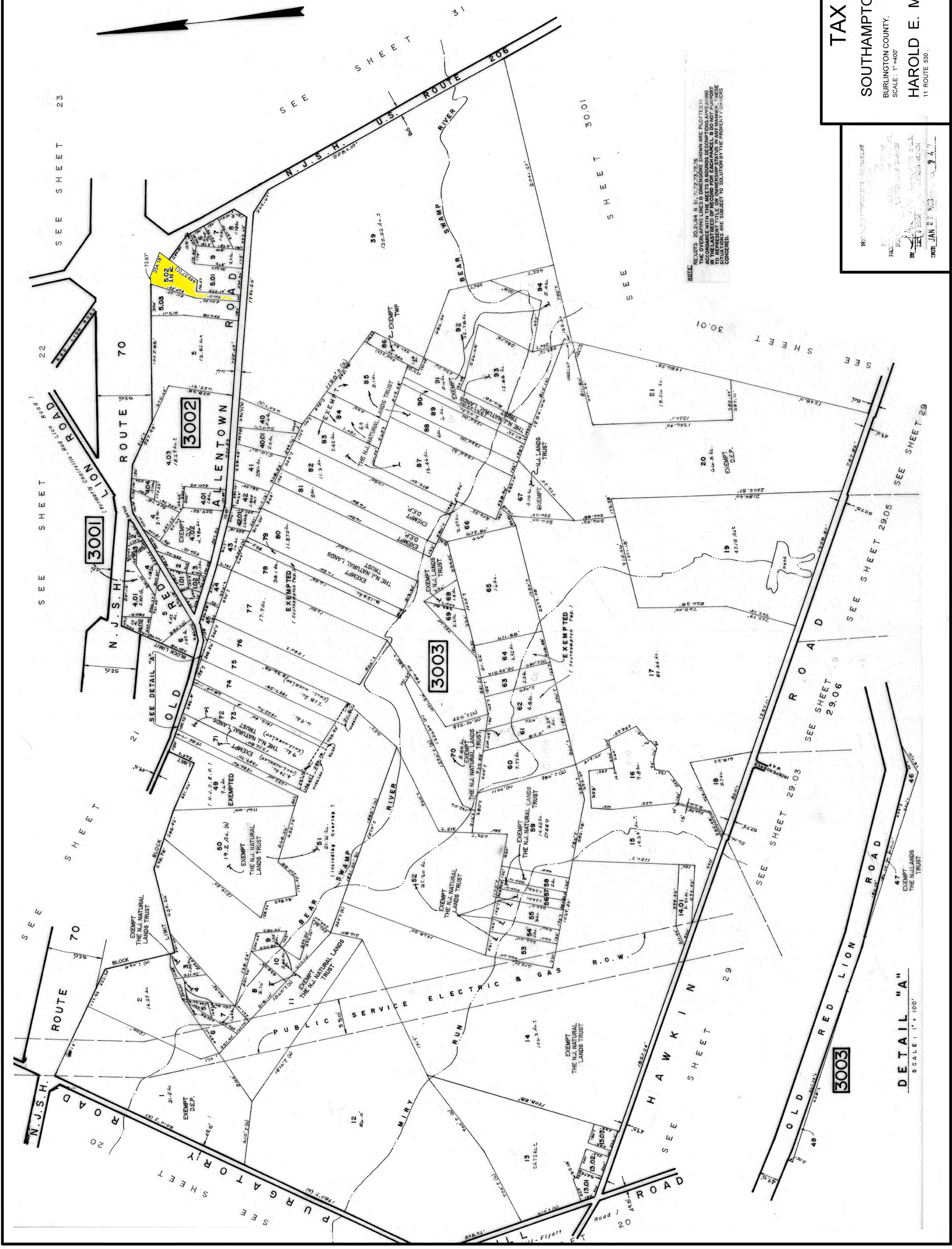
Lt. Governor Sheila Y. Oliver  
Commissioner

- cc: Municipal Clerk
- Nancy Wittenberg, New Jersey Pinelands Commission
- Melanie Willoughby, New Jersey Business Action Center
- Sean Thompson, Local Planning Services



***Appendix D***

*Southampton Township Tax Sheet 30, Amended June 6, 2018  
Appending NJDOT Parcel VXR74B2 to Block 3002, Lot 5.02*



NOTE: THE LOTS 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**TAX MAP**  
 SOUTHAMPTON TOWNSHIP  
 BURLINGTON COUNTY,  
 NEW JERSEY  
 SCALE: 1"=400'  
 AUGUST 1991  
**HAROLD E. MASER** P.E. & L.S. 9875  
 SOUTHAMPTON, NEW JERSEY  
 11 ROUTE 530.

DATE: JAN 27 1991  
 BY: [Signature]  
 FOR: [Signature]

**DETAIL "A"**  
 SCALE: 1"=100'

***Appendix E***

*Burlington County Book OR 13325, Page 2073, Recorded March 6, 2018  
Transferring title of a 0.472-acre parcel known as NJDOT Parcel VXR74B2  
In the southwest corner of Red Lion (US 206 and NJ 70) Circle  
From the NJ Department of Transportation  
To Lontokal, Inc. a New Jersey Corporation in Southampton Township, NJ*

RECORDING INFORMATION SHEET

50 RANCOCAS RD,  
MT. HOLLY, NJ 08060

INSTRUMENT NUMBER:

5368829

DOCUMENT TYPE:

DEED

Official Use Only

Document Charge Type DEED - FULL EXEMPTION

Return Address (for recorded documents)

NJDOT-ROW  
PROPERTY MGMT/AMARJIT CHAWLA  
PO BOX 600  
TRENTON NJ 08625

TIMOTHY D. TYLER  
BURLINGTON COUNTY

RECEIPT NUMBER  
8478012  
RECORDED ON  
March 06, 2018 3:29 PM

INSTRUMENT NUMBER  
5368829

BOOK: OR13325  
PAGE: 2073

No. Of Pages 10  
(Excluding Recording Information and/or Summary Sheet)

Consideration Amount \$60,000.00

Recording Fee \$130.00

Realty Transfer Fee \$0.00

Total Amount Paid \$130.00

Municipality SOUTHAMPTON TWP

Parcel Information Block: N/A  
Lot: N/A

First Party Name NEW JERSEY ST OF DEPT OF TRANSPORT

Second Party Name LONTOKAL INC

Additional Information (Official Use Only)



5368829

Ctrl Id: 5608883 Recording Clerk: gvaughan

\*\*\*\*\* DO NOT REMOVE THIS PAGE \*\*\*\*\*  
COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF BURLINGTON COUNTY FILING RECORD  
\*\*\*\*\* RETAIN THIS PAGE FOR FUTURE REFERENCE. \*\*\*\*\*

BURLINGTON COUNTY  
CLERK



Burlington County  
Document Summary Sheet

2018 MAR -2 AM 11:43

TIM TYLER BURLINGTON COUNTY CLERK P.O. BOX 6000 50 RANOCAS RD, 3rd FLOOR MOUNT HOLLY, NJ 08060-1317	Return Name and Address RECEIVED
--	-------------------------------------

ABOVE THIS LINE FOR OFFICIAL USE ONLY

Submitting Company		New Jersey Department of Transportation			
Document Date (mm/dd/yyyy)		02/15/2018			
Document Type		Deed			
No. of Pages of the Original Signed Document (Including the cover sheet)		11			
Consideration Amount (If applicable)		\$60,000.00			
First Party <i>(Seller or Grantor or Mortgagor or Assignor or Defendant or Debtor)</i> (Enter up to five names)	Name(s) <i>(first name, middle initial/name, last name or Company Name as written)</i>	Address (Optional)			
	The State of New Jersey, Department of Transportation	1035 Park Way Avenue, Trenton, NJ 08625-0600			
Second Party <i>(Buyer or Grantee or Mortgagee or Assignee or Plaintiff or Secured Party)</i> (Enter up to five names)	Name(s) <i>(first name, middle initial/name, last name or Company Name as written)</i>	Address (Optional)			
	Lontokal Inc., A New Jersey Corporation	1753, Route 206, Southampton, NJ 08088			
Parcel Information (Enter up to three entries)	Municipality	Block	Lot	Qualifier	Property Address
	Southampton Twp	N/A	N/A	100%	Route 70
Reference Information (Enter up to three entries)	Book Type	Book	Beginning Page	Instrument No.	Recorded/File Date

\*DO NOT REMOVE THIS PAGE.

DOCUMENT SUMMARY SHEET (COVER SHEET) IS PART OF BURLINGTON COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.



*Direct Sale Deed*

**Date** This Deed is made on *February 15, 2018* between

**(Seller) Grantor:** *The State of New Jersey, Department of Transportation,  
1035 Parkway Avenue, PO Box 600 Trenton, New  
Jersey 08625-0600*

**(Buyer) Grantee** *Lontokal, Inc., A New Jersey Corporation*  
**Address:** *1753, Route 206  
Southampton, New Jersey 08088*

(The words "Grantor" and "Grantee" include all Grantors and all Grantees under this Deed.)

**Consideration** In return for the payment to the Grantor by the Grantee the sum of **Sixty Thousand Dollars (\$60,000.00)**

**Conveyance** the Grantor grants and conveys to the Grantee all the land and premises located in the Township of Southampton, County of Burlington and State of New Jersey, specifically described below.

**Description  
of Land**

*See Schedule "A" & Exhibit "A" Attached*

There is no current block & lot designation for the premises being conveyed at this time on the tax map of township of Southampton in the County of Burlington.

Prepared for the State by:

  
\_\_\_\_\_  
*David M. Kahler, DAG*

**Covenant as to  
Grantor's Acts:**

**The Grantor** covenants that the Grantor has done no act to encumber the property

**Receipt of  
Consideration:**

**The Grantor** acknowledges receipt of full payment, for the property and acknowledges it to be sufficient and proper consideration for the transfer ownership.

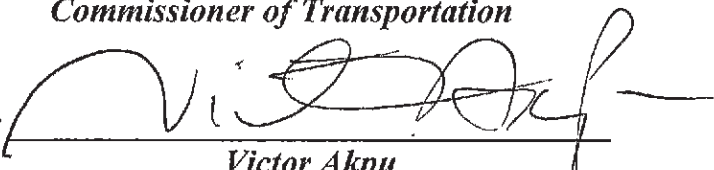
This deed is made pursuant to N.J.S.A. 52:31-1.4.

**BY** the acceptance of this conveyance, the grantee, for itself and its successors and assigns does covenant and agree to and with the State of New Jersey, Department of Transportation, its successors and assigns, that (1) the lands and premises conveyed hereunder will not be used for the storage of junk or salvaged materials of any nature as defined by the "Junkyard Control Act" N.J.S.A. 27:5E-1 et seq. (2) the lands and premises conveyed hereunder will not be used for the erection or maintenance of any advertising billboard, sign or placard, except such as may directly concern any business conducted on the premises. (3) no members of the general public, on the grounds of race, color, sex, religion, national origin or by reason of being physically impaired or challenged shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination in the use of the lands and premises hereby conveyed (4) The sale of the property is subject to any outstanding Riparian claim asserted by the Tidelands Resource Council and to all municipal and state statutes, rules and regulations regarding the use of the property. This sale is subject to all easements or permits whether or not of record. The buyer is required to inquire of the various public utilities and public regulatory agencies of municipal, county and state government as to the applicable restrictions or conditions upon the use of the property.

**THIS CONVEYANCE** does not include any ownership, reversionary or associated right, title and interest that the owner may have in the right of way lying within the lines of the roads, streets or State highway adjoining the parcels hereby conveyed.

**IN WITNESS WHEREOF** the said State has caused this deed to be signed by its Director, Division of Right of Way and Access Management, Department of Transportation, and the official seal of the Commissioner of Transportation to be hereunto affixed the day and year first above written.

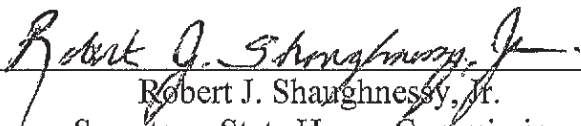
*State of New Jersey  
Commissioner of Transportation*

By:   
*Victor Akpu  
Director of Right of Way and Access Management  
Department of Transportation*

*Witness:*

By:   
*Anika James  
Department Secretary  
Department of Transportation*

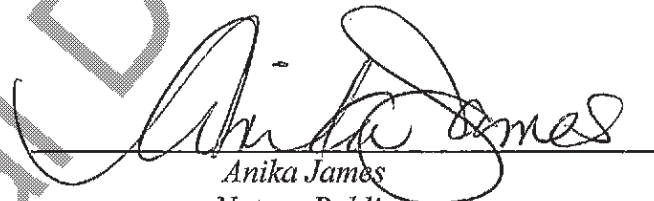
I certify that this conveyance was approved on June 12, 2017 by the State House Commission in accordance with N.J.S.A. 52:31-1.1 et seq.

  
Robert J. Shaughnessy, Jr.  
Secretary, State House Commission

Unofficial Document

State of New Jersey )  
 )  
County of Mercer )

**BE IT REMEMBERED** that on this 15<sup>th</sup> day of February, Two Thousand Eighteen, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared Victor Akpu Director, Division of Right of Way and Access Management, Department of Transportation, acting for and on behalf of the State of New Jersey, who I am satisfied is the grantor mentioned in and who executed the within deed, and to whom I first made known the contents thereof and thereupon he acknowledged that he signed, sealed and delivered the same as his voluntary act and deed and as the voluntary act and deed of the State of New Jersey, for the uses and purposes therein expressed. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C. 49, Sec. 1 (c) is \$ **60,000.00**



Anika James  
Notary Public  
State of New Jersey  
My Commission Expires January 7, 2021  
ID Number 50029603

Unofficial Document

# SCHEDULE A

September, 2015  
File No. 15025

**LEGAL DESCRIPTION**  
Parcel VXR74B2 to be Annexed to  
Tax Block 3002, Lot 5.02  
Township of Southampton  
County of Burlington, New Jersey

Parcel VXR74B2 as indicated on a map entitled "New Jersey Department of Transportation, General Property Parcel Map, Route 70 (1953) Section 5, From Route 206 to Burrs Mills, showing the right-of-way and parcels to be acquired in the Township of Southampton, County of Burlington, August 2015."

Parcel VXR74B2, including specifically all of the land and premises located between Station 1097+35.76± and Station 1100+45.20± (NJDOT Base Line Stationing) and more particularly described as follows:

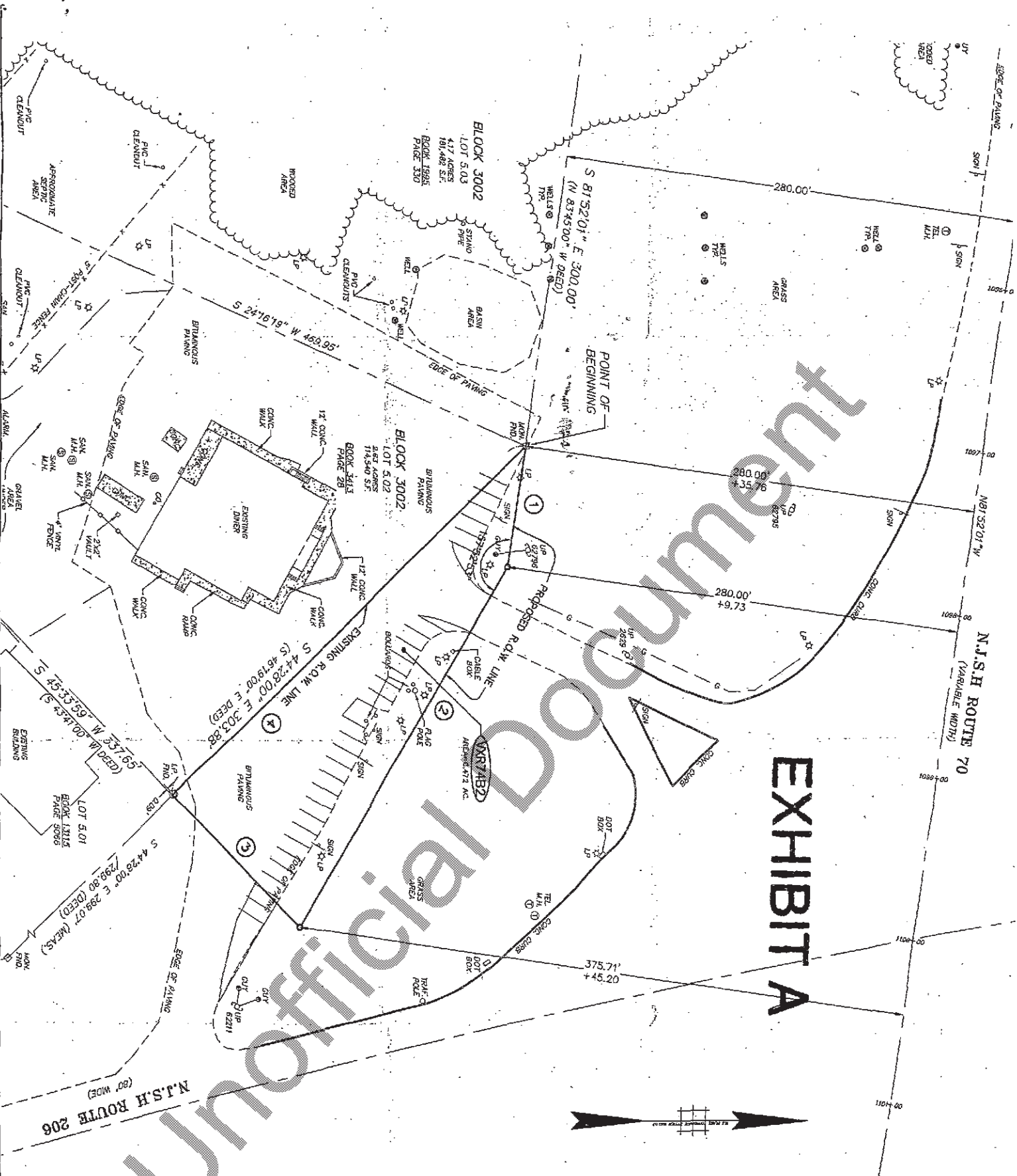
**Beginning** at a monument found on the existing southerly Right-of-way line of N.J.S.H. Route 70 (560.00' wide), said point being the common corner of Lots 5.02 and 5.03, Block 3002; thence

1. S 81°52'01"E, along the proposed extended southerly right-of-way line of N.J.S.H. Route 70 (570.00' wide), a distance of 73.97' to an angle point; thence
2. S 59°44'54" E, along the proposed right-of-way line of N.J.S.H. Route 70, a distance of 254.18' to a point in the westerly Right-of-way line of N.J.S.H. Route 206 (80.00' wide); thence
3. S 45°33'59" W, along the proposed right-of-way line of N.J.S.H. Route 70, a distance of 111.92' to a point being the common corner of Lots 5.01 and 5.02, Block 3002 ; thence
4. N 44°28'00" W along the existing southwesterly right-of-way line of N.J.S.H. Route 70, a distance of 303.88' to the POINT AND PLACE OF BEGINNING.

Containing 0.472 Acres of land, more or less.

There is no current block & lot designation for the premises being conveyed at this time on the tax map of township of Southampton in the County of Burlington.

June Original



# EXHIBIT A

TOWNSHIP OF SOUTHAMPTON  
COUNTY OF BURLINGTON

- PARCEL 1087482**
1. S 81°32'01" E, 73.97'
  2. S 89°44'54" E, 254.18'
  3. S 48°33'59" W, 111.92'
  4. N 44°29'00" W, 303.88'

**NOTE:**  
PARCEL 1087482 IS PART OF PARCEL 8748 ACQUIRED UNDER ROUTE 40 (CR27) SECTION 501 DATED MAY 1940, FILE 40-238.

- GENERAL NOTES:**
- 1) BLOCK AND LOT NUMBERS REFER TO THE OFFICIAL SOUTHAMPTON TOWNSHIP TAX MAPS.
  - 2) BEARINGS ARE BASED ON N.A.S.P.C.S. AND ST.
  - 3) BEARINGS ARE SHOWN IN DEGREES, MINUTES, AND SECONDS.
  - 4) DO NOT SCALE FROM PHOTOCOPIED PRINTS OF THIS PLAN.
  - 5) THE STATIONING SHOWN FOR ROUTE 70 IS TO BE USED FOR THIS SITE ONLY.
  - 6) DISTANCES ARE SHOWN IN FEET.
  - 7) ROUTE 70 ALIGNMENT WAS ESTABLISHED BY INSTRUMENTATION LOCATED IN THE FIELD AND DEED DESCRIPTIONS.
  - 8) REFERENCE PLANS:  
A) BASE LINE INFORMATION FOR ROUTE 70 WAS TAKEN FROM A PLAN DATED 1987, "GENERAL PROPERTY KEY MAP, ROUTE 40 (CR27) SECTION 501, FROM THE 1987 ROAD SHOWING DISTRICTS OF SOUTHAMPTON AND WOODLAND, BURLINGTON COUNTY, SHEET 1 OF 10 PREPARED BY NEW JERSEY STATE HIGHWAY DEPARTMENT AND DATED MAY 1940, FILE 40-238.
  - 9) SURVEY AND LION DIVER, BLOCK 3002, LOTS 5.01, 5.02 & 5.03 COUNTY, NEW JERSEY, DATED 3/18/15 AND PREPARED BY PETERMAN MACKY ASSOCIATES, LLC.
  - 10) CONSTRUCTION INFORMATION TAKEN FROM A PLAN ENTITLED "NEW JERSEY STATE HIGHWAY DEPT PLAN & PROFILE OF ROUTE 40, SECTION 5, RED LION TO BUDTOWN-FAIR HALE ROAD" SHEET 4 OF 88.



JOSEPH W. MACKY, P.E.S. DATE  
N.J. LIC. # 35682  
PETERMAN MACKY ASSOCIATES, LLC  
ENGINEERING • SURVEYING • PLANNING

NEW JERSEY DEPARTMENT OF TRANSPORTATION  
**GENERAL PROPERTY PARCEL MAP**  
ROUTE 70 (1953) SECTION 5

FROM ROUTE US 206 TO BURNS MILLS  
SHOWING EXISTING RIGHT-OF-WAY  
AND PARCELS TO BE ACQUIRED IN THE  
TOWNSHIP OF SOUTHAMPTON COUNTY OF BURLINGTON  
AUGUST 2015

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

FOR RECORDER'S USE ONLY

Consideration \$
RTF paid by seller \$
Date By

COUNTY

Mercer

SS. County Municipal Code
0333

MUNICIPALITY OF PROPERTY LOCATION Township of Southampton

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Amarjit Chawla (Name) being duly sworn according to law upon his/her oath,
deposes and says that he/she is the Legal Representative in a deed dated transferring
(Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number N/A Lot number N/A located at
Route 70, Township of Southampton, New Jersey 08088 and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION \$ 60,000.00 (Instructions #1 and #5 on reverse side) no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:

(See Instructions #5A and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Assessed Valuation

\$ ÷ % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
Deed conveyed by the State of New Jersey thru New Jersey Department of Transportation, Trenton, NJ

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) 62 years of age or over. \* (Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) legally blind or; \*
DISABLED PERSON Grantor(s) permanently and totally disabled receiving disability payments not gainfully employed\*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:

- Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
One or two-family residential premises. Owners as joint tenants must all qualify.

\*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)

- Affordable according to H.U.D. standards. Reserved for occupancy.
Meets income requirements of region. Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

- Entirely new improvement. Not previously occupied.
Not previously used for any purpose. NEW CONSTRUCTION printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)

- No prior mortgage assumed or to which property is subject at time of sale.
No contributions to capital by either grantor or grantee legal entity.
No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me
this 20th day of February, 2018

Gene Ties

Signature of Deponent
NJDOT, 1035 PARKWAY AVE.
TRENTON, NJ 08625

N J Department of Transportation
Grantor Name
1035 Parkway Avenue
Trenton, NJ 08625

GENE CLIFFORD TIES!

ID # 2443312
NOTARY PUBLIC

STATE OF NEW JERSEY

My Commission Expires February 25, 2019

Deponent Address
XXX-XXX- 882

Grantor Address at Time of Sale

Last three digits in Grantor's Social Security Number Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at:

www.state.nj.us/treasury/taxation/lpt/localtax.htm



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**

GIT/REP-3  
 (9-2015)

(Please Print or Type)

**SELLER'S INFORMATION**

Name(s)  
 New Jersey Department of Transportation Division of Right of Way & Access Management

Current Street Address  
 1035 Parkway Avenue P O Box 600

City, Town, Post Office Box State Zip Code  
 Trenton NJ 08625

**PROPERTY INFORMATION**

Block(s) Lot(s) Qualifier  
 N/A N/A Owner

Street Address  
 Route 70

City, Town, Post Office Box State Zip Code  
 Township of Southampton NJ 08088

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
100%	\$60,000.00	100%	

**SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)**

1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.  
 Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

**SELLER'S DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

2/20/2018  
 Date

\_\_\_\_\_  
 Date

*[Signature]*  
 Signature  
 (Seller) Please indicate if Power of Attorney or Attorney in Fact

\_\_\_\_\_  
 Signature  
 (Seller) Please indicate if Power of Attorney or Attorney in Fact



Route: 40 (Current Route 70) Section: 5B Parcels: VXR74B2

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*DEED*

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*The State of New Jersey, Department of Transportation*

*TO*

*LONTOKAL, INC.*

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*Dated: February 15, 2018*

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*State Highway Route No: 40 (Current Route 70)*

*County : BURLINGTON*

*Record and Return to:*

*NEW JERSEY DEPARTMENT OF TRANSPORTATION  
CLOSING BUREAU / TITLE UNIT  
1035 PARKWAY AVENUE  
P.O. BOX 600  
TRENTON, NEW JERSEY 08625-0600*

*Attention: AMARJIT CHAWLA*

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**Appendix F**  
*Southampton Township Committee Ordinance 20##-##,*  
*Adopting a Non-Condemnation Redevelopment Plan for the*  
*Red Lion Diner Redevelopment Area*  
*(Lots 5, 5.02, and 5.03 of Block 3002)*

**TO BE INCLUDED AFTER ADOPTION**