JOINT LAND USE BOARD

REGULAR MEETING MINUTES

September 20, 2012

Chairman Schwager called the meeting to order at 7:05 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll was as follows:

John Casella – Present, Frank Costantini – Present, John Descano –Present, John Juliano – Present, Paul Lott – Present, Mayor Maccarone – Present, Chief Marino – Present, Joe Maugeri – Present, Alan Schwager – Present, Bob Rushton – Present, Les Viereck – Absent.

Chairman Schwager stated for the record that Les Viereck has recused himself from this evenings meeting.

Also present: Mike Aimino – Solicitor and Tim Kernan – Planner.

First on the Agenda are the Minutes from the regular meeting of September 6, 2012. J. Maugeri made a motion to accept the Minutes as written which was seconded by P. Lott. All were in favor except for Mayor Maccarone and J. Descano who both abstained.

Next on the Agenda are the following Resolutions:

* Resolution of Review and Recommendation from the JLUB to General Charles G. Harker School Pursuant to N.J.S.A. – 40:55D-31.

J. Maugeri made a motion to approve which was seconded by F. Costantini. Roll was as follows:

**P. Lott – yes, J. Descano – yes, Chief Marino – yes, J. Casella – yes, Mayor Maccarone – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.**

* Next is the Resolution Granting Variance Approvals to Liberty Venture 1, L.P., for property located at 100 Berkeley Drive designated as Block 6, Lot 1.03.

F. Costantini made a motion to approve which was seconded by Chief Marino. Roll was as follows:

**P. Lott – yes, Chief Marino – yes, J. Casella – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.**

* Next is the Resolution Granting an Amended Permanent Sign Plan, Use Variance Approval and Bulk Variances to Pond View at Westbrook, LLC and Westbrook at Weatherby, LLC for property located at Tavistock Drive and Westbrook Drive designated as Block 2, Lots 24.06 and 24.01.

J. Casella made a motion to approve which was seconded by J. Maugeri. Roll was as follows:

**P. Lott – yes, Chief Marino – yes, J. Casella – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.**

Continuing with New Business, Woolwich Commons – Amended General Development Plan for Main Street at Woolwich, Woolwich Commons and Woolwich Crossings ~ Block 57, Lot(s) 5, 8, 9, and 10; Block 60, Lot 1 and Block 61, Lot 6.

Mr. Richard Roy asked if they could have a 5 minute. Chairman Schwager called for a 5 minute recess until the applicant is ready to go.

The meeting reconvened at 7:19 pm.

Mr. Marc Kaplan was present to represent the applicant, The Wolfson Group, with Mr. Richard Roy as the New Jersey Council. He stated that they are here for what he believes is relatively minor but he wanted to make sure that the Township understands where they are going on an overall basis and they opted to ask for the approval relatively minor amendments to their GDP. So for the record he made the following comments; Woolwich Commons, LLC, Main Street at Woolwich LLC, and Woolwich Crossings are the three legal or equitable owners of approximately 244 acres of land on “6” separate tax parcels located adjacent to the north and south sides of Route 322 along Pancoast Road and part of the property is adjacent to Kings Highway. All of the property is zoned RC3 and is located in the Route 322 Regional Corridor. On July 15th 2010, this Board adopted Resolution 2010-23 Granting General Development Approval for the development of approximately 1,400,000 square feet of commercial and retail space.

Mr. Kaplan continued going through exhibits A1 through A16 that were part of a binder presented as part of the amended application.

They are asking for 3 modifications to the GDP plan as follows: they have become the equitable owner of the entire parcel at Woolwich Crossings, Block 61 ~ Lot 6, which is an additional 41 acres. They are not asking for approval of any additional development there at this time. They don’t know what the additional development will be there in the future. They just want the Board to understand that they have acquired equitable interest for the entire parcel.

The second modification is with regard to Woolwich Commons. The square footage depictedin the Amended GDP Plan shows an increase in overall square footage on the Woolwich Commons development parcel. The overall layout remains almost identical and still complies with all of the RC3 district regulations. What has caused this is, since the approval of the overall GDP plan they have had the opportunity to talk with perspective tenants so the demands of perspective tenants with regard to their stores has changed, not significantly, but has changed and they have modified the plan to address their specific demands and some of the buildings have gotten bigger. As a result the Amended GDP depicts 583,576 square feet of retail and commercial space and approximately 37,416 square feet of outdoor sales and garden area.

They have also submitted an updated Traffic Study that addresses the increased square footage within Woolwich Commons.

The Amended GDP does not modify the development on the Main Street Parcel.

The only other modification that is proposed relates to timing. The original approved GDP had a phasing schedule that ran from the date of approval of the GDP and set some outside deadlines for the start of the development of each phase. They are asking that the phasing schedule start to run from the approval of the Amended GDP.

Mr. Kaplan stated that there are really no issues and the Amended GDP complies with all of the developer’s obligations under the Townships RC3 Zoning District and the Route 322 regional corridor zoning regulations.

There are a few Waivers they are requesting and these are the same Waivers that were requested and granted in connection with the original approved GDP. Therefore, he is not sure that new Waivers are even necessary, but to the extent that they are, they are requesting them. They are as follows; a Waiver from the requirement that dimensional architectural elevations be provided at the GDP stage. They will submit the proposed architectural elevations at the Site Development Plans. A Waiver from the requirement that the GDP show boundary limits, nature and extent of wooded areas and trees 6” or greater within the clearing area. A Waiver from the requirement that the GDP plans show the extent of clearing limits, those will be and have been shown on the Site Plans for Woolwich Commons.

Mr. Pete Chandler, Civil Engineer employed by the Wolfson Group, was sworn in by Mr. Aimino.

Mr. Chandler stated his qualifications for the Board. Chairman Schwager acknowledged Mr. Chandler as an expert.

P. Lott just asked for clarification that in the Crossings during the original GDP application they have always stated that their intentions were to purchase that parcel of ground behind it which they now state they have taken ownership of and this is no different than what they heard in the original application. Mr. Kaplan stated that this is true. Mr. Lott continued that he wanted to state this because there are new Board members as well as for the public.

J. Descano asked Mr. Kaplan about the tenant specific requests. Mr. Kaplan stated he said that there were some tenant interest and they now better know what the categories of users will be. Mr. Descano stated that he infers from that that they must have some tenants lined up and if that is the case why are they asking to rewind the clock on the phasing schedule of the GDP if they, in fact, have tenants lined up. Mr. Kaplan stated that two years ago they all thought they would be farther along with the sewer. Collectively they have been disappointed with the speed with which sewer has been approved. They did get a very positive indication today from the DEP that the wastewater management plan is finally getting to the end. So they couldn’t get started without the sewer and now that they think they are going to move forward with sewer they would like the time frames to start now.

J. Maugeri asked Mr. Kaplan to explain the extension that they are requesting.

Mr. Kaplan stated that there were 3 different time frames that they were allowed to develop for the 3 different developments. All they want to do is move the start date from when they got approved in 2010 to 2012. Chairman Schwager stated that they want to restart the clock to “0” and start all over again. Mr. Kaplan stated that the end date would move back “2” years.

Mr. Kaplan stated that Steve Wolfson has spent an enormous amount of time and an enormous amount of money and will finally be able to bring to fruition some part of the settlement agreement that you agreed to a long time ago, completely in compliance with the regional center zoning.

Mayor Maccarone added that they have taken a long route to get to where they are at now with the sewer, it is out of everyone’s hands but it is at the very end. He personally does not think it is unreasonable to ask to reset the clock at this time because it has taken them this long to get to where they are at now. Not at any fault of their own or the Township, it is just out of our hands.

J. Descano added that his concern is according to the original time frame there is “8” years left on that first phase and he is alarmed to hear that they are nervous about making that “8” year mark.

P. Lott asked Mr. Kaplan to give some background since the approval and the negotiations exactly what has transpired, so people can realize the in depth complexity of trying to get to where they are today.

Mr. Kaplan stated that Mr. Wolfson would be best to tell this. Mr. Steve Wolfson was sworn in by Mr. Aimino.

Mr. Wolfson continued stating everything that has transpired since the approvals in 2010.

Mr. Kaplan added that Mr. Wolfson has an enormous amount invested and he wants protection, that’s all.

T. Kernan continued with his review letter dated September 18, 2012. He stated that if the applicants did not add acreage to the Woolwich Crossings portion or building square footage to Woolwich Commons, they wouldn’t be here tonight. If they were reducing they wouldn’t have to come before the Board, but any increase they need to come here. They are increasing Woolwich Commons by about 14% and adding 41 ½ acres that is why they are here. He is also supportive of the Waivers carried forward from 2 summers ago.

P. Lott made a motion to open the meeting to the public which was seconded by J. Casella, all were in favor.

Mr. Fred Cavallaro was sworn in by Mr. Aimino.

Mr. Cavallaro asked about the buildings being made bigger and which way they are being made bigger.

Mr. Kaplan showed Mr. Cavallaro on the exhibits how the buildings changed.

Ms. Jacquelyn Williams was sworn in by Mr. Aimino. Ms. Williams stated the question is did the additional areas come back towards their buffer or did it push forward.

Mr. Kernan stated he reviewed the plans in detail and the answer is “no” they did not come back, they went forward or in between.

With no further public comment Chief Marino made a motion to close that was seconded by P. Lott. All were in favor.

J. Casella asked if they have any idea when they will be putting a shovel in the ground. Mr. Wolfson stated that this Board has to approve his Preliminary Plan, his Final Plan. He has NJDOT that is now reviewing their traffic study, they have water and sewer that still needs to have conveyance worked out into the Township, and they are going to submit things to the Conservation District, DEP and to the County. He needs permits and approvals still, he is pushing forward every day, and he hopes it is sooner than later. He would much prefer not to have farmland being farmed he would prefer to have rent being collected.

With no further comments, P. Lott made a motion to approve the application for an amended General Development Plan for Main Street at Woolwich, Woolwich Commons and Woolwich Crossings, Mike Aimino stated to include the three things being amended; the 41 acres to Woolwich Crossings, the increase footage and the resetting of the phasing plan and he would suggest add the 3 Waivers. P. Lott added as well as the 3 Waivers being the Dimensional Architectural elevations, the boundary limits and trees etc., and the GDP clearing limits as well.

Chief Marino seconded the motion. Roll was as follows:

**P. Lott – yes, J. Descano – yes, Chief Marino – yes, J. Casella – yes, Mayor Maccarone – yes, J. Maugeri – yes, F. Costantini – yes, J. Juliano – yes, Chairman Schwager – yes.**

With nothing further to discuss, J. Casella made a motion to adjourn which was seconded by Chief Marino. All were in favor.

The Joint Land Use Board adjourned at 8:19 pm.

Respectfully submitted,

Christina M. Marquis

Joint Land Use Secretary

*Minutes not verbatim*

*Audio recording on file*