

JOINT LAND USE BOARD
Regular MEETING
March 20, 2014

“MINUTES”

Chairman Schwager called the meeting to order at 7:00 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 call of the Members Present:

John Casella – Present, Frank Costantini – Present, John Fein – Present, *Blair Hannigan – Absent, John Juliano – Present, Mayor Maccarone – Present, Chief Marino – Present, Joe Maugeri – Present, Sue O’Donnell – Present, Alan Schwager – Present, Randy Rossi – Present, Bob Rushton – Absent.

***Blair Hannigan joined the meeting following the roll call.**

Next are the Minutes from the Regular meeting of February 20, 2014. J. Maugeri made a motion to approve the Minutes as written and was seconded by J. Juliano. All were in favor except for Frank Costantini who abstained.

Next on the Agenda was Resolution #2014-14 Authorizing Agreement with Joint Land Use Board Conflict of Interest Solicitor Jean Chetney, Esq. for the Calendar year 2014.

Joe Maugeri made the motion to approve the Resolution which was seconded by Chief Marino. Roll was as follows:

J. Casella – yes, F. Costantini – yes, J. Fein – yes, J. Juliano – yes, Mayor Maccarone – yes, Chief Marino – yes, J. Maugeri – yes, A. Schwager – yes, B. Hannigan – yes.

Moving on to new business there is a correspondence letter from ABC Mixers, this was a Zoning Application from 2 years ago. At this time Mayor Maccarone and Committeeman Fein will recuse themselves from this portion of the hearing then rejoin for the next application.

J. Maugeri continued stating that they are looking to put 3 trucks outside the fence during normal business hours then return them behind the fence each evening. He has a couple issues with this; number 1 is the fact that they would be put away is somewhat unenforceable, the Zoning Office is not around at night. Number 2, he recalls from reading the resolution, he can see that the applicant stated that they were not going to

put trucks out front and that was one of the reasons it was somewhat appealing to give them their Variance Relief. Mr. Juliano recalls that as well. J. Maugeri continued that at the time it was discussed it was stated that a vast majority of sales were going to be done via internet and only a few per year actually come to the location. He doesn't know this business but he can't imagine someone driving down the road seeing a cement mixer and saying they need one of those.

Chairman Schwager stated that he cannot disagree. They asked for a Waiver from Site Plan and one of the reasons this was granted was the fact that there would be no trucks parked out front. One of the comments in the Minutes from the meeting is that Tim Kernan asked if they would have a display mixer in front of the building and Mr. Sturgill stated that it would be discretionary and for the Board to decide. They would like to put a vehicle out front but did not know if it would be permitted or not. Mr. Kernan stated that a lot of the front lawn area is in the State Highway R.O.W. including the pavement in front of the building which encroaches into the R.O.W. So he believes they would need a Site Plan. F. Costantini agreed with seeing a Site Plan.

Chairman Schwager acknowledged that Mr. Sturgill is in the audience, however, he is a Corporation and is represented by Council, and therefore legally the Board cannot even ask him questions. So they need to just act on the submitted letter.

With nothing further to discuss, J. Maugeri made a motion to deny giving the requested relief without prejudice. M. Aimino stated that Mr. Sturgill still has the opportunity to submit a formal application with a Site Plan. F. Costantini seconded the motion. Roll was as follows:

J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Maugeri – yes, F. Costantini – yes, B. Hannigan – yes, Chairman Schwager – yes.

Next on the Agenda is Aqua NJ, Block 3.19, Lot 1 ~ Minor Site Plan.

At this time the Mike Aimino, the JLUB Solicitor has a conflict with this application so he is recusing himself and Jean Chetney will take over. Chairman Schwager stated that he also has a conflict with this application and is also recusing himself. Vice Chairman Joe Maugeri will take over as Chair.

Ms. Chetney began by thanking the Board for the appointment to the JLUB.

J. Maugeri stated that this is a Minor Site Plan for a Backwash tank and pump building on Block 3.19, Lot 1.

Mr. Todd Heck of Testa, Heck, Scrocca & Testa in Vineland NJ was present to represent the applicant, Aqua NJ, Inc. They are here tonight seeking Minor Site Plan Approval for improvements on the existing developed site, being the new pump building and backwash holding tank as depicted in the site plan.

Ms. Chetney asked to swear in Mr. Heck's witnesses who will be testifying. Mr. Heck stated that he had "2" witnesses, one is a representative of Aqua NJ, Mr. Jim Barbato and he also has with him Mr. Norman Rodgers from Consulting Engineer Services and

is the Engineer for the project. He also stated that Mr. Rodgers has apparently testified before this Board on numerous prior occasions and respectfully requests that the Board please recognize his credentials as an expert. Vice Chairman Maugeri agreed. Both witnesses were sworn in by Ms. Chetney.

Mr. Barbato continued stating that the major purpose of the project is to simply raise the production capacity of the station. It will allow them to provide water to Woolwich Township as it grows out in Weatherby and also along the Rt. 322 corridor.

Mr. Barbato stated that this will be the first change out since the site was built in the early 2000's.

There are 2 people that work at the site and that will not change. There will not be any vehicular changes either.

J. Casella asked if there was room to add to this site in 20 years. Mr. Barbato stated that there is room, but inside the building not outside.

Mr. Heck asked Mr. Barbato if he had any objections to the compliance of the recommendations and requirements in Mr. Kernan's review letter. Mr. Barbato stated "no".

J. Fein asked if these improvements will cause any increased noise being produced by the facility since it is right next to a school. Mr. Barbato stated "no".

Mr. Rodgers continued with a description of the new structures and the improvements they are planning to add.

Conversation took place over the height of the tanks, current and proposed. The existing one is roughly 20' and the proposed one is 30' to the top of the hand rail.

B. Hannigan asked if they were approved when the project would begin and how long to complete. Mr. Rodgers stated that they would go to construction very quickly and it would probably be done within 4 months. Mr. Hannigan asked if it would cause any disruption to the school and their bus transportation. Mr. Rodgers does not see that happening.

The fencing around the project and the color of the tanks were discussed. Mr. Heck stated they would like to construct everything in white.

Mr. Rodgers stated that a water treatment facility is permitted in the PUD zone. The improvements that are proposed meet all the bulk requirements of this zone so we are in compliance.

J. Maugeri asked if the proposed soil stock pile will be removed. Mr. Rodgers stated it will be completely removed after the site is complete.

Mr. Rodgers stated that they received Mr. Kernan's review letter dated March 18, 2014 and in that letter the applicant agreed to comply with all the requirements. He continued going through the comments needing a response.

B. Hannigan asked about the landscaping and buffering. Mr. Rodgers stated that they will comply with the Planners letter and will work with the Planner for the Buffering and Landscaping. They will work on this plan immediately.

T. Kernan stated that there are just a few gaps on the North side next to Governor Stratton School.

T. Kernan stated that there are some obligations; there is a COAH fee that is on the table now. There is a non-residential fee that was enacted by the legislature many years ago that was put on hold for about 4 or 5 years. That hold lifted on July 1st last year and the legislature has not put it on hold again.

Mr. Rodgers stated that if it is still in effect when they are pursuing their CO, Aqua is in agreement.

If bonding is required, it would only be for the trees, not for the buildings.

Mr. Rodgers stated that Aqua wants to be a good neighbor and will do everything they can to preserve the landscaping that is installed, so he asks that the Board allow them to request a Waiver from bonding for this.

They have already applied for permits from the DEP and the County Planning Board. T. Kernan asked although they are not required to do so, if they applied to the County Soil District. Mr. Rodgers clarified stating that they have implemented all the required soil erosion sedimentation control plan measures that are needed for this site including silt fence and all the other items. There is relief if you do not disturb more than 5,000 square feet so, therefore, we are under those criteria and we do not intend to get certification.

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

Ms. Chetney asked if adequate public notice was given for this hearing. Mr. Heck stated that as a "minor" site plan application they were advised that this was not required to be Noticed.

With no public comments, J. Casella made a motion to close public which was seconded by J. Juliano. All were in favor.

With nothing further to discuss, F. Costantini made a motion to Grant Minor Site Plan Approval. The applicant fully provided all the information that was asked for per T. Kernan's comments. Based on testimony from the applicant and their professionals, recommendations from our Planner and that the additional water is certainly a benefit to our Township. This is subject to the testimony and representations made by the applicant obtaining any and all necessary approvals from any other Government or

Administrative Body and any other conditions deemed by the Board Solicitor. Landscaping plans to be agreed to by the Township Planner prior to any construction permits being issued, and that we Waive the Maintenance Bond. J. Juliano seconded the motion. Roll was as follows:

J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Fein – yes, Mayor Maccarone – yes, J. Maugeri – yes, F. Costantini – yes, B. Hannigan – yes, Randy Rossi – yes.

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

The JLUB meeting adjourned at 7:48 pm.

Respectfully submitted,

Christina M. Marquis
Joint Land Use Secretary

***Minutes not verbatim
Audio recording on file***