

**JOINT LAND USE BOARD of  
Woolwich Township  
REGULAR BUSINESS MEETING  
May 5, 2016**

**“MINUTES”**

Chairman Maugeri called the meeting to order at 7:01 pm.

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

Chairman Maugeri led all present in the Pledge of Allegiance.

Roll call of the Members Present:

**Matt Blake – Present, John Casella – Present, Dave Glanfield – Present, Mike Iskander – Present, John Juliano – Absent, Chairman Maugeri – Present, Sue O’Donnell – Present, Deputy Mayor Rizzi – Present, Randy Rossi – Absent, Bob Rushton – Present, Mayor Schwager – Present.**

Also Present Mike Aimino – Solicitor and Tim Kernan – Planner.

Next are the Minutes from the Regular meeting of April 21, 2016. B. Rushton made a motion to approve the Minutes as written and was seconded by M. Iskander. All were in favor.

Resolution #2016-19 resolution denying the administrative amendment request of NAR Farms, LLC, for property known as Oak Grove Estates, Block 11, Lot 2, 24 and 24.01.

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

**M. Blake – yes, S. O’Donnell – yes, J. Casella – yes, Deputy Mayor Rizzi – yes, B. Rushton – yes, Mayor Schwager – yes, Chairman Maugeri – yes.**

Continuing on to New Business with Woolwich Commons, LLC zoning protection extension of site plan approval for an additional period of four years, eleven months ~ Block 57, Lots 5, 8, 9 and 10.

Stephen Nehmad, Esq. from Nehmad, Perillo & Davis, P.C. attorney to represent applicant was present and explained application. Zoning has remained unchanged since approval the site is still RC-3. Period of zoning protection currently under permit extension act for the site plan is until June 30, 2016. This application is made under special provision of the NJ Municipal Land Use Law 40:55d-52(b). Mr. Nehmad stated that section provides for additional vesting of rights where there are larger developments. The statute describes three criteria: comprehensiveness of development, the amount of floor space permitted under the approval and economic

conditions. This is the first extension the applicant is requesting. Mr. Nehmad explains in order to qualify for the extended period of zoning protection under Section 52-B several criteria must be met. The applicant meets at least two criteria if not more. Woolwich Commons is the first phase of three section development Woolwich Commons, Woolwich Crossing and Main Street of Woolwich. Together there is approximately one million and a half sq. ft. of commercial space.

Mr. Nehmad continues on with economic times and believes four years and eleven months is a reasonable time frame. Mr. Nehmad also mentioned that applicant faced litigation by a business competitor and were years in court and succeeded before the law division and appellate division. The litigation challenging the general development plan approval and two amendments to approval was unsuccessful.

Chairman Maugeri asked Mr. Nehmad if criteria mentioned in land use law is at the discretion of the JLUB. Mr. Nehmad stated yes, it is at discretion of JLUB and briefly discussed law again. Chairman Maugeri asked M. Aimino to clarify. M. Aimino stated it is the discretion of the JLUB and the number of years is also the discretion of the JLUB. M. Aimino disagreed slightly with Mr. Nehmad regarding section 52-B. M. Aimino explained that the second section of 52-B applies not the first section and discussed briefly. M. Aimino stated under section B it is the discretion of JLUB.

Mr. Nehmad stated site plan doesn't expire and applicant is asking for the zoning protection. J. Casella asked if the GDP protected the zoning. Chairman Maugeri stated the GDP gives twenty years of protection from zoning.

With no further questions for applicant, T. Kernan discussed his review letter and statute 40:55D-52(b) with the four criteria.

Chairman Maugeri mentioned the permit extension act was originally in place due to economic downfall in 2008 and will expire on June 30, 2016. Chairman Maugeri stated GDP approval was given in 2010 and economy was bad then. With not extending the permit extension act he thinks this may indicate an upturn in economy.

Mr. Nehmad stated this application is a massive development and economic conditions have been disastrous. The applicant also had litigation and wants to work with the JLUB. Mr. Nehmad stated application request is reasonable and explains economy is still rough today. M. Aimino stated litigation for applicant was completed in August of 2015. M. Aimino stated applicant could still proceed with site plan.

Chairman Maugeri asked M. Blake to discuss timeline regarding application. M. Blake stated in 2008 the township adopted the TDR Program to establish regional center. In 2010, GDP approval was given. In 2012, the township secured the waste water management plan from NJDEP. In 2013, preliminary and final site plan approval was given for Woolwich Commons. In 2014, the township approved and adopted the redevelopment area plan covering about 805 acres. In 2015, an agreement with LTMUA and aqua was reached. The township has had numerous discussions with the Wolfson Group and NJ Aqua and has worked with the developer to move this forward.

Chairman Maugeri stated he is concerned with the five year extension of site plan because it delays the start of the project.

Steven B. Wolfson was sworn in by M. Aimino. Mr. Wolfson stated he has been through many boards and meetings with township personnel and Aqua. He stated he keeps losing tenants due to multiple economic factors. Mr. Wolfson stated he needs the township to work with him.

Chairman Maugeri stated if it's five years until the start of project then it will be eleven years into a twenty year GDP. He doesn't feel that was the spirit of approval when twenty years was granted.

Mr. Nehmad stated he has never seen anything like this recession. He stated Mr. Wolfson wished they would have broken ground already.

Mr. Wolfson stated it's possible that the project could take even longer depending on economy. He believes he has spent equally as much time and money as the township. Mr. Nehmad asked Mr. Wolfson how much money he has spent on engineering, legal, etc. Mr. Wolfson stated he has spent close to four and a half million dollars.

J. Casella asked M. Aimino to clarify if this extension will extend GDP time. M. Aimino stated this is only regarding extension of site plan approval and GDP is already in place. J. Casella also asked if this application has anything to do with other two phases. Mr. Nehmad stated no.

Vice Chairman Rushton asked Mr. Nehmad if the extension is not approved what will happen to project. Mr. Nehmad stated Mr. Wolfson would go to his potential tenants and investors and explain there was no extension granted. Mr. Nehmad believes this will take away confidence that the township has in developer.

S. O'Donnell asked why applicant asked for four years, eleven months extension. Mr. Nehmad stated they wanted to keep it less than five years. M. Aimino stated at five years or more the applicant then has to give statutory notice.

Chairman Maugeri asked M. Aimino if the JLUB doesn't give the amount of time applicant requested would there be anything stopping applicant from asking for another extension. M. Aimino stated no. The applicant can come in anytime to request extension.

Mr. Wolfson stated there are other township's trying to take the retailers. He stated Costco was lost to another township and other retailers are lost to Delaware. Retailers are asking Mr. Wolfson where he is on permit approvals. Mr. Wolfson stated he lost credibility with retailers and the reason he's asking for extension is for the retailers.

Mr. Nehmad stated when Mr. Wolfson goes to Las Vegas it's for business for the ICSC (International Council Shopping Centers) Convention. It is where deals are made between shopping center developers and retailers.

T. Kernan stated maybe there is a way to frame the extension with a start line negotiated within so many months of now. Mr. Nehmad stated he cannot accept that.

J. Casella asked Mr. Nehmad what will happen if the applicant is in the same spot five years from now. Mr. Nehmad stated applicant would asses where they are at the time and stated Mr. Wolfson is pushing hard to get the project done.

M. Iskander asked Mr. Nehmad why ground hasn't been broken yet and when the approval started. Mr. Nehmad stated the site plan approval was given in 2013 and there hasn't been an agreement on sewer, water, NJDOT, etc. M. Iskander also asked if applicant needs to get every retailer in agreement before ground is broken. Mr. Wolfson stated once there is enough retailers in agreement construction can start.

Mayor Schwager stated Woolwich Township and the developer have been through tough times and he's concerned with losing traction with a four year eleven month extension. Mr. Nehmad stated Mr. Wolfson wants to work quickly and may not use the whole extension, but still needs other permits and approvals.

Mr. Wolfson discussed the trade area in Woolwich and TDR Program. Mr. Wolfson stated he wants to get all utilities done and hopes to have sixty percent retailers. Mr. Nehmad explained that it's not in Mr. Wolfson's interest to delay, but he needs to show retailers that the township is with him and there will be sufficient time.

Deputy Mayor Rizzi stated the township is dealing with a lot of entities regarding the project and there is a perception concern for township if extension is granted. Deputy Mayor Rizzi stated the township may need additional information from time to time from Mr. Wolfson to help change perception. Mr. Wolfson stated Aqua NJ has been one of the toughest partners for municipal utilities. Deputy Mayor Rizzi asked Mr. Wolfson if he will help the township with perception. Mr. Wolfson stated he will and explained the problems with Aqua. Mr. Wolfson stated he wants to move forward with project and requested help from board regarding Aqua. Mr. Wolfson also stated NJDOT takes five years for approvals.

J. Casella made a motion to grant application of Woolwich Commons, LLC zoning protection extension of site plan approval for an additional period of four years, eleven months, which was seconded by M. Blake. Roll was as follows:

**B. Rushton – yes, M. Blake – yes, J. Casella – yes, S. O'Donnell – yes, Deputy Mayor Rizzi – yes, Mayor Schwager – yes, Mike Iskander – yes, Dave Glanfield – yes, Chairman Maugeri – yes.**

Chairman Maugeri stated there was no need to go over correspondence.

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

The JLUB meeting adjourned at 8:29 pm.

Respectfully submitted,

Tara Simpkins  
Joint Land Use Secretary

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