

**JOINT LAND USE BOARD of  
Woolwich Township  
REGULAR BUSINESS MEETING  
December 17, 2015**

**“MINUTES”**

Chairman Maugeri 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 Maugeri led all present in the Pledge of Allegiance.

Roll call of the Members Present:

**John Casella – Absent, John Carleton – Present, John Fein – Present, Mike Iskander – Present, John Juliano – Present, Chief Marino – Absent, Chairman Maugeri – Present, Sue O’Donnell – Absent, Deputy Mayor Schwager – Present Randy Rossi – Absent, Bob Rushton – Present.**

Also Present; Mike Aimino – Solicitor & Tim Kernan – Planner.

Next are the Minutes from the Regular meeting of December 3, 2015. J. Juliano made a motion to approve the Minutes as written and was seconded by B. Rushton. All were in favor except for J. Fein who abstained.

Resolution #2015-23 Granting Waiver of Minor Site Plan Approval to Liberty Venture 1, LP, for Property at U.S. Route 322, Berkeley Drive designated as Lot 1001.01 Lot 1.

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

**B. Rushton – yes, J. Juliano – yes, Deputy Mayor Schwager – yes, M. Iskander – yes, J. Carleton – yes, Chairman Maugeri – yes.**

Next Resolution is #2015-24 Denying a Conditional Use Variance, Granting Conditional Use Approval and Waiver of Formal Site Plan for Albert and Melissa Powell, for 233 Juniper Lane, Block 3.07 Lot 57.

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

**B. Rushton – yes, J. Juliano – yes, Deputy Mayor Schwager – abstain, M. Iskander – yes, J. Carleton – yes, Chairman Maugeri – yes.**

Next on the Agenda under New Business is Amended Preliminary and Final Major Subdivision Permit Extension for Oak Grove Estates, Block 11, Lots 2, 24 and 24.01.

Mr. Wayne Streit was present to represent the applicant NAR Farms who is making the request to extend the approval 2 years following the permit extension act. This approval goes back to 2008 and the applicant has never asked for an extension but has had the extensions under the extension permit act and when that terminates in June, he requests that this Board Grant at its discretion 2 more years, basically because he wants to continue farming it and keep his options open.

Mr. Ron Zeck was sworn in by Mike Aimino.

Mr. Aimino wanted to clarify that the applicant is seeking an extension of the protections against the change in zoning. It is not necessarily an extension of the approval.

Mr. Streit agreed.

Chairman Maugeri called for a 5 minute break at 7:07 so Mr. Streit could review Tim Kernan's report.

The meeting reconvened at 7:11.

Tim Kernan continued with his review letter December 15, 2015 stating the statute for an extension.

Discussion took place over the statute regarding an extension of an approval and if the Board has the power to exercise this discretion because the plats were never filed.

Mr. Zeck stated that the reason he is asking for the extension is so he can farm the property. There are 2 other parcels that are part of this project and he would like to combine them in to one big piece. In order to do that they all have to be designated as Q-Farm, this designation requires 3 years of farming the parcel. They have done 1 year so far that is why they are asking for 2 more years.

Mr. Streit believes this can be approved under section A. Chairman Maugeri stated if the Plat hasn't been filed how they can possibly continue.

T. Kernan stated that the permit extension act covers this application until June of 2016, so Mr. Zeck may want to withdrawal his application tonight and come back in next year.

Mr. Zeck also stated that his well and septic permits have expired as well. Chairman Maugeri stated that he wasn't delayed in doing so he just didn't do it.

Chairman Maugeri asked Mr. Aimino for his opinion. Mr. Aimino stated that the Board needs to apply the facts to the statute and if the Board determines that neither apply then you would make a motion to deny on the basis that the facts don't support and extension under the statute.

B. Rushton made a motion to open the meeting to the public which was seconded by J. Juliano. All were in favor.

With no public comment B. Rushton made a motion to close the public portion and was seconded by J. Fein. All were in favor.

Deputy Mayor Schwager asked for Mr. Aimino's opinion again if the Board has jurisdiction or not.

M. Aimino read the following sentence from Section "A" of the statute:

"If the Developer has followed the standards prescribed for Final Approval and in the case of a Subdivision has duly recorded the Plat as required under Section 42 which is C.40:55D-54, the Planning Board may extend such period of protection for extensions of 1 year but not to exceed 3 years."

Again, what we are talking about is the protections against Zoning. So the prerequisite for the Board to exercise their discretion is contaminated in the first part of the sentence which is as long as they recorded the Plat.

Deputy Mayor Schwager asked if he is saying that they don't have jurisdiction here. Mr. Aimino stated essentially that is what he is saying but this is really not a jurisdictional issue because the Board certainly has the ability to hear this but facts are being applied to the statute and the facts don't support the extension.

Chairman Maugeri asked if Mr. Zeck still can develop the land if the extension is not given here. Mr. Aimino stated as long as it complies with the statute. Right now he is protected under the permit extension act at some point in time if he doesn't do what he is supposed to do under the MLUL and perfect his subdivision, he will lose it.

Conversation took place over the zoning in the area.

Mr. Streitz stated that they would like to withdrawal the application so he can do a little more research.

Deputy Mayor Schwager made a motion to allow the applicant to withdrawal the application without prejudice so the applicant can bring this back to the Board at any time. B. Rushton seconded the motion. Roll was as follows:

**J. Juliano – yes, J. Fein – yes, Deputy Mayor Schwager – yes, M. Iskander – yes, J. Carleton – yes, B. Rushton – yes, Chairman Maugeri – yes.**

J. Fein stated that this was his last meeting on the JLUB and wanted to say it was an honor to sit with all of the members. He would like to thank the Township employees and the professionals.

Chairman Maugeri stated he would like to thank John for his years of service to the Township and his time volunteering on the Land Use Board.

With nothing further to discuss J. Juliano made motion to adjourn which was seconded by J. Fein. All were in favor.

The JLUB meeting adjourned at 7:39 pm.

Respectfully submitted,

Christina M. Marquis  
Joint Land Use Secretary

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