

**JOINT LAND USE BOARD of
Woolwich Township
REGULAR BUSINESS MEETING
April 21, 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 – Arrived at 7:08 p.m., Dave Glanfield – Present, Mike Iskander – Present, John Juliano – Absent, Chairman Maugeri – Present, Sue O’Donnell – Present, Deputy Mayor Rizzi – Present, Randy Rossi – Present, Bob Rushton – Present, Mayor Schwager – Present.

Also Present Mike Aimino – Solicitor and Pam Pellegrini in for Tim Kernan – Planner.

Next are the Minutes from the Regular meeting of April 7, 2016. B. Rushton made a motion to approve the Minutes as written and was seconded by R. Rossi. All were in favor.

Resolution #2016-17 Resolution regarding Application No. JLUB-2016-008 of Center for Family Services, Inc. Granting Final Major Site Plan approval and an extension of Subdivision approvals for property located at 1050 and 1080 Auburn Road (CR 551) and designated as Block 4, Lots 3 and 4, Plate 7.04.

R. Rossi made a motion to approve which was seconded by S. O’Donnell. Roll was as follows:

M. Blake – yes, S. O’Donnell – yes, R. Rossi – yes, Deputy Mayor Rizzi – yes, B. Rushton – yes, Mayor Schwager – yes, Mike Iskander – yes, Chairman Maugeri – yes.

Resolution #2016-18 Resolution appointing Tara Simpkins as secretary for the Woolwich Township Joint Land Use Board for the calendar year 2016.

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

All were in favor.

Chairman Maugeri and applicant agree to continue on to discussion items while waiting for JLUB member J. Casella. The discussion item was Woolwich Township Ordinance 203-60 Home Occupations Sections J & N. Chairman Maugeri mentions a prior applicant that was a hair salon in residential area a few months ago and there was conflicting verbage in the ordinance. Section 203-60 J states signs shall not exceed 12 sq. ft. on any one side. Section 203-60 N states no sign identifying or advertising the home occupation shall be permitted.

P. Pellegrini stated section 203-80 talks about rules for signs and that 12 sq. ft. seems arbitrary. No sign identifying or advertising home occupation under Section N was clearly meant to be there. P. Pellegrini stated it's confusing and mentioned under ordinance 203-78 signs are allowed if 2 sq. ft.

John Casella joined the meeting at 7:08 p.m.

P. Pellegrini and M. Aimino suggest doing away with 203-60 J. M. Iskander asked if farms are considered home occupation. Chairman Maugeri and M. Aimino stated no, it's considered commercial actually under farming.

M. Aimino recommends ordinance change and will write a letter to Woolwich Township Committee to change ordinance. Deputy Mayor Rizzi asked if removing J will take out fees. Chairman Maugeri stated no, it will take away signs by taking section J out and leaving section N in ordinance.

S. O'Donnell asked if professional offices will still be able to use signs. Chairman Maugeri and Pam Pellegrini stated yes, there is a distinction in the ordinance for use of 1x2 sign.

Dave Glanfield asked if existing signs for residents will be grandfathered or will they need to be removed. M. Aimino stated it depends if they were there legally to begin with. If they are there legally, they will be grandfathered and it will be up to the mayor and committee to make that determination.

B. Rushton made a motion which was seconded by R. Rossi to have M. Aimino send letter to Woolwich Township Committee authorizing removal of section J of ordinance 203-60. Roll was as follows:

M. Blake – yes, S. O'Donnell – yes, R. Rossi – yes, Deputy Mayor Rizzi – yes, B. Rushton – yes, Mayor Schwager – yes, John Casella – Abstained, Dave Glanfield – yes, Chairman Maugeri – yes.

Continuing on to New Business with NAR Farms, LLC Oak Grove Estates Major Subdivision Approval COAH Relief ~ Block 11, Lots 2, 24 and 24.01.

Wayne Streitz, Esq. from Ware, Streitz & Thompson attorney to represent applicant was present. M. Aimino explained background of COAH. The obligation is 1.44 units and if developer would develop the thirteen units they would have to build 1.44 affordable housing units. The alternative is payment in lieu of constructing the units. The applicant agreed to make payment in lieu of building at each stage of the application. Another alternative is a developer's fee at 1.5% of the assessed value and M. Aimino stated he will not go in to that because it's the planner's job.

Mr. Streitz stated COAH is complicated and Supreme Court stated Round 3 was invalid and when applicant came back before JLUB in 2008 to have an amendment to final there was a 1% developer's fee. M. Aimino stated that is incorrect and each resolution has a payment in lieu not a 1% developer's fee. M. Aimino talks about case that came out in 2015. Fair Share Housing vs. Zoning Board that is very clear payment in lieu requirements are not subject to COAH approval.

Mr. Streitz talks about two ordinances in Woolwich Township 203-90 and 203-95. Ordinance 203-90 calls for 1% developer's fee and 203-95 calls for 1.5% developer's fee. P. Pellegrini stated if development fee is chosen she would agree with 1.5%.

Chairman Maugeri asked what the reason for this request is. Mr. Streitz stated he didn't feel they had an option under the ordinance at the time and under section 95 they do. Initially they thought they were agreeing to 1% developer's fee. Chairman Maugeri stated it's not in any of the resolutions.

Ronald Zeck is sworn in and believes that back in 2008 Round 3 COAH was applied at time of amended preliminary final and realized Round 3 was invalid and wants to go back to Round 2 COAH requirements.

W. Streitz mentions ordinance 203-92 under section B-1 indicates development fee of 1% and stated there are two conflicting ordinances. P. Pellegrini stated it does not negate option of payment in lieu and choice was made to do in lieu. W. Streitz stated applicant wasn't aware he had the option. P. Pellegrini stated fee was calculated in resolution according to COAH rules in place at time of approval.

Mayor Schwager read the 2006 resolution. Chairman Maugeri asked applicant what kind of houses will be built. R. Zeck stated \$400,000 homes proposed. P. Pellegrini stated the difference between agreed upon payment in lieu of \$151,000 versus 1.5% would be about \$78,000. Chairman Maugeri stated the township obligation to satisfy COAH doesn't change. W. Streitz asked M. Aimino if the township filed against remedies. M. Aimino stated yes. W. Streitz asked if the township received certified approval from COAH. M. Aimino read from the case and the court said it doesn't matter. The approval was given 8 years ago and there is no legal obligation of this board to change approval. The applicant had 45 days from publication of original resolution to appeal.

R. Zeck stated they recently realized that Woolwich Township was not certified to Round 3 COAH. J. Casella asked if township still has an obligation. Chairman Maugeri said yes and the obligation is to build 1.44 affordable housing units should the applicant complete the 13 houses. Mayor Schwager stated each municipality in the state of New Jersey has an obligation to provide affordable housing and sees no legal reason to deviate from approval. M. Aimino stated at the time approval was granted the numbers were what they were and COAH approval doesn't matter.

P. Pellegrini discussed T. Kernan's review letter. Chairman Maugeri asked if there are any questions or comments. P. Pellegrini added that amended final resolution changed the payment schedule of the fee in lieu. M. Aimino stated they get to pay the fee as each permit is pulled.

B. Rushton made a motion to deny application based on comments of JLUB professionals and resolutions in place which was seconded by R. Rossi. Roll was as follows:

B. Rushton – yes, M. Blake – yes, J. Casella – yes (only reason is because township will have to pick up the difference), S. O’Donnell – yes, Deputy Mayor Rizzi – yes, R. Rossi – yes, Mayor Schwager – yes, Chairman Maugeri – yes.

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 7:45 pm.

Respectfully submitted,

Tara Simpkins
Joint Land Use Secretary

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