

**WOOLWICH TOWNSHIP JOINT LAND USE BOARD
REGULAR MEETING
MARCH 18, 2021**

Chairman Maugeri called the meeting to order at 7:03 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 JLUB members:

Sal Barbagallo- Present, John Casella – Present, Carolyn Grasso - Present, Chief Jaramillo – Absent, John Juliano – Absent, Joseph Kauffman- Present, Mayor Marino - Present, Deputy Mayor Matthias - Present, Chairman Maugeri – Present, Bob Rushton - Present, Dawn Varallo-Present.

Solicitor B. Lozuke, Planner A. Jones and Engineer P. Breier also in attendance.

Next on the agenda was the approval of the minutes.

-March 4, 2021- B. Rushton made a motion to adopt the minutes, S. Barbagallo seconded the motion. All were in Favor.

Next- New Business:

JLUB #2021-007 Edward Dubbs, 528 Russell Mill Rd, Block 44, Lot 1.01, Bulk Variance.

B. Lozuke swore in Mr. Edward Dubbs, resident requesting a bulk variance.

Chairman asked Mr. Dubbs to describe the application and what he is seeking. Chairman Maugeri explains that this lot is a non-conforming lot as the age of the house pre-dates the zoning code and is close to the road. Mr. Dubbs would like to put on an addition to the rear of his house to increase living space. This project will not bring the house closer to the road.

The lot is .8 acres, and is restricted on where he could build on to the house. Chairman asks if there are any questions

Mr. Jones read his letter drafted on March 8, 2021 and asks Mr. Dubbs if this restriction is a hardship. Mr. Dubbs states that it is, and therefore A. Jones says that is a C1 Bulk Variance.

Mr. Jones noted that the drafting error on the plans submitted and therefore no need to resubmit the plans to the township. Mr. Dubbs testified to this error in drafting.

Mayor Marino asks if the current septic tank will be acceptable with the increased space. A. Jones stated that this approval would have to go to the county for review and there that would be investigated. Mr. Dubbs testified that he replaced and resized the septic system 4 years ago and has all the paperwork if needed. He had upgraded and updated the system to include any future enlargement. Mayor Marino wanted this on the record to avoid any septic issues in the future.

Chairman Maugeri points out the error on the agenda stating this is a Use Variance application. It is not.

With no other questions from the board, Chairman Maugeri asked for a motion to open to the public for comment. J. Casella made a motion to open, seconded by Mayor Marino. All were in favor.

With no one from the public coming forth to speak, C. Grasso made a motion to close to the public, seconded by Dept. Mayor Matthias. All were in favor.

With no more questions from the board, Chairman Maugeri asked for a motion on the application. J. Casella made a motion to grant the bulk variance, seconded by B. Rushton. Roll Call as follows:

S. Barbagallo – Yes, J. Casella – Yes, C. Grasso – Yes, B. Rushton – Yes, Chairman Maugeri –Yes

Next on the Agenda:

JLUB #2021-001-Atlantic City Electric Company, 404 Center Square Rd, Block 2.09 Lots 1 and 1.01, Minor Subdivision, Preliminary/Final Major Site Plan & Use Variance.

Naill O'Brien attorney for the applicant briefly describes the application, location and what they are asking for from the board tonight. Equipment upgrade for the site with minor changes to the gravel road, fencing and signage. Conditional use asking for variance for usage.

Mr. Lozuke confirms that the application includes a request for a Use Variance; therefore he excuses the Mayor and Dept. Mayor from the dais.

Mr. O'Brien then introduces the witnesses for the application.

B. Lozuke swears all the witness together and has them introduce themselves for the record. Justine Kosmoski, Project Manager, Civil Engineer, Kyle Rutherford and Licensed Professional Planner, Brian McPeak.

Mr. O'Brien offers to provide testimony from Completeness items for the record. Mr. Jones confirms that this would be acceptable. Tree protection, lighting, fencing and other buffering are among the items Mr. O'Brien testified that they would need a variance for.

Mr. O'Brien points out exhibit A1 on what a substation does and what they are proposing to upgrade it to. Ms. Kosmoski explains how the transport of electricity from the power plant many miles away to our area. The interconnection goes to the Substation and is stepped down to a lower voltage level for use.

Chairman Maugeri asks how old is the facility? Ms Kosmoski states that it dates back to at least the 90's. Mr. Rutherford testifies that aerial photography only goes back to the 90's. J. Casella states that it has to be twice that age, while Chairman agrees that the substation has been at this location for longer than the 1990's.

This is a conversion point facility described as a distribution facility, exhibit "E" on the display. The project would improve the functionality, safety and service for the area. They will rebuild a section with upgraded software to have connection to equipment and if there is an interruption it would re-route the service to fix an issue. Steel structures will be replaced and gravel redone.

C. Grasso asks about any increases on the footprint with this project. Ms. Kosmoski testifies that they will have a small subdivision which will become the location for the temporary mobile transformer. That transformer will be on site only during construction then removed. The area fenced off for it will remain in case of any need to bring it back.

Ms. Kosmoski gives an overview of the project and how it's a first part of a larger strategy to serve their customers.

Mr. Rutherford gives his qualifications to the board. Mr. Rutherford is accepted and gives the property layout and the small subdivision added which will be Block 2.09 lot 1 & 1.01. The lot is only 3.13 acres total. Overhead wires follow the access easement, fencing will have razor wire on top as is custom. The guard house preexists and is 35 feet from road-front. Mr. Rutherford describes the ditch that runs along the side for run off and they have an application with the DEP for it.

High contrast gravel will be used for vehicles as they enter or exit the facility for regular maintenance. As stated before, there will be no one working there unless maintenance is needed.

Buffers were discussed and fencing line with the wetland that has become a ditch over time with water run-off. The applicant has applied for a permit with the state to make it a permanent storm water basin.

Mr. Rutherford then describes the purchase of the .1 acres of Summit property to make lot 1.01. This is on exhibit A3. The lightening poles will be the same 60 feet in height. Only change will be the number of these poles to meet safety standards. No variance should be needed, but will ask for one if needed.

Design waiver is requested for the width of the drive, which is 15 feet, but the contrast gravel will only be 12 feet. Stating that the area is all drivable. Another design waiver requested is to not put in an asphalt driveway. Extension to the north of the substation will be for the temporary transformer and will need to put up a 7 foot fence for safety and may need a variance for this height, although Ashton Jones said one was not needed. As requested the applicant will add a warning sign every 75 feet for barbed wire notification.

The site does not meet the criteria of a major development under the state rules, therefore items like storm-water basin, quality of water, flow, but did note the hill on the property and they will improve the ditch to keep water away from the site. And from there it will go out to Tavistock drive. No sanitary or water lines on the development.

Do have existing screening and those will remain. North side of site has limited amount of availability for landscaping due to overhead wires. Some removal of existing vegetation for storm-water flows on shared property lines, but will increase landscaping on the front of Tavistock Dr. A landscaping buffer will be maintained by Summit Ventures on the side of the new lot.

Chairman Maugeri stops to ask again about the maintenance of the 25 foot landscaping buffer that this applicant says Summit will maintain. Mr. O'Brien states that this is a part of their purchase of the .1 acres agreement. Chairman Maugeri and Mr. Jones discuss how to ensure that the agreement from a third party not present could be enforced. Mr. Jones suggests making the agreement with Summit a COA for the subdivision.

Mr. O'Brien suggests an easement from Summit for enforcement against Atlantic City Electric.

Mr. Lozuke asks to have the presentation boards moved to the side for the public to view.

Zoning is discussed in regards to the use variance in the R3 & PUD zones. Asking for landscaping relief for the buffer in the zoning code. Non-conforming control house preexists. PUD zone design with the character of the development, so they will need relief. And other minor zoning items they cannot meet due to the site restraints.

Mr. Rutherford quickly runs through the zoning codes that the non-conforming site cannot meet. Regulatory approval has all been applied for.

With no more questions for Mr. Rutherford, Mr. O'Brien calls on Mr. McPeak and offers his qualifications for the board.

Mr. McPeak gives a lengthy overview of the project and the items requesting variance relief due to the aforementioned site non conformity. The updates are needed for the substation and will help with the growth of the area. Positive criteria he feels will be met with this project, in relation to the variances requested. For example the lightening structures and the height required. He will approach these variances as design standards since this is not a development.

With no more witness testimony, Chairman Maugeri calls on Mr. Jones to review his letter.

Mr. Jones states his letter is dated March 11, 2021 and has just received today the response letter from the applicant. He feels that most of his items have been satisfied, and will point out a few remaining. Differentiating the lightening masts confusion in testimony with the lighting for the area is reviewed. Newer same height lightening masts will be installed for safety regulations. Lights will most likely be the same as before, but have not been directly reviewed and Mr. Rutherford testifies that they will not extend beyond the property line.

Mr. Jones asks if there is a reason the temporary unit could not be placed under the current lines. Andrew Bien, the electrical engineer for the project is sworn in to respond. For best access and usage the small piece of property they are purchasing will be the best.

The Summit property that will be required to maintain the 20 foot buffer documentation will need to be a condition of approval for the subdivision so that it is enforceable for the township. This then ends Mr. Jones' review.

Chairman then calls on Mr. Breier reviews his letter dated March 10, 2021. The only item was asking for testimony on the non-issue of environment concerns for the project. Mr. Breier just wants testimony that the company has no DEP complaints, Mr. Rutherford states that there are containment areas around the facility to keep it from leaching out.

Chairman Maugeri asks for a motion to open to the public, C. Grasso makes that motion, seconded by S. Barbagallo. All were in favor.

With no comments from the public, S. Barbagallo makes a motion to close to the public. B. Rushton seconds the motion. All were in favor.

B. Rushton asks Mr. Jones to help clarify the state of the variances and design waivers discussed for the application.

With no more questions or comments, Chairman Maugeri asks for a motion. Mr. Lozuke offers to simplify the request from the applicant that the board is considering. Minor Sub approval for the mobile transformer, also D3 Use Variance relief from the zoning code, as this is a pre-existing site and does not conform to the current code. Lastly Preliminary & Final site plan approval as the testimony has stated with the upgrade to the transformers and the applicant is required to provide the consent of easement of Summit to install and maintain the 20 foot buffers, as a condition of approval.

J. Casella makes a motion to approve that the solicitor has just stated including all testimony set forth tonight. Seconded by B. Rushton seconded this motion. Roll call as follows:

S. Barbagallo – Yes, J. Casella – Yes, C. Grasso – Yes, B. Rushton – Yes, J. Kauffman – Yes, D. Varallo – Yes, Chairman Maugeri –Yes.

Chairman Maugeri calls for a 5 min recess at 8:43 pm.

Chairman Maugeri resumes at 8:50pm.

Mr. Jones reviews his review of the planned rezoning on March 11, 2021 for recommendation. To change MUD & CC to CD zone. Town has two CC zones. CC and CC*, whereas the asterisk's specifically do not permit warehouses. Mr. Jones backs up to review how we got there, and with the Redevelopment plan, it would supersede any zoning map and expressly says that all CC zones are now MUD zones, removing warehouses.

Reexamine was done in 2016 for expansion along Rt. 322 discusses making changes and this would be continuing the changes to the zoning. The FOC was created, but the sewer strategy changed and more was put on hold.

The master plan does not address doing this change. The CC and CD have some differences like height change for a building, for example Block 10/Lot 3 & 4.

MUD permits a height of 60 feet, some traffic differences as well. Traffic standards say 1.74/trips per 1000 sq. foot of warehouse, where as a new warehouse/fulfillment center would generate 8.18/trips per 1000 sq. foot of warehouse. Shopping center, which is allowed now, generates 37.7/trips per 1000 sq. foot. Is a concern with general congestion along Rt 322.

Township's TDR plan should be noted, that the plan is changing. When the Kings Landing Redevelopment plan was amended in 2019 Block 12/Lot 3 was moved to MUD zone. Town also has a MU zone. And the MUD zone references the MU zone, but allows for the development of residential units, with the purchase of TDR credits. The next step would have to do a real estate analysis of the property and then the township would have to move it into a TDR receiving zone so that they could get TDR credits. This last part never happened so the MUD zone is only allowed to do commercial; therefore they cannot get the full MUD allowances. So now both MUD zones can only be commercial sites.

Question came from C. Grasso about making changes piecemeal and doing this type of change too often. Chairman noted that among other criteria, there are no more large plots of land that would accommodate a warehouse as they are built today. Mayor Marino commented that the Nike base consisting of 12 acres will have the smallest warehouse in our area. Mayor Marino lays out the corridor as having book ends for warehouses, keeping the center, nearest Paulsboro Rd open for smaller business and commercial.

Dept. Mayor Matthias thanks Mr. Jones for his dive into this and finding the TDR misstep and asks if there are any other such properties? Will any other land owner have an expectation if they think it is a TDR receiving area and not getting the credits? This MUD we've discussed seems to be the only one he has found.

Mayor Marino gives a quick update on the status of the TDR program. A recent phone conversation with the state how it has not worked out for us in the past 18 years. The township has a wish to get rid of the program. There are lots of entities that would have to sign off on doing this. All have agreed except is the DEP. Their concern is to make sure that we didn't receive any benefit or property because of TDR. Mayor states that all monies were used to purchase and protect more lands not less. The Township was given a \$5 million dollar amount to use. Since not one TDR was sold, they may be favorable to us terminating the program. The Township protected 900 acres with that money, transitioning those TDR acres to Farmland Preserved.

With no more questions for Mr. Jones, Chairman asks for a motion. B. Rushton makes a motion to accept this recommendation as written and to refer it back to Township Committee, C. Grasso seconds.

Roll Call as follows:

S. Barbagallo – Yes, J. Casella – Yes, C. Grasso – Yes, Mayor Marino - Yes, Dept. Mayor Matthias – Yes, B. Rushton – Yes, Chairman Maugeri –Yes.

Chairman asks for a motion to open to the Public, Mayor Marino makes the motion, B. Rushton seconds the motion. All were in favor.

With no one from the public wishing to speak, Mayor Marino asks for a motion to close to the public, seconded by C. Grasso. All were in favor.

With nothing else on the Agenda, Chairman Maugeri asks for a motion to adjourn. Dept. Mayor Matthias makes the motion, seconded by C. Grasso. All were in favor.

The JLUB meeting adjourned at approximately 9:15 PM.

Respectfully Submitted,

Shannon Kilpatrick
Joint Land Use Secretary
Minutes not verbatim, audio recording on file



**REMINGTON
& VERNICK
ENGINEERS**

RVE HQ:
232 Kings Highway East
Haddonfield, NJ 08033
O: (856) 795-9595
F: (856) 795-1882

March 9, 2021

Woolwich Township
Joint Land Use Board
Joe Maugeri, Chairman
120 Village Green Drive
Woolwich Township, NJ 08085

Attention: Shannon Kilpatrick, Secretary

**Re: Bulk Variance
Edward Dubbs
528 Russell Mill Road
Block 44, Lot 1.01
Application # 2021-008
Our file # 0824-P-123**

Dear Board Members:

We have reviewed a bulk variance submission, received February 4, 2021, consisting of the following:

| Sheet | Title | Date | Latest Revision Date |
|--------|------------------------|----------|----------------------|
| 1 of 1 | Survey of Premises | 10-14-20 | --- |
| A1 | Cover Sheet, Site Plan | 02-03-21 | --- |
| A2 | Floor Plans/ Notes | 02-03-21 | --- |
| A3 | Elevations | 02-03-21 | --- |

The plans were prepared by Steven Siebert, R.A., K4 Design LLC, P.O. Box 698, Mullica Hill, NJ 08062, (856)-223-0004. The plans should be signed and sealed in accordance with State Regulations.

The Survey of Premises was prepared by Bruce A. Ewing, P.L.S., Ewing Associates, 900b Delsea Drive, P.O. Box 145, Clayton, NJ 08312, (856)-881-4931.

I. GENERAL INFORMATION

Applicant/Owner: Edward Dubbs
 528 Russell Mill Road
 Woolwich Township, NJ 08085

Proposal: The applicant is seeking bulk variance approval to construct an addition to a non-conforming single-family home, located on a non-conforming lot.

Zoning: R-1 Residential

II. SUBMISSION INFORMATION

The requirements for completeness are included in the Woolwich Township Joint Land Use Board (JLUB) Submission Requirement Checklist. The application has been deemed complete.

III. ZONING REQUIREMENTS

A. **Use:** The applicant's proposed use is in conformance with the permitted principal uses of the R-1 Residential Zone.

B. **Area and Bulk Requirements:**

| Code Reference | Item | Required | Proposed | Status |
|----------------|-------------------------|-----------|--------------------|----------------|
| § 203-40.C | Lot Area | 87,120 sf | 35,215 sf | P |
| § 203-40.C | Lot Width | 185 ft | 295.75 | C |
| § 203-40.C | Building Coverage | 10% | TBD ¹ | TBD |
| § 203-40.C | Building Height | 35 ft | TBD ² | TBD |
| | Principal Bldg. Setback | | | |
| § 203-40.C | Front Yard | 60 ft | 21 ft ³ | V ³ |
| § 203-40.C | Rear Yard | 50 ft | 74.6 ft | C |
| § 203-40.C | One Side Yard | 25 ft | 99 ft | C |

C - Conformance.
 P - Pre-existing condition.
 V - Variance required.

C. **Notes:**

1. Testimony should be provided regarding building coverage.
2. Architectural elevations should include a dimension for building height to determine compliance.
3. Setback and variance request is for the addition only.

IV. **GENERAL COMMENTS**

1. Per Section 203-40.C, the minimum required front yard setback is 60 feet. The applicant is requesting a variance to permit an addition with a front yard setback of 21 feet.
2. While the house is preexisting nonconforming and is located 18.01 feet back from the front property line, the existing enclosed front porch has not been dimensioned on the plans and encroaches further into the required setback. The existing porch and house will remain as preexisting conditions.
3. It would appear that there is a drafting error on the submitted addition plans. Specifically, there appears to be a proposed building located adjacent to the existing foundation. Plans should be revised, building removed, and testimony provided.
4. The applicant should be aware that for the JLUB to grant a 'c' variance, it must be demonstrated that the requested variance may be granted without detriment to the public good or the Township's Zone Plan. The Municipal Land Use Law (MLUL) at N.J.S.A. § 40:55D-70 sets forth the statutory requirements for "c" variance (bulk) relief. The JLUB has the power to grant "c(1)" or "hardship" variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(1) where "peculiar and exceptional practical difficulties" and "exceptional and undue hardship" as: *[where] by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)].* The JLUB has the power to grant "c(2)" or "benefits versus burdens" variances

from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(2) where: "in an application or appeal relating to a specific piece of property the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment."

V. SUMMARY OF VARIANCES AND WAIVERS

Variances: Section 203-40.C - Front yard setback

VI. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the township and this office prior to the final signature of plans:

1. Gloucester County Planning Board.
2. Any others as may be necessary.

It is the applicant's responsibility to submit this application and plans to these agencies.

When plans are resubmitted, they are to be accompanied with a point-by-point response to all underlined items.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

REMINGTON & VERNICK ENGINEERS, INC.



Ashton G. Jones, P.P., AICP, CFM

AGJ/MD/jlm

cc: Edward Dubbs (via email)
Brian Kuni, R.A.
Brian Lozuke, Esq., Board Solicitor (via email)
Paul Breier, P.E., Board Engineer (via email)



March 17, 2021
Our file: 20-606

Woolwich Township
Joint Land Use Board
Joe Maugeri, Chairman
120 Village Green Drive
Woolwich Township, NJ08085

RE: **Dubbs Residence**
528 Russell Mill Road
Block 44 Lot 1.01

Dear Board Members,

This is in response to the letter from RVE dated March 9.2021

1. Notes #1: Existing Building coverage = 6% Proposed = 7.5%
2. Notes#2 -The height of the new addition is 25'-6" +/- measured from the grade next to the addition.
3. General Comments #3- What appears to be a building located next to the adjacent foundation is just left over lines that did not get erased.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Sieert', is written over a horizontal line.

Steve Sieert
NJ 21A101517500
K4 Design LLC

CC: Brian Kuni
Project Manager
K4 Design LLC

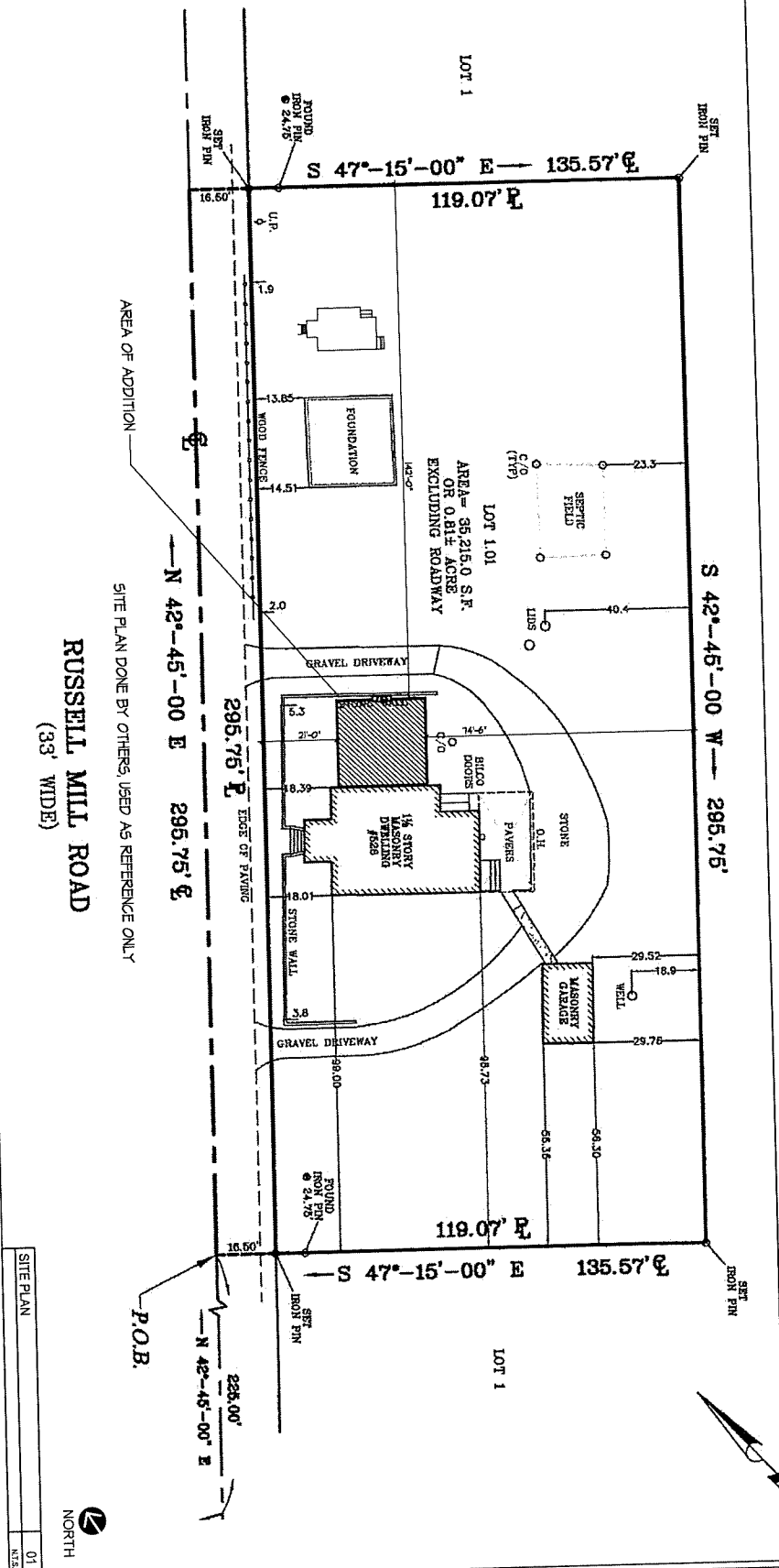
New Jersey
P.O. Box 698
Mullica Hill, NJ 08062


856-223-0004

Florida
466 n Federal Highway
Boynton Beach, FL 33435

ADDITION FOR:
 DUBBS RESIDENCE
 528 RUSSELL MILL ROAD
 WOOLWICH, NJ 08056
 LOT: 1.01 BLOCK : 44

| REFERENCE CODE INFORMATION | CODE/BUILDING DATA |
|----------------------------------|---|
| BUILDING CODE: INC 2008, NJ 2008 | USE GROUP: R-3 - SINGLE-FAMILY DETACHED |
| ELECTRIC CODE: INC 2008 | CONSTRUCTION TYPE: VP - UNIFORM/CONCRETE/STUCCO |
| PLUMBING CODE: INC 2008 | DESIGNATION: RESIDENCE |
| Mechanical Code: INC 2008 | NET FLOOR AREA: 1,400 S.F. |
| MECHANICAL CODE: INC 2008 | NET FLOOR AREA: 1,400 S.F. |
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|---|----------------|---|---|
| PROJECT NO: 30466 | DRAWN BY: BAK | SCALE: AS NOTED | DESIGN NO: 04-03-21 |
| CHECKED BY: BAKSING | DATE: 04-03-21 |  | |
| <p>PROPOSED ADDITION FOR: DUBBS RESIDENCE 528 RUSSELL MILL ROAD WOOLWICH, NJ 08056 LOT: 1.01 BLOCK : 44</p> | | | <p>FLORIDA: 466 N FEDERAL HIGHWAY BOYNTON BEACH, FL 33435 NEW JERSEY: P O BOX 491 MULLICA HILL, NJ 08062 PH 856 221 0044 CONTACT: BRIAN KUNI</p> |
| <p>STEVEN W. RIEBERT FL ARCHITECT NJ 21AP0151700</p> | | <p>STEVEN W. RIEBERT FL ARCHITECT NJ 21AP0151700</p> | |



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March 11, 2021

Woolwich Township
Joint Land Use Board
Joe Maugeri, Chairman
120 Village Green Drive
Woolwich Township, NJ 08085

Attention: Shannon Kilpatrick, Secretary

**Re: Minor Subdivision, Preliminary/Final Major Site Plan & Use Variance
Atlantic City Electric Company
404 Center Square Rd.
Block 2.09, Lots 1 and 1.01
Application # 2021-01
Our file #0824-P-122**

Dear Board Members:

We have reviewed a minor subdivision, preliminary and final major site plan, and use variance submission, received February 24, 2021, consisting of the following:

| Sheet | Title | Date | Latest Revision Date |
|-------|---|----------|----------------------|
| C-01 | Cover Sheet | 12-16-20 | 02-08-21 |
| C-02 | General Notes and Legend | 12-16-20 | 02-08-21 |
| C-03 | Existing Conditions and Demolition Plan | 12-16-20 | 02-08-21 |
| C-04 | Site Plan | 12-16-20 | 02-08-21 |
| C-05 | Grading and Drainage Plan | 12-16-20 | 02-08-21 |
| C-06 | Soil Erosion and Sediment Control Plan | 12-16-20 | 02-08-21 |
| C-07 | Soil Erosion and Sediment Control Notes & Details | 12-16-20 | 02-08-21 |
| C-08 | Construction Details | 12-16-20 | 02-08-21 |
| S-1 | Boundary Topographic Utility & Wetland Survey | 12-16-20 | 02-08-21 |
| S-2 | Minor Subdivision | 12-16-20 | 02-08-21 |

The plans and drainage calculations were prepared and signed on February 8, 2021 by William Salmon, P.E., Paulus, Sokolowski & Sartor, LLC, 1909 Route 70 East, Suite 307, Cherry Hill, NJ 08003.

The Boundary Topographic Utility & Wetland Survey and the Minor Subdivision were prepared, signed, and sealed by Brad Joshnick, P.L.S., Paulus, Sokolowski & Sartor, LLC.

The Stormwater Management Compliance Statement was prepared, signed, and sealed on December 16, 2020 by William Salmon, P.E., Paulus, Sokolowski & Sartor, LLC.

I. GENERAL INFORMATION

Applicant/Owner: Atlantic City Electric Company
5100 Harding Highway
Mays Landing, NJ 08330
(Block 2.09, Lots 1.01)

Owner: Summit Ventures LLC
701 Cooper Road
Voorhees, NJ 08043
(Block 2.09, Lots 1)

Proposal: The applicant seeks conditional use approval with variances, preliminary and final site plan approval, bulk variance approval and minor subdivision approval to upgrade and modify equipment at an existing public utility substation.

Zoning: R-3 Residential, PUD Planned Unit Development with Weatherby Commercial Overlay

II. SUBMISSION INFORMATION

The requirements for completeness are included in the Woolwich Township Joint Land Use Board (JLUB) Submission Requirement Checklist. The application has been deemed complete.

III. ZONING REQUIREMENTS

A. Use: The applicant's proposed use is considered a conditional use of both the R-1 and PUD zoning districts. It appears that the applicant will not meet all of the conditions of Section 203-40.B(2)(e) and Section 203-45.B(2)(e)[4], and therefore, a d(3) variance for each zone will be necessary.

The applicant has the burden of demonstrating "Special Reasons"; for granting the use variances (Positive Criteria). The applicant should also demonstrate that

the requested relief can be granted without detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

“Special Reasons”, the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. The applicant shall provide a Statement of Reasons at the Zoning Board hearing. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good”. The applicant shall provide testimony at the Zoning Board hearing.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the R-3 and PUD with Weatherby Commercial Overlay and the Township Master Plan.

In regard to the d(3) variances, the applicant will need to demonstrate that the use would be appropriate despite the deviation from the conditions and also demonstrate that the grant of the relief is reconcilable with the municipality’s legislative determination that the condition should be imposed. The negative criteria must be addressed relative to the deviation from the conditions. In other words, the applicant needs to demonstrate that the site is appropriate for the use despite not complying to the conditions for the use.

B. Area and Bulk Requirements:

| Code Reference | Item | Required | Proposed | Status |
|-----------------------|---------------------|-----------------|-----------------|---------------|
| § 230-42.C | Lot Area | 20,000 sf | 140,858 sf | C |
| § 230-42.C | Lot Width | 70 ft | 145.3 ft | C |
| § 230-42.C | Building Coverage | 15% | 1.03% | C |
| § 230-42.C | Impervious Coverage | 40% | 24% | C |

| Code Reference | Item | Required | Proposed | Status |
|----------------|-------------------------|----------|-----------|--------|
| § 230-42.C | Building Height | 35 ft | +/- 20 ft | C |
| | Principal Bldg. Setback | | | |
| § 230-42.C | Front Yard | 35 ft | 35.6 ft | C |
| § 230-42.C(2) | Rear Yard | 25 ft | 202.2 ft | C |
| § 230-42.C | One Side Yard | 20 ft | 63.5 ft | C |

C - Conformance.
 P - Pre-existing condition.
 V - Variance required.

IV. USE VARIANCE COMMENTS

1. Electric utility facilities are a conditionally permitted use in both the R-3 Residential District and the PUD - Planned Unit Development District. The proposed development does not meet the conditions of either zoning district, and therefore, a d(3) variance is required for each zone.
 - a. Conditional uses in the R-3 district are regulated by Section 230-42.B(2), which references Section 203-40.B(2)(e): no storage of materials and trucks are permitted, except within completely enclosed buildings. The proposed plans include a "mobile unit" on a truck bed not enclosed within a building. Additionally, per Section 203-40.B(2)(e), referencing Section 203-40.b(2)(c), no building or part thereof or any parking or loading area shall be located nearer than 50 feet to any lot line.
 - b. Conditional uses in the PUD District are regulated by Section 203-45.B(2)(e)[4], which requires that adequate landscaping is provided in conformance with the standards established in §§203-68 and 203-69, and that no storage of materials and trucks are permitted, except within completely enclosed buildings.
2. The applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed use with surrounding uses; and
 - b. Mitigating factors for the use variance.

3. The applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Township:
 - a. That the use will not injure or detract from the use of neighboring property.
 - b. That the use will not detract from the character of the neighborhood.
 - c. That the property is suitable for the intended use.
 - d. That the use will serve the best interests of the Township.
 - e. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.
 - f. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.
 - g. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway accesses are provided to protect roadways from undue congestion and hazards.

V. PERFORMANCE STANDARDS

A. Parking and Loading

1. Per Section 203-81.B(6) all parking and loading facilities shall be surfaced with an asphaltic, bituminous cement or other bound pavement so as to provide a durable and dust free surface. The plans propose a gravel driveway throughout the site. The plans should be revised or a variance requested.
2. Per Section 203-81.B(9)(c), interior driveways shall be at least 15 feet wide for one way traffic movement. The proposed driveway interior drive aisle is 12 feet wide towards the front of the site. Plans should be revised or a variance requested.
3. Per Section 203-81.B(3)(d), no parking shall be permitted in any required buffer areas. The plans should be revised or a variance requested.

4. Per Section 203-81, there are no parking requirements for electrical utility stations. Parking spaces are not proposed and testimony should be provided.

B. **Planting Design**

1. Per Section 203-69.B(1), a landscaped buffer is required along all lots lines between nonresidential uses and residential uses or zoning districts. Additional landscaping should be provided or a variance requested.
2. Per Section 203-69.B(3)(a), where a nonresidential district or use is proposed to be developed contiguous to a residential district or use, the nonresidential user shall provide a planted buffer 75 feet in width. Plans should be revised or a variance requested.
3. Per Section 203-69.C, the content of the buffer shall be as follows (A variance is required):
 - a. At least 50% of all shade trees and 25% of all shrubs shall be native to the region.
 - b. At least 50% of the shrubs shall be evergreen.
 - c. Up to 50% of the required shade trees may be substituted with ornamental trees at a ratio of two ornamental trees for each shade tree.
 - d. Up to 50% of the required shrubs may be substituted with ornamental grasses, which will attain a minimum height of three feet.
 - e. A minimum of 50% of the required buffer width must contain required plantings.
 - f. Plants shall be distributed throughout the entire length of buffers and screens but need not be evenly spaced. However, there shall be no more than 100 feet between shade trees, 50 feet between evergreen trees, and 50 feet between shrub clusters.
4. Per Section 177-6, a tree preservation and removal plan should be provided. A waiver is required.
5. Per Section 203-68, shade trees shall be at least 3-3.5 inches in caliper at time of planting. Plans should be revised or a variance requested.

6. Our office recommends that the Emerald Sentinel cultivar of Eastern Red Cedar be specified to provide a more uniform look.

C. **Blocks and Lots**

1. The applicant must obtain the correct block and lot numbers from the Tax Assessor. Written verification must be received by this office prior to final review and signature of the deeds and/or plat.
2. The application should provide a copy of the affidavit of ownership and consent from Summit Ventures, LLC

D. **Fences**

1. Per Section 203-70.C(3)(b), barbed wire fences are prohibited except where fences are needed to secure an area where materials, equipment and/or machinery are stored. The applicant is proposing a 7-foot-high chain link fence with barbed wire, which is permitted to secure the utility station.
2. Per Section 203-70.C(3)(d), where such fences are permitted, the fact that they are barbed wire shall be clearly indicated on the fence at intervals of not more than 75 feet. It appears that no signage is indicated on the plans. Plans should be revised or a variance requested.

E. **Environmental Impacts**

Wetlands were identified. A Letter of Interpretation from New Jersey Department of Environmental Protection confirming their location and transition areas should be provided prior to final approval.

F. **General**

1. The plans indicate equipment at a height of approximately 20 feet. Testimony should be provided regarding the proposed height, views from adjacent properties and the right-of-way, and how they will the improvements will compare to current conditions.
2. Per Section 203-45, no bulk standards are indicated for nonresidential uses. Testimony should be provided relating to the PUD zone.

3. The applicant should provide testimony regarding conformance with COAH requirements.
4. The following submission items should be addressed with testimony:
 - a. Provide testimony on why utilities cannot be undergrounded
 - b. Provide testimony regarding Map Filing Law and deed of subdivision.
 - c. Provide testimony regarding a tree protection plan.
 - d. Testimony should be provided as to architectural elevations, and signage.
 - e. Testimony should be provided regarding lighting and emergency usage.
5. In addition to the proposed mobile unit the applicant has submitted documentation indicating an mobile trailer. Testimony should be provided and additional variances/waivers maybe necessary.
6. The applicant and owner are reminded that site safety is their responsibility. The plan should note that “The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform Construction Code and CFR 1926.32 (f) (OSHA Competent Person)”.
7. The applicant should be aware that for the Joint Land Use Board to grant a ‘c’ variance, it must be demonstrated that the requested variance may be granted without detriment to the public good or the Township’s Zone Plan. The Municipal Land Use Law (MLUL) at N.J.S.A. § 40:55D-70 sets forth the statutory requirements for “c” variance (bulk) relief. The Land Use Board has the power to grant “c(1)” or “hardship” variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(1) where “peculiar and exceptional practical difficulties” and “exceptional and undue hardship” as: *[where] by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation... would result in peculiar and exceptional practical difficulties to, or exceptional*

and undue hardship upon, the developer of such property... [N.J.S.A. 40:55D-70c(1)]. The Joint Land Use Board has the power to grant "c(2)" or "benefits versus burdens" variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(2) where: "in an application or appeal relating to a specific piece of property the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment."

VI. SUMMARY OF VARIANCES AND WAIVERS

| | | |
|--------------------|-----------------------------|------------------------------------|
| Variations: | Section 203-40.B(2)(e) - | Conditional Use d(3) |
| | Section 203-45.B(2)(e)[4] - | Conditional Use d(3) |
| | Section 203-68 - | Shade tree caliper |
| | Section 203-69.B(1) - | Landscaped buffer |
| | Section 203-69.B(3)(a) - | Nonresidential use buffer |
| | Section 203-69.C - | Buffer content |
| | Section 203-81.B(3)(d) - | Parking in buffer |
| | Section 203-81.B(6) - | Pavement |
| | Section 203-81.B(9)(c) - | Driveway width |
| | Section 203-70.C(3)(d) - | Barbed wire fence signage |
| Waivers: | Section 177-6 - | Tree preservation and removal plan |

VI. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the Township and this office prior to the final signature of plans:

1. Gloucester County Planning Board.
2. Gloucester County Soil Conservation District.
3. New Jersey Department of Environmental Protection.
4. New Jersey Department of Transportation.
5. Any others as may be necessary.

It is the applicant's responsibility to submit this application and plans to these agencies.

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Township of Woolwich
March 11, 2021

When plans are resubmitted, they are to be accompanied with a point-by-point response to all underlined items.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

REMINGTON & VERNICK ENGINEERS, INC.



Ashton G. Jones, P.P., AICP, CFM

AGJ/MD/jlm

cc: Atlantic City Electric Company (via e-mail only)
William Salmon, P.E. (via e-mail only)
Niall J. O'Brien, Esq. (via e-mail only)
Brian McPeak, PP, AICP (via e-mail only)
Brian Lozuke, Esq., Board Solicitor (via e-mail only)
Paul Brier, P.E., Board Engineer (via e-mail only)
Andrea Reahm, Tax Assessor (via e-mail only)
Teresa Ziegler, Gloucester County Planning Board (via e-mail only)



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www.archerlaw.com

March 17, 2021

Via Email & Hand Delivery

Shannon Kilpatrick, Secretary
 Woolwich Township Joint Land Use Board
 130 Village Green Drive
 Woolwich Township, NJ 08085

Re: **Beckett Substation 69kV Upgrades – Atlantic City Electric Company
 RESPONSE TO REMINGTON & VERNICK PLANNING REVIEW
 Application for Conditional Use Approval, Variances from Conditional Use
 Standards, Preliminary and Final Major Site Plan Approval, Minor
 Subdivision Approval and Bulk Variance Approval
 Block 2.09, Lot 1.01 & 1 / Tavistock Drive, Woolwich Township
 Our File No.: PHI097-009**

Dear Ms. Kilpatrick:

On behalf of our client, Atlantic City Electric Company (the “Applicant”), please accept ten (10) copies of this letter as our response to the Planning Review Letter prepared by Remington & Vernick Engineers, in connection with the above-referenced Application. Our responses to the numbered Comments within that Review Letter are set forth below in **bold** below

Remington & Vernick Engineers, Planning Review Letter, dated March 11, 2021:

We have reviewed a minor subdivision, preliminary and final major site plan, and use variance submission, received February 24, 2021, consisting of the following:

| Sheet | Title | Date | Latest Revision Date |
|-------|---|----------|----------------------|
| C-01 | Cover Sheet | 12-16-20 | 02-08-21 |
| C-02 | General Notes and Legend | 12-16-20 | 02-08-21 |
| C-03 | Existing Conditions and Demolition Plan | 12-16-20 | 02-08-21 |
| C-04 | Site Plan | 12-16-20 | 02-08-21 |
| C-05 | Grading and Drainage Plan | 12-16-20 | 02-08-21 |
| C-06 | Soil Erosion and Sediment Control Plan | 12-16-20 | 02-08-21 |

| | | | |
|------|---|----------|----------|
| C-07 | Soil Erosion and Sediment Control Notes & Details | 12-16-20 | 02-08-21 |
| C-08 | Construction Details | 12-16-20 | 02-08-21 |
| S-1 | Boundary Topographic Utility & Wetland Survey | 12-16-20 | 02-08-21 |
| S-2 | Minor Subdivision | 12-16-20 | 02-08-21 |

The plans and drainage calculations were prepared and signed on February 8, 2021 by William Salmon, P.E., Paulus, Sokolowski & Sartor, LLC, 1909 Route 70 East, Suite 307, Cherry Hill, NJ 08003.

The Boundary Topographic Utility & Wetland Survey and the Minor Subdivision were prepared, signed, and sealed by Brad Joshnick, P.L.S., Paulus, Sokolowski & Sartor, LLC.

The Stormwater Management Compliance Statement was prepared, signed, and sealed on December 16, 2020 by William Salmon, P.E., Paulus, Sokolowski & Sartor, LLC.

RESPONSE: Acknowledged. No further Response required.

II. GENERAL INFORMATION

Applicant/Owner: Atlantic City Electric Company
 5100 Harding Highway
 Mays Landing, NJ 08330
 (Block 2.09, Lots 1.01)

Owner: Summit Ventures LLC
 701 Cooper Road
 Voorhees, NJ 08043
 (Block 2.09, Lots 1)

Proposal: The applicant seeks conditional use approval with variances, preliminary and final site plan approval, bulk variance approval and minor subdivision approval to upgrade and modify equipment at an existing public utility substation.

Zoning: R-3 Residential, PUD Planned Unit Development with Weatherby Commercial Overlay

III. SUBMISSION INFORMATION

The requirements for completeness are included in the Woolwich Township Joint Land Use Board (JLUB) Submission Requirement Checklist. The application has been deemed complete.

RESPONSE: Acknowledged.

IV. ZONING REQUIREMENTS

- A. Use: The applicant's proposed use is considered a conditional use of both the R-1 and PUD zoning districts. It appears that the applicant will not meet all of the conditions of Section 203-40.B(2)(e) and Section 203-45.B(2)(e)[4], and therefore, a d(3) variance for each zone will be necessary.

RESPONSE: The Applicant respectfully repeats the request for Variance Approvals.

The applicant has the burden of demonstrating "Special Reasons"; for granting the use variances (Positive Criteria). The applicant should also demonstrate that the requested relief can be granted without detriment to the public good and will not impair the intent and purpose of the zone plan and zoning ordinance (Negative Criteria).

RESPONSE: The Beckett Substation, like all electric substations or switching stations, must be located along the Applicant's transmission right-of-way and cannot be readily relocated. Further, the design and layout of the substation infrastructure is dictated by the operational and functional need for the utility equipment and cannot be designed in conformance with the character of the adjoining neighborhood. Finally, the Applicant's requests for Variances from Conditional Use Standards are, for the most part, related to existing conditions which already do not, and cannot comply with those Standards.

"Special Reasons", the applicant should demonstrate that the proposed use carries out the purposes of zoning as listed in 40:55D-2 of the Municipal Land Use Law or that the refusal to allow the project would impose an undue hardship on the applicant. The applicant must present support for the first test within a Statement of Reasons contending that the proposed use promotes the purpose of zoning. The applicant shall provide a Statement of Reasons at the Zoning Board hearing. In lieu of the Statement of Reasons, the applicant should provide a statement regarding the undue hardship which must relate to the land in question or unique conditions of the site.

RESPONSE: The upgrades and modifications to the substation have been determined to be necessary by the Applicant in order to maintain the effectiveness and reliability of its electric supply, and, therefore, should be considered to promote the public good. The Applicant will provide additional testimony in support of the requested Variance Approvals at the JLUB hearing on this Application.

With respect to the first portion of the Negative Criteria, the applicant must demonstrate that the requested relief can be granted without substantial detriment

to the public good. The applicant must demonstrate that the proposed use will not have a negative impact on the adjacent properties, and that it will not cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good". The applicant shall provide testimony at the Zoning Board hearing.

RESPONSE: The Applicant's requests for Variances will not cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good, due to the fact that the proposed development represents a relatively minor expansion in the development footprint of the existing Beckett Substation. The substation has existed historically on the Property, and will continue to do so, without substantial detriment to surrounding properties.

In the second prong of the Negative Criteria, the applicant must demonstrate that the requested relief will not impair the intent and purpose of the zone plan and zoning ordinance. Testimony should be provided as to why the proposal will not impair the intent and purpose of the R-3 and PUD with Weatherby Commercial Overlay and the Township Master Plan.

RESPONSE: The enhancements to the reliability of the Public Utility Electric supply will help to effectuate the development and use of adjacent properties in accordance with the Zoning districts and Master Plan.

In regard to the d(3) variances, the applicant will need to demonstrate that the use would be appropriate despite the deviation from the conditions and also demonstrate that the grant of the relief is reconcilable with the municipality's legislative determination that the condition should be imposed. The negative criteria must be addressed relative to the deviation from the conditions. In other words, the applicant needs to demonstrate that the site is appropriate for the use despite not complying to the conditions for the use.

RESPONSE: The Conditional Use Standards applicable to the Beckett Substation including those related to residential type design. Due to the nature of electrical equipment and other facilities required for the functioning and operation of the Beckett Substation, and compliance with technical, safety and operational standards, the Substation was not historically, and cannot be designed with a residential architectural character, regardless of the location of the Property. Those requirements should be deemed more appropriately applied to such facilities that can be designed in that manner, including, for example, wells stations, pump houses and operations centers.

B. Area and Bulk Requirements:

| Code Reference | Item | Required | Proposed | Status |
|----------------|----------|-----------|------------|--------|
| § 230-42.C | Lot Area | 20,000 sf | 140,858 sf | C |

| | | | | |
|---------------|-------------------------|-------|-----------|---|
| § 230-42.C | Lot Width | 70 ft | 145.3 ft | C |
| § 230-42.C | Building Coverage | 15% | 1.03% | C |
| § 230-42.C | Impervious Coverage | 40% | 24% | C |
| § 230-42.C | Building Height | 35 ft | +/- 20 ft | C |
| | Principal Bldg. Setback | | | |
| § 230-42.C | Front Yard | 35 ft | 35.6 ft | C |
| § 230-42.C(2) | Rear Yard | 25 ft | 202.2 ft | C |
| § 230-42.C | One Side Yard | 20 ft | 63.5 ft | C |

C - Conformance.
 P - Pre-existing condition.
 V - Variance required.

RESPONSE: Acknowledged. No further Response required.

V. USE VARIANCE COMMENTS

1. Electric utility facilities are a conditionally permitted use in both the R-3 Residential District and the PUD - Planned Unit Development District. The proposed development does not meet the conditions of either zoning district, and therefore, a d(3) variance is required for each zone.
 - a. Conditional uses in the R-3 district are regulated by Section 230-42.B(2), which references Section 203-40.B(2)(e): no storage of materials and trucks are permitted, except within completely enclosed buildings. The proposed plans include a "mobile unit" on a truck bed not enclosed within a building. Additionally, per Section 203-40.B(2)(e), referencing Section 203-40.b(2)(c), no building or part thereof or any parking or loading area shall be located nearer than 50 feet to any lot line.

RESPONSE: The proposed mobile unit is temporary in nature and will serve during the period that it is on site during the implementation of the project as electrical substation infrastructure. Substation infrastructure, like the transformers, bus work and other equipment, is used and located outside of buildings in the same manner as the existing substation equipment and must, by necessity be located on a trailer. The existing electrical (transformer) equipment is currently, and will continue to be located 35 feet rather than 50 feet from Tavistock Drive. To the extent necessary, the Applicant respectfully requests the necessary Variance Approvals.

- b. Conditional uses in the PUD District are regulated by Section 203-45.B(2)(e)[4], which requires that adequate landscaping is provided in conformance with the standards established in §§20368 and 203-

69, and that no storage of materials and trucks are permitted, except within completely enclosed buildings.

RESPONSE: The portion of the Property located within the PUD Zoning District does not have adequate area to provide landscape buffering. However, buffering is being provided or maintained on adjacent Lot 1 by agreement with the owner of that property. Further, vegetation along the transmission lines is subject to Board of Public Utility Vegetation Management Rules. A Variance is requested from this Conditional Use Standard

2. The applicant should address the impact of the application on the following:
 - a. Compatibility of the proposed use with surrounding uses; and

RESPONSE: The proposed upgrades and improvements to the Beckett Substation represent a minor expansion in the Substation footprint. The Substation will continue to be unmanned and will generate very limited traffic and, therefore, there should be no additional impacts to surrounding uses.

- b. Mitigating factors for the use variance.

RESPONSE: The Applicant will be prepared to discuss any mitigating factors at the JLUB hearing on this Application.

3. The applicant should address the following items for the Board to be able to evaluate the impact of the proposed application on the neighboring properties and the Township:
 - a. That the use will not injure or detract from the use of neighboring property.

RESPONSE: The Beckett Substation has been located on the property for approximately 25 years and is believed to predate the currently existing residential development. Due to the relatively minor nature of the proposed upgrades and improvements, no additional impacts are anticipated.

- b. That the use will not detract from the character of the neighborhood.

RESPONSE: Similarly, due to the relatively minor nature of the proposed upgrades and improvements, no additional impacts are anticipated

- c. That the property is suitable for the intended use.

RESPONSE: The property has historically proven to be a suitable location for the Beckett Substation and will continue to do so, notwithstanding the relatively minor improvements proposed in connection with this Application.

- d. That the use will serve the best interests of the Township.

RESPONSE: The enhancements to the adequacy and reliability of the Applicant's Public Utility electric supply will serve not only the best interests of Woolwich Township but also those of the surrounding service area.

- e. That the use will not adversely affect public sewers and facilities such as water, sewer, police, and fire protection.

RESPONSE: No additional sewer or water service are proposed. No additional demands on emergency services including police and fire protection are anticipated.

- f. That the use will not adversely affect the drainage facilities in the adjacent neighborhood.

RESPONSE: The proposed grading and drainage facilities within the site are functioning adequately and onsite swales are being modified to accommodate the minor additional flows from the new access driveway from Tavistock Drive and the gravel area for the mobile unit. An additional storm drain is proposed to collect the runoff from those swales and a majority of the site around the substation equipment, which will connect to the existing drainage system in Tavistock Drive. As a result there should be no impact to drainage facilities in adjacent neighborhoods.

- g. That the use will not adversely affect the safe flow of highway traffic and that adequate roadway accesses are provided to protect roadways from undue congestion and hazards.

RESPONSE: The Beckett Substation is an unmanned facility and will generate very limited traffic.

VI. PERFORMANCE STANDARDS

A. Parking and Loading

1. Per Section 203-81.B(6) all parking and loading facilities shall be surfaced with an asphaltic, bituminous cement or other bound pavement so as to provide a durable and dust free surface. The plans propose a gravel driveway throughout the site. The plans should be revised or a variance requested.

RESPONSE: No parking or loading areas are proposed. However, to the extent necessary a Design Waiver or Variance is requested from the Parking and Loading Area Design Standards at Section 203-81.B(6) to continue to provide a gravel, rather than asphalt driveway throughout the Substation property which is consistent with the limited site traffic and the existing condition.

2. Per Section 203-81.B(9)(c), interior driveways shall be at least 15 feet wide for one way traffic movement. The proposed driveway interior drive aisle is 12 feet wide towards the front of the site. Plans should be revised or a variance requested.

RESPONSE: To the extent necessary, a Design Waiver or Variance is requested from the Design Standards at Section 203-81.B(9)(c) to allow the driveway width to continue to be 12 feet which is sufficient to accommodate the limited site traffic.

3. Per Section 203-81.B(3)(d), no parking shall be permitted in any required buffer areas. The plans should be revised or a variance requested.

RESPONSE: No parking areas are proposed in connection with this Application. However, to the extent necessary, a Design Waiver is requested from the Design Standards at Section 203-81.B(3)(d) to allow the temporary location of the mobile unit within the required Buffer Area.

4. Per Section 203-81, there are no parking requirements for electrical utility stations. Parking spaces are not proposed and testimony should be provided.

RESPONSE: The Beckett Substation is an unmanned facility and site traffic is generally limited to the Applicant's service vehicles which are stationed in the areas where maintenance activities are scheduled while personnel are on site.

B. Planting Design

1. Per Section 203-69.B(1), a landscaped buffer is required along all lots lines between nonresidential uses and residential uses or zoning districts. Additional landscaping should be provided or a variance requested.

RESPONSE: As discussed above, a Variance is requested from this requirement pursuant to the Conditional Use Standards applicable to Substations, which represents an existing condition.

2. Per Section 203-69.B(3)(a), where a nonresidential district or use is proposed to be developed contiguous to a residential district or use, the nonresidential user shall provide a planted buffer 75 feet in width. Plans should be revised or a variance requested.

RESPONSE: As discussed above, a Variance is requested from this requirement pursuant to the Conditional Use Standards applicable to Substations, which represents an existing condition.

3. Per Section 203-69.C, the content of the buffer shall be as follows (A variance is required):

- a. At least 50% of all shade trees and 25% of all shrubs shall be native to the region.
- b. At least 50% of the shrubs shall be evergreen.
- c. Up to 50% of the required shade trees may be substituted with ornamental trees at a ratio of two ornamental trees for each shade tree.
- d. Up to 50% of the required shrubs may be substituted with ornamental grasses, which will attain a minimum height of three feet.
- e. A minimum of 50% of the required buffer width must contain required plantings.
- f. Plants shall be distributed throughout the entire length of buffers and screens but need not be evenly spaced. However, there shall be no more than 100 feet between shade trees, 50 feet between evergreen trees, and 50 feet between shrub clusters.

RESPONSE: As discussed above, as discussed above, a Variance is requested from this requirement pursuant to the Conditional Use Standards applicable to Substations, which represents an existing condition.

4. Per Section 177-6, a tree preservation and removal plan should be provided. A waiver is required.

RESPONSE: A Waiver is requested from the requirement for the submission of a Tree Protection Plan because nearly all trees within the limit of disturbance are proposed to be removed. A Soil Conservation District application has been approved by Gloucester County Soil Conservation District (GCSCD) for Certification and any tree protection measures required as condition of that Certification will be shown on the Site Plans. Additional Testimony will be provided at the Public Hearing on this Application to the extent deemed necessary.

5. Per Section 203-68, shade trees shall be at least 3-3.5 inches in caliper at time of planting. Plans should be revised or a variance requested.

RESPONSE: The Applicant will comply.

6. Our office recommends that the Emerald Sentinel cultivar of Eastern Red Cedar be specified to provide a more uniform look.

RESPONSE: The Applicant will comply.

C. **Blocks and Lots**

1. The applicant must obtain the correct block and lot numbers from the Tax Assessor. Written verification must be received by this office prior to final review and signature of the deeds and/or plat.

RESPONSE: The Applicant will comply.

2. The application should provide a copy of the affidavit of ownership and consent from Summit Ventures, LLC

RESPONSE: The requested Affidavit of Ownership and Consent has been provided.

D. **Fences**

1. Per Section 203-70.C(3)(b), barbed wire fences are prohibited except where fences are needed to secure an area where materials, equipment and/or machinery are stored. The applicant is proposing a 7-foot-high chain link fence with barbed wire, which is permitted to secure the utility station.

RESPONSE: Acknowledged.

2. Per Section 203-70.C(3)(d), where such fences are permitted, the fact that they are barbed wire shall be clearly indicated on the fence at intervals of not more than 75 feet. It appears that no signage is indicated on the plans. Plans should be revised or a variance requested.

RESPONSE: The necessary signage will be provided.

E. **Environmental Impacts**

Wetlands were identified. A Letter of Interpretation from New Jersey Department of Environmental Protection confirming their location and transition areas should be provided prior to final approval.

RESPONSE: An Application has been submitted to NJDEP Land Use Regulation Program for a Wetlands Permit. The Applicant will provide a copy of the Permit upon receipt of the same.

F. **General**

1. The plans indicate equipment at a height of approximately 20 feet. Testimony should be provided regarding the proposed height, views from adjacent properties and the right-of-way, and how will the improvements will compare to current conditions.

RESPONSE: The requested Testimony will be provided. As noted above, the Lightning Masts will be relocated and will continue to be 60 feet in height.

2. Per Section 203-45, no bulk standards are indicated for nonresidential uses. Testimony should be provided relating to the PUD zone.

RESPONSE: The requested Testimony will be provided.

3. The applicant should provide testimony regarding conformance with COAH requirements.

RESPONSE: The Applicant will comply with any Affordable Housing/Development Fee requirements that may be lawfully imposed upon this Application.

4. The following submission items should be addressed with testimony:
 - a. Provide testimony on why utilities cannot be undergrounded

RESPONSE: The conductors leading into the Substation from the Applicant's transmission facilities are above ground and must be connected to the Substation equipment which must, therefore, also be above ground.

- b. Provide testimony regarding Map Filing Law and deed of subdivision.

RESPONSE: The proposed Subdivision is intended to be perfected by the filing of a Deed of Subdivision and, therefore, the submitted Subdivision Plan is not intended to be in compliance with the requirements of the Title Recordation Act/Map Filing Law. The form of Deed of Subdivision and legal descriptions will be submitted to the JLUB Attorney and Engineer for review.

- c. Provide testimony regarding a tree protection plan.

RESPONSE: Almost all of the trees within the limited area of proposed disturbance are to be removed and, therefore, a Waiver is requested from the requirement to provide a Tree Protection Plan.

- d. Testimony should be provided as to architectural elevations, and signage.

RESPONSE: There are no proposed conventional buildings in connection with this Application that are designed, or would require signature by a licensed Architect. However, typical details/sections of the proposed Mobile Unit have been provided. The proposed Mobile Unit will be on site during equipment replacement phase of construction and then only as needed thereafter.

- e. Testimony should be provided regarding lighting and emergency usage.

RESPONSE: The Beckett Substation is an unmanned facility and the existing and proposed site lighting is used for emergency or urgent repair or maintenance work only.

5. In addition to the proposed mobile unit the applicant has submitted documentation indicating an mobile trailer. Testimony should be provided and additional variances/waivers maybe necessary.

RESPONSE: The proposed mobile unit is electrical substation infrastructure that is used and located outside of buildings in the same manner as the existing substation equipment and must, by necessity be located on a trailer. To the extent necessary, any additional Variances will be requested by the Applicant.

6. The applicant and owner are reminded that site safety is their responsibility. The plan should note that "The owner, or his representative, is to designate an individual responsible for construction site safety during the course of site improvements pursuant to N.J.A.C. 5:23-2.21 (e) of the N.J. Uniform Construction Code and CFR 1926.32 (f) (OSHA Competent Person)".

RESPONSE: Acknowledged. The Applicant will comply.

7. The applicant should be aware that for the Joint Land Use Board to grant a 'c' variance, it must be demonstrated that the requested variance may be granted without detriment to the public good or the Township's Zone Plan. The Municipal Land Use Law (MLUL) at N.J.S.A. § 40:55D-70 sets forth the statutory requirements for "c" variance (bulk) relief. The Land Use Board has the power to grant "c(1)" or "hardship" variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(1) where "peculiar and exceptional practical difficulties" and "exceptional and undue hardship" as: [where] by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property...[N.J.S.A. 40:55D-70c(1)]. The Joint Land Use Board has the power to grant "c(2)" or "benefits versus burdens" variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(2) where: "in an application or appeal relating to a specific piece of property the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the

benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment."

RESPONSE: The upgrades and modifications to the substation have been determined to be necessary by the Applicant in order to maintain the effectiveness and reliability of its electric supply, and, therefore, should be considered to promote the public good. The Applicant will provide additional testimony in support of the requested Variance Approvals at the JLUB hearing on this Application,

VII. SUMMARY OF VARIANCES AND WAIVERS

| | | |
|--------------------|-----------------------------|------------------------------------|
| Variations: | Section 203-40.B(2)(e) - | Conditional Use d(3) |
| | Section 203-45.B(2)(e)[4] - | Conditional Use d(3) |
| | Section 203-68 - | Shade tree caliper |
| | Section 203-69.B(1) - | Landscaped buffer |
| | Section 203-69.B(3)(a) - | Nonresidential use buffer |
| | Section 203-69.C - | Buffer content |
| | Section 203-81.B(3)(d) - | Parking in buffer |
| | Section 203-81.B(6) - | Pavement |
| | Section 203-81.B(9)(c) - | Driveway width |
| | Section 203-70.C(3)(d) - | Barbed wire fence signage |
| Waivers: | Section 177-6 - | Tree preservation and removal plan |

RESPONSE:

VI. OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of the following outside agencies, if not already received. Evidence of these approvals must be submitted to the Township and this office prior to the final signature of plans:

1. Gloucester County Planning Board.
2. Gloucester County Soil Conservation District.
3. New Jersey Department of Environmental Protection.
4. New Jersey Department of Transportation.
5. Any others as may be necessary.

RESPONSE: The Applicant will provide copies of all necessary outside agency approvals upon receipt of the same.

Shannon Kilpatrick, Secretary
Woolwich Township Joint Land Use Board
March 17, 2021
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Should you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,



NIALL J. O'BRIEN

NJO:anm

cc: Paul Breier, P.E.
Ashton G. Jones, P.P., A.I.C.P., C.F.M.
Brian Lozuke, Esquire
Justine Kosmoski, Project Engineer
Andrew Bien, Section Engineer
Tat-Lin Angus, Esquire
Michael M. Powers, Real Estate Representative
Kyle Rutherford, P.E.
Walter Judge, P.E.
Brian McPeak, P.P.

220579262v1



FEDERICI & AKIN, P.A.
CONSULTING ENGINEERS

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Fax 856-582-7976

March 10, 2021
File# 21034

Woolwich Township Joint Land Use Board
120 Village Green Drive
Woolwich, NJ 08085

**Re: Atlantic City Electric – Application No. JLUB-2021-01
Beckett Substation 69 kV Bus Upgrades
Preliminary & Final Major Site Plan Application,
Minor Subdivision, Conditional Use Variance
Block 2.09, Lot 1.01 & 1 - Tavistock Drive
Review No. 1**

Dear Chairman Maugeri & Members of the Board;

We received the following items for review as part of the application for Major Site Plan approval, Minor Subdivision approval and Conditional Use approval for upgrades to the Beckett sub-station located on Tavistock Drive and including minor site improvements.

| | |
|---|----------------|
| Cover letter by Niall O'Brien, Esq. of Archer & Greiner | 12/29/2020 |
| Joint Land Use Board Application & Addendum, | 12/21/2020 |
| Submission Checklist and Statement of Waiver Requests | |
| Site Plan drawings prepared by Paulus, Sokolowski & Sartor, LLC | |
| Sheets 1 through 9 | Rev. 2/08/2021 |
| Boundary Topographic Utility & Wetland Survey by PS&S | 12/16/2020 |
| Minor Subdivision Plan by PS&S | 12/16/2020 |
| Aerial Photograph of Beckett Sub-station and surrounding area | |
| Stormwater Management Compliance Statement by PS&S | 12/16/2020 |
| Letter by Niall O'Brien response to JLUB Incomplete Letter | 02/16/2021 |
| Equipment Details for Mobile Unit | |

Property Location:

The subject property is located on the west side of Tavistock Drive approximately 700 feet south of its intersection with Center Square Road (County Route 620). The substation is located on Lot 1.01



which lies in the R-3 Residential Zone. Lot 1, owned by Summit Ventures, is in the PUD Zone.

The applicant requests preliminary and final approval of a major site plan, minor subdivision approval, conditional use variance, and bulk variance relief. The proposed development includes upgrades and improvements to the electrical transmission equipment, a new driveway access from Tavistock Drive, reestablishment of the existing internal gravel driveways, and a gravel area for a large mobile unit, extension of the 7' high fence, and minor drainage, landscaping, lighting improvements.

Technical Review

1. Access. A new access drive will be constructed for ingress/egress to the site. The 20-foot wide gravel access will connect to Tavistock Drive near the northeast corner of the property, extend into the site and connect to the gravel drive that encircles the electrical equipment. A driveway apron and depressed curb will be installed at Tavistock Drive. In addition, the current access road that extends from the northwest corner of the site through lots 1.02 and 1.03 and connects to Township Line Road will be modified with a new 20' wide gravel drive for an access to the area where the mobile equipment will be located.
2. Bulk Requirements. A listing of bulk requirements and values is shown on Sheet 1 including the variance request for fence height.
3. Circulation. The existing gravel driveway that encircles the electrical equipment will be reestablished with additional gravel to form a 12' to 15' wide route for maintenance vehicles to access the equipment. This loop will connect to the new access driveway to Tavistock Drive and the existing access drive that leads to Township Line Road.
4. Curbs. No vertical curbing is proposed onsite. Depressed concrete curb will be installed at the driveway entrance on Tavistock Drive. The respective detail is included on Sheet 9.
5. Environmental. The applicant should provide testimony regarding any past or current areas of concern on the property or any hazardous material spills and clean-ups.
6. Fencing. The existing fencing around the electrical equipment will be expanded to encompass the area for the new mobile unit. A 30-foot wide double-swing gate will be installed at the new access drive connecting to the west side of the mobile unit area. A 20-foot wide double-swing gate will be installed on the new access driveway from Tavistock Drive at the existing fence line. Two 3.5' gates will be installed on the east side of the fence around the mobile unit. The fencing and gates will be 7' high chain-link with an additional 1' of barbed wire strands on top. This overall height of 8 feet requires a bulk variance. The applicant should provide testimony to support this request.
7. Grading & Drainage. The proposed grading and drainage facilities within the site are generally acceptable. The onsite swales are being modified due to the new access driveway



from Tavistock Drive and the gravel area for the mobile unit. A small storm sewer system will be installed to collect the runoff from the swales and a majority of the site around the electrical equipment. This system will connect to the existing storm sewer in Tavistock Drive. Appropriate details are shown on Sheet 9.

8. Lighting. The Site Plan shows the addition of seven (7) new floodlights spaced within and around the electrical equipment area. Details of the poles and the light fixtures should be provided along with the resulting light distribution or isolux curves. Hours of operation of the lights should also be provided via plan or testimony.
9. Minor Subdivision. The minor subdivision plan shows a triangular piece of Lot 1 that is to be annexed to Lot 1.01. The area of the parcel is 4,343 square feet and is located at the southern corner of Lot 1. The purpose of the subdivision is to provide the necessary space and location for the mobile unit to be installed and operated during installation of the upgrades to the sub-station equipment. The minor subdivision will be perfected by filing a Deed of Subdivision by the applicant.
10. Parking. No parking spaces are provided nor required as the facility will not be manned.
11. Paving. The proposed gravel driveways will consist of a 6" thick DGA course on a compacted subgrade. Details are shown on Sheet 9.
12. Sidewalks. The existing asphalt sidewalk along Tavistock Drive will be saw-cut and replaced in-kind where the new access driveway is being constructed and also where the new storm sewer crosses to connect to the inlet in the street. Details are provided on Sheet 9.
13. Sight Triangles: Proposed sight triangles are shown at the intersection of the new access driveway and Tavistock Drive. It appears that the proposed landscaping on the site is out of the clear sight area.
14. Signs: The applicant should provide testimony regarding any post-mounted signs that may be installed at the new access on Tavistock Drive.
15. Stormwater Management. The Stormwater Management Compliance Statement submitted by the applicant states that the project is not a "major development" as defined by the NJDEP SWM regulations and the Township ordinances. The overall area of disturbance is less than 1 acre (0.99), and the area of new impervious surface is less than 0.25 acre (0.20). The project is therefore exempt from the applicable Township and DEP requirements. However, the existing ditches will be improved to safely convey the peak runoff from a 25-year and a 100-year storm. The runoff in the modified ditch will flow into a proposed inlet and storm sewer system that will connect to the existing storm sewer in Tavistock Drive. The submitted SWM Compliance Statement adequately addresses the design of the ditches and proposed storm sewer.



16. Utilities. No water or sanitary sewer utilities are shown or proposed for this facility.
17. An engineer's estimate of the site improvements should be submitted to the Township Engineer for review and determination of the performance bond and inspection escrow amounts once all plan revisions have been approved. A copy should also be sent to the Board and this office.
18. Outside Agency Approvals. The applicant shall provide copies of all approvals or certifications from any agency or company having jurisdiction over any part of this project, to include:
 - (a) New Jersey Board of Public Utilities
 - (b) New Jersey Department of Environmental Protection
 - (c) County of Gloucester
 - (d) Gloucester County Soil Conservation District

Recommendations

The comments and recommendations above are presented for the Board's review and consideration and for response from the applicant as warranted. If you should have any questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "Paul D. Breier". The signature is written in a cursive, flowing style.

Paul D. Breier, P.E., P.P.
Board Engineer

cc:

Brian Lozuke, Esq. Board Attorney
Ashton Jones, P.P., Board Planner



Niall J. O'Brien
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March 17, 2021

Via Email & Hand Delivery

Shannon Kilpatrick, Secretary
Woolwich Township Joint Land Use Board
130 Village Green Drive
Woolwich Township, NJ 08085

Re: **Beckett Substation 69kV Upgrades – Atlantic City Electric Company
RESPONSE TO FEDERICI & AKIN ENGINEERING REVIEW
Application for Conditional Use Approval, Variances from Conditional Use
Standards, Preliminary and Final Major Site Plan Approval, Minor
Subdivision Approval and Bulk Variance Approval
Block 2.09, Lot 1.01 & 1 / Tavistock Drive, Woolwich Township
Our File No.: PHI097-009**

Dear Ms. Kilpatrick:

On behalf of our client, Atlantic City Electric Company (the “Applicant”), please accept ten (10) copies of this letter as our response to the Planning Review Letter prepared by Federici & Akin, P.A. Consulting Engineers, in connection with the above-referenced Application. Our responses to the numbered Comments within that Review Letter are set forth below in **bold** below

Federici & Akin P.A. Consulting Engineers, Planning Review Letter No. 1, dated March 10, 2021:

We received the following items for review as part of the application for Major Site Plan approval, Minor Subdivision approval and Conditional Use approval for upgrades to the Beckett sub-station located on Tavistock Drive and including minor site improvements.

- | | |
|---|----------------|
| Cover letter by Niall O’Brien, Esq. of Archer & Greiner | 12/29/2020 |
| Joint Land Use Board Application & Addendum, Submission Checklist and Statement of Waiver Requests | 12/21/2020 |
| Site Plan drawings prepared by Paulus, Sokolowski & Sartor, LLC Sheets 1 through 9 | Rev. 2/08/2021 |

Shannon Kilpatrick, Secretary
Woolwich Township Joint Land Use Board
March 17, 2021
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| | |
|---|------------|
| Boundary Topographic Utility & Wetland Survey by PS&S | 12/16/2020 |
| Minor Subdivision Plan by PS&S | 12/16/2020 |
| Aerial Photograph of Beckett Sub-station and surrounding area Stormwater Management Compliance Statement by PS&S | 12/16/2020 |
| Letter by Niall O'Brien response to JLUB Incomplete Letter Equipment Details for Mobile Unit | 02/16/2021 |

RESPONSE: Acknowledged. No further Response required.

Property Location:

The subject property is located on the west side of Tavistock Drive approximately 700 feet south of its intersection with Center Square Road (County Route 620). The substation is located on Lot 1.01 which lies in the R-3 Residential Zone. Lot 1, owned by Summit Ventures, is in the PUD Zone.

The applicant requests preliminary and final approval of a major site plan, minor subdivision approval, conditional use variance, and bulk variance relief. The proposed development includes upgrades and improvements to the electrical transmission equipment, a new driveway access from Tavistock Drive, reestablishment of the existing internal gravel driveways, and a gravel area for a large mobile unit, extension of the 7' high fence, and minor drainage, landscaping, lighting improvements.

RESPONSE: Acknowledged. The Applicant also proposes the replacement and relocation of four (4) 60 foot high lightning masts.

Technical Review

1. Access. A new access drive will be constructed for ingress/egress to the site. The 20-foot wide gravel access will connect to Tavistock Drive near the northeast corner of the property, extend into the site and connect to the gravel drive that encircles the electrical equipment. A driveway apron and depressed curb will be installed at Tavistock Drive. In addition, the current access road that extends from the northwest corner of the site through lots 1.02 and 1.03 and connects to Township Line Road will be modified with a new 20' wide gravel drive for an access to the area where the mobile equipment will be located.

RESPONSE: Acknowledged. No further Response required.

2. Bulk Requirements. A listing of bulk requirements and values is shown on Sheet 1 including the variance request for fence height.

RESPONSE: The Applicant respectfully repeats the requested Variance Approvals.

3. Circulation. The existing gravel driveway that encircles the electrical equipment will be reestablished with additional gravel to form a 12' to 15' wide route for maintenance vehicles to access the equipment. This loop will connect to the new access driveway to Tavistock Drive and the existing access drive that leads to Township Line Road.

RESPONSE: Acknowledged. No further Response required.

4. Curbs. No vertical curbing is proposed onsite. Depressed concrete curb will be installed at the driveway entrance on Tavistock Drive. The respective detail is included on Sheet 9.

RESPONSE: Acknowledged. No further Response required.

5. Environmental. The applicant should provide testimony regarding any past or current areas of concern on the property or any hazardous material spills and clean-ups.

RESPONSE: No known environmentally related issues or areas of concern are known to the Applicant. The site is subject to a proprietary Spill Prevention Control and Countermeasure Plan.

6. Fencing. The existing fencing around the electrical equipment will be expanded to encompass the area for the new mobile unit. A 30-foot wide double-swing gate will be installed at the new access drive connecting to the west side of the mobile unit area. A 20-foot wide double-swing gate will be installed on the new access driveway from Tavistock Drive at the existing fence line. Two 3.5' gates will be installed on the east side of the fence around the mobile unit. The fencing and gates will be 7' high chain-link with an additional 1' of barbed wire strands on top. This overall height of 8 feet requires a bulk variance. The applicant should provide testimony to support this request.

RESPONSE: The requested Fence Height is necessary to enhance and maintain the security of the Beckett Substation, and is consistent with (i) existing conditions at the Property; (ii) the Applicant's security requirements; and (iii) National Electrical Safety Code standards for substation security. Although the Property is located in a residential area, the appropriateness of enhanced security fencing for sensitive and other similar properties is acknowledged within the Township Zoning Ordinance (Section 203-70C), which permits barbed wire and enhanced security fences where necessary to prevent entry into hazardous areas. Although the Applicant has requested a Variance for the Fence Height, the JLUB Professional Planners Review for this Application indicates that no Variance is necessary.

7. Grading & Drainage. The proposed grading and drainage facilities within the site are generally acceptable. The onsite swales are being modified due to the new access driveway from Tavistock Drive and the gravel area for the mobile unit. A small storm sewer system will be installed to collect the runoff from the swales and a majority of the site around the electrical equipment. This system will connect to the existing storm sewer in Tavistock Drive. Appropriate details are shown on Sheet 9.

RESPONSE: Acknowledged. No further Response required.

8. Lighting. The Site Plan shows the addition of seven (7) new floodlights spaced within and around the electrical equipment area. Details of the poles and the light fixtures should be provided along with the resulting light distribution or isolux curves. Hours of operation of the lights should also be provided via plan or testimony.

RESPONSE: The Beckett Substation is an unmanned facility and the existing and proposed site lighting is used for emergency or urgent repair or maintenance work only. The lighting pole and isolux details will be provided as requested. Although the Substation is in continuous operation, maintenance visits generally take place during daytime hours and, as a result, there is no need for site lighting during normal operation.

9. Minor Subdivision. The minor subdivision plan shows a triangular piece of Lot 1 that is to be annexed to Lot 1.01. The area of the parcel is 4,343 square feet and is located at the southern corner of Lot 1. The purpose of the subdivision is to provide the necessary space and location for the mobile unit to be installed and operated during installation of the upgrades to the sub-station equipment. The minor subdivision will be perfected by filing a Deed of Subdivision by the applicant.

RESPONSE: Acknowledged. An appropriate Deed of Subdivision and the legal descriptions for the proposed lots will be provided to the JLUB Attorney and Engineer for review.

10. Parking. No parking spaces are provided nor required as the facility will not be manned.

RESPONSE: Acknowledged. No parking spaces are necessary or proposed.

11. Paving. The proposed gravel driveways will consist of a 6" thick DGA course on a compacted subgrade. Details are shown on Sheet 9.

RESPONSE: Acknowledged. No further Response required.

12. Sidewalks. The existing asphalt sidewalk along Tavistock Drive will be saw-cut and replaced in-kind where the new access driveway is being constructed and also where the new storm sewer crosses to connect to the inlet in the street. Details are provided on Sheet 9.

RESPONSE: Acknowledged. No further Response required.

13. Sight Triangles: Proposed sight triangles are shown at the intersection of the new access driveway and Tavistock Drive. It appears that the proposed landscaping on the site is out of the clear sight area.

RESPONSE: Acknowledged. No further Response required.

14. Signs: The applicant should provide testimony regarding any post-mounted signs that may be installed at the new access on Tavistock Drive.

RESPONSE: An appropriate "restricted access" or similar sign will be provided at the new access. The Substation fence is, and will continue to be equipped with typical warning and security signage and that signage will include a warning related to the proposed barbed wire.

15. Stormwater Management. The Stormwater Management Compliance Statement submitted by the applicant states that the project is not a "major development" as defined by the NJDEP SWM regulations and the Township ordinances. The overall area of disturbance is less than 1 acre (0.99), and the area of new impervious surface is less than 0.25 acre (0.20). The project is therefore exempt from the applicable Township and DEP requirements. However, the existing ditches will be improved to safely convey the peak runoff from a 25-year and a 100-year storm. The runoff in the modified ditch will flow into a proposed inlet and storm sewer system that will connect to the existing storm sewer in Tavistock Drive. The submitted SWM Compliance Statement adequately addresses the design of the ditches and proposed storm sewer.

RESPONSE: Acknowledged. No further Response required.

16. Utilities. No water or sanitary sewer utilities are shown or proposed for this facility.

RESPONSE: Acknowledged. No further Response required.

17. An engineer's estimate of the site improvements should be submitted to the Township Engineer for review and determination of the performance bond and inspection escrow amounts once all plan revisions have been approved. A copy should also be sent to the Board and this office.

RESPONSE: The Applicant will comply.

Shannon Kilpatrick, Secretary
Woolwich Township Joint Land Use Board
March 17, 2021
Page 6

18. Outside Agency Approvals. The applicant shall provide copies of all approvals or certifications from any agency or company having jurisdiction over any part of this project, to include:
- (a) New Jersey Board of Public Utilities
 - (b) New Jersey Department of Environmental Protection
 - (c) County of Gloucester
 - (d) Gloucester County Soil Conservation District

RESPONSE: The Applicant will provide copies of all necessary outside agency approvals upon receipt of the same.

Should you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,



NIALL J. O'BRIEN

NJO:anm

cc: Paul Breier, P.E.
Ashton G. Jones, P.P., A.I.C.P., C.F.M.
Brian Lozuke, Esquire
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Andrew Bien, Section Engineer
Tat-Lin Angus, Esquire
Michael M. Powers, Real Estate Representative
Kyle Rutherford, P.E.
Walter Judge, P.E.
Brian McPeak, P.P.



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& VERNICK
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March 11, 2021

Woolwich Township
Joint Land Use Board
Joe Maugeri, Chairman
120 Village Green Drive
Woolwich Township, NJ 08085

Attention: Shannon Kilpatrick, Secretary

**Re: Master Plan Consistency for proposed Kings Landing Redevelopment Plan
Amendment and Rezoning - Block 10, Lots 3 and 4; Block 12, Lot 3**

Dear Board Members:

Resolution #2021-57 requests that the Joint Land Use Board review and make a recommendation as to the need for changes in zoning classification for Block 10, Lots 3 and 4; and Block 12, Lot 3. We have reviewed the Master Plan, the Kings Landing Redevelopment Plan, and the Township Zoning Ordinance. We present the following:

As identified in the Kings Landing Redevelopment Plan, Block 10, Lots 3 and 4 are currently zoned CC* – Corridor Commercial District, while Block 12, Lot 3, is zoned MUD – Mixed Use Downtown Zone. The MUD zone permits a variety of small-scale retail uses in addition to larger anchor or magnet stores, office space, and residential flats or lofts above the ground floor (see TDR explanation below), while the CC* permits a large variety of commercial uses. The CC* and the MUD have the same standards as indicated in the underlying zones, MU and CC, except that the MUD permits residential (see TDR explanation below) and the CC* expressly excludes warehousing.

The 2016 Master Plan Reexam has two stated goals which, along with associated objectives, most closely align with this proposal.

Goal: *“Limit the expansion of office and light industrial uses to areas that have good highway access to either Route I-295 or to the New Jersey Turnpike, and public sewer and water availability”*

Objective: *“Review existing patterns of zoning to determine if any changes are necessary in the areas designated for office and light industrial use.”*

Goal: *“To promote orderly growth within the Township.”*

Objective: *“Concentrate new development around established nodes or at planned locations that are well served by utilities and the road network.”*

The 2016 Master Plan Reexam presents a response regarding the Township's progress towards specific recommendations indicated in the 2003 Master Plan. While the 2016 Master Plan Reexam indicates that the recommendation to "*establish a Flexible Office Commercial (FOC) District to allow an intensive mix of commercial, retail, office, and warehousing to develop along the Route 322 Corridor.*" has been addressed, partially through the creation of the Woolwich Regional Center, and the creation of the FOC on its western edge, it does not discuss if additional efforts could be undertaken. In considering the recommendation itself, and the recent progress made in advancing both sewer and water within the Woolwich Regional Center, it could be argued that the conditions that created the need for the FOC are still present or have in fact intensified. The rezoning under consideration will advance this recommendation further as it will permit all uses (commercial, retail, office, and warehousing) referenced in the above.

While this rezoning would permit warehousing, the use is not currently permitted in either zone. From a perspective of built form and traffic generation, we do not consider the use to be in conflict. The 3 parcels in question are large sites and could easily accommodate a warehouse use. Additionally, the parcels are located directly across Route 322 from approved or existing warehouse developments and were indicated on the 2018 zoning map as in the CC Zone (which would permit warehouse development) prior to the adoption of the Kings Landing Redevelopment Plan¹.

Considering that both sites would permit buildings of a large scale with associated parking lots, we do not feel that a warehouse and associated parking would be a large departure from what is currently permitted. While any development results in increased traffic, a potential warehouse likely results in less traffic than the alternative, commercial development. On an equalized basis of 1,000 sq. ft. of floor area, the Institute of Transportation Engineers Trip Generation Manual, 10th edition, estimates that a traditional warehouse generates an average of 1.74 daily trips, a fulfillment center generates an average of 8.18 daily trips, and a shopping center generates an average of 37.75 daily trips. While this clearly indicates the generation of substantially less traffic when comparing the sites potential development as a shopping center vs. warehouse, it is important to note that the type of vehicular traffic associated with either development is expected to be different (vehicular vs. tractor-trailer traffic).

The last item for consideration is the changing aspect of the Township's TDR Plan. While Block 12, Lot 3 is zoned MUD which permits residential units with the purchase of TDR credits, this parcel is not currently in the Township's receiving area. In order to permit residential on this parcel and to incorporate the site fully into the Township's TDR program, the Township will need to amend the TDR Plan Element based on analysis presented in a yet to be updated Real Estate Market Analysis (REMA). That said, while it may have been the Townships intent to permit residential development on the site, at this time the site no TDR credits are available to the site.

For the reasons stated above, it is my professional opinion that the JLUB recommend rezoning Block 12, Lot 3 and Block 10, Lots 3 and 4. This rezoning would be consistent with aspects of the

¹ While our office does not believe the use to be incompatible with the surrounding uses, we recognize that current zoning regulations create an instance where commercial/mixed use zones directly abut residential zones. We do not feel that this is an issue of incompatibility as most municipal zoning maps will have instances where a commercial zone abuts a residential zone.

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Township of Woolwich
March 11, 2021

Township's Master Plan and in line with the current development patterns taking shape along Route 322.

If you have any questions regarding this matter, please do not hesitate to call.

Sincerely yours,

REMINGTON & VERNICK ENGINEERS, INC.



Ashton G. Jones, P.P., AICP, CFM

AGJ/MD/jlm

cc: Brian Lozuke, Esq., Board Solicitor