

# WOOLWICH TOWNSHIP JOINT LAND USE BOARD

## February 3, 2022- Regular Meeting Minutes

Chairman Joe 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, Carolyn Grasso - Present, Jon Fein – Present, Mayor Craig Frederick – Present, John Juliano – Present, Vern Marino - Present, Joe Maugeri - Present , Joe Morgan –Absent, Ken Morris – Present, Bob Rushton - Present.

JLUB Engineer S. Nardelli, JLUB Planner J. Petrongolo & Solicitor M. Aimino also in attendance.

Chairman Maugeri gives brief consolation remarks regarding the passing of John Casella who served on this board for 19 years. A moment of silence was observed.

Next on the agenda was the approval of the minutes.

-January 20, 2022 Reg. Mins- B. Rushton made a motion to adopt the minutes, C. Grasso seconded the motion. All were in favor. Abstentions: none

Resolutions:

**Resolution #2022-13** of the Joint Land Use Board of the Township of Woolwich Regarding Application NO. JLUB-2021-032 The Four Seasons at Weatherby-Phase 3, Sections 3, 4 & 5, Block 2, Lot 8, Granting Final Major Subdivision.

Chairman Maugeri asks for a motion to adopt, S. Barbagallo makes a motion, seconded by J. Juliano.

Roll call as follows:

**S. Barbagallo – Yes, C. Grasso - Yes, J. Juliano – Yes , Mayor C. Frederick – Yes, V. Marino - Yes, B. Rushton – Yes, K. Morris – Yes, Chairman J. Maugeri – Yes.**

New Items:

**JLUB#2021-033** Northpoint Investments I, LLC, 1600 U.S. Rt. 322, Block 10, Lot 4, application for Preliminary & Final Major Site Plan Approval and Bulk Variance Approval.

S. Barbagallo, having been noticed by the applicant, recuses himself at 7:07 pm. M. Aimino confirms that the applicant wishes to proceed with only 7 board members in attendance before beginning.

Clint Allen, the attorney for the application introduced himself and a brief overview of the size of the building, parking, location on the zoning map and overview the project. A Witness & Exhibit list was provided (A13) and a Variance List (A14). Mr. Allen discusses briefly the variances that are listed and that a few are overlapping. He also mentions the sound wall that will be discussed during testimony. The East side and part of parking area will be covered by this 16 foot high wall. The light variance will be shown as well on the layout.

Mr. Petrongolo testifies that the remaining items missing from completeness have been submitted and would like to submit as a condition of approval their Affordable Housing requirement. Mr. Allen agrees to his 2.5% COAH COA.

Mr. Fein asks for a brief description of what the 2.5% means. Mr. Allen explains that the 2.5% non-residential development fee is based on the assessed value of the property.

Mr. Allen introduces those professionals that will be testifying so they could be sworn in. Timothy Riordan, owner of the property, Ahmed Tamous, site plan engineer, Kyle Ferrier, the designer, Nathan Mosely, traffic engineer and Norman Dottie, the sound engineer, and Lance Landgraf, project manager and planner of the project. All were sworn in by counsel.

Mr. Allen gave a quick introduction and asked Mr. Tamous to begin describing the project layout using the exhibits listed previously.

Mr. Tamous gives a brief description of the area at 1600 Rt. 322, block 10 lot 4 and the surrounding sites to this property. Wetlands and flood hazard areas are depicted on the layout drawings, and a wetlands permit from the DEP has been applied for. Exhibit A1 and A3 are pointed out for further discussion. Dimensions of the building and parking are shown with 2 access points off of Rt. 322. One is right turn in only, the second is an un-signalized entrance.

Chairman Maugeri and Ms. Grasso ask Mr. Tamous to go over the entrances once again. Mr. Juliano comments on the flow of traffic on this road and how it might go to get to the site.

Mr. Allen reminds the board that Mr. Mosley will testify on these issues in further detail. Ms. Grasso asks about the limited space on the current road and how would they create a turn in lane. Mr. Tamous points out that the actual property line is about 25 feet from the road, which is owned by the state, is where the additional roadway will be created from.

Chairman Maugeri asks about be a dedicated left turn lane for access to the site when traveling east on Rt. 322 and its size.

Ms. Grasso asks about the distance from Garwin Rd., noting that the intersections near this site and how they are wider for those intersections and then traffic will narrow again right in front of this building. Mr. Tamous states that it is about 300 feet to Garwin Rd. and that Mr. Mosley will address her other concerns.

Parking spaces for trucks and regular vehicles are shown on the site plan. Basins are also shown that meet the recent regulations.

Chairman Maugeri asks for clarification as the site plans shows the front property line for this site is a distance to the actual road, which he believes is owned by the state and not an easement. Mr. Allen confirms that it is owned by the DOT. It's 80-100 feet of depth for utilities.

Ms. Grasso asks about the buffer to the DOT property, Mr. Tamous shows that everything will be built on their property only. She corrects her question asking about caring for this piece of land, like mowing. Mr. Allen proposes the improvement to this property by doing the road widening for the DOT as part of their application.

Mr. Tamous shows the 4 foot berms, trees and evergreens on their landscaping plans. Chairman asks where the sound wall will be in relation to the landscaping berm. It will be a few feet off the edge of the curb. Ms. Grasso asks for clarification on the berms with in relation to the wall, as Mr. Allen responds that creating berms can cause issues with water run off for neighbors. Mr. Tamous states that the 16 foot wall will help prevent noise to the neighboring properties.

Ms. Grasso asks if a landscaping engineer has reviewed the plans, Mr. Petrongolo is a licensed landscape planner and is working with the applicant to ensure the buffer is well planned to protect the residents. Ms. Grasso then asks about irrigation, to which Mr. Marino states that along Rt. 322 irrigation is required. Mr. Petrongolo comments on this as well.

Mr. Tamous points out where the side yard and south property line are located and why variances are requested. The eastern side property is CE zone with a home on it. The side buffer set back requirement is along a wetlands waterway which cannot be developed and then is asking for a variance for this.

Chairman asks to clarify that the property line setbacks are all compliant; with the exception of the small border along the parking lot, that borders the wetland area. Mayor Frederick and Ms. Grasso express confusion on the setbacks and wetlands transition area encroachment. Discussion follows.

Mr. Tamous explains the DEP will allow encroachment on a transition area, as long as that amount is made up on another area. He states that the south-east side of the property will make up for it if the LOI states they are in the transition area. They will use transition area averaging which is allowed as per Mr. Petrongolo.

Nathan Mosley from Shopshire Associates states his credentials as a traffic engineer for the board. Mr. Mosley describes the access to the property and the plan as they have begun to discuss with the DOT. The road is narrow in the front of the property now and the applicant will widen the road, on their side of the street, to accommodate a left turn in to the building. A 10 foot shoulder has been requested by the DOT and they will create this as well, in the property buffer.

A traffic signal was not something the DOT would allow, as they are too close to the two other intersections. Traffic counts were done in the am & pm in October 2021. For peak times of rush hour, narrowed down to one hour increments (7:15-8:15am) and (5:15-6:15pm) but not done in summer travel times.

Chairman expresses concern of the left turn in lane stacking more than 2 trucks waiting for the left turn, during summer rush hours. Mr. Mosley states that future development and expanding out for eventual increase has been included in this model of movement.

Mayor Frederick asks about the ratio of traffic going east or west during the peak hour. Service level C will be the expected wait an average time of 15-20 secs. Ms. Grasso expresses concern that this time is too short, but it is expected only during the peak time.

Mr. Juliano expresses concerns about tractor trailers blocking the site angle for those cars coming behind them heading east. Mr. Mosley testifies that the site line will allow for visibility as needed.

Varied comments from the board members with more concern on the traffic volumes expressed here and what they experience, Mr. Allen confirms that this is in the jurisdiction of the DOT to determine what can and cannot be done.

Mr. Marino asks about final approvals with a change to the road, but this was in regards to a traffic signal, not the same type of entrance/exit as planned here. Mr. Petrongolo confirms that they will not re-evaluate if this is a working change, just that it was done.

Chairman Maugeri called for a recess break at 8:48pm. Committee resumed at 8:59pm.

The JLUB Solicitor, Mr. Aimino begins by asking Mr. Allen that since the committee has expressed about a half an hour's worth of concerns over the access to the site, would they agree, as a condition of approval to have Mr. Petrongolo and Mr. Nardelli sit in on the plans with the NJDOT? Applicant would be agreeable as a COA to include both board professionals.

Mr. Aimino lets some of the new committee members that the roadway is under the control of the NJDOT and not this committee. As a state road they do not have jurisdiction.

Mr. Allen brings the architect Kyle Ferrier, to testify as to the design of this building. Mr. Ferrier shows the design layout in the exhibits given to the board.

The sign variances listed were discussed with Mr. Petrongolo and Mr. Allen and the size of these designs creating a variance request. Mr. Allen points to exhibit A14 showing his list of variances, and number 11, asks for two signs instead of the one allowed. Also requested are variances for the size of the signs, in numbers 12, 13 & 14. Chairman Maugeri asks if it will say Northpoint? They are not sure, at this point as they don't have a tenant yet. Chairman says that if there isn't a tenant, then why the variance now? Mr. Petrongolo says that the board has a hard time commenting on something they cannot see yet as there is no tenant. The sign height, Mr. Allen states, is also something they are requesting in number 15 on the list. Chairman confirms that numbers 11 & 15 are what they really need now and that the future occupant will most likely come back with a sign package for the board, and Mr. Allen acquiesces and agrees to remove 12, 13 & 14.

Ingress and egress from the building is shown on the exhibit, meeting the fire code and how it will be seen from the road. Chairman asks for the height of the building, which is 41 feet.

Mr. Petrongolo states that the comments Mr. Ferrier was addressing are in regards to the corners of the building and needs testimony on that to meet the design standards in the Kings Landing Redevelopment plan.

Chairman asks if the applicant is willing to make it a COA to meet the design standards in the ordinance, while working with the JLLUB professionals. Mr. Allen replies that they will.

With no more questions for the architect, Mr. Allen calls the Sound Engineer, Mr. Dottie. Mr. Dottie offers his qualifications for the board. Mr. Allen asks that he be accepted as a qualified professional.

Exhibits A10 & A11 are pointed out for his testimony, with A10-shows three graphs where sound was monitored for 3 days. The bar graph of each line represents the entire hour. Mr. Dottie shows that at each of the three locations, behind homes and not near roads, the lower limit of sound is exceeded over 60% of the time. The high limit of sound should be no more than 65 dBA during the daytime, and the night limit is 50 dBA. He testifies that this is normal road traffic noises.

On exhibit A11 he walks the committee through the analysis of site plan, factoring in many other variables such as truck noise, car noise, on each spot. This lengthy process shows how sound from this site will be distributed. Mr. Dottie explains how the sound wall will be put in to ensure that the noise level does not exceed the 50 dBA on the residents closest to the property lines.

Chairman Maugeri asks how does a resident have this sound level ordinance enforced. Mr. Dottie explains that (Gloucester) County has the instruments and staffing to do the monitoring. Chairman asks if they check randomly or how does it get started. Mr. Dottie explains that a compliant has to trigger the process, and confirms that if the township is notified, and since Woolwich doesn't monitor noise complaints, that the County will come and check for compliance.

Mr. Juliano asks how much does the sound wall reduce? Mr. Dottie says 10-15 dBA. Mayor Frederick asks how tall the barrier is, and it is stated that will be 16 feet and will be long enough to be effective.

After continued discussion Chairman Maugeri confirms that Mr. Dottie's testimony is that the sound will not exceed the 50 dBA limit.

Next Mr. Allen calls Mr. Landgraff, the planner for this project, gives his experience. Mr. Petrongolo interjects that he is very familiar with Mr. Landgraff and his work.

Mr. Landgraff explains that the site creates a few variance requirements due to the wetlands and other factors and begins to go through the list of variances on exhibit A14.

1. The variance, Mr. Petrongolo explains is needed as the basin will be in buffer area and would be a Bulk C Variance.
2. This variance is needed due to the distance the property line is to Rt. 322. The parking would be less than the required but with the additional width of the set-back they would be 90 feet from the road.
3. Similar to number 2, this set back would be less than 75 feet to the pedestrian walkway, but with the set-back to the road, they would actually be 78 feet.
- 4-7 are needed as they will be within the set-backs, where 50-75 feet is needed but the area on the other side of the property line is wetlands and undevelopable as expressed earlier.
8. This variance is needed for 2 entrances to the property, as discussed at length with the traffic engineer.
9. This is for more lighting at the entrances on Rt. 322
11. This variance is to have 2 signs instead of the one that is permitted, since they have two entrances.
15. Variance to allow a higher sign wall mount to 13.2 feet where 12 is permitted.

Mr. Landgraff states that these are all C type variances, and gives testimony on the positive and negative criteria as required.

Ms. Grasso asks if wetlands are taken out of the calculation of area used on this site. Mr. Petrongolo responds that you cannot, and that they are well within compliance.

At this point, Mr. Allen turns over the application to the professionals and confirms that they have been in contact with them prior to the meeting.

Mr. Petrongolo begins by reviewing his letter dated Jan. 25, 2022. He also has a letter dated Feb. 1, 2022 that agrees to comply with all of our concerns, except for the variances presented previously. The only other item not addressed is the new regulation on electric vehicles, and that it is required to have an area to comply with the state standard. It is based on the number of spaces, do not have to have it up right away and is a phased in standard to have it available.

Mr. Aimino asks Mr. Allen for confirmation that based on the letter dated Feb 1 2022, that as a COA, they will comply with all agreements in this letter. Mr. Allen agrees.

Mr. Petrongolo also states that he agrees with all the variances stated.

Mr. Nardelli begins with his letter dated Jan. 25, 2022 and also has a response letter from the applicant dated Feb. 1, 2022 that they will comply with any concerns he has outlined. There were only minor construction details that he was not concerned about and will work with the applicant on.

Mr. Aimino asks Mr. Allen; again, for confirmation that based on the letter dated Feb 1 2022, as a COA, they will comply with all agreements in this letter. Mr. Allen agrees and asks for his response letter to be entered into the record.

Chairman Maugeri asks if there are no more questions at this time, he would look for a motion to open to the public, J. Juliano makes this motion, C. Grasso seconds the motion. All were in favor.

Ms. Caltabiano, 48 Garwin Rd. has a question about the buffer on the side of the building, as to when it will be constructed. She is concerned about the noise during building. Chairman asks if she is referring to the sound wall. She confirms yes.

Mr. Allen states that the sound wall will go up along with the other parts of the project, but with the grading, etc. doing this first would not be possible. Chairman Maugeri asks if it could be put up earlier in the process. Mr. Allen testifies that he would be willing as a COA to install the wall as soon as it could be put up. Mr. Aimino asks Mr. Allen to confirm this commitment to a COA for the sound wall install.

Ms. Caltabiano asks how long will this project take from now to finish. Mr. Riordan, from Northpoint In., says that the project is a 12 month buildout. Chairman Maugeri asks who she would reach out to with questions or concerns.

Mr. Allen gives Ms. Caltabiano his business card as point of contact.

With no one from the public in attendance, V. Marino makes a motion to close to the public. J. Juliano seconds the motion. All were in favor.

Chairman asks for a motion on this application

B. Rushton makes the motion with stated variances, COA's, stated COAH standard, and any other commitments made, J. Juliano seconds.

Roll call as follows:

**C. Grasso - Yes, K. Morris – Yes, J. Juliano – Yes , Mayor C. Frederick – Yes, V. Marino - Yes, B. Rushton – Yes, J. Fein – Yes, Chairman J. Maugeri – Yes.**

Discussion item:

Zoning for Block 11, Lot 6.03 246 Oak Grove Rd, Mr. Harold Twiss

Chairman Maugeri gives a brief overview of the property that he is aware of for the board. Mr. Twiss's property is about 4 acres off Oak Grove Rd, and is split zoned R-2/CC. Mr. Petrongolo has a color coded map for the board to see where the zone break is on his property.

Chairman asks if this property is in the Redevelopment plan, and he states that it is not in the Kings Landing Redevelopment Plan. These plans are called out by lot and block specifically, not by color coding like we see in the zoning map.

Mr. Marino points out that 6.02 is in the Red. Plan. He believes that when this Red. Plan was put in 2 years ago, he believes it was an oversight. As you can see the part of 6.03 that is coded blue = CC, should have been all residential.

Ms. Grasso asks what the request is from the resident.

Mr. Twiss discusses that his neighbors are all zoned in the redevelopment plan and have better options to sell. Also half his property is wetlands near the waterway so building on only the R-2 section is difficult with the 2 acre min.

Mr. Petrongolo says that there are a few things that can be done one is making a recommendation to the Township Committee or to redo the redevelopment agreement to include your property. Chairman Maugeri notes that to change the redevelopment plan is a long and very expensive process.

The red zone does have certain standards that would not be available to him if they were to rezone. Discussion continues about different uses for the property if it is CC without the redevelopment plan standards, which give the resident more options.

Mayor Frederick was worried about where the line between the commercial and residential if we move the line. Mr. Petrongolo says that there is a stream there between this resident and other on Oak Grove Rd and will add to the required buffer that would be needed.

Chairman asks for what is the procedure from here. Mr. Aimino says that a vote to have Mr. Petrongolo create a memo to go to the Township Committee and planner to look at this property and look at rezoning to CC.

Asks for a motion, C.Grasso makes the motion to send a memo to the Township Comm. to look at rezoning Block 11, Lot 6.03. Seconded by S. Barbagallo. All were in favor. Abstentions: V. Marino and C. Frederick.

M. Aimino tells the board that the committee members can vote, and therefore V. Marino and C. Frederick vote yes. All were in favor.

With nothing else on the Agenda, Chairman Maugeri asks for a motion to adjourn. V. Marino makes the motion to close in the name of John Casella, seconded by C. Grasso. All were in favor.

The JLUB meeting adjourned at approximately 10:34 PM.

Respectfully Submitted,

Shannon Kilpatrick  
Joint Land Use Secretary

***Minutes not verbatim, audio recording on file***