



GREENWICH TOWNSHIP PLANNING & ZONING BOARD

Jan 13th, 2020 MINUTES

*Meeting held: 7:30 PM Greenwich Township Municipal Court Room, 2nd Floor
21 North Walnut Street, Gibbstown, NJ 08027*



(The minutes of this meeting are unofficial until approved by the Planning Board at the next scheduled meeting.)

The Greenwich Township Planning and Zoning Board Meeting of Jan. 13, 2020, was called to order by Mayor Shivery at 7:30 PM held at the Greenwich Township Municipal Court Room, 2nd Floor, 21 North Walnut Street, Gibbstown, NJ. Secretary Kirk Fairley read the "Open Public Meetings Act Statement" followed by the Pledge of Allegiance to the Flag of the United States of America and roll call was taken. (Key=Present/Absent)

Board Members	Roll Call	Board Members	Roll Call
Mike Byrne	P	C. Zampaglione	P
-	-	Paula Hewes (Alt-1)	P
Kirk Fairley	P	Steve Walko (Alt-2)	P
Ed Sholders	P		
Fred Stigale	P	Professionals:	
Herb Wagner	P	Mike Aimino	P
Mayor Shivery	P	Matt Miller	P
Councilman Chila	P	Jim Clancy	P
Bill Rush	P		

APPOINTMENTS: Mayor Shivery called for a nomination for chairman. A motion was made by M. Byrne and seconded by K. Fairley to nominate Fred Stigale as Chairman. All members signified approval.

(Mayor Shivery hands off the meeting to Chairman Stigale.)

A motion was made by K. Fairley and seconded by H. Wagner to nominate Mike Byrne as Vice Chairman. All members signified approval.

OATH OF OFFICE: Mike Aimino Swears in...
Members: M. Byrne, F. Stigale, C. Zampaglione & K. Fairley
Alternates: P. Hewes & S. Walko

REORGANIZATIONAL RESOLUTIONS:
A motion was made by H. Wagner and seconded by C. Zampaglione to proceed by unanimous consent of all Reorg. Resolutions R2020-01 through -14 respectively. Motion passed 9-0 (For: Byrne/Fairley/Sholders/Stigale/Wagner/Shivery/Chila/Rush/Zampaglione. Against: ~)

R2020-01	Appointment of Chairman:	Fred Stigale
R2020-02	Appointment of Vice Chairman:	Michael Byrne
R2020-03	Appointment of Secretary:	Kirk Fairley
R2020-04	Appointment of Solicitor:	Michael A. Aimino, Esq. of Aimino & Dennen, LLC
R2020-05	Appointment of Planner:	Mathew K. Miller, P.P. of Mathew K. Miller, PA
R2020-06	Appointment of Engineer:	James A. Clancy of Clancy & Assoc. Inc.

R2020-07 Appointment of Conflict Engineer: Stephen J. Nardelli, PE, CME of Fralinger Eng, PA
 R2020-08 Appointment of Recorder: Kirk Fairley
 R2020-09 Regularly Scheduled Meetings made public for 2020
 R2020-10 Designating Official Newspaper: South Jersey Times & Courier-Post as Secondary
 R2020-11 Application Completeness Designee: Kirk Fairley
 R2020-12 Naming a Rep. Member to the Township Environmental Committee: Bill Rush
 R2020-13 Designating Depository for Resolutions of the Board: Lori Biermann
 R2020-14 Appointment of Master Plan Consultant, Conflict Planner & Conflict Engineer for 2020: J. Timothy Kernan, P.E., P.P., C.M.E. of Maser Consulting, PA.

A motion was made by K. Fairley and seconded by B. Rush to adopt by unanimous consent all Reorg. Resolutions R2020-01 through -14 respectively.

Motion passed 9-0 (For:

Byrne/Fairley/Sholders/Stigale/Wagner/Shivery/Chila/Rush/Zampaglione. Against: ~)

MINUTES: A motion was made by C. Zampaglione seconded by M. Byrne to approve the 12/2/19 minutes. All board members were in favor. Motion passed.

CORRESPONDENCE: A motion was made by K. Fairley, seconded by M. Byrne to receive & file the correspondence. All board members were in favor. Motion passed.

M. Byrne asked if we can help with the bypass. J. Clancy will give Mike the name & # of the engineer.

RESOLUTIONS: **-R2020-15** An extension for filing subdivision deeds on Ulmer Ave/E. Broad St property. (Re: Block 117, Lots 1 & 5 owned by Township. Resolution R2019-16 was adopted on 4-Mar-2019 to reconfigure these corner lots to promote sell-ability.) Mr. Aimino explained there were some extenuating circumstances that protracted the filing which is normally allotted 190 days. The matter has been resolved.

A motion was made by M. Byrne, seconded by B. Rush to grant the deed filing extension.

Motion passed 8-0-1 (For: Byrne/Fairley/Sholders/Stigale/Wagner/Chila/Rush/Zampaglione. Against: ~, Abstain: Shivery)

A motion was made by C. Zampaglione, seconded by M. Byrne to memorialize the resolution granting the deed filing extension.

Motion passed 8-0 (For: Byrne/Fairley/Sholders/Stigale/Wagner/Chila/Rush/Zampaglione. Against: ~)

OLD BUSINESS: **- PB2019-07 Johnson Development Assoc, Variance and Bulk Variance** for <500K sf Warehouse-Distribution-Office Facility. Block 169 Lots 3,11,21,22,28 & Block 171 Lots 1,1.01,2,3,3.04 on 285 Swedesboro Ave. [Continuation from the 12-2-19 meeting.]

M. Aimino: Said he had received a petition at the last meeting. It was not applicable to this situation and he returned the petition along with a copy of the ordinance that covered that situation.

Robert Buckman, Esq. Stated he had returned with all the same professionals who had testified in December. They were sworn in by Mr. Aimino.

1. Tripp Bailey, Regional Director, Industrial Division, JDA
2. David Fleming, P.E., Marathon Engineering & Environmental Services, Inc..
3. Heather M. Balgowan, P.E., PTOE, McMahon Assoc., LLC
4. Lance B. Landgraf, Jr. P.P., AICP, L.B. Landgraf & Assoc., LLC
5. Norman R. Dotti, P.E., P.P., INCE, Russell Acoustics, LLC

M. Aimino discussed a 10PM cut-off for testimony.

A motion was made by C. Zampaglione, seconded by B. Rush for the 10PM cut-off. All members were in favor, with exception of T. Chila who favored 10:30PM. Motion passed.

Mr. Aimino stated for the public portion there would be a hierarchy. Those represented by counsel, then those who received a 200' notice, then any others.

Motion to open to the public made by M. Byrne, seconded by B. Rush. All members in favor.

Brian D. Lozuke, Esq. came forward and stated he was representing 22 households. A list was given, Exhibit O-1 of the 22 names and addresses. He explained he had only been retained in the last few days and had not seen/listened to the prior presentation by JDA. He then went on to state that the board could not proceed per MLUL and statutes. Exhibit O-2 is a copy of Greenwich Twp Chap 75, Article II, Section 75-11 Para B is highlighted regarding participation by Class I & II members in applications seeking zoning relief. Said the application should be voided and re-noticed. Exhibits O-3, 4 & 5 were Planning/Zoning Minutes from Sept, Oct & Nov 2019 respectively wherein votes for application continuation included what he termed, improper class members. Mr. Aimino described no violation occurred as no zoning decisions were rendered. We would proceed.

R. Buckman: JDA did re-notice, no defect.

M. Aimino reiterated there was no defect.

B. Lozuke Still submits it can't proceed. SC & R20 zone must prevail.

R. Buckman: Already extensive testimony last month. Planned letter acknowledges conditions were met.

B. Lozuke: Continued on about the continuance votes, wants application void.

R. Buckman: JDA made an amended submission with changes and new notice anyway. No action actually taken on prior votes.

B. Lozuke disagrees with Buckman.

R. Buckman restated it was an amendment, even including new properties.

- Donna O'Leary, 124 Swedesboro Rd. (Represented by Mr. Lozuke) Resides on NW corner, about 225' from proposed wall. Thanked H. Wagner who didn't challenge zoning and built new business in BP zone. This was the last piece of residential property.
- Michelle Pandolfo, 251 Marshall Ave. (Represented by Mr. Lozuke) At cul-de-sac next to trees and creek. Since 2006 and a nice location. Decent yards, pleasant. Raising kids, youngest is 10 y/o. Wants to move if a WH like Amazon surrounded by 44 homes. 225 people if VOA seniors included in count.
- Anthony Battaglia, 206 Swedesboro Rd. (Represented by Mr. Lozuke) Lives on NE section, about 25' to fence. Substantial detriment to family, community to have residential zoned to go to light industry. We need ratables, but not there. Other places available. Day of settlement his son got notice. Company comes up from the South to make money. He's been in WH business for 40 years.
- Chuck O'Leary, 124 Swedesboro Rd. (Represented by Mr. Lozuke) NW corner. Definite detriment to residents and town. Community field will be lost. Have any steps been taken to add water capacity? Residents stuck with WH. What happens if there's issues? Vacancies, sound engineer mistakes. Has everyone been out there?
- Marge Velykis, 939 Ladner Ave. Regarding water runoff – who guarantees storm water flow? Mr. Clancy described we are here for a use variance. There's no engineering at this point. She then wanted to know who pays if properties get flooded? Mr. Buckman reiterated the application is just for a use variance. She said the 1999 & 2017 MP said residential. Not the last piece of land for a big building.
- Sheldon Parker, 643 Betty Rose Ave. (handed the board a three page document which portrays how the WH proposal isn't compatible with the MP.) Mr. Parker faces the audience (back to board) and gives a definition of a MP. Then goes on to describe the WH application. Reiterates

2017 MP goals. Does some comparisons of size, use incompatibility, ratable impact and summarizes with a conclusion that quality of life will be severely diminished and subverts the MP goal to protect and preserve established residential neighborhoods. R. Buckman: Said everyone heard testimony from experts. We've also heard from residents who are not experts. He can bring the experts back up.

- Steve Laszczyk, 9 Brandt Ave. (Represented by Mr. Lozuke) Inquired as to what date and time was the sound testing equipment setup and removed? N. Dotti replied it was 3 days / 72 hours. Steve asked if it was recalibrated after the rain? N. Dotti – no, no need to. What about the fencing? N. Dotti – it's a solid barrier which can be made from various products. Different attenuation features with different materials? N. Dotti – must be at least 25 dB in reduction. Can wood equate to concrete barriers? Yes. Some areas propose a 16' high acoustical barrier. What data was used as a base? N. Dotti – Amazon WH in Florence, NJ and others of comparable size. Discussions ensured on the August dB ambient of sampling locations 1, 2 & 3. Mr. Lozuke wanted the averages from 11pm to 8am only. Mr. Dotti said it averaged 53.5 in general, would need more time to crunch the data for just those time ranges. Then discussion turned to the wall proposed along the creek. NJDOT says sound walls can exacerbate drainage of storm water. N. Dotti – bottom of wall can be trenched and filled with stone to permit passage. R. Buckman – JDA has already presented the legal definition and that the application will meet or exceed the legal sound requirements. The site plan will submit materials and design details of noise, storm water and will be aesthetically pleasing.
- Ed Luedtke, 191 Marshall Ave. (Represented by Mr. Lozuke) Resides on end of Marshall. Bought house 16 years ago. Works with WH trucks. Traffic – how can experts testify without knowing actual tenant? Amazon vs. Home Depot for instance. Stated experts used phrases like: “most likely”, “generally”, “usually” and “90% of the time”. No WH of 295 surrounded by homes? Michelle Pandolfo held up Exhibit O-6 which is a blow-up of the proposed site and neighboring properties. Orange indicates those within 200', purple is the project, blue is Red Carpet Inn, yellow is industrial – in E. Greenwich Twp. E. Greenwich is adding 3 WH's, mostly industrial zone, only some homes impacted.
- Marc Pandolfo, 251 Marshall Ave. (Represented by Mr. Lozuke) Lived in Gibbstown since '63. First was on Weiss near Berkley. Always liked 251 Marshall Ave. His dream home in '06. If WH approved – will lose money. Creek has not been much flooding. Did research with residential zones. May need to move. Not fair. 56 y/o lived here 49 years. 16' barrier, noise and exhaust. Backup beepers. Coffee quiet will be gone.
- Chuck Tortella, 414 Swedesboro Rd. “Tenant Pending”, can't be a high-volume tenant. What will it be in 5 years? Tripp Bailey – Huge demand for WH's. What about 10 years? Don't know. 9 West is for lease across from Amazon in West Deptford. Bond referendum for Nehaunsey, recall that? WH could be empty, like the school.
- Louis Fabiani, 21 Oak St. We need ratables and jobs for young people. She lives about a mile away. If approved, how many jobs? T. Bailey – hundreds. Sanctuary state seems to be happening? T. Bailey – that's up to the tenant. Presently at Repauno. '69 to '84 worked there. Are they developing down there?
- Ben Lewandowski, 151 Swedesboro Rd. Listen to engineer. Build to the minimum requirement and walk away. Dirt fills the stone trough under barrier. Already hears 295 trucks. Now rollup doors and more. Doubts anyone will fix things when they break. Amazon backs up between 4 & 6pm in West Deptford.
- Michelle Minix, 170 Swedesboro Rd. (Represented by Mr. Lozuke) Backs up to project. Sees sunrise with deer, takes breath away. Went to Amazon in West Deptford and paced off 450' last Sunday and took picture with Chas Minix in doorway (Exhibit O-7) for lay testimony. Not a life long resident, but husband is. The community is family oriented quality of life. Imagines noise from 11pm to 8am. Sleeps fine now but is a light sleeper and cancer survivor. Likes fresh air. No beepers, WH doors? NO.
- Frank Marucci, 208 Swedesboro Ave. (Represented by Mr. Lozuke) Lives further away. Hopes everyone has seen signs for “No WH”. Employees will go through Ladner Park.
- Debra Chant, 199 Harmony Rd. (Represented by Mr. Lozuke) Lives on West side of project. 62 year life-long resident. In the house of her fathers. Knows many board members. Talked about

noise levels. There will be more traffic and fumes and stacked trucks in queue. Tank car “bombs” from refinery are a Homeland Security concern. We’ll have issues with transients coming in. Also contraband. Zoning is Twp promise to community that money and life invested won’t be lost.

- Chas Minix, 170 Swedesboro Rd. (Represented by Mr. Lozuke) Backs up to project. He is the man in Exhibit O-7. Works in construction, knows how to measure. Exhibit O-8 is the West Deptford Amazon building from 450’ away, same as the distance proposed. Measured with wheel. Used laser to measure 50’ height. R. Buckman asked if he was at the Dec 2nd meeting? Chas – Yes. T. Bailey – Showed original package Exhibit A6 and Dec 2nd A6 where the WH was revised and moved away from Swedesboro Rd. There is a proposed barrier 200/250’ and 300’ to creek. There’s landscaping screening and a berm to obscure the view. Height of proposed barrier is 16’ and some areas down to 10’ based on topography. Chas – Are we a clean community? Why are we doing this? Hope and pray board does the right thing.

Motion to close the public session made by M. Byrne, seconded by B. Rush. All members in favor

B. Lozuke – Summation: Appreciates board and professionals. Feels the board can’t go forward as is defective to MLUL & statutes. In Sep, Oct & Nov didn’t configure as zoning.

R. Buckman: No action taken by Mayor and Council previous to Dec 2nd. JDA has listened to neighbors. Was never developed as residential due to water capacity. Neighbors like open land. Land is zoned residential, but is not adequate. Board exists to review and occasionally make adjustments. Their job is to review the criteria, work with professionals. Traffic and noise issues addressed. Will improve storm water runoff for those in flood plain locked residents. The blighted hotel was addressed in the second proposal. All details will be addressed in future site plan.

Aimino: Use variance for use and building height. Bulk variances (4) for fire suppression height, parking front and side, noise barriers 16’ vs. 6’ (fence) and fence height on frontage. He explained five affirmative votes required for use var.

M. Miller agrees and R. Buckman as well.

M. Byrne: Board zoned a senior parcel., Knew what it was doing at that time, then we had recession. Now Repauno employment and growth. Would someone build senior complex.

With no further discussion...

A motion to deny the use variance was made by M. Byrne, seconded by B. Rush.

Was denied 5-2 (Denied: Byrne, Stigale, Wagner, Rush, Zampaglione. Against Denial: Fairley, Hewes)

A motion to deny the use variance for building height was made by M. Byrne, seconded by B. Rush.

Was denied 5-2 (Denied: Byrne, Stigale, Wagner, Rush, Zampaglione. Against Denial: Fairley, Hewes)

A motion to deny the bulk variances was made by M. Byrne, seconded by B. Rush.

Was denied 5-2 (Denied: Byrne, Stigale, Wagner, Rush, Zampaglione. Against Denial: Fairley, Hewes)

NEW BUSINESS: - None -

AUDIENCE PARTICIPATION: Opened

- Elaine Battaglia, 206 Swedesboro Rd. Said it wasn’t the last we’ve heard from them. Wanted to know our future plans. Was informed the Planning Board receives direction from Mayor and Council. C. Zampaglione said she should come to the Council Meetings.

BOARD REPORTS:	Mike Aimino, Solicitor	-None-
	Matthew K. Miller, Planner	-None-
	James Clancy, Engineer	-None-
	Kirk Fairley, Secretary	-None-
	Bill Rush, Env. Com Rep	-None-

MAYOR'S COMMENTS:

Thanked everyone for their service. Last week the bid for the Rte 44 Bypass was in the paper. Bids should be back by the 4th or 6th of February. estate.

ADJOURNMENT:

With no further business to come before the board, a motion was made and seconded to adjourn. All were in favor. The meeting ended approximately 10:29 PM. The next meeting is scheduled the **1st Monday, Feb. 3rd, 2020** to be held 7:30 PM at the Greenwich Township Municipal Court Room, 2nd floor, 21 North Washington Street.

Respectfully submitted,

Kirk Fairley, Secretary/Recorder
PLANNING & ZONING BOARD
GREENWICH TOWNSHIP
01/20/20 updated 01/21/20

Attachment: Exhibit O-1

EXHIBIT A

1-13-20
Represented by:
Brian D. Lozuke, Esq.

<u>Name</u>	<u>Address</u>
1. Donna & Chuck O'Leary	124 Swedesboro Road, Gibbstown, NJ
2. MaryAnn & Guenter Niessen	252 Marshall Aveune, Gibbstown, NJ
3. Linda & Dom Magazu	318 Harmony Road, Gibbstown, NJ
4. Dave & Regina Stiegler	328 Harmony Road, Gibbstown, NJ
5. Janice & Frank Marucci	208 Swedesboro Avenue, Gibbstown, NJ
6. Debbie Landolfi	150 East Broad Street, Gibbstown, NJ
7. Pete & Tara Stahl	224 Carson Avenue, Gibbstown, NJ
8. Jamie Brearley	262 Swedesboro Road, Gibbstown, NJ
9. Giuseppe Muraca	Harmony Road, Gibbstown, NJ
10. Mark & Michelle Pandolfo	251 Marshall Avenue, Gibbstown, NJ
11. Nicole & Ed Luedtke	191 Marshall Avenue, Gibbstown, NJ
12. Dave & Sharon Freeman	148 Swedesboro Road, Gibbstown, NJ
13. Karen & Kurt Fanders	265 Harmony Road, Gibbstown, NJ
14. Greg & Linda DiPietro	216 Phyllis Drive, Gibbstown, NJ
15. Lou & Marla Chellew	112 Swedesboro Road, Gibbstown, NJ
16. Anthony & Elaine Battaglia	206 Swedesboro Road, Gibbstown, NJ
17. Michelle & Chas Minix	170 Swedesboro Road, Gibbstown, NJ
18. Debby Chant	199 Harmony Road, Gibbstown, NJ
19. Linda Warren	141 Swedesboro Road, Gibbstown, NJ
20. Tom & Lisa Giorgianni	190 Swedesboro Road, Gibbstown, NJ
21. Steve & Judy Laszczyk	9 Brandt Avenue, Gibbstown, NJ
22. Darlene & Clyde Ayers	233 Carson Avenue, Gibbstown, NJ

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