

Amy Cosnoski

From: Andrew Bayer <abayer@pashmanstein.com>
Sent: Friday, September 27, 2024 11:10 AM
To: Salvatore Alfieri; mayor
Cc: CD Director; Daniel Hornickel
Subject: RE: [EXT] RE: Pemberton Commons Block 775, Lots 18 and 19
Attachments: Attachment 1 BMTC redv pln.pdf

Sal-More from the Township Planner.

AB

Andrew Bayer

Partner
Pashman Stein Walder Hayden, P.C.
732.405.3686 Direct
abayer@pashmanstein.com

From: Salvatore Alfieri <salfieri@cgajlaw.com>
Sent: Friday, September 27, 2024 10:26 AM
To: Andrew Bayer <abayer@pashmanstein.com>; mayor <mayor@pemberton-twp.com>
Cc: CD Director <cddirector@pemberton-twp.com>; Daniel Hornickel <ba@pemberton-twp.com>
Subject: RE: [EXT] RE: Pemberton Commons Block 775, Lots 18 and 19

EXTERNAL: This email originated from outside of the organization.

Thanks Andy, will review

Salvatore Alfieri, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs LLC
955 State Route 34, Suite 200
Matawan, NJ 07747
(732) 583-7474 x117 Office
(732) 290-0753 Fax
E-mail address: salfieri@cgajlaw.com

This message, including attachments, is covered by the Electronic Communication Privacy Act, 18 U.S.C., sections 2510-2521, is **CONFIDENTIAL** and may also be protected by **ATTORNEY/CLIENT PRIVILEGE**. If you believe you received this e-mail in error, do not read it. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. If the reader of this message is not the intended recipient, I did not intend to waive and do not waive any privileges or confidentiality of this message or the attachments. Please reply to the sender that you have received the message in error, then delete it. Thank you.

From: Andrew Bayer <abayer@pashmanstein.com>
Sent: Friday, September 27, 2024 10:25 AM
To: Salvatore Alfieri <salfieri@cgajlaw.com>; mayor <mayor@pemberton-twp.com>

Cc: CD Director <cddirector@pemberton-twp.com>; Daniel Hornickel <ba@pemberton-twp.com>

Subject: RE: [EXT] RE: Pemberton Commons Block 775, Lots 18 and 19

Sal-This is an updated version of the Amendment to the Redevelopment Plan from Dave Banisch. Please use this version and provide any comments.

Andy

Andrew Bayer

Partner

Pashman Stein Walder Hayden, P.C.

732.405.3686 Direct

abayer@pashmanstein.com

From: Salvatore Alfieri <salfieri@cgajlaw.com>

Sent: Friday, September 27, 2024 7:13 AM

To: Andrew Bayer <abayer@pashmanstein.com>; mayor <mayor@pemberton-twp.com>

Cc: CD Director <cddirector@pemberton-twp.com>; Daniel Hornickel <ba@pemberton-twp.com>

Subject: RE: [EXT] RE: Pemberton Commons Block 775, Lots 18 and 19

EXTERNAL: This email originated from outside of the organization.

Thanks. I will send to my team for review.

Salvatore Alfieri, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs LLC
955 State Route 34, Suite 200
Matawan, NJ 07747
(732) 583-7474 x117 Office
(732) 290-0753 Fax
E-mail address: salfieri@cgajlaw.com

This message, including attachments, is covered by the Electronic Communication Privacy Act, 18 U.S.C., sections 2510-2521, is **CONFIDENTIAL** and may also be protected by **ATTORNEY/CLIENT PRIVILEGE**. If you believe you received this e-mail in error, do not read it. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. If the reader of this message is not the intended recipient, I did not intend to waive and do not waive any privileges or confidentiality of this message or the attachments. Please reply to the sender that you have received the message in error, then delete it. Thank you.

From: Andrew Bayer <abayer@pashmanstein.com>

Sent: Thursday, September 26, 2024 4:48 PM

To: mayor <mayor@pemberton-twp.com>; Salvatore Alfieri <salfieri@cgajlaw.com>

Cc: CD Director <cddirector@pemberton-twp.com>; Daniel Hornickel <ba@pemberton-twp.com>

Subject: [EXT] RE: Pemberton Commons Block 775, Lots 18 and 19

Sal-I represent the Township. This zoning amendment came from the Planner, Dave Banisch. Do you think this works.

Please give me a call to discuss.

Andy

Andrew Bayer

Partner
Pashman Stein Walder Hayden, P.C.
732.405.3686 Direct
abayer@pashmanstein.com

From: Salvatore Alfieri <salfieri@cgajlaw.com>
Sent: Thursday, September 26, 2024 3:17 PM
To: mayor <mayor@pemberton-twp.com>; Amy Cosnoski <ACosnoski@pemberton-twp.com>
Cc: Jeff Mendelson <jeff@newhorizonnj.com>; Felix Bruselovsky <felix@newhorizonnj.com>;
schalloner@challonerassociates.net
Subject: Pemberton Commons Block 775, Lots 18 and 19

I am the attorney for New Horizon Properties who has a pending application known as Pemberton Commons regarding the property referenced above. It has been determined that an ordinance change is required in order to comply with the Township Zoning Ordinance and Redevelopment Plan. Below is an explanation of the issue and the proposed ordinance language as prepared by the Township Planner, David Banisch. If acceptable, please place this ordinance on the next available agenda.

With respect to the question about whether the proposed driveway configurations adjacent to the two drive-through windows are alleys, the Browns Mills Town Center Redevelopment Plan identifies "alleys" on Map 13, page 51, and that designation is made for public rights-of-way, including Bank Street, Market Street, Busansky Lane, Circle Drive and Columbus Ave. These are existing public right-of-way designations.

Zoning and Land Use Regulations, Section II Definition of terms, provides the following definition of "Alley"

"Alley: A publicly- or privately-owned secondary way which affords access to the side or rear of abutting property."

A possible limited ordinance amendment is required to modify the following conditional use standard applicable to the drive-through windows:

5. Restaurants with Drive Thru Windows

a) Drive-thru service windows are permitted in the rear and alley accessed locations provided they do not substantially disrupt pedestrian activity or surrounding uses.

My suggestion was a modification to this standard with the following: ", or where sufficient screening or other separation between the driveway window and the drive-through window is provided acceptable to the Planning Board" - The idea being (1) a buffer planting for the Taco Bell, and (2) recognizing the distance separation between the Wawa window from the public right-of-way to justify the placement of those facilities as proposed.

Salvatore Alfieri, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs LLC
955 State Route 34, Suite 200
Matawan, NJ 07747
(732) 583-7474 x117 Office
(732) 290-0753 Fax
E-mail address: salfieri@cgajlaw.com

This message, including attachments, is covered by the Electronic Communication Privacy Act, 18 U.S.C., sections 2510-2521, is **CONFIDENTIAL** and may also be protected by **ATTORNEY/CLIENT PRIVILEGE**. If you believe you received this e-mail in error, do not read it. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. If the reader of this message is not the intended recipient, I did not intend to waive and do not waive any privileges or confidentiality of this message or the attachments. Please reply to the sender that you have received the message in error, then delete it. Thank you.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.