OLDMANS TOWNSHIP

ZONING BOARD MEETING

APRIL 17, 2023

A meeting of the Oldmans Township Zoning Board was held on April 17, 2023 at the Oldmans Elementary School. The meeting was called to order by Chairman Sandy Collom at 7:05 PM. This meeting was held in compliance with the Sunshine Law.

IN ATTENDANCE: Sandy Collom, Sue Miller, Earl Ransome, Mike Tuturice, Rae Walzer, Steve Wilson, William Ferrell Jr., Jeff Moore, Theresa DeSanto, Hobie Medford, Rick Verdecchio and Melinda Taylor.

Professionals: Louis Cappelli, Jr., Solicitor; Joseph Raday, Engineer; and Brian Slaugh, Professional Planner.

MINUTES: March 20, 2023 Regular Meeting

 March 28, 2023 Special Meeting

 April 3, 2023 Special Meeting

 Rae Walzer made a motion to approve, Mike Tuturice seconded and all agreed.

SUBCOMMITTEES:

Economic Nothing to report.

Environmental Clean Communities Day for trash pickup in Oldmans coming soon.

Farmland Preservation Oldmans Ag Board met to discuss additional work to be done which will be completed over the summer in anticipation of submission to the SADC in the fall. The Ag Board will again meet in Fall, 2023.

NEW BUSINESS:

Updated Zoning Map (Airport Hazard Safety Area): Zoning Map was updated using GIS coordinates for the Airport Hazard Safety Area.

Proposed Resolution in Support of Oldmans Airport: Resolution submitted by an Oldmans resident for consideration by the Township in support of the airport. The Township Committee referred the resolution to the Planning Board for their consideration. The Board can accept, alter, or deny the proposed resolution. Will be discussed at a future meeting.

Proposed Ordinance Amending Chapter 110-19 (Industrial District): Resolution submitted by an Oldmans resident for consideration. The Township Committee referred the resolution to the Planning Board for their consideration. The Board can accept, alter, or deny the proposed resolution. Will be discussed at a future meeting.

Proposed Ordinance Amending Chapter 110-20 (Commercial/Industrial): Resolution submitted by an Oldmans resident for consideration by the Township. The Township Committee referred the resolution to the Planning Board for their consideration. The Board can accept, alter, or deny the proposed resolution. Will be discussed at a future meeting.

Proposed Rezoning of Block 37/Lots 6, 7, 8, 9, 10, 11, 13, 14 & 15: Concept submitted by an Oldmans resident for consideration by the Township. The Township Committee referred the e-mail to the Planning Board for their consideration. The request will be discussed at a future meeting.

PREVIOUS BUSINESS:

**Resolution 2023-13** Triple Net Investments LVII, LLC One-Year Extension of Amended Final Site Plan Approval for Property Located at Block 29/Lot 6.09, Industrial Way

 Sandy Collom made a motion to approve, Bill Ferrell Jr. seconded and a roll call vote was taken:

 Sandy Collom Yes

 Earl Ransome Yes

 Mike Tuturice Yes

 Rae Walzer Yes

 Steve Wilson Yes

 Bill Ferrell, Jr. Yes

 Melinda Taylor Yes

 Jeff Moore Yes

 8-aye/0-no.

**Resolution 2023-14** Granting Minor Site Plan Approval to Pavestone LLC for Property Located at 345 US Route 130, Block 44/Lot 1.01

 Bill Ferrell, Jr. made a motion to approve, Earl Ransome seconded and a roll call vote was taken:

 Sandy Collom Yes

 Earl Ransome Yes

 Mike Tuturice Yes

 Rae Walzer Yes

 Steve Wilson Yes

 Bill Ferrell, Jr. Yes

 Melinda Taylor Yes

 Jeff Moore Yes

 8-aye/0-no.

**Resolution 2023-15** Denial of D2 Penny Run, LLC for Preliminary and Final Site Plan with Variances for Block 29.01/Lot 14, Straughns Mill Road

 Sandy Collom made a motion to approve, Mike Tuturice seconded and a roll call vote was taken:

 Sandy Collom Yes

 Sue Miller Yes

 Earl Ransome Yes

 Mike Tuturice Yes

 Rae Walzer Yes

 Steve Wilson Yes

 Bill Ferrell, Jr. Yes

 7-aye/0-no.

**Application 2022-06**

Knight Owl Holdings III, LLC

Musumeci/Sorbello (formerly)

Block 13 & 28/Lots 6, 7, 11-21, 21.01, 23, 24,

30, 31-34, 38, 39

Variance – Use & Height (Technical)

Steve Wilson recused himself from the application.

The following witnesses were previously sworn in on behalf of the applicant:

* Jesse Dougherty, P.E., Marathon Engineering & Environmental Services, Inc.
* Nathan Mosley, P.P, CME, Shropshire Associates, LLC
* Lance Landgraf, P.P., AICP, L.B. Landgraf & Associates

The following exhibits were again presented:

* A-2 Zoning Map
* A-3 Site Rendering of 9 Warehouses with New Road Shown
* A-9 Airport Safety Zone
* A-17 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jesse Dougherty, PE summarized his previous testimony. Project is made up of 547 acres of which 350 acres are in the A/R zone, 203 acres in Commercial/Industrial zone and 20 acres in the Commercial zone. Applicant is proposing a total of 5.3 million sq. ft. of warehouse space to be located on eleven lots with two proposed tractor trailer parking lots. Additionally, there will be a community resource (walking trail with car parking).

Water source will be addressed during the site plan phase of the application. Sewer will also be addressed during the site plan phase of the application but considering two on-site treatment facilities and septic for the smaller warehouses.

Exhibit A-9 Airport Hazard Area: Project was originally designed to FAA standards, but was recently redesigned to comply with NJ DOT Bureau of Aeronautics requirements.

Brian Slaugh wanted to know how the warehouse square footage was derived. Each warehouse may need a variance due to setback requirements. Still need NJ DEP approval. The proposed park shows various size warehouses.

Clint Allen stated that the real estate specialist can present again to answer those questions.

Brian Slaugh wanted to know if there were physical limitations west of Pedricktown-Woodstown Road and could access to that road be limited. Jesse Dougherty responded that there are some wetlands to work around. Will need State permits. Frontage Road could be redesigned. Trying to alleviate traffic on Pedricktown-Woodstown Road by using the spine road.

Brian Slaugh asked if there would be separate entrances for trucks and cars for each warehouse. Jesse Dougherty replied yes, each warehouse will have separate access for trucks and cars.

The discussion continued as to whether the applicant had any discussion with the Bureau of Aeronautics regarding the airport hazard area. Jesse Dougherty responded the applicant has not met with the State but would do so for the site plan application. Mr. Dougherty confirmed that there was no pre-conference meeting.

Brian Slaugh inquired whether soil samples were done. Jesse Dougherty responded that he reviewed the County soils map which showed the soil to be sandy loam which can support a septic system. More soil testing would be done.

Joe Raday stated that the Airport Hazard Area does not allow industrial use within that area. He would like a letter from the Bureau of Aeronautics. Clint Allen stated the applicant will reach out to the BOA if approved.

Joe Raday wanted to know if preliminary soil testing was done. Jesse Dougherty responded that soil testing would be conducted after this requested variance is approved. Joe Raday stated that previous applications had already has some soil testing done. Clint Allen reiterated that soil sampling will be presented during the site plan phase of the application.

Lance Landgraf, Planning Expert, presented his testimony. Exhibit A-3 (site rendering) shows 4 different zones within the project area, and one overlay, airport hazard. Three hundred forty (340) acres are permitted use, Commercial/Industrial. The site is suitable for this project due to its proximity to highways, Exit 7 and similar warehouses in the area. The site is large enough to handle the projected warehouses.

Positive Criteria:

* Appropriate use – ideal for warehouses due to its location, locally and regionally
* Economic impact – will bring in $3,000,000 in tax revenue
* Stated goal in Master Plan for development within Oldmans Township
* Appropriate location – county roadways
* More efficient use of the land.
* Spine road will be pulling traffic to the Interchange

Negative Criteria:

* County roadway system will need improvements

Lance Landgraf stated that the 2009 Master Plan is consistent with the project which states continued promotion of commercial development in the smart growth area. Mr. Landgraf gave his opinion that the Master Plan is past the ten-year review period. A limited re-examination of the Master Plan was done in 2017 and signed in 2022, with no public hearing done. Brian Slaugh expressed his opinion that the Board did not have to hire a professional planner to re-examine the Master Plan and compliant.

The 2004 Salem County Master Plan was referenced in the discussion which stated business growth was encouraged along Route 295. The State Cross Acceptance Report has Oldmans Township listed as Planning 2 Area which is to attract industrial development. Brian Slaugh asked about the date of the Cross Acceptance Plan. Mr. Landgraf stated early 2000. Mr. Slaugh wanted to know if Mr. Landgraf had reviewed the 2017 reexamination report, who responded in the affirmative.

Brian Slaugh stated that the Commercial/Industrial zone does allow warehouses but the Agriculture/Residential zone does not.

Brian Slaugh requested clarification from the applicant as to whether this project would be a use variance or rezoning, which is what it appears to be from his perspective. Joe Raday had previously indicated that all the soils may not be suitable for septic. The question was asked “what happens if applicant can’t construct 5.3 million sq. ft. of warehouse space?” Mr. Slaugh stated the Township adopted an affordable housing plan. The Township also requested a durational adjustment for affordable housing since there is no infrastructure for sewer. Clint Allen responded that the applicant is working with Carneys Point Township and Penns Grove for sewer. New Jersey American Water has limited capacity right now.

Brian Slaugh stated that economic impact for positive criteria is not a proper topic for a use variance. Lance Landgraf responded that per the Master Plan, economic development was encouraged.

Mr. Slaugh continued to state his discussion points. Proposed project is split zoning. The Township has promoted agricultural use through Farmland Preservation Element to the Master Plan (locally) in the Agriculture/Residential district. Salem County also approved an Agriculture Development Area in Oldmans in April, 2022 which includes targeted farmland preservation, but not in the Commercial/Industrial area or at the airport. Clint Allen responded that he previously gave testimony on the Farmland Preservation Element.

Mr. Slaugh stated that the Gateway Business Park currently has sewer and was a permitted use which was approved by the Township as an industrial park. Louis Cappelli wanted to confirm that of the nine proposed warehouses, all but one is in or partially located in the Agriculture/Residential zone. Mr. Cappelli also wanted to know how may square feet are in the A/R zone. Lance Landgraf did not know.

8:20 pm Clint Allen requested a five minute break for his stenographer.

8: 25 pm Hearing resumed.

It was stated that there are 330 acres located in the Commercial/Industrial zone.

Exhibit A-6 was discussed regarding the community recreation area. This would be an accessory use to the business park. The park is not a permitted use in the zone.

Lance Landgraf discussed the height variances which are 45’ in the airport zone and 60’ outside the airport zone. This would allow maximum use and is standard size for warehouses. Will buffer with landscape berms, noise barriers and landscaping which will be presented during site plan.

Brian Slaugh pointed out that the use variance Marathon Engineering mentioned on COOO.2, the zoning table schedule showing proposed standards versus bulk standards. Zone does not match. Lance Landgraf stated there is “typical” use versus Oldmans setbacks. Clint Allen stated the plans were revised to allow more setback. Application for now is use variance and height variance.

An additional variance is necessary for the community park facility which is surrounded by wetlands. Jesse Dougherty explained that Exhibit A-3 indicates that the dark green is wetlands. Mr. Dougherty said there would be a one-mile walking trail not no dock. Mr. Slaugh wanted to know how much uplands there are. Mr. Dougherty said there was an open space plan available and agreed that the applicant would have to obtain a general permit for wetlands transition. Mr. Slaugh asked how would the public know what is upland versus not upland for use. Mr. Dougherty stated the trail will be marked and foot bridges provided. The trail will be passive use only and can be used by residents as well as warehouse employees. Melinda Taylor asked who would be responsible for the maintenance of the trail. Clint Allen responded that if the Board desires, the developer would be responsible for maintenance.

Open to the Public:

Keith Walton Stated he lives across the street from the proposed project. Questioned the use of Frontage Road and spine road.

Jesse Dougherty Yes, developer would use Frontage Road onto Airport Road.

Keith Walton Will Frontage Road be left as it stands today?

Jesse Dougherty Will adhere to County standards.

Keith Walton On ramp of Route 295 belongs to the State; is the applicant aware that they would need to apply to the State for approval?

Jesse Dougherty Would be considered outside agency approval, after use variance is granted.

Keith Walton What happens if not allowed to use Frontage Road?

Jesse Dougherty Spine road would be a driveway. County and Township would be responsible for road improvements.

Keith Walton Expressed his concern about the turning radius on Frontage Road.

Jesse Dougherty Would be part of the site plan application.

Keith Walton There are future changes to Interchange 7, how would that effect the plan?

Jesse Dougherty Interchange would have to be reconstructed using eminent domain.

Matthew Cassidy In regard to height variance request, would the applicant change the height for site plan approval?

Lou Cappelli The maximum numbers were presented.

Matthew Cassidy Believes variance is not justifiable. A/R Zone has a history of farming. Does not agree with suitability. Concerned about access to Route 295. Pedricktown-Woodstown Road used by farm machines, does not want to see industrial uses off Pedricktown-Woodstown Rd. Soils are good for farming. There are contiguous wetlands which are a natural barrier. Also concerned about health and welfare of the residents, animal habitat, flooding concerns, as well as emergency services being able to respond.

Genevieve Sarlo Purchased her property last June. Liked the open space to raise a family. Concerned about traffic safety and sharing the road with 18 wheelers, not safe. She leases her property to a farmer; concerned that farmer will no longer want to farm her land and she will lose her farmland assessment. According to the GIS map, there are three bird species that are in this area:

 Eastern Meadowlark

 Hard Lark (listed as threatened)

 Vesper Sparrow (endangered)

 There are vernal pool habitats with frogs and salamanders. Ten acres of wetlands will be lost. Oldmans Creek will be impacted by stormwater runoff. Wetlands to Beaver Creek rand 3 and 4 for endangered, and requires a 300’ buffer. NJ Freshwater Wetlands 10, Section 7, 10.3&$ practical presumption that vernal pools qualify. Land should be used for agriculture purposes.

Kenny Manahl There will be going through town. Trucks already use Route 130 to avoid the Route 295 scale and avoid Exit 10. Trucks will be using Mill Street, Railroad Avenue and Perkintown to get to site. Concerned about trucks driving by school and Beaver Creek Bridge which can’t support truck weight.

Lou Cappelli Wanted to know what Mr. Manahl based his concerns.

 Kenny Manahl Lives on Mill Street. Trucks go through town to go to Logan Township. His house was built in 1901/1902. Flagstone foundation deteriorating due to truck vibration.

Justin Crews Likes the idea of community space. Since he runs and drives on local roads, he has noticed increased trash along the roads. County is unable to maintain all their roads. Have concerns about water quality. He is a new resident to Oldmans. Will the future be agricultural or industrial? Chooses the agricultural future. Wanted to know if there would be annual water testing?

Clint Allen Testing will be done at site well. Treatment will be required on wells.

Jack DeFeo Proposed site will have twice as much warehousing then what we have now. Trash on roads will be compounded.

Brenda Powell Per testimony from Brian Slaugh’s presentation on Farmland Preservation, the Township lacks infrastructure (sewer/water) and has significant wetlands. Applicant purchased property knowing located in A/R zone. Traffic has increased since Gateway Business Park. Turning radius on County roads not sufficient. There is no easy access to the NJ Turnpike, must drive through Auburn.

Vince Feracci Master Plan goal #5 states development in appropriate parts of the Township. Goal #1 is to maintain conservation of natural resources and open space. To preserve open space and farmland was the main objective. Total project is 575 acres with 203 acres in C/I which equates to 35% in C/I and 65% in A/R. That is not a variance.

Kathy DiRenzo Purchased her home on Pennsville-Pedricktown Road in the 90’s. Sees tractor trailers go by every day. There are already two empty warehouses in town now.

Steve Baker This is a rural community which is why people moved here. Applicant knew the zone when he purchased the property. The majority of the proposed warehouses are to be located in zones that are not Commercial/Industrial. There will be 2,500 docks. Based on the number of needed employees, all Oldmans Township will be employed. Jobs for Oldmans residents is a fallacy. Most employees come from PA, DE and along the Route 295 corridor. Existing warehouses have 45% of employees are outside of New Jersey based on him reading the license plates. Doesn’t believe a complete traffic study was done since it did not include the D2 Penny Run proposal and area facilities. Master Plan states warehouses can be built in the Commercial/Industrial zone. What applicant is proposing is for their own use, not for the benefit of Oldmans.

Roseann Hultsch Wanted Beaver Creek and Oldmans Creek to be monitored to protect habitat. Pedricktown marsh is important to the North Pintail Duck. The marsh is considered to be the duck capital of the east coast.

Keith Walton Master Plan Smart Growth – what is the smart growth area? Commercial/Industrial are in the smart growth area. Farmers like to work on contiguous farms. Farmland preservation likes contiguous farms. Pedricktown-Woodstown is weight restricted at the Beaver Creek Bridge. There is one house located in the middle of the project, how does this benefit that resident? Residents may lose front yard if County has to widen the curve. Some aviary wildlife has a ten-mile range for forage, such as pintail ducks and eagles. Don’t need trash, traffic and disruption of quality of life. There is a proposed detention pond at the end of the airport runway. Is that allowed by the Bureau of Aeronautics?

Clint Allen NJ Waterfront permit will be obtained. Proposed recreation area will need a variance to be used as a park.

Keith Walton Will spine road be the primary source to Route 295?

Jesse Dougherty The spine road will be built according to County standards, which includes Pedricktown-Woodstown Rd.

Keith Walton There is insufficient infrastructure. Emergency services cannot support taller warehouses.

Jennifer Dohner Former school bus driver. Freed Road already has traffic concerns by the elementary school. Beckett denied a proposed warehouse on Oldmans Creek Road because it was too close to a school.

Arthur Maurizio Are there tenants for the warehouses?

Cline Allen Not yet.

Arthur Maurizio Doesn’t agree with traffic study numbers, trip numbers.

Nathan Mosley Trip generation was based of national organization based on general warehouses.

Arthur Maurizio Wanted to know if Mr. Mosley knew which direction cars and trucks would be coming from to get to the warehouses.

Nathan Mosley Major arterial roadways. Used passenger gravity analysis based on population density. Off Route 295 and Turnpike.

Genevieve Sarlo Referred to the Clean Water Act. Discharge would need permits. Federal government won’t issue permit unless there is a tenant. Archeological study is needed.

Closed to the Public

Lou Cappelli summarized the application for the Zoning Board’s consideration:

* D1 use variance for warehouses: A, B, C, D, E, F, H & I and trailer lots J & K
* Height variance for all warehouses
* Community Park – use variance
* Bulk variances were previously withdrawn from the application.

Positive/Negative Criteria:

* Suited for proposed use?
* Undue hardship?
* Substantial impairment to zoning?
* Public health/welfare?
* Deviation by more than 10%, reasons site can accommodate additional height

Prior to the Board’s commencement of voting, Clint Allen requested the opportunity to summarize a response based on the public’s questions and concerns. Thought it would take approximately one-half hour to summarize. Chair Sandy Collom agreed to the summation but at a later date due to time constraints for use of the school building which closes around 10:00 pm. Louis Cappelli asked Mr. Allen if the application could be continued in a special meeting as the Board has other applications that need to be heard during the regular May Planning Board meeting. Mr. Allen agreed to a special meeting, the date to be determined. Public notice is not required. The special meeting date will be posted on the Township’s website.

Due to time constraints, the presentation/hearing was adjourned, but will be continued at a later date. Mike Tuturice made a motion to adjourn, Jeff Moore seconded which was agreed to by all to adjourn at 9:55 pm.

Melinda Taylor/Secretary