

The Chairperson called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and had been duly noticed and published as required by law.

Roll Call:

Present: Mr. DiNatale, Mr. Vandegrift, Mr. Nicini, Mr. Platt, Ms. Branch, Mr. Ravitz,  
Mr. Schallenhammer, Ms. Augustine, Mr. Schwenke

Absent: Mr. Kleinman, Mr. Rashatwar

Also present are Chris Norman, Board Solicitor, and Ryan Mccarthy, Substitute Board Engineer

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Mr. Norman swears in Substitute Board Engineer, Ryan Mccarthy.

MEMORIALIZATION OF RESOLUTIONS

PC#25-012  
FPS Rink, L.P.  
Site Plan Waiver  
601 Laurel Oak Rd  
Block 161; Lot 23

Ms. Augustine makes a motion to memorialize the resolution, seconded by Mr. Platt.  
Motion carries by the following Roll Call Vote:

AYES: Mr. DiNatale, Mr. Vandegrift, Mr. Platt, Ms. Branch, Mr. Ravitz, Ms. Augustine, Mr. Schwenke  
ABSTAIN: Mr. Nicini (Recuse)  
NAYS: None

NEW BUSINESS

PC#25-012  
Dean Development Associates  
Correspondence – Extension of Approvals  
122 Route 73  
Block 252; Lot 9

Appearing before the board is the applicant's attorney, Robert Baranowski from law firm Hyland, Levin Shapiro to testify on behalf of the applicant, Dean Development Associates. Mr. Baranowski testifies that the applicant is seeking another extension of approvals from the last one, which was granted through August 25, 2025 as they are still awaiting a required approval from NJDOT. Mr. Baranowski explains that the applicant has made submissions and waited for extended periods of time along with sending follow ups via emails and phone calls to NJDOT regarding their approval and they are still waiting on the permit. He states that the comments and correspondence between the applicant and NJDOT have been regarding relatively de minimus items with the plans and stormwater management report, and he adds that his more recent correspondence with NJDOT was about trying to get into contact with staff from the department's stormwater management group for an update on the applicant's submission, which was made in April. He states that this would be the applicant's 3<sup>rd</sup> and final extension request under the MLUL's discretionary extension regulations, and he hopes that it is the last one needed as the project should easily move forward following review of the applicant's latest submission by NJDOT. Mr. Baranowski adds that there is also a subsection of the extension of approval regulations in MLUL that allow for additional requests to be made by the applicant if they can prove that there has been a delay in the process of obtaining all required approvals, but he explains that they are not yet at that stage and hope not to be.

The applicant's engineer, Rick Clemson from firm JSA Engineering, approaches to testify on the application and is sworn in. Mr. Clemson confirms Mr. Baranowski's earlier testimony regarding the process of getting NJDOT approval and adds that the items being reviewed by NJDOT on the application are minor, such as location of notes on plans. He states that there have not been actual site plan changes or updates likely since 2023. Mr. Clemson testifies that for some changes in the application they had submitted in July 2024 and did not receive a subsequent review letter from NJDOT until April 2025. He states that in between submissions with the department the applicant's team has also sent correspondence to check on the status of reviews and experienced delays on updates and adds that some staff at NJDOT being away or unavailable sometimes for weeks has further delayed the process of obtaining their permit.

Mr. Vandegrift asks if NJDOT had sent any correspondence regarding when their review letters would be issued. Mr. Clemson testifies that they have not, as they are not bound by regulatory clocks the way other agencies like NJDEP are.

Mr. Schallenhammer asks if the current extension application is the 1<sup>st</sup> or 2<sup>nd</sup> and whether previous extensions have all been regarding obtaining NJDOT approval. Mr. Clemson states that this would be the 3<sup>rd</sup> extension and some of the previous extensions had also been about NJDOT approval. Mr. Baranowski testifies that between the 1<sup>st</sup> and 2<sup>nd</sup> extensions there had also been a fair amount of compliance items that the plans had been updated for, but more recent ones have all been regarding NJDOT approval. He adds that the process for getting NJDOT approval has taken a little over 2 years so far. Mr. Clemson states that there have been 4 submissions made to NJDOT overall for the project and the latest ones have only been concerning administrative issues, not technical ones.

Mr. Platt asks what the applicant will do if 10 months from now they still have not obtained the required NJDOT approval. Mr. Baranowski responds that they would hope not to be in that situation, but if it were to occur they would have to appear before the board to request an additional extension of approval but not under the discretionary regulations of the land use law; they would instead need to make the case that the only item preventing them from proceeding is the permit from outside agency NJDOT. Mr. Norman adds that under MLUL being outside the vesting protection period just means that the protection against zoning changes for the property has expired, but the approval itself still stands if zoning has remained unchanged.

Mr. Schallenhammer asks if contacts within NJDOT that the applicant has been interacting with have remained the same or if the staff changes often. Mr. Clemson states that they have had two primary contacts in the department, but other staff in the agency have changed and/or have changing availability, and there are several departments within NJDOT that are part of the review process. Mr. Schallenhammer asks if the applicant has informed NJDOT of the circumstances of the township planning board approval with the process of obtaining additional extensions of approvals. Mr. Clemson testifies that they have in recent correspondence to the department begun noting the impact of the lengthened NJDOT review process on other approvals.

Mr. Schwenke asks substitute board engineer Mr. Ryan McCarthy if in his experience the lengthy process of getting NJDOT approval sounds familiar. Mr. McCarthy testifies that in other applications for their clients he has experienced timelines of a year or longer in getting NJDOT approvals, and in pre-application meetings with clients they mention that if any NJDOT approvals are needed, applicants should prepare for timelines of a year or longer. Mr. Schallenhammer asks Mr. Clemson if NJDOT has interdepartmental meetings along with the applicant to review the overall process. Mr. Clemson states that the agency tends to avoid in-person meetings as there are several departments within the agency that are part of the process.

Ms. Augustine asks if the applicant's team has considered sending an impact statement to NJDOT outlining the timeline of the review process so far and the potential for the applicant to be unable to secure an additional approval from the planning board. Mr. Baranowski states that such a submission to NJDOT would be unlikely to have an impact on the review process.

Ms. Branch asks if community resistance to the project may be a factor in the lengthy process with NJDOT. Mr. Baranowski states that they do not believe that it would be contributing factor as the current correspondence with the agency has been on minor/administrative items.

Mr. Norman outlines for the board the conditions and stipulations for the extension of approvals application:

1. The application would be for a 3<sup>rd</sup> extension of approval that would last through August 25, 2026.

Mr. Nicini makes a motion to approve the 3<sup>rd</sup> extension of approval application for the property located at 122 Route 73, Block 252 Lot 9, seconded by Mr. Vandegrift. Motion carries by the following Roll Call Vote:

AYES: Mr. DiNatale, Mr. Vandegrift, Mr. Nicini, Mr. Platt, Ms. Branch, Mr. Ravitz, Mr. Schallenhammer, Ms. Augustine, Mr. Schwenke

NAYS: None

ABSTAIN: None

Seeing no further business, Mr. Schallenhammer makes a motion to adjourn the meeting, seconded by Ms. Augustine. Motion carries by the assenting voice vote of all present board members.

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Rashane Thapa

Voorhees Township Planning Board Secretary

Minutes prepared by Rashane Thapa. The minutes are intended to reflect the basic comments and action. Verbatim transcripts of all electronic recordings can be available upon proper request and payment