



bh communitywatch &lt;bhcommunitywatch1@gmail.com&gt;

**WAWA**

3 messages

**bh communitywatch** <bhcommunitywatch1@gmail.com>  
To: adevanney@bhtwp.com, lviana@bhtwp.com

Wed, Jan 25, 2023 at 9:25 AM

Good Morning Mayor/Liza,

Hope all is well. There is some discussion in the community about a Wawa proposal on Springfield.

Not sure who we should reach out to on this so if you are not the right contact would you mind forwarding these questions to whoever is? We just have a couple of questions on this matter:

- (1) Our understanding is that this is a proposal that the Township has not yet reviewed. Can you please provide the community an overview on what stage in the process this whole thing is sitting? Can you provide residents with an overview of what happens from here - what does the process look like from this point on?
- (2) Why would this proposal be submitted, meaning is there a plan for purchase on the table - or is this just a step a potential buyer goes through to determine whether what they wanted to do with the property is possible before they even move forward with a potential process?
- (3) Is it possible to request modification to the current plans (allowing the store but not the gas station?) for example?
- (4) Can people who live near the Wawa get a 3 year coupon for free donuts? They have the Cream filled eclair kind of thing- its not an eclair - it's just shaped like an eclair and it has that light whipped cream in the middle and the outside is glazed. It's delicious- the closest thing to a perfect donut in my opinion- I always get one when I come back from the shore from fishing in the summer.
- (5) Who should residents reach out to in expressing a position on this issue and to get more information?

-John Mlguéis

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Berkeley Heights Community Watch



**Liza Viana** <lviana@bhtwp.com>

Wed, Jan 25, 2023 at 3:43 PM

To: bh communitywatch <bhcommunitywatch1@gmail.com>, Angie Devanney <adevanney@bhtwp.com>

Hi John,

Yes, the way this came about has created quite a ruckus. We drafted the below "explainer" that I also just posted on the Zoning Board of Adjustment page, to help residents (and everyone) understand the process. The Planning Board and Zoning BOA are independent boards, so Administration and Council can't dictate to them what to do, but they do hear public comment on applications. When our Master Plan was completed last Spring, I had our Land Use Administrator forward it on to members of both boards and encouraged

them to read it in its entirety to ensure all decisions made going forward adhere to that Master Plan and our vision for the town.

Hopefully the below explanation helps address your Questions #1-3 and #5.

As for Question #4 regarding free donuts .... I know exactly what kind of donuts you are referring to and they truly are, in a word, "amazing." I think if any establishment in town gave away free donuts for 3 years, that would create a traffic nightmare and we would absolutely have to put in a lot more walking and biking paths in town to work off the calories!

The land use application process in New Jersey is governed by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. ("MLUL"). Under the MLUL, a developer files an application with the Township. Generally, applications for permitted uses go before the Planning Board, and applications for non-permitted uses go before the Zoning Board of Adjustment. The MLUL provides the municipality with 45 days to determine if an application is complete, and then 95 days for the appropriate Board to render a decision on the application (absent any extension from the applicant) once the application is deemed complete. The Berkeley Heights Technical Review Committee ("TRC") must deem an application complete before it can go to the appropriate Board. A finding of completeness by the TRC does not constitute an endorsement of the application by the Township or the TRC, rather it is a finding that the required application documents have been submitted.

Once the application is before the Board, there is an opportunity for public comment. Under the MLUL, all public comments must be made in-person (or through Zoom if the Board permits virtual public participation) at the Board hearing. Boards are not permitted to accept written comments or objections into the record. The Land Use Administrator and other municipal employees cannot accept written comments or objections. Likewise, Boards are not permitted to accept petitions. If any person seeks to comment on an application, they must attend the Board meeting to do so.

Also, the Board of Adjustment is still meeting only remotely via Zoom, and taking public comment via Zoom. I have asked them to come back in person and do hybrid meetings, such as those held by the Township Council and Planning Board, but we also cannot legally force them to do that either. The meeting dates and Zoom information are always posted on our Township calendar at BerkeleyHeights.gov (calendar toward the bottom of the home page) and on the BOA page itself, here: <https://berkeleyheights.gov/227/9134/Zoning-Board-of-Adjustment>

Thanks and have a great day!

Liza

Liza Viana

Township Administrator

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**bh communitywatch** <bhcommunitywatch1@gmail.com>

Wed, Jan 25, 2023 at 3:45 PM

To: Liza Viana <lviana@bhtwp.com>, Angie Devanney <angiedevanney59@gmail.com>

Thank You!!!

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