

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
LAND USE BOARD
SUMMARY MINUTES
January 9, 2019**

REGULAR MONTHLY MEETING was called to order by Chairperson Fisher at 7:00 P.M.

MEMBERS PRESENT: Councilman Bennett, Councilman Benson, Chairperson Fisher, Mr. Gaines, Mr. Keenan, Ms. Marra, Ms. Prettyman, and Vice-Chair Sherby.

Also, in attendance were Solicitor Brock Russell, Board Professional, Lewis H. Conley, and Board Secretary Monserrate Gallardo.

MEMBERS ABSENT: Mr. Watson. Mr. Doran notified the Secretary via email that he would be unable to attend this meeting. Mr. Hudgins also notified via email that he would be unable to attend this meeting.

Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the Atlantic City Press on December 6, 2017, and by posting a copy of said notice on the Lobby Bulletin Board, of the Borough Hall.

An audio recording of this Open Public Meeting is filed with the Secretary of the Board.

Chairperson Fisher led the Board to the Pledge of Allegiance.

APPROVAL OF THE MINUTES for December 12, 2018 as prepared by the Secretary was:

OFFERED BY: Councilman Bennett

SECONDED BY: Vice-Chair Sherby

ROLL CALL: 7 Voted In Favor

1 Abstained 0 Opposed

Ms. Marra abstained.

ESCROW REPORT: The Secretary read from an email sent from the Borough CFO regarding the Regular and Pinelands Escrows.

NEW BUSINESS:

Members: Reappointments-Term Dates

David Bennett	Class I (Mayor's Designee)
Jeff Doran	Class II
Michael Benson	Class III
Lisa Fisher	Class IV
Barbara Prettyman	Class IV
Diana Marra	Alternate II

Solicitor Russell swore in all members listed above in their respective positions except for Mr. Doran who was absent.

Selection of Officers

At this time, a discussion was initiated before the Board regarding the Selection of Officers. A motion was made and seconded to nominate Ms. Fisher as the Land Use Board Chairperson for the Year 2019.

MOTION TO NOMINATE MS. FISHER AS THE CHAIRPERSON FOR THE WOODBINE LAND USE BOARD FOR THE YEAR 2019 was:

OFFERED BY: Councilman Bennett SECONDED BY: Ms. Prettyman
ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

Nominations were closed.

Chairperson Fisher continued the meeting by discussing the need for a Vice-Chairman. A motion was made and seconded to nominate Mr. Sherby as Vice-Chairman for the Year 2019.

MOTION TO NOMINATE MR. SHERBY AS THE VICE-CHAIRMAN FOR THE WOODBINE LAND USE BOARD FOR THE YEAR 2019 was:

OFFERED BY: Chairperson Fisher SECONDED BY: Councilman Bennett
ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

Nominations were closed.

Consultants: Selection of Professionals/Secretary to the Board

Chairperson Fisher asked for a motion to appoint the Board Professionals for the Year 2019. Motions were made and seconded to appoint said Professionals as follows:

MOTION TO RETAIN THE SERVICES OF BROCK D. RUSSELL AS SOLICITOR FOR THE WOODBINE LAND USE BOARD FOR THE YEAR 2019 was:

OFFERED BY: Councilman Bennett SECONDED BY: Councilman Benson
ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

MOTION TO RETAIN THE SERVICES OF VAN NOTE HARVEY ASSOCIATES AS THE ENGINEERING FIRM REPRESENTED BY BOARD PROFESSIONAL LEWIS H. CONLEY FOR THE WOODBINE LAND USE BOARD FOR THE YEAR 2019 was:

OFFERED BY: Councilman Bennett SECONDED BY: Mr. Gaines
ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

MOTION TO RETAIN THE SERVICES OF MONSERRATE GALLARDO AS BOARD SECRETARY FOR THE WOODBINE LAND USE BOARD FOR THE YEAR 2019 was:

OFFERED BY: Chairperson Fisher SECONDED BY: Mr. Keenan
ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

New Amended Application: 2101 Associates, LLC/
Robert Breunig

Application No. 3-12-18
Block 139 Lot 1
2101 Dennisville – Petersburg Road
Amended Major Site Plan/Pre. & Final

Chairperson Fisher continued the meeting by introducing the above listed application. Patrick Martin, Attorney representing the Applicant, 2101 Associates LLC, whose managing sole member is Robert Breunig, introduced himself before the Board. He also stated that the expert Engineer, Andy Schaeffer of Schaeffer, Nassar, and Scheidegg was also present. He stated that the application was initially supposed to be heard at the December 12, 2018 Board meeting but due to certain technicalities, it was rescheduled for this meeting. Attorney Martin stated that an announcement was placed on record at the December 12, 2018 Meeting.

Attorney Martin proceeded to mention the items proposed in the amended application. He requested that Solicitor Russell swear in both Mr. Breunig and Mr. Schaeffer. Solicitor Russell swore in both of them. Solicitor Russell also requested that Mr. Schaeffer be considered an expert for this application. Mr. Schaeffer began by discussing certain items mentioned in the review letter done by Board Professional Lewis H. Conley for this application dated January 7, 2019. The storage area was discussed. Mr. Conley questioned if it was still going to be built. Mr. Schaeffer affirmed it would, just not right away. Several other items were discussed including the pumps. He stated that some of the pumps would be taken out leaving a total of three (3) pumps. The canopy and the septic system were also discussed.

Attorney Martin questioned Mr. Breunig regarding the truck spaces. Mr. Breunig explained that these areas were being designated for truckers who wanted to drop off paperwork quickly. Mr. Breunig was also questioned regarding the pine trees on the property. He explained the situation regarding said pine trees. Attorney Martin continued asking Mr. Breunig questions regarding different aspects of the amended application. Mr. Breunig answered his questions and also discussed which portion of the building on the property was being used for office space. He mentioned that his company was a natural gas provider.

Attorney Martin continued the meeting by questioning regarding the food truck on the premises. Mr. Breunig answered his questions. A brief discussion was initiated regarding signage on the property. Attorney Martin asked Mr. Breunig to explain what was being done on one of the signs. Mr. Breunig addressed his request. Mr. Breunig requested that the bonding be reduced. Inspections were discussed in relation to the release of the bonds. Several Board Members also had questions for Mr. Breunig. Mr. Breunig also mentioned the animal habitat that was located on the property.

Board Professional Conley asked for the construction time schedule. Mr. Breunig answered anywhere between eighteen (18) to thirty-six (36) months. Mr. Breunig also discussed all the tanks that would be taken out and replaced. He mentioned that there would be no bar at this property location. Being new to the area, Board Member Keenan, asked for clarification of what exactly was being proposed to be built on the property. Mr. Breunig explained what was being done on the property. He stated that there will not be a bar at the property only a restaurant, and that the liquor license would be sold.

Councilman Benson asked how the application impacted from a planning point of view. Board Professional Lewis Conley addressed his question. He also stated his concerns regarding this application and wanted to know what was being done at the front of the property. Guarantees and landscaping were briefly discussed. Solicitor Russell also mentioned the concern that delay in building the proposed building would lead to unsightly areas with vehicle storage on the property. Mr. Schaeffer stated that Mr. Breunig agreed to the putting of fencing up on the property. Board Professional Lewis Conley agreed that it would make the property look a lot better. Mr. Breunig summarized the things that would be done on the property and how this would

diminish the ability to see to the back of the property. Board Professional Lewis Conley questioned long term parking on the property as a concern. Mr. Breunig addressed his concern. Solicitor Russell mentioned the process regarding inspections if there were bonds. He also summarized the conditions for the voting on the amended preliminary and final Major Site Plan. A brief discussion was initiated before the Board. A motion was made and seconded to approve the Major Site Plan with conditions.

MOTION TO APPROVE AN AMENDED MAJOR SITE PLAN FOR APPLICANT 2101 ASSOCIATES LLC – ROBERT BREUNIG ON PROPERTY BLOCK 139 LOT 1 ALSO KNOWN AS 2101 PETERSBURG – DENNISVILLE ROAD IN THE BOROUGH OF WOODBINE, WHICH SUCH APPROVAL IS FOR PRELIMINARY AND FINAL WITH ALL THE CONDITIONS PLACED ON THE RECORD ALONG WITH THE WRITTEN CONDITIONS, IN BOARD PROFESSIONAL LEWIS H. CONLEY’S REVIEW LETTER DATED JANUARY 7, 2019 was:

OFFERED BY: Ms. Prettyman
 ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

SECONDED BY: Councilman Benson

At the conclusion of the hearing, the Board was thanked for their time.

Committees: Selection of Sub-Committees:

Master Plan
Site Plan Review & Sign
Subdivision
Zoning

Chairperson Fisher proceeded to review the 2019 Subcommittees as listed above. Upon further discussion, it was decided to table the Subcommittees until the February 13, 2019 Land Use Board Meeting.

New Resolution: Official Newspapers
The AC Press/The Herald

Chairperson Fisher continued the meeting by introducing and reading the above listed resolution. A motion was made and seconded to approve said resolution:

MOTION TO APPROVE RESOLUTION NO. 1-1-19 MEMORIALIZING A DECISION MADE BY THE LAND USE BOARD TO DESIGNATE THE PRESS OF ATLANTIC CITY AND THE HERALD TIMES AS THE OFFICIAL LEGAL NEWSPAPERS FOR THE PUBLICATION OF LAND USE BOARD NOTICES was:

OFFERED BY: Councilman Bennett
 ROLL CALL: 8 Present Voted In Favor
 0 Abstained 0 Opposed

SECONDED BY: Mr. Gaines

Annual Meeting Dates Year 2019 Review

The Secretary proceeded to inform Chairperson Fisher of the Annual Meeting Dates proposed for the Year 2019. A motion was made and seconded to approve the Land Use Board Annual Meeting Dates.

MOTION TO APPROVE THE LAND USE BOARD ANNUAL MEETING DATES FOR THE YEAR 2019 AS LISTED was:

OFFERED BY: Councilman Benson

SECONDED BY: Chairperson Fisher

ROLL CALL: 8 Voted In Favor

0 Abstained 0 Opposed

UNFINISHED BUSINESS:

Zoning Map and Related Ordinances

Board Professional Lewis Conley briefly reported that basically nothing had changed with the Robert Breunig application. He also reported meeting with Tom Stanuikynas, a staff member of the DCA Local Planning Services (LPS). He stated that after that meeting, it was concluded that more still needed to be done before a Master Plan draft could be put together. The next working committee meeting was therefore rescheduled to February 20, 2019. He continued by mentioning that nothing else has happened with BOOS Woodbine (Family Dollar). He also mentioned that he had gotten a call back from Pinelands and they were finished with them. He stated that they requested to waive their two year guarantee.

Solar Panels in the Redevelopment Zone
Lewis H. Conley, P.P., P.L.S.

Review/Discussion

He continued the meeting by speaking on the redevelopment zone. He stated that two (2) people had submitted proposals for the installation of solar panels. He stated that a third person included capping the landfill along with the installation of solar panels. He stated that this matter was currently under investigation, and all the concerns would be addressed. He wanted to know where the Board stood. It is being reflected in the minutes that the Board was in favor of pursuing the support for this current possibility.

5G Wireless Cell Phone Towers/Borough Right of Way
Lewis H. Conley, P.P., P.L.S.

Review/Discussion

Board Professional Lewis Conley continued by discussing 5G Wireless Cell Phone Towers and their blocking of Borough Right of Ways. He mentioned a draft Ordinance that was put together to address this matter. He stated what the Ordinance proposed. Solicitor Russell further explained who drafted this Ordinance. He stated the process that the person went through to draft said Ordinance, and a "right of way" agreement. A brief discussion was initiated regarding this matter. In conclusion, Board Professional Lewis Conley stated that he was looking for a recommendation for Mayor and Council. Said recommendation was verbally given by the Board Members.

Recommendations from the Engineer: Nothing further to report.

Recommendations from the Solicitor: Nothing further to report.

The Secretary reviewed the sheets that she had passed out to the Board Members. She also mentioned that the Board was now going to be called the "Land Use Board." Solicitor Russell explained in detail the reason this was a good change. Board Professional Lewis Conley shared his experiences with this situation. There was no outside correspondence to review before the Board.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 8:40 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Vice-Chair Sherby

SECONDED BY: Mr. Keenan

ROLL CALL: All Present Voted In Favor

Respectfully submitted by:

Monserate Gallardo

Monserate Gallardo
Board Secretary