

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
PLANNING / ZONING BOARD
SUMMARY MINUTES
August 15, 2018**

REGULAR MONTHLY MEETING was called to order by Vice-Chair Sherby at 7:00 P.M.

MEMBERS PRESENT: Councilman Benson, Councilman Bennett (Mayor's Designee), Mr. Doran, Mr. Gaines, Mr. Hudgins, 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-Rodriguez.

MEMBERS ABSENT: Mr. Watson. Chairperson Fisher notified the Secretary via email that she 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.

Vice-Chair Sherby led the Board to the Pledge of Allegiance.

APPROVAL OF THE MINUTES for July 11, 2018 was tabled until the September 12, 2018 Meeting.

ESCROW REPORT: The Secretary reported regarding the Regular and Pinelands Escrows.

NEW BUSINESS:

**Public Hearing – Woodbine Housing Element and Fair Share Plan/
Adoption as Part of the Woodbine Master Plan**

The public hearing above was introduced by Vice-Chair Sherby. Tiffany CuvIELLO-Morrissey, AICP, PP, the Borough's COAH consulting planner, began the hearing by introducing herself and then stating that she was there to present the 2018 Housing Element and Fair Share Plan as it related to the Master Plan and to answer any questions that arose during the hearing.

She gave a brief history of COAH and the three (3) rounds of affordable housing that the Borough had to comply with regarding its rules. She stated that Mayor and Council had adopted a plan that had taken the Borough through to round three (3) but the plan was never approved by COAH because the courts had at that time invalidated COAH rules by which the plan had been prepared. She also stated that the Borough ended up putting a motion in the court so that it could protect itself from builder's lawsuits, and that its affordable housing obligation was for 88 units. She stated that the number of units would not go away but what would be important is how the obligation was met.

She continued by giving details of what transpired in the year 2015 and how the Borough came to a settlement agreement with the courts of only 70 units aside from the original 88 units initially assigned. She described what other obligations the Borough would need to meet, and the documents that were now in front of the Board. She stated that there were three (3) parts to the documents, and proceeded to explain each part. She mentioned that the Borough was allowed to take 63 credits because of the already existing group homes. She said that the

balance would go into what was called a “durational adjustment” because there was yet no capacity for public sewer. She further explained the circumstances by which the durational adjustment could or need not be

implemented. The subject of builder’s remedy was discussed. Board Professional, Lewis Conley, proceeded to explain what builder’s remedy was for the Board Members. Solicitor Russell also helped explain builder’s remedy. Ms. Cuiello-Morrissey continued the presentation by discussing the Woodbine Developmental Center and how it could potentially be used in the future as credit to meet the Borough’s affordable housing obligation. She explained how this would work. She stated that Judge Johnson was favorable to the conditions for Cape May County but was retiring on August 31, 2018 so it was important that the Borough go before the courts with their plan before his retirement.

She continued by describing the Borough plan. She explained the development fee ordinance. She recommended that the Borough should keep the money it receives, and proceeded to explain the spending plan. She concluded her presentation and asked if there were any questions. A discussion was initiated regarding this matter. Both, Board Professional Conley and Solicitor Russell explained the importance of the Board getting this part of the matter completed so that the Borough could put their part into place. Councilman Benson praised Ms. Cuiello-Morrissey for her work in getting this matter resolved. More discussion took place. Ms. Cuiello-Morrissey also discussed the proposed “inclusionary development” among other details. Ms. Cuiello-Morrissey further explained the funding aspect of the spending plan.

Ms. Cuiello-Morrissey continued answering questions by explaining that there would eventually be a round four (4) but that the rules for this round have not been established yet. She explained what this meant. At the conclusions of the questions by Board Members, the hearing was opened to the public.

MOTION TO OPEN THE HEARING TO THE PUBLIC was:

OFFERED BY: Councilman Benson

SECONDED BY: Mr. Doran

ROLL CALL: All Present Voted In Favor

0 Abstained 0 Opposed

An announcement was made by Solicitor Russell asking if anyone in the public had a comment to make in this hearing. It was stated for the record that there was no one in the public for comment. A motion was made to close the hearing to the public.

MOTION TO CLOSE THE HEARING TO THE PUBLIC was:

OFFERED BY: Mr. Doran

SECONDED BY: Councilman Bennett

ROLL CALL: All Present Voted In Favor

0 Abstained 0 Opposed

New Resolution: Housing Element & Fair Share Plan/
Master Plan Modifications **Resolution No. 4-8-18**

At this time, and as a continuation of the hearing, the above listed resolution was introduced. A motion was made and seconded to approve said resolution.

MOTION TO APPROVE RESOLUTION NO. 4-8-18 MEMORIALIZING A DECISION MADE BY THE PLANNING / ZONING BOARD OF ADJUSTMENTS TO ADOPT THE HOUSING ELEMENT & FAIR SHARE PLAN AS PRESENTED BY MS. CUVIELLO-MORRISSEY was:

OFFERED BY: Ms. Barbara Prettyman

SECONDED BY: Mr. Hudgins

ROLL CALL: All Present Voted In Favor

0 Abstained 0 Opposed

New Resolution: Ordinance No. 574-2018
CMP Amendments to Chapter XXVI,
Borough Zoning Code

Resolution No. 5-8-18

Board Professional Conley explained that at the meeting in July 11, 2018, it was determined that the above listed ordinance was in compliance with the Comprehensive Management Plan and the Borough Master Plan. Therefore, a motion was made and second to approve the above listed resolution.

MOTION TO APPROVE RESOLUTION NO. 5-8-18 MEMORIALIZING A DECISION MADE BY THE PLANNING / ZONING BOARD OF ADJUSTMENTS; BY STATING THAT ORDINANCE NO. 574-2018 WAS IN COMPLIANCE AND CONSISTENT WITH THE COMPREHENSIVE MANAGEMENT PLAN AND THE BOROUGH MASTER PLAN was:

OFFERED BY: Councilman Bennett

SECONDED BY: Mr. Doran

ROLL CALL: 8 Voted In Favor

1 Abstained 0 Opposed

Mr. Keenan abstained.

UNFINISHED BUSINESS:

Zoning Map and Related Ordinances: Board Professional Conley discussed his report which he stated centered on the Master Plan review. He directed Board Members to read certain parts of the report. He briefly discussed the Whiteman & Taintor report and the Rural Sustainability Plan. He also discussed the court issues with Applicant Robert Breunig. He read for the Board Members the correspondence regarding the case between the Applicant and the Borough Zoning Officer.

Recommendations from the Engineer: Nothing further to report.

Recommendations from the Solicitor: Nothing to report.

There was no correspondence to review before the Board.

There being no other official business to come before the Board, Vice-Chair Sherby called for a motion for adjournment at 7:56 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Mr. Doran

SECONDED BY: Mr. Hudgins

ROLL CALL: All Present Voted In Favor

Respectfully submitted by:

*Monserate Gallardo-
Rodriguez*

Monserate Gallardo-Rodriguez
Board Secretary