

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
PLANNING / ZONING BOARD
SUMMARY MINUTES
December 30, 2015**

REGULAR MONTHLY MEETING was called to order by Vice-Chair Fisher at 7:04 P.M.

She read for the record, the notice published in the paper notifying the public of the meeting date change for the December 2015 PZ Meeting.

MEMBERS PRESENT: Councilman Benson, Councilman Bennett (Mayor's Designee), Vice-Chair Fisher, Mr. Fitzgerald, Mr. Gaines, Mr. Hudgins, Ms. Marra, Mr. Sherby, Mr. Sturm, and Ms. Suthard.

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

MEMBERS ABSENT: Mr. Doran. Chairman Player is absent due to illness.

Throughout this meeting, Councilman Bennett will vote on behalf of the Mayor.

Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the Atlantic City Press on January 20, 2015, 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 Fisher led the Board to the Pledge of Allegiance.

APPROVAL OF THE MINUTES for November 12, 2015 as prepared by the Secretary was:

OFFERED BY: Councilman Bennett

SECONDED BY: Mr. Fitzgerald

ROLL CALL: 7 Voted In Favor

3 Abstained 0 Opposed

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

NEW BUSINESS:

New Appointment: Lee Watson

Alternate IV

Solicitor Russell began the meeting by swearing in Lee Watson as the new Alternate IV for the Planning / Zoning Board.

New Application: BOOS Development Group, Inc.
(Family Dollar)

Application No. 2-12-15
Block 28 Lot(s) 1, 2, 11-13
412 Washington Avenue
Major Site Plan -Pre. & Final/
Variances

Vice-Chair Fisher introduced the new application listed above. Since the application contained a "D" or "Use" Variance, Councilman Benson and Councilman Bennett recused themselves, left the dais, and sat in the audience. Attorney Damien Del Duca of Haddonfield, NJ began the hearing by introducing himself, Mr. Tim White, a representative of BOOS Development Group, Inc., and Mr. John Pettit, the Engineer and Planner overseeing the application.

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Solicitor Russell recommended that Attorney Del Duca continue introducing the application, and then the swearing in of the witnesses could take place. Because of the variances involved, he also commented on who could vote on this application.

At this time, Attorney Del Duca proceeded to give details regarding said application. He gave out an aerial presentation plan which he called, "Exhibit B" for the Board Members to review. He described why a "D" Variance was needed. He stated that while the property is located in two (2) zones (split lot zoning), the store would be located in the town/commercial zone which is a permitted use for that zone. He also mentioned the "C" Bulk Variances that would be needed. He spoke of the deed consolidation that would be done as part of the process involving this application. He also discussed zone lines, setbacks, and buffers on the property. He mentioned the Turner residence which is located to the East of the store location.

Attorney Del Duca continued the meeting by discussing the proposed signs for the store, one of which would require one of the bulk variances needed. He stated that all the comments in the Engineer's report produced by Board Professional Lewis Conley would be complied with. At this time, Solicitor Russell swore in both Mr. White, and Mr. Pettit. Both, Mr. White and Mr. Pettit introduced themselves. Solicitor Russell recommended that they be deemed qualified experts.

Mr. White spoke first by stating that BOOS Development Group, Inc. was a family owned company out of Clearwater, FL. He thanked the Board for taking time during the holiday season to hold this meeting. He gave more details regarding the Family Dollar Store. He was asked for something that would show a typical Family Dollar Store. He gave out an information sheet of the inside of the Store – Exhibit C. He also discussed the hours of operation, and the number of local employees that would be hired for this new location.

Attorney Del Duca questioned Mr. White regarding deliveries and trash pickup. Mr. White answered his questions. He continued by proceeding to question Mr. White regarding sign lighting. Mr. White answered his questions. Attorney Del Duca asked the Board if anyone had any questions. Several questions were asked regarding the matters already discussed. Attorney Del Duca mentioned that BOOS Development Group, Inc. was the contract purchaser of the property. He discussed lot zone lines in further detail.

At this time, Attorney Del Duca requested that Mr. Pettit come forward to give engineering details of the property. He was asked several site plan questions by Attorney Del Duca which he answered. He discussed parking spaces and vehicle movement. He then moved on to discuss lighting, and storm water collection/discharges. He also discussed the alternative septic design.

Mr. Pettit continued by giving more details regarding the signs, and setbacks on the property. Attorney Del Duca asked Mr. Pettit if they were complying with all outside agencies. Mr. Pettit affirmed that they were seeking to comply with all outside agencies. Upon questioning, Mr. Pettit gave reasons why the "D" Variance should be granted, addressing both the positive and negative criteria. Attorney Del Duca also questioned whether this commercial use would be beneficial. Mr. Pettit gave all the reasons why this commercial use would be beneficial and permitted in the zone to be located. Solicitor Russell asked for clarification regarding the buffers proposed and the zone lines. Mr. Pettit clarified this in more detail. A question came up regarding possible site contamination. Attorney Del Duca answered the question.

Board Professional Lewis Conley continued the meeting by making site waiver and site plan comments from his written report. He discussed the conditions of his report that had been satisfied with, and those that still needed to be completed. Solicitor Russell briefly gave further conditions that needed to be satisfied.

At this time, Vice-Chair Fisher prepared to open the hearing to the public by stating the procedures for same. A motion was then made and seconded to open the hearing to the public.

MOTION TO OPEN THE HEARING OF APPLICATION NO. 2-12-15 TO THE PUBLIC FOR PUBLIC COMMENT was:

OFFERED BY: Mr. Gaines

SECONDED BY: Ms. Suthard

ROLL CALL: 7 Voted In Favor

0 Abstained 0 Opposed

Vice-Chair Fisher, Mr. Fitzgerald, Mr. Gaines, Mr. Hudgins, Mr. Sherby, Mr. Sturm, and Ms. Suthard voted on this portion of the application.

- Joseph Swartz of 32 Sea Breeze Lane in Avalon NJ was sworn in by Solicitor Russell. He testified regarding the application.
- Ann Swartz of 32 Sea Breeze Lane in Avalon NJ was sworn in by Solicitor Russell. She also gave testimony.
- Jason Turner of 421 Jackson Avenue in Woodbine NJ was sworn in by Solicitor Russell. Mr. Turner testified regarding the impact on the selling of his home located near the proposed development.
- Paul Gentilini of 412 Washington Avenue in Woodbine NJ was sworn in by Solicitor Russell and he testified concerning the proposed development. Solicitor Russell questioned if he was the owner of the property to be purchased. Mr. Gentilini affirmed he was the owner of said property.
- Monica Turner of 421 Jackson Avenue in Woodbine NJ was sworn in by Solicitor Russell. She testified the concerns regarding the location of the proposed development to her privacy fence. She also testified of a colony of Ferrell cats in the area near the location.
- Joe Swartz of 160 Steelman Town Road in Upper Township NJ was sworn in by Solicitor Russell. He testified regarding the proposed development.

At this time, Board Member Bill Fitzgerald spoke on the matter. Joe Swartz continued testifying. Solicitor Russell asked if there was anyone else who wanted to give testimony on the application. No one else wanted to testify. The hearing was then closed to public comment.

MOTION TO CLOSE THE HEARING OF APPLICATION NO. 2-12-15 TO THE PUBLIC FOR PUBLIC COMMENT was:

OFFERED BY: Mr. Fitzgerald

SECONDED BY: Mr. Hudgins

ROLL CALL: 7 Voted In Favor

0 Abstained 0 Opposed

Attorney Del Duca summarized for the Board Members reminding them that this proposed commercial development was a permitted and appropriate use in the zone. The meeting was briefly stopped due to technical difficulties but was promptly resume. Attorney Del Duca finished his summary. Solicitor Russell recommended that the Board discuss this matter amongst themselves and gave the details for the voting procedure. At this time, a motion was made and seconded to approve the "D" Variance.

MOTION TO APPROVE THE “D” VARIANCE FOR APPLICATION NO. 2-12-15 FOR APPLICANT BOOS DEVELOPMENT GROUP, INC. TO DEVELOP A FAMILY DOLLAR STORE ON BLOCK 28 LOTS 1, 2 & 11-13 ALSO KNOWN AS 412 WASHINGTON AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Mr. Sturm

SECONDED BY: Mr. Hudgins

ROLL CALL: 7 Voted In Favor

0 Abstained 0 Opposed

Vice-Chair Fisher, Mr. Fitzgerald, Mr. Gaines, Mr. Hudgins, Mr. Sherby, Mr. Sturm, and Ms. Suthard voted on this portion of the application.

Another motion was made and seconded to grant a preliminary and final site plan approval with two (2) bulk variances, and design waivers.

MOTION TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH TWO (2) BULK VARIANCES AND DESIGN WAIVERS, WITH CONDITIONS FOR APPLICANT BOOS DEVELOPMENT GROUP, INC. TO DEVELOP A FAMILY DOLLAR STORE ON BLOCK 28 LOTS 1, 2 & 11-13 ALSO KNOWN AS 412 WASHINGTON AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Mr. Sturm

SECONDED BY: Mr. Hudgins

ROLL CALL: 7 Voted In Favor

0 Abstained 0 Opposed

Vice-Chair Fisher, Mr. Fitzgerald, Mr. Gaines, Mr. Hudgins, Mr. Sherby, Mr. Sturm, and Ms. Suthard voted on this portion of the application.

Attorney Del Duca thanked the Board for their time. Councilman Benson and Councilman Bennett returned to the dais and participated in the remainder of the meeting.

Solicitor Russell mentioned Resolution No. 4-12-15 listed on the agenda. He advised Mr. Watson that he could not vote for this resolution.

UNFINISHED BUSINESS:

Zoning Map and Related Ordinances – Board Professional, Lewis Conley spoke regarding the recent notification of the Holly Realty CAFRA Mining Application that was sent to the Borough as part of the CAFRA application process. He gave a brief status update regarding the Resource Extraction and Mining Regulations that was previously reviewed by the Board. He passed out copies of the same for the Board Members to review again.

NEW BUSINESS: (CON'T)

New Resolution:

Lee Watson

Resolution No. 4-12-15

Application No. 1-11-15

Block 104 Lot 1

1309 Tyler Road

Appeal/Interpretation

Vice-Chair Fisher introduced the resolution listed above. A motion was made and seconded to approve the resolution.

MOTION TO APPROVE MEMORIALIZING RESOLUTION NO. 4-12-15; REGARDING A DECISION MADE BY THE PLANNING / ZONING BOARD OF ADJUSTMENTS TO APPROVE AN APPEAL ON APPLICATION NO. 1-11-15 BY APPLICANTS LEE AND FAWN WATSON REGARDING THE DENIAL OF A ZONING PERMIT TO ERECT A 17' HIGH ONE STORY POLE BARN AT BLOCK 104 LOT 1 ALSO KNOWN AS 1309 TYLER ROAD IN THE BOROUGH OF WOODBINE AND TO REQUEST THAT THE ZONING OFFICER ISSUE THE ZONING PERMIT TO PERMIT SAID POLE BARN was:

OFFERED BY: Ms. Suthard

SECONDED BY: Ms. Marra

ROLL CALL: 7 Voted In Favor

4 Abstained 0 Opposed

Recommendations from the Engineer: Nothing to report.

Recommendations from the Solicitor: Nothing to report.

The Secretary reminded Board Members that the 27th Annual Pinelands Short Course was scheduled for Saturday, March 12, 2016. Vice-Chair Fisher informed the Board of a presentation sponsored by the Woodbine Chamber of Commerce and given by the US Department of Agriculture Rural Development scheduled for Thursday, January 14, 2016 at 7:00 p.m. at the Borough Hall. She stated that the presentation involved grant funding opportunities for small businesses.

AUDIENCE PARTICIPATION:

There being no other official business to come before the Board, Vice-Chair Fisher called for a motion for adjournment at 8:45 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Ms. Suthard

SECONDED BY: Mr. Hudgins

ROLL CALL: All Present Voted In Favor

Respectfully submitted by:

Monserrate Gallardo

Monserrate Gallardo
Board Secretary