

**BOROUGH OF WOODBURY HEIGHTS**  
**500 ELM AVENUE, WOODBURY HEIGHTS, NJ 08097**  
**SPECIAL MEETING**  
**BOROUGH COUNCIL & COMBINED PLANNING/ZONING BOARD**  
**JULY 08, 2010 7:00 P.M.**

Mayor Harry W. Elton, Jr. called the meeting to order with the following note: Adequate notice of this meeting has been provided by mail and fax to the Gloucester County Times and Courier Post on June 21, 2010; was posted on the bulletin board in the Municipal Building and conforms to the directives of the "Open Public Meetings Act."

Mayor Elton led everyone in the Pledge of Allegiance.

Planning Board Vice Chair Robbie Conley called the meeting of the combined Planning/Zoning Board to order noting that the meeting was duly advertised and conforms to the directives of the "Open Public Meetings Act" of the State of New Jersey.

The call of roll showed the following Planning/Zoning Boards members to be present: Sean Flynn, William Packer, Louis Deeck, Brett D. Scull, Harry W. Elton, Jr., David Baresich, William Holmstrom, Steve Hart, Joseph Smith, Joseph Martino, and Vice Chair Robbie Conley. Also in attendance were Planning/Zoning Board Solicitor Gerald Sinclair and Planning/Zoning Board Secretary Anne Deeck, Brian Slaugh and Kathleen Grady of Clarke Caton Hintz and Jeffrey Surenian, Esq. Chairman Richard Phalines was present at approximately 7:15 p.m.

The call of roll showed the following Borough Council Members to be present: Councilwoman Susan S. Degnen, Councilman Brett D. Scull, Councilman Harold "HAP" Pye, Councilman Duane Pheasant, Councilwoman Debra Truhan and Councilman Eshia "Jake" Jacob. Also in attendance were Borough Solicitor Barry Lozuke and Janet Pizzi, Clerk/Administrator.

On behalf of the Planning/Zoning Board and Borough Council, Mayor Elton opened the public portion of the meeting for question or comment and upon hearing none, closed same.

**SOLICITOR'S REPORT:**

**RESOLUTION 82-2010**

**RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A PORTION OF A MEETING OF MAYOR AND COUNCIL PURSUANT TO NJSA 10:4-12**

Solicitor Lozuke read Resolution 82-2010 by title only. He explained that the purpose of the closed session is to consider matters of potential litigation. A motion to approve this Resolution was made by Councilman Scull and seconded by Councilman Jacob. A roll call vote in favor was unanimous. Resolution 82-2010 was approved.

Planning/Zoning Board Solicitor Gerald Sinclair read Resolution 12-2010, by title only, "Resolution of the Planning/Zoning Board for Executive Session, pursuant to the New Jersey Open Public Meetings Act NJSA 10:4-12 for pending litigation. A motion to approve this Resolution was made by Brett Scull and seconded. A roll call vote in favor was unanimous. Resolution 12-2010 was approved.

At 7:10 p.m., Mayor and Borough Council along with the Combined Planning/Zoning Board members went into closed session.

At 7:50 p.m. the closed session ended and Mayor and Borough Council, along with the Planning/Zoning Board returned to open session. Planning/Zoning Board Chairman Richard Phalines announced the return to open session at 7:50 p.m. on this 8<sup>th</sup> day of July in the year 2010.

Brian Slaugh and Kathleen Grady of Clarke, Caton Hintz were sworn in by Planning/Zoning Board Solicitor Gerald Sinclair.

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Mr. Slaugh spoke briefly reviewing the Housing Element and Fair Share Plan narrative update and options. Ms. Grady explained that the Borough's Fair Share obligation includes the Rehabilitation Share of 10 units, one of which was completed through the County Program (leaving 9), the Prior Round Obligation of 55 units and the Third Round Obligation which is 18 units pending the exclusions by the affordable units and market rate units associated with the affordable units from the Heights Development and Woodbury Heights Development Projects.

Ms. Grady reviewed the actual unit numbers relating to each option under the Amended Housing Element and Fair Share Plan summary of options. The last option comes into play if S1 legislation is signed into law.

Mr. Phalines asked if S1 is signed into law, would the Woodbury Heights Development lawsuit be in accordance with the existing COAH legislation? Mr. Surenian explained that if S1 is signed into law, as it reads right now, it puts a moratorium on future Builder's Remedy lawsuits. It does not prevent existing Builder's Remedy lawsuits from going forward. Mr. Surenian continued that what they are trying to do here is to present a plan whereby if current legislation remains the law of the land there is one option and if S1 becomes law, we have another option.

Mr. Slaugh reviewed the amendments to the Housing Element and Fair Share Plan which include the number of permitted residential exclusions from COAH's third round residential projections and the replacement of Table 22, Calculation of Third Round Obligation.

On behalf of both bodies present, Planning/Zoning Chairman Richard Phalines opened the meeting to the public for question or comment regarding the Third Round Housing Element and Fair Share Plan. Wilma Belcher, Lake Avenue, stated that she hopes that the Governing Body and Planning/Zoning Board do what is right for Woodbury Heights. Upon hearing no additional question or comment, Mr. Phalines closed the public portion of the meeting.

Mr. Phalines asked Mr. Slaugh if he is recommending adoption of the amendments to the Housing Element and Fair Share Plan and Mr. Slaugh replied, "yes".

Solicitor Sinclair read Resolution 2010-13 by title only. "Resolution of the Planning/Zoning Board of the Borough of Woodbury Heights adopting the Borough's Amended Housing Element and Fair Share Plan". Solicitor Sinclair stated that the Planning Board had adopted the original version back in 2009. The amendment includes options due to the uncertainty of S1 and the Woodbury Heights Development LLC lawsuit. The changes will be incorporated into the document itself and Mr. Slaugh added that if adopted tonight, the document will no longer be a draft, it will state "Adopted July 8, 2010".

As members of the Planning/Zoning Board, a motion to approve Resolution 2010-13 was made by Mayor Harry W. Elton, Jr., and seconded by Councilman Brett D. Scull. A roll call vote in favor was unanimous.

Solicitor Sinclair read Resolution 2010-14, Amendment for the University of Pennsylvania. Chairman Phalines asked for the purpose of this resolution. Solicitor Sinclair stated that it is to memorialize the decision that the Board had made at the last Planning Board meeting. A motion to approve this resolution was made by Robbie Conley and seconded by Louis Deeck. A roll call vote went as follows:

Conley	yes	Deeck	yes
Flynn	yes	Baresich	yes
Packer	yes	Holmstrom	yes
Elton	abstain	Hart	yes
Scull	yes	Phalines	yes

Resolution 2010-14 was approved.

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With no further business, Chairman Phalines stated he would like to close the meeting of the Woodbury Heights Planning Board Special Meeting of July 08, 2010. A motion to adjourn was made by Brett Scull and seconded. All were in favor. The Planning Board meeting adjourned at 8:35 p.m.

Mayor Elton asked Borough Council for the consideration of Resolution 83-2010.

**RESOLUTION 83-2010**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WOODUBURY HEIGHTS ENDORSING THE BOROUGH'S AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN AND DIRECTING THE AMENDED PLAN BE FILED WITH THE SUPERIOR COURT AND REQUESTING THAT THE SUPERIOR COURT GRANT A JUDGMENT OF COMPLIANCE AND REPOSE**

Solicitor Lozuke read Resolution 83-2010 by title only. A motion to approve this resolution was made by Councilman Scull and seconded by Councilman Pheasant. A roll call vote in favor was unanimous. Resolution 83-2010 was approved.

**PUBLIC PORTION:** Mayor Elton opened the public portion of the meeting for question or comment and upon hearing none, closed same.

**ADJOURNMENT:** A motion to adjourn was made by Councilman Pheasant and seconded by Councilman Scull. All of Council agreed. The meeting adjourned at 8:38 p.m.

**Respectfully submitted,**

**Janet Pizzi, Clerk/Administrator**