



Borough of Woodbury Heights Planning/Zoning Board  
500 Elm Avenue Woodbury Heights, New Jersey 08097

## APRIL 4<sup>TH</sup> 2011 REGULAR MEETING MINUTES

Chairman Phalines called the meeting to order at 7:00 pm. He asked that we rise and pledge allegiance to the flag. He then announced that the meeting was duly advertised and conforms to the directives of the 'Open Public Meetings Act' of New Jersey.

Anne, secretary, informed the Chairman that the recorder was not working and that there would be no tape of the meeting. Chairman Phalines asked Mr. Sinclair, Board Solicitor, if that was a problem. Mr. Sinclair stated that this was an informal meeting and if no one objected we could proceed.

Chairman Phalines announced that Mr. Tomasetti was not present to take the Oath of Office.

Roll Call found the following; Mr. Conley, Mr. Flynn, Mr. Deeck, Mr. Holmstrom, Mr. Hart, Mr. Baresich, Mr. Martino, Mrs. Sesko and Chairman Phalines present. Absent were Mayor Elton, Councilman Scull and Joe Smith. Also in attendance were Gerald Sinclair, Tiffany CuvIELlo and Mark Brunermer.

Chairman Phalines asked for a motion to accept the minutes of the March 15<sup>th</sup> meeting. A motion was made by Mr. Conley, seconded by Mr. Deeck and passed with a unanimous roll call vote of the members present.

Chairman Phalines asked for the solicitor's report and Mr. Sinclair stated he had nothing at this time.

Chairman Phalines called on Mr. Patrick Vandermeer of 748 Candidus Avenue. Mr. Vandermeer stated that he is asking for a waiver of grading plan for the addition he wants to put on his house. He pointed out that his neighbor is 32" higher than his property and she had written a letter on his behalf. He stated that he is the last property next to the Borough easement and that all the properties run off in his direction. He is removing a concrete patio and adding a bedroom. Mr. Brunermer, Board engineer,

informed the Board per ordinance, Mr. Vandermeer would have to supply the grading plan before he could receive his permits. Based on what Mr. Vandermeer is proposing it is minimal square footage and he had no problem with the Board approving a waiver. Chairman Phalines asked for a motion to be made. A motion was made by Mr. Conley, seconded by Mr. Deeck to grant Mr. Vandermeer a grading plan waiver. The motion carried by the following vote; Mr. Conley, yes, Mr. Flynn, yes, Mr. Deeck, yes, Mr. Holmstrom, yes, Mr. Hart, yes, Mr. Baresich, yes, Mr. Martino, yes, Mrs. Sesko, yes and Chairman Phalines, yes. Chairman Phalines asked Anne, secretary to do a letter on behalf of Mr. Vandermeer. This led to discussion on perhaps revising the land use ordinance to contain square footage parameters pertaining to grading plans.

Chairman Phalines then called on Dale Taylor, Esquire, representing Sam Balducci of Giant Fitness. Mr. Taylor acknowledged that this was an informal meeting and he just wanted to keep the Board in the loop. He stated that Mr. Balducci obtained the necessary permits for the Muscle Maker Grill signs and showed pictures of the changes made to the interior, which were minimal. Mr. Taylor stated that the 30 seats for the restaurant are within those allowed. The large sign out front conforms to the original approvals from the Board. Chairman Phalines asked what the busiest time was for the Grill and Mr. Balducci stated noon. Mr. Taylor showed two proposed concepts for Phase II parking. On Concept I, 30 additional spaces would be achieved and on Concept II, 41 additional spaces would be achieved. This would however require a waiver to decrease the buffer to approximately 20'.

The bottom line is Mr. Sinclair has repeatedly informed the client that the Board never approved a restaurant at the site. He is adamant that they come before the Board with a site plan amendment for the restaurant. Mr. Taylor stated they were hoping to do Phase II and the restaurant together in order to save the applicant some money and that they are waiting on two permits from the DEP. Since it is the wish of the Board, they will try to be in with the amended site plan either in May or June.

Chairman Phalines entertained a motion to open the meeting to the public; it was moved by Mr. Conley, seconded by Mr. Deeck and passed with a

unanimous 'Aye'. Chairman Phalines asked Mrs. Riordan of Temple Ave. if she had anything she would like to ask the Board since she was the only member of the public present. Mrs. Riordan stated she had no questions. A motion was made by Mr. Deeck, seconded by Mr. Flynn to close the public portion. The motion passed with a unanimous 'Aye'.

Do to further discussion; it was decided that Mr. Sinclair write a letter to the zoning official, John Leech, asking that he make himself thoroughly acquainted with the land use ordinance as to avoid any further issues from arising. Ms. Cuvillo mentioned to the Board, that perhaps they should considered requesting that the applicants, i.e., Giant Fitness to permit 'enforcement of Title 39' which would allow the police to write tickets and enforce the 'no parking' on the property.

Chairman Phalines adjourned the meeting at 8:16 pm.

Submitted by,

Anne L Deeck

Anne L Deeck, Secretary