



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

March 15th Regular Meeting Minutes

Chairman Phalines called the meeting to order at 7:01 pm. He asked that all present rise and pledge allegiance to the flag. He then announced that the meeting conforms to the directives of the 'Open Public Meetings Act' of the State of New Jersey.

Mr. Sinclair, solicitor then administered the oath of office to Joe Smith and Debra Sesko. Mr. Sinclair asked that they sign their oaths and turn them over to the secretary.

Roll call found the following present; Mr. Conley, Councilman Scull, Mr. Flynn, Mr. Deeck, Mr. Holmstrom, Mr. Hart, Mr. Baresich, Mr. Smith, Mr. Martino, Mrs. Sesko and Chairman Phalines. Mayor Elton was absent.

The minutes of the January 17th Reorganization meeting and Regular meeting were approved by a motion made by Mr. Deeck, seconded by Mr. Conley and a unanimous roll call vote with Mrs. Sesko abstaining.

Chairman Phalines asked Mr. Sinclair if he had anything to bring to the board's attention and Mr. Sinclair stated that he had nothing.

Chairman Phalines noted that Chief Lindsay was on the agenda to speak in reference to the 'bio directional amplifier'. Anne stated that the Chief was unable to obtain information for the board so he did not come. Mr. Sinclair asked if the Chief is looking to the Board to make this a condition for new construction and Anne stated that was how she understood it to be.

Anne then asked Chairman Phalines to read a letter of resignation from Henry Lunn due to health issues. Chairman Phalines asked Anne to send a thank you to Henry for his service to the Board. (Resignation letter will be attached to these minutes).

Mr. Holmstrom asked if we could go back to the bio directional amplifier. He stated that he has asked questions to several people in regards to this and was informed that the radio frequencies for the police and firemen will be increasing to 900 megahertz. Anne stated that Chief Lindsay wants to wait until he has all the paperwork from Chief Sawyer in Mantua. Mr. Conley stated that he has never heard of this; however, the fire department does have issues with buildings in town, mainly Gateway High School. The firemen have to do a relay of sorts to communicate to the outside. They have also had some problems at Penn Medical. He states it is normally the bigger buildings that have a lot of steel construction. He agrees this is something we should look into. Councilman Scull asked if this would be an expense for the town and Anne stated no, it would be on part of the builder. Councilman Scull states that we should then require it as it is a safety issue. Anne stated that Chief Lindsay will supply what is necessary. Mr. Holmstrom stated that there is a police department in Massachusetts that when the air is 'right' they are blocking out police departments in New Jersey and that is why that want to increase the megahertz. Mr. Sinclair stated that once we have the information, it will require a resolution of the Board to make the requirement part of an application in the future.

Chairman Phalines asked for anything for open discussion. Mr. Deeck stated to correct him if he is wrong; but 2 or 3 months ago at a meeting we discussed the sign of the A & W Jewelers. The Board gave Tiffany CuvIELLO, Planner; the authority (Resolution 2010:15) to approve the changes requested of the Board, the sign is still the same. Mr. Sinclair states that perhaps we should turn it over to John Leech (zoning official). Anne stated that she received a call prior to her leaving on vacation from Kelly Shemeley of Ragan Design, asking if I could do a letter for Mr. Allen (owner of A & W Jeweler) noting the Board's approval of his new sign design. Mr. Allen was lead to believe, by Ms. CuvIELLO, that a letter was coming from the Board back in November. Anne states that she did not realize she should have issued any letter. Mr. Conley noted that when Mr. Ragan was last in we had been informed that the building would be painted. They have painted it but it is the same color as it was. Mr. Conley was hoping that it would be changed. Mr. Deeck stated that color was not discussed as far as he can recall. Mr. Conley would like to see if something can be done to change the

color so it doesn't look like the same old building. Chairman Phalines asked if there was anything else.

Chairman Phalines asked for a motion to open the meeting to the public. A motion was made by Mr. Conley, seconded by Councilman Scull and passed with a unanimous "Aye". Mr. Yerka, of Stratford Ave., asked if anything is going on at the old Mamco site. Chairman Phalines deferred to Mr. Sinclair since there is litigation involved. Mr. Sinclair stated that there have been motions that have been postponed. Mr. Holmstrom stated that they did plywood the broken windows and so forth and a landscaping company has been there to clean up the debris. Mr. Sinclair stated that basically the reality is the economy is so slow no one is looking to do anything at this time. Mr. Hart of 21 Maple Ave. stated that he lives across the street from the Giant Fitness Center. In the beginning, there was occasionally people parking on his side of the street as the other side is no parking. Now it is regular and it is getting bad and it interferes with his driveway. He watched a tractor trailer trying to back into the lot and was having problems. Some park in Cusack's parking lot and it is getting ridiculous, the back lot is empty and they park on the street. Also, the idiot who plows his lot is putting it on the other side of the street. Another problem is the buzzer on the car wash. My windows are closed now, but the buzzer goes all the time. When summer comes it will be too much. My bedroom is in the back, the buzzer has gone off as late as 11:00 at night. Chairman Phalines stated that the parking is an enforcement issue and we do appreciate his comments. Chairman Phalines states that the applicant should have been before the Board and thought it would be tonight. Your comments have a lot to do with what they need to bring before the Board. Mr. Hart states he is glad for the ratable and all but the parking is bad. Mr. Deeck states that there is an ordinance on the books that you cannot park within 5 feet of a driveway. Mr. Holmstrom asked if the back lot is open when Mr. Hart notices the cars on the street. Mr. Hart stated that yeah, like tonight the back lot was empty and people were parked in the street and at Cusack's. Mr. Conley asked if the tractor trailer was delivering equipment and Mr. Hart said he believes it was food; the truck said Sysco on the side. Mr. Conley asked if he sees it often and Mr. Hart stated that it was the first time. Mr. Burt, who brought Mr. Hart to the meeting, stated that it parks in the fire zone when unloading. Chairman Phalines stated to Mr. Hart that he can pick up

the phone and call the police as it is an enforcement issue. He noted that the Board went into detail on the parking issues with the site plan. Mr. Hart asked how the restaurant got in there and Mr. Sinclair stated that is why they are coming back to the Board hopefully in April. Mr. Hart stated that they have good food but the parking is a problem and the beeper on the carwash. Mr. Deeck asked if the beeper is when the car is going into the carwash. Councilman Scull stated that a beeper goes off when you start through and again when you exit. Mr. Deeck stated that perhaps they could use a light system instead. Councilman Scull asked Anne if she would contact John Leech on behalf of the Board on the issue. Mr. Deeck asked Mr. Baresich, "you are the one who clears our streets, is it legal what they are doing by pushing it into the street?" Mr. Baresich stated that there are several people who do that along with snow blowing it into our streets and he has documentation on it that it may become a law or possibly is a law. Chairman Phalines then asked for a motion to close the public portion. A motion was made by Mr. Deeck, seconded by Mr. Conley and passed with a unanimous 'Aye' to close the public portion. Chairman Phalines then asked if there is anything else as our agenda is complete. A Board member (can't make out the voice) asks how long we are going to give Muscleman Grill or whatever to come back. Mr. Sinclair stated that Barry Lozuke, attorney for the Borough and John Leech have been handling it. Mr. Lozuke did a letter to them and they responded that they were going to try and come before the Board in March and it is too late for April as this meeting is late in the month but Mr. Balducci is engineer shopping. Chairman Phalines asked what the engineering issue would be for the Grill; Mr. Sinclair stated that it is really for Phase II, the unoccupied space and that he had asked them to come in and take care of the Grill but they wanted to come in at one time. Councilman Scull asked if it is Muscle Maker Grill that we need to bring in or Mr. Balducci as the owner. Mr. Sinclair stated that it is the owner. Mr. Deeck stated that he doesn't have the years in on the Board like Henry, but how long are we suppose to wait while he shops for engineers and if he doesn't come in April, we say hope he comes in May? Mr. Sinclair stated that Councilman Scull can take it back to Mayor and Council how the Board feels with the delay. Mr. Deeck and several members of the Board feel Mr. Balducci should be fined. Mr. Conley feels that if he is not here in April, we should send a letter to Mayor and Council that the applicant hasn't shown up and put it back on Mayor and Council to enforce a fine. Chairman

Phalines asked if there was a CO issued for the Muscle Maker Grill and Mr. Sinclair said yes it was issued and that John Leech was not aware it was going to be a restaurant he thought it was just a Juice Bar. Mr. Sinclair stated that he will send an email to Mr. Taylor that they have to be here for the April 4th meeting. Councilman Scull feels they should at least come in and ask for an extension. Mr. Sinclair feels they should make the application, post escrows and due as much as they can at this time. He noted to the Board that Mr. Brunermer, Mr. Taylor, Mr. Balducci and he meet in January and that he tried to stress that they come in for the Muscle Maker Grill. Mr. Sinclair also noted that Mr. Balducci did receive a L. O. I. (letter of interpretation) that they can expand the parking in the back, that it is not as wet as originally thought.

A motion was made by Councilman Scull, seconded by Mr. Holmstrom to adjourn the meeting. It was passed with a unanimous 'Aye'.

Submitted by,

Anne L Deeck, **Secretary**