

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2017-9**

WHEREAS Conifer Realty, LLC has applied to the Planning Board of the Borough of Woodbury Heights for a use variance to permit construction of 70 dwelling units contained within 7 buildings along with a clubhouse, tot lot and 161 parking spaces as well as a variance to exceed the permitted height of the proposed structures; and

WHEREAS, the property in question is located on Glassboro Road, Block 84, Lots 6 & 8 in an L1 Limited Industrial Zoning District; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for Conifer Realty, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Victoria C. Fannon, Esquire appeared on behalf of the applicant. The applicant is a contract purchaser of a parcel of property consisting of approximately 10 acres. The site is improved with a Bell Telephone building which has not been utilized for some time as well as a large impervious parking area. The remainder of the lot is wooded, contains wetlands and a stream. The applicant proposes constructing 7 buildings with a total of 70 one, two and three bedroom apartments all of which will qualify as affordable housing. In addition to adequate parking, there will be a clubhouse of approximately 2,748 square feet. The proposed development is not a permitted use in the L1 zone thereby requiring the use variance approval. The applicant chose to bifurcate the application whereby approval of a variance would be conditioned upon site plan review and approval by the Board. The applicant proposes maintaining the necessary buffers to the stream, wetlands and wooded areas subject to an updated LOI

and threatened and endangered species survey. The applicant proposes two stormwater management basins and indicates that there will be a slight decrease in run off from the site. The applicant has developed and presently manages numerous affordable housing sites. Potential residents must meet certain income standards and submit to a criminal background check and credit check. Each unit has its own entrance, there are security cameras throughout the site and tag readers at the entrance. Uses in the area are predominately residential and predominately single family detached dwellings. The parcel was the subject of a prior approval for age restricted multi-family dwelling units with 180 units in 6 buildings. That approval has since expired.

2. The applicant presented the testimony of Charles Lewis, a representative of Conifer Realty, LLC who explained the applicant's experience with development and management of similar projects as well as the applicant's intentions regarding this project.

3. The applicant presented the testimony of Robert Stout, P.E. who provided details regarding the site and the proposed development.

4. The applicant presented the testimony of Mary Johannesen, Architect, who provided a more detailed description of the proposed structures.

5. The applicant presented the testimony of Nathan B. Mosley, P.E. who completed a traffic study. He testified that Glassboro Road could safely accommodate the increase in traffic and that the increase in traffic was comparable to permitted uses in the zone which could involve trucks and tractor trailers.

6. The applicant presented the testimony of James Miller, Professional Planner who addressed the applicant's burden of proof regarding the positive and negative criteria. It was agreed that the proposed development has been determined to be an inherently beneficial use by the courts and that the proper standard to be applied is the SICA Balancing Test.

7. The Board considered the review letter of March 31, 2017 prepared by Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E. as well as a review letter of April 3, 2017 prepared by the Planning Board's Professional Planner, Tiffany A. CuvIELLO, P.P.

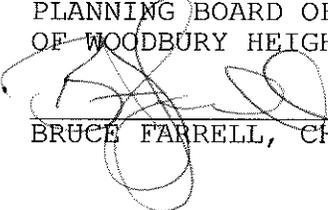
8. There was a significant amount of testimony provided by numerous residents all of whom were opposed to the proposed development. The issues and questions raised by the public related to the Borough's affordable housing obligations, traffic, water, schools, rateables, drainage, lighting, buffering

and other issues. It was clarified that the applicant would require a height variance as they are proposing a height of 40' where either 30' or 35' is permitted depending upon which zoning requirement is applied. The public urged the Board to engage in further investigation and/or studies of important issues such as traffic impact and the applicant's management of other sites before making a decision regarding the application. The most obvious concern of the public was traffic safety.

9. The Board clearly understood the SICA Balancing Test to be applied to the application and were instructed regarding which concerns raised by the public were valid and relevant to the application. A motion was made and seconded to grant the application but failed to receive the five affirmative votes required by law resulting in denial of the application.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Conifer Realty LLC for a use variance to permit construction of 70 dwelling units contained within 7 buildings along with a clubhouse, tot lot and 161 parking spaces as well as a variance to exceed the permitted height of the proposed structures is hereby denied.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY

CERTIFICATION

The foregoing resolution was adopted by the Zoning Board of the Borough of Woodbury Heights at the regular meeting of said Board on May 1, 2017.



SHANNON ELTON, SECRETARY
PLANNING/ZONING BOARD