



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

Minutes  
June 5, 2017

Mayor Conley called the Meeting to order at 7:00 pm.

Pledge of Allegiance

“THIS MEETING HAS BEEN DULY ADVERTISED AND HAS BEEN POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND CONFORMS TO THE DIRECTIVES OF THE ‘OPEN PUBLIC MEETINGS ACT’ OF THE STATE OF NEW JERSEY”

ROLL CALL:

Present:

Bruce Farrell  
Joseph Martino  
Sean Flynn  
Mayor Conley  
Stephen Hart  
Victoria Holmstrom  
Michael McCabe  
Scott Norcross  
Debbie Sesko  
Erin Frombach

Absent:

Harry Elton Jr  
Lou Deek  
Councilman Pye  
Scott Norcross

ALSO IN ATTENDANCE:

SOLICITOR: B. Michael Borelli, Esq.

ENGINEER: Mark Brunermer, PE, CMC

PLANNER: Absent

*Bruce Farrell, Chairman*

## SECRETARY'S REPORT:

A motion was made by Mr. Martino to approve the minutes from April & May's regular meetings. The motion was seconded by Mr. Flynn. All were in favor. The minutes were approved.

## RESOLUTIONS: 2017-11- Resolution of Findings and Conclusions Planning Board of the Borough of Woodbury Heights (Lodato)

A Motion was made by Mayor Conley to approve the resolution, and seconded by Mr. Marino. The resolution was passed with the following roll call:

Bruce Farrell: Yes  
Joseph Martino: Yes  
Sean Flynn: Yes  
Mayor Conley: Yes  
Stephen Hart: Yes  
Victoria Holmstrom: Yes  
Michael McCabe: Yes  
Erin Frombach: Yes

## APPLICATIONS:

### *Application #17-0007- Mihlebach, Block 89 Lot 5, Bulk Variances*

Mr. Dale Mihlebach presented himself as the applicant. He presented his application for bulk variances for a front porch addition, with a handicap ramp.

It was clarified by the board that the porch would extend 2.5 ft in front of the house, with the ramp on the side.

Mr. Brunermer declared he did not submit a letter, as the application was very straight forward. He foresaw no drainage issues, and would consider the application as a beneficial use.

A motion was made by Mayor Conley to open to the public, an seconded by Mr. Martino. With nothing from the public, Mrs. Holmstrom made the motion to close the public portion; it was seconded by Mayor Conley.

*Bruce Farrell, Chairman*

A motion was made to approve the application #17-0007, by Mr. Martino and seconded by Mrs. Frombach. The application was approved by the following roll call:

Bruce Farrell: Yes  
Joseph Martino: Yes  
Sean Flynn: Yes  
Mayor Conley: Yes  
Stephen Hart: Yes  
Victoria Holmstrom: Yes  
Erin Frombach: Yes

***#17-0009: Freund, Block: 112 Lot: 2, Zone Code Interpretation***

Mayor Conley recused himself, as the interpretation is a Zoning Board matter.

Mr. Dale Taylor presented himself, along with his credentials, as a representative of the applicant, Mr. Freund & Ms. Dang. Mr. Freund was sworn in by Mr. Borelli, as he will be called for testimony. The application asked for clarification of the zoning, whether a Massage Salon would qualify as a permitted use in a highway commercial zone. The hours of operation (10am-9pm) as well as the employee count was presented. Potential signage and a potential sign variance were discussed.

Mr. Taylor explained that the use was approved by Deptford Zoning Office and the C.O. was obtained. He addressed Ms. CuvIELLO's letter to the board suggesting a variance for a pre-existing nonconforming use. Mr. Taylor stated he did not believe that applied, as it had been approved by the Borough's Zoning Officer. Mr. Taylor also felt there was no need for a Site Plan.

Mr. Martino asked about handicap parking. Mr. Brunermer stated that it does not comply. Discussion ensued.

Mr. Borelli reminded the board that the application was just for an interpretation. Mr. Taylor stated his opinion was that an application for a variance and site plan are not necessary. Mr. Farrell stated that action can only be taken by the zoning board at this time. Discussion ensued.

***Bruce Farrell, Chairman***

Mr. Taylor stated he believed that any application that may occur subsequently should be a Zoning Board matter. He also suggested a vote be taken on the interpretation, and he would consult the board professionals regarding what further action needs to be taken.

Mr. Borelli stated that Mr. Freund would not need to give testimony for the interpretation. He clarified that the board was only voting on the interpretation and that the professionals agreed that a Massage Salon is a permitted use. He recommended that the board allow it as a permitted use on the condition that the applicant returns with a site plan, waiver application, or whatever may apply.

A motion was made by Mr. Hart to open to the public, and seconded by Mr. Flynn. With nothing from the public, the public portion was closed with a motion from Mr. Martino, and seconded by Mrs. Holmstrom.

A motion was made to agree to the interpretation, allowing a Massage salon as a permitted use by Mr. Hart. It was seconded by Mr. Flynn. The interpretation was confirmed by the following roll call:

Bruce Farrell: Yes  
 Joseph Martino: Yes  
 Sean Flynn: Yes  
 Mayor Conley: Yes  
 Stephen Hart: Yes  
 Victoria Holmstrom: Yes  
 Erin Frombach: Yes  
 Mr. McCabe: Yes

Mayor Conley rejoined the board.

*#17-0008: American Commercial, Block: 40.05 Lot: 10, Site Plan Review With Bulk Variances*

Mrs. Frombach recused herself, as her business is within 200 feet of the location.

Mr. Pat McAndrew presented himself, along with his credentials, as the attorney representing the applicant, American Commercial. He presented the witnesses, Mr. Ragan, planner & architect & managing member of American

*Bruce Farrell, Chairman*

Commercial, and Adam Updike of starbucks. Both men were sworn in by Mr. Borelli.

Mr. Borelli stated that the professionals unanimously decided there was not enough information provided, and clarification is needed before a decision could be made by the board. Mr. Brunermer addressed Ms. CuvIELLO's letter, as she was unable to attend. He stated there is no information provided by the site plan addressing the change in parking. Information on the square footage as well as the increase in seating would need to be provided. Changes to the sign, would also need to be addressed.

Mr. Borelli suggested that the current session would be considered a work session, and the application be continued at a later date. He also elaborated that no additional public notice would be necessary. Discussion ensued.

Mr. Ragan acknowledged the professional's letter. He also requested that Mr. Updike be allowed to present some information to the board. Mr. Ragan reviewed the previously approved application, and the changes that were made to the plan. He presented exhibit A1. He discussed new curbing and removal of old curbing, new electronics, changes to parking angles, the installation of a speed hump.

Mr. Farrell clarified that the extra spaces in the shopping center could be designated to starbucks without detriment. Mr. Ragan Confirmed.

Mr. Ragan presented exhibit A2, and discussed the façade of the location, including signage. He asked for a variance to have three signs at the location.

Mr. Brunermer relayed that Ms. CuvIELLO would like the inconsistencies with the signage addressed before the vote.

Mr. Updike addressed the board. He discussed Starbucks policies, hours of operations, deliveries etc.

Mr. Conley asked if the existing trash enclosure would be adequate. The applicant confirmed that it would be.

Mr. Conley asked about the type of food preparation. Mr. Updike elaborated that there is no real food prep, only premade food warmed on site.

***Bruce Farrell, Chairman***

Mrs. Holmstrom asked about sign visibility. Mr. Ragan stated the sign would be visible, and internally illuminated.

Mr. Ragan discussed all the variances needed for the drive thru to abide by Starbucks' policies.

Mr. Farrell stated that bulk of the application is signage variances.

The Floor was opened to the public:

Anthony Watka, 12 Malibu Lane, West Deptford: Mr. Watka expressed a concern he had with headlights in his window across from the parking lot of Route 45. Mr. Ragan agreed to meet with Mr. Watka at the location to address the issue with additional landscaping.

Erin Frombach, 304 Lincoln Ave: Mrs. Frombach expressed some concerns with the parking lot at the location, as she owns a business in the same shopping center. She addressed the entrance off of Moore St, and the inability to make a left hand turn. Mr. Brunermer suggested it was designed to prevent stacking. She also mentioned a missing stop sign. Mr. Ragan took note of her comments and agreed to address them.

The floor was closed to the public.

A meeting was scheduled for June 19<sup>th</sup> at 7pm, to continue the application, with the clarifications and issues addressed with the professionals and vote on the application.

The meeting was opened to the public with a motion from Mr. Hart, and seconded by Mr Martino. With nothing from the public the public portion was closed.

Mr. Flynn made a motion to close the regular meeting. Mr. Martino seconded the motion. All in favor- Ayes closed the meeting.

Shannon Elton, Secretary

*Bruce Farrell, Chairman*