



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

## Planning Board Meeting Minutes

June 4, 2018

Mr. Farrell 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”

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ROLL CALL:

Present:  
Joseph Martino  
Mike McCabe  
Harry Elton Jr.  
Bruce Farrell  
Mayor Conley  
Lou Deeck  
Stephen Hart  
Debbie Sesko  
Victoria Holmstrom

Absent:  
Erin Frombach  
Councilman Pye  
Sean Flynn  
Scott Norcross

Also in Attendance: Mark Brunermer, Engineer  
B. Michael Borelli, Solicitor

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SECRETARY’S REPORT: Mr. Elton made a motion to approve the minutes from May’s Regular meeting. The motion was seconded by Mr. Deeck. The minutes were approved unanimously.

RESOLUTIONS: None

APPLICATIONS: #18-0002-Mary Jane Jones c/o Mr. James E. Gabel Esq., Re: Minor Subdivision/Bulk Variances, Block 96 Lots 17 & 18

Mr. James E. Gabel presented the application on behalf of his client, Mrs. Mary Jane Jones. He gave a detailed description on the application and the circumstances resulting in the application being brought in front of the board. He described the lot line

***Bruce Farrell, Chairman***

adjustment being requested in order to include a driveway completely on lot 18, and the creation of a new driveway on lot 17 as well as the resultant variances. Mr. Gabel gave examples of other town properties with 50ft yard frontages. Mr. Gabel explained that the electric pole on said property would not impede the new driveway.

Mr. Gabel submitted 7 photographs of the properties as Exhibit A-1.

Mr. Gabel addressed the concerns of the Board Engineer's letter. He asked for clarification of the ordinance, regarding the size of the new driveway. He referenced an ordinance he had in his possession regarding the driveway. Mr. Gabel informed the Board that the neighbor's chain-link fence would be removed.

Mayor Conley clarified that the application would essentially be trading one nonconforming setback for a different nonconforming setback.

Discussion ensued regarding the size of the new driveway on Lot 17. Mrs. Holmstrom informed Mr. Gabel that the ordinance he was referring to was outdated and has been rewritten and replaced several times. Mr. Brunermer provided a current Ordinance. Mr. Brunermer reviewed the concerns he outlined in his review letter.

The board discussed granting a variance to allow for one car rather than two required in the driveway. Mrs. Holmstrom stated she would rather see a one car driveway where the car fits with room, rather than squeezing two cars into a driveway, resulting in the sidewalk being blocked.

The meeting was opened to the public.

Neil Goss, 722 Lake: Mr. Goss stated that he lives to the west of the properties in question. He expressed concerns with an increase in run off onto his property. Mr. Brunermer explained that the grading plan would be considered by the engineers. The board discussed when the grading plan would be completed. The possibility of requiring a performance bond was suggested by Mr. Farrell.

The board discussed putting in place a mechanism to ensure that the improvements are made to 738 Lake.

Melissa Kolecki: Ms. Kolecki, as the client's realtor, was sworn in. She expressed concern about losing a buyer, if the driveway is not approved. Mr. Elton stated that the driveway at 738 Lake needs to be done in a timely fashion. Mr. Deeck, expressed concern about how long it may take to sell the property, and in consequence, build the new driveway, per the board's decision.

Mr. Brunermer reviewed the Board's options regarding a bond. Mr. Borelli advised against including the driveway requirement in the deed.

Charlene Chamber, 744 Lake: Ms. Chamber was sworn in and addressed the Board, as daughter of the applicant. She asked for clarification, as to what the Board is asking regarding the new driveway at 738 Lake. The board clarified, they are looking to memorialize the commitment of the applicant to install the driveway before the property is sold, and within a timely manner.

Discussion ensued.

Mr. Gabel suggested implementing a deed restriction. Mr. Borelli advised that this situation is not what is typically included in deed restriction. He stated that he would prefer to include the driveway construction as a condition of approval.

A motion was made to close the public portion of the meeting. All in favor.

Chairman Farrell summarized that the application approval basically trades one non-conforming use for another, affecting only the property owners and both properties are owned by the same person. The only issue, he observed, is the new construction of the driveway. The mechanism in place to assure the driveway would be constructed, per discussed would include a performance bond and a contingency that the driveway would need to be completed before new occupancy or six months after the closing of the other property. He also wanted to make sure the grading plan comes before the board engineer's.

Mr. Brunermer discussed the slope of the driveway, with regards to the potential grading plan.

Mr. Borelli clarified that the board would like the grading plan before the deeds are signed regarding the new lot lines. He also wanted to reinforce that the fence encroachment would be removed and the stone areas will be removed from driveway.

A motion for approval was made by Mayor Conley and seconded by Mr. Deeck. The application was approved by the following roll call:

Mr. Martino, yes, Mr. Elton, yes, Mrs. Sesko, yes, Mayor Conley, yes, Mr. Deeck, yes, Mr. Hart, yes, Mrs. Holmstrom, yes, Mr. McCabe, yes, Mr. Farrell, yes

#### PROFESSIONAL REPORTS:

Solicitor's Report: None

Engineer's Report: Mr. Brunermer stated that there is new land use law requiring an amendment to our bond ordinance. Applicants for a private site would not technically be responsible for a performance bond, using the Starbucks as an example. It was also reiterated that the board intended to create a minor site plan application option in the ordinance. Mrs. Holmstrom also suggested that the notice requirements be reviewed.

Planner's Report: None

#### OTHER BUSINESS:

Due to the upcoming 4<sup>th</sup> of July Holiday, the board discussed the date of the next meeting. A motion was made to hold the meeting on Monday, July 2<sup>nd</sup> 2018 by Mayor Conley and seconded by Mr. Deeck. All in favor.

***Bruce Farrell, Chairman***

PUBLIC PORTION: The meeting was opened to the public with a motion from Mr. Elton, and seconded by Mayor Conley. With nothing from the public, the meeting was closed to the public with a motion from Mr. Martino and seconded by Mayor Conley.

CLOSED SESSION: A motion was made to enter into a closed session was made by Mr. Hart and seconded by Mr. Deeck.

The meeting was closed at 8:45 pm, all in favor, with a motion from Mayor Conley, seconded by Mr. Deeck.

Shannon Elton, *Secretary*

***Bruce Farrell, Chairman***