

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2018-10**

WHEREAS, Conifer Realty, LLC has applied to the Planning/Zoning Board of Adjustment of the Borough of Woodbury Heights for preliminary site plan approval for construction of seventy (70) dwelling units contained within seven (7) buildings along with a clubhouse and associated site improvements; and

WHEREAS, the property in question is located on Glassboro Road, being Block 84, Lots 6 and 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. Kevin D. Sheehan, 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.

2. The applicant previously made application to the Board for a use variance and height variance for the project which was denied after a hearing held on April 3, 2017. As a result of subsequent litigation, the Court entered an Order under Docket No. GLO-L-723-17 on May 22, 2018 reversing the Board's denial of the use and height variances. The use and height are therefore now permitted and this application is for preliminary site plan approval only.

3. The applicant proposes constructing seven (7) buildings with a total of seventy (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 with an area of approximately 2,748 square feet. The applicant proposes maintaining the necessary buffers to the stream, wetlands and wooded areas in compliance with an LOI and threatened and endangered species survey. The proposed storm water management system will reduce run off from the site. The applicant has developed and presently manages numerous affordable housing sites. Uses in the area are predominately residential and predominately single family detached dwellings.

4. The applicant presented the testimony of Charles Lewis, Sr. Vice-President of Conifer Realty, LLC, Bernadette Blackstock, a representative of the People for People Foundation, Mary M. Johannesen, a Licensed Architect of Kitchen & Associates, Inc., Robert R. Stout, PE, PLS, of Stout & Caldwell Engineers, LLC, Nathan B. Mosley, PE, CME, Traffic Engineer with Shropshire Associates, LLC and Professional Planner, James A. Miller.

5. 5% of the units will be set aside for disabled veterans. The remainder of the units will be subject to veterans' preference. Eligibility for the affordable housing will be based upon maximum and minimum incomes and residents will be responsible for 100% of rental payments, none of which will be subsidized by public funds. Potential residents will be screened by way of credit and criminal background checks. In addition to the seven (7) buildings and clubhouse, the project will include a maintenance building and pump station. Trash enclosures will be placed at the end of each parking lot. Water service will be looped thereby increasing the water pressure for this project and adjacent areas. Security cameras will be placed throughout the site with the ability to allow access to the police department. Tag readers will be placed at the entrance. LED lighting on site will be shielded to prevent light spillage to areas outside of the development.

6. The applicant presented testimony regarding sight triangles on Woodbury Road, turning radius within the site and the impact the development will have on traffic. It was determined that the impact on traffic will be within acceptable standards with an acceptable level of service. The applicant will be providing a deceleration lane southbound on Woodbury Road. The Board determined that the traffic impact of this use is less than the impact that would be created by other uses permitted in the zone.

7. The applicant's Professional Planner, James A. Miller provided testimony regarding fiscal impact and addressed satisfaction of the negative criteria. The Board's Professional Planner testified that the applicant had satisfactorily addressed its burden of proof regarding the negative criteria. The Board therefore finds that the proposed use will not result in a substantial detriment to the public good. The proposed use is a residential use within a predominately residential area and therefore will have less of an impact than many of the industrial uses permitted in the zone. What is now an abandoned commercial use will be established as a residential use compatible with existing uses in the area. The Board finds that the proposed use will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The proposed project advances the public welfare as it will be an implementation of the Borough's affordable housing obligation required by law, Court Order and the Borough's Master Plan.

8. The Board carefully considered the review letter of June 28, 2018 prepared by the Board's Engineer, Mark R. Brunermer, PE, CME as well as the letter of July 2, 2018 prepared by the Board's Professional Planner, Tiffany A. CuvIELLO, PP. The Board also carefully considered the testimony of the public who expressed concerns regarding the impact on police, fire and ambulance services of the Borough, impact upon the schools, quality of life, property values and traffic. The Board clarified that the issues of water, sewer and any PILOT program would be under the jurisdiction of the Borough Council and not the Planning Board.

9. The application submitted by the applicant substantially complies with the requirements of the Borough of Woodbury Heights Ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Conifer Realty, LLC for preliminary site plan approval for construction of seventy (70) dwelling units contained within seven (7) buildings along with a clubhouse and associated site improvements is hereby granted subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approvals which the applicant is required to obtain from any Federal, State, County or Local Governmental Agency or body.

2. The applicant shall obtain final site plan approval from the Borough of Woodbury Heights Planning/Zoning Board of Adjustment within the time required by law.

3. The applicant shall provide 152 parking spaces which exceeds the RSIS requirement of 139 spaces. The number of buildings, number of bedrooms, floor plan and plans for the club house shall conform with the exhibits submitted as part of the hearing for preliminary approval, including exterior architectural plans.

4. The fencing on the northern side of the property along Woodland Avenue will be 6 foot high black vinyl coated chain link fence with slats and a 1 1/4" mesh. As part of final site plan approval, the applicant shall propose and provide additional berming and landscaping, including evergreen landscaping with integration of the fence into the landscaping and berming. A variance for the fence shall not be required as the northern property line is deemed a side yard.

5. The proposed sign shall be located at least 20' back from the street right of way in order to comply with Borough Ordinance.

6. Sidewalks shall not be required on Woodbury Road at the southern side of the entrance.

7. Details regarding curbing and paving shall be resolved to the satisfaction of the Board Engineer.

8. Prior to offering units for rent, the applicant shall schedule, advertise and conduct an informal presentation to local residents and senior citizens to make them aware of what is available.

9. As a part of final site plan approval, the applicant shall address all comments set forth in the Board Engineer's review letter of June 28, 2018 and the Board Planner's letter of July 2, 2018, not otherwise addressed herein.

10. All outstanding escrow and inspection fees shall be paid in full prior to submission of the application for final approval.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on August 6, 2018.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS

BRUCE FARRELL, CHAIRMAN

ATTEST:

SHANNON ELTON, SECRETARY