

AGENDA
CITY OF WOODBURY PLANNING/ZONING BOARD
February 25, 2021 at 7:00pm

Zoom: <https://bit.ly/3jH3VjW>

PASSWORD: PZFEB21

TO JOIN THE MEETING FROM A LANDLINE OR MOBILE PHONE:

PHONE: 1-301-715-8592

Meeting ID: 864 5742 4730

PASSCODE: 8943611

1. This is the regular monthly meeting of the City of Woodbury Planning/Zoning Board, being held on February 25, 2021. Due notice of this meeting was duly given in accordance with the requirements of the Open Public Meeting Laws of the State of New Jersey.
2. Pledge of Allegiance.
3. Swearing in new member Johanna Coyner
4. Roll Call
5. Approval of minutes for the meetings held on January 28, 2020
6. New Business:
 - P/Z-2-2021** Camden Cleaning Center, Inc (Use Variance/Site Plan)
537 South Evergreen Avenue
7. Resolutions:
 - P/Z-8-2021** 2021 S Evergreen Woodbury, LLC (Site Plan/Bulk Variance)
664 Mantua Avenue
 - P/Z-9-2021** Est. of Owen F. Steward, Jr. (Subdivision)
458 Harding Street
 - P/Z-10-2021** RJC Auto Sales (Conditional Use/Minor Site Plan)
1002 N Evergreen Avenue
7. Open To Public
8. Motion to Adjourn

of the application;
() were made against all or some aspect
of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable City Ordinances have been made; and

WHEREAS, the P/Z has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the P/Z has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated November 18, 2020

(X) Planner report(s) dated November 17, 2020

() Traffic Consultant report(s) dated

() Environmental Consultant report(s) dated

() Solicitor report(s) dated

() Other

Copies of which are attached hereto and made a part hereof.

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the P/Z has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted: Variances pursuant to N.J.S.A. 40:55D-70c from Code Sections 202-87.3(B-2) maximum number of signs and 202-87.3(B-3) square foot of signage per linear foot of lot frontage. Waivers from Code Sections 170-7.5A(10) as to off-site light spillage; 170-7.5A(15.a) required walkway lighting; 170-7.5D(2) as to parking lot lighting; 170-7.5D(2) as to average maximum level of lighting in parking area; 170-7.5F(1) restriction on level of lighting on walkway, pathway; and 170-7.5F(2) vertical illumination levels above 5 feet; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the P/Z on December 17, 2020, upon the Motion of Justin Geist, seconded by Mark Seigel, with the vote on the motion being as follows:

AYE: Floyd, Haggarty, Seigel, Geist, MacAdams, Bozworth and Falcone

NAY: None

ABSTAIN: None

ABSENT:

DID NOT PARTICIPATE:

The foregoing action was memorialized by the P/Z on _____ upon the motion of _____, seconded by _____, with the vote on the motion being as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the P/Z hereby certifies that the above is a true copy of Resolution # P/Z 4-2020 adopted by the P/Z on _____.

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for Major Site Plan, Preliminary and Final Approval for the property located at 664 Mantua Pike (NJSH Route 45) City of Woodbury, New Jersey, a/k/a Block 93, Lot 1 on the City of Woodbury Tax Map (hereinafter the "PIQ").

2. The applicant also applied, by way of ancillary approvals, for variances pursuant to N.J.S.A. 40:55D-70c from Code Sections 202-87.3(B-2) maximum number of signs and 202-87.3(B-3) square foot of signage per linear foot of lot frontage.

3. The applicant also applied, by way of ancillary approvals, for waivers from Code Sections 170-7.5A(10) as to off-site light spillage; 170-7.5A(15.a) required walkway lighting; 170-7.5D(2) as to parking lot lighting; 170-7.5D(2) as to average maximum level of lighting in parking area; 170-7.5F(1) restriction on level of lighting on walkway, pathway; and 170-7.5F(2) vertical illumination levels above 5 feet.

HEARING OF DECEMBER 17, 2020

4. Joanna Paglino, a licensed New Jersey Professional Planner testified on behalf of the applicant and reviewed the proposal for development on the PIQ. Ms. Paglino indicated that

two (2) existing commercial buildings currently exist on the PIQ and the applicant proposed to create a single use, a CHASE BANK on the PIQ.

5. Ms. Paglino introduced and described as Exhibit A-1 an aerial photograph of the PIQ.

6. Ms. Paglino testified that the PIQ is located in the C-2 Commercial District and consists of .98 acres in area.

7. Ms. Paglino introduced and described Exhibit A-2, an aerial photograph of a larger area surrounding the PIQ.

8. Ms. Paglino introduced and described Exhibit A-3, a site plan rendering for the use and site improvements proposed by the applicant on the PIQ.

9. Ms. Paglino introduced and described Exhibit A-4, a description of the proposed canopy for the CHASE BANK and also Exhibit A-6, a rendering of the site.

10. Ms. Paglino described the proposed signs for the CHASE BANK, including the number of signs and the size of the signs.

11. Ms. Paglino testified that the existing stormwater patterns at the PIQ will be maintained and would not require any approvals from the State of New Jersey under the applicable stormwater regulations.

12. Ms. Paglino testified that all necessary utility approvals and facilities were existing and had been installed.

13. Ms. Paglino described the proposed lighting at the PIQ and the levels of lighting proposed by the applicant. She also discussed the waivers required for the proposed lighting.

14. Ms. Paglino testified that although some light spillage would occur onto Mantua Pike, it would not impact drivers or surrounding neighbors.

15. Ms. Paglino described the proposed landscaping and testified it would comply with the standards in the Woodbury Code.

16. Ms. Paglino indicated that interior and exterior ATM machines were proposed for the CHASE BANK.

17. Ms. Paglino indicated that the site plan complied with and satisfied the comments in the P/Z Engineer's review letter.

18. Ms. Paglino indicated that the site plan complied with and satisfied the comments in the P/Z Planner's review letter.

19. Ms. Paglino indicated that the requested waivers as to lighting would enhance safety on the site while minimizing any impact to surrounding properties and that the proposed lighting intensity complied with State standards applicable to banking uses.

20. Paul Mutch, a licensed Traffic Engineer, described as to the traffic conditions on the PIQ and on the roads surrounding the PIQ.

21. Mr. Mutch indicated that three (3) existing uncontrolled access points exist at the PIQ and that the applicant proposed to eliminate two access points and construct a new channelized access point which would be a great improvement to the traffic conditions at the PIQ.

22. Mr. Mutch testified that less traffic impact would occur from the proposed bank use than from the previous two commercial uses on the PIQ.

23. Mr. Mutch testified that his traffic analysis demonstrated that in both the "no build" and "build out" conditions of the PIQ, traffic at the site would operate at acceptable levels of service.

24. Steven Hawk, a licensed Professional Planner, testified in support of the requested variances and waivers.

25. Mr. Hawk indicated that the total signage at the site would comprise 122.2 square feet, an amount in excess of the permitted maximum square footage of signage under Code Section 202-87.3(B.3).

26. Mr. Hawk also testified that the applicant proposed a total of six (6) signs (including facade signs) in excess of the permitted number of signs under Code Section 202-87.3(B.2).

27. Mr. Hawk testified that the PIQ was located in the C-2 Zone of the downtown area of Woodbury and that the speed limit on Mantua Pike in front of the PIQ increased as a vehicle drove past the PIQ and traveled south.

28. Mr. Hawk testified that the proposed number and size of signs would enhance safety by permitting a motorist to identify access to and egress from the PIQ thereby promoting public safety and general welfare pursuant to N.J.S.A. 40:55D-2. Mr. Hawk also testified that the existing signage for the two commercial uses on the property exceeds 1,500 square feet on 14 different signs. The applicant was proposing to reduce the signage to a total of six (6) signs with less than 10% of the existing square footage of signage. Mr. Hawk indicated that this substantial reduction in number of signs and sign clutter would promote a desirable visual environment through good civic design and arrangement pursuant to N.J.S.A. 40:55D-2i.

29. Mr. Hawk testified that no substantial detriment to the public good would result from the proposed sign variances

which would reduce signage, sign copy and sign clutter on the PIQ.

30. Mr. Hawk also testified that the requested sign variances would not substantially impair the intent and purpose of the zone plan and zoning ordinance since the applicant proposed less signage and smaller signs and less sign copy than previously existed.

31. The applicant agreed, as condition of approval, to construct and maintain a "WELCOME TO WOODBURY" sign to be constructed at the PIQ. The applicant agreed to coordinate with the P/Z Professionals as to the exact location, size, design and appearance of the sign.

32. The applicant agreed, as a condition of approval, to fully comply with all items on the P/Z Engineer's November 18, 2020 report.

33. The applicant agreed, as a condition of approval, to fully comply with all items on the P/Z Planner's November 17, 2020 report.

34. The P/Z opened the December 17, 2020 hearing on the application to the public, but no member of the public desired to testify.

35. The P/Z concludes, based on the foregoing testimony, that the applicant has satisfied the requirements for Major Site Plan, Preliminary and Final Approval under New Jersey law and the City of Woodbury Code.

36. The P/Z further concludes that the foregoing testimony confirms that the proposed number of signs will promote the public safety and general welfare pursuant to N.J.S.A. 40:55D-2a by providing greater identification and information to motorists accessing the PIQ while reducing the number of signs from that currently existing.

37. The P/Z also concludes that the proposed number of signs and the proposed total sign area will promote a desirable visual environment through good civic design pursuant to N.J.S.A. 40:55D-2i by reducing the total square footage of signage from that existing.

38. The P/Z concludes that the requested variances will not create a substantial detriment to the public good because the proposed reduction in the number of signs and the total sign copy is more consistent with the requirements of the Woodbury Zoning Ordinance.

39. The P/Z concludes that the requested variances will not substantially impair the intent and purpose of the zone plan

and zoning ordinance since the size and number of signs is more consistent with the C-2 Zone.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the City of Woodbury at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized. A proof of publication shall be filed with the Administrative Officer of the P/Z within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

(X) Gloucester County Planning Board

() Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

(X) City of Woodbury Construction Code Official

() Gloucester County Soil Conservation District

(X) New Jersey Department of Transportation Highway
Access Permit

() Gloucester County Engineer Highway Access Permit

() Gloucester County Engineer Utility Connection
Permit

() Gloucester County Board of Health Approvals

(X) City of Woodbury Utility Authority approval
(including, without limitation, W-4 and S-4
Permits)

() New Jersey Department of Environmental
Protection

() New Jersey Department of Environmental
Protection-wetlands delineation, wetlands
transition area and/or general permit(s) approval

7. The applicant shall be responsible for and shall satisfy, in accordance with the City of Woodbury Land Use Ordinance, the following fees and charges:

() Mandatory Development Fees

8. Any improvement(s) to be constructed as a result of the P/Z approving this application shall be constructed and operated in full compliance with the Code of City of Woodbury, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the amounts and in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the City of Woodbury Code.

10. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the P/Z shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the applicant has posted the required performance guarantees and the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the P/Z.

12. If a final approval has been granted, the applicant shall submit to the P/Z Engineer for his approval the required number of complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the PIQ, including inflow and outflow structures, prior to the commencement of any construction upon the PIQ.

15. The applicant shall fully comply with and satisfy all the comments in the P/Z Engineer's Report of November 18, 2020.

16. The applicant shall fully comply with and satisfy all the comments in the P/Z Planner's Report of November 17, 2020.

ADDITIONAL CONDITIONS OF APPROVAL

1. As condition of approval, the applicant shall construct and maintain a "WELCOME TO WOODBURY" sign to be constructed at the PIQ. The applicant agreed to coordinate with the P/Z Professionals as to the exact location, size, design and color of the sign.

- (X) Approved
- (X) General Conditions
- (X) Additional Conditions
- () Denied

RESOLUTION # **P/Z-9-2021**

(X) Minor Subdivision	Application # <u>P/Z 5-2020</u>
() Major Subdivision, Preliminary-Amendment	Applicant <u>Estate of Owen F. Steward, Jr. _</u>
() Major Subdivision, Final-Amendment	Owner <u>Estate of Owen F. Steward, Jr.</u>
() Minor Site Plan	
() Major Site Plan, Preliminary	
() Major Site Plan, Final	Block <u>30.01</u> Lot <u>17</u> (PIQ) <u></u>
() Conditional Use	Action <u>December 17, 2020</u> <u></u>
() Waiver	Memorialized <u></u>
(X) Variance	Plan Name <u>Estate of Owen F. Steward, Jr. _</u>
()	

WHEREAS, the applicant has applied to the City of Woodbury Planning/Zoning Board (hereinafter the "P/Z") for the following primary approval(s): Minor Subdivision Approval (lot line adjustment); and

WHEREAS, the applicant has applied for the following ancillary approval(s): Variances pursuant to N.J.S.A. 40:55D-70c as to Minimum Front Yard and Minimum Side Yard; and

WHEREAS, the application was considered by the P/Z on December 17, 2020; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the P/Z has considered that public comments

- (X) were not made
- () were made in favor of all or some aspect of the application;
- () were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable City Ordinances have been made; and

WHEREAS, the P/Z has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the P/Z has considered the recommendations and comments of its professional staff and the following written reports:

- () Engineer report(s) dated
- (X) Planner report(s) dated December 7, 2020
- () Traffic Consultant report(s) dated
- () Environmental Consultant report(s) dated
- () Solicitor report(s) dated
- () Other

Copies of which are attached hereto and made a part hereof.

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the P/Z has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted:
Variances pursuant to N.J.S.A. 40:55D-70c as to Minimum Front Yard and Minimum Side Yard; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted () is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the P/Z on December 17, 2020, upon the Motion of Justice Geist, seconded by Mark Seigel, with the vote on the motion being as follows:

AYE: Floyd, Haggarty, Seigel, Geist, MacAdams, Bozworth and
Falcone

NAY: None

ABSTAIN: None

ABSENT:

DID NOT PARTICIPATE:

The foregoing action was memorialized by the P/Z on _____ upon the motion of _____, seconded by _____, with the vote on the motion being as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the P/Z hereby certifies that the above is a true copy of Resolution # P/Z 5-2020 adopted by the P/Z on _____.

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for a Minor Subdivision to accomplish a lot line adjustment between existing lots 17 and 18 on Block 30.01 on the on the City of Woodbury Tax Map (hereinafter the "PIQ").

2. The applicant also applied, by way of ancillary approvals, for variances pursuant to N.J.S.A. 40:55D-70c as to minimum front yard and minimum side yard standards.

HEARING OF DECEMBER 17, 2020

3. John DeSimone, the attorney for the applicant, indicated that a lot line adjustment was sought by the applicant to reconfigure Lots 18 and 17 in Block 30.01 on the City of Woodbury Tax Map.

4. Mr. DeSimone indicated that the proposed lot line adjustment was being made so that one of the subdivided lots could be consolidated with an adjoining lot. Mr. DeSimone indicated that both of the variances requested by the applicant as to minimum front setback and side yard were pre-existing conditions which could not be changed without resulting in a "hardship" to the applicant by way of reconstructing or moving the residence on the PIQ. Mr. DeSimone indicated that no

further non-conformity would be created as a result of the proposed variances.

5. Mr. DeSimone indicated that the applicant is not requesting any waivers.

6. At the December 17, 2020 hearing, the P/Z considered the comments of the P/Z Engineer who indicated a legal description for the new lots created by the proposed minor subdivision must be submitted and approved by his office.

7. The P/Z reviewed and considered the comments of the P/Z Planner who concurred with the comments of the P/Z Engineer and indicated no opposition to the requested Minor Subdivision.

8. The P/Z opened the hearing on this application to the public, however, no member of the public desired to testify.

9. Based upon the foregoing testimony, the P/Z concludes that the applicant has satisfied the criteria for a Minor Subdivision Approval and that the front yard and side yard setback variances should be granted pursuant to N.J.S.A. 40:55D-70c(1)(c) because exceptional and undue hardship would result to the Applicant if the requested variances were not granted since compliance would require elimination or movement of the existing structure on the PIQ.

10. The P/Z concludes that the requested variances can be granted without any substantial detriment to the public good since the proposed variances would result in lots and uses consistent with the surrounding neighborhood and that such variances would not substantially impair the intent and purpose of the zone plan and zoning ordinance since the revised lots would comply with the bulk and area standards of the zoning district with the exception of the minimal pre-existing non-conformities as to front yard depth and side yard setback.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the City of Woodbury, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized. A proof of publication shall be filed with the Administrative Officer of the P/Z within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- () Gloucester County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- () City of Woodbury Construction Code Official
- () Gloucester County Soil Conservation District
- () New Jersey Department of Transportation Highway Access Permit
- () Gloucester County Engineer Highway Access Permit
- () Gloucester County Engineer Utility Connection Permit
- () Gloucester County Board of Health Approvals

- () City of Woodbury Utility Authority approval
(including, without limitation, W-4 and S-4
Permits)
- () New Jersey Department of Environmental
Protection
- () New Jersey Department of Environmental
Protection-wetlands delineation, wetlands
transition area and/or general permit(s)
approval

7. The applicant shall be responsible for and shall satisfy, in accordance with the City of Woodbury Land Use Ordinance, the following fees and charges:

- () Mandatory Development Fees

8. Any improvement(s) to be constructed as a result of the P/Z approving this application shall be constructed and operated in full compliance with the Code of City of Woodbury, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the

approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the City of Woodbury Code.

10. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the P/Z shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the applicant has posted the required performance guarantee and the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's

Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the P/Z.

12. If a final approval has been granted, the applicant shall submit to the P/Z Engineer for his review the required number of complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the PIQ, including inflow and outflow structures, prior to the commencement of any construction upon the PIQ.

15. The applicant shall fully satisfy and comply with the comments in the P/Z Planner's December 7, 2020 Review Letter.

16. The applicant shall fully satisfy and comply with the comments of the P/Z Engineer.

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant agreed, as condition of approval, to submit a legal description to the P/Z Engineer for the two new lots created by the Minor Subdivision to be reviewed and approved by the P/Z Engineer.

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable City Ordinances have been made; and

WHEREAS, the P/Z has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the P/Z has considered the recommendations and comments of its professional staff and the following written reports:

(X) Engineer report(s) dated December 14, 2020

(X) Planner report(s) dated December 7, 2020

() Traffic Consultant report(s) dated

() Environmental Consultant report(s) dated

() Solicitor report(s) dated

() Other

Copies of which are attached hereto and made a part hereof.

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the P/Z has made the following Findings of Fact and Conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted:

Conditional Use Variance pursuant to N.J.S.A. 40:55D-70d(3)(e)
on the PIQ of a used motor vehicle establishment on a minimum
lot size of less than one (1) acre; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted is/are made subject to the following General Conditions: (see attached)

BE IT FURTHER RESOLVED that the approval(s) hereby granted (X) is/are made subject to () is/are not made subject to the following Additional Conditions: (see attached)

The foregoing action was taken by the P/Z on December 17, 2020, upon the Motion of Mark Seigel, seconded by Patrick MacAdams, with the vote on the motion being as follows:

AYE: Floyd, Haggarty, Seigel, Geist, MacAdams, Bozworth and Falcone

NAY: None

ABSTAIN: None

ABSENT:

DID NOT PARTICIPATE:

The foregoing action was memorialized by the P/Z on _____ upon the motion of _____, seconded by _____, with the vote on the motion being as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

DID NOT PARTICIPATE:

The undersigned Secretary of the P/Z hereby certifies that the above is a true copy of Resolution # P/Z 4-2020 adopted by the P/Z on _____.

FINDINGS OF FACT AND CONCLUSIONS

1. The applicant initially applied for Minor Site Plan Approval for the property located at 1002 Evergreen Avenue, City of Woodbury, NJ, a/k/a Block 133, Lot 1.17 on the City of Woodbury Tax Map (hereinafter the "PIQ").

2. The PIQ is located in the C-2 Zoning District at the intersection of Deptford Avenue and North Evergreen Avenue.

3. The applicant also applied for a Conditional Use Variance from the requirements of Woodbury Zoning Ordinance Section 202-61C(3)(e) which requires, as a condition of approval, that the subject property be a minimum size of one (1) acre.

4. The applicant also applied for variances pursuant to N.J.S.A. 40:55D-70c from Code Section 202-62D(1) requiring a minimum 5 foot side yard where 0.23 feet is proposed; a variance from Code Section 202-62E requiring a minimum rear yard setback of 20 feet where 9.63 feet is proposed; and a variance from Code Section 202-62F to permit 92.8% lot coverage where 60% lot coverage is permitted

HEARING OF DECEMBER 17, 2020

5. Daniel Chapman, a member of RJC Auto Sales, LLC testified in support of the application and indicated that the applicant intended to operate a used car dealership at the PIQ.

6. Mr. Chapman testified that a very restricted amount of service could also be performed on the vehicles at the PIQ. Such service would not include major repairs, body repair or body work, painting, etc. The applicant agreed, as a condition of approval, that no major repairs, body work, painting or similar automotive services would be performed at the PIQ.

7. Mr. Chapman indicated that a building of approximately 6,000 square foot existed on the PIQ and would remain to be utilized for interior display space for vehicles, minor repairs and/or services to the vehicles being sold and for sales and office uses. Mr. Chapman indicated that the space within the building would be separated for indoor storage and display of vehicles and office space.

8. Mr. Chapman testified that all loading and unloading of vehicles at the PIQ would occur on the PIQ and not in the improved cartway of North Evergreen Avenue. The applicant agreed, as a condition of approval, that no loading or unloading of vehicles would occur in the improved cartway of North Evergreen Avenue.

9. Mr. Chapman testified that approximately 6-8 vehicles could be displayed for sale within the building and that an additional 8-12 vehicles could be displayed in the parking spaces on the exterior of the building.

10. Mr. Chapman testified that a maximum of two (2) employees would be present at the site at any time and that he would be present individually to conduct sales on most occasions.

11. Mr. Chapman indicated that vehicles proposed for sale at the PIQ would be brought to the site by a vehicle carrying 2-4 cars and that no larger delivery vehicle would be used at the PIQ.

12. Joseph Mancini, a licensed New Jersey Professional Engineer and licensed New Jersey Professional Planner testified in support of the application.

13. Mr. Mancini indicated that the PIQ is flanked on either side by commercial uses and that residential uses existed to the rear of the PIQ.

14. Mr. Mancini testified that twelve (12) vehicle display spaces were proposed along with a loading area and one handicap parking space. No changes were proposed to the existing site improvements, parking or other amenities.

15. Mr. Mancini testified that the properties in the area of the PIQ consisted of a custom motorcycle shop, an auto repair shop, new and used car and truck sales, tire sales and related automotive uses. The PIQ had previously been used as an auto machine shop.

16. Mr. Mancini indicated that no undeveloped property existed on any boundary of the PIQ which could be acquired to comply with the minimum lot size condition of the Conditional Use.

17. Mr. Mancini testified that given the significant number of automotive uses in the area of the PIQ and the pre-existing facilities on the site for a prior auto machine shop, the PIQ continued to be an appropriate site for the proposed conditional use notwithstanding the deviation from the minimum lot size condition. Further, the PIQ would accommodate any problems associated with the use even though the automotive sales proposal does not comply with the condition as to lot area.

18. Mr. Mancini indicated that all light fixtures at the PIQ would be placed under a canopy attached to the existing building. The light fixtures would provide enough light for

safety but would not permit any significant light spillage onto Deptford Avenue or North Evergreen Avenue.

19. Mr. Mancini indicated that a buffer was being provided to the residential uses to the rear of the PIQ but that sufficient space did not exist to provide buffers to the compatible uses on either side of the PIQ.

20. Mr. Mancini testified that a small dumpster was being proposed to handle any waste generated by the proposed use.

21. Mr. Mancini also indicated that the applicant was requesting relief from the minimum side yard setback under Code Section 202-62D(1) to permit 0.23 feet where 5 feet was required. This is an existing non-conforming condition.

22. Mr. Mancini also indicated that the applicant was requesting relief from the minimum rear yard setback under Code Section 202-62E to permit a rear yard setback of 9.63 feet where 20 feet is required. This is an existing non-conforming condition.

23. Mr. Mancini also indicated that the applicant was requesting relief from the minimum lot coverage under Code Section 202-62F to permit 92.8% lot coverage where 60% is permitted. This is an existing non-conforming condition.

24. Mr. Mancini also testified that no substantial detriment to the public good would accrue as a result of the approval of the requested Conditional Use Variance because the proposed use was consistent with the surrounding neighborhood which included a number of automotive and truck related uses.

25. Mr. Mancini also indicated that the proposed conditional use would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance since it was a permitted use under zoning with only a deviation as to the minimum lot size.

26. At the hearing of December 17, 2020, the P/Z reviewed and considered the December 14, 2020 review letter of the P/Z Engineer. The applicant agreed to satisfy and comply with the comments contained in the P/Z Engineer's review letter.

27. At the hearing of December 17, 2020, the P/Z reviewed and considered the December 7, 2020 review letter of the P/Z Planner. The applicant agreed to satisfy and comply with the comments contained in the P/Z Planner's review letter.

28. The P/Z opened the December 17, 2020 hearing on the application to the public and Queen Nesman, a neighbor in the area of the PIQ testified that Deptford Avenue is a very narrow street and the proposed use of the PIQ would constitute a

potential safety issue if any parking or storage occurred on Deptford Avenue. Further, Ms. Nesman indicated that traffic was very bad at the intersection of Deptford Avenue and North Evergreen Avenue and became congested at various times. She believed it was necessary to keep the travel lanes at the intersection clear of vehicle storage, vehicle loading or unloading and other related uses that could negatively impact on traffic.

29. Based upon the testimony, the P/Z concludes that he applicant has satisfied the requirements for a Minor Site Plan under New Jersey law and the City of Woodbury Code.

30. The P/Z further concludes that the foregoing testimony confirms that a Conditional Use Variance can be granted from the requirement of a minimum lot size of one (1) acre because all of the necessary operations and functions on the PIQ can be conducted onsite without infringing on the right of ways of either Deptford Avenue or North Evergreen Avenue.

31. The P/Z further concludes that the PIQ remains an appropriate site for the use proposed by the applicant given its size and existing configuration and the number and scope of automotive uses in the immediate proximity to the PIQ.

32. The P/Z concludes that the applicant has satisfied the positive criteria for the grant of a side yard variance from Code Section 202-62D(1), a minimum rear yard setback of 20 feet pursuant to section 202-62E and a maximum lot coverage variance under Code Section 202-62F because no substantial detriment to the public good would occur from such variances since all of the aforementioned conditions are pre-existing, non-conforming conditions at the PIQ and changes to such pre-existing conditions would constitute a hardship to the applicant under N.J.S.A. 40:55D-70c(3).

33. The P/Z concludes that the requested variances from side yard variance from Code Section 202-62D(1), minimum rear yard setback of 20 feet pursuant to section 202-62E and maximum lot coverage of 60% under Code Section 202-62F can be granted without any substantial impairment to the zone plan and zoning ordinance since the use proposed by the applicant is permitted in the C-2 Zone and the PIQ continues to be an appropriate location for the use. Further, the P/Z concludes the variance could be granted without any substantial detriment to the public good since it is consistent with the character of the surrounding neighborhood.

GENERAL CONDITIONS OF APPROVAL

1. A brief notice of this decision shall be published in the official newspaper of the City of Woodbury at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized. A proof of publication shall be filed with the Administrative Officer of the P/Z within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows.

3. These General Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

4. The Additional Conditions of Approval, if any, shall be binding upon the applicant, the owner and any successors and/or assigns of either.

5. The approval(s) granted is/are conditioned upon the applicant obtaining the following governmental approval(s):

- (X) Gloucester County Planning Board
- () Pinelands Commission

6. Prior to the commencement of any construction, the applicant shall obtain the following governmental approvals and/or permits:

- () City of Woodbury Construction Code Official
- () Gloucester County Soil Conservation District
- () New Jersey Department of Transportation Highway Access Permit
- (X) Gloucester County Engineer Highway Access Permit
- () Gloucester County Engineer Utility Connection Permit
- () Gloucester County Board of Health Approvals
- () City of Woodbury Utility Authority approval (including, without limitation, W-4 and S-4 Permits)
- () New Jersey Department of Environmental Protection
- () New Jersey Department of Environmental Protection-wetlands delineation, wetlands transition area and/or general permit(s) approval

7. The applicant shall be responsible for and shall satisfy, in accordance with the City of Woodbury Land Use Ordinance, the following fees and charges:

() Mandatory Development Fees

8. Any improvement(s) to be constructed as a result of the P/Z approving this application shall be constructed and operated in full compliance with the Code of City of Woodbury, the Revised Statutes of the State of New Jersey and any other applicable county and/or Federal law.

9. Unless specifically waived in whole or in part and noted in the Additional Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the amounts and in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the City of Woodbury Code.

10. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the P/Z shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until

the applicant has posted the required performance guarantees and the applicant has demonstrated that all conditions of the final approval have been satisfied.

11. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the P/Z.

12. If a final approval has been granted, the applicant shall submit to the P/Z Engineer for his approval the required number of complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

13. The applicant shall comply with Title 39 of the New Jersey Statutes.

14. The applicant shall construct all drainage basins or alternate drainage facilities upon the PIQ, including inflow and outflow structures, prior to the commencement of any construction upon the PIQ.

15. The applicant shall fully comply with and satisfy all the comments in the P/Z Engineer's Report of December 14, 2020.

16. The applicant shall fully comply with and satisfy all the comments in the P/Z Planner's Report of December 7, 2020.

ADDITIONAL CONDITIONS OF APPROVAL

1. As condition of approval, the applicant agreed that no major repairs, body work, painting or other automotive services would be performed at the PIQ.

2. As a condition of approval, the applicant agreed that no loading or unloading of vehicles would occur in the improved cartway of North Evergreen Avenue.