



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

Minutes
May 1, 2017

Mayor Conley called the Meeting to order at 7:05 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:

Harry Elton Jr.
Bruce Farrell
Joseph Martino
Sean Flynn
Mayor Conley
Lou Deeck
Stephen Hart
Victoria Holmstrom
Michael McCabe
Scott Norcross
Debbie Sesko

Absent:

Councilman Pye
Erin Frombach

ALSO IN ATTENDANCE:

SOLICITOR: Brian Lozuke, Esq

ENGINEER: Mark Brunermer, PE, CMC

PROFESSIONAL PLANNER: Tiffany Cuiello, PP, AICP

Bruce Farrell, Chairman

RESOLUTIONS:

A motion was made by Mr. Martino to pass resolution 2017-09. The motion was seconded by Mr. Deeck. The resolution was passed with the following vote: Mr. Elton, yes, Mr. Martino, yes, Mr. Flynn, yes, Mr. Deeck, yes, Mr. Hart, yes, Mrs. Holmstrom, yes, Mr. Farrell, yes.

A motion was made by Mr. Martino to pass resolution 2017-10. The motion was seconded by Mr. Flynn. The resolution was passed by the following roll call: Mr. Elton, yes, Mr. Martino, yes, Mr. Flynn, yes, Mr. Deeck, yes, Mr. Hart, yes, Mrs. Holmstrom, yes, Mr. Farrell, yes.

APPLICATIONS:

Application #17-0006- Raymond & Wilma Lodato: Block 70 Lot 1.04 “Site Plan Review with Bulk Variances”.

Mr. Richard Roy presented himself on behalf of the applicant. He introduced Mr. Gary Civalier, 12 W.Mantua Ave., Wenonah, NJ, professional engineer and surveyor as well as the applicant, Mr. Raymond Lodato, 2 North Green Acre Dr., Cherry Hill, NJ. They were all sworn in before the board by Mr. Lozuke.

Mr. Roy stated that in addition to the site plan approval, there were a number of variances and waivers required. They are identified in the professional review letters. These variances include signage, the loading space. The waivers include curbs and setbacks. All are outlined in the review letters.

Mr. Lodato, Applicant: Mr. Lodato testified that he would be the owner of the site, which would be a privately owned family business. Mr. Lodato described his proposal of an Ice Cream shop with a drive-thru opportunity. They would sell ice cream, water ice and baked goods. There would be no inside seating.

Mr. Lodato anticipated the hours of operations could be from 11 am-11pm in the summer, and 3pm-9pm in the winter months, if successful in the winter. Mr. Lodato anticipated, having a few family members and an additional four to five employees on site, during height hours. Mr. Lodato

Bruce Farrell, Chairman

testified that he would like to improve the site, at 505 Elm St, and only provide something the community can be proud of.

The aesthetics of the building were discussed. He indicated the color scheme would be similar to the fire house, with dark grey, light grey and a wagon red. Three side would have this scheme, whereas the back would be solid grey. He indicated they would be paving the entire lot, with about four landscaped areas. He emphasized he wants the property to look nice and to be proud of it. Landscape lighting was also mentioned.

The access for the drive-thru was discussed. The applicant agreed to be responsible for any striping signage on Barlow Ave, where the entrance will be located. Mr. Lodato discussed why the signage variances are necessary. He explained that he chose this location because he liked that the property was tucked into town, surrounded by homes, schools etc. He also mentioned that the road is busy. He indicated that with the location, it is important to be visible> he also believes the signage will liven up the property and give colors.

Mr. Roy interjected that the sign although it appears to be three separate signs, it is actually on the same metal band. Mr. Roy stated that if the board recognizes it as three separate sign to allow it, and if it recognizes them as one sign it would comply with the ordinance as far as the number of signs.

Mr. Lodato pointed out that the shed would be used for storage for items such as power washers, ladders, tools, equipment, and supplies for the shop. He also indicated that there will not be outside speakers at the location. Mr. Lodato hoped to open on September 1st. He recognized that there is a lot to do, and that his contractors are all lined up. He hopes to get his permits by June, giving him three months to open.

The floor was opened to the board for questions.

Mr. Lozuke asked about the frequency and type of deliveries at the location. Mr. Lodato stated that he would request deliveries occur in the morning. He also stated that he does not anticipate any tractor trailers making deliveries. He anticipated deliveries during off hours, with box trucks about 2 times per week.

Mr. Farrell asked if deliveries would be anticipated during off hours in the back parking lot. Mr. Lodato confirmed this. Mr. Farrell wanted assurance that no streets would be blocked during deliveries. Mr. Lodato assured him there would not.

Mr. Martino asked if the trucks would be the size of a cookie truck. Mr. Lodato explained they would be a 20 ft. truck and that he would tell vendors that smaller trucks are needed or the deliveries could not be accommodated.

Mr. Elton asked if Mr. Lodato is buying or leasing the property. Mr. Lodato indicated that he is purchasing the property.

Mr. Hart asked if hot dogs would be sold. Mr. Lodato said although he will not start by serving them, but it is possible. He also stated if he is cooking, he would not be doing so with a grill, because he is not interested in that business and because the smell can affect the ice cream flavor. Mr. Lodato also mentioned the possibility of nachos, cookies, waffles and ice cream and pies.

Mr. Martino asked if it would be like a Dippin' Dots. Mr. Lodato clarified that "Dot's" is a family nickname, and will also be the name of the shop. They intend to serve homemade ice cream and water ice.

Mr. Farrell asked for confirmation that the business is all walk up. Mr. Lodato confirmed this.

Mr. Civalier was called upon for his presentation. The board approved his qualifications, as he had testified before the board previously.

Mr. Civalier explained that the applicant is proposing a stacking lane on Barlow Ave, by widening Barlow in that location. He discussed the parking provided on the plan is the max parking possible while still functioning properly. Mr. Civalier indicated there would be overflow parking in the stone lot behind the building. He also indicated that landscaping would be added along the front, on the corner, on the east side of the property, along Barlow and along the back to create green space. He also stated that the trees would be removed, as per the Borough engineers, to accommodate an easement for the lateral.

Mr. Farrell asked about the fence on the back of the property. Mr. Civalier indicated it is the adjoining properties fence. They indicated they would leave the fence.

Mrs. Holmstrom asked about the location and its former use as the Shell Oil Gas Station. She asked if the wells were closed. Mr. Civalier indicated that most have been closed. He added the two in the back may be closed by the end of May, but until they are closed they will be protected by concrete slabs.

Mr. Martino asked if there are tanks in the ground. Mr. Civalier indicated there are not. Mr. Farrell also added that it would be a requirement

of the closure certificate. Mr. Roy also stated that the NFA would kill the project if this were the case. Mr. Lodato explained that the wells were tested in February and scheduled to be tested again in May. They found four closed wells, and if the findings were negative again they would close the remaining four.

Mrs. Holmstrom asked how many parking spaces would be affected. Mr. Civalier stated that with concrete surround, they could still be parked on. Mr. Brunermer agreed, and indicated this would be considered a preexisting condition.

Mr. Lozuke asked if the test results in May could be released to the board. Mr. Lodato agreed.

Mr. Civalier testified that the existing property is wall to wall paving; he believes the proposal improves upon what exists. He explained the waivers are necessary because the setback cannot be met and have the site become functioning for the applicants intention. Mr. Civalier indicated that the function and appearance can be improved upon. He cited the traffic through the lot. He believes the cross traffic and the fast movements in and out of the property would be lessened by the reconfiguration of the drives and removal of pavement. He added that the county would be approving the proposal the following day. Mr. Civalier testified that there would be no problems with deliveries, and a full sized loading zone is not necessary. Discussion ensued.

Mr. Civalier indicated that the signage is necessary to draw attention to the site. He mentioned that the site lacks a long frontage, and that the height of the sign is necessary. The direction to Barlow for the drive –in was added as per the instruction of the subcommittee. He indicated that the building’s size makes it necessary to exceed the allotted signage area of 31 square feet. He stated that they would be using the existing pole for the sign. Mr. Civalier stated that he sees no detriment with the presented proposal, he believes they will be adding value and a look that the town should be proud of.

Mr. Lozuke asked if there were any objections Mr. Brunermer’s letter. Mr. Civalier spoke about the stone parking, and asked for a waiver. Otherwise, he said, the paving specifications were fine, the curb extension would be added, and the no parking signs would be added on Barlow Ave. He pointed out that bumper blocks were added as suggested at the concept meeting. He would add lighting if required.

Ms. CuvIELlo asked about the light being on the same pole as the sign. Discussion ensued. Mr. Elton asked if the sign is internally lit and asked for clarification. Ms. CuvIELlo explained the sign would also have a light to light

the parking light, which she believed would not look right. Discussion ensued. Mr. Elton asked how the signs on the building are illuminated, and if they flash. Ms. CuvIELLO explained they are back lit with no flashing.

Mr. Deeck asked about the bumper blocks. Mr. Civalier indicated they would be pinned in place, and allow for drainage to run through. Mr. Farrell asked if the county had asked to have the radius of the corner curbed. Mr. Civalier indicated that the state did not, but they would be extending the curbing as per Mr. Brunermer.

Mr. Martino asked if the restroom would be public. Mr. Lodato responded that there would be no public restroom, only employee restrooms.

Mr. McCabe asked if the county suggested any kind of pedestrian crossing requirements. Mr. Civalier replied that the county did not, but it could be added with county approval.

Mr. Brunermer asked if there would be enough spaces to accommodate sports teams and overflow, as there would be no parking on Barlow and on the street. He stressed that it has already been discussed with the public works director, and would need to be presented to Mayor and Council. He indicated that with the intersection to delegate a cross walk would be up to the municipality, as the county would not typically get involved. He also stressed that there would be foot traffic from pedestrians and kids. Discussion ensued. Mr. Farrell asked if it would be more cost effective to do a handicap ramp now, with the new requirements. Mr. Brunermer indicated that the location of the crosswalk hasn't been determined.

Mrs. Holmstrom suggested making Elm Ave no parking as well.

Mr. Elton stated that realistically if there is going to overflow; people would park at the firehouse. He added it may be mutually beneficial to add the cross walk closer to that location. Mr. Brunermer indicated you would need DOT approval for that kind of a crosswalk.

Mr. Elton added that if not made convenient, people will cross wherever they want.

Mr. Farrell stated that it may benefit if it marked on the roadway it may give drivers notice that something is coming and to caution.

Mr. Hart cited the dance studio, and the issues with crossing at that location, especially in the dark.

Mr. Farrell added that this would be why the lighting is beneficial, not just for advertising but for safety.

Mr. Roy asked if there is a possibility of grants for the Borough or other ways of doing a cross walk. He added that realistically this would only

be an issue in June, July and August, which gives them time to address the crosswalk issue.

Mr. Farrell suggested adding a provision to address the issue in the near future.

Mayor Conley added that he does not want to see new curbing torn out, and suggested barrier free curbing for the time being. Discussion ensued. Mayor Conley also added the Stop and crosswalk flop over signs to put on Elm Ave as a temporary precaution, like the one on West Jersey Ave. It was noted that permission from the county was not believed to have been needed to place those signs.

Mr. Farrell asked for comments from the professionals.

Mr. Brunermer presented his report. Mr. Brunermer's Report is on file in the municipal building, available for review. Mr. Brunermer requested a 15 foot easement, rather than the required 10 ft. The picnic tables would not be allowed to be over the easement, so they would need to be moved. He asked about parking for the employees. The applicant indicated they would like to have a few spots in the front. He testified that this would go against the normal procedure of having employees park far away. He stated the idea may be safer for foot traffic, to have less customer parking in the front. Mr. Brunermer pointed out that floor drains would not be necessary, as food will not be prepared.

Mr. Farrell asked if there is a parking minimum. Mr. Brunermer stated that he is comfortable with what is provided, with possible overflow with baseball and softball seasons.

With no questions from the Board, Mr. Farrell deferred to Ms. CuvIELLO.

Ms. CuvIELLO suggested concrete balers to prevent traffic, although it was not in her report. Mr. Civalier indicated that they are present in the plan. Ms. CuvIELLO reviewed her report. Ms. CuvIELLO's Report is on file in the municipal building, available for review. Ms. CuvIELLO summarized the variances for the sign. She agreed that they would need more square footage than the ordinance allowed. She also clarified that she preferred to view the sign as three separate signs, to be conservative. She added the total square footage requested is 149 square feet vs. 31 square feet. She added that at the informal meeting she suggested the drive thru entrance be on Barlow, with a sign to indicate such. She added that she did not calculate the functional hanging wall signs in the square footage calculation.

Bruce Farrell, Chairman

She reviewed the applicants request to use the existing pole. She agreed. She added that the wall signs that exceed the roof line would also require a variance. She deferred to Mr. Brunermer for the shade trees in the easement, suggesting some coverage for the seating area. She also recommended that it be a condition of the variance that no deliveries be made during operating hours. Mr. Farrell agreed it should be a requirement. Ms. CuvIELlo added that this would be a stipulation even if the property is sold. She also asked about the door on the front. The applicant clarified that the door would be locked, and only for employee use.

With no questions for Ms. CuvIELlo, the floor was opened to the public with a motion from Mr. Elton and a second from Mr. Martino.

John Farrell, 335 Oak Ave. : Mr. Farrell asked where the employees would park. Mr. Civalier clarified the four spaces in the front would be dedicated to employees, to limit traffic and improve safety for foot traffic. Mr. Lodato indicated that he would rather not designate, but see how operations go.

Bob Yerks, 601 Stratford Ave: Mr. Yerka asked if shrubbery would be added on Elm, with concerns of line of sight. Mr. Civalier said they would not.

A motion was made by Mr. Elton to close the public portion, and it was seconded by Mr. Deeck. The ayes closed the floor.

Mr. Lozuke asked when the signs would be turned off. Mr. Lodato agreed to turn the signs off within an hour of closing, and possibly use a timer.

Mrs. Holmstrom asked about the drive thru, and if there would be a speaker. Mr. Civalier stated there would not be a speaker, it would be a drive up window. She asked about stacking. Mr. Farrell stated that if the stacking becomes an issue they would have to come back before Mayor and Council.

Mr. Hart asked if there would be a drive thru sign on Barlow. The applicant responded they would like directive striping. Ms. CuvIELlo stated that a directional sign would be allowed on Barlow as long as it meets the ordinance, and a provision in the resolution would indicate that.

Mr. Hart also asked if there were plans to expand the picnic area. Mr. Lodato said the area can only fit six tables, but may use a temporary awning or

Bruce Farrell, Chairman

enclosure. Mr. Farrell indicated the applicant would have to come back before the board for any permanent expansion, but a seasonal non-permanent awning would be fine.

A motion was made by Mr. Deeck and seconded by Mayor Conley, to approve the application for preliminary and final site plan approval with the variances discussed, with the condition that the board be revisited by the applicant to address crosswalk issues before the maintenance bond is released. The application was approved with the following vote: Mr. Martino, yes, Mr. Flynn, yes, Mr. Elton, Mayor Conley, Mr. Deeck, yes, Mr. Hart, yes, Mrs. Holmstrom, yes, Mr. Farrell, yes.

FENCE COMMITTEE:

The following members were appointed to the fence committee: Mr. Farrell, Mr. Deeck, and Mrs. Holmstrom.

The meeting was opened to the public with a motion by Mr. Deeck, seconded by Mr. Martino. With nothing from the public a motion was made to close the public portion. All in favor- motion carries.

Mr. Deeck 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