

**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.

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.

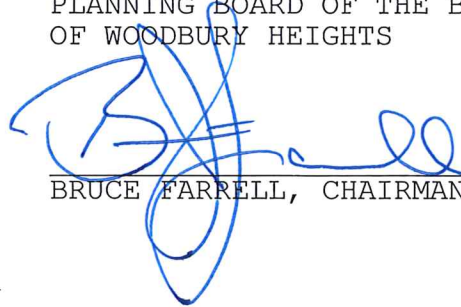
9. The application submitted by the applicant substantially complies with the requirements of the Borough of Woodbury Heights Ordinance.

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.

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