

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2020:08**

WHEREAS Brian & Diane Management, LLC has applied to the Planning Board of the Borough of Woodbury Heights for a waiver of formal site plan review to establish a nail salon in an existing building; and

WHEREAS, the property in question is located on Glassboro Road, Block 74, Lot 6 in the Community Commercial 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 Brian & Diane Management, 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. Michael A. Aimino, Esquire appeared on behalf of the applicant who is a contract purchaser of the property. The applicant wishes to occupy the first floor of the existing building and operate it as a nail salon. The second floor is presently occupied by tenants and utilized for storage. The applicant proposes to continue those uses. There is also a storage trailer on site which the applicant wishes to retain. There are preexisting conditions of a zero front yard setback where 30 feet is required and a 14.8 foot side yard setback where 30 feet is required. There is an existing paved area for parking which the applicant wishes to retain and not expand. The parking area encroaches on the adjoining property owner.

2. An initial hearing was held on June 3, 2019. At that time, the Board determined that they had not been provided with enough information to grant a waiver of site plan. The applicant sought a postponement in order to gather the information requested by the Board Professionals. Additional information was provided and a continuation of the public hearing took place on November 4, 2019.

3. The applicant presented the testimony of Ann Nguyen who will be operating the nail salon and whose husband is the 100% owner of the applicant LLC.

4. The applicant presented the testimony of James A. Clancy, PE, PP, PLS, CME.

5. The applicant provided a signed easement granted by the adjoining property owner for the parking encroachment which will be recorded and will run with the land.

6. The applicant provided a floor plan for the first floor salon as well as a floor plan of the second floor indicating what areas are occupied by which tenants and which areas are presently utilized for storage only.

7. The applicant provided testimony regarding the operation of the nail salon including hours of operation from 9:30 a.m. to 7:30 p.m., Monday through Saturday and Sunday from 11:00 a.m. to 4:00 p.m. There will be a maximum of 6 employees on site including the owner.

8. The storage trailer will be utilized to store supplies for the nail salon. Access to the storage trailer is from the building. The only changes to the parking lot will be striping and designation of a handicap space. There will only be one public entrance to the building on the side with other access to be for emergency use only. One light pole has been added in the parking area.

9. The tenants occupying the second floor are counselors, Dr. Scott R. Schaffer and Kathleen Agosto, Professional Engineer, Mark R. Cipolone and Drexel Realty. They together are occupying six of the ten office spaces on the second floor with the remaining four spaces utilized for storage only.

10. The applicant indicates that they will not generate enough trash to require an outside dumpster. Trash will be collected and kept in trash cans in the storage trailer and picked up by a private trash collector.

11. The Board carefully considered the review letter of October 30, 2019 prepared by Planning Board Engineer, Mark R. Brunermer, PE, CME and the review letter of October 31, 2019 prepared by the Planning Board Planner, Tiffany A. Morrissey, PP, AICP.

12. No one from the public appeared to comment on the application. There was significant discussion regarding parking calculations and how future use of the second floor may impact and change parking requirements. The applicant proposes 22 parking spaces and calculates the requirement to be 21 spaces. The Board's Planner calculates the need for at least 24 spaces triggering the need for a parking variance.

13. The application submitted by the applicants substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough of

Woodbury Heights Ordinance. The applicant has shown the special reasons necessary to grant the variance.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Brian & Diane Management, LLC for a waiver of formal site plan review to establish a nail salon in an existing building 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. All outstanding escrow and inspection fees shall be paid in full prior to the issuance of any permits or certificate of occupancy. All site improvements shall be completed prior to the issuance of a TCO or CO.

3. Variances for a front yard setback of 0 feet where 30 feet is required as well as a side yard setback of 14.8 feet where 30 feet is required are granted.

4. The applicant shall submit revised plans reflecting the changes made pursuant to this approval.

5. The applicant's plan shall be revised to reflect parking calculations using gross floor area and the need for a variance to allow for 22 parking spaces.

6. The easement provided to the Board Professionals for review which allows for the applicant's parking area to encroach on the adjoining property owner shall be recorded. It is noted that the easement is perpetual, will run with the land and will be enforceable by future property owners.

7. The need for a trash enclosure and trash dumpster is waived based upon the applicant's testimony that the trash which they generate will be kept in trash cans inside of the storage trailer and collected by a private trash collector.

8. The public entrance to the building will be by way of the side door adjacent to the parking lot. Any other points of access will be for emergency use only.

9. The applicant shall utilize existing signage.

10. The requirement for a 5 foot lawn area between the property line and parking lot is waived as a preexisting condition.

11. Concrete wheel stops will be realigned with the new parking lot striping.

12. Cross striping will be painted yellow for parking spaces and blue for the handicap spaces and epoxy paint shall be utilized.

13. A stop sign will be installed for traffic exiting the site. Traffic direction arrows will be painted at the 21 foot wide and 22 foot wide portions of the parking lot drive aisle.

14. The handicap ramp shall be inspected and approved by the construction code official.

15. The applicant shall increase the proposed lighting for the parking lot with the details to be worked out to the satisfaction of the Planning Board Engineer.

16. Hours of operation for the nail salon shall be from 9:30 a.m. to 7:30 p.m. Monday through Saturday and Sunday from 11:00 a.m. to 4:00 p.m. There will be a maximum of 6 employees on site including the owner.

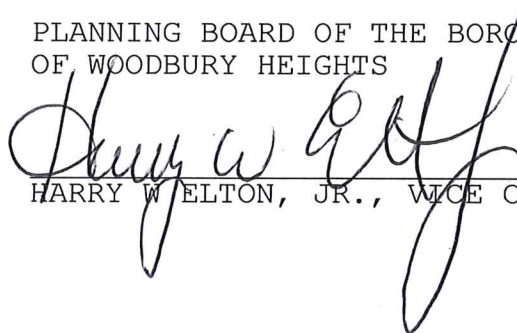
17. The storage trailer shall be utilized to store supplies for the nail salon.

18. Any change in use or occupancy of any space in the first or second floor of the building shall require a CO inspection and review of parking requirements. In the event additional parking is required, an application shall be made to the Planning Board.

19. The applicant shall comply with all comments set forth in the review letter of October 30, 2019 prepared by Planning Board Engineer, Mark R. Brunermer, PE, CME and the review letter of October 31, 2019 prepared by Planning Board Planner, Tiffany A. Morrissey, PP, AICP.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on January 6, 2020.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS


HARRY W. ELTON, JR., VICE CHAIRMAN

ATTEST:


SHANNON ELTON, SECRETARY