

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2020-10**

WHEREAS 302 Tricentennial LLC has applied to the Planning Board of the Borough of Woodbury Heights for a variance to permit a recording studio in a Light Industrial Zoning District; and

WHEREAS, the property in question is located on Glassboro Road, Block 38, Lots 15, 6 and 7 in the Light Industrial Zone; 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 302 Tricentennial 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. Robert W. MacFeeters, Esquire appeared on behalf of the applicant and presented testimony of Dr. David Gubman, Principal of the applicant LLC and Joseph Heier, owner of Crystal Clear Recording and Video Production.

2. The applicant is the owner of an existing office building part of which he occupies with his medical practice. He seeks to lease a one story office space known as Suite 100 to Mr. Heier.

3. The recording studio is not listed as a permitted use in the Light Industrial Zone and therefore a use variance is required.

4. Mr. Heier's company, which has been in existence for approximately 30 years, will utilize the office space to record and teach music and film. His clients are individuals and small groups who desire to learn audio engineering, studio and production management. Most of his work is one on one with occasional groups of up to 5 individuals and on rare occasions, a larger group. Mr. Heier has 2 or 3 employees including himself. All clients appear by appointment only. He will operate from 10:00 a.m. to 9:00 p.m. 7 days per week. No activities will take

place outside of the building. There will be no structural changes to the interior or exterior of the building. The only improvement will be sound proofing.

5. There are presently 22 available parking spaces and it is anticipated that the recording studio will require 4 parking spaces. However, there are an additional 61 parking spaces available which are presently utilized by the adjacent Pellegrino Car Dealership on a month to month lease basis. In the event more parking becomes necessary, those spaces can be utilized. The applicant is seeking the addition of 1 wall mounted sign near the entrance to the recording studio.

6. The Board considered the review letter of April 27, 2020 prepared by Planning Board Planner, Tiffany A. Morrissey, PP, AICP. The Board determined that the proposed use is very similar to those uses listed as permitted uses in the zone and that it is very much compatible with those uses as well as the existing uses in the area.

7. The application submitted by the applicants substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicants 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 applicants have 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 302 Tricentennial LLC for a variance to permit a recording studio in a Light Industrial Zoning District 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.

3. A variance is granted to allow a wall mounted sign near the entrance to the recording studio not to exceed 6 square feet.

4. In the event that any of the remaining vacant office space in the applicant's building becomes occupied, the amount of parking spaces required by Ordinance shall be provided and verified by the Zoning Officer. If necessary, the month to month lease agreement with the adjoining car dealership shall be terminated or modified as may be necessary to provide the required number of spaces.

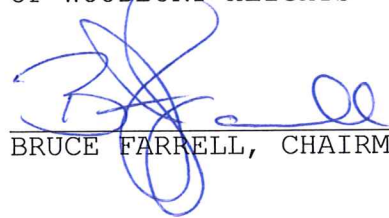
5. The applicant shall provide a fenced in trash enclosure on a hard surface with the detail subject to review and approval by the Planning Board Engineer.

6. The Planning Board Engineer shall measure the existing lighting to determine if any modifications are needed.

7. The recording studio shall be by appointment only with hours of operation from 10:00 a.m. to 9:00 p.m. 7 days per week. Adequate sound proofing shall be installed and no activities shall occur outside of the building.

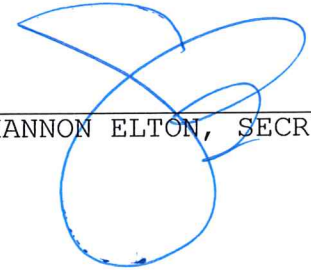
Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on June 1, 2020.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY