

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2023-08**

WHEREAS Alexander Martinez and Joelis Morillo has applied to the Planning Board of the Borough of Woodbury Heights for a use variance to permit a second floor 3-bedroom apartment above an existing hair salon; and

WHEREAS, the property in question is located on 415 Glassboro Road, Block 37, Lot 13 in a Community Commercial 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 use variance 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 for a use variance to permit a second floor 3-bedroom apartment above an existing hair salon:

1. The applicants are the owners of a two story building where they operate a hair salon on the first floor. They are seeking use variance approval to establish a 3-bedroom apartment on the second floor above the hair salon. Apartments are not permitted in the zone. The applicants are not proposing any new construction except for the addition of an outdoor stairway leading to the second floor apartment. The existing building presently has a set-back of 17.6 feet where 30 feet is required. Addition of the stairway will result in a set-back of 14.5 feet. Design waivers are required for two preexisting conditions, parking within five feet of a property line and parking within 15 feet of a street right of way. The applicants presented the testimony of Architect, John Descano. The Board considered the review letters of Planning Board Engineer, Mark R. Brunermer, PE, CME, dated January 16, 2023 and Planning Board Planner, Tiffany A. Morrissey, PP, AICP, dated February 2, 2023.

2. The plans originally submitted with the application were revised. The initially proposed 4-bedroom apartment has been reduced to a 3-bedroom apartment. A new parking plan was submitted eliminating two parking spaces from the south side of the lot and shifting those spaces away from the property line. Also, two parking spots at the north end of the lot were eliminated and two parking spaces added adjacent to the building. At the time of the hearing it was revealed that there are drainage issues affecting the parking spaces at the southwest corner of the property which apparently were not caused by the property owner. Only one member of the public appeared at the hearing and provided testimony regarding the drainage issue.

3. 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.

4. Because of the nature and configuration of the applicant's land, failure to grant the variance will work a peculiar and exceptional practical difficulty on the applicant.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Alexander Martinez and Joelis Morillo for a use variance to permit a second floor 3-bedroom apartment above an existing hair salon 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. The apartment shall be a 3-bedroom apartment based upon the revised floor plan dated February 6, 2023.

4. Parking shall be as set forth on the revised plan dated February 6, 2023.

5. The applicant will make an effort to identify and resolve the drainage

issue at the south side of the property.

6. Waivers are granted for parking within five feet of the property line and parking within 15 feet of the street right of way. Two parking spaces will be designated as tenant parking spaces. The applicant will restripe the parking lot and provide white arrows for the entrances and exits.

7. Wall lighting will be provided at the rear and side of the building where tenants will enter.

8. Standard trash receptacles will be used for the residential use. The hair salon will be separately responsible for trash disposal.

9. The applicants shall make application to the County for approval or waiver.

10. The outside stairs entrance for the apartment will meet all code requirements. If they are unable to do so any proposed changes will be subject to review and approval by the Planning Board Engineer.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on March 6, 2023.

**PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS**



BRUCE FARRELL, CHAIRMAN

ATTEST:



SHANNON ELTON, SECRETARY