

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2024-08**

WHEREAS 11 Lincoln Properties, LLC has applied to the Planning Board of the Borough of Woodbury Heights for a use variance and site plan approval to establish a 7 station hair salon in an existing building; and

WHEREAS, the property in question is located on the corner of Lincoln Avenue and 2nd Street, Block 6, Lot 6 in a Residential (R) 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 a use variance and site plan approval to establish a 7 station hair salon in an existing building 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. Mark P. Asselta, Esquire, appeared on behalf of the applicant. The applicant is the owner of a two-story building on the corner of Lincoln Avenue and 2nd Street, approximately one block from Mantua Pike. The property is in a residential zone but adjacent to the commercial zone. The applicant presented the testimony of Anthony Fiorentino, Principal of the LLC applicant and Gerald Defelicis, Professional Planner.

2. The applicant owns and operates hair salons. The applicant received prior approval to permit a warehouse on the first floor and an office area on the second floor. The second floor was approved as a call center office area with a maximum of 14 employees. The applicant was also granted a variance to allow 19 parking spaces. However, there was a condition that no hair cutting or other retail services would be allowed.

3. The applicant now proposes to continue to use the second floor as an

office area, however, it will not be utilized as a call center and will only be occupied by 3 to 6 employees with hours of operation being Monday through Friday from 9 to 5, closed on weekends. The second floor office area is not open to the public. A portion of the first floor, 1,211 square feet, would be utilized for a hair salon open to the public by appointment only. The hair salon will have 7 stations with a maximum of 7 employees with the following hours of operation: Tuesday 11-7, Wednesday and Thursday 9-8, Friday 9-7, Saturday 8-4, Sunday 10-4, closed on Monday. The remainder of the first floor will continue to be utilized for the storage of products and supplies. There will be no changes to the site other than an entrance to the salon and a facade sign. Delivery of products and supplies will be made 2 times per week by small trucks which will not utilize the parking lot for delivery. The salon will be a hair salon only and will not offer other services such as nails, manicures and pedicures.

4. The Board considered the review letter of November 28, 2023 prepared by the Planning Board's Professional Planner, Tiffany A. Morrissey and the review letter of November 17, 2023 prepared by the Planning Board Engineer, Sickels & Associates, Inc. No one from the public appeared to comment on the application.

5. 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 11 Lincoln Properties, LLC for a use variance and site plan approval to establish a 7 station hair 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.

3. The second floor shall be occupied by no more than 6 employees, will not be open to the public and will operate from 9:00 a.m. to 5:00 p.m. Monday through Friday.

4. The salon will have no more than 7 stations and 7 employees and will offer hair services by appointment only. Hours of operation shall be Tuesday 11-7, Wednesday and Thursday 9-8, Friday 9-7, Saturday 8-4, Sunday 10-4, closed on Monday.

5. A variance is granted to allow 19 on-site parking spaces. Proper striping and paint shall be provided for the handicapped parking space.

6. Trash shall be kept inside the building until disposal. The outside trash enclosure/dumpster shall be removed. In the event the applicant chooses to keep the trash outside, then he shall provide a trash enclosure with the type and location to be approved.

7. The trailer and truck will be removed from the property and company vehicles shall not be parked at the property during business hours.

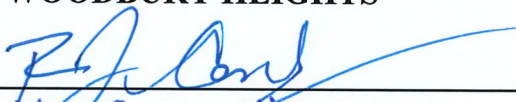
8. Site lighting presently in place shall be reviewed by the Planning Board Engineer. The applicant shall comply with any suggested modifications. The applicant shall comply with any suggested modifications prior to the issuance of a Certificate of Occupancy.

9. Any signage will comply with Borough Ordinance. If not, the applicant shall seek approval. There will be no pylon sign.

10. In the event any portion of the building is leased to a third party or if more employees are added, the applicant shall seek further approval from the Board.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on January 8, 2024.

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



Robbie Conley, Vice Chair

ATTEST:



SHANNON ELTON, SECRETARY