

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
LAND USE BOARD
SUMMARY MINUTES
November 12, 2025**

REGULAR MONTHLY MEETING was called to order by Chairperson Fisher at 6:00 P.M.

MEMBERS PRESENT: Councilman Bennett, Ms. Childs, Mr. Harry Ciabaton, Mr. Louis Ciabaton, Chairperson Fisher, Vice-Chair Lees, Mr. Petro, and Mr. Phillip.

Also, in attendance were Solicitor Jon Batastini, Board Professional, Lewis H. Conley Jr., and Board Secretary Monserrate Gallardo.

MEMBERS ABSENT: Mr. Ovens. Ms. Becica notified the Secretary via email that she would be unable to attend this meeting. Councilwoman Prettyman also notified the Secretary via email that she would be unable to attend this meeting.

Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the Cape May County Herald on January 15, 2025, and by posting a copy of said notice on the Lobby Bulletin Board, of the Borough Hall and on the Borough Website.

An audio recording of this Open Public Meeting is filed with the Secretary of the Board.

Chairperson Fisher led the Board to the Pledge of Allegiance.

APPROVAL OF THE MINUTES for October 8, 2025, was tabled until the December 10th Meeting.

UNFINISHED BUSINESS AND STATUS REPORTS:

Chairperson Fisher introduced the application listed below which is continued from the October 8, 2025, Meeting. Solicitor Batastini stated for the record at the last meeting that no additional notice would be required.

New Application: Brian & Lisa Sullivan	Application No. 2-8-25
	Block 130 Lot 9
	1556 DeHirsch Avenue
	Major Site Plan/Pre. & Final/
	Conditional Use

Cory Gilman, Attorney for Applicant Brian Sullivan began by giving a summary of the application. In said summary he gave the address of the property as well as the block and lot. He stated that the application had been tabled to allow time to resolve certain issues regarding the application. He stated that as a result, revised plans had been submitted for review. Mr. Gilman requested that Engineer David Scheidegg of Schaeffer, Nassar, & Scheidegg Consulting Engineers LLC whose firm is located at 1245 Cantillon Blvd., in Mayslanding NJ 08330 be sworn in to testify as an expert Engineer on the application. Solicitor Batastini swore in Mr. Scheidegg and Board Professional Lewis H. Conley Jr.

Mr. Gilman continued the hearing by requesting that Mr. Scheidegg discuss the revisions that took place from the first plan that was submitted. Mr. Scheidegg stated the address of the property in question including the block and lot as listed above. He stated that Mr. Conley Jr. recommended paving with asphalt the two (2) entrances along DeHirsch Avenue and this was now shown in the revised plan. He also identified the three septic systems and their locations on the property. He commented on the water meters also identified on the plans. He stated that the Applicant was working with the Water Department regarding the placement of the proposed fire hydrant.

Mr. Scheidegg continued the hearing by discussing the locations of the two trash enclosures which were not initially clear on the first plan. He discussed the truck loading area and the signs on the property. He also identified the lighting on the property. He stated that parking had been addressed and mentioned the percentage of asphalt completed. He read the concerns regarding standing water on the property. Mr. Scheidegg concluded his testimony. Mr. Gilman had no further questions for him. He stated that he would not solicit any testimony from Applicant Brian Sullivan unless it was requested from the Board. Solicitor Batastini asked the Board if they had any questions. The Board had no questions.

Board Professional, Lewis H. Conley Jr. spoke next. He complemented Engineer Scheidegg in the way he used Mr. Conley's report dated November 10, 2025, to comment back in response. He began to read from the comments for the record beginning with C-1. Comment C-1 remained unchanged. Comment C-2 stated that the Applicant demonstrated via testimony that the dwelling that was converted into an office had a pre-existing non-conforming front yard setback that was not exacerbated by the application. He stated that comment C-3 regarding the on-site sewage disposal systems had been concurred by Engineer Scheidegg in a letter to the Secretary dated October 28, 2025.

For comment C-4, Mr. Conley Jr. stated that the revised site plan now identified which sewage disposal system was connected to which building. He stated for comment C-5 that although the revised plan clarified the water system lines onsite, it still did not provide the size and location of said water lines, along with the water meter size and location. Comment C-6 stated that Mr. Scheidegg's letter of October 28, 2025, mentioned that the Applicant was actively working with the Woodbine Water Department in support of a proposed fire hydrant close to the site. He stated that the Applicant would provide an update by the next meeting date.

Mr. Conley Jr. continued the hearing with comment C-7 where a processed asphalt milling in lieu of the previously stated gravel surface had been proposed. He stated that the Applicant would provide an anticipated schedule of completion for this work. Mr. Batastini asked Mr. Gilman if this would be complied with. Mr. Gilman attested that it could be complied with. Mr. Batastini stated that it could be part of the conditional approval. For comment C-8, Mr. Conley Jr. stated that the revised plan now indicated where the transformer and the septic tank were located. He stated the additional protection found such as bollards and parking bumpers (wheel stops) were also identified on the site plan. He stated in comment C-9 that the trash receptacles were stored in a concrete slab, enclosed by privacy fence/gates adjacent to buildings 1 & 3 as it was shown in the 10/17/2025 site plan. In comment C-10 he stated that the cross-section detail of the graves surfaces which included the subbase thickness and gravel size, type, and thickness could now be seen on the site plan. The ADA parking area and accessible routes as mentioned in comment C-11 were also depicted on said site plan.

Mr. Conley Jr. continued reading the comments and their responses in his report. He stated in comment C-12 that the building mounted signs stated correctly the proposed drive/parking area surfaces, as long as, they were constructed as the signs specified. He requested that the Applicant's team provide the CLUB with the anticipated schedule for completing the work. In comment C-13a, he stated that certain items still needed to be addressed such as the lighting. He stated that some of the building's mounted lighting was still missing and there was existing lighting that was creating light pollution as he had personally observed while driving East on DeHirsch Avenue from the CLUB's October meeting. C-13b further explained the matter.

In comment C-13c, he stated that the two 100' long asphalt access drives have been included and detailed on the 10/17/2025 site plan and were acceptable. In comment C-14, the two truck loading areas were shown on the site plan and were acceptable. In conclusion, in his C-15 comment, he stated that the site plan now provided for one (1) EV Make Ready parking space (for Electric Vehicles). It was located adjacent to the office building and was acceptable. Mr. Conley Jr. made note that the property was located on a county road and only the county had jurisdiction regarding the county road. He stated that the county had not yet received the plans.

Mr. Conley Jr. continued the hearing by reading Engineer Graham's report updated on November 11, 2025, from October 6, 2025. Mr. Graham wrote in comment 1 that the Applicant should clarify whether he was removing the existing gravel/stone surface or if the asphalt millings proposed would be placed directly on top of the existing gravel/stone. He wrote that comment 2 had been addressed on sheet 2A also regarding the gravel surface. In comment 3, Mr. Graham expressed his concerns regarding standing water on the property. Comment 4 had been addressed regarding the tanks/fueling area located on the property. Engineer Graham noted that comment 5 had also been addressed regarding the modification that was needed in the Bio-Retention Swale Construction Notes as required by the NJDEP's BMP Manual. The items in comments 6, 7, and 8 dealing with the Storm Water Drainage Calculations Report (SWMC) were also addressed.

Mr. Graham wrote in comment 9 that the Applicant had to provide an as-built plan with as-built elevations of all storm water management measures. This was acknowledged by Engineer Scheidegg but was still a condition of any approval given. Solicitor Batastini affirmed the same. A waiver from the requirements of NJAC 7:8-5.3 was requested in comment 10. The Applicant's Engineer was given a copy of the variance section of the Borough's Storm Water Management Ordinance as guidance, and since it was revised in the Engineer's report, a variance was no longer required. Mr. Conley Jr. continued to read from Engineer Graham's report.

The next few comments dealt with the Storm Water Management Facilities Plan (SWMFP). In comment 11, Engineer Graham wrote that the summary of items and unit prices had been addressed in the plan. However, he felt that there was no indication as to how the Applicant intended to provide a permanent means of financing (subject to Borough approval) of ongoing maintenance. Mr. Conley Jr. read in comment 12 that the finalized version of the plan must include an as-built of the SWM facilities record upon the deed of record along with any measure easements. This had been acknowledged by the Applicant's Engineer and was still a condition of any approval given.

Mr. Conley Jr. continued reading the comments. In comment 13, Mr. Graham wrote that an Engineer's estimate of probable construction cost for the storm management improvements had to be provided. The Engineer acknowledged the purposes that this estimate was going to be used for and had agreed it would be provided as part of the compliance submission as it would still be a condition of any approval given. The Applicant also had to comply with other regulatory agencies as stated in comment 14. This also was conditioned on any approvals given. In conclusion, comment 15 required that once all approvals were satisfied, a perfected set of plans indicating, "Issued for Construction" was to be submitted of any approval given by the Board. This also was acknowledged by the Applicant's Engineer.

At this time, Engineer Scheidegg briefly discussed the basins on the property. Ms. Childs asked Mr. Scheidegg several questions regarding the basins which Mr. Scheidegg addressed. Solicitor Batastini asked Mr. Conley Jr. if he had a preference regarding the basins and fencing. Mr. Conley Jr. addressed his question. Mr. Harry Ciabatonni also commented regarding the fencing. Mr. Petro asked if there were any state guidelines regarding this matter. Mr. Conley Jr. addressed his question. He discussed the most current technology regarding this matter. Engineer Scheidegg further explained the situation. A discussion was initiated. Solicitor Batastini stated that during the voting, the Board could decide whether they wanted a fence or not. Mr. Harry Ciabatonni commented on the application.

At this time, Attorney Anthony Monzo of Monzo, Catanese, and DeLollis, Attorneys at Law located at 211 Bayberry Drive, Suite 2A in Cape May Court House, NJ 08210 spoke on behalf of his client, Paul Gentini. He questioned the Board as to how this business could be allowed to operate without a site plan approval as it had been operating. He commented that it was a 15-acre parcel. He stated that it appeared that it was also functioning as a body shop. However, he felt that the biggest issue regarding the application was its Engineering. He made a few comments to illustrate this point. He wanted to see if Mr. Scheidegg would

address his comment. Engineer Scheidegg addressed his comment by stating that there had been no change in the design but only in the calculations, and that the certification would be done by the Applicant. Mr. Conley Jr. stated that it will be inspected to make sure it is built according to specifications. Attorney Monzo questioned if the basins were already built. Engineer Scheidegg affirmed that they were not yet built. Solicitor Batastini reminded them that he had commented that an Engineer would certify that it would be built according to specifications. Attorney Monzo wanted to know if there would be spot testing regarding the asphalt. Engineer Scheidegg addressed his question. Solicitor Batastini stated that the Board could request spot testing as a condition if they so desired.

Attorney Monzo continued with the hearing by stating that there had been several conditions of approval mentioned, however, what incentive was there to meet those conditions if there were no disruptions in the business that was still operating without said approvals? Solicitor Batastini responded by reminding Attorney Monzo of what a Board could and could not do regarding what was currently occurring on the property. He stated that the Board's function was to see what was presented in the application and determine from what had been presented if the Applicant could receive a Site Plan Approval. He stated that the Board was not responsible for dealing with any violations on said property. A brief discussion was initiated regarding this matter.

Engineer Louis Scheidt of Gibson Associates, P.A. located at 522 Sea Isle Blvd., Ocean View NJ 08230 was also representing client Paul Gentini. He was sworn in by Solicitor Batastini, and he commented on the Applicant operating without certain approvals and wanted to know how this was proper. Solicitor Batastini understood his concern but again reminded him of what the Board was authorized to handle. He stated that the Zoning/Code Violation Officer would determine how the violations would be handled. He further explained the matter. He addressed the Board on what options the Board had regarding the voting.

Because of the nature of this application, Mr. Gilman requested that Mr. Scheidegg be again sworn in so he could give his testimony. Solicitor Batastini swore Mr. Scheidegg in again. Mr. Scheidegg proceeded to share with the Board his experience and education that qualified him as an expert witness to testify regarding said application. He mentioned that he was not as brief as he normally was because he wanted to get things on the record. He honestly mentioned on record that he had engineering concerns regarding this application. He illustrated this point with something that happened in another town where he was chairman on the planning board. He understood that the normal process is to get approvals first before doing anything. He stated that had not been the case with this application. Solicitor Batastini recommended to go forward with the matter regardless of what had been previously done so it could be corrected.

Mr. Scheidegg proceeded with his testimony by giving another illustration of the design regarding the basins for this application, and he wanted to make it clear that it was not a design standard. He further explained the matter. He was concerned that in the future there might be water ponding on the property and thought that it just might not be a good design. He recommended that a condition of approval would be to take it back for a corrected review to the agency that created it to certify that a variance is not required. He commented on a few other details regarding this application. He felt that the rules were not followed. Mr. Scheidegg was asked by Mr. Gilman other questions which he addressed. Yes, he understood that the application was done backwards but the matter now was to comply with the conditions of approval. He did not have any more questions.

At this time, Attorney Monzo questioned Mr. Conley Jr. regarding the drainage. Mr. Conley addressed his questions. A brief discussion was initiated. Mr. Monzo had no further questions. Mr. Gilman gave a final closing for this hearing. Solicitor Batastini gave a summary for the purpose of voting on a Preliminary and Final Site Plan approval. A discussion between the Board Members, the Professionals present, and Solicitor Batastini was initiated before the vote took place. Solicitor again reminded the Board that they must focus on

what is in front of them when making the vote. A motion was made and seconded to approve the Preliminary and Final Site Plan with all conditions as stated in the hearing.

MOTION TO APPROVE A PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH CONDITIONS AS STATED IN BOARD PROFESSIONAL LEWIS H. CONLEY JR.'S REPORT OF NOVEMBER 10, 2025, AND BRUCE S. GRAHAM'S REPORT UPDATED FROM OCTOBER 6, 2025, TO NOVEMBER 11, 2025, ALSO CONDITIONED ON COUNTY APPROVAL AND OTHER STANDARD APPROVALS FOR APPLICANT BRIAN AND LISA SULLIVAN, APPLICATION NO. 2-8-25 FOR A MOTOR VEHICLE SALES AND SERVICE FACILITY ON PROPERTY BLOCK 130 LOT 9 ALSO KNOWN AS 1556 DEHIRSCH AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Vice-Chair Lees

SECONDED BY: Mr. Louis Ciabaton

ROLL CALL: 7 Voted in Favor

0 Abstained 1 Opposed

RCV: Yeas: Councilman Bennett, Ms. Childs, Mr. Louis Ciabaton, Chairperson Fisher, Vice-Chair Lees, Mr. Petro, and Mr. Phillip.

Mr. Harry Ciabaton opposed.

Mr. Gilman thanked the Board for their time. Solicitor Batastini reminded all present, that if someone did not like the vote to approve, they could go to Superior Court for an appeal.

Clean Energy Fuels Corp. App. No. 5-3-24 **Status Update Report**

At this time Mr. Conley Jr. continued the meeting by giving a recent update on the Clean Energy Application. He reminded the Board of all that had been done up to this point and of the interaction between the Applicant and the Pinelands Commission, and how the Board had given administrative authority to Mr. Conley Jr. to help the Applicant handle some matters so said application would not have to come back before the Board. He explained how the Applicant had hired another engineering firm and the firm had produced only one sheet for Pinelands to review which had been approved by them. They also encouraged the Applicant to bring the one sheet back to the Board as the Board had not seen the updates on the sheet. Mr. Conley Jr. was again asking the Board if they would consider giving him administrative authority one more time so that he could handle the review of the one sheet and report back to the Board so the Applicant would not have to come back. Solicitor Batastini summarized for the purpose of voting to give Mr. Conley Jr. administrative authority to handle the Clean Energy Fuels Corp. review and report it back to the Board.

MOTION TO GIVE BOARD PROFESSIONAL LEWIS H. CONLEY JR. ADMINISTRATIVE AUTHORITY TO REVIEW A REVISED SHEET SUBMITTED BY THE CLEAN ENERGY FUELS CORP. APP. NO. 5-3-24 AND REPORT BACK TO THE BOARD was:

OFFERED BY: Mr. Harry Ciabaton

SECONDED BY: Ms. Childs

ROLL CALL: 8 Voted in Favor

0 Abstained 0 Opposed

RCV: Yeas: Councilman Bennett, Ms. Childs, Mr. Harry Ciabaton, Mr. Louis Ciabaton, Chairperson Fisher, Vice-Chair Lees, Mr. Petro, and Mr. Phillip.

Climate Vulnerability Assessment **Status Update**

Councilman Bennett reported that nothing had changed and he was passing surveys around.

New Business: None.

Status Reports **Update**

Mr. Conley Jr. stated that nothing much had changed in his status report.

Recommendations from the Engineer: Nothing further to report.

At this time Chairperson Fisher brought up the subject of living in the campgrounds year-round verses what the ordinance permits. A brief discussion was initiated regarding this matter.

Recommendations from the Solicitor: Solicitor Batastini spoke regarding the application that was just heard today. He explained the definition of a net opinion. Mr. Conley Jr. gave further comment regarding the matter, especially when it came to the car dealership and parking for vehicles. A discussion was initiated regarding applications for dealerships. County approvals were also discussed. The Brian Sullivan application was discussed in light of County approvals. It was noted that the application was very difficult because of the way the Applicant handled it.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 8:40 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Mr. Petro

SECONDED BY: Ms. Childs

ROLL CALL: All Present Voted in Favor

0 Abstained 0 Opposed

RCV: Yeas: Councilman Bennett, Ms. Childs, Mr. Harry Ciabatoni, Mr. Louis Ciabatoni, Chairperson Fisher, Vice-Chair Lees, Mr. Petro, and Mr. Phillip.

Respectfully submitted by:

Monserrate Gallardo

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Board Secretary