

BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
LAND USE BOARD
SUMMARY MINUTES
April 10, 2024

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

MEMBERS PRESENT: Ms. Becica, Councilman Bennett, Ms. Childs, Mr. Harry Ciabatonni, Mr. Louis Ciabatonni, Chairperson Fisher, Vice-Chair Lees, Mr. Ovens, Mr. Petro, Mr. Phillip, and Councilwoman Prettyman.

Also, in attendance were Solicitor Jon Batastini (via Zoom), Board Professional, Lewis H. Conley, and Board Secretary Monserrate Gallardo.

MEMBERS ABSENT: None.

Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the Cape May County Herald on January 17, 2024, 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 February 13, 2024, as prepared by the Secretary was:

OFFERED BY: Mr. Petro

SECONDED BY: Councilman Bennett

ROLL CALL: All Present Voted in Favor

0 Abstained 0 Opposed

The Secretary requested that the March 13, 2024, minutes be tabled until the May 8, 2024, Land Use Board Meeting.

ESCROW REPORT: The Secretary reported on the Pinelands and Regular Escrow accounts.

NEW BUSINESS:

New Application: Longwood Tree Service, LLC

Application No. 2-2-24

Block 91 Lot 8

1044 Washington Avenue

Minor Subdivision

Hearing

Before the hearing of the above-listed application, Chairperson Fisher, Vice-Chair Lees, and Ms. Becica recused themselves from the hearing as their residential properties were in the Applicant's 200 ft. list. Councilman Bennett sat as Chairman for this hearing. Solicitor Batastini swore Mr. Conley in.

Anthony Monzo, whose office is in Cape May Court House, NJ was the Attorney for the Applicant and introduced the application. He stated that he would not be calling any witnesses unless the Board had any questions. He stated that Longwood Tree Service, LLC was the contract purchaser for a portion of the property known as Block 91 Lot 8, 1044 Washington Avenue. He mentioned the requirements in the Pinelands Certificate of Filing that the Applicant received. He stated that the lands outside of the area of development

would be deed restricted. He stated that there was also a stormwater management condition that the Applicant was prepared to meet. He stated that there were two lots in question and gave the size of each lot, and each one would have a single-family dwelling built. He stated that there was no testimony regarding this application.

Solicitor Batastini asked Mr. Conley to proceed with his report. Mr. Conley continued the meeting by reading some of the points in his report dated April 9, 2024. He stated that the submitted plans from Cape Land Surveying, LLC met the Municipal Land Use Laws, and the Digital Recording Act. He also stated that the proposed lots would be conforming lots in the R1 Zone. He stated that there were no variances and that it was a “by right” subdivision that could be approved without variances. He wanted clarification on general note 13 which was clarified for him by Mr. Monzo. He stated that he had not seen a report from the County Planning Department and recommended that the map be recorded at the County Clerk’s Office.

Mr. Monzo spoke again to show the Board Members the blue areas of development in the plan which were to be deed restricted. Mr. Monzo also wanted some clarification regarding the Applicant returning to the Board. He wanted to know if he needed to come back to the Board with the plans or just the approval from Pinelands. Mr. Conley clarified the matter for him. Mr. Conley discussed the requirement to have the plans and the signatures in black ink. Solicitor Batastini asked if the Board had any questions. There were no questions. Solicitor Batastini wanted to know if any member of the audience wanted to comment regarding said application.

Anthony Saduk Jr. stated that he was in favor of the application.

Solicitor Batastini summarized the items in the application for the Board Members. A motion was made and seconded to approve the Minor Subdivision with conditions.

MOTION TO APPROVE A MINOR SUBDIVISION WITH CONDITIONS FOR APPLICANT LONGWOOD TREE SERVICE, LLC APPLICATION NO. 2-2-24 ON BLOCK 91 LOT 8 ALSO KNOWN AS 1044 WASHINGTON AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Councilwoman Prettyman SECONDED BY: Mr. Harry Ciabaton
ROLL CALL: All Present Voted in Favor
 0 Abstained 0 Opposed

Mr. Monzo thanked the Board Members. Chairperson Fisher, Vice-Chair Lees, and Ms. Becica returned to the meeting.

UNFINISHED BUSINESS:

New Resolution: Nexamp Solar, LLC

Resolution No. 3-3-24
Application No. 3-12-23
Block 117 Lot 1
1049 Fidler Road
Variances

Solicitor Batastini summarized the above-listed resolution. He asked if anyone had any questions. No one had any questions. A motion was made and seconded to approve the resolution.

MOTION TO APPROVE MEMORIALIZING RESOLUTION NO. 3-3-24 FOR NEXAMP SOLAR LLC APPLICATION NO. 3-12-23 TO CAP THE WOODBINE LANDFILL AND TO CONSTRUCT A SOLAR ARRAY ON BLOCK 117 LOT 1 ALSO KNOWN AS 1049 FIDLER HILL ROAD IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Louis Ciabaton

ROLL CALL: 8 Present Voted in Favor
3 Abstained 0 Opposed

Councilwoman Prettyman, Ms. Childs, and Ms. Becica abstained.

New Resolution: Clean Energy Fuels Corp.

Resolution No. 4-4-24

Application No. 5-3-24

Block 127 Lot 2.02

326 Scott Avenue

Minor Site Plan/Pre. & Final

Solicitor Batastini summarized the above listed resolution. A motion was made and seconded to approve the resolution.

MOTION TO APPROVE MEMORIALIZING RESOLUTION NO. 4-4-24 FOR A MINOR SITE PLAN FOR APPLICANT CLEAN ENERGY FUELS CORP. APPLICATION NO. 5-3-24 TO INSTALL A COMPRESSED NATURAL GAS (GNG) SYSTEM AT THE WASTE MANAGEMENT FACILITY LOCATED ON BLOCK 127 LOT 2.02 ALSO KNOWN AS 326 SCOTT AVENUE IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Phillip

ROLL CALL: All Present Voted in Favor
0 Abstained 0 Opposed

An Ordinance amending Ordinance No. 593-2021
Chapter 21 Section 1 of the Borough of Woodbine
Entitled Stormwater Control

Ordinance No. 624-2024

Review

An Ordinance Amending Chapter 21, Stormwater
Control, and Chapter 26, Zoning, of the Code of the
Borough of Woodbine, County of Cape May and
State of New Jersey

Ordinance No. 625-2024

Review

Mr. Conley continued the meeting by stating that both ordinances listed above were mandatory Stormwater Ordinances. He stated that Ordinance No. 624-2024 dealt with the DEP area east of Route 610 and the other Ordinance dealt with the area under Pinelands' control. He stated that they were substantial modifications of the actual Stormwater Ordinance and had to be consistent with the Pinelands Comprehensive Management Plan. He stated that once the Borough approved the ordinances and put them into effect, then the Borough would become consistent again. He stated that the Master Plan would have to be revised again to include these elements of the Stormwater Management Systems.

Solicitor Batastini stated that if the Board would authorize him, he could write a letter to Mayor and Council stating that the ordinances were not inconsistent with the Master Plan. Mr. Harry Ciabaton commented on the numerous restrictions. He expressed his concerns of putting the burden on future applicants to abide by so many restrictions. He made a motion and was seconded by Mr. Ovens to authorize Mr. Batastini to write the letter. Board Members affirmed the decision.

An Ordinance Amending Ordinance
No. 597-2021, As Amended, Chapter 4,
Section 4-6 of the Code of the Borough of
Woodbine Entitled Cannabis Establishments

Ordinance No. 619-2024
Review

An Ordinance Amending Ordinance No.
505-2009, As Amended, Chapter 26 of the
Code of the Borough of Woodbine Entitled
Zoning, so as to Permit, and Control the
Operation and Location of Medical and
Adult Cannabis

Ordinance No. 621-2024
Review

Solicitor Batastini continued the meeting by introducing the Cannabis ordinances listed above. Mr. Conley stated that the ordinance that gave him the most concern was the one that would allow retail sales in the Town/Commercial Zone. He stated that he does not even know how many parking spaces such an establishment would need because he has no prior references. He stated that the regulations would need to be looked at, and that maybe it should be looked at more as a conditional use instead of as a permitted use. He described how that would work. He stated that the controls were a matter of concern if design waivers were considered. He discussed several items that would need to be addressed in the area such as how far a Cannabis retail store should be from, for example: a playground. He stated that this is why a conditional use would work better and gave other examples. He questioned if a retail area was different than a grow area.

Councilwoman Prettyman spoke of the Council process in approving said Ordinances, and asked if it could be said that the Board did not want retail sales in a Town/Commercial area. A discussion was initiated regarding this matter. Mr. Conley stated that this discussion only involved retail sales. Board Members discussed if a small town such as Woodbine would be able to hold several Cannabis retail establishments. Solicitor Batastini discussed Cannabis delivery licenses. More discussion took place regarding this matter. Solicitor Batastini stated what he heard as the consensus from the Board. Councilwoman Prettyman stated that the consensus was that the Board did not want retail sales in the Town/Commercial Zone. Mr. Harry Ciabatonni spoke of the potential tax rate it could generate.

After the discussion, a motion was made by Chairperson Fisher and seconded by Vice-Chair Lees to authorize Mr. Batastini to write a letter to Mayor & Council of the Board's recommendations. Board Members affirmed the decision.

2101 Associates, LLC.

Application No. 4-3-24
Block 139 Lot 1
2101 Route 610
Minor Subdivision/
Minor Site Plan/
Variance Request (3)
Completeness Review

Mr. Conley reported that the application listed above was deemed complete and could now be scheduled to come before the Board.

1453 Freid Ave LLC

Application No. 6-3-24
Block 127 Lots 2.03 & 2.04
1437 & 1453 Freidriechstadt Avenue
Major Site Plan/Pre. & Final/
Conditional Use/Variance Request
Completeness Review

Mr. Conley reported that a preliminary assessment of the above-listed application was sent to the Applicant. He stated that they would have to go to the Pinelands before coming to the Board.

Jose & Lourdes Gomez

Application No. 7-4-24
Block 64 Lot(s) 8.02, 13 & 14
629-633 DeHirsch Avenue
Minor Subdivision
Completeness Review

Conley reported that the above-listed application was not submitted in time and would be scheduled for a review at the next meeting.

Recommendations from the Engineer:

Mr. Conley spoke of the poor communication between the Mayor & Council, and the Land Use Board. He gave a few examples. The Secretary mentioned the many times she had asked for documents regarding the ordinances and had not received what she had requested, or the documents given were incomplete. Councilman Bennett mentioned that more staff should be hired for the workload that was being carried by the staff that is currently there. Chairperson Fisher asked Mr. Batastini what he thought about this matter. Solicitor Batastini addressed Chairperson Fisher's questioned. The posting of applications online and the problems with the processing of applications were discussed. Mr. Conley commented regarding his report.

Recommendations from the Solicitor: Nothing further to report other than trying to streamline communications between Mayor & Council and the Land Use Board.

The Secretary reported regarding the Seaweed Land LLC application and the Financial Disclosure Form. Daniel's Law was briefly discussed. The Secretary reported on a few free training sessions that were taking place. She requested that Chairperson Fisher and the Vice-Chair Lees sign the resolutions.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 7:20 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Mr. Louis Ciabatoni

SECONDED BY: Mr. Petro

ROLL CALL: All Present Voted in Favor

Respectfully submitted by:

Monserrate Gallardo

Monserrate Gallardo
Board Secretary