

**BOROUGH OF WOODBINE
COUNTY OF CAPE MAY
LAND USE BOARD
SUMMARY MINUTES
October 2, 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 Ciabaton, Chairperson Fisher, Mr. Petro, Mr. Phillip, and Councilwoman Prettyman.

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

MEMBERS ABSENT: Mr. Ovens. Mr. Louis Ciabaton notified the Secretary via email that he would be unable to attend this meeting. Ms. Lees also notified the Secretary via email that she was ill and 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 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.

NEW BUSINESS:

New Application: Kathleen Mills

Application No. 8-8-24
Block 16 Lot(s) 13 & 14
516 Webster Street
Interpretation or "D" Use Variance
Minor Site Plan Waiver
Hearing

Chairperson Fisher introduced the above listed application. Attorney George Miller introduced himself and stated his address as 26 S. Pennsylvania Avenue, suite 201 in Atlantic City NJ. He stated he was present before the Board to request an interpretation. He stated that Heritage Homestead Day Care Center was a school and/or program for mentally ill adults. He stated that the owner, Kathleen Mills, would go over with the Board the fundamentals of the skills that are taught at the school. He stated that the school also provided services for the parents of the adults in the program. Solicitor Batastini swore in Kathleen Mills. She introduced herself and stated her address as 604 N. Shore Road in Marmora NJ.

Kathleen Mills stated that she was the owner of Heritage Homestead. Mr. Miller questioned Ms. Mills regarding the operations of the school. She described the daily operations at the former place where the school began. She stated that they would take the adults on different activities outside the school but that they would also stay and do activities indoors if the weather was bad. She also stated that they could no longer meet at the former place, which was their home, so now they could only take the adults on outside activities which is why they are seeking to operate from the new proposed location on 516 Webster Street in Woodbine NJ.

She continued by stating that the new proposed location was more central to other communities, and it could also service young adults that were wheelchair bound or had other handicaps that would prevent them from attending outside activities. She commented that she has had to turn people down because they have no place for them to be indoors. She described some of the social and communication skills that they teach the young adults. She also described the greenhouse and the chickens that they had at the former place.

Ms. Mills stated that they would like to have a lot of raised gardening beds at the new location. Attorney Miller asked Ms. Mills if there was any doubt in her mind about operating the school at the new location. She stated there was no doubt in her mind. She stated that everyone in the school program was over 21 years old. Attorney Miller asked if there would be any changes to the building. Ms. Mill stated that there would be no changes to the building. Board Professional Lewis H. Conley asked Ms. Mills if she was required to have special certifications to operate the school. She stated that they were recognized by the State as an agency for Developmental Disabilities and had been operating since June 2013. She also stated that they have approximately 16 young adults serviced by 5 staff members. Mr. Conley and Solicitor Batastini asked about teaching certifications. Ms. Mills addressed both their questions.

Mr. Batastini continued the hearing by stating how a school was identified in the MLUL. He stated that the Board had to determine if the program could be classified as a school and if it was an inherently beneficial use. He stated that it would be a legal determination and if the Board were to classify the program as a school, then he stated that no use variance would be needed. Next, he discussed the site plan waiver. He stated that only Class IV Members could vote on the interpretation. Ms. Mills described the experience her son with down syndrome had encountered in his school years. She stated that their program was better. Attorney Miller commented that the "D" Use Variance would take them through a Pinelands review which would slow down the process of being able to fully service the young adults.

Harry Ciabatonni commented that the program appeared to be running just like a school so he did not see why it could not be classified as a school. Ms. Becica also commented on this matter. After the discussion, it was motion and seconded to classify the program as a school.

MOTION TO CLASSIFY THE HERITAGE HOMESTEAD DAY CARE CENTER OWNED AND OPERATED BY KATHLEEN MILLS AS A SCHOOL WHICH IS PROPOSED TO BE LOCATED ON BLOCK 16 LOTS 13 AND 14 ALSO KNOWN AS 516 WEBSTER STREET IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Harry Ciabatonni

SECONDED BY: Joseph Petro

ROLL CALL: 6 Present Voted in Favor

2 Abstained 0 Opposed

Councilman Bennett and Councilwoman Prettyman could not vote. Class IV Members, Vice-Chair Lees and Michael Ovens were absent so, Harry Ciabatonni and Ms. Becica voted in their place. Solicitor Batastini congratulated Ms. Mills and stated that the program was now considered a school.

Mr. Batastini stated that the site plan waiver had to be discussed. Matthew J. Hender, L.L.A., P.P. came to the front to testify on behalf of the Applicant. He was sworn in by Mr. Batastini. He introduced himself as a Licensed Professional Planner with Engineering Design Associates. He gave a little history of his work experience and of the property in question. He answered questions regarding the property and its septic system. He also discussed trash pickup. Board Professional Lewis Conley Jr. discussed the acreage of the property and how a school may need 5 acres. Solicitor Batastini asked Mr. Hender to address this matter. Mr. Hender briefly discussed the hardship of not having 5 acres for the school. He stated however, the property was big enough for the young adults and the parking spaces that were needed to run the school.

Mr. Batastini asked the Board Members if they had any questions. There were no questions. Board Professional Lewis Conley gave his report regarding the application. He stated that it was time to consider the minor site plan. He gave details regarding the same. He stated that the most difficult decision that the Board would now have to make was whether or not the site plan could be waived. At this time, Solicitor Batastini requested that the hearing be opened to the public. Chairperson Fisher motion and Harry Ciabatonni seconded to

open the meeting to the public. All voted in favor. There was no public audience. The hearing was closed to the public

Solicitor Batastini asked Attorney Miller if he had anything to say. Attorney Miller recommended that there should be a site plan waiver. Solicitor Batastini summarized the hearing for the Board Members.

MOTION TO APPROVE KATHLEEN MILLS APPLICATION NO. 8-8-24 FOR AN INTERPRETATION THAT THE PROGRAM OWNED AND OPERATED BY KATHLEEN MILLS REFERRING TO THE HERITAGE HOMESTEAD DAY CARE CENTER BE DETERMINED TO BE A SCHOOL AND HAS MET THE BURDEN FOR A SITE PLAN WAIVER ON BLOCK 16 LOTS 13 AND 14 ALSO KNOWN AS 516 WEBSTER STREET IN THE BOROUGH OF WOODBINE was:

OFFERED BY: Mr. Petro

SECONDED BY: Chairperson Fisher

ROLL CALL: 6 Present Voted in Favor
2 Abstained 0 Opposed

APPROVAL OF THE MINUTES for September 11, 2024, as prepared by the Secretary was:

OFFERED BY: Mr. Petro

SECONDED BY: Chairperson Fisher

ROLL CALL: 6 Present Voted in Favor
2 Abstained 0 Opposed

Councilman Bennett and Ms. Childs abstained.

UNFINISHED BUSINESS:

Mr. Conley reported on his Status of Projects.

Recommendations from the Engineer: Nothing further to report

Recommendations from the Solicitor: Nothing to report.

The Secretary reviewed the correspondence with the Board.

Audience Participation: None.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 7:00 P.M.

MOTION FOR ADJOURNMENT:

OFFERED BY: Chairperson Fisher

SECONDED BY: Harry Ciabatonni

ROLL CALL: All Present Voted in Favor

Respectfully submitted by:

Monserate Gallardo

Monserate Gallardo
Board Secretary