

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

**REGULAR MONTHLY MEETING** was called to order by Chairperson Fisher at 6:03 P.M.

**MEMBERS PRESENT:** Councilman Bennett, Mr. Harry Ciabaton, Mr. Louis Ciabaton, Chairperson Fisher, Vice-Chair Lees, Mr. Ovens, Mr. Petro, Mr. Phillip, and Councilwoman Prettyman.

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

**MEMBERS ABSENT:** Ms. Becica notified the Secretary via email that she would be unable to attend this meeting. Ms. Childs also notified the Secretary that she would be absent for the July and the August 2024 Meetings.

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 April 10, 2024, as prepared by the Secretary was:

OFFERED BY: Mr. Harry Ciabaton                      SECONDED BY: Mr. Phillip

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

**APPROVAL OF THE MINUTES** for May 8, 2024, as prepared by the Secretary was:

OFFERED BY: Mr. Harry Ciabaton                      SECONDED BY: Mr. Phillip

ROLL CALL: 5 Present Voted in Favor  
4 Abstained 0 Opposed

Mr. Louis Ciabaton, Chairperson Fisher, Mr. Ovens, and Councilwoman Prettyman abstained.

**APPROVAL OF THE MINUTES** for June 12, 2024 – No Meeting, as prepared by the Secretary was:

OFFERED BY: Mr. Harry Ciabaton                      SECONDED BY: Mr. Phillip

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

**NEW BUSINESS:**

**New Application: 2101 Associates, LLC.**

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

Pat Martin, Attorney for the Applicant introduced the above-listed application. He stated that Robert Breunig was the managing owner of the property. He described for the Board the approvals that were obtained approximately 7-8 years ago to allow a mixed use of businesses on said property. He stated that there was a bar/restaurant in the front of the property and a compressed natural gas refueling station at the rear of said property. He also stated that what the applicant was now proposing to do was to create a two-lot subdivision. He stated that the front lot would comply with all zoning requirements, but the rear lot would be non-conforming due to the size of the lot being less than 3.2 acres. Mr. Martin stated that there would be no front access so whoever purchased the front part of the property would be made aware that the purchase included access easements recorded at the County Clerk's Office.

Solicitor Batastini continued the hearing by swearing in Robert Breunig, Owner of the property. Mr. Breunig gave his home address as 4 Meadow View Road in Tuckahoe NJ. Mr. Martin questioned Mr. Breunig as to why he wanted to create the two lots. Mr. Breunig stated that he no longer wished to open a restaurant. His partner who was going to manage the restaurant moved out of state. He stated that now he was looking to sell the portion of the property where the restaurant is located and retain the rest for his refueling station. Mr. Martin asked the Board Members if they had any questions. There were no questions.

Solicitor Batastini continued the hearing by swearing in Andy Schaeffer, the Applicant's Engineer. Solicitor Batastini mentioned that Mr. Schaeffer had been before the Board with a previous application, and he asked Chairperson Fisher if she would recognize Mr. Schaeffer as a Professional in his field. Chairperson Fisher said yes. Mr. Schaeffer was asked to give an account of what was being proposed on the property with the subdivision. He described a few minor changes with the size of the front part of the property but stated that developmentally not much more was being proposed except to strike the property in the front and eliminate a few parking spaces in the rear. He showed the Board what the previously proposed plan looked like and stated that not much had changed in the revised plan.

He was asked by Mr. Martin to describe the lot areas for the two proposed lots. Mr. Schaeffer described what was already done on the property and how it is possible that a C1 Variance is needed for the rear. He also stated that the impact of the minor subdivision was lessened by previously doing a street vacation on Friedriechstadt Avenue giving an additional 8 feet. He concluded by stating that everything was pretty much staying the same.

Solicitor Batastini affirmed that a C1 Variance would be needed since there is no frontage on the rear property. The impact of the variance and the easements were briefly discussed. Solicitor Batastini asked the Board if they had any questions. Mr. Ovens asked a question regarding the coming in and out of traffic on the property. Mr. Breunig was asked to come up to the microphone to address his question, which he did. Mr. Schaeffer described what was approved initially, and what would no longer be there.

Solicitor Batastini asked regarding the proposed signs for the property. Mr. Breunig addressed his question. Solicitor Batastini asked the Board if they had any other questions. Mr. Petro asked regarding the easements proposed for the property. Mr. Schaeffer addressed his questions and spoke about the safety concerns regarding the flow of traffic. He also commented on what CAFRA would allow. Mr. Harry Ciabatonni expressed his concerns should the refueling station ever stop working.

Solicitor Batastini swore in Board Professional Lewis Conley Jr. Mr. Conley wanted to make sure everyone had the right plans. Mr. Schaeffer concurred with all the plans mentioned by Mr. Conley. A brief discussion was initiated between Mr. Conley and Mr. Schaeffer regarding the plans. Mr. Conley mentioned two letters, one from Mr. Schaeffer dated May 28, 2024, and a letter Mr. Conley had written to Chairperson Fisher dated May 7, 2024. He mentioned the proposed signs and the importance of having information about the signs noted

on the plans. Solicitor Batastini asked how many signs there were. Mr. Schaeffer numbered the signs and stated the purpose for each one. He stated that he could do the same on the plans. More discussion on the signs took place between Solicitor Batastini and Mr. Schaeffer.

Mr. Conley continued the meeting by discussing the parking spaces. Mr. Schaeffer mentioned where he preferred to see the most parking spaces on the property. The easements were also discussed. Solicitor Batastini stated for the record that the Applicant has indicated that he would prefer to relinquish the ability to display CNG Vehicles out front so that the easement would not be necessary.

Solicitor Batastini summarized the conditions for the Board. He stated that in the first condition, there were three easements, one for the flow of traffic which Mr. Conley wanted to show on the plans. He stated that the second easement had to do with Stormwater Maintenance and the responsibilities for the parties involved, which were the owners of the properties both front and back. The last easement would be up to the Applicant to decide if he wanted to have a place for product storage.

He continued with condition number two which had to do with revisions to the plan regarding parking spaces which were not to be in the easement areas and for a total of 43 spaces in the front lot. He stated condition number three was for a revised plan that showed on one plan a combination of the site plan and easements, and the subdivision. He continued with condition number four which was for the designation of the signs, and that the north sign was for CNG. He stated that the Applicant was seeking one new variance for an off-sight sign for CNG on the northern sight foundation, lot area and frontage for the rear lot, and minor subdivision and site plan approval. The Applicant was also to meet the conditions on Mr. Conley's report dated May 7, 2024.

Solicitor Batastini asked the Board Members if they had any questions for Mr. Conley. Mr. Petro asked a question regarding the product storage area. Solicitor Batastini addressed his question. Mr. Ovens asked if they were in the sign foundation area. Solicitor Batastini affirmed that it is located there. Councilwoman Prettyman asked if there was a guarantee that the conditions would be met. Mr. Conley addressed her question by pointing out the note on number 16 which had to do with the performance bond. Solicitor Batastini further explained the situation and Mr. Martin explained that the easements had to be done before they could sell the front of the property. A discussion was initiated regarding this matter.

Solicitor Batastini asked if the Board had any other questions. Mr. Conley stated that a minor subdivision expired after 190 days. Solicitor Batastini further explained the process. At this time, Solicitor Batastini opened the hearing to the public. There was no public comment. The hearing was closed to the public. The performance bonds were again briefly discussed. Once concluded, a motion was made and seconded.

**MOTION TO APPROVE A MINOR SUBDIVISION FOR 2101 ASSOCIATES LLC, APPLICATION NO. 4-3-24 FOR TWO LOTS, ONE CONFORMING LOT AND WITH A C1 VARIANCE FOR THE SECOND LOT WITH A MINOR SITE PLAN APPROVAL. THE APPROVAL WILL ALSO CONTAIN THREE EASEMENTS AS STATED IN THESE MINUTES. THE APPLICANT WILL ALSO COMPLIED WITH THE CONDITIONS IN THE BOARD PROFESSIONAL LEWIS H. CONLEY JR.'S REPORT DATED MAY 7, 2024. THE DECISION FOR THE APPROVAL FOR BLOCK 139 LOT 1 ALSO KNOWN AS 2101 ROUTE 610 IN THE BOROUGH OF WOODBINE was:**

OFFERED BY: Chairperson Fisher

SECONDED BY: Mr. Harry Ciabaton

ROLL CALL: All Present Voted in Favor

0 Abstained 0 Opposed

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

**UNFINISHED BUSINESS:**

**Recommendations from the Engineer:**

Mr. Conley reported on his status of projects. He mentioned what was happening with the Clean Energy Fuel Corps. Application. He also commented on the Ludlam Island Brewery Application. Mr. Conley also discussed a report by Rutgers regarding the rise of sea levels and flooding.

At this time, Jose Gomez, resident at 553 Adams Avenue in Woodbine, came up as an audience participant to briefly discuss a minor subdivision regarding a land sale he was involved with.

**Recommendations from the Solicitor:** Nothing to report.

There being no other official business to come before the Board, Chairperson Fisher called for a motion for adjournment at 7:45 P.M.

**MOTION FOR ADJOURNMENT:**

OFFERED BY: Mr. Petro

ROLL CALL: All Present Voted in Favor

SECONDED BY: Mr. Ovens

Respectfully submitted by:

*Monserrate Gallardo*

Monserrate Gallardo  
Board Secretary