

FEBRUARY 14, 2017

**PLANNING/ZONING BOARD MINUTES FEBRUARY 14, 2017**

Meeting called to order at 7:00 p.m. by LuAnn Watson

Secretary Levy announced the Opening Statement: “All the notice requirements of the Open Public Meeting Act have been complied with in full”.

**ROLL CALL:**

Present:  
Vice Chairman Joseph Hartmann  
Mayor Edward G. Campbell  
Mrs. Susan Croll  
Ms. Barbara Gellura  
Ms. LuAnn Watson  
Mrs. Patricia Croghan

Absent:  
Chairman George Miller  
Councilman Gerald Bonsall

Professionals: Engineer - Gregory Fusco  
Planner - Brian Slaugh  
Solicitor - Donald Ryan

**RESOLUTIONS:**

2017PB-2-08                    RESOLUTION OF THE BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING PRELIMINARY MAJOR SITE PLAN APPROVAL WITH CONDITIONS AND A CERTIFICATE OF APPROPRIATENESS TO PROJECT FREEDOM FOR A MULTI-FAMILY LOW AND MODERATE INCOME HOUSING PROJECT AT THE PREMISES BLOCK 8.03, LOTS 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 AND 6.10, LAKEVIEW DRIVE SOUTH, GIBBSBORO, NJ

On January 10, 2017, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

George Miller, Chairperson  
Edward Campbell, Mayor  
Gerald Bonsall, Council President  
Susan Croll  
Patricia Croghan  
LuAnn Watson  
Joseph Hartmann

The following were also present at the meeting:

Donald S. Ryan, Esquire, Planning Board Attorney  
Anne Levy, Planning Board Secretary  
Greg Fusco, Planning Board Engineer  
Brian Slaugh, Planning Board Planner

**SUBJECT**

The Board considered the application of Project Freedom, Inc., a contract purchaser for preliminary and final major site plan approval, waivers and Historic District approval, in order to construct 72 Multi-Family residential units at the premises off Lakeview Drive South known as Block 8.03, Lots 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 and 6.10, on the Gibbsboro tax map.

The application is made pursuant to the Gibbsboro Land Development Ordinance and the Gibbsboro Historic District Ordinance. The application is also made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-46, 40:55D-51 and 40:55D-110.

The applicant was represented by John Dumont, Esquire.

The following witnesses, appeared, were sworn and testified in support of the application:

1. Tim Doherty, President of Project Freedom, Inc.
2. Christopher P. Rosati, PE of FWH Associates, PA, a licensed Engineer.
3. Ronald Weston, a licensed NJ Architect.
4. David Shropshire, PE PP, a Traffic Engineer.

Also, Brian Slauch, Planning Board Planner and Greg Fusco, Planning Board Engineer, were sworn and testified with respect to the application

The following exhibits were also included as part of the record:

- A-1 Application and cover letter dated 12/21/16
- A-2 Preliminary and Final Site Plan prepared by Christopher P. Rosati, P.E., of FWH Associates, PA, dated 12/19/16, consisting of 23 sheets
- A-3 Architectural Drawings, prepared by Ronald Weston, AIA, of Paulus Sokolowski and Sartor Architecture & Engineering, PC, dated 12/19/16, consisting of 11 sheets
- A-4 Boundary & Topographic Survey, prepared by William P. Schemel, PLS, of FWH Associates, PA, dated October 21, 2016, consisting of 5 sheets
- A-5 Phase I Environmental Site Assessment, prepared by Trident Environmental, dated December 8, 2016
- A-6 Traffic Engineering Assessment, prepared by Shropshire Associates, LLC, dated November 30, 2016
- A-7 Flood Hazard Area & Riparian Zone Verification Report, prepared by Christopher P. Rosati, P.E., of FWH Associates, PA, dated 11/11/16
- A-8 Stormwater Management Report dated 12/2/16 and Drainage Maps dated 12/9/16 prepared by Christopher P. Rosati, P.E., of FWH Associates, PA
- A-9 Sanitary Sewer Technical Specifications, prepared by Christopher P. Rosati, P.E., of FWH Associates, PA, dated 12/15/16
- A-10 Catalogue pages showing sheds (2; undated) and Shed Invoice, dated 9/28/15
- A-11 Project Freedom Redevelopment Plan dated 12/14/16
- A-12 Building Rendering
- A-13 Building rendering looking southwest
- A-14 Aerial photograph of site
- A-15 Proof of mailing.
- A-16 Proof of publication.
- A-17 Notice to Property Owners
- A-18 Proof of taxes paid

FEBRUARY 14, 2017

- PB-1 Review Letter from Greg Fusco, Gibbsboro Planning Board Engineer dated 1/4/17.
- PB-2 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner dated 1/6/17.
- PB-3 Letter from Gibbsboro Fire Chief and Fire Official to Planning Board dated 1/6/17.

The following members of the public appeared in opposition of the application:

- George Norton of 200 United States Avenue – concerned about peak hour traffic and fire equipment exits from the site.
- Michael Hauber of 109 United States Avenue – concerned about wetlands buffers, low income housing, location of decks
- Mrs. Paula M. Kane of 17 Alton Avenue, Voorhees – concerned about traffic safety
- James Gruccio, Jr., Esquire – concerned about traffic safety, visibility of buildings to neighbors.
- Ann Braddock of 72 Haddon Avenue – concerned about traffic safety
- Cheryl Walters, Esq., Representing the Voorhees Township Planning Board, expressed concern about low income occupants
- Robert & Diane Johns of 107 United States Avenue – concerned about loss of open space, setbacks and traffic safety
- Bill Kozuch of 215 United States Avenue – concerned about traffic safety and storm water drainage
- Anita Mancini of 110 Berlin Road – concerned about traffic safety
- Rosemary Spohn of 101 S. United States Avenue – concerned about traffic safety

### **FINDINGS OF FACT**

The Planning Board, having determined that the Application, Notice to Property Owners, Notice of Publication and affidavits were in proper form and having examined the Exhibits and considered the testimony, finds as follows:

1. The Gibbsboro Planning Board has jurisdiction with respect to the preliminary and final site plan approval, request for waivers and exceptions and a Certificate of Appropriateness pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-46.1, 40:55D-51 and N.J.S.A. 40:55D-110.
2. Based upon the testimony of Borough Engineer, Greg Fusco and Planning Board Planner, Brian Slaugh, the Planning Board Pursuant to N.J.S.A. 40:55D-10.3 deemed the application complete in connection with the Gibbsboro checklist requirements, subject to the waivers, which were recommended by the professionals.
3. The applicant is Project Freedom, Inc., which is the contract purchaser of the subject premises. The Borough of Gibbsboro is the owner of the subject premises and has consented to the application.
4. Project Freedom, Inc. is a non-profit corporation of the State of New Jersey, which has been engaged in IRS 501(c) projects since 1984. Project Freedom develops residential housing for families who are disabled and with low or moderate income. The Board finds that this project is intended to implement the Borough's recently adopted Project Freedom Redevelopment Plan (adopted December 14, 2016) and to address at least some portion of the Gibbsboro obligation for low and moderate income housing.

5. The project includes four multi-family residential buildings which contain a total of 72 units, a clubhouse building, a shed and associated parking facilities. Streetscape improvements are proposed along the site frontage on Lakeview Drive South and around the intersection with United States Avenue. A bikeway is proposed along the northern perimeter with connections to surrounding streets.

6. The site is located on the northerly side of Lakeview Drive South (County Route 561) at the intersection of United States Avenue. Vehicular access will be provided from Lakeview Drive South and United States Avenue.

7. The Board finds that the Borough of Gibbsboro adopted the Project Freedom Redevelopment Plan by ordinance dated December 14, 2016 (Ordinance No. 2016-10). The plan establishes all of the development standards and permitted uses for the overall tract. The Board finds that the proposed application conforms to the Project Freedom Redevelopment Plan with the exceptions noted in the Review Letter of Brian Slauch dated January 6, 2017, which is incorporated by reference herein.

8. Based upon the testimony of the applicant's Engineer and the Planning Board Planner, the Board finds that in revised plans the minimum bikeway path width conforms to the Redevelopment standard and the perimeter landscaping also complies with the standards in the redevelopment plan. Therefore, no variances are required.

9. The Planning Board finds that the project was specifically designed to address several environmental constraints associated with documented freshwater wetlands that are located within and adjacent to the tract. The freshwater wetlands are contiguous with the shoreline of Little Silver Lake, which adjoins the project limits along its northern boundary. The NJDEP, which has jurisdiction to regulate freshwater wetlands, has issued a letter of interpretation (LOI) on February 11, 2016 delineating and establishing the required transition areas (Buffers). This LOI was amended on August 2, 2016 as a result of a challenge to the resource classification. Based upon the amended LOI, the applicant's project does not conflict with the LOI.

10. The applicant submitted a traffic engineer assessment prepared by David Shropshire dated November 30, 2016, which was received in evidence by the Planning Board. David Shropshire also testified with respect to the findings and conclusions in the traffic report.

11. The Board finds that the trip generation projections of 39 total AM peak hour trips and 57 total PM peak hour trips are consistent with the data provided. The Board finds that the proposed development will cause minimal changes in the future individual levels of service at the Haddonfield Berlin Road/United States Avenue intersection as the generated traffic adds only roughly 2% to the existing traffic volume in the weekday AM and PM peak hour. However, the testimony of the objectors is persuasive and the Board finds that the existing conditions at the subject location during the peak hours reflect serious congestion problems which include difficulties in making turning movements. By reason of the fact that this is a County Road and within County jurisdiction, the Board defers to the County Planning Board and Engineer any proposed improvements to address the traffic problems.

12. With respect to site circulation, the Board finds that the proposed development is accessed by the two main driveways known as Road A and Road B. Road A provides ingress and egress from Haddonfield Berlin Road and Road B provides ingress and egress through a proposed easement on lot 6.06 from United States Avenue. The applicant must provide a copy of the proposed easement for approval of the Planning Board engineer and Planning Board attorney.

13. The New Jersey Residential Site Improvement Standards (RSIS) require that a 72 unit apartment complex contain 142 parking spaces. The development provides 154 parking spaces.

Driveway aisles have been proposed to be 24 feet wide, which is in accordance with RSIS standards. A vehicular circulation plan has been provided. However, based upon the review of Gibbsboro Fire Chief and Fire Official, the applicant has agreed to modify the vehicular circulation plan based upon any recommendations of the Gibbsboro Fire Chief and Fire Official.

14. There are no areas provided for delivery vehicles and the applicant has testified that deliveries would be a minimum.

15. The Board finds that pedestrian sidewalks have been provided for adequate pedestrian circulation. An 8 foot wide bikeway has been provided along Haddonfield-Berlin Road with a 10 foot wide and 8 foot wide bikeway extending through the site along the wetland buffer connecting the existing bikeway on Alton Avenue. A pedestrian sidewalk has been provided along the westerly side of United States Avenue for a distance of approximately 140 feet from the intersection of Haddonfield-Berlin Road.

16. With respect to stormwater drainage in accordance with RSIS, the applicant is required to comply with the NJ Stormwater Regulations for water quality and quantity. The Regulations require that stormwater recharge meets certain groundwater recharge specifications, a reduction of 80% of the total suspended solids from the post development service runoff and post development stormwater runoff flows generated must be reduced below the predevelopment peak runoffs during various types of storms (i.e. 2 year, 10 year and 100 year storms).

17. Based on the testimony and evidence presented, the Board finds that the runoff to be generated by the clubhouse roof collected by a roof gutter system and will be conveyed to a subservice infiltration trench consisting of 50 feet of 48 inch diameter perforated high density pipe. The runoff generated by virtually the remainder of the developed site would be conveyed to a large stormwater infiltration basin. A small amount of runoff generated by the existing portions of the property associated with Lakeview Drive will be conveyed to a small shallow bio-retention garden basin area. A small portion of the site (.2 acres) will drain towards Haddonfield-Berlin Road.

18. The Board finds that a de minimus exception to the RSIS stormwater management standard is appropriate based on the fact that a two year storm indicates a post development flow of .10 and a pre-development flow of 0. Because of the soil types involved, this de minimus exception is certainly insignificant and it is impractical to require strict compliance.

19. The Board finds that with respect to trash and recycling, the applicant will provide receptacles in sufficient amount and will contract with private vendors at least two pickups per week. There will be four dumpsters on site which will be maintained by the owner/applicant, Project Freedom.

20. The Board heard testimony from objectors with respect to the visibility of the buildings from the objector's homes. The Board finds that the applicant has provided sufficient buffering along the area where the single residential homes adjoin the project and that there are various tiered walls, as well as landscaping and trees which minimize the view of the buildings.

21. The applicant has agreed to comply with the recommendations of the Planning Board Planner with respect to additional landscaping on the buffer areas on the north/south section of the rear yards of the existing home.

22. The applicant has testified that it will comply with all of the recommendations of the following Planning Board Professionals:

- Recommendations set forth in the review letter of January 4, 2017 of Greg Fusco.
- Recommendations set forth in the review of January 6, 2017 of Brian Slaugh
- Recommendation of the fire chief and fire official set forth in the letter dated January 6, 2017.

23. The applicant will incorporate revisions of its plans to comply with the recommendations set forth by the professionals. These revised plans will be included as part of the application for final site plan approval.

24. With respect to the Certificate of Appropriateness, the Planning Board heard testimony from Ronald Weston, architect for the applicant and Brian Slaugh, the Planning Board Planner. The Planning Board finds that the building design provides vertical and horizontal elements, architectural features and window lights as required by the redevelopment plan design standards.

25. The applicant has further agreed to comply with the recommendations of the Borough Planner, including but not limited to the recommendation set forth in the January 6, 2017 letter under the category of Historic Preservation.

26. The Planning Board finds that the grading plan indicates all of the existing vegetation outside of the wetlands property is proposed to be removed. As such, an exemption from items one under Landscape Design Standards on page 13 of the redevelopment plan is required. The Board has determined that under the circumstances, it is impractical and without cause and undue hardship because of the peculiar conditions related to the development.

27. The Board finds that the proposed number of shade trees and other landscaping on the southern perimeter of the site does not comply with the planning densities required by the redevelopment plan on page 12 of landscaping standard number 2. The Board finds that an exception should be granted in this instance because it is impractical and will cause an undue hardship because of the peculiar conditions relating to the development.

28. The Planning Board notes considerable testimony of the objectors related to the issue of existing traffic conditions. Based upon the MLUL and case law interpreting the MLUL, the Planning Board has no ability to regulate the traffic conditions of a county road and it is inappropriate to deny site plan approval based upon existing conditions.

29. The Planning Board finds that there are no variances required with respect to the proposed site plan application and that applicant has substantially complied with the design standards set forth in the redevelopment ordinance.

### **CONCLUSIONS**

30. The Planning Board concludes that the applicant has substantially complied with the site plan requirements set forth in the redevelopment plan of Project Freedom and therefore grants preliminary approval with the two exceptions noted above and the de minimus exception relative to stormwater drainage subject to the following conditions:

- The applicant complies with the recommendations set forth in the review letter of January 4, 2017 of Greg Fusco.
- The applicant complies with the recommendations set forth in the review of January 6, 2017 of Brian Slaugh
- The applicant complies with the recommendation of the fire chief and fire official set forth in the letter dated January 6, 2017.
- The applicant will in good faith work with the County Planning Board and its Engineer, as well as the Gibbsboro professionals in order to mitigate the traffic concerns of the objectors.
- The applicant obtaining all necessary approvals from all applicable agencies, including but not limited to NJDEP and the Camden County Planning Board.

### **RESOLUTION**

FEBRUARY 14, 2017

On the motion of George Miller, seconded by Edward Campbell, the Planning Board 7-0 to grant preliminary site plan approval with conditions and Certificate of Appropriateness based on the conditions set forth above.

**ROLL CALL VOTE**

George Miller	Yes
Edward Campbell	Yes
Gerald Bonsall	Yes
Susan Croll	Yes
Patricia Croghan	Yes
LuAnn Watson	Yes
Joseph Hartmann	Yes

Motion to approve Resolution Mrs. Croll, Second Mrs. Croghan

Poll Vote:	Chairman Miller	Absent	Mr. Hartmann	Aye
	Mayor Campbell	Aye	Councilman Bonsall	Absent
	Ms. Gellura	Aye	Ms. Watson	Aye
	Mrs. Croll	Aye	Mrs. Croghan	Aye

**MINUTES:**

Motion to dispense reading and approve the minutes of 1/10/17 Mayor Campbell, Second Mrs. Croll

Poll Vote:	Chairman Miller	Absent	Mr. Hartmann	Aye
	Mayor Campbell	Aye	Councilman Bonsall	Absent
	Ms. Gellura	Aye	Ms. Watson	Aye
	Mrs. Croll	Aye	Mrs. Croghan	Aye

**CORRESPONDENCE**

TO: Anne Levy, Borough of Gibbsboro dated 1/18/17  
 FROM: Planner Brian Slauch  
 RE: Use Variance, Site Plan & Certificate of Appropriateness for Dr. Articulo  
 ACTION: FYI

TO: Gibbsboro Planning Board received 1/17/17  
 FROM: Michael Travaglini  
 RE: Variance application under Resolution 2016PB-10-18  
 ACTION: Motion made by Mayor Campbell and seconded by Mrs. Croll to authorize a modification to Resolution 2016PB-10-18.

Poll Vote:	Chairman Miller	Absent	Mr. Hartmann	Aye
	Mayor Campbell	Aye	Councilman Bonsall	Absent
	Ms. Gellura	Aye	Ms. Watson	Aye
	Mrs. Croll	Aye	Mrs. Croghan	Aye

FEBRUARY 14, 2017

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**APPLICATIONS SUBMITTED BUT NOT APPROVED:**

1. Super Jet

**INFORMATIONAL:**

1. Next Planning Board meeting is scheduled for March 14, 2017

**MEETING OPEN TO THE PUBLIC:**

Jamie and Tracy Connor, Winslow. They are considering purchasing property at 84 Kresson Road and asked the board for advice.

Mr. Michael Hauber, 109 United States Avenue, asked if the residents would be notified of the Final Site Plan for Project Freedom.

**MEETING CLOSED TO THE PUBLIC:**

**MEETING ADJOURNED AT 7:45 PM MRS. CROLL, SECOND MR. HARTMANN**

Voice Vote:	Chairman Miller	Absent	Mr. Hartmann	Aye
	Mayor Campbell	Aye	Councilman Bonsall	Absent
	Ms. Gellura	Aye	Ms. Watson	Aye
	Mrs. Croll	Aye	Mrs. Croghan	Aye

\_\_\_\_\_  
Anne D. Levy  
Secretary

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