

MAY 10, 2016

**PLANNING/ZONING BOARD MINUTES MAY 10, 2016**

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

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

**ROLL CALL:**

Present:  
Mayor Edward G. Campbell  
Councilman Gerald Bonsall  
Ms. LuAnn Watson  
Mrs. Patricia Croghan

Absent:  
Chairman George Miller  
Vice Chairman Joseph Hartmann  
Ms. Barbara Gellura  
Mrs. Susan Croll

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

**RESOLUTIONS:**

2016PB-5-08 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD APPROVING THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR THE INSTALLATION OF A DECK, WOOD FENCE AND SLIDING GLASS DOOR TO KYLE AND ROSEMARY SPOHN FOR THE PREMISES BLOCK 42, LOT 2.02 AKA 128 BERLIN ROAD, GIBBSBORO, NEW JERSEY

On April 12, 2016, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

George Miller, Jr., Chairman  
Joseph Hartmann, Vice Chairman  
Edward Campbell, Mayor  
Gerald Bonsall, Councilman  
Barbara Gellura  
Susan Croll  
Patricia Croghan  
LuAnn Watson

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

MAY 10, 2016

**SUBJECT**

The Board considered the application of Kyle and Rosemary Spohn, who are the owners and reside at the premises, 128 Berlin Road, Gibbsboro, New Jersey. The property is also known as Block 42, Lot 2.02 on the Gibbsboro Tax Map.

The applicants seek to add fencing and a wooden deck to the rear of their property. In addition, the applicants propose a sliding glass door as entrance to the deck and to replace an existing window.

For reasons hereinafter noted, the Planning Board sitting as a Historic Preservation Commission needs only to review the fencing and the sliding glass door.

The property is located in the Historic District and the R-15 Residential Zoning District. Historic District approval is required under the Gibbsboro Historic Preservation Ordinance Section 222-1 et seq. and Municipal Land Use Law N.J.S.A. 40:55D-110 et seq.

The applicants, Kyle and Rosemary Spohn appeared, were sworn and testified in support of the application.

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

A-1 Application for Certificate of Appropriateness dated 3/9/16.

A-2 Photographs of the subject property showing improvements.

A-3 Written description of the work proposed

A-4 Material specifications.

PB-1 Review Letter from Brian Slauch, PP, Gibbsboro Planning Board Planner, dated 4/7/16.

No one appeared during the public portion of the hearing to testify.

**FINDINGS OF FACT**

The Planning Board, having considered the evidence submitted as part of the record makes the following findings and fact:

1. The Gibbsboro Planning Board has jurisdiction to approve the application for the Historic District approval in accordance with N.J.S.A. 40:55D-110 and Section 222-1 et seq of the Gibbsboro Historic Preservation Ordinance as amended.

2. The applicants are Kyle and Rosemary Spohn, are the owners of the subject premises and reside at 128 Berlin Road, Gibbsboro, New Jersey. The property is also known as Block 42, Lot 2.02 on the Gibbsboro Tax Map.

3. The applicants seek to install fencing on the property and a wooden deck to the rear of their dwelling. Because the deck will be behind the proposed fencing of the house, it will not be visible from the public right of way of Berlin Road or Stacks Road and hence will not require Certificate of Appropriateness as to the wooden deck. The applicants propose a sliding glass door as access to the deck which is visible from the right of way. Thus, Historic District approval is necessary.

4. The applicants propose different types of fencing. On the north and west sides they propose a solid picket fence, on the south and east sides the applicants would propose a solid rail fence, or in the alternative a shadow box fence. All fences will be 6 feet in height.

5. The purpose of the fences is to contain the applicants' Husky dog, to prevent trespassing on the property and to insure rear yard privacy. It is noted that the property is located

MAY 10, 2016

along Stacks Road and a 20 foot right of way which leads to the Borough bike path and it is utilized by the public.

6. The Board determined that the applicant was sufficiently complete.

7. Planning Board Planner, Brian Slaugh recommended approval of the application for the reasons set forth in his letter dated April 7, 2016, which is incorporated by reference in this resolution.

**CONCLUSIONS**

8. The Planning Board concludes that the subject application meets the criteria of the Historic District Preservation Ordinance of the Borough of Gibbsboro and therefore grants a Certificate of Appropriateness as the proposed fences and sliding door.

**RESOLUTION**

On the motion of Joseph Hartmann, seconded by George Miller, the Planning Board 8-0 granted a Certificate of Appropriateness proposed by the applicants.

**ROLL CALL VOTE**

George Miller, Jr.	Yes
Joseph Hartmann	Yes
Edward Campbell	Yes
Gerald Bonsall	Yes
Barbara Gellura	Yes
Susan Croll	Yes
Patricia Croghan	Yes
LuAnn Watson	Yes

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on May 10, 2016, memorializing the action of the Board taken on April 12, 2016.

Motion to approve Resolution Mayor Campbell, Second Mrs. Croghan

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

2016PB-5-09 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING BULK VARIANCES FOR THE LOCATION OF AN ACCESSORY BUILDING TO BRADLEY M. HOKE FOR THE PREMISES BLOCK 75, LOT 4.16 AKA 26 HENRY ROAD, GIBBSBORO, NEW JERSEY

On April 12, 2016, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

- George Miller, Jr., Chairman
- Joseph Hartmann, Vice Chairman
- Edward Campbell, Mayor
- Gerald Bonsall, Councilman
- Barbara Gellura

MAY 10, 2016

Susan Croll  
Patricia Croghan  
LuAnn Watson

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 Bradley M. Hoke, who is the owner and resides at the premises, 26 Henry Road, Gibbsboro, New Jersey. The property is also known as Block 75, Lot 4.16 on the Gibbsboro Tax Map. The property is located in the Historic District and the R-40 Residential Zoning District in an area which has been described as "Terrace" area of the Borough of Gibbsboro.

The applicant seeks approval for bulk variances for a two story garage located on the premises. (The garage has been in existence for a number of years. However, the garage was constructed without the required building permits.) This applicant acquired the property in 2014 and upon applying for a building permit to make improvements to the garage he became aware of the lack of building permits. Accordingly, the applicant now seeks variances for the existing garage.

The applicant originally included in his application a request for a use variance for the garage. However, the use variance application has been withdrawn by reason of the fact that the applicant has stated on the record that the subject property is not intended to be used for any living purposes or as an apartment. (A garage is a permitted accessory use in this zoning district; however a garage with living quarters is not a permitted use and would require a use variance). Accordingly, the only variances which the applicant requires are bulk variances relating to setbacks and lot coverage.

The application is made in accordance with Section 450-11D of the Gibbsboro Zoning Ordinance and in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-70(c).

The applicant, Bradley M. Hoke appeared, was sworn and testified in support of the application.

The applicant was represented by David Thatcher, Esquire.

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

- A-1 Application for variance dated 2/23/16.
- A-2 Proof of mailing.
- A-3 Proof of publication.
- A-4 Notice to Property Owners
- A-5 Proof of taxes paid
- A-6 Survey of the subject premises by Daniel V. Pizzelli dated 12/8/13
- A-7 Two photographs of the subject property
- A-8 Listing Agreement for the sale of the property
- A-3 Written description of the work proposed
- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 3/9/16.

MAY 10, 2016

During the public portion of the hearing, the following witnesses appeared in support of the application for bulk variances:

1. William Bishop.
2. Gus Egizi.
3. Joanne Rocher-Claire
4. James Claire
5. Paul Lorey

### **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 to grant bulk variances in accordance with N.J.S.A 40:55D-70(c). The Gibbsboro Zoning Ordinance which establishes the requirements for the setbacks and lot coverage are contained in Section 400-11 Development Ordinance.

2. The applicant is Bradley M. Hoke, is the owner and resides at the premises 26 Henry Road, Gibbsboro, New Jersey. The property is also known as Block 75, Lot 4.16 on the Gibbsboro Tax Map.

3. The property is located in the R-40 Zoning District.

4. The property is an interior lot with dimensions of 125 feet frontage on Henry Road and a depth of 100 feet. There is located on the subject lot a one story frame dwelling located on the southerly portion of the subject lot. On the northerly portion of the subject lot there is located a block garage which is two stories and has a deck attached thereto with steps leading to the deck from ground level.

5. The applicant purchased the property in January 2014 and was unaware of the fact that no permits had been obtained for the construction of the two-car garage. Based on the evidence presented, it appears that the garage has been in existence for at least 30 years.

6. The subject garage does violate the zoning requirements of the R-40 zone and bulk variances are therefore required with respect to the following:

a. A side yard variance of 18.9 feet where the ordinance requires a minimum of 25 feet.

b. A rear yard variance of 7.5 feet where the ordinance requires 75 feet.

c. A lot coverage variance to permit impervious lot coverage in excess of 10%.

7. The Planning Board determined that the applicant was sufficiently complete based upon the recommendation of its Borough Planner.

8. Based upon the testimony of the applicant it is clear that the applicant has no intention of utilizing the garage for living or commercial purposes and has agreed to a restriction to this effect. There are no plumbing, bathroom or kitchen facilities and there is no sewer in the garage. The only utility available is electric.

9. The R-40 zoning district currently requires a minimum lot size of 40,000 square feet.

10. The subject lot is 12,500 square feet and is a non-conforming lot. Thus, the lot is 31.25% of the lot size required in the zoning district. This is apparently common to the lots in the Terrace neighborhood.

11. In examining the rear yard variance request of 7.5 feet, it is important to note that the applicant's rear yard adjoins an area which is undeveloped and is unlikely to be developed. With respect to the side yard setback, the neighboring property to the north has two sheds that are interposed

MAY 10, 2016

between their house and the sheds. The garage is separated from the neighboring house by distance of approximately 70 feet and would therefore have little impact if the variance were granted.

12. With respect to the impervious coverage variance, the small lot size significantly limits the ability of a property owner to develop a single family house and any improvements.

**CONCLUSIONS**

13. The Planning Board concludes that the bulk variances requested are warranted by reason of the hardship created by the undersized lot and the peculiar circumstances applicable to the subject lot.

14. The Planning Board also concludes that granting the subject variances will not impair the intent and purpose of the Gibbsboro Zone Plan and Zoning Ordinance and will not be substantially detrimental to the public good.

**RESOLUTION**

On the motion of George Miller, seconded by Gerald Bonsall, the Planning Board 8-0 granted the bulk variances for side yard setback, rear yard setback and impervious lot coverage, subject to the conditions that the subject accessory building will not be used for any commercial purposes and will not be used for any living space.

**ROLL CALL VOTE**

George Miller, Jr.	Yes
Joseph Hartmann	Yes
Edward Campbell	Yes
Gerald Bonsall	Yes
Barbara Gellura	Yes
Susan Croll	Yes
Patricia Croghan	Yes
LuAnn Watson	Yes

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on May 10, 2016, memorializing the action of the Board taken on April 12, 2016.

Motion to approve Resolution Mayor Campbell, Second Mrs. Croghan

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

**APPLICATION COMPLETENESS REVIEW:**

1. VARIANCE – BLOCK 105, LOT 3, 4 WOODBRIDGE ROAD

Applicant/Owner:	John Keller
Representative:	N/A
Taxes:	Current
Escrow:	\$400.00

MAY 10, 2016

A. Review letter from Planner Brian Slaugh dated 5/4/16

Planner Brian Slaugh commented that the application is for a bulk variance for the encroachment for the front porch area and that enough information has been submitted to declare the application complete. Mr. Keller submitted the settlement sheet showing he is the owner of the property.

Motion to declare application complete Mayor Campbell, Second Councilman Bonsall

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

2. PRELIMINARY AND FINAL SITE PLAN & CERTIFICATE OF APPROPRIATENESS – BLOCK 7.01, LOTS 1.01, 1.02, 1.05, 1.06, 1.09 AND 3

Applicant: Lance Articolo, DDS  
 Representative: John P. Maroccia, Esq.  
 Taxes & Sewer: Current  
 Escrow: \$2,489.10

- A. Review letter from Engineer Gregory Fusco dated 4/6/16
- B. Review letter from Planner Brian Slaugh dated 4/11/16

John Maroccia, attorney for applicant, was present for site plan and variance. A defect in the notice provisions prohibits the application to be heard. However, a completeness review was requested.

Planner Brian Slaugh commented on his review letter dated 4/11/16. Photographs for the Certificate of Appropriateness, architectural elevations with site plan, and most information for material specifications have been submitted. Mr. Slaugh commented that the Certificate of Appropriateness is complete. Regarding the preliminary site plan checklist, the application is a major as it disturbs more than 5000 SF of land. The applicant has requested waivers including environmental impact report, traffic impact, drainage calculations, drainage basin map, drainage connections, soil borings, locations of inlets and manholes, pipe specifications, drywells and basins, and recreational public uses.

Mr. Fusco commented on his review letter dated 4/6/16 that the site is a redevelopment project. Regarding drainage calculations and items 53 to 59, he recommends waivers be granted as the applicant is reducing the amount of impervious on the site. Mr. Fusco commented that the application is complete.

Motion to declare application complete Mayor Campbell, Second Councilman Bonsall

Poll Vote:	Chairman Miller	Absent	Mr. Hartmann	Absent
------------	-----------------	--------	--------------	--------

MAY 10, 2016

Mayor Campbell	Aye	Councilman Bonsall	Aye
Ms. Gellura	Absent	Ms. Watson	Aye
Mrs. Croll	Absent	Mrs. Croghan	Aye

**MINUTES:**

Motion to dispense reading and approve minutes of 4/12/16 Mayor Campbell, Second Councilman Bonsall

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

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. VARIANCE – BLOCK 105, LOT 3, 4 WOODBRIDGE ROAD

Applicant/Owner: John Keller  
 Representative: N/A  
 Taxes: Current  
 Escrow: \$400.00

A. Review letter from Planner Brian Slauch dated 5/4/16

Mr. Keller was sworn in and testified regarding a bulk variance to add a 252 SF bedroom addition in the rear of the ranch house and a 40 sf slab and roof overhang in the front of the house. Presently the front door is on the right side of the house, and it is proposed to move the front door to the front of the house.

Solicitor Ryan commented that two variances are needed – an undersized lot and a front yard setback.

Meeting open to the public. No comment from the public. Closed to the public.

Motion to grant C2 flexible variances made by Councilman Bonsall, second by Mrs. Croghan

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



MAY 10, 2016

- 3. Review of proposed Property Maintenance Ordinance Carried to next meeting
- 4. Review of Proposed Abandoned or Vacant Buildings Ordinance Carried to next meeting

**APPLICATIONS SUBMITTED BUT NOT APPROVED:**

- 1. Super Jet

**INFORMATIONAL:**

- 1. Next regular Planning Board meeting is 6/14/16

**MEETING OPEN TO THE PUBLIC:**

No comment from the public.

**MEETING CLOSED TO THE PUBLIC:**

**MEETING ADJOURNED AT 7:40 PM Councilman Bonsall, SECOND Mrs. Croghan**

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

---

Anne D. Levy  
Secretary

---

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**