

MAY 13, 2014

PLANNING/ZONING BOARD MINUTES MAY 13, 2014

Meeting called to order at 7:00 p.m. by Chairman Miller

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:

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

Absent:

Mr. George Miller

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

RESOLUTIONS:

2014PB-5-08 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD
APPROVING THE ISSUANCE OF A CERTIFICATE OF
APPROPRIATENESS FOR IMPROVEMENTS TO THE PREMISES OF 140
SOUTH LAKEVIEW DRIVE, LLC, BLOCK 18.02, LOT 2.11,
GIBBSBORO, NEW JERSEY

On February 11, 2014, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

George Miller, Jr., Chairman
Susan Croll
George Miller, III
LuAnn Watson
Pat Croghan

The following were also present at the meeting:

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

SUBJECT

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The Board considered the application of 140 SOUTH LAKEVIEW DRIVE, LLC, which is the owner of the premises at 140 South Lakeview Drive, Gibbsboro, New Jersey. The property is also known as Block 18.02, Lot 2.11 on the Gibbsboro Tax Map.

The property consists of two buildings in deteriorated condition which formerly housed the Lakes Appliance business. The property has been vacant for a long period of time. The condition of the buildings has been categorized as a chronic eyesore along a main street of Gibbsboro. The applicant proposes to take steps to preserve the buildings.

Because the property is located in the Historic District, a Certificate of Appropriateness is required under the Gibbsboro Land Development Ordinance Section 222-1 et seq. The application is also made in accordance with the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110 et seq.

Christopher Long, Esquire represented the applicant at the hearing.

Samuel Ross, the Principal of 140 South Lakeview Drive, LLC, appeared, was sworn and testified in support of the application.

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

A-1 Application for Historic District Certificate of Appropriateness, dated 1/14/14.

A-2 Photographs of the existing buildings and a proposed renovation plan.

A-3 Letter of Samuel Ross, dated 1/1/14 addressed to the Gibbsboro Planning Board.

No one testified during the public portion of the hearing.

FINDINGS OF FACT

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

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

2. The applicant is 140 SOUTH LAKEVIEW DRIVE, LLC, is the owner of the premises known as 140 South Lakeview Drive, which is also known as Block 18.02, Lot 2.11 on the Gibbsboro Tax Map.

3. The property is located in the Historic District and the Commercial C-2 Zoning District.

4. The Planning Board determined that the application was complete with respect to the submission requirements.

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5. In accordance with the testimony of the applicant and the January 1, 2014 letter from Samuel Ross, the Board finds that the repair and rehabilitation work is as follows:

- a. Repair and re-shingling with GAF Timberline shingles (tan and brown to match the existing Mansard roof).
- b. Installation of new 6"x6" support posts for the mansard roof.
- c. The installation of one new garage door in a blocked up opening which previously had such a door, one glass man door on the side of the front warehouse and one glass man door in the existing opening at the back of the warehouse.
- d. The patching and repairing of the exterior block walls that will be painted in a tan of buff color.

6. The applicant has no current plans with respect to the sale or rental of the subject property. The Planning Board finds that any approval of the Certificate of Appropriateness must be subject to the applicant applying for and obtaining site plan approval when any future occupant intends to use the premises.

CONCLUSIONS

7. The Planning Board concludes that the proposed improvements are warranted from an aesthetic and safety standpoint and are not inconsistent with the objectives of the Historic District Criteria.

RESOLUTION

On the motion of Chairman George Miller, seconded by Susan Croll, the Gibbsboro Planning Board voted 5-0 to grant a Certificate of Appropriateness for the improvements set forth above subject to the condition that the owner/applicant would be required to apply for and obtain site plan approval prior to any tenant or owner taking occupancy of the premises.

2014PB-5-09 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD
GRANTING USE VARIANCES, BULK VARIANCES, SITE PLAN
WAIVERS AND A CERTIFICATE OF APPROPRIATENESS TO 88
SOUTH LAKEVIEW DRIVE ASSOCIATES, LLC FOR THE PREMISES
BLOCK 14.01, LOTS 1.01 and 1.05, GIBBSBORO, NEW JERSEY

On February 11, 2014, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

- George Miller, Jr., Chairman
- Susan Croll
- George Miller, III
- LuAnn Watson
- Pat Croghan
- Barbara Gellura

The following were also present at the meeting:

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

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SUBJECT

The Board considered the application of 88 SOUTH LAKEVIEW DRIVE ASSOCIATES, LLC, which is the owner of the premises at 88 South Lakeview Drive, (a/k/a Haddonfield-Berlin Road) Gibbsboro, New Jersey. The property is also known as Block 14.01, Lots 1.01 and 1.05 on the Gibbsboro Tax Map.

The applicant seeks minor site plan approval and use and bulk variances, as well as site plan waivers and a Certificate of Appropriateness in order to construct an addition which would connect two of three office buildings on the site.

The application is made in accordance with the Gibbsboro Land Development Ordinances, Historic District Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(d) and 70(c)(2) and N.J.S.A. 40:55D-110.

Robert Mintz, Esquire represented the applicant at the hearing.

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

1. Louis Mueller, a principal in 88 South Lakeview Drive Associates, LLC.
2. Jay Simms, a Professional Planner and Engineer with Consulting Engineer Associates.

The Planning Board Engineer, Greg Fusco and Planning Board Planner, Brian Slaugh, were also sworn and testified.

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

- A-1 Application for Minor Site Plan dated 11/4/13.
- A-2 Application for Historic District Certificate of Appropriateness dated 11/4/13
- A-3 Plan of Survey prepared by Margaret Kulik, PLS of Consulting Engineer Services dated October 17, 2013 revised to December 2, 2013 consisting of 1 sheet.
- A-4 A use variance/minor site plan prepared by Henry J. Haley, PE of Consulting Engineer Services, dated 11/4/2013, revised 1/30/14 consisting of 1 sheet.
- A-5 Additions and alterations to building for DM Medical Buildings prepared by Ignarri Lummis Architects dated October 28, 2013, revised January 13, 2014 consisting of 1 sheet.
- A-6 First American Title Insurance Company title report showing existing restrictions and easements.
- A-7 Report of Consulting Engineers, dated 1/24/14 as to Stormwater management.

- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 2/7/14
- PB-2 Review Letter of Greg Fusco of Key Engineer Associates, Gibbsboro Planning Board Engineer, dated 2/6/14

No one testified during the public portion of the hearing.

FINDINGS OF FACT

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The Planning Board having deemed the application complete and determined that proper notice and publication are given and having considered the testimony of the witnesses and the documents which were part of the record find as follows:

1. The Planning Board has jurisdiction to review the application in accordance with N.J.S.A. 40:55-70(d), 70(c)(2), 60 and 110 and Gibbsboro Land Development and Historic Preservation Ordinances.

2. The applicant is 88 SOUTH LAKEVIEW DRIVE ASSOCIATES, LLC is the owner of the premises known as 88 South Lakeview Drive, which is also known as Block 14.01, Lots 1.01 and 1.05 on the Gibbsboro Tax Map.

3. The subject parcel is a trapezoid-shaped lot consisting of 1.16 acres. It has frontage on Haddonfield-Berlin Road (County Road #561) of 233.92 feet. There is a side yard property line of 479.07 feet on the northerly side and a side property line of 323.86 feet on the southerly side and a rear property line of 175 feet.

4. There is currently constructed on the subject lot three one-story office buildings as shown on the survey of Margaret Kulik, PLS. There are also parking facilities for 58 parking spaces on the north side of the subject lot.

5. The property is a Split Zoned lot. The front portion of the lot from Haddonfield-Berlin Road for a distance of 200 feet is C-2 Commercial District and the balance of the lot is an R-15 Residential Zoning District.

6. The site previously received approvals from the Gibbsboro Zoning Board for development as follows:

a. Resolution Approving Use Variance to Ralph Cioffi to permit professional offices under Resolution #99ZB-5-09, dated May 25, 1999.

b. Resolution Approving Preliminary Site Plan Approval with Bulk Variances and Waivers under Resolution #99ZB-12-14, dated December 28, 1999.

c. Resolution Approving Final Site Plan with Conditions under Resolution #ZB-3-09, dated March 28, 2000.

d. Resolution Amending the Final Site Plan under Resolution #ZB-3-12, dated March 23, 2005.

7. Under Resolution #99ZB-5-05, the use variance was granted subject to the following condition:

“a. The use and occupancy of the premises shall be professional offices as defined by Section 181-3 of the Gibbsboro Zoning Ordinance provided a similarly recognized professional use may occupy the premises subject to the approval by the Gibbsboro Zoning Board.”

8. The applicant proposes to construct a central entrance connecting two of the office buildings in the front portion of the premises (located in the C-2 Zone). The proposed expansion is for the purpose of connecting the buildings and to add circulation space as opposed to office space use for workers. This expansion requires a use variance from the conditions imposed from the 1999 Zoning Board Resolution requiring the use be professional offices. The expansion also requires a use variance with respect to the intensification of the use of the site which is partially located in the R-15 Residential Zone.

9. In addition the applicant requires the following bulk variances:

a. Lot coverage variance to allow an impervious lot coverage of 47.3% where 30% is permitted under Section 400-19C(4).

b. Parking Variance – The existing gross square footage of the office space is 11,793 square feet and the addition adds 345 square feet for a total of 12,138 square feet. The ordinance requires 1 parking space for each 200 square feet of office space. The applicant previously obtained a parking variance for 58 spaces where 59 was required. With the addition the requirement would be 61 spaces under Section 407E(1)(b).

10. The Planning Board Site Plan Subcommittee met with the applicant and addressed certain deficiencies with respect to the submission requirements for site plan approval. The applicant has supplemented its submission and addressed the issues as a result of which the Board professionals, Planning Board Engineer and Planner have recommended that the Planning Board deem the application complete subject to the waiver of submission items as set forth in the review letter of Planning Board professionals.

11. Based upon the testimony of Louis Mueller, the Planning Board finds that the occupant of a substantial portion of the subject buildings, DM Medical Billings, LLC is engaged in medical billings for third party services. The clients do not come to the site. There are 37 employees working from this location. In addition, the building companies of the applicant would have ten employees on site in the third office building not proposed to be connected to the other two buildings. The testimony is that none of the businesses at the site would generate clients coming to the premises and requiring parking spaces. The proposed use by the businesses of 47 parking spaces for their employees would allow for 11 excess spaces available for any possible third persons coming to the site.

12. The hours of operation for the DM Medical Billings operation would be 7am to 6:30 pm 5 days per week and no weekends. The hours of operation of the building companies would be 7am to 6pm. The building construction businesses would not store equipment on site or supplies on site.

13. The applicant has agreed to comply with the recommendations of the Planning Board Engineer as set forth in his February 6, 2014 review letter and the recommendations of the Planning Board Planner as set forth in his letter of February 7, 2014, more particularly the following:

a. The handicapped accessible areas along the existing curb ramps on County Route 561 must be reconstructed to meet the current requirements of the New Jersey Barrier Free Subcode and the Gibbsboro Streetscape Ordinance.

b. The existing grades in the handicap accessible areas internal to the site must be reconstructed so that the slope of the handicap parking area and the southeast corner of the parking area must be corrected.

c. Camden County Planning Board approval of the site plan must be obtained.

d. The applicant will install two wall mounted lighting fixtures flanking the new entrance door to enhance visibility and will replace an unapproved fixture on the end of the building facing Rt. 561 with an approved historic fixture.

e. In lieu of a sidewalk, the applicant will install a bicycle rack.

f. The applicant will either transplant an existing tree or provide a new replacement tree planted for the one that is directly in the path of the new entrance sidewalk.

g. The applicant will install proposed foundation plantings as requested by the Planning Board Planner.

14. With respect to the Historic District Certificate of Appropriateness, the applicant has indicated that the connecting walkway will match the existing façade and color, texture and materials, although it will be lower in height in the buildings which would attach.

CONCLUSIONS

15. The Planning Board concludes that the proposed expansion of the building to include a connector walkway is particularly suited for the subject site and concludes that the proposed use of the buildings for office space, not limited to professional offices, is also particularly suited to the site in accordance with the criteria for granting use variance approvals in N.J.S.A. 40:55D-70d.

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

17. The Planning Board further concludes that based upon the testimony of the Planner for the applicant, as well as the Planning Board Planner, the enhanced proof criteria under the Medici case has been satisfied in that the proposed use of the premises does not conflict with the Master Plan of the Borough of Gibbsboro.

18. The Planning Board further concludes that the proposed bulk variances for parking spaces and lot coverage should be granted by reason on the fact that there are sufficient competent proofs that the purposes of the Municipal Land Use will be served and that the benefits in granting the bulk variances substantially outweigh any detriments in granting such variances.

19. Further, the granting of the bulk variances will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Gibbsboro and will not be substantially detrimental to the public good.

20. The Planning Board further concludes that the Planning Board has substantially satisfied the criteria of the Historic District Ordinance and therefore a Certificate of Appropriateness should be granted with respect to the proposed improvements.

RESOLUTION

On the motion of Chairman George Miller, seconded by Barbara Gellura, the Gibbsboro Planning Board voted 6-0 to grant a the use variances to permit the proposed addition to the subject premises; to grant bulk variances as set forth above; to grant preliminary and final site plan approval in accordance with the plans submitted and the testimony of the witnesses. Further, the Planning Board issues a Certificate of Appropriateness with respect to the proposed improvements in accordance with the Gibbsboro Historic Preservation Ordinance.

ROLL CALL VOTE

George Miller, Jr.	Yes
Susan Croll	Yes
George Miller, III	Yes
LuAnn Watson	Yes
Pat Croghan	Yes
Barbara Gellura	Yes

Motion to approve Resolutions Chairman Miller, Second Mr. Hartmann

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

APPLICATION COMPLETENESS REVIEW:

- 1. VARIANCE AND CERTIFICATE OF APPROPRIATENESS FOR BLOCK 7.01, LOT 13, 54 HADDON AVENUE

Applicant/Owner: Timothy and Carolyn McAleer
 Proposed Work: 12x16 Shed

- a. Review letter from Planner Brian Slaugh dated 4/15/14

Chairman Miller commented that there are technical details on the drawings are not adequate. Planner Slaugh commented that there are some aspects, because of the nature of the application where it's an accessory building that is not part of the house. The notices to the residents have been submitted. Regarding the Certificate of Appropriateness, the material specifications were not submitted.

Timothy and Carolyn McAleer were sworn in and testified regarding their application to place a 12x16 shed on the property. The builder provided a sketch and also addressed the roof issue. The material will be aluminum siding and soffet, and 30 year asphalt shingles.

Motion to declare application complete Chairman Miller, Second Mr. Hartmann

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

- 2. ZONING INTERPRETATION, USE VARIANCE AND CERTIFICATE OF APPROPRIATENESS FOR BLOCK 18.02, LOT 2.03, 142 S. LAKEVIEW DRIVE

Owner: RNM Construction & AGB Enterprises, LLC
 Representative: Dominic S. Favieri, Jr., Esq.

Mr. Favieri, attorney for applicant was present. Solicitor Ryan commented that this application is first for an interpretation of zoning ordinance 400-119B. If the Board determines that this is a permitted use and the activities can take place there, the applicants would then proceed with a site plan application. Alternatively, the applicants would seek a use variance if it is determined that the activities are not permitted. Solicitor Ryan commented that the interpretation does not require a completeness review.

MINUTES:

Motion to dispense reading and approve Minutes of 2/11/2014 Mrs. Croll, Second Mrs. Croghan

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

CORRESPONDENCE:

TO: Steve Eisner, Esq. dated 4/28/13
FROM: Gregory B. Fusco, Engineer
RE: Demolition of 55 United States Avenue
ACTION: FYI

TO: Planning Board
FROM: Fair Share Housing
RE: Order of Motion regarding COAH
ACTION: FYI

OLD BUSINESS: None

NEW BUSINESS:

1. VARIANCE AND CERTIFICATE OF APPROPRIATENESS FOR BLOCK 7.01, LOT 13, 54 HADDON AVENUE

Applicant/Owner: Timothy and Carolyn McAleer
Proposed Work: 12x16 Shed
Escrow: \$500

- b. Review letter from Planner Brian Slaugh dated 4/15/14

Mrs. McAleer testified that the shed will be used to store lawn equipment and furniture, work bench. The shed shall not exceed 192 square feet. The height of the shed has been corrected to 10 feet. There will only be one shed.

The dimension from the back of the house to the face of the new shed will be 53.6 feet from the setback of the house.

Open to the public. No voice from the public. Closed to the public.

Motion made by Chairman Miller and seconded by Mr. Hartmann granting a bulk variance and Certificate of Appropriateness, conditioned on the demolition of old shed within 60 days of delivery of new shed.

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

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MEETING OPEN TO THE PUBLIC:

No voice from the public.

MEETING CLOSED TO THE PUBLIC:

Planner Brian Slaugh commented on COAH. New rules will be published 6/2/14 and a comment period will be held for 60 days.

MEETING ADJOURNED AT 8:12 PM MR. HARTMANN, SECOND MRS. CROLL

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

Anne D. Levy
Secretary

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