

JUNE 10, 2014

PLANNING/ZONING BOARD MINUTES JUNE 10, 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
Vice Chairman Joseph Hartmann
Mayor Edward G. Campbell
Councilman Gerald Bonsall
Ms. LuAnn Watson
Mrs. Patricia Croghan

Absent:
Mrs. Susan Croll
Ms. Barbara Gellura*
Mr. George Miller

*Ms. Gellura arrived 7:41 p.m.

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

RESOLUTIONS:

2014PB-6-10 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD INTERPRETING SECTION 400-119B OF THE GIBBSBORO ZONING ORDINANCE DETERMINING THAT THE ACTIVITIES PROPOSED BY THE APPLICANT, RNM CONSTRUCTION, LLC ARE NOT PERMITTED USES IN THE C2 COMMERCIAL DISTRICT

On May 13, 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
LuAnn Watson
Pat Croghan
Gerald Bonsall
Joseph Hartmann
Barbara Gellura
Edward Campbell, Mayor

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

JUNE 10, 2014

SUBJECT

The Board considered the application of RNM Construction, LLC and AGB ENTERPRISES, LLC, seeking interpretation of the provisions of permitted uses in the Commercial C-2 Zone.

The application is made pursuant to the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(b) and the Gibbsboro Zoning Ordinance Section 400-119B.

In the alternative, the applicant has also applied for a use variance to permit the activities described and for a Certificate of Appropriateness by reason of the fact that the subject property is located in the Historic District. The application for use variance and for Certificate of Appropriateness were deferred for subsequent action by the Board.

Dominic S Favieri, Esquire represented the applicant's at the hearing.

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

1. Charles J. Collins, Jr., Licensed Architect.
2. Gil Berenato, Co-Owner of the property.
3. Richard Martin, Co-Owner of the property.

The Board also received sworn testimony from Planning Board Planner Brian Slaugh and Planning Board Engineer Greg Fusco during the hearing.

No one from the public testified during the public portion of the hearing.

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

- A-1 Application for Use Variance.
- A-2 Review Report of Brian Slaugh, Borough Planner dated 5/5/14.
- A-3 Review Report of the Planning Board Engineer Greg Fusco dated May 8, 2014
- A-4 Resolution #90-19A Granting Site Plan Approval to George Rooney dated 10/9/99.
- A-5 Minor Site Plan drawings (7 sheets) by Charles J. Collins, Jr., licensed New Jersey architect.

FINDINGS OF FACT

The Planning Board, having determined that the interpretation application was in proper form and having examined the exhibits and considered the testimony, finds as follows:

1. The Board has jurisdiction to interpret the provisions of the Gibbsboro Zoning Ordinance in accordance with N.J.S.A. 40:55D-70(b) and N.J.S.A. 40:55D-60, as well as the Gibbsboro Land Development Ordinance Section 400-119B.
2. The applicants are RNM Construction, LLC and AGB Enterprises, LLC who are the owners of premises at 142 South Lakeview Drive, Gibbsboro, NJ. The property is also known as Block 18.02, Lot 2.03 on the Gibbsboro Tax Map.
3. The property is located in the C-2 Commercial District, as well as the Historic District.

JUNE 10, 2014

4. Based upon the application and the testimony of the witnesses, the Board finds that the present use of the property is a business office for a general contractor. The property owner stores construction equipment and materials on a subject property. There is a building on the lot which has an appearance of a dwelling with an office in it. There are seven storage sheds located on the property.

5. The property was the subject of a minor site plan approval granted by the Gibbsboro Planning Board to George Rooney on October 9, 1990 permitting use of the large building for office use with seven sheds for personal storage.

6. The applicant testified his hours of operations are Monday through Friday and sometimes Saturday from 7am to 6pm. The applicant testified that most of the construction activities are offsite. Employees come to the subject site early in the morning, go to the offsite construction site and return to the subject site at the end of the day.

7. The applicant testified that there are two pick up trucks, one dump truck, a flat bed trailer, a mini excavator and a bobcat on site. A limited number of materials would be stored on the premises. There will be no storage of hazardous materials. There will be no deliveries to the subject site.

8. The Planning Board Planner testified that in his opinion the subject activities were not permitted in the C-2 Zone and cited the history of the zoning ordinance and the property uses at this property. The ordinance does not permit the storage of building materials.

CONCLUSIONS

9. The Planning Board concludes that the provisions of Section 400-119B of the Gibbsboro Zoning Ordinance which sets forth the permitted uses in the C-2 Zone do not allow the activities of the applicant, which are those of a construction contractor.

RESOLUTION

On the motion of Joseph Hartmann, seconded by Edward Campbell, the Gibbsboro Planning Board voted 8-0 to interpret Section 400-119B of the Gibbsboro Zoning Ordinance so as not to permit the activities described by the applicant in the testimony and the exhibits submitted.

Motion to approve Resolution Chairman Miller, Second Mr. Hartmann

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

2014PB-6-11 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING A BULK VARIANCE AND WAIVING THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS TO TIMOTHY & CAROLYN McALEER FOR THE INSTALLATION OF A SHED FOR THE PREMISES 54 HADDON AVENUE, GIBBSBORO, NEW JERSEY

JUNE 10, 2014

On May 13, 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
LuAnn Watson
Pat Croghan
Gerald Bonsall
Joseph Hartmann
Barbara Gellura
Edward Campbell, Mayor

The following were also present at the meeting:

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

SUBJECT

The Board considered the application of Timothy and Carolyn McAleer, who are the owners of the premises at 54 Haddon Avenue, Gibbsboro, New Jersey. The property is also known as Block 7.01, Lot 13 on the Gibbsboro Tax Map.

The applicant seeks to install a prefabricated shed (12 feet by 16 feet) in the rear yard of their residential premises. The property is located in the Historic District and therefore requires a Certificate of Appropriateness as a condition of construction. The shed exceeds the maximum size permitted by the Gibbsboro Zoning Code (Section 400-10A) and therefore bulk variance relief is requested. The applicant is made in accordance with the Gibbsboro Land Development Ordinance Section 222-1 et seq and Section 400-10A. The application is also made in accordance with the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110 et seq and N.J.S.A. 40:55D-70(c). However, a variance as to shed size is the only variance required.

The original application sought bulk variances with respect to shed size, height and number of sheds in accordance with Section 400-10 of the Gibbsboro Zoning Ordinance and New Jersey Municipal Land Use Law N.J.S.A. 40:55D-70(c).

Timothy & Carolyn McAleer, 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 Historic District Certificate of Appropriateness, dated 4/6/14.
- A-2 Petition of Appeal for a Zoning Variance dated 4/6/14
- A-3 Proof of taxes paid
- A-4 Notice of Publication
- A-5 Notice of Hearing to property owners
- A-6 Survey of the premises by Donald Pennell dated 6/25/02
- A-7 Rendering of the proposed shed
- A-8 Photographs of the existing shed and proposed shed

JUNE 10, 2014

No one testified during the public portion of the hearing.

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 Planning Board has jurisdiction to decide an application for bulk variance and for Historic District Certificate of Appropriateness in accordance with N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-110 and the Gibbsboro Land Development and Historic Preservation Ordinances.

2. The applicants are Timothy & Carolyn McAleer, who are the owners and reside at the premises 54 Haddon Avenue. The property is also known as Block 7.01, Lot 13 on the Gibbsboro Tax Map.

3. The property is located in the Historic District and the R-15 Residential Zoning District.

4. The applicants propose to install a prefabricated shed which will have aluminum siding and asphalt shingle roof. The size of the shed will be 12 feet by 16 feet for a total of 192 square feet. The height will be 10 feet. The applicant proposes to use the shed for storage.

5. The properties which surround the subject property are primarily residential properties.

6. There is presently located on the subject property a 2 ½ story dwelling and a dilapidated shed which is depicted in the photographs submitted to the Board. The applicants testified they planned to remove the dilapidated shed.

7. Based upon the testimony of the applicants and the application, it appears that only one bulk variance is required specifically with regard to Section 400-10A which limits the shed size to 100 square feet, whereas the applicants are seeking a shed size of 192 square feet. The applicants' shed is 10 feet in height which complies with the Section 400-10B. The applicants testified that they plan to remove the dilapidated shed as a result of which there is no variance required under Section 400-10E which limits the number of sheds on the subject property to one shed. The location of the proposed shed which will be placed on a gravel base will be 53 ½ feet from the 2 story framed dwelling in the rear yard. The exterior of the shed is vinyl siding which is consistent with the exterior materials of the dwelling.

8. The Planning Board voted to determine the application complete by unanimous vote.

CONCLUSIONS

9. The Planning Board concludes that the purposes of the Municipal Land Use Law from an aesthetic standpoint and good planning would be served and the benefits in granting the variance for the shed size would substantially outweigh any detriments.

JUNE 10, 2014

10. The Planning Board further concludes that granting the variance 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.

11. The Planning Board further concludes that the subject shed cannot be seen from public view and therefore a Certificate of Appropriateness is not required in accordance with the criteria of the Historic District Ordinance of the Borough of Gibbsboro.

Motion made by Mr. Hartmann and seconded by Mayor Campbell to granting a variance.

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

CERTIFICATES OF APPROPRIATENESS

1. CERTIFICATE OF APPROPRIATENESS FOR BLOCK 9, LOT 4, 10 S. UNITED STATES AVENUE

Applicant/Owner: Richard and Anna May Fichter
Proposed Work: Construct 2 car garage

1. Review letter from Planner Brian Slaugh dated 5/28/14

Motion to declare application complete Chairman Miller, Second Councilman Bonsall

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

Mr. Richard Fichter was present and sworn in by Mr. Ryan regarding the construction of a 2 car garage. Mr. Fichter testified that in accordance with the Planner's review letter additional information was supplied to the Board. Mr. Fichter testified that it is proposed to remove the existing shed and to construct a two-car garage. The proposed garage is 24'x24. The garage will be located in the rear of the dwelling as shown on the revised survey.

The applicants have agreed to the recommendation of the Planning Board Planner, Brian Slaugh to the materials included on "Plan B" as shown on the applicants' submission. Specifically, gray vinyl siding to match the house color and GAF Timberline Roof shingles. The shutters will also match the house shutters. The applicants testified that they intend to keep the carport, but will move to another location.

JUNE 10, 2014

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

Motion made by Chairman Miller and seconded by Mr. Hartmann granting the Certificate of Appropriateness to construct a two-car garage in accordance with the testimony and revised exhibits submitted to the Board.

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

APPLICATION COMPLETENESS REVIEW:

1. MINOR SITE PLAN & CERTIFICATE OF APPROPRIATENESS – BLOCK 7.03, LOTS 16.03, 20, 27.01 AND 27.02, 55 CLEMENTON ROAD

APPLICANT: Gibbsboro Gas, LLC
 Representative: Michael J. Ward, Esq.
 Taxes: Current
 Escrow: \$1,500

A Certificate of Appropriateness application was not submitted.

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

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

MINUTES:

Motion to dispense reading and approve Minutes of 5/13/2014 Mr. Hartmann, Second Councilman Bonsall

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

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

1. USE VARIANCE – BLOCK 18.02, LOT 2.03 – 142 S. LAKEVIEW DRIVE

Applicant: RNM Construction
Representative: Dominic S. Favieri, Esq.
Taxes: Current
Escrow:

Mr. Dominic Favieri, attorney for applicant was present. Also Gilbert Berenato, and Richard Martin, co-owners of the property and Charles J. Collins, Jr., Architect were sworn in and testified on behalf of the application. Mr. Favieri was advised that he needed five affirmative votes for the use variance. He spoke with his clients and decided to go forward.

The applicants seek a use variance of the premises as a contractor’s office and equipment storage facility in the C-2 Commercial zone district. The lot is 30,284 square feet with frontage along Haddonfield-Berlin Road (Route 561). The lot has a two-story stucco and frame office building and seven sheds of varying sizes located along the southerly side yard and the parking area is unpaved. The owners store construction equipment and materials on the property.

The applicants testified that they would no longer store dump trucks, flatbed trailers, excavators, bobcats, compressors or any other construction equipment and there would be no storage of materials outside and no deliveries to the site, and no storage of hazardous materials. Also, there would be no more than five work vehicles on the site. The applicants also testified that they would make site improvements to the parking, landscape and other site improvements.

Architect Collins testified that the existing site is consistent with the Master Plan and would provide a buffer between the residential users in the rear and the major thoroughfare Route 561.

Planner Brian Slaugh testified to the contrary and that, in his opinion, the property would be inconsistent with the Master Plan and Land use plan. Mr. Slaugh also testified that the applicants must demonstrate in order for a use variance to be granted that the Planning Board must conclude that the subject site is peculiarly suited for the proposed use.

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

Motion by Chairman Miller and seconded by Mr. Hartmann approving the use variance subject to the condition that a site plan be filed within 90 days.

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

JUNE 10, 2014

THE VOTE TO APPROVE USE VARIANCE WITH CONDITION WAS 4 IN FAVOR, ONE AGAINST. THIS IS A STATUTORY DENIAL OF THE USE VARIANCE UNDER NJSA 40:55d-70(D) WHICH REQUIRES AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS IN ORDER A GRANT A USE VARIANCE.

INFORMATION:

1. Next Planning Board meeting is July 8, 2014
2. If you have not completed your Financial Disclosure Statement, please do. It is to be submitted by 6/13/14.
3. The New Jersey Planner March/April 2014

MEETING OPEN TO THE PUBLIC:

John Maroccia, Attorney for Dr. Articolo addressed the Board. Dr. Articolo would like to purchase the old bank on Route 561 but does not want to submit an application for minor site plan and freestanding sign to the Board.

MEETING CLOSED TO THE PUBLIC:

MEETING ADJOURNED AT 8:21 PM MR HARTMANN, SECOND MS. GELLURA

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

Anne D. Levy
Secretary

=====

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK