

July 10, 2018

PLANNING/ZONING BOARD MINUTES JULY 10, 2018

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

Chairwoman LuAnn Watson
Vice Chairman Councilman Jerry Bonsall
Mayor Edward G. Campbell
Mrs. Susan Croll
Ms. Barbara Gellura

Absent:

Chairman Emeritus Joseph Hartmann
Mr. Mike Kelly
Mrs. Patricia Croghan

Professionals: Engineer - Gregory Fusco

Planner - Brian Slaugh
Solicitor - Donald Ryan

RESOLUTIONS:

2018PB-7-11 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING BULK VARIANCES FOR THE INSTALLATION OF AN INGROUND SWIMMING POOL AND RELATED IMPROVEMENTS TO OSCAR HERNANDEZ FOR THE PREMISES 25 N. TANGLEWOOD DRIVE, AKA BLOCK 18.03, LOT 7, GIBBSBORO, NEW JERSEY

On June 12, 2018, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

LuAnn Watson, Chairwoman
Gerald Bonsall, Vice-Chairman
Edward Campbell, Mayor
Susan Croll
Patricia Croghan
Barbara Gellura
Mike Kelly

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

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The Board considered the application of Oscar Hernandez, who is the owner and reside at the premises, 25 N. Tanglewood Drive, Gibbsboro, New Jersey. The property is also known as Block 18.03, Lot 7 on the Gibbsboro Tax Map. The property is located in the R-40 Residential Zoning District.

The applicant seeks approval for bulk variances for the installation of an in-ground pool and a deck in the rear yard of the residential property, by reason of the fact that the proposed lot coverage exceeds the maximum permitted lot coverage in the R-40 zoning district and the rear yard setback exceeds the minimum requirements.

The application is made in accordance with Section 400-11 of the Gibbsboro Zoning Ordinance and in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-70(c).

The applicant, Oscar Hernandez appeared, was sworn and testified in support of the application.

Brian Slaugh, GPB Planner and Greg Fusco, GPB Engineer, were sworn and testified in connection with the application.

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

- A-1 Application for variance dated 3/27/18.
- A-2 Zoning Permit Denial dated 1/27/17.
- A-3 Survey of the premises prepared by Frank A. Intessimoni dated 3/1/18
- A-4 Perspective entitled "Oscar's House with Pool" (undated)
- A-5 Proposed pool prepared by Robert F. Johnson, RA dated 1/5/17
- A-6 Proof of publication.
- A-7 Notice to Property Owners
- A-8 Proof of taxes paid

- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 5/2/18.

- PB-2 Review Letter from Greg Fusco, Gibbsboro Planning Board Engineer, dated 5/7/18.

No one appeared to testify 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 Gibbsboro Planning Board has jurisdiction to grant bulk variances in accordance with N.J.S.A 40:55D-70(c) and N.J.S.A 40:55D-26.
2. The applicant has provided proper notice to property owners and publication in accordance with N.J.S.A 40:55D-13.

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3. The applicant is Oscar Hernandez, is the owner and resides at the premises 25 N. Tanglewood Drive, Gibbsboro, New Jersey. The property is also known as Block 18.03, Lot 7 on the Gibbsboro Tax Map.

4. The property is located in the R-40 Residential Zoning District as a planned development having been approved in the 1970's entitled "The Tanglewood Development."

5. The subject development was commenced in the late 1970's but was never fully completed. It was approved as a planned residential development.

6. Prior owners Lawrence and Beatrice Lewis clear cut the lot in violation of the Borough's tree cutting ordinance and the Planning Board adopted a resolution requiring new plantings as continued in the Resolution 05PB-10-19 dated 10/10/05. The property is located in an environmental sensitive area with swamp pike, which is a federally endangered plant.

7. The applicant purchased the home and has been renovating and completing the unfinished dwelling since 2016 and has substantially improved the overall appearance of the subject lot.

8. The applicant proposed to construct a new deck off the rear of the renovated dwelling, together with a new pool area as depicted on the exhibit submitted and prepared by Richard F. Johnson. The deck and the pool area were approved in 2005.

9. The Gibbsboro Zoning Ordinance which establishes the requirements for impervious coverage and setbacks in the R-40 Zone in accordance with Section 400-11. The construction requires a rear yard setback variance to permit 35 feet from the right of way of Old Egg Harbor Road, where 75 feet is required by the ordinance.

10. In addition, the applicant required a variance from the impervious coverage requirement in the R-40 zone, which is 25% where the applicant proposes impervious coverage of 11,430 square feet or 34.1%. The applicant has agreed to install a drywell to collect and infiltrate the increase of stormwater runoff that will be created by the increase in the impervious surface. The volume to be collected and infiltrated is approximately 300 cubic feet. The Borough Engineer has approved this stormwater management proposal.

11. Based upon the recommendation of the Planning Board professionals, the applicant has agreed to a condition of approval requiring that the Borough Planner approve the landscaping plan to be installed and that the Borough Engineer approved the stormwater management plans for the subject improvements.

CONCLUSIONS

12. The Planning Board concludes that the purposes of the Municipal Land Use law in terms of esthetics and good planning would be advanced by the deviations proposed by the applicant and that the benefits in granting the subject variances would substantially outweigh any detriments.

13. The Planning Board further concludes that granting the subject variances for impervious coverage and for rear lot setback 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 Edward Campbell, seconded by Susan Croll, the Planning Board voted 7-0 to grant an impervious coverage variance not to exceed 34.1% and a rear yard setback variance of a minimum of 35 feet, subject to the following conditions:

1. The applicant must submit details of the stormwater management which must be approved by the GPB Engineer.

2. The applicant must submit a landscaping plan to be approved by the GPB Planner.

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ROLL CALL VOTE

LuAnn Watson	Yes
Gerald Bonsall	Yes
Edward Campbell	Yes
Barbara Gellura	Yes
Susan Croll	Yes
Patricia Croghan	Yes
Mike Kelly	Yes

Motion to approve Resolution Councilman Bonsall, Second Mrs. Croll

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

2018PB-7-12 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING BULK VARIANCES FOR THE INSTALLATION OF A FENCE TO RYAN ADAMS AND BRITTANY WOOSTER FOR THE PREMISES 20 DRIFTWOOD WAY, AKA BLOCK 58.03, LOT 10, GIBBSBORO, NEW JERSEY

On June 12, 2018, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

- LuAnn Watson, Chairwoman
- Gerald Bonsall, Vice-Chairman
- Edward Campbell, Mayor
- Susan Croll
- Patricia Croghan
- Barbara Gellura
- Mike Kelly

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 Ryan Adams and Brittany Wooster, who are the owners and reside at the premises, 20 Driftwood Way, Gibbsboro, New Jersey. The property is also known as Block 58.03, Lot 10 on the Gibbsboro Tax Map. The property is located in the R-15 Residential Zoning District.

The applicants seek approval for a bulk variance for the installation of a fence around the rear of their residential property, which fronts on a corner lot.

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The application is made in accordance with Section 400-9A of the Gibbsboro Zoning Ordinance and in accordance with the Municipal Land Use Law N.J.S.A. 40:55D-70(c).

The applicants, Ryan Adams and Brittany Wooster appeared, were sworn and testified in support of the application.

Brian Slaugh, GPB Planner and Greg Fusco, GPB Engineer, were sworn and testified in connection with the application.

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

- A-1 Application for variance dated 5/29/18.
 - 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 premises by Richard W. Lipco, L.S. dated 3/27/79
 - A-7 Partial Plot Plan dated 1/1/87 showing proposed fence location (preparer unknown)
 - A-8 Four photographs
 - A-9 Fence detail style guide
- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 6/4/18.

No one appeared to testify 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 Gibbsboro Planning Board has jurisdiction to grant bulk variances in accordance with N.J.S.A 40:55D-70(c) and N.J.S.A 40:55D-26. The Gibbsboro Zoning Ordinance which establishes the requirements for setbacks for fences in the residential zones, particularly Section 400-9A.
2. The applicant is Ryan Adams and Brittany Wooster, who are the owners and reside at the premises 20 Driftwood Way, Gibbsboro, New Jersey. The property is also known as Block 58.03, Lot 10 on the Gibbsboro Tax Map.
3. The property is located in the R-15 Residential Zoning District.
4. There is an existing fence along the east side of the property, which is the neighbor's fence. The applicants' proposed fence would attach to the neighbor's fence. The applicants propose a new 6 foot high board fence on the Driftwood Way frontage and a portion on the rear property line within the front yard setback of Driftwood Way. In other locations the applicants propose a 4 foot high picket fence.
5. The dwelling access is along Birchwood Way. The neighbor's driveway is on Driftwood Way between the neighbor's dwelling and the rear yard line of the applicant.
6. The testimony of the applicants, as well as the GPB Engineer confirmed that there would not be a problem with respect to a line of sight as a result of the installation of the fence.

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7. There are single family homes located on the neighboring properties to the south and east, as well as the west across Driftwood Way.

8. The applicants require a variance under Section 400-9A of the Gibbsboro Zoning Ordinance which permits a maximum of 4 foot high fence, where the applicant proposes a 6 foot high fence which would be approximately 14 feet from Driftwood Way, where the ordinance requires a minimum of 25 feet from Driftwood Way.

9. A fence would enclose approximately 925 square feet more than would otherwise be allowed and the applicant testified that this was desired for family usage in the backyard.

10. The GPB Planner noted that there is a discrepancy between the survey submitted and the plot plan which should be rectified. The applicants agreed to this as a condition of approval.

CONCLUSIONS

11. The Planning Board concludes that there is a hardship to the property by reason of the fact it is a corner lot which imposes a front yard setback on both streets. The existence of the front yard requirement as to both streets would unusually restrict the usage of the yard.

12. The Planning Board further concludes that granting the subject variance to permit the location of a 6 foot fence 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 in view of the fact that there is no impairment of the line of sight.

RESOLUTION

On the motion of Gerald Bonsall, seconded by Mike Kelly, the Planning Board 7-0 to approve the installation of the fence with the front yard setback along Driftwood Way at a minimum of 13 to 14 feet subject to the condition that the applicants a revised survey showing the updated conditions and improvements, as well as the distances which must be submitted and approved by the GPB Planner, Brian Slaugh.

ROLL CALL VOTE

LuAnn Watson	Yes
Gerald Bonsall	Yes
Edward Campbell	Yes
Barbara Gellura	Yes
Susan Croll	Yes
Patricia Croghan	Yes
Mike Kelly	Yes

Motion to approve Resolution Councilman Bonsall, Second Mrs. Croll

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

CERTIFICATES OF APPROPRIATENESS

1. CERTIFICATE OF APPROPRIATENESS FOR BLOCK 7.03, LOT 16.03
55 EAST CLEMENTON ROAD

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Applicant/Owner: ARC Trust
Representative: David DeClement, Esq.
Proposed Work: Replace Freestanding Sign
Taxes/Sewer: Current
Escrow: 0

- 1. Review letter dated from Planner Brian Slaugh

David DeClement, attorney for ARC Trust aka Conoco Gas Station was present and requested a Certificate of Appropriateness to replace the existing pylon sign with a wooden red and white sandblasted freestanding Conoco sign with changeable copy for the prices. Lighting will be from the ground.

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

The Borough Engineer requested that the brick needs to be cleaned with a product that cleans and removes mold.

Motion made by Mrs. Croll and Seconded by Mayor Campbell approving a Certificate of Appropriateness conditioned on recommendation by the Engineer to clean the base with a material that will clean the base and prevent mold.

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

MINUTES:

Motion to dispense reading and approve the minutes of 6//12/2018 Councilman Bonsall, Second Mrs. Croll.

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

CORRESPONDENCE

TO: Gibbsboro Planning Board – Received 6/18/18
FROM: Voorhees Township
RE: Public hearing on non-condemnation area in need of redevelopment
ACTION: FYI

TO: Planning and Zoning dated 6/18/18

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FROM: David N. Grubb, Executive Director, Municipal Excess Liability IF
RE: Land Use Liability
ACTION: This item will be set up for the Board to review land use liability.

OLD BUSINESS: No

NEW BUSINESS:

1. LAKEVIEW NORTH REDEVELOPMENT PLAN

Lakeview North Redevelopment Plan was discussed at the June meeting by Planner Brian Slaugh.

Motion made by Mayor Campbell and Seconded by Mrs. Coll recommending to the Borough Council the adoption of the Lakeview North Redevelopment Plan.

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

RESOLUTION 2018pb-7-13

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF GIBBSBORO, IN THE COUNTY OF CAMDEN, NEW JERSEY RECOMENDING THE ADOPTION OF THE LAKEVIEW NORTH REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40:A12A-1, *et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40:12A-6* of the Redevelopment Law, the Borough Council of the Borough of Gibbsboro, in the County of Camden, New Jersey (the “**Borough**”) must authorize the Planning Board of the Borough (the “**Planning Board**”) to conduct an investigation of the area and make recommendations to the Borough; and

WHEREAS, the Borough Council by Resolution #2014-06-70, adopted June 11, 2014 pursuant to the Redevelopment Law, authorized and directed the Planning Board to undertake a preliminary investigation to determine if a specific area located in the Borough, commonly known as the Lakeview North Site and consisting of a 3.58 acre tract located on the west side of Lakeview Drive (Route 561) and designated on the Gibbsboro Tax Map as Block 7.01, Lots 1.01, 1.02, 1.03, 1.05, 1.06, 1.09, 1.10, part of Lot 4, 5.04 and 5.05; Block 7.02, Lots 2, 3.02, 3.03 and 3.04 (together, the “**Study Area**”) constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

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WHEREAS, on July 12, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and by Resolution, made a recommendation to the Borough Council to determine that the Study Area constituted an area in need of redevelopment (the “**Study**”); and

WHEREAS, on August 10, 2016, the Borough determined that, based upon the recommendations of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law as memorialized in its Resolution 2016-8-99; and

WHEREAS, Brian Slaugh, PP, AICP of Clarke Caton Hintz prepared and submitted to the Planning Board the “Comprehensive Preliminary Report” dated May 12, 2016 for a Determination of Area in Need of Redevelopment (the “**Preliminary Reinvestigation Report**”), which was reviewed by the Planning Board; and

WHEREAS, on September 13, 2016, the Planning Board memorialized in Resolution 2016 PB-9-16 recommends that the area qualified as an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Planner, Brian Slaugh prepared a plan for the Redevelopment Area, entitled the “Lakeview North Redevelopment Plan” dated July 11, 2018 (the “**Redevelopment Plan**”), attached hereto as **Exhibit A**; and said plan included a right of condemnation by the Borough of Gibbsboro; and

WHEREAS, the Planning Board, at a duly noticed and constituted public meeting, reviewed and presented the Redevelopment Plan and allowed all those present who wished to comment to be heard; and

WHEREAS, the Planning Board finds that the goals and objectives set forth in the Redevelopment Plan are substantially consistent with the Master Plan with the Borough of Gibbsboro; and

WHEREAS, in the opinion of the Planning Board, the adoption of the Redevelopment Plan is necessary and desirable in order to accomplish the effective redevelopment of the Redevelopment Area, and that such redevelopment would be in the best interests of the Borough and its residents.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Gibbsboro, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Planning Board hereby affirms that the Redevelopment Plan is consistent with the Borough’s Master Plan and recommends to the Borough that the Redevelopment Plan attached hereto as **Exhibit A** be adopted by the Borough in order to accomplish the effective redevelopment of the Redevelopment Area.

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Section 3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the Borough Clerk.

Section 5. This Resolution shall take effect upon final passage.

Motion to approve Resolution – Mrs. Croll, Second Mayor Campbell

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

APPLICATIONS SUBMITTED BUT NOT APPROVED:

1. Super Jet

Nothing new to report.

INFORMATIONAL:

1. Next regular meeting will be 8/14/18

MEETING OPEN TO THE PUBLIC:

No voice from the public.

MEETING CLOSED TO THE PUBLIC:

Engineer Fusco commented that the DEP upgraded and revised the stormwater regulations and issued all the municipalities a new general permit to operate their storm sewer systems. One of the criteria of the new permit is borough officials, including planning board members and governing body, watch a series of training videos that are on the web site regarding stormwater quality, etc. Mr. Fusco will e-mail the link.

Mayor Campbell commented that he met with the EPA on 7/9/18. They are analyzing “the former manufacturing plan” of Sherwin Williams. It is the area of United States Avenue down to York Avenue, over to the stacks, across a little bit of the lake to Clementon Road, down Clementon Road to the residential properties (residential properties not included) and behind the residential properties to where the lagoons were and over to United States Avenue and a little bit of stream corridor. Sherwin Williams has completed their investigation and analysis of prospective clean-ups which range from do nothing to take out everything. Do nothing is not going to happen and take out everything is physically impossible. Two other alternatives is 1) cap everything and 2) get the worst of the material out in a number of places which is what EPA is looking at. The factory site is

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not as bad as the other two sites – the dump site and the burn site. Mineral spirits tend to float on the top and not easy to clean up. The good news is there are mites that can go in the ground and they work their way to the water table and over time they eat all the mineral spirits and it winds up being organic material. It is a lengthy 10 year process. Also, they are considering a product recovery system along Foster near the police station. What EPA would like to know from us is how we would like to see that property utilized in the future. While it would be ideal to be some kind of commercial office, it seems unrealistic. The way to get the highest standard of clean-up is to indicate to EPA that we would like the property to be available for residential development. There will still be some contamination. However, the top 10 or 15 feet of soil will be removed. Within the next 6 to 12 months EPA will make a decision.

The Board, by straw vote, voted to have the property cleaned up to residential standards.

MEETING ADJOURNED AT 7:40 PM COUNCILMAN BONSALL, SECOND MAYOR CAMPBELL

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

Anne D. Levy
Secretary

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