

SEPTEMBER 8, 2015

**PLANNING/ZONING BOARD MINUTES SEPTEMBER 8, 2015**

Meeting called to order at 7:05 p.m. by Chairman Miller

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:  
Chairman George Miller  
Mayor Edward G. Campbell  
Ms. LuAnn Watson  
Mrs. Patricia Croghan

Absent:  
Vice Chairman Joseph Hartmann  
Councilman Gerald Bonsall  
Mrs. Susan Croll  
Ms. Barbara Gellura

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

**RESOLUTIONS:**

2015PB-9-13 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD APPROVING THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS AND GRANTING A BULK VARIANCE FOR THE CONSTRUCTION OF A ONE STORY ADDITION FOR CAROL ANN AND ROBERT MCINTYRE FOR THE PREMISES 38 HADDON AVENUE, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 7.05; LOT 29

On July 14, 2015, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

George Miller, Jr., Chairman  
Edward Campbell, Mayor  
Gerald Bonsall, Councilman  
Joseph Hartmann  
Susan Croll

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 Carol Ann and Robert McIntyre, who are the owners and reside at the premises, 38 Haddon Avenue, Gibbsboro, New Jersey. The property is also known as Block 7.05, Lot 29 on the Gibbsboro Tax Map.

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The property is located in the Historic District and therefore requires a Certificate of Appropriateness in accordance with Section 222 of the Gibbsboro Historic Preservation Ordinance and N.J.S.A. 40:55D-110. In addition, the applicant requires a bulk variance for violation of the side yard property requirement of 12 feet by reason of the fact that the proposed addition is setback 9.73 feet from the side property line. This is in accordance with Section 400-12D7 of the Gibbsboro Zoning Ordinance and in accordance with N.J.S.A. 40:55D-70(c).

Carol Ann and Robert McIntyre 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 June 16, 2015.
- A-2 Petition of Zoning Appeal dated June 16, 2015.
- A-3 Survey of the subject premises prepared by R.W. Humphries, P.L.S. dated September 14, 2014.
- A-4 Sketch of proposed addition.
- A-5 Proof of mailing.
- A-6 Proof of publication.
- A-7 Notice to Property Owners
- A-8 Proof of taxes paid
- A-9 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated July 8, 2015.

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

#### **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 approve the application for the Historic Certification of Appropriateness in accordance with N.J.S.A. 40:55D-110 and Section 222 of the Gibbsboro Historic Preservation Ordinance as amended.
2. In addition, the Gibbsboro Planning Board has jurisdiction to grant a bulk variance in accordance with N.J.S.A. 40:55D-70(c).
3. The applicants are Carol Ann and Robert McIntyre, who are the owners of the subject premises and reside at 38 Haddon Avenue, Gibbsboro, New Jersey. The property is also known as Block 7.05, Lot 29 on the Gibbsboro Tax Map.
4. The property is located in the Historic District and the R-15 Residential Zoning District.
5. The property is located at the corner of Lucas Blvd. and Haddon Avenue. The property is rectangular in shape having frontage on Haddon Avenue of 75 feet and a depth of 200 feet along Lucas Blvd. There is currently constructed on the subject property a one story residential dwelling with a deck in the rear. There is a bituminous driveway leading from Haddon Avenue along the easterly side of the property. There is a block garage in the rear portion of the lot which has a concrete driveway leading on to Lucas Blvd.

6. The applicants propose to construct an addition for a family room to the rear of the house that would replace the existing wood deck. The addition would be an extension to the kitchen and the applicants propose to extend the addition along the property line which has a 9.73 setback from the property line.

7. In the R-15 zoning district the minimum side yard setback is 12 feet in accordance with Section 400-12D-7.

8. The extension of the proposed house aligns with the interior arrangement of the house. The applicant testified that if the addition were built to meet the zoning requirements it would interfere with the cellar steps and a window to the bathroom. It was also effect the functionality of the room for living purposes. The Gibbsboro Planner concurred with this testimony.

9. In accordance with the Historic District criteria applicable to the Certificate of Appropriateness, the roofing material and color will match the existing roof. The applicants intend to stucco the exterior to match the rest of the house. The soffit, gutters and rear door will match the rest of the house. The additional bay window to the rear will be consistent in color and material with the other windows in the house. In addition, the applicants will construct an exterior landing and stairs that have the appearance of wood or painted wood but is in fact a plastic substitute.

10. The Planner indicated that the house appears in a 1930 aerial photograph and appears to be added on to in 1965 and 1970. The house meets the initial criteria for being a contributing building though its exterior appearance has been modernized.

**CONCLUSIONS**

11. The Planning Board concludes that there is a hardship to the property by reason of its current configuration of the house, which is a preexisting non conforming side yard.

12. The Planning Board further concludes that granting the side yard variance of 9.73 feet would not substantially impair the intent and purpose of the zone plan and zoning ordinance and would not be substantially detrimental to the public good.

13. The Planning Board further concludes that the subject structure does not have a historical significance and the proposed addition is consistent with the criteria of the Historic District Ordinance of the Borough of Gibbsboro. Accordingly, a Certificate of Appropriateness should be granted.

**RESOLUTION**

On the motion of George Miller, seconded by Joseph Hartmann, the planning board voted 5-0 to grant a Certificate of Appropriateness for the subject improvements and to grant a side yard not to be less than 9.73 feet.

**ROLL CALL VOTE**

George Miller, Jr., Chairman	Yes
Edward Campbell, Mayor	Yes
Gerald Bonsall, Councilman	Yes
Joseph Hartmann	Yes
Susan Croll	Yes

Motion to approve Resolution Chairman Miller, Second Mrs. Croghan

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

**APPLICATION COMPLETENESS REVIEW:**

1. MINOR SITE PLAN  
BLOCK 18.05, LOT 1 – OLD EGG HARBOR ROAD

Applicant/Owner: Hristos Kolovos  
Representative: Jeffrey Baron, Esq.  
Taxes: N/A as property in Voorhees  
Escrow: \$1,980.16

1. Letter from Jeffrey Baron, Esq. dated 8/14/15 to Chairman Miller
2. Letter to Chairman Miller dated 8/13/15 from Mayor Ed Campbell

Jeffrey Baron, representing the applicant, was present and stated that the application is for a minor site plan. Previous discussions were whether the application is a major subdivision or minor site plan. The governing body met and discussed the application and determined that an easement across Old Egg Harbor Road would be given to the applicant. The applicant was to have a survey performed of Old Egg Harbor Road to show exactly what the Borough owns. The survey was delivered on **9/8/15**.

John Pettit, PE was sworn in and testified regarding the survey (Exhibit A1). The survey shows a portion of Old Egg Harbor Road that was vacated by the Borough in 1994. Exhibit A2 is a Site Plan drawing that depicts the survey area and the subdivision plan showing the three subdivided lots that Voorhees Township has approved. It also shows the roadway extension (according to settlement agreement) from Eastwick Drive into Voorhees Township. The area will be paved as part of the settlement agreement. Another extension that was agreed in the settlement that in the event future development is considered, the Borough determined that it would be a roadway. Mr. Baron commented that Voorhees Township and the Borough of Gibbsboro have assigned responsibilities to Voorhees for snow removal, leaf pick-up, street maintenance, fire and police and trash pick-up and the sewer user fees. Gibbsboro will receive the sewer connection fees and street opening fees.

Planner Brian Slauch commented on the submission checklist. There are a number of items that need attention. If the items that need to be submitted (including soil boring tests) are received by the secretary on or before **9/22/15**, completeness will be further discussed at the 10/13/15 meeting. It was further understood that the time clock would not start until a clean document is submitted that satisfies our professionals. Mr. Baron will prepare a restrictive covenant agreement that clearly states no further subdivision will be considered. After approval it will be recorded with the County.

Meeting open to the public regarding the completeness application:

Sam Parry, 75 Eastwick Drive. Mr. Parry commented that his property sits on the north side of Eastwick Drive and the north end of the bike path and asked if the north end of the road would be the existing side of the bike path? Also, it is his understanding that no trees will be cut down. Also, nothing will be removed on the Borough lot or 50' from the edge of the bikeway. A lot of water and sand runoff has run down the hill from the former

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development so paving the road going up the southern extension off Eastwick Drive will alleviate some of the sand but may create more water.

Motion to declare application conditionally complete based on complying with the checklist and a review of the survey and site plan Chairman Miller Second Mayor Campbell

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

2. SUBDIVISION, VARIANCE AND CERTIFICATE OF APPROPRIATENESS  
 – BLOCK 18.07, LOTS 3, 4 AND 5 – 32 KRESSON ROAD

OWNER: Michael Holwell  
 REPRESENTATIVE: Beth L. Marlin, Esq.  
 TAXES & SEWER: Current  
 ESCROW: \$1,500

1. Letter dated 8/13/15 from Camden County Planning Board

Letter dated 8/13/15 was received from attorney for applicant, Beth Marlin requesting an extension to the October meeting so the board and professionals may review the subdivision plan.

**MINUTES:**

Motion to dispense reading and approve Minutes of 7/14/2015 Chairman Miller, Second Mrs. Croghan

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

**CORRESPONDENCE**

TO: Gibbsboro Planning Board dated 7/21/15  
 FROM: Brian Slaugh, Planner  
 RE: Superjet Canopy Design Status  
 ACTION: Mr. Slaugh will contact the applicant’s attorney regarding the canopy.

TO: NJDEP dated 7/22/15  
 FROM: George D. Norton, Esq.  
 RE: Property at Egg Harbor Rd/Lakeview Dr. Block 8.03, Lots 6.01, 6.04 & 6.05  
 ACTION: FYI

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TO: Martin Hulme dated 7/22/15 and 8/26/15  
FROM: Anne D. Levy, Borough Clerk  
RE: 52 N. Lakeview Drive, Block 7.03, Lots 9, 9.02 & 16.07  
ACTION: FYI

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**APPLICATIONS SUBMITTED BUT NOT APPROVED:**

1. Superjet, LLC

**INFORMATIONAL:**

1. The New Jersey Planner May/June 2015
2. Next regular planning board meeting is October 13, 2015

**MEETING OPEN TO THE PUBLIC:**

1. Michael Hauber, 109 United States Avenue, commented that he has been in contact with the Sierra Club of NJ, Fledging Birds Institute and the NJDEP. He has filed a report with the DEP for the Coops Gray Tree Frog that he indicated is on his property. A copy of the report and pictures was submitted to the Board.
2. George Norton, 200 United States Avenue, commented that he spoke during the period of time when the Paint Works expansion study there were no minutes of the planning board's meeting from January through May, 2015. He contacted Miss Levy and she was very responsive and the minutes were posted on the web site. His opinion was they should have been there all along/

**MEETING CLOSED TO THE PUBLIC:**

**MEETING ADJOURNED AT 7:54 PM MAYOR CAMPBELL, SECOND MS. WATSON**

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

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Anne D. Levy  
Secretary

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