

NOVEMBER 10, 2015

PLANNING/ZONING BOARD MINUTES NOVEMBER 10, 2015

Meeting called to order at 7:00 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
Vice Chairman Joseph Hartmann
Mayor Edward G. Campbell
Councilman Gerald Bonsall
Ms. LuAnn Watson
Mrs. Patricia Croghan

Absent:
Mrs. Susan Croll
Ms. Barbara Gellura

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

RESOLUTIONS:

2015PB-11-15 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH SUBMISSION WAIVERS WITH CONDITIONS TO HRISTOS KOLOVOS FOR THE PREMISES BLOCK 18.05, LOT 1, GIBBSBORO, NJ AND BLOCK 226.02, LOTS 18.01 AND 19, VOORHEES, NJ

On October 13, 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
Pat Croghan
LuAnn Watson

The following were also present at the meeting:

Donald S. Ryan, Esquire, Planning Board Attorney
Maria Carrington, Acting Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

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The Board considered a minor site plan application filed by Hristos Kolovos. The applicant was granted major subdivision approval from Voorhees Township Planning Board on March 25, 2015 for three lots located in Voorhees Township. The subdivision plan includes a right-of-way in Voorhees Township connecting Eastwick Drive located in Gibbsboro, to an easement crossing perpendicular to and over the existing and former Old Egg Harbor Road.

The applicant seeks approval from the Gibbsboro Planning Board for the physical extension of Eastwick Drive and associated site improvements within the Borough, including sanitary sewer and public water extensions.

The application has been submitted pursuant to the settlement of litigation between the applicant and the Borough of Gibbsboro.

The application is also made in accordance with the Gibbsboro Site Plan Ordinance Chapter 324 and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-46.1.

Jeffrey Brennan, Esquire and Jeffrey Baron, Esquire represented the applicant at the hearings.

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

1. Hristos Kolovos, the owner of the lots in Voorhees Township, which are the subject of the subdivision.
2. John Pettit, New Jersey Licensed Professional Planner and Engineer.

The Gibbsboro 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 5/11/15.
- A-2 Submission Checklist dated 5/11/15.
- A-3 Preliminary and final site plan prepared John Pettit, PE, dated 10/10/15, consisting of 8 sheets.
- A-4 Revised Submission Checklist dated 9/19/15.
- A-5 Certification of Soil Erosion and Sediment Control Plan issued 4/10/15 by the Camden County Soil Conservation District.
- A-6 Waiver of application to the Camden County Planning Board
- A-7 Stormwater Analysis prepared by John Pettit, PE, dated 10/30/14, revised 9/18/15.
- A-8 Survey of the premises prepared by James Sapio, dated 8/4/15, revised 9/11/15.
- A-9 Site Plan prepared by John Pettit, P.E., consisting of 2 sheets, dated 9/18/15.

- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 6/3/15 and 9/25/15

- PB-2 Review Letter of Greg Fusco of Key Engineer Associates, Gibbsboro Planning Board Engineer, dated 6/2/15, revised 10/8/15

During the public portion of the hearing, Samuel Parry, a neighboring homeowner at Eastwick Drive, Gibbsboro, appeared and addressed his concerns with respect to the site plan.

FINDINGS OF FACT

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

1. The Gibbsboro Planning Board has jurisdiction with respect to the application for site plan in accordance with Chapter 324 of the Gibbsboro Land Development Ordinance and under the Municipal Land Use Law N.J.S.A. 40:55D-46.1.
2. The applicant was granted major subdivision approval from Voorhees Township Planning Board for three residential building lots located entirely in Voorhees Township with a right-of-way in Voorhees Township connecting Eastwick Drive located in Gibbsboro, to an easement crossing perpendicular to and over the existing and former Old Egg Harbor Road.
3. The applicant seeks approval from the Gibbsboro Planning Board for the Eastwick Drive extension and the associated site improvements, including sanitary sewer and water extensions.

RESOLUTION

On the motion of Chairman George Miller, seconded by Joseph Hartmann, the Gibbsboro Planning Board voted 6-0 to deem the application complete.

ROLL CALL VOTE

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

4. The application is submitted pursuant to a Settlement Agreement between the Borough of Gibbsboro and Hristos Kolovos, dated June 30, 2014, arising out of litigation between the parties. The terms of the Settlement Agreement are incorporated by reference to this resolution. The Site Plan is consistent with the Settlement Agreement and key provisions of said Settlement Agreement include the following:

- a. The applicant is permitted to have 3 lots in the Township of Voorhees, which may be used only for single family detached dwellings.
- b. A 50 foot wide buffer shall be maintained along the municipal boundaries excepting minor encroachments for the cartway, sidewalk, bike path and utilities connecting the subdivision to utilities and streets in Gibbsboro.
- c. A sewer extension into Voorhees and South along the extended portion of Old Egg Harbor Road will be installed by the applicant.
- d. The applicant shall pave Old Egg Harbor Road south to the end of the applicant's property.
- e. Access to the property via an extension of Eastwick Drive shall be permitted by way of an access easement over the former Old Egg Harbor Road.

5. The applicant’s engineer submitted a survey and site plan (A-8 and A-9 respectively), which depict the location and area of the roadway easement across Block 18.01, Lot 1 on the Gibbsboro Tax Map and has agreed to provide a legal description for said easement to be reviewed by the Planning Board Engineer and the Planning Board Solicitor prior to recording.

6. The Planning Board finds that the existence of a Gibbsboro bike path in the subject area of Block 18.05, Lot 1 requires that the applicant grant Borough of Gibbsboro an easement that is 10 feet from the edge of the paved bike path. The easement must be provided by the applicant to the Planning Board Engineer and attorney for review and approval. The applicant shall promptly file the easement with the County Recorder of Deeds following said approval.

7. The Board finds that based upon the testimony of its professional engineer, the soils in the area are highly erodible and a sedimentation problem exists in part because of the elevation differential between the Voorhees Township property and the Gibbsboro property. Gibbsboro has constructed a sedimentation basin. The Planning Board engineer recommends either curbing on the southerly and westerly side or another appropriate improvement to minimize erosion. The applicant has agreed that it will comply with the recommendations of the Planning Board engineer to achieve this resolution of the sedimentation problem.

8. The applicant has further agreed to change the street lighting of the lighting fixtures in Voorhees Township to comply with the lighting style on Eastwick Drive.

9. The applicant has agreed to supplement the landscaping in the 50 foot wide bumper strip as necessary in accordance with the recommendations of the Gibbsboro Planner.

10. The applicant has agreed to provide an Intergovernmental Service Agreement between the applicant, the Borough of Gibbsboro and the Township of Voorhees, relative to the maintenance of the easement area, collection of leaves, snow plowing, sanitary sewer fees and sewer connection fees.

RESOLUTION

On the motion of Chairman George Miller, seconded by Joseph Hartmann, the Gibbsboro Planning Board voted 6-0 to grant preliminary and minor site plan approval to Hristos Kolovos for the extension of Eastwick Drive into Block 18.05, Lot 1 over Old Egg Harbor Road, subject to the conditions set forth in the findings of fact 6-10, as well as the recommendations of the Gibbsboro Planner and Engineer.

ROLL CALL VOTE

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

Motion to approve Resolution Mayor Campbell, Second Councilman Bonsall

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

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2015PB-11-16 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING PRELIMINOR SUBDIVISION APPROVAL, BULK VARIANCES AND A CERTIFICATE OF APPROPORATENESS TO MICHAEL HOLWELL FOR THE PREMISES 32 KRESSON ROAD, GIBBSBORO, NJ (BLOCK 18.07, LOTS 3, 4 AND 5

On October 13, 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
Pat Croghan
LuAnn Watson

The following were also present at the meeting:

Donald S. Ryan, Esquire, Planning Board Attorney
Maria Carrington, Acting Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

The Board considered the application of Michael Holwell, who is the owner of the premises 32 Kresson Road, Gibbsboro, New Jersey. The property is also designated as Block 18.07, Lots 3, 4 and 5 on the Gibbsboro Tax Map.

The applicant seeks approval of a minor subdivision and variances to subdivide lots 3 and 4 into one deed lot and lot 5 into another deed lot. In addition, the applicant seeks a Certificate of Appropriateness for the demolition of the existing structures and new house construction.

The application is made pursuant to the Gibbsboro Subdivision Ordinance, Chapter 358, the Historic District Provisions Ordinance, Chapter 222, Zoning Ordinance, Chapter 400-11D and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-47, 70(c) and 110.

Beth Marlin, Esquire of the law firm of Brown Connery, represented the applicant at the hearing.

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

1. Roy Holwell, father of the applicant who resides next door.
2. Brian Peterman, P.E.
3. Alan Blair, R.A.

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

- A-1 Photograph of the proposed dwelling
- A-2 Comparison of lot area and frontage on both sides of Kresson Road
- A-3 Application for Certificate of Appropriateness dated 10/7/15.
- A-4 Application for minor subdivision and checklist dated 7/27/15.
- A-5 Application for variance dated 7/31/15.
- A-6 Plot Plan prepared by Brian S. Peterman, PE, consisting of I sheet dated 6/5/15.
- A-7 Plan of Survey of Lot 5 prepared by Joseph Maxcy, P.L.S., dated 4/20/15.

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- A-8 Minor Subdivision Plan prepared by Joseph Maxcy, P.L.S. and Brian Peterman, consisting of 1 sheet, dated 8/24/15.
 - A-9 Wetlands Delineation Plan of Block 18.07, Lot 5, prepared by Joseph Maxcy, P.L.S., dated 4/20/15.
 - A-10 Floor Plans and elevations of proposed house prepared by Alan Blair, AIA, of Alan Blair Associates, consisting of 5 sheets, dated 7/28/15.
 - A-11 Series of 32 photographs of the subject dwelling to be demolished.
 - A-12 Freshwater Wetlands Letter of Interpretation dated 3/5/13.
 - A-13 Transition Area Averaging Plan Permit dated 3/5/13.
 - A-14 Response Letter prepared by Brian Peterman, dated 9/9/15
 - A-15 Notice of Hearing
 - A-16 Proof of mailing.
 - A-17 Proof of publication.
 - A-18 Notice to Property Owners.
 - A-19 Proof of taxes paid.
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- PB-1 Review Letter from Brian Slauch, PP, Gibbsboro Planning Board Planner, dated 9/14/15.
 - PB-2 Review Letters of Greg Fusco, Gibbsboro Planning Board Engineer, dated 9/1/15 and 9/21/15

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 with respect to the application for minor subdivision, bulk variances and Historic District approval (Certificate of Appropriateness) and request for waivers and exceptions pursuant to the Gibbsboro Land Development Ordinance, Chapter 358, 222 and 450-11D, as well as the Municipal Land Use Law N.J.S.A. 40:55D-47, N.J.S.A. 40:55D-70 (c) and N.J.S.A. 40:55D-110.

2. The applicant is Michael Holwell, who is the owner of the premises known as 32 Kresson Road, Block 18.03, Lots 3, 4 and 5 on the Gibbsboro Tax Map. The property is under one ownership and therefore lots 3, 4 and 5 are deemed merged into one lot under the Municipal Land Use Law and the case law thereunder. The combined lot is 3.66 acres.

3. As it appears from the Joseph Maxcy survey of the properties, the lots front on Gibbsboro-Milford Road, which is County Road 685. The lots currently consist of Lot 3 of 56,544 square feet, Lot 4 of 22,349 square feet and Lot 5 of 62,921 square feet. There is an existing two story dwelling and existing shed located on Lot 3.

4. The properties are located on the north side of Clement Lake. These existing structures are in extreme deteriorated condition as depicted in the photographs submitted.

5. The applicant seeks a minor subdivision and lot variances to subdivide lots 3 and 4 into one deed lot and lot 5 into another deed lot. The combined lots 3 and 4 would contain 81,789 square feet. However, based upon the provisions of the Gibbsboro Zoning Ordinance, Lots 3 and 4 would contain a lot size of 37,466 square feet, by reason of a portion of the lot being within the Conservation

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District overlay. Lot 5 would contain 59,440 square feet with a minimum lot size of 38,850 square feet based upon the Conservation District overlay.

6. The Planning Board voted to deem the application complete with various waivers and for items number 60 and 76 to be deferred.

7. Based upon the photograph submitted, the house and detached garage were constructed in a log cabin fashion in approximately 1940. The condition of the property is substantially deteriorated. The proposed dwelling will not be seen from the public way and will be obscured by wooded areas.

8. The Board finds that the house or garage are not associated with historical persons or events sufficient to undertake extensive and costly repairs necessary to make the house inhabitable.

9. The Board notes the architectural comments of its Planner contained in the letter dated 9/14/15 and the applicant has indicated that the applicant will take into consideration these comments in the construction of the new dwelling.

CONCLUSIONS

10. The Planning Board concludes that the variances requested are of a de minimus nature and are necessary because of the unusual topography and wetlands restrictions which apply to the lots in question. Accordingly, there is a hardship to the property under the circumstance, which warrants the granting of the lot size variances.

11. Based upon the testimony of the applicant's Planner, as well as the Planning Board Planner, the Planning Board concludes that the granting of the variances in this case will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of the Gibbsboro Zone Plan and Zoning Ordinance.

12. The Planning Board further concludes that the Certificate of Appropriateness for demolition of the existing structures and construction of the new proposed residential dwelling should be granted, in accordance with the architectural plans submitted.

13. The approvals are subject to the condition that the applicant submits the subdivision deed(s) for review and approval of the Planning Board engineer and attorney prior to recording.

14. The application is subject to the condition that the applicant submit documentation to the Planning Board engineer to demonstrate that the conditions of the wetlands permit have been complied with in full.

RESOLUTION

On the motion of Chairman George Miller, seconded by Joseph Hartmann, the Gibbsboro Planning Board voted 6-0 to grant the minor subdivision in accordance with the application and the bulk variances with respect to lots 3 and 4 combined and lot 5, as well as a Certificate of Appropriateness for the demolition of the existing structures and the construction of the new dwelling.

ROLL CALL VOTE

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

Motion to approve Resolution Chairman Miller, Second Mr. Hartmann

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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

2015PB-11-17 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD GRANTING MINOR SUBDIVISION APPROVAL WITH VARIANCES TO CLEMENTON, LLC FOR THE PREMISES 20 & 40 EAST CLEMENTON ROAD, GIBBSBORO, NJ

On October 13, 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
Pat Croghan
LuAnn Watson

The following were also present at the meeting:

Donald S. Ryan, Esquire, Planning Board Attorney
Maria Carrington, Acting Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

The Board considered the application of Clementon, LLC, which is the owner and applicant for the premises 40 East Clementon Road, also known as Block 8.01, Lot 1 on the Gibbsboro Tax Map.

Brandywine Operating Partnership is the owner of the premises 20 East Clementon Road, also known as Block 8.01, Lot 3.02 on the Gibbsboro Tax Map. Brandywine has consented to the proposed application.

The applicant seeks a minor subdivision approval to adjust the lot line between lots 1 and 3.02. The proposed subdivision would subdivide a 10,453 square foot portion of lot 3.02 and convey it to lot 1 for the purpose of realigning the boundary to divide the parking lots between 20 and 40 East Clementon Road at their physical separation.

The application is made in accordance with the Gibbsboro Subdivision Ordinance, Land Development Ordinance Chapters 358 and 400-21E of the Gibbsboro Zoning Regulations and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-47 and 40:55D-70(c).

Lee Dembo, Esquire represented the applicant at the hearing.

Brian Freedman, the Managing Member of Clementon, LLC, appeared, was sworn and testified in support of the application, as well as the Engineer and Planner, Clifton W. Quay.

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

- A-1 Application for minor subdivision and variances dated 9/1/15.
- A-2 Subdivision check list.

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- A-3 Minor Subdivision Plan prepared by Edward S. McConnell of Stantec Consulting Services, Inc., dated 9/1/15, revised 9/8/15.
- A-4 Deed descriptions for new lots and areas to be conveyed prepared by Edward S. McConnell, dated 9/1/15.
- A-5 Notice of Hearing
- A-6 Proof of mailing.
- A-7 Proof of publication.
- A-8 Notice to Property Owners.
- A-9 Proof of taxes paid.

- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 10/2/15.

- PB-2 Review Letter of Greg Fusco, Gibbsboro Planning Board Engineer, dated 10/9/15

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 with respect to the application for minor subdivision and variances pursuant to the Gibbsboro Land Development, as well as the Municipal Land Use Law N.J.S.A. 40:55D-47 and N.J.S.A. 40:55D-70 (c).
2. The applicant is Clementon, LLC, which is the owner of the premises known as 40 Clementon Road, Block 8.01, Lot 3.02 on the Gibbsboro Tax Map. The owner of the adjoining lot is Brandywine Operating Partnership, L.P., the Block is 8.01, Lot 3.02 and the premises are also designated as 20 Clementon Road.
3. The applicant, Clementon, LLC, is proposing to purchase approximately 10,453 square feet of land which currently occupies 12 parking spaces in the driveway isle from the adjoining property owner, Brandywine Operating Partnership, LP.

RESOLUTION

On the motion of Chairman George Miller, seconded by Joseph Hartmann, the Gibbsboro Planning Board voted 6-0 to deem the application complete.

ROLL CALL VOTE

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

4. The applicant testified that he purchased the property in 2008 from Brandywine and since this time has been maintaining the parking area, paying for the lighting and underground irrigation system for the area in question.

5. If the subdivision is granted, Lot 3.02 would decrease in size from 65,604 square feet (105 acres) to 54,851 square feet (1.26 acres). Lot 1 would increase in size from 2.46 acres to 2.7 acres. The Gibbsboro Zoning Ordinance requirement for lot size in this zone is a minimum of 2 acres.

6. The application would require the following variances:

a. Proposed Lot 3.02 will be 1.26 acres in size after the subdivision takes place, where two acres are required and requires a variance from Section 400-21E(1).

b. A variance is required under Section 400-7E(1)(b) to provide 177 parking spaces for Lot 3.02, where 216 parking spaces are required.

c. The proposed subdivision line would occur between existing landscape parking islands. Therefore, a variance would be required with respect to Section 421E(8) to permit a 1.54 setback to existing parking spaces on lot 1 and 2.3 feet on lot 3.02, where 30 feet is required.

7. The Planning Board finds that there is sufficient for both proposed lots. Block 8.01, Lot 3.02 also has parking available in the parking facilities which exists on the west side of Gibbsboro-Clementon Road on Block 7.04, Lots 16.05, 16.01 and 19.01. Cross access and parking easements also exists for both of these lots. The applicant has agreed to provide copies for all cross access and parking easements or prepare such cross-easements and parking easements for review of the Planning Board Engineer and Planning Board attorney, which shall be recorded prior to the issuance of final approval (either by filed plan or subdivision deed).

8. The applicant will further provide cross-easement parking easements with respect to the two properties which are the subject to this application.

9. If applicant files this subdivision by deed, he must submit the proposed subdivision deed for approval by the Planning Board attorney and engineer.

10. As to the parking for Lot 3.02, the reduction to 177 parking spaces would create a parking ratio of 4.1 parking spaces per 1,000 gross square feet of building, where 5 spaces are required. Based on the testimony of the applicant's planner and confirmed by the Planning Board planner, the Planning Board finds indicates that this reduction would be appropriate provided that the cross access easement for parking is maintained.

11. With respect to parking on Lot 1, the Board finds that the reserved spaces were approved but never needed for this lot. This property would gain an additional 12 spaces for a total of 75 spaces, where 50 are required.

12. It is also noted, however, that the Chop House Restaurant has a cross-access easement for use of parking on this property. The Board finds that the peak hours for the Chop House Restaurant and the office space are different. Therefore, adequate parking appears to be available.

CONCLUSIONS

13. The Planning Board concludes that the purposes of the Municipal Use Law, in terms of better planning alternatives, will be served and the benefits in granting the bulk variances required would substantially outweigh any detriments.

14. The Planning Board further concludes that the granting of the variances for lot size, parking setback and parking spaces, would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Gibbsboro.

15. The Planning Board also concludes that the granting of the variances would not substantially impair the public good.

RESOLUTION

On the motion of Chairman George Miller, seconded by Joseph Hartmann, the Gibbsboro Planning Board voted 6-0 to grant the minor subdivision for variance of lot size for Lot 3.02 from 1.5 acres to 1.26 acres, a parking setback variance to allow the distance of setback of 1.54 feet on Lot 1 and 2.3 feet on Lot 3.02 and a parking space variance to permit parking for 20 East Clementon Road to be reduced from 189 spaces to 177 spaces, based on the condition that the applicant comply with the recommendations of the Planning Board Planner, set forth in his letter dated 10/2/15 and the recommendations of the Planning Board Engineer, set forth in his letter dated 10-9-15. Also, the approval is subject to the conditions that the applicant submit cross-easements and minor subdivision deed with respect to Lots 1 and 3.02 to be reviewed by the Planning Board Engineer and the Planning Board Attorney and thereafter recorded.

ROLL CALL VOTE

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

Motion to approve Resolution Chairman Miller, Second Councilman Bonsall

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

2015PB-11-18 RESOLUTION OF BOROUGH OF GIBBSBORO PLANNING BOARD APPROVING THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS AND GRANTING A BULK VARIANCE FOR THE REPLACEMENT OF A FENCE AND GARDEN SHED FOR CAROL ANN AND ROBERT MCINTYRE FOR THE PREMISES 38 HADDON AVENUE, GIBBSBORO, NEW JERSEY

On October 13, 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
- Pat Croghan
- LuAnn Watson

The following were also present at the meeting:

- Donald S. Ryan, Esquire, Planning Board Attorney
- Maria Carrington, Acting Planning Board Secretary
- Greg Fusco, Planning Board Engineer

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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.

The property is located in the Historic District and the R-15 Residential Zoning District and 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 bulk variances with respect to the height of the fence and the location of the garden shed in accordance with Section 400-9A(2) and Section 400-10C of the Gibbsboro Land Development 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 9/15/15.
 - A-2 Application for variances dated 9/15/15.
 - A-3 Photographs of the subject property.
 - A-4 Survey of the subject premises prepared by R.W. Humphries, P.L.S. dated 9/14/14, on which there is superimposed the proposed improvements.
 - A-5 Sketch of proposed improvements.
 - A-6 Proof of mailing.
 - A-7 Proof of publication.
 - A-8 Notice to Property Owners.
 - A-9 Proof of taxes paid.
- PB-1 Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated 9/21/15.

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 bulk variances 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.

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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 subject property is surrounded on three sides by public right of way. Between the applicants' property and the Cricket Field is the right of way of Luca Blvd., which is in this location a paper street.

7. The applicants propose to construct a 6 foot high fence on the East corner of their property for a distance of 30 feet. The remaining 45 feet of the fence to the North corner would be a 4 foot high fence. The applicants also propose a short section of fencing from the North corner to the side of their dwelling.

8. The applicants also propose to install a garden shed, which is a pre-fabricated unit 8 feet by 12 feet (96 square feet). The shed is 9 foot high and it would have a hip roof.

RESOLUTION

On the motion of George Miller, seconded by Joseph Hartmann, the Planning Board 6-0 to deem the application complete.

ROLL CALL VOTE

George Miller, Jr., Chairman	Yes
Edward Campbell, Mayor	Yes
Gerald Bonsall, Councilman	Yes
Joseph Hartmann	Yes
Pat Croghan	Yes
LuAnn Watson	Yes

9. Under Section 400-9A(2), fences are limited in height to 4 feet within 25 feet of the street line. Since the paper street is a street line, the portion of the proposed fence that is 6 foot high, requires a variance.

10. Under Section 400-10C, no shed is permitted in the front yard area. Again, the paper street of Lucas Blvd., makes what would be considered a rear yard, a front yard.

11. The applicants have submitted specifications of the proposed fence, which would include a 4 foot fence with lattice and solid vinyl for the remaining portion. The submission indicates white vinyl fencing and the applicant agrees to change this to a tan color fencing.

12. The Gibbsboro Planning Board Planner, Brian Slaugh, has reviewed this matter and finds that the variances for fence height and location of the shed are appropriate under the circumstances.

CONCLUSIONS

13. The Planning Board concludes that there is a hardship to the property by reason of the paper street, Lucas Blvd. The paper street creates another front yard for the applicant's lot, in what would otherwise be considered adjoining the rear yard of the property. Therefore, both the height fence variance requested and the location of the shed in the front yard area are warranted.

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14. The Planning Board further concludes that granting the variances with respect to the location of the shed and the height of the fence 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.

15. The Planning Board further concludes that the subject shed and fence are appropriate under 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 6-0 to grant a Certificate of Appropriateness for the subject improvements and granting the variance for a shed located in the front yard off the paper street designated as Lucan Blvd. and a 6 foot fence for a distance of 30 feet.

ROLL CALL VOTE

George Miller, Jr., Chairman	Yes
Edward Campbell, Mayor	Yes
Gerald Bonsall, Councilman	Yes
Joseph Hartmann	Yes
Patricia Croghan	Yes

Motion to approve Resolution Mr. Hartmann, Second Chairman Miller

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

CERTIFICATES OF APPROPRIATENESS

- CERTIFICATE OF APPROPRIATENESS FOR BLOCK 8.01, LOT 3.05
2 FOSTER AVENUE

Applicant/Owner: Brandywine Realty Trust
 Representative: Rhonda Feld, Esq.
 Proposed Work: Window Replacement
 Taxes/Sewer: Taxes current – Sewer not installed
 Escrow: \$800.00

- Review letter dated 10/1/15 from Planner Brian Slaugh
- Letter dated 11/5/15 from Rhonda R. Feld, attorney for applicant, withdrawing the application.

APPLICATION COMPLETENESS REVIEW:

- Minor Site Plan and Certificate of Appropriateness – Block 7.01, Lots 1.02, 1.05, 1.09 and 3 – 95 Lakeview Drive

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Applicant/Owner: Dr. Lance Articolo
Representative: John P. Maroccia, Esq.
Taxes: Not current
Escrow: \$5,000

- A. Review letter from Engineer Greg Fusco dated 11/5/15
- B. Review letter from, Planner Brian Slauch dated 11/9/15

Motion to declare application incomplete 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

MINUTES: None

CORRESPONDENCE

TO: Anne D. Levy, Borough of Gibbsboro dated 10/2/15
FROM: Martin Hulme for Pro Turf Landscaping located at 52 North Lakeview Drive
RE: Site Plan Application
ACTION: This item is a zoning violation. It will be carried.

TO: Anne D. Levy, Borough of Gibbsboro dated 10/20/15
FROM: Patrick F. McAndrew, Esq.
RE: Gibbsboro Super Jet – Block 7.04, Lot 16.09
ACTION: Solicitor Ryan will forward a letter to Mr. McAndrew stating that the Planning Board does not agree with suggestion the station be allowed to open and the canopy will be addressed when funds are available.

OLD BUSINESS: None

NEW BUSINESS: None

APPLICATIONS SUBMITTED BUT NOT APPROVED:

- 1. Super Jet

INFORMATIONAL:

- 1. No new applications have been submitted for the December 8, 2015 meeting. Meeting will be cancelled.

MEETING OPEN TO THE PUBLIC:

NOVEMBER 10, 2015

1. Anita Mancini, 110 Berlin Road, asked about the correlation of Borough undeveloped land and the amount of obligation for affordable housing units that must be met.
2. Michael Hauber, 109 United States Avenue, requested that the Planning Board agenda be posted on the web site a couple of days before the meeting.
3. Robert Dumas, 12 Chatham Road, asked about applications to use Borough facilities. Mr. Dumas was advised that he should contact the school with his request.

MEETING CLOSED TO THE PUBLIC:

MEETING ADJOURNED AT 7:20 PM MR. HARTMANN, SECOND MAYOR CAMPBELL

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

Anne D. Levy
Secretary

=====

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