

SEPTEMBER 11, 2018

**PLANNING/ZONING BOARD MINUTES SEPTEMBER 11, 2018**

Meeting called to order at 7:00 P.M. by Chairwoman Watson

Moment of Silence in memory of 9/11 and those who lost their lives

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  
Mr. Mike Kelly  
Mrs. Patricia Croghan

Absent:

Chairman Emeritus Joseph Hartmann

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

**RESOLUTIONS:** None

**APPLICATION COMPLETENESS REVIEW:**

It was agreed by the Brandywine applicant and the Board to hear the variance application first.

- 1. VARIANCE – 35 EASTWICK DRIVE, BLOCK 28.05, LOT 37

Applicant: Courtney & David Borak  
Project: Variance  
Taxes: Current  
Escrow: 0

Motion to declare application complete Ms. Gellura, Second Councilman Bonsall

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

A. Review letter from Planner Brian Slaugh dated 9/11/18

Mrs. Croll stepped down as she is within 200 feet of the property.

SEPTEMBER 11, 2018

Mr. David Borak was present and was sworn in and testified regarding a variance application to install a swimming pool and patio in the rear of the property at 35 Eastwick Drive. The applicant proposes to install an in-ground fiberglass pool measuring 15'2"x32'-7" from the edge of the coping. The applicant also proposes a pool apron a minimum of three feet in width around the pool. The applicants propose a setback of 35 feet from the rear property line. A 4 foot split rail fence with chicken wire in accordance with the requirements will be installed. An existing fish pond will be removed for the pool.

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

Motion to grant a 28 foot setback variance made by Councilman Bonsall and Second by Mr. Kelly.

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

Mrs. Croll resumed her seat.

- 2. Applicant/Owner: Brandywine Operating Partnership, L.P.
- Representative: David M. Serlin, Esq.
- Project: Major Subdivision – Block 8.01, Lots 3.01, 3.03-3.06, 4 & 5 Block 10, Lot 2**
- Taxes: Current
- Escrow: \$3,203.54

Review letter from Planner Brian Slauch dated 7/31/18

Review letter from Engineer Greg Fusco dated 8/9/18

Chairwoman Watson recused herself as she is within 200 feet of the subdivision.

The applicant's professionals were sworn in – Anthony Zaccardi, Vice President of Brandywine, Edward Brady, Engineer, David Shropshire, Traffic Engineer and Seth Shapiro, Architect.

Mr. David Serlin, attorney for the applicant was present. There are three phases of development proposed. Phase 1 is 75 townhouse units, Phase 2 is 63 townhouse units, Phase 3 is 25 townhouse units.

Planning Board Solicitor Donald Ryan commented that the first thing the Board is going to do this evening is address the issue of completeness. It means that from an administrative standpoint, the Board and their professionals have to determine whether or not an applicant has submitted the items required to be submitted in accordance with the checklist that is in the ordinances of the Borough of Gibbsboro. Completeness has nothing to do with a decision on the merits. It merely states that if deemed complete or complete with waivers it means that enough information was submitted at this point in the proceedings for the Board to start listening to the

case. The Board may ask for additional information if they feel it is necessary. This is the administrative phase of the proceedings. The public is not involved. It is for the professionals and Board members making a decision as to completeness. The Board's professionals have gone through the plans very thoroughly with respect to the issue of completeness. The applicant has received the comments in respect to those items. The applicant has been given responses with respect to the completeness issues and they have reached the point where the completeness issue can be determined or waivers granted and must be decided by the Board.

Planner Brian Slaugh prepared a report consisting of 20 pages that is dated 7/31/18 based on the latest set of plans that Brandywine Operating Partnership submitted to the Borough. Based on the checklist, items 24, 29, 30, 31, 40, 42, 44, 71 and 72 the Planner and Engineer have testified that waivers or deferrals may be granted or be a condition of approval. Mr. Slaugh recommends the application for completeness be declared complete.

Engineer Greg Fusco prepared a report consisting of 11 pages dated 8/9/18. Based on the checklist items 24, 30, 34, 44, 47, 48, 51, 71 and 72 the Engineer testified that waivers or deferrals may be granted or be a condition of approval. Mr. Fusco recommends the application be declared complete.

In response to Ms. Gellura's question, Mr. Slaugh commented that if the Board finds during the course of the hearing that there's some aspect, even if not on the checklist that relates to land development, the Board has the ability to ask for additional information.

Motion to declare application complete Mrs. Croll, Second Mrs. Croghan

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

Solicitor Ryan commented that at this point we are in a position where we can move on to the merits of the application. To do this in a logical way, first the major subdivision and later the more detailed issues of the site plan. This phase of the hearing involves the applicant presenting testimony and the board members having the opportunity to question the witnesses and the public will have the opportunity to ask questions and ultimately the board will make a decision with respect to the major subdivision plan.

Attorney David Serlin commented that his client recognizes the importance of the application and concurs that it is complicated and because of the complications the Mayor and the professionals have extended themselves in a series of meetings with Mr. Ziccardi and the engineering staff to develop the plans that will be presented tonight. There are dedications that will be going forth with regard to swap of land between the Borough and the applicant, which is not part of this application other than to be discussed within the subdivision application. We are requesting that any approval be subject to the developer returning to the board for Historic Preservation approval. Brandywine may be the developer but the applicant is not sure. There is a series of correspondence that went back and

SEPTEMBER 11, 2018

forth regarding the waivers. There is an Environmental Impact Statement and traffic report that are on record with the clerk. With that Mr. Brady will testify regarding the subdivision application.

Chairwoman Watson recused herself as she is within 200 feet of the subdivision. Councilman Bonsall took over the chair.

Mr. Edward Brady, Engineer presented exhibits:

A1 – Silver Lake Town Homes rendering dated 9/11/18 – blow up of the overall site plan

A2 – Major Subdivision Plan 2 of 2 dated 12/1/17

A3 – Major Subdivision Plan 1 of 3 dated 5/3/18

Mr. Brady testified that the first part of the application is for the subdivision of part of the property. The project consists of three main parcels. The upper portion is East Clementon Road and the right hand side is Lakeview Drive (also known as 561 or Haddonfield-Berlin Road). The southern portion of the site is South United States Avenue that cuts between Phases 2 and 3 and Marlton Avenue at the very bottom of the sheet. Silver Lake is right in the center. The subdivision is dealing with the center portions. It involves subdivision of the property at the corner of Foster Avenue and East Clementon. One lot will be divided into two lots. One portion has an existing office building on it and the other has a concrete slab from a building that was demolished. The subdivision application involves taking that lot and dividing it into two lots. The other part of the subdivision is taking two lots that exist along South United States Avenue that front on the lake. We are proposing to re-divide that lot. Presently the line is approximately in the middle. We propose to move that line over so that it will define the limits of the residential portion which is Phase 2 of the townhouse development and also create the lot on the corner of South United States Avenue and Haddonfield-Berlin Road. There is a proposed basin although no other improvements will be done on the lot that fronts on 561. The basin will be part of the storm water management systems for the southern section of the development. The subdivision application includes taking one lot on the corner of Foster and East Clementon and dividing that into two lots and taking two lots that exist on South United States Avenue and 561 and taking a line and moving that. That will define the limits of the portion of the project.

The lake is part of a lot that fronts out onto South United States Avenue. The applicant will create a lot line across that area to break off the lake from the stacks that front on to South United States Avenue. Lot lines are being created to divide those two. The lot line on the corner of Foster and East Clementon Road is a curved lot which is being used to create a specific shape that would front on East Clementon Road. It is creating a lot that is a less than two acres. The zone has a two acre minimum. It is proposed to adjust the lot line so it would create a two acre lot that would front on Foster Avenue as well as take the area that was described earlier where the dam is depending on where the DEP defines that and we'll locate that on the lake lot as well as the lot that fronts on Foster Avenue. We propose to adjust the lot line to eliminate the original variance that we requested.

Planner Brian Slauch commented that the tail of the new lot (proposed lot 3.09) where 6 Clementon Road used to be – the tail between the curb line and the edge of the lake would be put into lot 3.03 which is 10 Foster Avenue.

Mayor Campbell commented that he is not thrilled with the boardwalk being part of the lot you are creating. On the other side of the lake, the lake lot 3.01 looks like it picks up the path as well. The lot line is in the lake – the lot 3.07 that has the restaurant (Lakeside Manor). The Borough does not want that responsibility. The boardwalk is on lot 3.09. The line should be moved back and put it in the lake. The two issues to be considered – the dam and where the lot line is located.

SEPTEMBER 11, 2018

Solicitor Ryan commented that these issues cannot be resolved at this time and to move on to other issues.

Mr. Brady commented that it is a little off shoot from the lake to the drainage off shoot. Planner Slaugh asked where the subdivision line is drawn does it go over the lake as opposed to following the bank. On Exhibit A3 Major Subdivision Plan Sheet 1 of 3 dated 4/3/18. Mr. Brady said the area Mr. Slaugh is referring to is a finger that covers a drainage swale – from the parking lot on 561 and goes into the lake and cuts off to be part of lot 5. He doesn't believe it affects any of the walkway at all and is part of the wetlands area that matches what is on both sides.

Mr. Brady summed up two areas. The first area is lot 3.09. Right now the existing lot line for that lot that separates the land from the lake runs along the bulkhead – the question is whether the line should be moved and created on the land side of the easement. There is an easement that allows the public to walk along the walkway. The question is should the lot line should be moved to the land side of the easement or left where it is. The second area is on the corner of proposed lot 5. There is an existing “finger” that follows the drainage way. It drains into the lake. The proposed plan shows that “finger” being cut off and made part of lot 5 which would make that lot more consistent in shape. Mr. Slaugh asked about moving the lot line over to eliminate some of the lake that would be on lot 5 and that can be done.

Mayor Campbell commented that the third issue is the tail that goes behind the dam. That will be moved and eliminated.

OPEN TO THE PUBLIC. Each resident was sworn in.

1. Mitchell Brown, 18 Troth Avenue. Asked about the builder for the buildings. What barriers such as fencing, etc. will be installed between the townhouses and residential properties?
2. Joe D’Orazio, 25 West Clementon Road. Asked if there will be public access around the lake and if the soils were tested for the townhouses. Mr. Ziccardi testified that Phase 1 is totally clean, no jurisdictional issues on Phase 1 which is the area to the west of Clementon Road where the two parking lots are and the vacant land. Recently, they reviewed the environmental report dated 1997 and there was nothing defined in that area. The slab lot (6 E. Clementon Road). The foundation was left in place because of the unknown underneath the foundation. Temporarily that will become a parking lot on top of the foundation. Therefore, there will be no disturbance. After it’s cleaned up by Sherwin Williams, a new parking lot will be built on that site. Phase 2 is clean and released by the EPA and Phase 3 is clean.
3. Tracy Haines, 15 United States Avenue. Asked where the utilities are coming from and she is particularly interested in sewer in Phase 2? Mr. Brady commented that the existing sewer on York Avenue connects to Marlton Avenue. The townhouses will be connected to the existing line in York. Phase 3 will be tied into Marlton Avenue.
4. Brad Lafferty, 38 Winding Way. Who creates the decision to require soil testing? Banks who lend the money require the applicant to make sure the site has gone through an environmental audit.
5. Michael Hauber, 109 United States Ave. When an EPA meeting was held in 2015 and the EPA hired a third party company to present information of what was contaminated and what was not. Mr. Hauber would like to know who did the testing and is there a difference between the requirements for commercial testing and residential testing.

6. Danielle Riggs, 6 Cedarcroft Road. Mrs. Riggs testified that she is a firm advocate for building up the town. Will new residents receive notification of the Super Fund Sites? How will the new housing impact the fire and police departments?

CLOSED TO THE PUBLIC.

Solicitor Don Ryan commented that there are two aspects of the major subdivision approval – one is preliminary approval and the other is final. Given the fact that there are issues that have been raised that are unresolved regarding the dam, boundary lines and the definition of a dam, whether the walkway is going to be included, it seems final approval is not appropriate. If the Board is inclined to take action on the major subdivision, it is recommended that preliminary approval be subject to the outstanding issues.

Motion to grant preliminary major subdivision conditioned on the following items:

- a. Proposed lot 3.03 would be increased in size to a minimum of two acres.
- b. Lot 3.09 would be reconfigured to eliminate the earthen dam and the drainage easement through the lake outfall and the boardwalk.
- c. A portion of lot 3.01 to be conveyed to lot 5 shall not include any open body of water
- d. The site triangles easements placed on plans
- e. Subject to all other applicable governmental approvals that apply
- f. Revised plans in accordance with the Board’s professionals review letters.

Motion made by Mayor Campbell and Second by Mrs. Croll

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

3. Applicant/Owner: Brandywine Operating Partnership, L.P.  
 Representative: David M. Serlin, Esq.  
**Project: Preliminary and Final Major Site Plan – Block 7.04, Lots 16.01, 16.05, 16.06, 16.08, 19.01, 19.03 and 18.05 Block 8.01, Lots 3.01, 3.03-3.06, 4 & 5**  
 Taxes: Current  
 Escrow: \$3,203.54

Review letter from Planner Brian Slauch dated 7/31/18  
 Review letter from Engineer Greg Fusco dated 8/9/18  
 Review letter from Fire Marshal and Fire Chief dated 8/8/18

Motion to declare application complete Mrs. Croll, Second Mrs. Croghan

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

SEPTEMBER 11, 2018

**MINUTES:**

Motion to dispense reading and approve the minutes of 8/14/2018 Mrs. Croll, Second Mrs. Croghan

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

**CORRESPONDENCE**

TO: Mayor Campbell and Planning Board dated 9/5/18  
 FROM: Kevin McFadden – Catering for all Occasions  
 RE: Lakeside Manor  
 ACTION: FYI

**OLD BUSINESS:** None

**NEW BUSINESS:**

2. Applicant/Owner: Brandywine Operating Partnership, L.P.  
 Representative: David M. Serlin, Esq.  
 Project: Major Subdivision – Block 8.01, Lots 3.01, 3.03-3.06, 4 & 5  
 Block 10, Lot 2  
 Taxes: Current  
 Escrow: \$3,203.54

Application will be heard at the October meeting.

**INFORMATIONAL:**

1. Next regular Planning Board meeting is October 9, 2018

**MEETING OPEN TO THE PUBLIC:**

No voice from the public.

**MEETING CLOSED TO THE PUBLIC:**

**MEETING ADJOURNED AT 10:05 PM MAYOR CAMPBELL, SECOND MR. KELLY**

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

SEPTEMBER 11, 2018

---

Anne D. Levy  
Secretary

---

---

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**