

**BOROUGH OF GIBBSBORO
PLANNING/ZONING BOARD MINUTES
August 11, 2020
7:00 P.M.**

Meeting called to order at 7:06 P.M.

Secretary Troxel read 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 Jack Flynn
Mayor Edward G. Campbell
Mr. Dennis Deichert
Ms. Barbara Gellura
Mr. Michael Kelly
Mrs. Susan Croll
Mr. Barry Rothberg
Mr. John Ritz

Absent:

Professionals: Engineer, Gregory Fusco
Planner, Brian Slaugh

Solicitor, Donald S. Ryan*

* Peter Thorndike attended on Mr. Ryan’s behalf

RESOLUTIONS

PB2020-8-14 RESOLUTION GRANTING MINOR SITE PLAN APPROVAL WITH VARIANCES AND EXCEPTIONS TO 140 SOUTH LAKEVIEW DRIVE, LLC FOR PREMISIS 140 SOUTH LAKEVIEW DRIVE, GIBBSBORO, NJ

On July 14, 2020, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

LuAnn Watson, Chairperson
Ed Campbell, Mayor
Jack Flynn, Councilman
Susan Croll
Mike Kelly
Dennis Deichert
Barry Rothberg
John Ritz
Barbara Gellura

The following were also present at the meeting:

August 11, 2020

Donald S. Ryan, Planning Board Attorney
Amy C. Troxel, Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

The Planning Board considered the application of Kazanjian Properties, LLC (Applicant), acting with the consent of the owner, 140 South Lakeview Dr., LLC. The applicant proposes to renovate an existing commercial building at the property known as 140 Lakeview Drive, Block 7.04, Lot 2.11, to be used for the sale, service, repair and cleaning of oriental rugs. The applicant requires minor site plan approval, Certificate of Appropriateness, variances and planning exceptions.

The applicant was represented by Jeffrey Brennan, Esquire.

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

- Sarkis Kazanjian, Applicant
- Azad Kazanjian, Applicant
- Joseph A. Mancini, PP PE, a licensed Professional Planner and Engineer
- Daniel E. Jost, RA, Licensed Architect

The following Planning Board professionals appeared, were sworn and testified in connection with the application:

- Brian Slaugh, Planning Board Planner
- Greg Fusco, Planning Board Engineer

The following exhibits were included as part of the record:

- A-1 Application for Land Development and supporting documentation dated 5/7/2020
- A-2 Site Plan prepared by Joseph A. Mancini, PP PE dated 12/18/18, last revised 6/22/2020
- A-3 Proposed architectural alterations prepared by Daniel E. Jost, RA dated 5/5/2020, revised 6/17/2020
- PB-1 Review Letter from Greg Fusco, Gibbsboro Planning Board Engineer, dated 7/9/2020
- PB-2 Review Letter from Brian Slaugh, Gibbsboro Planning Board Planner, dated 6/2/2020, revised 7/7/2020.

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

SUBJECT

1. The Gibbsboro Planning Board has jurisdiction to grant minor site plan approval, Certificate of Appropriateness, variances and planning exceptions in accordance with the New Jersey Municipal Land Use Law N.J.S.A 40:55D 46.1, 51, 60- and 70(c).

2. The Planning Board has jurisdiction with respect to this application in that the applicant has provided proper notice and published notice in accordance with N.J.S.A 40:55D-12.

3. The subject site is located at 140 South Lakeview Drive and is also designated as Block 18.02, Lot 2.11 on the Gibbsboro Tax Map. The property is located in the C-2 Highway Commercial District and the residential property abutting the rear property line is in the R-15 Residential Zone.

August 11, 2020

The site is improved with a one story, 12,400 square foot masonry building, which has fallen into a state of disrepair.

4. The subject property is less than an acre located on the southwest side of South Lakeview Drive, also known as Haddonfield-Berlin Road, which is a County road and therefore the application will require County Planning Board approval. Adjoining the property to the west is an existing commercial building and to the northwest is a former residence which has been converted to an office building. Adjoining the property on the south are single family residences. Across South Lakeview Drive to the northeast is vacant land.

5. The applicant intends to substantially renovate the building and to make exterior improvements in contemplation of an operation of rug sales, storage, repair, servicing and cleaning business. The applicant currently operated a similar business in Pennsylvania.

6. The applicant requests minor site plan approval, as well as the following variances from the provisions of the Gibbsboro Zoning Ordinance:

- Section 400-7E(1)(b) – Minimum parking spaces: There are 25 parking spaces required and 11 parking spaces exist. Applicant proposes a total of 14 parking spaces.
- Section 400-19C(4) – Maximum Building Coverage: There is 30% of building coverage permitted, 40.5% existing, 40.5% proposed.
- Section 400-19C(5) – Maximum Lot Coverage: There is 75% lot coverage permitted, 75.8% existing and 75.8% proposed.
- Section 400-19C(8) – Minimum Side Yard Setback: There is 20 feet side yard setback required, 14.4 feet existing and 14.4 feet proposed.
- Section 400-19C(4) – Minimum Rear Yard Setback: There is 20 feet rear yard setback required, 20.7 feet existing and 20.7 feet proposed.

7. Based upon the testimony of the applicant's Planner, Joseph A. Mancini, whose testimony was concurred in by the Planning Board professionals, the application appropriately satisfies the criteria for granting a flexible C-Variance under N.J.S.A. 40:55D-70C(2) in that it advances several purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2 and the benefits to be obtained substantially outweigh any detriment that may be deemed to result from the relief requested.

8. The Planning Board finds that the requested variances will upgrade the property, which has fallen into a state of disrepair.

9. The Planning Board further finds that four out of the five variances pertain to preexisting, non-conforming conditions, which will not be exacerbated.

10. The Planning Board finds that although necessitating a parking requirement in excess of the number of parking spaces proposed by the applicant, the number of spaces is sufficient based upon the type and usage of the site as proposed by the applicant.

11. The Planning Board finds that the following planning exceptions are required and the testimony supports granting these exceptions:

- Section 324-33D(6) - Driveway Location Exception: No driveway shall be located less than 10 feet from the side property line. This driveway functions as a shared driveway with the Schmidt Dewland property next door.
- Section 324-33N(1) - Streetscape Exception: The streetscape should be constructed along the entire frontage. The applicant has agreed to install streetscape improvements in accordance with the Site Plan Committee recommendations.

August 11, 2020

- Section 358-18P - Street Lighting Exceptions. The street lighting is required to be uniformly placed along the street frontages which requires a certain level of illumination.

12. The applicant testified that the front of the building will be utilized for display and sales (3,000 square feet) and the remainder of the building will be used for warehousing, rug cleaning, maintenance and repairs (9,500 square feet).

13. With respect to the Certificate of Appropriateness, the applicant's architect, Daniel E. Jost testified and presented exhibits with respect to the existing condition and the proposed changes, specifically the removal of the canopy of the north side. The applicant has agreed to work with the Planning Board Planner with respect to the style of brick to be installed.

14. The Planning Board will grant the applicant a variance with respect to signage for the two façade signs. One sign is on the front of the building and the other is on the north side of the building, which will be sandblasted in resin.

15. The applicant has agreed that the street number on the building will be included in accordance with the recommendation of the fire official.

16. The witness, Sarkis Kazanjian testified and the Planning Board finds that the applicant will not have hazardous materials at the subject property.

17. The hours of operation will be Monday through Saturday from 9am to 5pm. Deliveries to the site will be completed by small trucks, such as UPS and FedEx, there will be no tractor trailers. There will be deliveries made by the applicant in cargo vans. The applicant has agreed to restore the parking as may be necessary. The expectation is there will be four employees on site. The applicant has agreed to install a bike path and several street trees along Route 561.

CONCLUSIONS

18. The Planning Board concludes that the applicant has submitted sufficient credible evidence to support granting the variances set forth above, based upon the criteria set forth in N.J.S.A. 40:55D-70(c)(2).

19. The Planning Board concludes that the granting of the variances will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Gibbsboro and will not be substantially detrimental to the public good.

20. The Planning Board concludes that with respect to the planning exceptions, the criteria set forth in N.J.S.A. 40:55D-51 have been met in that the specific property involved is unique and that the imposition of the design criteria would be a hardship and compliance with same impractical.

RESOLUTION

On the motion of Mayor Edward Campbell, seconded by Mike Kelly, the Planning Board voted 9-0 to grant a Certificate of Appropriateness to the applicant for the architectural improvements referenced above.

ROLL CALL VOTE

LuAnn Watson	Yes
Edward Campbell	Yes
Jack Flynn	Yes
Susan Croll	Yes
Mike Kelly	Yes
Dennis Deichert	Yes
Barry Rothberg	Yes

August 11, 2020

John Ritz	Yes
Barbara Gellura	Yes

On the motion of Susan Croll, seconded by Mayor Edward Campbell, the Planning Board voted 9-0 to grant the minor site plan approval and variances noted above based upon the following conditions:

1. The parking lot will be restored as necessary.
2. The applicant will install six concrete wheel stops and a protective ballard in the parking area.
3. The applicant will install an 8-foot wide bike path.
4. Goose neck lighting will be provided by the applicant based upon the recommendation of the Planning Board Engineer.
5. One streetscape lamp will be provided along Route 561, based upon the requirements of Atlantic City Electric.

ROLL CALL VOTE

LuAnn Watson	Yes
Edward Campbell	Yes
Jack Flynn	Yes
Susan Croll	Yes
Mike Kelly	Yes
Dennis Deichert	Yes
Barry Rothberg	Yes
John Ritz	Yes
Barbara Gellura	Yes

Motion to approve resolution Mrs. Croll, second Mayor Campbell

Poll: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

OLD BUSINESS None

NEW BUSINESS

1. HISTORIC PRESERVATION APPLICATION (PB2020-16)

Applicant:	Robert & Diane Johns
Project:	Certificate of Appropriateness
Address:	Block 8.03, Lot 6.09 107 United States Avenue
Taxes:	Current
Fee/Escrow:	NA

Brian Slaugh, Borough Planner – review letter, dated 8/7/20

August 11, 2020

Mr. Thorndike swore in Mr. and Mrs. Johns. Mr. Johns testified that they intended to enclose the breezeway that connects the house to the carport and convert it to a laundry room. The materials will match the existing siding on the house, and the enclosure will include a door facing the street, windows that match the other windows on the front of the house including matching black shutters. The height of the roof over the new enclosure will not be affected by the renovation.

Based on Mr. Johns’ testimony, Mr. Slaugh recommended that the application be deemed complete.

Motion to deem application complete Mrs. Croll, second Councilman Flynn

Vote: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

Mr. Slaugh testified that the architect working with the Johns is well-known in the field of historic preservation, and that the materials specified in the application are consistent with the existing house.

Public Comment: None

Motion to approve application Mrs. Croll, second Mr. Kelly

Poll: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

2. APPLICATION FOR BULK VARIANCE (PB2020-17)

Applicant:	Maurice Maley & Lauren Genovese
Project:	Bulk Variance
Address:	Block 74, Lot 1.04
	9 Henry Road
Taxes:	Current
Fee/Escrow:	\$75/\$250

Brian Slaugh, Borough Planner – review letter, dated 8/10/20

Mr. Thorndike swore in Mr. Maley. Mr. Maley testified that he was requesting a bulk variance to install an oversized shed that encroaches on the front yard set-backs. The shed’s size is 12’x24’. Due to the shape of the lot and the surrounding wooded areas, the placement possibilities for the shed are limited. Mr. Maley testified that he attempted to move the shed to a different part of the lot as suggested by Mr. Slaugh in his review letter, but that that would interfere with the gas lines. The shed will have a garage door entrance or accessibility, but it is only intended to store household items, not a vehicle.

Based on Mr. Maley’s testimony, Mr. Slaugh recommended that the application be deemed complete.

Motion to deem application complete and grant waivers Mayor Campbell, second Mr. Deichert

August 11, 2020

Vote: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

Mr. Slaugh testified that the location of the proposed shed is 10 feet versus the required 25 feet from the property line. The shed is also approximately three times the permitted size. The variances required would be for the set-backs, the size, the height, and the front yard placement. Mr. Slaugh testified that the undersized lot, combined with the encroachment of the house itself as well as the wooded portions of the lot do limit alternative placement of the shed.

Mr. Maley shared several photographs that show there is significant landscaping and trees that will mask the view of the shed from the street. He indicated that all of the existing trees on the property will be preserved. Mr. Maley reiterated the placement of the gas line as a limitation and indicated that the only other part of the property that might be suitable is an area that his family regularly uses for recreation. He indicated that the large size of the shed was necessary because there was no other place to store yard and recreation equipment. His home does not have a basement or significant attic storage, and these items are currently being stored in places that are either not safe from the elements or in the living space itself. Mr. Maley testified that while he did intend to add electricity to the shed at a future time, it would not at any time be used as a living space. He pointed out that within 200 feet of his property there are several other properties with either oversized sheds or multiple sheds. The proposed shed is delivered pre-assembled and placed on stones.

Public Comment:

Jessiah Styles, 60 Voorhees Road. Mr. Styles expressed his concern that in the winter when the trees are without foliage, the shed will interfere with his view of the landscape, which was an important consideration in purchasing his home. Mr. Maley indicated his belief that the shed would only block Mr. Syles' view of a neighboring home, not the landscape itself.

Motion to grant sought relief conditional on the ongoing maintenances of the current tree line fronting on Henry Road and that the shed not become a living space Mayor Campbell, second Mrs. Croll

Poll: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

3. HISTORIC PRESERVATION APPLICATION (PB2020-18)

Applicant:	Rigge Blixt-Pluck
Project:	Certificate of Appropriateness
Address:	Block 18.07*, Lot 11 103 S. Lakeview Drive (also known as 105)
Taxes:	
Fee/Escrow:	NA

Letter to Ms. Blixt-Pluck from Secretary Troxel, dated 8/7/20

* corrected from application which listed block as 18

August 11, 2020

Mr. Thorndike swore in Ms. Blixt-Pluck. Ms. Blixt-Pluck testified that there was an electric fence on her property when she moved there in 1996, which she replaced the same year with the 3-strand electric wire fence indicated in one of the photos accompanying her application. During a recent inspection of her property, Mr. Bernard Shepherd, the Zoning Official and Compliance Officer, indicated that electric fences were not permitted and that the fence must be replaced.

Mr. Slauch indicated that no survey was included with the application and inquired about the location of the fence relative to the house. Ms. Blixt-Pluck indicated that it was behind and to the right. In answer to several other questions, she also indicated that it was made of galvanized wire and was not visible from the street.

Chairwoman Watson addressed a letter sent to Ms. Blixt-Pluck by the Secretary indicating a discrepancy in the block as well as the mailing address. The block error was determined to be a simple oversight (block 18 vs. 18.07). Ms. Blixt-Pluck testified that the deed to her property lists it as 103 S. Lakeview Drive, and a deed she obtained from the County Store lists the property as “103 S. Lakeview Drive, also known as 105.” The Borough’s tax records indicate that the address is 105 S. Lakeview Drive. It was determined that this discrepancy should not affect Ms. Blixt-Pluck’s application, but she was advised to contact the Tax Assessor to ascertain which address is correct in order for all records to be consistent.

Motion to deem application complete Mrs. Croll, second Mr. Deichert

Vote: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

Public Comment: None

Motion to approve application Mr. Deichert, second Mrs. Croll

Poll: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Aye M.K. Aye L.W. Aye

4. HISTORIC PRESERVATION APPLICATION

Applicant:	Gibbsboro Development Group, LLC
Attorney:	Timothy Prime, Esq.
Project:	Certificate of Appropriateness
Address:	Block 7.04, Lots 19.06, 19.08, 19.07, 19.15, 19.09, 19.10 41 East Clementon Road, 30 Troth Avenue, 45 East Clementon Road
Taxes:	19.06 (\$0.85), 19.09 (\$655.26), 19.10 (\$1643.29)
Fee/Escrow:	NA

PB2020-8-15 RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS TO GIBBSBORO DEVELOPMENT GROUP LLC (WAWA) TO DEMOLISH STRUCTURES ON BLOCK 7.04, LOTS, 19.06 & 19.08, 19.07 & 19.15, 19.09 & 19.10, 16.09 & 19.11

On August 11, 2020, the Borough of Gibbsboro Planning Board held a public hearing at which time the following members were present:

August 11, 2020

LuAnn Watson, Chairperson
Edward G. Campbell, III, Mayor
Jack Flynn, Councilman
Susan Croll
Barbara Gellura
Michael Kelly
Dennis Deichert
John Ritz
Barry Rothberg

The following were also present at the meeting:

Peter R. Thorndike, Esquire, Substitute Planning Board Attorney
Amy Troxel, Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

The Board considered the application of GIBBSBORO DEVELOPMENT GROUP LLC (WAWA), which is the owner of the premises, Block 7.04, Lots 19.06 and 19.08 (41 East Clementon Road), Lots 19.07 and 19.15 (30 Troth Avenue), Lots 19.09 and 19.10 (45 East Clementon Road) and Lots 16.09 and 19.11 (existing gas service station) Gibbsboro, New Jersey.

The property is located in the C-2 Commercial Zoning District and is in the Historic District.

The applicant seeks a Certificate of Appropriateness for Historic District demolition of three residential buildings and demolition of the existing gas station facilities.

The application is made pursuant to the Gibbsboro Historic Preservation Ordinance Section 222 and New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110.

The applicant was represented by Timothy Prime, Esquire.

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

- A-1 Application for Certificate of Appropriateness;
- A-2 Photographs of existing structures; and,
- PB Review Letter from Brian Slaugh, PP, Gibbsboro Planning Board Planner, dated July 2020.

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

FINDINGS OF FACT

The Planning Board, having considered the evidence submitted as part of the record makes the following findings and fact and conclusions:

1. The Gibbsboro Planning Board has jurisdiction to approve the application for the Historic District approval in accordance with N.J.S.A. 40:55D-110 and Section 222-1 et seq of the Gibbsboro Historic Preservation Ordinance.
2. The applicant is GIBBSBORO DEVELOPMENT GROUP LLC (WAWA), which is the owner of the subject premises.
3. The property is located in C-2 Commercial Zoning District, as well as the Historic District.

August 11, 2020

4. The applicant proposes to construct a new WaWa convenience store with fuel pumps on the subject premises.

5. The applicant applied for a Certificate of Appropriateness in its original application in 2018 and evidence was presented to the Planning Board. However, the Planning Board in its Resolution of Approval was not explicit as to its granting a Certificate of Appropriateness for demolition and now seeks to explicitly address the issue.

6. In accordance with the criteria set forth in Borough ordinance 222-9, and the opinion of the Planning Board Planner Brian Slaugh, the Planning Board finds that the demolition of the three residential structures and existing gas station facilities is appropriate. The structures are neither architecturally or historically significant.

CONCLUSIONS

7. Based upon the foregoing Findings of Fact, The Planning Board concluded that the Certificate of Appropriateness should be granted to Gibbsboro Development Group LLC for the demolition of the three residential structures and existing gas station facilities.

RESOLUTION

On the motion of Susan Croll, seconded by Michael Kelly, the Planning Board voted to grant the Certificate of Appropriateness as concluded above.

ROLL CALL VOTE

LuAnn Watson, Chairperson	Aye
Edward Campbell, Mayor	Aye
Jack Flynn, Councilman	Aye
Susan Croll	Aye
Barbara Gellura	Abstain
Michael Kelly	Aye
Dennis Deichert	Aye
John Ritz	
Barry Rothberg	

Motion to grant as amended to include Block 7.04, Lots 16.09 and 19.11 Mrs. Croll, second Mr. Kelly

Poll: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Abstain M.K. Aye L.W. Aye

5. DATE CHANGE – OCTOBER PLANNING BOARD MEETING

The next Examination for a Municipal Clerk Certificate is scheduled for Wednesday, October 14, 2020. The Board Secretary will poll the members of a board to identify a suitable alternate meeting date and properly advertise the meeting to the public.

MINUTES

Motion to dispense reading and approve the minutes of 7/14/2020 Mayor Campbell, second Mrs. Croll

August 11, 2020

Vote: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Abstain M.K. Aye L.W. Aye

CORRESPONDENCE None

PENDING APPLICATIONS None

INFORMATIONAL

1. Next regular Planning Board meeting is Tuesday, September 8, 2020 at 7:00 P.M.
2. EPA finalized the Record of Decision (ROD) for remediation of the Paintworks.

PUBLIC COMMENTS None

ADJOURNMENT

Motion to adjourn the meeting at 8:36 P.M. Chairwoman Watson, second Mayor Campbell

Vote: E.C Aye S.C Aye D.D. Aye J.F. Aye B.G. Abstain M.K. Aye L.W. Aye

AMY C. TROXEL, Secretary