

**BOROUGH OF GIBBSBORO
PLANNING BOARD MINUTES
May 10, 2022
7:00 P.M.**

Meeting called to order at 7:00 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
Mayor Edward G. Campbell
Councilman Michael MacFerren
Mr. Dennis Deichert
Ms. Barbara Gellura
Mr. Mike Kelly
Mr. John Ritz

Absent:

Vice Chairwoman Susan Croll
Mr. Barry Rothberg

Professionals: Solicitor, Donald S. Ryan
Engineer, Gregory Fusco
Planner, Brian Slaugh

RESOLUTIONS

PB2022-5-13 RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL WITH VARIANCES TO SHERWIN-WILLIAMS COMPANY/DOUGLAS BIEMILLER AT PREMISES BLOCK 59.01, LOT 5, ALSO KNOWN AS 185 KIRKWOOD ROAD, GIBBSBORO, NEW JERSEY

On April 12, 2022, the Borough of Gibbsboro Planning Board held a virtual public hearing at which time the following members were present:

LuAnn Watson, Chairperson
Edward Campbell, Mayor
Susan Croll, Vice-Chairperson
Dennis Deichert
Barbara Gellura
Michael Kelly
John Ritz

The following were also present at the meeting:

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

SUBJECT

The Board considered the application of Sherwin-Williams/Douglas Biemiller, which is the owner and applicant for the premises 185 Kirkwood Road, also known as Block 59.01, Lot 5 on the Gibbsboro Tax Map.

Douglas Biemiller is the title owner of the premises 185 Kirkwood Road, on which there is currently a single-family dwelling.

Sherwin-Williams Company has been overseeing a large-scale remediation project in the area including Hilliards Creek, part of which is located on and adjacent to Lot 5, Block 59.01.

Sherwin-Williams Company and Douglas Biemiller propose to subdivide the property into 3 lots; Lot 5.01, a conforming lot on which the residential dwelling is located; Lot 5.02, a conforming vacant lot; and Lot 5.03 on which there is contamination which will be remediated by Sherwin-Williams and conveyed to the Borough of Gibbsboro as Open Space once the clean-up is complete and approved by the regulatory authorities.

The creation of Lot 5.03 requires two variances. Because a large portion of the lot is wetlands, a variance is required from the minimum lot size requirement of the R-40 zone. The lot is also a flag lot which may provide Sherwin-Williams access from Kirkwood Road and a variance is required for minimum lot frontage.

The application is made in accordance with the Gibbsboro Subdivision Ordinance, Land Development Ordinance Chapters 358 and 400-84 of the Gibbsboro Zoning Regulations and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-47, 40:55D-60, and 40:55D-70 (c).

Christopher McAuliffe, Esquire of Morgan, Lewis & Bockius LLP represented the applicant at the hearing. James Heiser, P.L.S. of DPK Consulting, LLC and Hank Martin, PE of The ELM Group, Inc. provided expert testimony in support of the application.

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

- A-1 Application for minor subdivision and variances dated February 4, 2022.
- A-2 Subdivision check list.
- A-3 Minor Subdivision Plan prepared by DPK Consulting dated February 1, 2022.
- A-4 Boundary and Topographic survey Rev. 1 dated 10/20/21 prepared by DPK Consulting.
- A-5 Notice of Hearing.
- A-6 Proof of mailing.
- A-7 Proof of publication.
- A-8 Notice of Property Owners
- A-9 Proof of taxes paid.
- A-10 Revised Minor Subdivision Plan prepared by DPK Consulting Rev. 1 dated April 8, 2022.

No one from the public appeared 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 Ordinance, as well

as the Municipal Land Use Law N.J.S.A. 40:55D-47, 40:55D-60, and 40:55D-70 (c).

2. The applicants are Douglas Biemiller and Sherwin-Williams. Douglas Biemiller is the title owner of the premises 185 Kirkwood Road a/k/a Block 59.01, Lot 5 on which there is a single-family dwelling. Sherwin-Williams has been overseeing a large-scale remediation project in the area including Hilliards Creek, part of which is located on and adjacent to Lot 5.

3. The property is located in the R-40 Zoning District.

4. The applicants propose to subdivide Lot 5 into 3 lots: Lot 5.01 a conforming lot on which the residential dwelling is located; Lot 5.02 a conforming lot which is vacant; and Lot 5.03 a flag lot on which there is contamination which Sherwin-Williams will remediate and then convey to the borough of Gibbsboro as open space once the clean-up is complete and approved by the regulatory authorities.

5. The creation of Lot 5.03 requires two variances: First, a variance from the minimum Lot size requirement of 40,000 square feet because a large portion of the lot is wetlands. Second, a variance from the minimum lot frontage requirement because it is a flag lot which may provide Sherwin-Williams access from Kirkwood Road to facilitate its remediation project

6. The applicant's professional surveyor, James Heiser, and professional engineer, Hank Martin, testified regarding the revised subdivision plan (Exhibit A-104). In accordance with Section 358.18-O(8) of the Gibbsboro Code, the applicants have agreed to make a payment of \$34,151.15 to the Municipal Fund in lieu of a bike path being constructed along Kirkwood Road. Said payment shall be made at the time the subdivision is perfected by deed on filing a plat.

7. The applicant agrees to convey Lot 5.03 to the Borough of Gibbsboro upon completion of the Sherwin-Williams remediation and approval by the regulatory authorities.

8. The applicant will perfect the minor subdivision approval by filing a deed or filing a plat as required by the Municipal Land Use law. The deed or plat must be approved by the Planning Board Engineer and solicitor.

9. The property is located on the County Road and therefore the application is subject to the approval of the Camden County Planning Board. There is an existing County easement of 8 feet for future right of way.

CONCLUSION

Based upon the evidence and testimony presented, the Planning Board concludes that the statutory criteria for granting the two bulk variances required have been met and the minor subdivision is approved as outlined in this Resolution.

On the Motion of Mayor Campbell, seconded by Barbara Gellura, the Planning Board voted unanimously to grant the lot size variance and lot frontage variance and the minor subdivision.

ROLL CALL VOTE

LuAnn Watson	Yes
Edward Campbell	Yes
Susan Cröll	Yes
Dennis Deichert	Yes
Barbara Gellura	Yes
Michael Kelly	Yes
John Ritz	Yes

Motion to approve resolution Mayor Campbell, second Mr. Deichert

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

MINUTES

Motion to dispense reading and approve the minutes of 4/12/22 Mr. Deichert, second Mr. Kelly

Vote: Ayes unanimous with Councilman MacFerren abstaining

OLD BUSINESS

1. TREE REMOVAL PERMIT ISSUED – 150 WEST CLEMENTON ROAD

NEW BUSINESS

1. CONCEPT REVIEW PLAN

Applicant: NeuroRestorative
Project: Concept Plan Review
Address: 36 Marlton Avenue
 Block 14.01, Lot 1.03
Fee/Escrow: Paid
Taxes: Q2 (\$1415.53)

Trevor Williams, Esquire was present to represent the applicant, NeuroRestorative. The property at 36 Marlton Avenue is currently vacant and under agreement to be purchased by Scioto Properties. Patti Rowe from Scioto Properties explained that the company works with healthcare providers by owning and leasing properties to be used as rehab centers. They currently own over 1700 homes in 40 states, 7 of which are in New Jersey. Steve Miller and Deb Bergman from NeuroRestorative explained that this particular rehab center will be for individuals with acquired neurological disabilities. The intention is to convert the existing 4-bedroom home to an 8-bedroom home by renovating the existing residential structure to be fully ADA compliant and building a 1200 square foot addition on the back of the building. There will be up to 8 residents, with a 24-hour staff of 2-3 people. Residents will be transported to a day clinic in Delran Monday-Friday, 8:00 a.m.-4:00 p.m. and live the other hours at the facility. Parking will be available on the property for staff, visitors, and two vans to transport the residents. There will be no on-street parking.

Daniel Mascione, architect for the project, noted that there are some non-conformities in the existing structure, but that all additions will conform to local ordinance.

Ms. Bergman, the operations director for the proposed facility, responded to questions from the Board by explaining that the facility and staffing plan must be approved by the state based on the residents' needs. Regular inspections are performed to ensure that all aspects of health and safety are maintained. Most residents are long-term, and the goal is for them to blend seamlessly into the community.

The Board professionals determined that while this type of facility would be permitted in the

R-15 Zone, since the property is split between both the R-15 and C-2 Zones, a Use Variance is required. The proposed application must also include a Site Plan, stormwater management plan, and application for a Certificate of Appropriateness. The Board recommended that the applicant meet with a Site Plan Review Committee prior to a public hearing.

2. AFFORDABLE HOUSING COMMITTEE

A committee made up of members of Council and Planning Board was formed to develop a plan to meet Gibbsboro's remaining third round obligations and begin to discuss upcoming fourth round obligations.

Committee members will include Chairwoman Watson, Mayor Campbell and Mr. Ritz. Mayor Campbell will request participation from another member of Council at the next meeting.

3. CANNABIS COMMITTEE

A committee made up of members of Council and Planning Board will be formed to review the current zoning and licensing regulations.

PENDING BUSINESS

1. SIGN PERMIT & CERTIFICATE OF APPROPRIATENESS

Applicant: Gibbsboro Gas/Signarama
Project: Monument Sign & Canopy
Address: 55 East Clementon Road
Block 7.03, Lot 16.03
Fee/Escrow: Paid

2. BULK VARIANCE

Applicant: Joseph & Marilyn Cogan
Project: Addition to Residential Structure
Address: 49 Glenview Way East
Block 59.05, Lot 22
Fee/Escrow: Paid

Both of the above applications are scheduled for review at the June 14, 2022 Planning Board Meeting.

INFORMATIONAL

1. DEP Annual Stormwater Training required to be completed by Board members by 12/31/22.
2. Next Planning Board meeting is scheduled for Tuesday, June 14, 2022 at 7:00 P.M.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion to adjourn at 8:13 p.m. Chairwoman Watson, second Mayor Campbell

Vote: Ayes unanimous



AMY C. TROXEL, Secretary

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