

**BOROUGH OF GIBBSBORO  
PLANNING BOARD MINUTES**

**July 12, 2022**

**7:00 P.M.**

**Meeting called to order** at 7:02 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 Chairwoman Susan Croll  
Mayor Edward G. Campbell  
Councilman Michael MacFerren  
Mr. Dennis Deichert  
Ms. Barbara Gellura  
Mr. Mike Kelly  
Mr. Barry Rothberg  
Mr. John Ritz

Absent:

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

**RESOLUTIONS**

**PB2022-6-14 RESOLUTION GRANTING BULK VARIANCES TO JOSEPH AND MERILYN COGAN AT PREMISES BLOCK 59.05, LOT 22, ALSO KNOWN AS 49 GLENVIEW WAY EAST, GIBBSBORO, NEW JERSEY**

On June 14, 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  
Michael MacFerren, Councilman  
Susan Croll, Vice-Chairperson  
Barbara Gellura  
Michael Kelly  
Barry Rothberg  
John Ritz

The following were also present at the meeting:

Donald S. Ryan, Esquire, Solicitor  
Amy C. Troxel, Planning Board Secretary  
Brian Slaugh, Planning Board Planner  
Scott Smith, Key Associates

**SUBJECT**

The Board considered the application of Joseph and Marilyn Cogan, who are the owners and reside at the premise 49 Glenview Way East, also known as Block 59.05, Lot 22 on the Gibbsboro Tax Map.

The property is located in the AR-1 Age Restricted Residential Zoning District and in the Historic District.

The applicants seek Bulk Variances for construction of a 10-foot by 15-foot addition at the rear of the existing residence and a Certificate of Appropriateness.

The application is made in accordance with the Gibbsboro Land Development Ordinance, Section 400-15 and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-26 and 40:55D-70(c). Section 222-7 of the Gibbsboro Historic Preservation Ordinance and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-110 govern the Certificate of Appropriateness

The applicants, Joseph and Marilyn Cogan, appeared virtually, were sworn and testified in support of the application. The applicants' architect, Edwin Jesiolowski, was also sworn and testified.

Brian Slaugh, GPB Planner, and Scott Smith, for the GPB Engineer, appeared virtually, were sworn and testified in connection with the application.

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

- A-1 Application for Zoning Variance dated 5/1/2022.
- A-2 Application for Certificate of Appropriateness dated 5/13/2022.
- A-3 Plans of existing Conditions and Proposed Addition dated April 25, 2022 (2 sheets) prepared by Edwin Jesiolowski, RA.
- A-4 Proof of mailing.
- A-5 Proof of publication.
- A-6 Notice to Property Owners
- A-7 Proof of taxes paid.
- A-8 Certification of Notice of Edwin Jesiolowski

- PB-1 Review letter prepared by Brian Slaugh, PP dated 6/13/2022.

**Findings of Fact**

The Planning Board, having determined that the Applications, 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 grant bulk variances as a joint Board in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-70 (c) and the Gibbsboro Land Development, Section 400-20.
2. The Gibbsboro Planning Board has jurisdiction to review and grant a Certificate of Appropriateness in accordance with Section 222-7 of the Gibbsboro Historic Preservation Ordinance and the Municipal Land Use Law. In Gibbsboro, the Planning Board acts as the Historic Commission.
3. The applicants have provided proper notice to property owners, utilities and publication in accordance with N.J.S.A. 40:55D-12.
4. The applicants are Joseph and Marilyn Cogan, who are the owners, and reside at

the subject premises.

5. The property is located at 49 Glenview Way East and is also designated on the tax map at Block 59.05, Lot 22 on the Gibbsboro Tax map.

6. The property is located in the AR-1 Restricted Residential District and in the Historic District.

7. Based upon the Review Letter and testimony of Brian Slaugh, the GPB finds that the subject property is part of a subdivision known as Heritage Village which had been approved the in 1990's for Scarborough Development.

8. In 1997, Kevin Scarborough obtained blanket variances for lots which varied according to the location of the lots. Lot 22 was granted a 14 foot rear yard setback by Resolution 97-PB-5-11 whereas the minimum set back in the AR-1 district is 20 feet.

9. Based upon the set-back variance granted to Scarborough Development, the applicants constructed a sunroom 10 feet by 13 feet in the rear of the residence (Exhibit A-3). In fact, the sunroom which was constructed was mistakenly setback 13.5 feet rather than 14 feet.

10. The applicants now propose to construct an addition (10 feet by 15 feet) at the rear of the residence that would extend to within 13.5 feet of the rear property line. A bulk variance is therefore required.

11. The Planning Board Planner, Brian Slaugh, recommended approval of the bulk variance in that it is a deminimus variance and it does not have a substantial detrimental impact on the zoning regulations or Master Plan. Also, the property to the rear is a farm and the adjacent property to the east is substantial in size and there is approximately 135 feet to the nearest portion of the house on the lot to any of the proposed addition with heavy vegetation and outbuildings in between.

12. The Borough Planner further testified that the proposed addition is not visible from public view. This is substantiated by the exhibits in evidence. Thus, the Planner recommends that a Certificate of Appropriateness is not required.

**CONCLUSIONS**

13. The Planning Board concludes that the proposed addition is not visible from public view and therefore a Certificate of Appropriateness is not required.

14. The Planning Board concludes that the subject lot within the Heritage Village Development constitutes a unique situation and enforcement of the 20 feet rear set back requirement would create a hardship to the property. Further, the Planning Board concludes that granting the variance will not substantially impair the intent and purpose of the Gibbsboro Zone Plan and Master Plan nor will it cause substantial detriment to the public good.

**RESOLUTION**

On the motion of Susan Croll, seconded by Barry Rothberg, the Planning Board voted unanimously that the Certificate of Appropriateness is not required.

**ROLL CALL VOTE**

LuAnn Watson	Yes
Edward Campbell	Yes

Michael MacFerren	Yes
Susan Croll	Yes
Barbara Gellura	Yes
Michael Kelly	Yes
John Ritz	Yes

On the motion of Susan Croll, seconded by Barry Rothberg, the Planning Board voted unanimously to approve a bulk variance for a rear yard of 13.5 feet for the proposed addition as well as the existing sunroom.

**ROLL CALL VOTE**

LuAnn Watson	Yes
Edward Campbell	Yes
Michael MacFerren	Yes
Susan Croll	Yes
Barbara Gellura	Yes
Michael Kelly	Yes
John Ritz	Yes

Motion to approve resolution Mrs. Croll, second Ms. Gellura

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

**MINUTES**

Motion to dispense reading and approve the minutes of 6/14/22 Mayor Campbell, second Ms. Gellura

Vote: Ayes unanimous (Mr. Deichert abstained)

**OLD BUSINESS**

**NEW BUSINESS**

1. CERTIFICATE OF APPROPRIATENESS (Docket #21-29)

Applicant: E & A Homes, LLC  
 Project: Construction of New Residential Structure  
 Address: 60 Haddon Avenue  
           Block 7.01, Lot 10.01  
 Fee/Escrow: Paid

Planner Report, dated 12/14/21 (application deemed incomplete)  
 Additional plans provided by applicant on 6/2/22  
 Planner Report, dated 7/8/22

Mr. Ryan swears in Mr. Slaugh and Mr. Fusco in preparation for their testimony.

Jeff Gans, Esquire, was present to represent the applicant, E & A Homes, LLC. Andy Vilecco, the managing member, appeared on behalf of this application and was sworn in by Mr. Ryan.

Mr. Gans acknowledged Mr. Slaugh's letter, dated July 8, 2022, in which some remaining concerns regarding the proposed windows were addressed. The applicant is willing to conform with the recommendations of the Planner regarding the color of the windows and the grids. Mr. Vilecco confirmed this to be true.

Mr. Slaugh recommended the Board approve the application based on the applicant's agreement to modify the windows.

Public Comment: None

Motion to approve application with the above-noted changes Mrs. Croll, second Mr. Kelly

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

2. CERTIFICATE OF APPROPRIATENESS (Docket #22-09)

Applicant: Cherry Smith/Vision Solar LLC  
Project: Installation of Solar Panels  
Address: 3 Glenview Way East  
Block 59.05, Lot 2  
Fee/Escrow: Paid

Melissa Tsang of Vision Solar appeared on behalf of this application and was sworn in by Mr. Ryan.

The plan proposes 18 solar panels with a 3-foot setback from the edge of the roof. Ms. Tsang indicated that the panels will be 4-6 inches from the surface of the roof. Mr. Slaugh recommended that an array skirt be placed on both the east and south sides of the roof to hide the gap between the roof and the panels. Ms. Tsang agreed to this recommendation.

Mr. Slaugh recommended the application be approved contingent upon these changes.

Public Comment: None

Motion to approve the application contingent upon the addition of an array skirt on the east and south sides of the roof Mayor Campbell, second Mr. Kelly

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

3. CERTIFICATE OF APPROPRIATENESS (Docket #22-07)

Applicant: Mohamad Aboud/Pro Custom Solar Momentum

Project: Installation of Solar Panels  
Address: 25 West Clementon Road  
Block 19.01, Lot 7  
Fee/Escrow: Paid

This application was carried from the June 14<sup>th</sup> meeting. No one appeared on behalf of this application.

Motion to dismiss without prejudice Mayor Campbell, second Mrs. Croll

Vote: Ayes unanimous

### **PENDING BUSINESS**

1. USE VARIANCE (Docket #22-10)

Applicant: Anne-Marie Bailey  
Project: In-law Suite (addition of second kitchen)  
Address: 77 Winding Way  
Block 114, Lot 1  
Fee/Escrow: Paid

### **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, August 9, 2022 at 7:00 P.M.

### **PUBLIC COMMENTS**

None

### **ADJOURNMENT**

Motion to adjourn the meeting at 7:48 Chairwoman Watson, second Mayor Campbell

Vote: Ayes unanimous

  
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AMY C. TROXEL, Secretary