

**BOROUGH OF GIBBSBORO  
PLANNING BOARD MINUTES  
December 13, 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:

Absent:

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

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

**RESOLUTIONS**

**PB2022-12-25 RESOLUTION GRANTING PRELIMINARY AND FINAL MINOR SITE PLAN APPROVAL, BULK VARIANCES AND SITE PLAN EXCEPTIONS, AND GRANTING A CERTIFICATE OF APPROPRIATENESS WITH CONDITIONS TO SCIOTO PROPERTIES SP-16 LLC TO USE A PROPERTY AS A RESIDENTIAL GROUP HOME FOR TREATMENT OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES FOR THE PREMISES BLOCK 14.01, LOT 1.03, ALSO KNOWN AS 36 MARLTON AVENUE, GIBBSBORO, NEW JERSEY**

On November 7, 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 (recused)  
Susan Croll  
Dennis Deichert  
Barbara Gellura  
Michael Kelly  
Barry Rothberg  
John Ritz

The following were also present at the meeting:

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

**SUBJECT**

The Board considered the application of Scioto Properties SP-16, LLC seeking preliminary and final site plan approval, bulk variances and site plan exceptions and granting a Certificate of Appropriateness for the premises 36 Marlton Avenue (Block 14.01, Lot 1.03) as a residential group home in the R-15 and C-2 zones for treatment of individuals with traumatic brain injuries.

This application is made pursuant to the Gibbsboro Zoning Code Section 352 and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-46.1 and N.J.S.A. 40:55D-70c.

The applicant obtained a use variance with conditions in September 2022 which was memorialized by Resolution PB2022-10-21 dated October 11, 2022

The applicant was represented by Trevor Williams, Esquire.

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

1. Bill Lepper – property manager of Gibbsboro location Scioto Properties.
2. Steve Miller – facilities operation manager for Scioto Properties
3. Brian Peterman, P.E. - applicant's engineer
4. Joe Maxcy – applicant's engineer
5. Alex Cohen – applicant's architect

The Planning Board also received sworn testimony from the Planning Board Planner, Brian Slaugh, and Planning Board Engineer, Greg Fusco.

No one testified during the public portion of the hearing.

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

- A-1 Application for Use Variance and minor site plan dated August 4, 2022.
- A-2 Revised Site Plan dated August 8, 2022, revised October 5, 2022. Prepared by Brian Peterman, P.E.
- A-3 Historic Preservation Application dated August 4, 2022.
- A-4 Proof of taxes paid
- A-5 Affidavit of Service
- A-6 Notice of Publication
- A-7 Notice of Hearing to property owners
- A-8 Existing and Proposed Plan, Proposed Elevations, Plot Plan and Zoning prepared by Daniel Scott Mascione, RA dated July 21, 2011, consisting of 2 sheets, Z-1 and Z-2.
- A-9 Grading Plan prepared by Brian Peterman, PE dated 7/11/2011.
- A-10 Survey prepared by Joseph Maxcy, PLS dated 7/12/2022.
  
- PB-1 Review letter of Brian Slaugh, Planning Board Planner, dated October 21, 2022
- PB-2 Review letter of Greg Fusco, Planning board Engineer dated November 1, 2022

### 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 grant preliminary and final site plan approval (N.J.S.A. 40:55D-46.1), bulk variances (N.J.S.A.40:55D-70c) site plan exceptions (N.J.S.A. 40:55D-51) and to grant a Certificate of Appropriateness (N.J.S.A. 40-55D-111).
2. In accordance with the provisions of the Municipal and Use Law, the applicant has served notice of the application on property owners within 200 feet of the property and has published a notice of hearing in the designated newspaper.
3. Scioto Properties SP-16, LLC is the applicant and the owner of the property designated as 36 Marlton Avenue. The property is also designated as Block 14.01, Lot 1.03 on the Gibbsboro Tax Map.
4. The property is an approximately 30,000 square foot lot with frontage on Marlton Avenue near the intersection of Haddonfield-Berlin Road. The property is split zoned having the westerly portion of the lot in the R-15 Residential Zone and the remaining portion in the C-2 Highway Business Zone. Along Marlton Avenue to the south and west the properties are single family residential homes. To the east and north, the property adjoins Colombo Liquors. To the immediate south and east is an office building.
5. The current use of the property is residential.
6. The applicant proposes to reuse and expand the residence as a group home for eight adult residents for treatment of traumatic brain injuries. The applicant proposes to renovate the existing residence and to construct a 1228 square foot addition. An existing gravel driveway and turn around area are also proposed to be modified and expanded to provide paved parking for seven vehicles via a new two-way driveway. An existing one car driveway accessing an existing attached garage will remain. Two detached garage/workshops have been removed.
7. The applicant appeared before the Planning board on September 13, 2022 and obtained a use variance contingent upon obtaining minor site plan approval. The Resolution memorializing the use variance is incorporated in this Resolution. The applicant has revised its site plan and architectural plans to address the review letters of the Planning Board professionals.
8. The Planning Board waived any outstanding completeness items and determined the site plan application complete at its October 11, 2022, meeting.
9. The Planning Board waived any outstanding completeness items and determined the application for Certificate of Appropriateness complete at its October 11, 2022, meeting.
10. The Planning Board Engineer states the applicant must obtain following bulk variances and site plan exceptions (“design waivers”):
  - A. Front yard variance for barrier free access ramp.
  - B. Design waiver for parking space size of 9 feet by 18 feet.
  - C. Design waiver for providing formal dumpster and trash enclosure.
11. The Planning Board Planner states that the applicant must obtain the following bulk variances and site plan exceptions:

- A. Front Yard Variance. The applicant proposes to replace the existing pent roof at the front door and extend it over the new landing for the handicapped accessible ramp which will be approximately 20 feet from Marlton Avenue, where 40 feet is required in the R-15 district under Sec. 400-12.D(7).
- B. Parking Stall Size Variance. Parking stalls are required to be 10 feet by 20 feet per Sec. 400-7.E.(I)(a)[5]. The proposed parking spaces are 9 feet by 18 feet.
- C. Parking Area Screening Variance. Sec. 400-7.E.(I)(a)[7][a] requires a 5 foot wide landscape buffer adjacent to the parking area. Only a portion is proposed to be buffered. We note that the side of the parking space closest to the street has no buffering.
- D. Zoning District Buffer Variance. All lots in a C-2 District which are adjacent to a residential district or which abut a residential use in another zoning district are required to provide a planted buffer (see Sec. 400-18.E(2) per Sec. 400.19.C(10). No buffer has been provided, however, the part of the lot which is in the C-2 district does not adjoin any residential lots that are not part of the subject property. If not granted, the applicant would in effect be planting a buffer through the middle of the site.
- E. Buffer Planting Variance. Within a zoning district buffer area, a solid and continuous landscape screen is required (see Sec. 400-18.E(2)(b)). This is not achieved for either the parking area or for the zoning district buffer. The applicant proposes a fence between the parking lot and the residence to the southwest of the site on Marlton Avenue, and a few shrubs in a line across the front of the parking stalls.
- F. Barrier-free Access Ramp Exception. Barrier-free access ramps are permitted to encroach within the front yard setback, up to half the width of the required setback (Sec. 400-70.C(4)). However, this section requires the portion of a barrier-free access ramp facing a public street to have lattice work attached to the support posts under the deck. The proposed ramp does not have the required lattice.
- G. Parking Area Exception. No area shall be used for parking if it is not large enough to provide for at least three contiguous stall per Sec. 324-33-A(2). The van barrier-free accessible parking stall is a single space.
- H. Landscape Dividing Strip for Parking Lots Exception. A five-foot unbroken landscaped dividing strip (i.e., buffer) shall be provided alongside property lines with residential property from the street line to the rear lot line (Sec.324-33C(2)). The applicant has not provided a planted strip. The applicant proposes fencing instead. This is in the same location as the required parking area buffer along the southwest side property line.
- I. Landscape Dividing Strip Plantings Exception. Sec. 324-33C(4) requires all landscaped dividing strips to be planted, with at least one deciduous tree 2 inches in caliper every 40 feet and the area between trees planted with a minimum of three evergreen-type shrubs. Only shrubs are proposed.
- J. Curbing Exception. Sec. 324.33.C(5) requires all entrance and exit drives to be curbed on both sides. The plans do not indicate any curbing along the driveway or around the parking area. We note that none of the residential uses on the street have curbing, only the non-residential uses.

- K. Parking Area Lighting Exception. Sec.324-33-J(5) discusses the allowed lighting poles and fixtures. Pursuant to this section of the ordinance, a standard historic lamppost and fixture has been adopted as the Borough standard, which the proposed light does not meet.
- L. Sidewalk Exception. Concrete sidewalks are required to be constructed along the entire frontage of all commercial, residential industrial or park sites as part of any site plan, use variance or other Board approval (see Sec. 324-33.M). If the Planning Board determines that sidewalks are necessary as part of an application, the applicant shall make a contribution to the borough in lieu of construction (Sec.324-33-M(I). We note that the Borough's dual use bicycle path is on the CVS property across the street and will be extend as part of Phase 3 of the Brandywine project, but otherwise Marlton Avenue is presently devoid of pedestrian and bicycle paths. York Avenue will have a dual use path extending to the Marlton Avenue cartway also as part of Phase 3.

12. The applicant's engineer, Brian Peterman, testified that he generally agrees with the comments of the Planning Board engineer and Planning Board plan as set forth in the review letters.

13. In support of a variance for the barrier free access ramp within the front yard set-back (see item on Fusco review letter dated November 1, 2022) Brian Peterman and Alex Cohen testified a landing off the building and is covered by a roof to protect users from elements.

14. In support of a design waiver for parking spaces 9 feet by 18 feet (see item5(a) on Fusco review letter), Brian Peterman testifies that the smaller size is more practical for the overall parking needs of the applicant. Mr. Fusco concurred that this would be acceptable as well as the reduction of the drive aisle width less than 25 feet.

15. In support of a waiver for the formal trash enclosure with dumpsters, Steve Miller testified that the amount of recyclable and general waste did not warrant a formal trash enclosure. The Planning Board professionals agreed to the applicant's proposal for a 3-year trial.

16. With respect to the Planning Board professionals' recommendation for the lighting of the parking lot, the applicant agreed to comply with the recommendations of the Board professionals.

17. The applicant agreed to revise its landscaping plan and to comply with the recommendations of the Planning Board Planner.

18. The applicant agreed to comply with all other recommendations of the Planning Board Planner as set forth in his October 21, 2022, letter and Planning Board Engineer as set forth in his November 1, 2022 letter.

19. Alex Cohen testified that the applicant agreed to comply with the recommendations of Planner, Brian Slauch, as the building design (see Brian Slauch letter item 12) as a condition of the granting of a Certificate of Appropriateness.

### **CONCLUSION**

The Planning Board concludes that based upon the findings of fact set forth above together with the applicant's fulfillment of the conditions of approval recommended by the

Board professionals, preliminary and final minor site plan approval, bulk variances and design waivers should be granted. The purposes of the Municipal Land Use Law in terms of proper planning will be advanced and the benefits in granting the variances and design waivers outweigh any detriments. Further, the granting of the variances and design waivers do not substantially impair the zone plan and zoning ordinance of Gibbsboro nor will they be substantially detrimental to the public good. Design waivers are warranted because compliance with the ordinance is impractical or will exact an undue hardship because of peculiar conditions pertaining to this property.

The Planning Board also concludes that a Certificate of Appropriateness should be granted subject to the applicant complying with the recommendations of the Planner.

**RESOLUTION**

On the motion of Susan Croll, seconded by Dennis Deichert, the Planning Board unanimously voted to grant the bulk variances, design waivers, preliminary and final site plan approval, Certificate of Appropriateness subject to the conditions set forth above and all other required regulatory approvals.

**Roll Call Vote**

|                        |     |
|------------------------|-----|
| LuAnn Watson, Chairman | Yes |
| Susan Croll            | Yes |
| Dennis Deichert        | Yes |
| Barbara Gellura        | Yes |
| Michael Kelly          | Yes |
| Barry Rothberg         | Yes |
| John Ritz              | Yes |

Motion to approve resolution – Susan Croll, second Dennis Deichert

Poll: Aye – Croll, Deichert, Gellura, Kelly, Rothberg, Ritz, Watson

**MINUTES**

Motion to dispense reading and approve the minutes of 11/7/22 – Barbara Gellura, second Michael Kelly

Vote: Ayes unanimous, Councilman MacFerren (abstain)

**OLD BUSINESS** None

**NEW BUSINESS**

1. CERTIFICATE OF APPROPRIATENESS (Docket #22-18)

Applicant: Fusion Solar Energy  
Project: Installation of Solar Panels  
Address: 25 Clementon Road

Block 19.01, Lot 7  
Fee/Escrow: Paid

No one appeared to testify on behalf of this application.

Motion to dismiss without prejudice – Susan Croll, second Barbara Gellura

Vote: Ayes unanimous

2. CERTIFICATE OF APPROPRIATENESS (Docket #22-19)

Applicant: Continental Plaza/Welsh Farm  
Project: Installation of Ventilation for Hood  
Address: 71 South Lakeview Drive  
Block 14.02, Lot 1  
Fee/Escrow: Paid

Letter from Robert Cohen, Esquire of December 9, 2022 to withdraw application.

3. MEETING DATES IN 2023

The annual reorganization meeting will be held on January 10<sup>th</sup>, and a new solicitor will be appointed. Pending applications for the Gibbsboro Car Wash LLC (Docket #22-13) and Sonraj LLC (Docket #22-20) will be reviewed for completeness only. The regular meeting dates for 2023 will be discussed and approved at the reorganization meeting.

**PENDING BUSINESS**

1. USE VARIANCE, PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #22-13)

Applicant: Gibbsboro Car Wash LLC/Ed Henry  
Owner: Vella Group LLC  
Project: Installation of a car wash  
Address: 11 North Lakeview Drive  
Block 7.04, Lots 19.12, 19.13 & 19.14  
Fee/Escrow: Paid

2. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #22-20)

Applicant/Owner: Sonraj, LLC  
Project: Demolition of two existing structures at 101 & 103 North Lakeview, renovation of existing bank structure at 95 North Lakeview, consolidation of lots  
Address: 95, 101 & 103 North Lakeview Drive

Block 7.01, Lots 1.02, 1.03, 1.05, 1.09, 1.10 &3  
Block 7.02, Lots 2, 3.02, 3.03 & 4  
Fee/Escrow: Paid

**EXEMPTIONS GRANTED**

1. 1003 Old Egg Harbor Road – deck installation (11/30/22)

**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, January 10, 2023 at 7:00 P.M. at the Senior Recreation Center.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn at 7:28 p.m. – Chairwoman Watson, second Barbara Gellura

Vote: Ayes unanimous

  
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AMY C. TROXEL, Secretary

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