

**BOROUGH OF GIBBSBORO
PLANNING BOARD MINUTES
March 22, 2023
7:00 P.M.**

Meeting called to order at 7:03 p.m.

Opening Statement: "All the notice requirements of the Open Public Meeting Act have been complied with in full."

ROLL CALL

Chairwoman LuAnn Watson
Vice Chairman Michael Kelly
Mayor Edward G. Campbell
Councilman Michael MacFerren
Mrs. Susan Croll
Ms. Barbara Gellura
Mr. Barry Rothberg
Mr. Dennis Deichert
Mr. John Ritz

Professionals:

Solicitor, Kathleen McGill Gaskill
Engineer, Gregory Fusco
Planner, Brian Slaugh

RESOLUTIONS

PB2023-3-10 RESOLUTION GRANTING A USE VARIANCE TO GIBBSBORO CAR WASH, LLC TO OPERATE A CAR WASH AND PRELIMINARY AND FINAL SITE PLAN APPROVAL WITH VARIANCES FOR SIGNAGE AND DESIGN AND SUBMISSION WAIVERS AND A CERTIFICATE OF APPROPRIATENESS WITH RESPECT TO THE PREMISES KNOWN AS BLOCK 7.04, LOTS 19.12, 19.13 AND 19.14 AND INCLUSIVE OF THE PORTION OF TROTH AVENUE TO BE VACATED, COLLECTIVELY TO BE KNOWN AS 11 NORTH LAKEVIEW DRIVE, GIBBSBORO, NEW JERSEY

On February 22, 2023, the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

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

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The following members recused themselves from hearing this application:

Edward Campbell, Mayor
Councilman Michael MacFerren

The following were also present at the meeting:

Kathleen McGill Gaskill Esquire, Solicitor
Amy C. Troxel, Planning Board Secretary
Greg Fusco, Planning Board Engineer
Brian Slaugh, Planning Board Planner

SUBJECT

Whereas, the Board considered the Application of Gibbsboro Car Wash, LLC, having an office at 150 Onix Drive, Kenneth Square, Pennsylvania (hereinafter referred to as “the Applicant”), for a use variance to operate a car wash on the premises known as 11 North Lakeview Drive, Gibbsboro New Jersey, also known as Block 7.04, Lots 19.12, 19.13 and 19.14 on the Gibbsboro Tax Map (hereinafter the “Subject Property”), which parcel is situated in the C-2 Zoning District, along with preliminary and final site plan approval for this proposed development, several bulk variances with respect to the proposed signage, as well as submission and design waivers;

Whereas the Subject Property is located within Gibbsboro Historic District and the Applicant is seeking a Certificate of Appropriateness with respect to this development project;

Whereas the application was reviewed by Gregory B. Fusco, PE, PP, CPWM of Key Engineers, Inc. by letters dated 01/04/2023 and 02/25/2023, and by the Brian Slaugh, AICP, by letters dated 01/05/2023 and 02/13/2023; and

Whereas the Board considered the following documents submitted by the Applicant:

- (1) Cover letter prepared by Jennifer Johnson, Esquire, dated 11/17/2022;
- (2) Gibbsboro Land Use Application signed by the Applicant received on 11/12/2022 and docketed as #22-13(c);
- (3) Historic Preservation Application dated 11/21/2022;
- (4) Narrative and Variance Relief Statement received 11/21/2022;
- (5) Use and Operation Statement received 11/21/22;
- (6) Submission Checklist;
- (7) Preliminary and Final Major Site Plan prepared by Stantec Consulting Services, Inc. dated 11/08/2022, revised 01/24/2023 and signed by Clifton W. Quay, PE, PP, and consisting of the following:
 - (a) General Information Plan, Drawing No. G-001;
 - (b) Existing Conditions and Demolition Plan, Drawing No. C-101;
 - (c) Site Plan, Drawing No. C-102;
 - (d) Grading Plan, Drawing No. C-103;
 - (e) Grading Enlargement Plan, Drawing No. C-103.1

- (f) Utility Plan, Drawing No. C-104;
- (g) Utility Profiles, Drawing No. C-104.1;
- (h) Soil Erosion & Sediment Control Plan, Drawing No. C-105;
- (i) Soil Erosion & Sediment Control Notes, Drawing No. C-105.1
- (j) Soil Erosion & Sediment Control Details, Drawing No. C-105.2
- (k) Details Sheets 1-3, Drawing Nos. C-501; C-502, and C-503;
- (l) Landscape Plan, Drawing No. L-101;
- (m) Landscape Details, Drawing No. L-501;
- (n) Lighting Plan, Drawing No. E-101;
- (o) Lighting Detail Drawing No. E-501; and
- (8) Boundary & Topographic Survey prepared by Stantec Consulting Services, Inc., dated 07/19/2022 and signed by Edward S. McConnell, PLS;
- (9) Floor Plan and Elevations prepared by James Sarro, AIA, LEED AP+ of MG Architect dated 07/24/2019, and consisting of 2 sheets, A-101 and A-201;
- (10) Elevations and Architectural Renderings by Fisher Architecture, LLC dated 11/01/2022;
- (11) Central Vacuum System Screening, prepared by Stantec Consulting Services, Inc. dated 01/24/2023;
- (12) Trip Generation Analysis, prepared by Adam Catherine, PLS, PTOE of Stantec Consulting Services, Inc. dated 10/25/2022;
- (13) Stormwater Management Narrative prepared and signed by Clifton W. Quay, PE, PP of Stantec Consulting Services, Inc. dated 11/08/2022;
- (14) Stormwater Management Maintenance Manual, prepared and signed by Clifton W. Quay, PE, PP of Stantec Consulting Services, Inc. dated 11/08/2022;
- (15) Legal descriptions prepared by Edward S. McConnell, PLS, dated 11/04/2022 of the proposed consolidation of lots, proposed access easement, proposed right-of-way to Lot 16.02, proposed right-of-way vacation to Lot A, and proposed variable width to Streetscape Easement;
- (16) Photographs of existing structures to be demolished; and
- (17) Letter from New Jersey American Water dated 10/24/22 indicating water service is available at the Subject Property;

Whereas, a completeness hearing on this application was conducted on January 10, 2023 with the Applicant being represented by Jennifer Johnson, Esquire of Flaster Greenberg P.C. with notice of this hearing having been given in accordance with New Jersey statutes, the Open Public Meetings Act and the Municipal Land Use Law, with a quorum being present, and the application having been found to be complete for hearing purposes;

Whereas, a hearing on this application was conducted on February 22, 2023 with the Applicant again being represented by Jennifer Johnson, Esquire;

Whereas, the Board accepted and heard the expert testimony of the Applicant's engineer and planner, Clifton W. Quay, PE, PP of Stantec Consulting Services, Inc., and that of the Applicant's managing member, Ed Henry; and the testimony of the Board's engineer, Gregory Fusco, PE, PP, CPWM, and the Board's planner, Brian Slaugh, AICP, and having open the hearing

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to the public, and having heard the arguments of the Applicant's counsel, Jennifer Johnson, Esquire, and having considered the application and exhibits submitted in connection herewith.

NOW THEREFORE BE IT RESOLVED that the Board makes the following findings of facts:

FINDINGS OF FACT

1 The Applicant is the owner of the Subject Property, which is a 0.95 acre site located at 11 North Lakeview Drive (County Route 561), Gibbsboro and comprised of three (3) existing tax lots, namely Lots 19.12, 19.13 and 19.14 on Block 7.04 on the Official Tax Map of the Borough of Gibbsboro. These lots were previously occupied by a one-story deli and a structure that was utilized as an outdoor custard stand with shared common parking lot and access to Troth Avenue and Lakeview Drive. It is the Applicant's intention to demolish these structures and to consolidate these lots into one lot on which the Applicant is proposing to construct an express interior car wash. The proposed building will consist of a 4215 sf two story car wash tunnel being 34' wide and 122' long with an area for self-serve interior car detailing and other associated site improvements. The Subject Property is located in the C-2 Zoning District in which car wash facilities are not specifically permitted requiring the Applicant to pursue a use variance. The proposed development meets all of the bulk and area requirements for the C-2 Zone.

2. The Subject Property is located at the intersection of Troth Avenue and Lakeview Drive. Troth Avenue, which has been in a state of costly disrepair, has been recommended for vacation. The Applicant has agreed to request the Governing Body of Gibbsboro to vacate Troth Avenue and has agreed to incorporate a 24' wide portion of this vacated street into the Subject Property increasing its size to 1.09 acres. The Applicant agreed to be responsible to overlay and curb this road which will become the access road to the proposed car wash and to be responsible for its future maintenance. As Troth Avenue serves as an access road to a recreation park and as an emergency access for the housing development to the rear of the Subject Property, the Applicant agreed to accept the vacated Troth Avenue subject to cross easements for access and for existing utilities. Troth Avenue will be 24' wide with full movement in and out to Route 561. This drive aisle deviates from the 25' requirement in Borough Code § 324-33A(1)(a) and a waiver is being sought to allow for a 24' drive aisle.

3. The Applicant's engineer testified that the access to the car wash will be from the vacated Troth Avenue with entry to the left behind the car wash facility. The circulation on site will be counterclockwise from this access point with one-way signage for this 25' wide drive aisle along the rear property line. This drive aisle turns into two 10' wide lanes with each lane equipped with a payment station and menu board under a canopy with vehicles then merging into a singular lane of 15.4' for entry into the car wash tunnel. Vehicles can be serviced thru the tunnel in three (3) minute cycles and the tunnel can handle as many as six (6) vehicles at a time with a maximum turnover of 18 vehicles in a 10 minute span. The customers will remain in their vehicles. The Applicant submitted a traffic trip generation report which indicated that the proposed carwash facility is not anticipated to have any measurable impacts on the adjacent roadway.

4. The circulation layout for the proposed development allows for as many as 18 vehicles stacking on site for service without utilizing the portion of the site that was Troth Avenue.

The 150' length of Troth Avenue will provide additional buffer for car stacking, which in conjunction with the speed of the car wash, eliminates any prospect of vehicle stacking onto Route 561. Upon exiting the car wash tunnel, vehicles will proceed on a 18' drive aisle to exit to the right unto Troth Avenue to Route 561. Alternatively, the vehicles can exit the car wash tunnel and proceed to the left to an area for car interior detailing. This area will have sixteen (16) 11'x 20' vacuum spaces for customer to vacuum their vehicles and clean the interiors of their cars. One of these vacuum spaces will be handicapped accessible. There will be six (6) 18'x 9' parking spaces behind the vacuum area for employees. The Applicant is seeking a waiver from the requirements of Borough Code §324-3A91)(a) for the non-compliant smaller employee parking spaces which the Applicant's engineer indicated have become somewhat a standard for non-shopping center parking spaces. The vacuum parking spaces will meet the design standards at 11'x 20'. There will be an escape line for vehicles not wishing to continue through the car wash tunnel through a stabilized turf exit to the vacuum parking area. All parking areas will be to the rear of the facility and not visible to the street. Directional sign will be provided throughout the site for one way circulation.

5. Edward Henry provided additional testimony on the operation of the car wash. The car wash will conduct business under the "Go Green N'Clean Car Wash" logo. The car wash facility will have eight (8) employees with only three (3) employees on site per shift, which will consist of a manager and two (2) attendants. The hours of operation will be seasonal with winter hours being 7:30 am to 6:00 pm on Monday thru Saturday and 9:00 am to 5:00 pm on Sundays; and summers hours being from 7:30 am to 7:30 pm Monday thru Saturday and 9:00 am to 5:00 pm on Sundays. The customers will be provided four (4) wash options, and free vacuuming. Vending machines will be available in the vacuum area to purchase cleaning products. Each vacuum space will have a post with a trash receptacle. Details on that trash receptacle will be provided to the Board's professional. Deliveries will occur once a week for the chemicals needed for the process which will typically be six (6) 4 gallon boxes. Delivery truck will park in one of the vacuum spaces and the Applicant is seeking a waiver of the requirement of a designated loading area. There will be no large scale deliveries and deliveries will be in the morning and typically via a sprinter van. Trash will be deposited in the dumpster contained in the on-site trash enclosure with pickup once a week outside normal operation hours.

6. The operation of the car wash facility will be environmentally sensitive. 75% of the water used in the car wash process will be recycled back into the process through a series of tanks with cleaning components with only 25% of the wastewater being released to the sanitary sewer system. All mechanical systems for the facility will be located in the interior of the building which will minimize any noise emanating from the facility and will not be visible to the travelling public along Route 561. The roof will be equipped with solar panels which will provide approximately 25% of the site's electrical usage.

7. The associated site improvements proposed in this project involve a sidewalk along Troth Avenue to the back of the Wawa site and the replacement of a wall section at the curb radius of Troth Avenue with a concave brick corner wall along the entry into Troth Avenue to align with a similar conclave wall constructed on the Wawa site to the rear of the Subject Property. The existing curb cuts along Route 561 will be removed leaving only one access point via Troth Avenue on Route 561. The site will have lighting on site and along Route 561. Landscaping with street

trees will be provided along Route 561, with landscaping along the rear and side fence, along the sidewalk and around the trash enclosure and along the entry to the vacuum parking. The two (2) safety island are not proposed to contain trees or landscaping. Borough Code § 324-33C(4) requires at least one deciduous tree be planted in all safety islands. A waiver is requested from that requirement as these islands are in proximity to customer detailing parking and the porous asphalt paving which the Applicant desires to keep free of tree sap and other landscaping debris. The proposed development on the Subject Property will not disturb more than an acre of land or add an additional ¼ acre of vehicle impervious area and therefore the proposed development is not subject to the New Jersey stormwater regulations. The Applicant was advised to verify with the Borough of Gibbsboro the sewer capacity to handle the wastewater discharged into the sanitary sewer.

8. The Applicant proposes to have to have two (2) façade signs on the northern and western building facades facing Route 561 and Troth Avenue where only one façade sign is permitted pursuant to Borough Code § 318-17.B. These two façade signs are proposed to be 47.55 sf in size where Borough Code § 318-17B limit the size to 20sf. Variance are required for both of these proposed deviations. Additionally, the proposed signs have at least three (3) colors, blue, green and gray with additional shades of blue and green in addition to black and white and Borough Code § 318-3.J limits signs to two colors plus black and white. The Applicant is seeking a variance for these signs and maintains that two façade signs are necessary for identification on Route 561 as there is no monument sign proposed for identification and the building on which the signs are installed is 20-25' from the roadway. The signs are the standard logo for the Applicant which used at other sites and are appropriate size and in scale with the building. The signage is to be illuminated with goose neck light fixtures.

9. The Applicant is seeking use variance relief under N.J.S.A. 40:55D-70(d)(1) to allow for this car wash, which is not specifically permitted in the C-2 Zone. The Applicant's planner testified that the site is particularly suited for this use. The C-2 Zone permits a variety of auto related uses, and this proposed use is similar to and compatible with such uses and it will complement the streetscape immediately adjacent to the site. Additionally, this proposed use promotes the purposes of zoning as set forth in the Municipal Land Use Law at N.J.S.A. 40:55D-2(e) to provide sufficient space at appropriate locations for a variety of uses in order to meet the needs of residents as this type of car wash is not available in the immediate area, and (i) to promote a desirable visual environment through good civic design and arrangement as this development is a visual enhancement to the streetscape along the Route 561 corridor, eliminates multiple curb cuts for a safer design, and (o) to promote recovery and recycling which this proposed use provides with the recycling of waste water from its operation. The negative criteria for a use variance is satisfied as the use is in character with the uses permitted by the zone plan, it is located along an arterial drive where traffic is already in route so there will be little additional traffic impact, and the incorporation of the Troth right-of-way into the site removes the cost burdens from the municipality and provides for the repair of this road.

10. Various outstanding submission requirement have been satisfied with the exception of providing existing contour lines, the location of existing structures within 500 feet of the Subject Property, drainage calculations for the 1, 25 and 50 year storm for which there were no objections

to waiving these submission items.

11. As the Subject Property is in the Historic District of Gibbsboro, the Applicant is seeking a Certificate of Appropriateness for the new structure and associated site improvements. In accordance with the streetscape requirements the proposed building will be brick and the doors, trim, guttering and downspouts are to be painted black. which the Applicant has agreed to incorporate into the design, and which will comport with the quasi-industrial look for the commercial properties. All steel elements for commercial use in the historic area are to be painted black to include the menu board and trash receptacles. The Applicant is proposing a design exception to allow for a dark green metal roof instead of black as the green will highlight the environmental aspects of this Green To Go Car wash. The on-site pay stations are not black but royal blue, which the Applicant maintains is needed to provide visual contract for the customers. The canopy over the pay station is proposed to be white and blue .and the Applicant has agreed to trim the canopy in black.

CONCLUSION OF LAW
USE VARIANCE

1. Whereas, the Board has jurisdiction over this application for use variance relief pursuant to authority granted by the Municipal Land Use Law, N.J.S.A. 40:55D-70 (d)(1), which grants the Board the power to grant a variance to allow for an unpermitted use.

2. Whereas the Board finds that there are “special reasons” to support the requested use variance. The Subject Property is particularly suited for its proposed use as it is similar to and compatible with permitted uses in the C-2 Zone and the general welfare would be served by providing for a type of car wash not available in the vicinity. Moreover, the granting of this variance will advance the goals of zoning as set forth in N.J.S.A 40:55D-2(e), (i) and (o). Additionally, this use variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Susan Croll and duly seconded by Dennis Deichert on February 22, 2023 that the within application for a use variance from the provisions of §400-19B of the Borough Code to permit the use of the Subject Property as a car wash facility be and is hereby GRANTED subject to preliminary and final site plan approval.

ROLL CALL VOTE

LuAnn Watson	Yes
Michael Kelly	Yes
Susan Croll	Yes
Dennis Deichert	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
John Ritz	Yes

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CONCLUSION OF LAW
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL, BULK VARIANCES
FOR SIGNAGE, DESIGN AND SUBMISSION WAIVERS AND CERTIFICATE OF
APPROPRIATENESS

Whereas the Board has jurisdiction over this application for bulk variances under authority of N.J.S.A. 40:55D-70(c)(2) which allows for deviations from the zoning requirements where the goals of zoning will be advanced by the deviation, the benefits of the deviation outweigh the detriment and same can be granted without substantial detriment to the public good and without substantial impairment of the intent and purposes of the zoning plan.

Whereas the Applicant has demonstrated by the preponderance of the evidence that these deviations from the signage requirements as more specifically set forth herein will provide better business identification along Route 561 and promote safety and the Board has concluded that the goals of zoning will be advanced by this development, and same can be done without substantial detriment to the public goods and without substantial impairment of the intent and purposes of the zoning plan.

Whereas the Board has jurisdiction over this application for preliminary and final major site approval under authority of N.J.S.A. 40:55D-4 and pursuant to the provisions for site plan review as set forth in Chapter 324 of the Borough of Gibbsboro Code.

Whereas the Applicant has demonstrated that its plans for preliminary and final site plan approval meets the requirements of the zoning ordinances and the site plan review ordinances for preliminary and final approval with the exception of the variances and the design waiver granted herein, that the site plan is consistent with proper planning, and is entitled to the granting of preliminary and final major site plan approval.

Whereas the Board finds that pursuant to N.J.S.A. 40:55D-51 the Board has authority to grant design waivers from the provisions of the site plan ordinance as may be reasonable and within the general purpose and intent of the site plan ordinance if the literal enforcement of one or more provisions would be impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Whereas the Applicant has demonstrated by the preponderance of the credible evidence that the submission and design waiver requested here are reasonable and within the purposes and intent of the provisions for site plan review ordinance and that the literal enforcement of said provisions would be impracticable or exact an undue hardship

Whereas, the Board has jurisdiction to approve that application for the Historic Certification of Appropriateness in accordance with N.J.S.A. 40:55D-111 and §22-7(a)(1) of the Gibbsboro Historic Preservation Ordinance and the Board concludes that a Certificate of Appropriateness should be granted subject to the Applicant complying with the recommendation as previously set forth herein.

NOW THEREFORE, BE IT RESOLVED, by the motion duly made by Dennis Deichert

and seconded by Barry Rothberg on February 22, 2023 that the Applicant's request for preliminary and final major site plan approval, along with the variances for signage, design and submission waivers and a Certificate of Appropriateness as hereinabove set forth be and is hereby GRANTED, subject to the conditions hereinafter set forth:

1. That the application, all exhibits, testimony, maps and other documents submitted, and all representations made, and all testimony given before the Board at its meeting of February 22, 2023 are true and accurate of the facts relating to the Applicants' request for relief. In the event that it appears to the Board, on reasonable grounds, that the application, exhibits, testimony, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same have been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought, the Board may rescind its approval and rehear the application, or any part of said application, either upon the application of an interested party or on its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. Except as expressly provided herein, conformance by the Applicant with the review letter of the Board's engineer, Gregory B. Fusco, PE, PP, CPWM dated 2/15/2023 and the review letter of the Board's planner, Brian Slaugh, AICP, PP, dated 02/13/2023 and in the testimony provided by the Applicant. The Applicant shall revise its plans to the extent required by the approval herein and submit same to the Board's engineer and planner for approval along with a letter detailing all changes made. Both review letters are incorporated into this Resolution as if set forth at length.

3. The Applicant shall make a prompt request to the Governing Body of the Borough of Gibbsboro for the vacation of Troth Avenue with the understanding that this site plan is explicitly subject to the vacation of Troth Avenue and the incorporation of said lands into the Subject Property.

4. The Applicant shall draft a Deed of Consolidation, consolidating the original three (3) tax lots comprising the Subject Property along with the additional parcel from vacated Troth Avenue and submit same to the Board's professionals for their review and approval.

5. The Applicant shall draft all required easements for utilities located in the vacated Troth Avenue and deed restrictions with respect to the portion of Troth Avenue to be vacated and incorporated into the Subject Property providing that Applicant and its successors and assigns will be responsible for the maintenance, repair and replacement of the vacated street pavement and curbing and other associated site improvements installed on this access road as part of this approval. All drafts shall be submitted to the Board's professionals for their review and approval.

6. The Applicant shall draft cross easements for access thru the vacated Troth Avenue to the recreational parks and for emergency access for the townhouse community to the rear of the Subject Property and submit same to the Board's professional for their review and approval.

7. The Applicant shall provide the Board and the Board's professional with a "will serve" letter from the Borough of Gibbsboro Public Works Department that adequate capacity

exists for the anticipated discharge of wastewater into the sanitary sewer system of the Borough.

8. The Applicant shall submit to the Governing Body of the Borough of Gibbsboro satisfactory documentation on the anticipated water usage and discharge into the sanitary sewer for the Governing Body review for purposes of evaluating the sewer fees for the proposed car wash and submit proof that same has been satisfied.

9. The Applicant shall submit its security and surveillance system to the Borough Police Department for their review and recommendations and shall comply with the recommendations with submission of proof to the Board that same have been satisfied.

10. The Applicant is responsible for obtaining all other approvals or permits from other governmental agencies as may be required by law, and the Applicant shall comply with any requirements or conditions of such approvals or permits which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from any such outside agencies, with a copy thereof to the Board's solicitor, engineer and planner.

11. The Applicant must maintain an escrow account with the Borough of Gibbsboro and pay the costs of all professional review and other fees required to act on the application, pursuant to the applicable provisions of the Borough's land development ordinances, zoning code and any other applicable municipal codes, and the New Jersey Municipal Land Use Law. The Applicant's escrow account must be current prior to any permit being issued, or construction or other activity commencing on the approved application.

12. An engineer's estimate of site improvements must be submitted for determining inspection escrow deposit amounts. No site work is to commence until such inspection escrow have been posted with the Borough of Gibbsboro.

13. At any time after adoption of this Resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition set forth herein, upon a proper showing of materially misleading submission, material misstatement, materially inaccurate information or a material mistake made by the Applicants, the Board reserves the right to conduct a hearing with the Applicants present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault or deficiency in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval or such other action as appropriate.

14. The Applicant s shall indemnify and hold the Borough of Gibbsboro harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicants, including but not limited to proper service and notice upon interested parties made in reliance on certified list of property owners and other parties

entitled to notice, said list having been provided to the Applicants by the Borough pursuant to N.J.S.A. 340:55D-12.C, and publication of the notice of public hearing in this matter in accordance with the law.

ROLL CALL VOTE

LuAnn Watson	Yes
Michael Kelly	Yes
Susan Croll	Yes
Dennis Deichert	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
John Ritz	Yes

Motion to approve resolution: Mrs. Croll, second Mr. Kelly

Poll: Ayes – Kelly, Croll, Rothberg, Deichert, Ritz, Watson

OLD BUSINESS

1. 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

Application deemed complete 1/10/23

Revised Plan (page 3 of 9) submitted 3/17/23

Planner Review Letter, dated 3/21/23

Fire Official/Fire Chief Letter, dated 12/27/22, received 3/20/23

Richard Wells, Esquire, of Archer & Griner appeared on behalf of this application. Also present to testify were Anthony DiRosa, engineer from TriState Engineering. Mr. DiRosa was previously sworn and qualified by the Board.

The applicant appeared before the Board at the February 22, 2023 meeting. Mr. DiRosa testified that he had worked with the Board Engineer, Mr. Fusco, in the intervening time to address the concerns raised at the February meeting. Revised partial plans were submitted on 3/17/23 with the following changes:

- The one-way access exiting the property was eliminated

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- A third handicap parking space was added
- The parking stalls were revised to be 9' x 18'
- The brick wall along the streetscape was extended to match the curve along the Borough walkway
- The one-way access entering the property was revised to include curbing and sidewalk ramps to conform to County standards

One additional item to be revised is the lighting plan, and Mr. DiRosa will work with Mr. Fusco.

Mr. Slaugh testified that the parking spaces should either be widened or angled. Mr. DiRosa agreed to work with Mr. Fusco on this issue.

A letter from the Fire Official, Mr. Fallstick, and the Fire Chief, Mr. Haaf, was received which requested access to a fire hydrant on Haddon Avenue. The applicant agreed to shift the dumpster in the employee parking area and maintain the landscape so that a fire hose could pass easily through the area.

Public Comment: None

Ms. Gaskill charged the Board that the applicant is seeking Preliminary and Final Site Plan Approval with Variances and Waivers to convert a vacant commercial property to a licensed cannabis dispensary. They are also seeking a Certificate of Appropriateness as the property is located in the Historic Preservation District. The requested variances and waivers include lot frontage, which is preexisting non-conforming, the size of the façade signs, the number of façade signs, the reduction in parking spots, and the number of access driveways. Conditions of approval include the consolidation of all lots currently associated with 95, 101, and 103 North Lakeview Drive, a letter from the utility providers, a revised lighting plan, a revised parking plan (per Mr. Slaugh's comment), that "No Parking" signs be placed on the east side of the main driveway, that the dumpster be shifted and adjacent landscape maintained (per Mr. Fallstick's comment).

Motion to grant preliminary and final site plan approval and a certificate of appropriateness with the requested variances and waivers subject to the above-mentioned conditions: Mayor Campbell, second Mr. Deichert

Poll: Ayes – Kelly, Campbell, Croll, Rothberg, Deichert, Ritz, Watson

NEW BUSINESS

1. CERTIFICATE OF APPROPRIATENESS (Docket #23-04)

Applicant: Rim Haidar
Project: Installation of solar panels by Fusion Solar Energy
Address: 25 West Clementon Road
Block 19.01, Lot 7
Fee/Escrow: Paid

Ms. Rim Haidar, the owner of 25 West Clementon Road, appeared on behalf of the application. Also present to testify was Mr. Yasel Corporan of Fusion Solar Energy. Ms. Haidar and Mr. Corporan were sworn in by Ms. Gaskill.

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The application proposes to install 29 panels on the roof with a micro inverter to be installed under the panels. The system features a rapid shut-off box in case of an emergency. The panels will sit approximately 4 inches from the surface of the roof.

Mr. Slauch noted that the color of the roof is tan, and that the black panels will be very clearly visible from the street. He suggested that four panels be removed from the front of the roof, the back panels be rearranged to accommodate three additional. This configuration would only allow for the installation of 28 panels, but would be a more pleasing view from the street. The representative from Fusion Solar Energy agreed that this would be possible, and the property owner also agreed to the change. Mr. Slauch also requested that array skirts be installed at the base and sides.

Public Comment: None

Motion to grant a Certificate of Appropriateness for the installation of solar panels as modified: Mayor Campbell, second Mrs. Croll

Poll: Ayes – Kelly, Campbell, Croll, Rothberg, Deichert, Ritz, Watson

2. BULK VARIANCES (Docket #23-02)

Applicant:	Creekview Development Company LLC
Owner:	Donald Pollack/Fidelity Asset Management LLC
Project:	Construction of new residential structure
Address:	74 West Clementon Road Block 58.01, Lot 9.05
Fee/Escrow:	Paid

Mr. Deichert recused himself from participating in this application.

Mr. Jeffrey Brennan, Esquire, appeared on behalf of the application. Also present to testify were Brian Peterman, engineer, Jack Smith, architect, and Michael Joffe, the principal managing member of Creekview Development Company LLC. Mr. Peterman, Mr. Smith, and Mr. Joffe were sworn in by Ms. Gaskill.

Mr. Brennan testified that the applicant was seeking five variances and a Certificate of Appropriateness to construct a single-family dwelling and a detached garage at 74 West Clementon Road. These variances include lot size, lot frontage, building setback, side yard and aggregate side yard, and setback for an accessory structure.

Mr. Joffe testified that the side walls of the structure would be fire-rated due to the proximity to the neighboring homes. The proposed home is modest in size and consistent with the size of neighboring homes. The design also features a ground-level master bedroom to accommodate residents with limited stairs mobility. The siding and roofing on the garage will match that of the main structure.

Public Comment:

John Foxhill, 78 West Clementon Road
Lazzar Lifschitz, 72 West Clementon Road
Mark James, 68 West Clementon Road

MARCH 22, 2023

Dennis Deichert, 54 West Clementon Road

In response to concerns raised by neighboring property owners, the applicant proposed relocating the driveway and detached garage to the alternate side of the house. This would make the new structure more equidistant between the neighboring homes at 78 and 72.

Ms. Gaskill charged the Board that the applicant is seeking five variances and a Certificate of Appropriateness to construct a single-family home and detached garage. The applicant will submit revised plans reflecting the relocation of the driveway and garage, a grading plan to be approved by the Borough Engineer and a sewer connection plan to be approved by the Borough Engineer. The applicant has agreed to the comments made by the Board Planner with regard to the Certificate of Appropriateness. The applicant has also agreed to remove some fencing in the back of the property.

Motion to grant the requested variances based on the applicant having met the burden of proof in accordance with the above-mentioned conditions, and to grant a Certificate of Appropriateness: Mayor Campbell, second Mr. Rothberg

Poll: Ayes – Kelly, Campbell, Croll, Rothberg, Ritz, Watson

3. USE VARIANCE (Docket #23-03)

Applicant: Anne-Marie & Cory Bailey
Project: In-law suite
Address: 77 Winding Way
Block 114, Lot 1
Fee/Escrow: Paid

Planner's Review Letter, dated 3/15/23

The public notices for this application were determined to be deficient. The parties not properly notified will be notified for the April 26, 2023 meeting, and those previously notified will not be re-notified. The applicant has requested that the application be continued to April.

4. 250 HADDONFIELD-BERLIN ROAD

Council Resolution 2023-3-58 authorized the Planning Board to conduct a preliminary investigation to establish an area in need of redevelopment at 250 Haddonfield-Berlin Road.

Mr. Slauch was charged to conduct a study to determine if the property located at 250 Haddonfield-Berlin Road meets the criteria to be deemed an area in need of redevelopment. He will report his findings to the Board.

PENDING BUSINESS – APRIL 26, 2023

1. CERTIFICATE OF APPROPRIATENESS (Docket #23-05)

MARCH 22, 2023

Applicant: Adam Campbell
Project: Installation of solar panels by SunnyMac LLC
Address: 18 Yarmouth Way
Block 18.06, Lot 12
Fee/Escrow: Paid

2. CERTIFICATE OF APPROPRIATENESS (Docket #23-06)

Applicant: Alyssa DiSanto
Project: Installation of shed
Address: 6 Yarmouth Way
Block 18.06, Lot 9
Fee/Escrow:

INFORMATIONAL

1. Next regular Planning Board meeting is scheduled for Wednesday, April 26, 2023 at 7:00 p.m. at the Senior Recreation Center.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion to adjourn the meeting at 9:32 Mrs. Croll, second Mr. Deichert

Vote: Ayes unanimous



AMY C. TROXEL, Secretary