

**BOROUGH OF GIBBSBORO
PLANNING BOARD MINUTES**

August 23, 2023

7:00 P.M.

Meeting called to order at 7:00 p.m.

Clerk 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 Michael Kelly
Mayor Edward G. Campbell
Councilman Michael MacFerren
Mrs. Susan Croll
Ms. Barbara Gellura
Mr. Barry Rothberg
Mr. Dennis Deichert
Mr. John Ritz

Absent:

Professionals:

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

RESOLUTIONS

PB2023-8-22 RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS AND DESIGN EXCEPTIONS TO D. R. HORTON FOR THE PROPOSED TOWNHOUSE DEVELOPMENT AT THE PREMISES KNOWN AS BLOCK 7.04, LOTS 16.01, 16.05, 16.06, 16.08; BLOCK 8.01, LOTS 4 AND 5; AND BLOCK 10, LOT 2 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

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

Poll: Ayes – Croll, Gellura, Rothberg, Deichert, Ritz

PB2023-8-23 RESOLUTION FINDING THAT THE CONCEPTUAL PLAN OF THE VOORHEES TOWNSHIP BOARD OF EDUCATION FOR THE PROPERTY KNOWN AS 250 HADDONFIELD-BERLIN ROAD, ALSO KNOWN AS BLOCK 42, LOT 12.04 AND PART OF LOT 12.03 IS INCONSISTENT WITH THE BOROUGH'S MASTER PLAN AND IS NOT RECOMMENDED

Motion to approve resolution with added findings: Mr. Rothberg, second Mrs. Croll

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

AUGUST 23, 2023

PB2023-8-24 RESOLUTION GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

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

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

MINUTES

Motion to dispense reading and approve the minutes of 7/26/23: Mr. Deichert, second Mrs. Croll

Vote: Ayes unanimous (MacFerren and Kelly abstaining)

COMPLETENESS

1. BULK VARIANCES (Docket #23-14)

Applicant:	Joseph & Mary Ann Fallon
Project:	Bulk variances (3) for second shed that exceeds 100 square feet and does not meet setback requirements in the R-10 zone
Address:	2 Ridgewood Road Block 102, Lot 2
Fee/Escrow:	Paid

Joseph Fallon appeared on behalf of this application and was sworn in by Ms. Gaskill. Mr. Slaugh and Mr. Fusco were also sworn in in preparation for their testimony.

Mr. Slaugh noted that the application did not provide a copy of the tax map sheet or include the square footage of living space or the percentage of lot coverage, which are required per the checklist. In light of other information that was provided, he recommended that these three items be waived and that the application be deemed complete.

Motion to deem application complete: Mayor Campbell, second Mr. Kelly

Poll: Ayes – Campbell, Kelly, Gellura, Croll, MacFerren, Rothberg, Watson

OLD BUSINESS None

NEW BUSINESS

1. BULK VARIANCES (Docket #23-14)

Applicant: Joseph & Mary Ann Fallon
Project: Bulk variances (3) for second shed that exceeds 100 square feet and does not meet setback requirements in the R-10 zone
Address: 2 Ridgewood Road
Block 102, Lot 2
Fee/Escrow: Paid

Mr. Fallon testified that he requires additional space for his tools which are used to operate three businesses. Mr. Fallon already has one shed on his property, but it is full, and his residence does not provide suitable space for such storage. The shed he is requesting relief for was previously installed at his property without first obtaining a zoning permit.

The applicant is seeking relief from three requirements of the code: 1) to have a second shed where only one is permitted, 2) to have a shed that exceeds 100 square feet, and 3) to have a shed that is less than 10 feet from the side/rear property line.

Mr. Slauch noted that the older shed on Mr. Fallon's property is also non-conforming in that it exceeds the permitted 100 square feet and does not meet the setback requirements. It would be grandfathered in based on changes to the code as preexisting nonconforming.

The Board questioned whether both sheds could be moved to the rear of the lot so that they would be screened from view by the house. Mr. Fallon testified that the expense to move them would be significant, but that he intended to install a fence that would screen them from view.

Public Comment:

Danny Norberry, 1 Ridgewood Road, expressed no objections.

The Board requested that the installation of a 6-foot vinyl fence with 4-foot gate be required as a condition of approval. The Board also requested the condition that approval should sunset once the need for the shed has ended. It was determined that the condition should be that since both sheds are nonconforming, they must both be removed prior to sale of the property to any future owner. Ms. Gaskill will prepare and record a deed restriction for this condition.

Motion to approve the application with the conditions outlined above: Mrs. Croll, second Mr. Deichert

Poll: Ayes – Campbell, Kelly, Gellura, Croll, Rothberg, MacFerren, Watson

2. PLANNING BOARD MEETING LOCATION FOR 2024

Meetings will tentatively be moved back to Borough Hall, located at 49 Kirkwood Road, in 2024.

PENDING BUSINESS

1. **CONDITIONAL USE VARIANCE (Docket #23-15)**

Applicant: Freshley Greene LLC
Project: Operation of a Cannabis Class 2 Manufacturing Business
Address: 10 Democrat Way
Block 59.03, Lot 3
Fee/Escrow: Paid

EXEMPTION WAIVERS

1. 103 South Lakeview Drive (solar installation)

INFORMATIONAL

1. Next regular Planning Board meeting is scheduled for Wednesday, September 27, 2023 at 7:00 p.m. at the Senior Recreation Center.

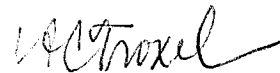
PUBLIC COMMENTS

None

ADJOURNMENT

Motion to adjourn the meeting at 7:51 p.m. Mr. Rothberg, second Mr. Deichert

Vote: Ayes unanimous



AMY C. TROXEL, Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
GRANTING A CERTIFICATE OF APPROPRIATENESS AND DESIGN EXCEPTIONS
TO D.R. HORTON FOR THE PROPOSED TOWNHOUSE DEVELOPMENT AT THE
PREMISES KNOWN AS BLOCK 7.04, LOTS 16.01, 16.05, 16.06, 16.08; BLOCK 8.01,
LOTS 4 AND 5; AND BLOCK 10, LOT 2 ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF GIBBSBORO**

On July 26, 2023, the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

Susan Croll, Acting Chairwoman
Barbara Gellura
Dennis Deichert
Barry Rothberg
John Ritz

LuAnn Watson, Chairwoman-Recused
Mayor Edward Campbell-Recused

Michael Kelly, Vice Chairman-Absent
Councilman Michael MacFerren-Absent

The following were also present at the meeting:

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

SUBJECT

Whereas the Board considered the application of D.R. Horton (hereinafter referred to as the "Applicant") seeking a Certificate of Appropriateness with respect to the proposed housing development proposed on various lots situated on East Clementon Avenue, South United States Avenue, and Marlton Avenue and comprised of the following tax lots, all of which are located in the Historic District of the Borough of Gibbsboro and are hereinafter collectively referred to as the Subject Property:

Block 7.04, Lots 16.01, 16.05, 16.06, 16.08
Block 8.02, Lots 4 & 5
Block 10, Lot 2

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

1. Gibbsboro Historic Preservation Application dated April 21, 2023 and signed by Jenna Gannon, Operations Manager for the Applicant;
2. Affidavit of Ownership signed by Anthony Ziccardi of Brandywine Realty Trust dated 3/30/2023;
3. Corporate Disclosure Statement of D.R. Horton Inc.-New Jersey signed by Jonathan Daven;

RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS AND DESIGN EXCEPTIONS TO D. R. HORTON FOR THE PROPOSED TOWNHOUSE DEVELOPMENT AT THE PREMISES KNOWN AS BLOCK 7.04, LOTS 16.01, 16.05, 16.06, 16.08; BLOCK 8.01, LOTS 4 AND 5; AND BLOCK 10, LOT 2 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

4. Disclosure Statement Pursuant to the Municipal Law Use Law under N.J.S.A. 40:55D-48.1, signed by Jonathan Daven, Division President of D.R. Horton Inc.- New Jersey;
5. List of Design Waivers;
6. Architectural plans entitled “#DT 07 Elmore- Silver Lakes Left Hand” prepared by Wade Architecture, dated 01/20/2023, consisting of 43 sheets (CS.1, SP.1, SP.2, A1.1-A.1.3, A.2.1-A.2.3, A.2.30, A.3.1-A.3.3, A.4-A.4.2, A.5.1, K.1-K.6, S.1.1, S.2.1-S.2.2, S.3.1, DTL, DTL.2, D.3, D.3.A, D.3.B, D.3.C, D.3.D, S.5, S.5.A, S.7, S.8, S.9);
7. Architectural plans entitled “#DT41 Crofton-Silver Lakes Right Hand” prepared by Wade Architecture, dated 02/22/2023, consisting of 48 sheets (CS.1, SP.1, SP.2, A1.1-A.1.13, A.2.1-A.2.9, A.2.20, A.3.1-A.3.3, A.4.1, A.5.1-A.5.1.1, K.1-K.2, S.1.1, S.2.1, S.3.1-S.3.1.1, DTL, DTL-2, D.3, D.3.A, D.3.B, D.3.C, D.3.D, S.5, S.5.A, S.7, S.8, S.9, PG.1, PG.2, PG.3);
8. Architectural plans entitled “#DT21 Norris - NJ Division Right Hand” prepared by Wade Architecture, dated 01/20/2023, consisting of 76 sheets (C.S.1, SP.1, SP.2, A1.1-A.1.14, A.2.1-A.2.23, A.3.1-A.3.6, A.4.1-A.4.2, A.5.1-A.5.3, K.1-K.3, S.1.1-S.1.4, S.2.1-S.2.2, S.3.1-S.3.4, DTL, DTL-2, D.3, D.3.A, D.3.B, D.3.C, D.3.D, S.5, S.5.A, S.7, S.8, S.9)
9. Perspective Renderings, unlabeled and undated;

Whereas the application was reviewed by the Board’s planner, Brian Slaugh, AICP, PP, by letter dated 6/27/2023 with the recommendation that the application not be deemed complete for hearing purposes;

Whereas a hearing on the completeness of this application was commenced on June 28, 2023 with the Applicant’s representative, Jenna Gannon, appearing with counsel, Todd Greene Esquire, and as the application was not complete for hearing purposes, the hearing on the completeness of this application was continued to the following month’s meeting of the Board;

Whereas in response to the Board Planner’s comments in his review letter of 6/27/2023 and his comments on completeness and design, the Applicant submitted the following supplemental documentation:

1. The aforementioned architectural plans were revised bearing a revision date of 7/21/2023 with the exception of those sheets entitled “Standard Details” which were not revised and bear a date of 12/20/2022 and the specification sheets for the Norris (SP-1 and SP.2) which bear a 6/11/2021 date;
2. A Material List for Gibbsboro Lakeside Village;
3. Renderings unlabeled and undated;
4. Scheme #44 Lakeside Village materials illustration for the Crofton;
5. Schematic plan of Phase 1-Elmore 24’ and Norris 20’;
6. Schematic plan of Phase 1-Elmore 24’ with materials illustration;
7. Schematic plan of Phase 1-Norris 20’ with materials illustration;
8. Schematic plan for Phase 2- Crofton 28’;

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9. Schematic plan for Phase 2- Crofton 28' with materials illustration;
10. Schematic Plan-Phase 2-Elmore 24' with materials illustration;
11. Schematic plan of Phase 3-Elmore 24' with material illustration;
12. Three sheets of materials illustration;

Whereas the Board Planner submitted a Fourth Review for Completeness of the Certificate of Appropriateness application for Phases I, II and III, dated July 25, 2023 based on the submission of these materials and recommended that the application be deemed complete.

Whereas a completeness hearing on this application was conducted on July 26, 2023 with the Applicant's representative, Jenna Gannon, appearing with counsel, Todd Greene Esquire, with the application upon motion duly made and seconded having been found to be complete for hearing purposes, and a hearing on this application for a Certificate of Appropriateness followed 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;

Whereas, the Board having considered the sample board of materials and architectural renderings marked as Exhibits A-1 through A-9, and having heard the testimony of Jenna Gannon, the operations manager for the Applicant, and the expert testimony of Robert Rigazoni, the architect for the Applicant, and having heard the expert testimony of the Board's Planner, Brian Slaugh, AICP, PP and having opened the hearing to the public and no member of the public appearing 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 properties comprising the Subject Properties are seven (7) tax lots on which a 163-townhouse community, which received final major site plan approval in 2018 and amended final major site plan approval from this Board in 2020, will be developed. The townhouses will be constructed in three (3) phases which will be designed having three (3) models, the Norris, the Elmore and the Crofton, which will have varying widths of 20 feet, 24 feet and 28 feet, respectively.

2. The Subject Property is located within the Borough of Gibbsboro Historic District and the Applicant is seeking a Certificate of Appropriateness of the designs proposed for the townhouse community and in that regard, is seeking several design exceptions from the design standards for townhouse development set forth in Borough Code §222-8E. Those design exceptions are as follows:

- Exterior Building Design Exception from Borough Code §222-8E(2)(d), which provides that the base extends at least 4 inches outward from the rest of the building and for a cornice having a 12-inch projection. The proposed design has no base projection and the cornice measures do not comply as

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same have a projection of only 10.5 inches on the front elevation and 9 inches on the rear elevation.

- Minimum Porch Dimension Exception from Borough Code §222-8E(2)(f), which requires that porches be at least 6 feet in length and width where the design proposes 3 feet in depth from the front to the townhouse wall.
- Ratio of Solids to Void Space Exception from Borough Code §222-8(2)(f) as the design does not follow historic patterns on the side and rear and on the front where double windows are proposed.
- Standard Brick Exception from Borough Code §222-8E(3)(a), which requires modular brick though out the project. The Applicant is seeking to use thin brick, except for window rowlocks and lintels which shall be modular brick.
- Vinyl Siding Exception to allow for the use of uninsulated vinyl siding when insulated vinyl siding and wood impression when smooth vinyl is required.
- Building Corner Exception from Borough Code §222-8E(3)(c) to allow for vertical corner boards at the corners of walls that have siding with a width of 4 inches where 6 inches is required.
- Foundation Wall Exposure Exception from Borough Code §222-8E(3)(i), which requires that a foundation wall not be exposed more than 12 inches above hard paved surfaces or 18 inches above soil. Due to grading, the Applicant proposed to run the siding on the Crofton model straight from the front to the rear of the townhouse instead of stepping the siding down the hill. Should this be granted, The Applicant will paint the exposed wall of the basement the color of the siding.
- Windows Exception from Borough Code §222-8E(4)(a), which requires that all windows be double hung and that the muntins of the windows be exposed on the outside of the glass. The Applicant is proposing single hung windows where the upper sash is fixed and lower sash is movable and that all muntins will be between the two panes of insulating glass.
- Door Exception from Borough Code §222-8E(5)(d) which requires all exterior doors to have a rail and stile pattern. The Applicant proposed to use a sliding glass door for the rear of the units that lead to either a deck or patio.
- Porch Design Exceptions from Borough Code §222-8E(5)(h), which requires that porches have railings and handrails and that porch floors are

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required to be either wood or composite wood. The Applicant proposes no railings and handrails and proposes using concrete for the porch flooring.

- Entrance Height Above Sidewalk Exception from Borough Code §222-8A(5), which requires the front entrance to be at least 2 feet but not more than 6 feet above the elevation of the street sidewalk. Some proposed elevations of the townhouses will be less than 2 feet above the required elevation.
- Roof Pitch Exception from Borough Code §222-8E(6)(c), which requires a minimum roof pitch to be 6 to 12. The Crofton roof pitch is 5 to 12.
- Brick Style and Color. The Applicant proposes to use the Stanford brick which is the Borough's standard color and the Bradford brick as the second color. The Applicant has requested to use the Rosewood brick in the event that the Stanford brick is unavailable at the time of ordering.

3. Having heard the testimony in support of these exceptions, the Board's Planner testified that the exceptions requested and noted were acceptable with the noted exception of the proposed substitute brick for the Stanford brick should it be unavailable. Rather than grant such an exception, it was suggested by the Board's Planner that any substitution on the standard brick should not be approved now but can be approved administratively should the circumstance arise when a substitution brick is required.

CONCLUSION OF LAW

1. The Gibbsboro Planning Board has jurisdiction to approve the application for the Historic Certification of Appropriateness in accordance with N.J.S.A. 40:55D-111 and Section 222-7(A) of the Gibbsboro Historic Preservation Ordinance.

2. The Board has authority pursuant to N.J.S.A. 40:55D-51 to grant design exceptions from the review and design standards established under the Historic Preservation ordinance as may be reasonable and within the general purpose and intent of that 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.

3. The Applicant has demonstrated by the preponderance of the credible evidence that the design exceptions requested are reasonable and within the purposes and intent of the review standards for a Certificate of Appropriateness and that the literal enforcement of said provisions would be impracticable or exact an undue hardship.

4. The Board concludes that the design exceptions requested by the Applicant and as noted herein can be granted with the exception of the substitution of the Stanford brick with the Rosewood brick which exception request is deferred, and the Board's planner is given authority to

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deal with any request for a substitute brick administratively with the Applicant should the need for a brick replacement for the Stanford brick due to its unavailability arise.

5. The Board concludes that the application is complete and sufficiently satisfies the criteria for granting a Certificate of Appropriateness with the design exceptions herein granted and otherwise complies with the review standards under Section 222-8 of the Borough Ordinances.

NOW THEREFORE, BE IT RESOLVED, by the motion duly made by Barry Rothberg and seconded by Dennis Deichert on July 26, 2023 that the Board grants the Certificate of Appropriateness with the aforementioned design exceptions (excepting the substitution of the Stanford brick) for the proposed development on the Subject Property.

Susan Croll, Acting Chairperson	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
Dennis Deichert	Yes
John Ritz	Yes

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.

Susan Croll, Acting Chairwoman
Planning Board
Borough of Gibbsboro

Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro

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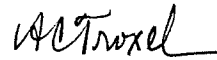
deal with any request for a substitute brick administratively with the Applicant should the need for a brick replacement for the Stanford brick due to its unavailability arise.

5. The Board concludes that the application is complete and sufficiently satisfies the criteria for granting a Certificate of Appropriateness with the design exceptions herein granted and otherwise complies with the review standards under Section 222-8 of the Borough Ordinances.

NOW THEREFORE, BE IT RESOLVED, by the motion duly made by Barry Rothberg and seconded by Dennis Deichert on July 26, 2023 that the Board grants the Certificate of Appropriateness with the aforementioned design exceptions (excepting the substitution of the Stanford brick) for the proposed development on the Subject Property.

Susan Croll, Acting Chairperson	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
Dennis Deichert	Yes
John Ritz	Yes

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.



Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on August 23, 2023, memorializing the action of the Board taken on July 26, 2023.



Amy C. Troxel, Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
FINDING THAT THE CONCEPTUAL PLAN OF THE VOORHEES TOWNSHIP
BOARD OF EDUCATION FOR THE PROPERTY KNOWN AS 250 HADDONFIELD-
BERLIN ROAD, ALSO KNOWN AS BLOCK 42, LOT 12.04 AND PART OF LOT 12.03 IS
INCONSISTENT WITH THE BOROUGH'S MASTER PLAN AND IS NOT
RECOMMENDED**

On July 26, 2023 the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

LuAnn Watson, Chairwoman
Mayor Edward Campbell
Susan Croll
Barbara Gellura
Barry Rothberg
Dennis Deichert
John Ritz

Absent: Michael Kelly, Vice Chairman
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-absent
Brian Slaugh, Planning Board Planner

SUBJECT

Whereas the Voorhees Township Board of Education (hereinafter referred to as the Applicant") submitted as its application a Conceptual Plan for a proposed pre-kindergarten education center at 250 Haddonfield-Berlin Road, Gibbsboro, also known as Block 42, Lot 12.04 and a part of Lot 12.03 on the Official Tax Map of the Borough of Gibbsboro (hereinafter referred to as the "Subject Property") to the Borough of Gibbsboro Planning Board (hereinafter referred to as the "Board") for its review pursuant to N.J.S.A. 40:55D-31 which provided for the Planning Board's review and recommendations of municipal capital projects in conjunction with the Borough's Master Plan and with respect to any long-range facilities plan submitted to the Board pursuant to the "Educational Facilities Construction and Financing Act" of N.J.S.A. 18A:7G-1 et al.

Whereas the Board considered the following documents submitted:

- (1) Concept Plan For 250 Haddonfield-Berlin Road, Voorhees Board of Education, prepared by Van Cleef Engineering Associates, LLC, dated April 26, 2023, consisting of one sheet;
- (2) Cover letter prepared by George R. Duthie, Jr., AIA, PP of FVHD Architects, dated May 30, 2023;

RESOLUTION FINDING THAT THE CONCEPTUAL PLAN OF THE VOORHEES TOWNSHIP BOARD OF EDUCATION FOR THE PROPERTY KNOWN AS 250 HADDONFIELD-BERLIN ROAD, ALSO KNOWN AS BLOCK 42, LOT 12.04 AND PART OF LOT 12.03 IS INCONSISTENT WITH THE BOROUGH'S MASTER PLAN AND IS NOT RECOMMENDED

- (3) Land Acquisition Existing Site Plan, Acquisition & Renovation of 250 Haddonfield Berlin Road for Voorhees School District, prepared by George R. Duthie, Jr., AIA, PP, of FVHD Architects, dated May 19, 2023, consisting of one sheet;
- (4) Proposed Site Plan, Renovation to Newly Acquired Pre-K Building, prepared by George R. Duthie, Jr., AIA, PP, of FVHD Architects, dated May 19, 2023, consisting of one sheet;

Whereas the application was reviewed by the Board's engineer, Gregory B. Fusco, PE, PP, CME of Key Engineers Inc. by letter dated July 25, 2023 and by the Board's planner, Brian Slaugh, PP, AICP of Clarke Caton Hintz, by letter dated July 20, 2023;

Whereas a hearing to consider the Conceptual Plan of the Applicant was conducted on July 26, 2023 with the Applicant being represented by Alexis Smith, Esquire and Alicia D'Anella, Esquire of Parker McKay

Whereas the Board heard and considered the testimony of Dr. Neeley Hackett, Superintendent; George Duthie, architect, Helen Haley, Business Administrator, Clark Mathes, Director of Buildings and Grounds and the expert testimony of the Board's Planner, Brian Slaugh, PP, AICP, and having heard the arguments of the Board of Education counsels;

NOW THEREFORE, the Board makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant proposes to utilize the Subject Property located at 250 Haddonfield Berlin Road, Gibbsboro, New Jersey as an early childhood educational center for Pre-K programs to be utilized by Voorhees and Gibbsboro residents. The Concept Plan proposes to convert the existing 49,000 square foot office building into 25 classrooms with administrative offices of which 5 of those classrooms will be dedicated to Gibbsboro Pre-K students. This building will provide for a full day pre-kindergarten sessions from 9:00 am to 3:30 pm. The Concept Plan proposes to utilize the existing parking area for bus drop off circulation and staff parking and the plan also proposes to utilize the main access drive to Pole Hill Park behind the existing structure for parent drop off and pickup. The Applicant would also like to construct a barrier free playground for use by both school and the general public on the Pole Hill Park property adjacent to the south side of the Borough of Gibbsboro's Senior Recreation Center. It is noted that the Board at its hearing on June 28, 2023 recommended that the Subject Property be designated as an area in need of condemnation redevelopment.

2. The Subject Property is located in the Shopping Center Office (SCO) District which is designed primarily to make special provisions for modern, well placed and integrated uses such as shopping centers campus type office parks, corporate headquarters and similar attractive large scale, low density, moderate lot coverage development in areas of the Borough where traditional small single use business development would be less appropriate. This zone permits commercial and office use as is consistent with the land use element of the Master Plan adopted in 1990. The

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BLOCK 42, LOT 12.04 AND PART OF LOT 12.03 IS INCONSISTENT WITH THE BOROUGH'S MASTER
PLAN AND IS NOT RECOMMENDED

proposed early childhood educational center would constitute a use not permitted in the SCO Shopping Center Office District.

3. It was further noted that the Land Use Element of the Borough's Master Plan identifies this land for professional office development consistent with the buildings design use for medical and general business offices, and as such this proposed use is inconsistent with the Master Plan.

4. There are many concerns that the Board has raised with this proposed use, which can only be address by a defined circulation plan that includes the existing parking lot and the Pole Hill Park access drive and other portions of this Park which are included in this project, the need to address the existing cross easement with the adjacent High Ridge Office Commons and the need for a traffic study, all of which will determine the impact the proposed plan will have on the surrounding area. It is noted that the driveway to Pole Hill Park also serves as the entrance to the Federal Aviation Administration radar site located within Pole Hill Park. The radar facility is a national security interest where access to this federal base is limited to authorized individuals and as such the proposed use of this driveway may impede security and access to that federal base. Additionally, the Gibbsboro Fire Official, Craig Fallstick, raised concerns about passing areas for fire and EMS vehicles in the proposed plan. As these concerns were not addressed in the Applicant's presentation, which they maintained was preliminary in nature, the Board cannot make any recommendations on this Plan.

CONCLUSION OF LAW

1. Pursuant to N.J.S.A. 40:55D-31, the Planning Board's has the right to review and recommendations of municipal capital projects for their compliance with the Master Plan.

2. The proposed Plan is inconsistent with the Master Plan of the Borough of Gibbsboro and inconsistent with the applicable zoning use of the SCO District in which the Subject Property is located.

3. The Conceptual Plan as submitted is without sufficient detail for this Board to make any recommendation on this project.

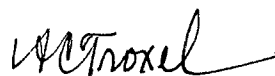
NOW THEREFORE, BE IT RESOLVED, by the motion duly made by Mayor Campbell and seconded by Susan Croll on July 26, 2023 that the Conceptual Plan as proposed is inconsistent with the Borough's Master Plan and the applicable Zoning ordinance for the SCO District and given the lack of the necessary details, the Board cannot recommend nor make recommendations with respect to same

LuAnn Watson, Chairwoman	Yes
Edward Campbell, Mayor	Yes
Susan Croll	Yes
Barbara Gellura	Yes

RESOLUTION FINDING THAT THE CONCEPTUAL PLAN OF THE VOORHEES TOWNSHIP BOARD OF EDUCATION FOR THE PROPERTY KNOWN AS 250 HADDONFIELD-BERLIN ROAD, ALSO KNOWN AS BLOCK 42, LOT 12.04 AND PART OF LOT 12.03 IS INCONSISTENT WITH THE BOROUGH'S MASTER PLAN AND IS NOT RECOMMENDED


Barry Rothberg	Yes
Dennis Deichert	Yes
John Ritz	Yes

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.



Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on August 23, 2023, memorializing the action of the Board taken on July 26, 2023.



Amy C. Troxel, Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE
CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3)
AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE
M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY
BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC
FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT
WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF GIBBSBORO**

On July 26, 2023 the Borough of Gibbsboro Planning Board (hereinafter the “Board”) held a public hearing at which time the following members were present:

LuAnn Watson, Chairwoman
Susan Croll
Barbara Gellura
Barry Rothberg
Dennis Deichert
John Ritz

Recusal: Edward Campbell, Mayor

Absent: Michael Kelly, Vice Chairman
Councilman Michael Mac Ferren

The following were also present at the meeting:

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

SUBJECT

Whereas, the Board considered the Application of Topless Pre Rolls, LLC, having an address of 16 Asperula Drive, Sicklerville, New Jersey 08081 (hereinafter referred to as the “Applicant”), for a conditional use variance under N.J.S.A. 40:55D-70d(3) for the premises known as 16 Democrat Way, Gibbsboro, New Jersey, also known as Block 59.03, Lot 3 on the Official Tax Map of the Borough of Gibbsboro (hereinafter referred to as the “Subject Property”) to allow for a cannabis manufacturer to be located in a multi-tenant industrial building where pursuant to Borough Code §400-71. F(3), the cannabis facility must be the sole occupant of the building, and to allow that the cannabis manufacturing facility proposed not be enclosed by a fence when pursuant to Borough Code §400-71.F(4) all structures utilized for the manufacturing of cannabis must be enclosed by a 6-foot fence.

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

- (1) Gibbsboro Land Use Application signed by the Applicant’s owner, Alan Lemmerman dated 6/23/2023;

RESOLUTION GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

- (2) Minor Site Plan For: 16 Democrat Way, prepared and sealed by Gregory J. Simonds, P.E. of Ewing Associates dated 6/20/2023;
- (3) Borough of Gibbsboro Submission Checklist;
- (4) Escrow Account Certification and Tax & Assessment Report dated 6/23/2023;
- (5) Affidavit of Ownership and Consent, signed by Timothy A. Sevens, Vice-President of Fifth New Jersey Corp., the owner of the Subject Property, dated 3/10/2023;
- (6) Interior Floor Plan with Equipment, unsigned and undated;
- (7) Interior Floor Plan with Equipment and Security Plan, unsigned and undated;
- (8) Aerial Site Photograph, Google Earth, undated;
- (9) Set of four (4) interior photographs and two (2) exterior photographs; and
- (10) Copy of State of New Jersey Cannabis Regulatory Commission Office of Licensing for Class 2-Manufacturer for the Applicant at the Subject Property;

Whereas the application was reviewed by the Board's Planner, Brian Slaugh, PP, AICP of Clarke Caton Hintz, by letter dated 7/18/2023;

Whereas the application was further supplemented by the Memorandum dated 7/25/2023 prepared by the Applicant's counsel, Kirk Pavoni, Jr., Esquire, in response to the review letter of the Board's Planner, Brian Slaugh, PP, AICP dated 7/18/2023;

Whereas a completeness hearing on this application was conducted on July 26, 2023 with the Applicant being represented by Kirk Pavoni, Jr., Esquire with the application upon motion duly made and seconded having been found to be complete for hearing purposes;

Whereas a hearing on this application was continued on July 26, 2023 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;

Whereas the Board heard and considered the testimony of Alan Lemmerman, the owner and founder of the Applicant, and having accepted and heard the expert testimony of Gregory J. Simonds, P.E., and the expert testimony of the Board's Planner, Brian Slaugh, PP, AICP, and having open the hearing to the public with June Michaels of 8 Democrat Way, Gibbsboro and Will Colon and Jordan Ellis of The Loud Factory posing questions and comments, and having heard the arguments of the Applicant's counsel, Kirk Pavoni, Jr., Esquire, and having considered the application and exhibits submitted in connection herewith;

NOW THEREFORE, the Board acting in its capacity as a Zoning Board of Adjustment, makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant is a prospective tenant of the end unit of a four (4) unit industrial building located in the M-1 Industrial District of the Borough of Gibbsboro known as Block 59.03, Lot 3

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and commonly known as 10-16 Democrat Way (the "Subject Property "). The building is a one-story concrete building on a 1.01-acre lot with the lot and building meeting all bulk and area requirements for the M-1 Industrial District. Each unit has a glass storefront and a commercial garage door in the front of the building with a loading dock, another commercial garage door and a man door with steps to the ground in the rear. This site has 20 angular bituminous parking spaces in the front of the building configured into four rows of five (5) angular parking spaces for each of the four (4) units. Access to and from this site to Democratic Way is through an ingress and egress point on the northwest end of the Subject Property with a part-stone and part- bituminous drive circulating around the building. The areas surrounding the Subject Property is industrial in nature with Winchester Roofing and the New Jersey American Water pump station in the immediate vicinity.

2. It is the Applicant's intention to occupy the end unit of this industrial building, which unit has an address of 16 Democrat Way, as a cannabis manufacturing facility. The unit is approximately 2500 square feet in size. The Applicant has received conditional approval for a Class 2 - Manufacturer license from the State of New Jersey Cannabis Regulatory Commission for this proposed site. The applicant is seeking conditional use variances to allow for this operation at this site and has bifurcated its application seeking D(3) conditional use variances prior to the submission of a site plan for approval. Under Borough Code § 400-71.F, a cannabis manufacturer is permitted in the M-1 Industrial District as a conditional use provided certain qualifying conditions are met. In seeking conditional use approval for this cannabis manufacturing operation, the Applicant is seeking variance relief from two (2) such conditions. Under Borough Code §400-71. F(3), the cannabis facility must be the sole occupant of the building while the Applicant is seeking to locate its facility in a multi-tenant building. Additionally, under Borough Code §400-71.F(4) all structures utilized for the manufacturing of cannabis must be enclosed by a fence.

3. The Applicant's operation will entail the purchase of cannabis products from licensed cultivators and then the product will be grinded in a pre-rolled cannabis product with the end cut off, packaged and marketed as a topless cannabis joint resembling a cigarette. These pre rolled cannabis product will be packaged and sold for distribution to state licensed distributors and retailers. The Applicant anticipates that they will process 10 pounds of cannabis per day with the maximum on-site cannabis storage being 50 pounds. Any waste generated in this process will be kept in locked containers visible to a security camera. This waste will be shredded or grounded and mixed with dirt, cat litter or another composable material so that the resulting mixture is at least 50% non-cannabis waste. This waste will be secured in a locked container until it is disposed of in accordance with the regulations to a solid waste facility. There will be no direct retail sales to consumers on this site. The Applicant anticipates that it will have between one to four employees and the facility will operate in the daytime only from 9:00 AM to 5:00 PM.

4. The Applicant in the testimony of its owner maintained that this business would satisfy the other criteria for conditional use approval as a cannabis manufacturer in the M-1 Industrial District. A copy of the Applicant's conditional license from the State of New Jersey was presented with the application. The Applicant represented that it has also obtained a letter of support from the Borough

RESOLUTION GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

of Gibbsboro Council for the issuance of a Class-2 Manufacturing license to the Applicant and such a license is available in the Borough. In addressing the other qualifying conditions for a manufacturing cannabis use, the Applicant maintains that it is unlikely any vibration glare or noise will be evident outside of the Applicant's place of business. The Subject Property is located in a very isolated area with wooded lots on either side and the adjacent unit is a woodworking/millwork shop generating a higher sound level than this proposed cannabis operation. The Applicant is intending on replacing the drywall separating this unit from the adjacent unit with concrete block for noise and security purposes and to seal the interstitial spaces between the unit to prevent any inadvertent seepage of dust, odor and noise. A sophisticated filtration system will be installed to capture all smoke dust chemicals and other odors emanating from the operation at this site. The Subject Property meets the location requirements as there are no schools or specified public parks within the 1000 feet required buffer. As this will be a manufacturing facility, there will be no cannabis consumption on site.

5. On the issue of security and to address the security risks of not having an exterior 6-foot fence, the Applicant proposes to restrict unauthorized access into the facility through a number of safeguarding procedures. While there will be no full-time security personnel, the Applicant will keep access from outside the premise to a minimum and ensure that access points are well controlled and monitored. Facilities agents and off-site security personnel will also monitor the premises for unauthorized trespassers using real time video surveillance. The Applicant will only permit access to the facility to authorized visitors who are at least 21 years of age and who carry qualifying identification. There will be primary and backup security alarms which will electronically listen for a variety of security breaches such as motion detectors, glass break detectors, and monitors detecting electrical support failures and registered intrusions. State and local law enforcement agencies will receive immediate notification regarding unauthorized access, breach of security or system failures. Only the Applicant's owner will have access to the alarm system and will activate the alarm system when the production facility is closed for business. These alarms will be located on all windows, special storage areas, utility openings and all product storage vaults. A perimeter alarm will be placed on all entry points and motion detectors will be located at the entry and exit of each room. Additionally, the Applicant proposes to install roll down security doors over the office windows and front door.

6. The Board's Planner in addressing the conditional use variance being sought in both his review letter and, in his testimony, referenced the New Jersey Supreme Court decision in Coventry Square v. Westwood Zoning Board of Adjustments, which is the leading case in variances from conditional use standards. The court directed that the focus of the positive criteria for conditional use variance relief should be limited to the impact of the deviation, not the impact of the use, and should look to whether the site continues to be an appropriate site for the conditional use notwithstanding the deviation and that the site can accommodate the problems associated with the deviation from the standards, all of which shall be considered in determining whether the positive criteria for a conditional use variance have been met.

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7. The Board's Planner opined that the purposes behind the single use building requirement are twofold: nuisance control and security. The impact of the cannabis manufacturer being located in a multitenant building should consider those purposes and whether the site remains an appropriate site for the conditional use notwithstanding the deviation from this requirement. As the Subject Property is an isolated lot between two wooded areas, the potential nuisance posed by this proposed cannabis manufacturing is with the other tenants in this multi-tenant building. As the other occupants in this building are woodworking and millwork with more noise and dust than the proposed cannabis manufacturing, the only nuisance potential would be from the cannabis odor which the Applicant's proposed use would pose. As the Applicant's engineer noted the Applicant will be installing a self-contained odor mitigation and filtration system, which will prevent any odor extending beyond the unit and the system has the capacity to increase the level of filtration if odor seepage occurs. The Applicant is also intending on sealing the interstitial spaces between the units to prevent the inadvertent seepage of dust odor and noise to the other units, one of which may be another cannabis operation. As for the security purposes underlying this condition, the Applicant is replacing the drywall separation between the manufacturing unit and the adjacent unit with a concrete block wall and will be installing an extensive monitoring and alarm system, which will mitigate any security concerns being attributed to being located in a multi-tenant building. As for the deviation from the required 6-foot exterior fence, the comprehensive set of interior sensors and cameras, the exterior surveillance system, and the installation of roll-down security doors and windows will compensate for the lack of a six-foot security fence. Moreover, the practicalities of installing a 6-foot perimeter fence around this unit given the existing site configuration, parking and circulation pattern of the Subject Property would entail significant site renovations.

8. In addressing the negative criteria for allowing these deviations from the single use building and the required 6-foot fence, the Board must determine whether allowing this application to proceed with these deviations would result in a substantial detriment to the public good and would be a substantial impairment of the zoning plan. Any detriment would be to the surrounding tenants and whether that has been mitigated by the safeguards proposed by the Applicant. The Board's planner opined that the Subject Property may be the only site in the Borough appropriate for this cannabis manufacturing operation.

9. Through his memorandum submitted as part of the application, counsel for the Applicant addressed several issues raised with respect to the materials submitted. The photographs submitted were taken on 2/24/2023 and there have been no material changes in the property. The aerial photograph was taken on 6/21/2023. Lastly, the floor plans presented were prepared by Higher Yields Cannabis Business Consultants, who was hired by the Applicant to design the layout of the facility.

CONCLUSION OF LAW
CONDITIONAL 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)(3), which

RESOLUTION GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

grants the Board the power to grant a variance to allow for a conditional use which does not satisfy the conditions and/or standards imposed for such conditional use.

2. Whereas the Supreme Court in Coventry Square v. Woodland Zoning Board of Adjustment held that in determining whether the positive and negative criteria have been met in granting a variance for a conditional use, the focus of the examination as to whether the positive criteria for conditional use variance relief have been met should be limited to the impact of the deviation, not the impact of the use, and should look to whether the site continues to be an appropriate site for the conditional use notwithstanding the deviation from the condition and/or standard and that the site can accommodate the problems associated with that deviation. Similarly, in determining whether the negative criteria have been met in granting a conditional use variance, the focus is to be on the effect on the surrounding area in allowing this deviation and whether the grant of such a variance will not substantially impair the intent and purposes of the zone plan and zoning ordinance.

3. The Board finds that there are “special reasons” to support the requested conditional use variance under the standard enunciation by the New Jersey Supreme Court in Coventry Square v. Woodland Board of Adjustments. The requested relief from the conditional use standards will have no significant impact on the surrounding areas and that the safeguards to the cannabis manufacturing operation proposed to be installed will mitigate against any detriment that the deviations from the standards may pose. The Subject Property, an isolated industrial lot, remains a suitable site for the cannabis manufacturing facility notwithstanding these two (2) deviations and remains perhaps the only suitable site for the cannabis manufacturing facility in the Borough. This deviation has no significant impact on the surrounding areas and as an isolated industrial site satisfies the intent of the conditional use standards and accordingly will not impair the intents and purposes of this zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Susan Croll and duly seconded by Dennis Deichert on July 26, 2023 that the within application for a conditional use variance under authority of N.J.S.A. 40:55D-70(d)(3) from the provisions of §400-71F(3) and (4) of the Borough Code to allow for a cannabis manufacturing facility on the Subject Property not meeting the single building occupancy and the required 6 foot enclosure fence be and is hereby GRANTED subject to the following terms and conditions:

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 July 26, 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

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USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS
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its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. That the use variance granted herein is subject to the Applicant obtaining preliminary and final site plan approval substantially in accordance with the testimony herein provided.

3. 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.

4. 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.

5. The Applicant 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, Chairwoman	Yes
Susan Croll	Yes
Barbara Gellura	Yes
Barry Rothberg	Yes
Dennis Deichert	Yes
John Ritz	Yes

RESOLUTION GRANTING A USE VARIANCE UNDER N.J.S.A. 40:55D-70d(3) FROM THE CONDITIONAL USE STANDARDS SET FORTH IN BOROUGH CODE §400-71.F(3) AND (4) REQUIRING A CANNABIS MANUFACTURER SITUATED IN THE M-1 INDUSTRIAL DISTRICT TO BE LOCATED IN A SINGLE OCCUPANCY BUILDING WITH A SIX-FOOT ENCLOSURE FENCE TO TOPLESS PRE ROLLS, LLC FOR A CANNABIS MANUFACTURING FACILITY LOCATED AT 16 DEMOCRAT WAY, ALSO KNOWN AS BLOCK 59.03, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to Borough Council within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.



AMY C. TROXEL, Secretary
Planning Board
Borough of Gibbsboro

The foregoing Resolution is a true copy of the Resolution adopted by the Planning Board of the Borough of Gibbsboro at a duly noticed meeting on August 23, 2023, memorializing the action of the Board taken on July 26, 2023.



AMY C. TROXEL, Secretary