

BOROUGH OF GIBBSBORO
PLANNING BOARD REORGANIZATION MINUTES
January 22, 2025
7:00 P.M.

Meeting called to order

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

ROLL CALL

LuAnn Watson
Edward G. Campbell, Mayor
John Ritz, Council
Mike Kelly
Barry Rothberg
Andrew Parsinitz
Dennis Deichert
Barbara Gellura

NOMINATION OF CHAIRPERSON

Nomination of LuAnn Watson by Mayor Campbell, second Mr. Deichert

Vote: Ayes unanimous

NOMINATION OF VICE CHAIRPERSON

Nomination of Barry Rothberg by Mayor Campbell, second Mr. Parsinitz

Vote: Ayes unanimous

RESOLUTIONS

**PB 2025-1-01 RESOLUTION NAMING A CHAIRPERSON OF THE GIBBSBORO
PLANNING BOARD – LuAnn Watson**

Motion to approve resolution: Mayor Campbell, second Mr. Rothberg

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura
Abstain - Watson

**PB 2025-1-02 RESOLUTION NAMING A VICE-CHAIRPERSON OF THE
GIBBSBORO PLANNING BOARD – Barry Rothberg**

Motion to approve resolution: Mr. Parsinitz, second Mayor Campbell

Ayes – Campbell, Kelly, Ritz, Parsinitz, Deichert, Gellura, Watson

Abstain - Rothberg

PB 2025-1-03 RESOLUTION APPOINTING A SOLICITOR TO THE GIBBSBORO PLANNING BOARD – Kathleen McGill Gaskill

Motion to approve resolution: Mr. Rothberg, second Mr. Deichert

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-1-04 RESOLUTION NAMING APPOINTING AN ENGINEER TO THE GIBBSBORO PLANNING BOARD – Brian Slaugh of Clarke, Caton, Hintz

Motion to approve resolution: Mr. Rothberg, second Mr. Deichert

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-1-05 RESOLUTION APPOINTING A PLANNER TO THE GIBBSBORO PLANNING BOARD – Shawn Seroka of Key Engineers

Motion to approve resolution: Mayor Campbell, second Mr. Rothberg

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-1-06 RESOLUTION APPOINTING A SECRETARY TO THE GIBBSBORO PLANNING BOARD – Amy Troxel

Motion to approve resolution: Mr. Deichert, second Mr. Rothberg

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-1-07 RESOLUTION AUTHORIZING PLANNING BOARD MEETING DATES FOR 2025

Motion to approve resolution: Mr. Rothberg, second Mayor Campbell

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-1-08 RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS FOR PUBLICATION FOR THE GIBBSBORO PLANNING BOARD

Motion to approve resolution: Mr. Parsinitz, second Mr. Rothberg

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

PB 2025-01-09 RESOLUTION GRANTING BULK VARIANCES WITH

CONDITIONS AND A CERTIFICATE OF APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL AT THE SUBJECT PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO KNOWN AS 18 NORTH TANGLEWOOD DRIVE, GIBBSBORO, NEW JERSEY

Motion to approve resolution: Mr. Rothberg, second Mr. Ritz

Ayes – Campbell, Kelly, Ritz, Rothberg, Deichert, Watson
Abstain – Parsinitz, Gellura

MINUTES

Motion to dispense reaching and **amend** the minutes of **6/26/24**: Mr. Rothberg, second Mr. Ritz

Ayes – Campbell, Kelly, Ritz, Rothberg, Deichert, Gellura, Watson
Abstain – Parsinitz

Motion to dispense reading and **approve** the minutes of **12/18/24**: Mr. Deichert, second Mr. Kelly

Vote: Ayes unanimous (Parsinitz, Gellura abstain)

CORRESPONDENCE

SWEARING IN OF BOARD PROFESSIONALS

Donna Miller, Clarke Caton Hintz (for Brian Slaugh)
Shawn Seroka, Key Engineers

OLD BUSINESS

NEW BUSINESS

1. **CERTIFICATE OF APPROPRIATENESS (Docket #24-13)**

Applicant: Go Green Car Wash
Project: Installation of roof top solar panels
Address: 11 North Lakeview Drive
Block 7.04, Lot 19.12
Escrow/Fees: Paid

Jennifer Johnson, Esquire, of Flaster Greenberg appeared on behalf of the applicant, Edward Henry. Mr. Henry, owner and operator, was also present, as was John DiCaprio of Seabright Solar. Mr. Henry and Mr. DiCaprio were sworn in in preparation for their testimony.

Mr. Henry testified that the panels will be purchased, not leased. Mr. DiCaprio testified that the proposed layout includes 41 black panels. The inverter will be located in an indoor utility room along with a second meter. A rapid shutoff valve, if required by the Fire

Official, would be locate on a small outdoor box next to the primary utility meter. A photo rendering will be provided as a condition of approval.

Motion to deem application complete: Mr. Rothberg, second Mr. Ritz

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

The panels will la 2-3 inches from the room and will be surrounded by a critter guard to keep squirrels and birds out. Mr. DiCaprio testified that the panels cannot have both an array skirt and a critter guard – only one or the other. The applicant agreed to supply a photo/sample of the critter guard, and the Board will defer to the Planner as to which option is preferable.

Mr. Henry testified that the energy provided by the panels will be used to power the carwash property only.

Public Comment: None

Conditions of approval include 1) submission of a photo rendering of the panel array, 2) submission of photos/samples of the critter guard to the Planner for input and approval, and 3) no external equipment except for the rapid shutoff valve, subject to approval by the Fire Official.

Motion to approve application with conditions: Mayor Campbell, second Mr. Kelly

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Gellura, Watson

2. CERTIFICATE OF APPROPRIATENESS (Docket #24-14)

Applicant: Rich & Tracy Snyder
Project: New residential structure
Address: 175 Kirkwood Road
Block 59.01, Lot 5.02
Escrow/Fees: Paid

Mr. Snyder, the owner of the subject property, appeared on behalf of the application and was sworn in by Ms. Gaskill.

The Planner’s review letter, dated 1/21/25, noted the exposed foundation in the front should be screened by landscaping, which would also assist with drainage. The applicant agreed to add a mix of evergreen and deciduous shrubs around the front corner of the structure.

Conditions of approval include a landscaping plan to be reviewed and approved by the Planner.

Public Comment: None

Motion to deem application complete and approve with conditions: Mayor Campbell, second Mr. Parsinitz

Ayes – Campbell, Kelly, Ritz, Parsinitz, Rothberg, Deichert, Watson
Abstain - Gellura

PENDING BUSINESS

1. MINOR SITE PLAN WITH VARIANCES & CERTIFICATE OF APPROPRIATENESS (#24-10)

Applicant: Gibbsboro Green Energy LLC
Project: Expansion of convenience store & signage
Location: 55 East Clementon Road (Block 7.03, Lots 16.03, 20, 27.01, 27.02)
Escrow/Fees: Paid

INFORMATIONAL

1. Next regular Planning Board meeting is scheduled for Tuesday, February 25 at 7:00 p.m. at the Borough Hall (Note: Planning Board meetings are moving to the 4th Tuesday of the month).

PUBLIC COMMENTS

None

ADJOURNMENT

Motion to adjourn the meeting at 8:10 p.m. Mr. Rothberg, second Mayor Campbell

Vote: Ayes unanimous



AMY C. TROXEL, Secretary



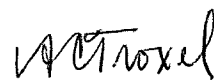
PB2025-1-01

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
NAMING LUANN WATSON AS CHAIRPERSON OF THE
GIBBSBORO PLANNING BOARD**

WHEREAS, the laws of the State of New Jersey require the position of Chairperson for municipal planning boards; and

NOW, THEREFORE, BE IT RESOLVED by the Gibbsboro Planning Board that LuAnn Watson shall serve as Chair for the year 2025.

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 January 22, 2025.



Amy C. Troxel
Secretary


PB2025-1-02

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
NAMING BARRY ROTHBERG AS VICE-CHAIRPERSON TO THE
GIBBSBORO PLANNING BOARD**

WHEREAS, the laws of the State of New Jersey require the position of Vice-Chairperson for municipal planning boards; and

NOW, THEREFORE, BE IT RESOLVED by the Gibbsboro Planning Board that Barry Rothberg shall serve as Vice-Chairperson for the year 2025.

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 January 22, 2025.



Amy C. Troxel
Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
APPOINTING KATHLEEN MCGILL GASKILL AS SOLICITOR TO THE
GIBBSBORO PLANNING BOARD**

WHEREAS, the laws of the State of New Jersey require that municipal planning boards have a solicitor to guide the Board in legal matters; and

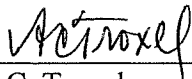
WHEREAS, such special legal services can be provided only by a recognized firm, and Kathleen McGill Gaskill, Attorney at Law, Moorestown, New Jersey is so recognized by the legal community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services under the Open and Fair process;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Gibbsboro, County of Camden, State of New Jersey as follows:

1. Kathleen McGill Gaskill, Attorney at Law, Moorestown, New Jersey is hereby retained to provide the specialized legal services necessary in connection with the Gibbsboro Planning Board in accordance with an Agreement submitted to the Planning Board (the "Contract").
2. The Contract is awarded under the Fair and Open process as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a).
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Borough's legal newspaper.

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 January 22, 2025.



Amy C. Troxel
Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
APPOINTING SHAWN SEROKA, KEY ENGINEERS, AS ENGINEER TO THE
GIBBSBORO PLANNING BOARD**

WHEREAS, there exists a need for the services of an Engineer for the Gibbsboro Planning Board;

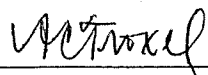
WHEREAS, such engineering services can be provided only by a recognized firm, and Shawn Seroka the engineering firm of Key Engineers, Berlin, New Jersey is so recognized by the engineering community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that notice with respect to contracts for Professional Services is awarded under the Fair and Open process;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Gibbsboro, County of Camden, State of New Jersey as follows:

1. Shawn Seroka of the engineering firm of Key Engineers, Berlin, New Jersey is hereby retained to provide the specialized engineering services necessary in connection with the Gibbsboro Planning Board in accordance with an Agreement.
2. The Contract is awarded under the Fair and Open process as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a).
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.
4. A notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Borough's legal newspaper.

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 January 22, 2025.



Amy C. Troxel
Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
APPOINTING BRIAN SLAUGH, CLARKE CATON HINTZ, AS PLANNER TO THE
GIBBSBORO PLANNING BOARD**

WHEREAS, there exists a need for the services of a Planner for the Gibbsboro Planning Board;

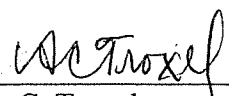
WHEREAS, such special planning services can be provided only by a recognized firm, and Brian M. Slauch, of Clarke Caton Hintz, Trenton, New Jersey is so recognized by the planning community; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that notice with respect to contracts for Professional Services is awarded under the Fair and Open Process;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Gibbsboro, County of Camden, State of New Jersey as follows:

1. Brian M. Slauch of the planning firm of Clarke Caton Hintz, Trenton, New Jersey is hereby retained to provide the specialized planning services necessary in connection with the Gibbsboro Planning Board in accordance with an Agreement.
2. The Contract is awarded under the Fair and Open Process as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a).
3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.
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Amy C. Troxel
Secretary

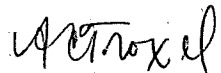
PB2025-1-06

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
APPOINTING AMY C. TROXEL AS SECRETARY TO THE
GIBBSBORO PLANNING BOARD**

WHEREAS, the laws of the State of New Jersey require the position of Secretary for municipal planning boards; and

NOW, THEREFORE, BE IT RESOLVED by the Gibbsboro Planning Board that Amy C. Troxel will serve as Secretary for the year 2025.

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 January 22, 2025.



Amy C. Troxel
Secretary

PB2025-1-07

**RESOLUTION OF THE GIBBSBORO PLANNING/ZONING BOARD
AUTHORIZING PLANNING BOARD MEETING DATES FOR 2025**

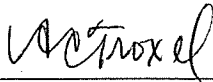
In accordance with the requirements of the Open Public Meetings Act, Chapter 132, P.L. 1979 of the law of New Jersey, the following meeting dates for the Borough of Gibbsboro Planning Board for the year 2025 have been established.

Meetings will be held every fourth Tuesday of the month at 7:00 P.M. unless otherwise stated. Meetings will be held at the Gibbsboro Borough Hall, 49 Kirkwood Road, Gibbsboro, NJ. The scheduled dates are:

February 25, 2025	August 26, 2025
March 25, 2025	September 23, 2025
April 22, 2025	October 28, 2025
May 27, 2025	November 25, 2025
June 24, 2025	December 16, 2025*
July 22, 2025	January 27, 2026 - Reorganization

* December 16th is the third Tuesday

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 January 22, 2025.



Amy C. Troxel
Secretary

PB2025-1-08

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
DESIGNATING OFFICIAL NEWSPAPERS FOR PUBLICATION FOR THE
GIBBSBORO PLANNING BOARD**

BE IT RESOLVED by the Gibbsboro Planning Board that the following are the official publications for advertisement of legal notices and other business of the Gibbsboro Planning Board for the year 2025:

The Courier Post
Central Record
The Retrospect
Philadelphia Inquirer
The Trenton Times

Cherry Hill, NJ
Montgomery, PA
Collingwood, NJ
Cherry Hill, NJ
Trenton, NJ

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 January 22, 2025.



Amy C. Troxel
Secretary

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD
GRANTING BULK VARIANCES WITH CONDITIONS AND A CERTIFICATE OF
APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING
POOL AT THE SUBJECT PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO
KNOWN AS 18 NORTH TANGLEWOOD DRIVE, GIBBSBORO, NEW JERSEY**

On December 18, 2024, 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
Susan Croll
Barry Rothberg
Dennis Deichert
John Ritz

The following were also present at the meeting:

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

SUBJECT

Whereas the Board considered the Application of Jacob and Isatou Adigwe, residing at 18 North Tanglewood Drive, Gibbsboro, New Jersey 08026 (hereinafter referred to as “the Applicant”), seeking several bulk variances for the installation of an inground pool at the Applicant’s residence at 18 North Tanglewood Drive, Gibbsboro, New Jersey, also known as Block 18.04 Lot 4 on the Borough of Gibbsboro Official Tax Map (hereinafter the “Subject Property”) and a Certificate of Appropriateness;

Whereas the application was reviewed by the Board’s Planner, Brian Slaugh, PP, AICP, by letter dated 12/12/2024;

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

- (1) Gibbsboro Land Use Application signed by the Applicant, Jacob Adigwe, on 09/27/2024 and docketed as 2024-12;
- (2) Borough of Gibbsboro Submission Checklist, unsigned and undated;
- (3) Narrative entitled “Written Description of Proposed Work” unsigned and undated;
- (4) Affidavit of Ownership signed by the Applicant, Jacob Adigwe, and dated 09/14/2024;
- (5) Application for Certificate of Appropriateness;
- (6) Escrow Account Certification dated 09/13/2024 and signed by the Applicant and Tax Assessment Report dated 08/18/2024 signed by the Borough Tax Clerk;

RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS AND A CERTIFICATE OF APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL AT THE SUBJECT PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO KNOWN AS 18 NORTH TANGLEWOOD DRIVE, GIBBSBORO, NEW JERSEY

- (7) Boundary & Topographic Survey (2 Sheets) prepared by William P. Schemel, PLS of FWH Associates, P.A., dated 04/16/2024;
- (8) Survey & Pool Grading Plan prepared by James A. Spratt, PE and Edward F. Kuhn, Jr., PLS of Bryson & Yates Consulting Engineers, LLC, dated 09/27/2024;
- (9) Portion of Survey showing proposed 6-foot solid vinyl fence installation;
- (10) Section of Tax Map of Borough of Gibbsboro showing the Subject Property;
- (11) Product specification sheets and guides for: Lathan Pool Model, Cancun Deluxe; Pentair Mastertemp High Performance Heater; Jandy Truclear Saltwater Chlorinator; Pentair Cartridge Filter; Pentair SuperFlo High Performance Pump; Treo Led Underwater Light; Snap-Lok Residential ladder; White Goods Admiral Skimmer; and A Vinyl Fence & Deck Wholesale vinyl fencing;

Whereas the Borough supplemented this Application with copies of correspondence from the Borough Clerk, Amy C. Troxel to the Applicant dated 04/17/2024 and 05/13/2024;

Whereas a hearing on the completeness of this application was conducted on 12/18/2024 with the Applicant appearing *pro se* and the Board having considered the testimony and the aforementioned review letter of the Board's Planner, and the recommendations set forth therein, the Board on motion duly made and seconded, waived the missing submission item and deemed the application complete for hearing;

Whereas the hearing on the Applicant's request for bulk variance relief and a Certificate of Appropriateness followed the completeness hearing of 12/18/2024 with the Applicant continuing *pro se* 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 the testimony of the Applicant and the expert testimony of Brian Slaugh, PP, AICP and that of Shawn Seroka, appearing on behalf of the Board's engineer, Gregory Fusco, PE, PP, CPWM, and the comments by the Board's solicitor, and having open the hearing to the public and no member of the public stepping forward to comment on the application, 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, along with his wife, Isatou Adigwe, of the Subject Property, which is located in the residential tract surrounding Clement Lake in the Tanglewood neighborhood and is known as 18 North Tanglewood Drive, Gibbsboro, New Jersey. The Subject Property, which is a 30,947 square foot lot, has frontage on both the cul-de-sac known as Winterberry Lane and North Tanglewood Drive, and is designated as Lot 4 of Block 18.04 of the Official Tax Map of the Borough of Gibbsboro. The Subject Property is improved with a 2,820 square foot two-story frame dwelling with a concrete driveway on the northern side of the residence where the attached garages are situated with access to North Tanglewood Drive and a

PB2025-1-09

RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS AND A CERTIFICATE OF
APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL AT THE SUBJECT
PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO KNOWN AS 18 NORTH TANGLEWOOD DRIVE,
GIBBSBORO, NEW JERSEY

concrete circular drive on the western side of the residence with access to Winterberry Lane towards which the front of the residence is oriented. The Subject Property is further improved with a paver patio with gazabo in the rear of the residence and located along the eastern boundary line of the Subject Property with paver walkways constructed from both driveways to the rear patio, which taken together with the driveways added another 6099 square feet of impervious coverage to the Subject Property. The Subject Property is situated in the R-40 Residential Zoning District and within the historic district of the Borough of Gibbsboro.

2. The Applicant is seeking to install an in-ground swimming pool in the rear of the Subject Property at the southeast corner of the Subject Property and is proposed to be setback 25 feet from its rear property line (from its Winterberry Lane frontage) with Block 18.04, Lot 5 to its east and to be set back 25 feet from its rear property line (from North Tanglewood Drive frontage) of Block 18.04, Lot 3 to the south. The proposed in-ground swimming pool will be 446 square foot in area with a 3-foot pool surround and another 150 square feet of additional concrete patio, which taken together will add an additional 833 square feet of coverage on the site. The pool area is proposed to be enclosed with a 6-foot white vinyl fence.

3. The Applicant is seeking bulk variances from Borough Code § 400-11(d)((9) to allow the pool to be setback 25 feet from its rear property lines where a 75 foot setback is required. In addition, the Applicant is seeking a bulk variance from Borough Code §400-11(d)(5) to allow for 31.71% of impervious coverage on the Subject Property with the Applicant's pool installation where a maximum of 25% impervious coverage is permitted. It was noted the existing impervious coverage on the Subject Property of 28.97% is already in excess of the permitted coverage. It was noted that a prior application for the installation of a pool on the Subject Property was rejected due to setback requirements.

4. In his review letter, the Board planner indicated that the Subject Property, as are many lots in the Tanglewood neighborhood, is undersized having lot areas of approximately 30,000 square feet where a minimum of 40,000 square feet is required. The yard and coverage requirements for the R-40 Zoning District are designed for the larger 40,000 square foot lots, making compliance difficult on the Subject Property for an in-ground pool, which is a customary residential amenity. The Board planner further testified that if all the setback standards were complied with on the Subject Property that it would leave approximately a 5-foot strip on which to install the proposed swimming pool. The undersized nature of the lot along with the existing orientation of the residence and the two-street frontage presents a hardship for the Applicant with regard to compliance with the rear yard setbacks and also for compliance with the maximum coverage requirement. The Board planner testified that if the Subject Property was a larger 40,000 square foot lot as required in the R-40 Zoning District the proposed development on the lot would comply with the maximum impervious coverage. The Board planner suggested that the impact of the excessive impervious coverage may be mitigated by some on-site storm water management measures.

RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS AND A CERTIFICATE OF APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL AT THE SUBJECT PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO KNOWN AS 18 NORTH TANGLEWOOD DRIVE, GIBBSBORO, NEW JERSEY

5. It was brought to the Board's attention through the aerial photographs attached to the Board planner's review letter that extensive tree clearing has occurred on the Subject Property apparently in anticipation of the installation of the swimming pool. On this issue, two (2) letters

from the Borough Clerk/Board Secretary to the Applicant were entered on the record. By letter dated 04/17/2024, the Applicant was advised that on 04/16/2024 the Borough Code Enforcement Official was called to the Subject Property in response to calls that trees were being removed, and he determined that at least nine (9) trees had been removed. The Applicant was further advised that the removal of any tree with a diameter of eight (8) inches or more measured from 4.5 feet from the ground requires a permit as required by Borough Code §379-12 et seq. The Applicant was advised to submit a Tree Removal Application to the Borough Environmental Commission with a survey showing the location of all trees already removed and all trees planned to be removed. By letter dated 05/13/2024, it was noted that the Environmental Commission Chairperson Jack Flynn conducted an inspection of the Subject Property to view trees already removed and trees planned to be removed, and the Applicant agreed to plant forty (40) new trees and to provide the Commission with a list of trees to be planted. On 05/06/2024, the Environmental Chairperson revisited the site and was provided a list of trees to be planted, and it was noted that the Applicant had already planted fifty (50) trees and bushes around the perimeter of the Subject Property. On 05/06/2024, the Environmental Commission met to review the application and replanting plan of the Applicant, which was approved.

6. Concerns were raised by the Board and its planner about the impact of the removal of these trees on drainage and the surrounding environmentally sensitive area. The Subject Property is located in proximity to Clement Lake which is the home to the federally endangered plant known as pink swamp. It was noted that the removal of these tree roots will allow soil to be washed into Clement Lake affecting its water quality and the swamp pink habitat. It was suggested that these concerns could be addressed and minimized, and the impact on the rear yard setback variance could be mitigated by certain revisions to the development plans of the Subject Property. Those suggested revisions were: (1) the location of the swimming pool should be realign lengthwise on the Subject Property in an east-west direction as opposed to the proposed north-south orientation which will provide some relief in mitigation of the rear yard setback variances requested; (2) the installation of a stormwater management basin on the Subject Property, the design specification and location of which shall met with the Board's engineer review and approval, will provide a drainage measure for the Subject Property and a sediment control measure protecting Clement Lake; and (3) the installation of an additional twenty (20) trees by the Applicant along the rear property in accordance with the specifications and location approved by the Board's planner. These revisions were offered as conditions of approval of the Applicant's variance application and the Applicant agreed to same.

7. The Subject Property is located in the Historic District of Gibbsboro and as determined by the Board's planner, the swimming pool has no historical significance on the Property and the residence is non-contributory to the historic district.

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GIBBSBORO, NEW JERSEY

CONCLUSION OF LAW

Whereas the Board while acting in its capacity as a Zoning Board of Adjustments has jurisdiction over this application for bulk variances under *N.J.S.A. 40:55D-70(c)*, which authorizes the granting of variance relief in the event of hardship or, alternatively, which authorizes the granting of variance relief if the purposes of the New Jersey Municipal Land Use Law are

substantially advanced by deviation from the Zoning Ordinance requirements, and the benefits of deviation substantially outweigh any detriment.

Whereas the Board finds that the Applicant has demonstrated by clear preponderance of evidence that the granting of the bulk variances for rear yard setbacks and impervious coverage as described herein is appropriate given the hardships presented by the undersized nature of the Subject Property and the existing configuration of the improvements on the Subject Property. Without variance relief, the Applicant would not be able to install a customary residential amenity such as a swimming pool on the Subject Property given its undersized nature and its frontage on two (2) streets. The negative impact of both requested variances can be mitigated by the proposed realignment of the location of the swimming pool, the additional replacement trees along the rear property lines, and the installation of the proposed storm water measure to address drainage issues raised by the impervious coverage, all of which are to be made conditions of approval.

Whereas, the Gibbsboro Planning Board has jurisdiction to approve this application for the Historic Certification of Appropriateness in accordance with N.J.S.A. 40:55D-111 and Section 222-7(a)(1) of the Gibbsboro Historic Preservation Ordinance. A Certificate of Appropriateness in accordance with Section 222-7(a)(1) of the Gibbsboro Historic Preservation Ordinance and the Municipal Land Use Law, N.J.S.A. 40:55-111 is required for any additions or renovations to the residence. The Subject Property is situated in the Historic District. The Planning Board concludes that the application has no historic significance or impact and sufficiently satisfies the criteria for granting a Certificate of Appropriateness and complies with the review standards under Section 222-8 of the Borough Ordinances.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Susan Croll and duly seconded by Dennis Deichert on December 18, 2024 that the requested bulk variance relief from the provisions of Borough Code §400-11 (d)(9) for rear yard setbacks and Borough Code §400-11 (d)(5) for maximum impervious coverage and the requested Certificate of Appropriateness be and is hereby GRANTED subject to the conditions herein 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 December 18, 2024 are true and accurate of the facts relating to the Applicant's 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

RESOLUTION GRANTING BULK VARIANCES WITH CONDITIONS AND A CERTIFICATE OF APPROPRIATENESS TO ALLOW FOR THE INSTALLATION OF A SWIMMING POOL AT THE SUBJECT PROPERTY KNOWN AS BLOCK 18.02, LOT4, ALSO KNOWN AS 18 NORTH TANGLEWOOD DRIVE, GIBBSBORO, NEW JERSEY

its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. As a condition of approval, the Applicant shall revised their development plans as follows: (1) the plans for the swimming pool location shall be revised showing the swimming pool's alignment on the Subject Property in an east-west orientation as opposed to the originally proposed north-south orientation providing some rear yard setback relief to the neighboring properties; (2) the Applicant through their engineers shall design a stormwater management basin on the Subject Property to address drainage issues precipitated by the tree removal and excessive impervious coverage; and (3) the Applicant shall design a replanting plan for the 20 additional trees to be replanted on the Subject Property mitigating the impact of the rear yard setback variances. All of the foregoing revisions shall be subject to the Board's engineer and planner's review and approval and shall be set forth in revised "perfected" plans to be filed with the Board.

3. The Applicant shall submit a permit application for a soil erosion and sediment control plan for the proposed development on the Subject Property for approval by the Camden County Soil Conservation District or receive a permit waiver of same. The Applicant is further required to submit a copy to the Board's Secretary of any such permit approval/ denial or waiver received from such agency, with a copy thereof to the Board's Secretary and professionals.

4. 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 professionals.

5. 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.

6. 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 Applicant, the Board reserves the right to conduct a hearing with the Applicant 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.

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7. 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 Applicant, 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 Applicant 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, Chairperson	Yes
Michael Kelly, Vice-Chairperson	Yes
Edward Campbell, Mayor	Yes
Susan Croll	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 made available to all other interested parties.



Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro

CERTIFICATION

This Resolution of Memorialization being adopted by the action of the Planning Board of the Borough of Gibbsboro on this 22nd day of January, 2025 is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on December 18, 2024.



Amy C. Troxel, Secretary
Planning Board
Borough of Gibbsboro