

**BOROUGH OF GIBBSBORO  
PLANNING BOARD MINUTES  
September 25, 2024  
7:00 P.M.**

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

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

**ROLL CALL**

Present:

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

Absent:

Councilman Michael MacFerren  
Ms. Barbara Gellura

Professionals:

Solicitor, Kathleen McGill Gaskill  
Planner, Brian Slaugh  
Shawn Seroka, Key Engineers

Engineer, Gregory Fusco

**RESOLUTIONS**

**PB2024-9-21 RESOLUTION GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88, LOT 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO OWNED BY [REDACTED]**

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

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

**PB2024-9-22 RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS**

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

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

**MINUTES**

Motion to dispense reading and approve the minutes of 8/28/24: Mrs. Croll, second Mayor Campbell

Vote: Ayes unanimous (Ritz abstain)

**CORRESPONDENCE**

**SWEARING IN OF PROFESSIONALS**

**OLD BUSINESS**

**NEW BUSINESS**

1. CERTIFICATE OF APPROPRIATENESS TO INSTALL SOLAR PANELS (#24-09)

Applicant: Leonard Toliver  
Project: Installation of solar panels  
Location: 46 West Clementon Road (Block 58.01, Lot 8.02)  
Fee/Escrow: Paid

Leonard Toliver, the property owner, and Sabrina Pinto, a representative from the solar vendor Freedom Forever, appeared on behalf of this application and were sworn in by Ms. Gaskill. Mr. Ritz and Mr. Deichert recused themselves from participating in this application. Ms. Slauch recommended the application be deemed complete.

Motion to deem application complete as submitted: Mr. Rothberg, second Mayor Campbell

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

Ms. Pinto testified that the panels would be black in color and low profile (3-4” from the roof). She agreed to include an array skirt along all portions visible from the ground and submit revised plans to include that feature. She confirmed that no trees were required to be removed.

Public Comment: None

Motion to approve application with amendment to add skirting: Mayor Campbell, second Mr. Rothberg

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

**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)  
Fee/Escrow: Paid

2. CERTIFICATE OF APPROPRIATENESS (#24-12)

Applicant: Frank Marchewka  
Project: Installation of solar panels  
Location: 12 Washington Street (Block 2, Lot 7.02)  
Fee/Escrow: Paid

**INFORMATIONAL**

1. The Planning Board meeting is scheduled for Wednesday, October 23, 2024 at 7:00 p.m. at the Gibbsboro Borough Hall at 49 Kirkwood Road.

**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn the meeting at 7:27 p.m. Mrs. Croll, second Mayor Campbell

Vote: Ayes unanimous



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AMY C. TROXEL, Secretary

**RESOLUTION OF GIBBSBORO PLANNING BOARD  
GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED  
REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING  
AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88,  
LOTS 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO  
OWNED BY [REDACTED]**

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On August 28, 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  
Michael MacFerren, Councilman  
Susan Croll  
Barry Rothberg  
Dennis Deichert  
Barbara Gellura

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 [REDACTED], residing at 404 N. Otter Branch Drive, Glendora, New Jersey 08029 (hereinafter referred to as “the Applicant”) for several bulk variances to allow for the construction of an addition and other improvements to the single-family residence owned by [REDACTED] and located at 69 Holly Road, Gibbsboro, New Jersey, also known as Block 88, Lots 6 and 7 on the Borough of Gibbsboro Official Tax Map (hereinafter the “Subject Property”);

Whereas the application was reviewed by the Board’s Planner, Brian Slaugh, PP, AICP, by letter dated 08/19/2024;

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

- (1) Gibbsboro Land Use Application signed by the Applicant on 07/22/2024 and docketed as 2024-07;
- (2) Borough of Gibbsboro Submission Checklist;
- (3) Survey of Premises prepared by Al Floyd Surveying LLC., and signed by Albert N. Floyd, Jr., P.L.S. dated 01/15/2024;
- (4) Architectural Site Plan prepared by Studio 513 Architects LLC and signed by Brad Barker, A.I.A., dated 06/13/2024;
- (5) Copy of the applicable sheet of the Borough of Gibbsboro Tax Map; and

RESOLUTION GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88, LOTS 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO OWNED BY [REDACTED]

(6) Copy of Notice to Property Owner;

Whereas a hearing on the completeness of this application was conducted on August 28, 2024 with the Applicant's joint owner, [REDACTED] appearing *pro se* due to her husband, [REDACTED] unavailability, and the Board having considered the testimony of the Board's Planner and his review letter and the recommendations set forth therein, the Board on motion duly made and seconded, deemed the application complete for hearing.

Whereas the hearing on the Applicant's request for bulk variance relief followed the completeness hearing with the Applicant's joint owner, [REDACTED] 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 [REDACTED] and the testimony of the Board's planner, Brian Slaugh, PP, AICP and that of Shawn Seroka, appearing on behalf of the Board engineer, Key Engineers, Inc., and having open the hearing to the public with no member of the public wishing to comment, 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, [REDACTED], of the Subject Property known as 69 Holly Road, Gibbsboro. This residence is located in what is known as the Linden Terrace neighborhood of Gibbsboro, which was originally developed circa 1921 as summer cottages along Linden Lake, and which over the years has been gradually winterized for year-round use or replaced with modern residences. The Subject Property is designated as Block 88, Lot 6 on the Official Tax Map of the Borough of Gibbsboro, however that property includes an additional Lot 7, where the residence is located with Lot 6 being mostly unimproved land. These combined lots form a rectangular shaped property having 100 feet of frontage along Holly Road and a depth of 100 feet with 10,000 square feet of area. The Subject Property is situated in the R-40 Residential Zoning District and is an undersized lot, having approximately  $\frac{1}{4}$  of the minimum lot area of 40,000 square feet required in the R-40 District. The Subject Property is not located in the historic district of the Borough of Gibbsboro.

2. The Applicant recently purchased the Subject Property in March 2024 with the intention that they may possibly reside there. The residence situated on the Subject Property is a one story framed dwelling having 863 square feet of area and is nonconforming as to front yard setback, having a setback of 15.84 feet where the required front yard is 50 feet. The dwelling is also nonconforming as to its left side yard setback, having a side yard setback of 14.78 feet when 25 feet is required, and is nonconforming as to its rear yard setback, having a rear yard setback of 48.16 feet where 75 feet is required.

RESOLUTION GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88, LOTS 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO OWNED BY [REDACTED]

3. The Applicant wishes to construct a 22 foot by 16-foot one story addition containing 352 square feet of area on the northwest side of the residence. The residence presently is a two-bedroom, one bath dwelling and the addition will allow for an additional bedroom and an additional bath. This proposed addition will be situated on the western side of the Subject Property which will extend into the unimproved additional Lot 6 and will have a front yard setback of 35.84 feet in lieu of the required 50 feet and will require a variance for front yard setback. This new addition will be 48.16 feet from the rear property line and a variance will be required as the required rear setback requirement in this district is 75 feet. The Applicant is also proposing the removal of the small rear deck of the dwelling and the construction of a new deck, which will run along the entire 24-foot rear length of the dwelling, and which will have a side yard setback of 14.98 feet from the side property line at the same distance as the house. As a 25-foot side yard is required in the R-40 District, a side yard setback variance will be required as the deck will extend 14.78 feet into the side yard. Additionally, as this new deck, inclusive of its new stairs to the ground and a concrete landing, will be approximately 30 feet from the rear property line, a variance from the rear yard setbacks will also be required for the deck. The Applicant is also proposing to replace the existing deteriorating wood stairs to the front entrance of the dwelling. Any new stairs must conform to current building code which will extend them to approximately 8 feet front the front property line and a front yard setback variance will be required for same.

4. The Applicant proposed some additional improvements to the Subject Property. The Applicant proposed to install a new 4-foot concrete sidewalk from the front entry to the existing unimproved 10-foot x 20-foot dirt driveway. The Applicant proposes to enlarge the driveway by adding an additional 10' x 20' parking space and this two-car driveway will be finished with asphalt. The Applicant intends to install a new 6-foot vinyl or wood fence along the perimeter of the side and back yard. Lastly, the Applicant is proposing to remove the existing siding on the dwelling and will replace same with all new siding.

5. In addressing the Applicant's current request for variance relief for the front yard setback for both the addition and the new front steps, it was noted that the front yard condition cannot be improved upon due to the existing house. If the Applicant were to construct the addition such that it complied with the front yard setback, it would be non-compliant with the rear yard setback and require the elimination of the amenity of a rear deck, providing outdoor space for the occupant of the home. There is a large open area on the northwest side of the dwelling, which is the additional Lot 6 of the Subject Property and it is preferable that the addition be located in this area, giving some symmetry to the development on these combined lots. The front yard setback encroachment of the new front steps is required as the steps must be construct in accordance with the building code which causes them to extend more into the front yard setback than the existing deteriorating wood steps. Safety will be advanced by these new "in code" steps. It was further noted that the property to the rear of the Subject Property is not developable under present environmental regulations, and there would be no practical benefit in the Applicant acquiring same to comply with the rear yard setback. Moreover, there are no dwellings behind the Subject Property that would be impacted by this proposed reduced rear yard setback. Also, the surrounding neighborhood have a number of undersized lots. Acquiring additional land from adjacent lot to

RESOLUTION GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88, LOTS 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO OWNED BY [REDACTED]

meet the side yard setback requirements is not a feasible without simultaneously worsening the condition of the adjacent lot.

6. It was further noted that the Applicant is undertaking a substantial rehabilitation of the Subject Property which was on the municipality's list of property to be rehabilitated. This proposed development will advance the goals of zoning by developing a dwelling with the typical modern amenities and will be an aesthetic improvement to the neighborhood. As noted previously, the surrounding neighborhood has a number of undersized lots and the neighborhood would not be negatively impacted by the proposed rehabilitation of the Subject Property.

**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 as described herein is appropriate given the location of the existing dwelling on the Subject Property and the improvements proposed will make for a better visual environment without adversely impacting surrounding properties.

**NOW THEREFORE, BE IT RESOLVED**, that the motion duly made by Susan Croll and duly seconded by Michael McFerren on August 28, 2024 that the required bulk variance relief from the provisions of Borough Code §400-11D (7), (8) and (9) to permit the construction of an addition to the dwelling, an enlarged deck and replacement steps on the Subject Property 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 August 28, 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 its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. 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

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said relief. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board’s Secretary of all approvals and/or denials received from any such outside agencies, with a copy thereof to the Board’s solicitor, engineer and planner.

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 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.

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 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
Michael MacFerren, Councilman	Yes
Susan Croll	Yes
Barry Rothberg	Yes
Dennis Deichert	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.



RESOLUTION GRANTING BULK VARIANCES TO ALLOW FOR AN ADDITION, AN ENLARGED REAR DECK AND REPLACEMENT FRONT STEPS TO THE EXISTING DWELLING AT 69 HOLLY ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 88, LOTS 6 AND 7 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO OWNED BY [REDACTED]



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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

**CERTIFICATION**

This Resolution of Memorialization being adopted by action of the Planning Board of the Borough of Gibbsboro on this 25<sup>th</sup> day of September 2024 is a true copy of the action taken by the Gibbsboro Planning Board at its meeting held on August 28, 2024.



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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

**RESOLUTION OF THE GIBBSBORO PLANNING BOARD  
GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON  
TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE  
SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE  
PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO  
KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF  
GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS**

On August 28, 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  
Michael MacFerren, Councilman  
Susan Croll  
Barry Rothberg  
Dennis Deichert  
Barbara Gellura

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 Robert Jack and Margaret Anderson residing at 106 Berlin Road, Gibbsboro, New Jersey 08026 (hereinafter referred to as “the Applicants”), for several bulk variance to allow for the construction/installation of a replacement shed at their residence located at 106 Berlin Road, Gibbsboro, New Jersey, also known as Block 26, Lot 5 on the Borough of Gibbsboro Official Tax Map (hereinafter the “Subject Property”) and for a Certificate of Appropriateness for this improvement;

Whereas the application was reviewed by the Board’s Planner, Brian Slaugh, PP, AICP, by letter dated 08/13/2024;

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

- (1) Gibbsboro Land Use Application signed by the Applicant Robert Jack Anderson on 07/22/2024 and docketed as 2024-08;
- (2) Borough of Gibbsboro Historic Preservation Application;
- (3) Borough of Gibbsboro Submission Checklist;
- (4) Survey of Property prepared by Frank A. Intessimoni, P.L.S., dated 06/20/2024;
- (5) Written Description of Proposed Improvement unsigned and submitted by Applicants;

RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS

- (6) Five (5) photographs of the Subject Property and existing shed;
- (7) Sketch Plan of the proposed shed;
- (8) Specifications for proposed shed;
- (9) Photograph of selected shed siding color, trim color and roof color; and
- (10) Copy of the applicable sheet of the Borough of Gibbsboro Tax Map;

Whereas a hearing on the completeness of this application was conducted on August 28, 2024 with the Applicants, Robert Jack and Margaret Anderson, appearing *pro se*, and the Board having considered the testimony of the Board's Planner and his review letter, the Board on motion duly made and seconded, deemed the application complete for hearing.

Whereas the hearing on the Applicants' request for bulk variance relief and a Certificate of Appropriateness followed the completeness hearing with the Applicants 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 Robert Jack Anderson and Margaret Anderson and the testimony of the Board's planner, Brian Slaugh, PP, AICP and that of Shawn Seroka, appearing on behalf of the Board engineer, Key Engineers, Inc., and having open the hearing to the public with no member of the public wishing to comment, 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 Applicants are the owners of the Subject Property known as 106 Berlin Road, Gibbsboro, where they reside. The Property is a right-angled triangle-shaped lot with the right side running perpendicular to Berlin Road a distance of 159 feet with the left long side of the triangle angling back a distance of 190 feet to the small rear corner of the Subject Property. The lot is improved with a three-story frame dwelling and a two-car concrete driveway. The Subject Property is located in the R-15 Residential Zoning District and is approximately 10,087 square feet in size, inclusive of the right-of-way, and without same, approximately 7,500 square feet in size in a zoning district which requires a minimum lot size of 10,000 square feet. Additionally, the existing residence is set back 23.9 feet from the front property line where the R-15 Zoning District requires a minimum front yard of 30 feet.

2. Situated in the rear back corner of this triangular lot is a 80 square feet existing shed which is in deteriorating condition with a leaking roof and rotting wood. In the narrative provided by the Applicants, they have for years affixed a tarp to the roof to mitigate some of the leaks and damage to the stored property. The Applicants are proposing to replace this existing shed with a larger new shed, being 10 feet by 12 feet in size or 120 square feet, which exceeds the size limitation of 100 square feet for sheds as set forth in Borough Code §400-10.D, and a variance will be required to allow for the non-permitted size of this shed.

RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS

3. The Applicants propose to situate the new shed in the same location as the existing shed. Under Borough Code § 400-10.D the minimum required side yard setback for sheds is 10 feet, but due to the increased size of the proposed shed, the side and rear yard setbacks must meet the setback requirements applicable to the principal structure on the property. Pursuant to Borough Code §400-12.D.8, a minimum side yard of 12 feet on one side with an aggregate side yard of 30 feet and a minimum rear yard setback of 30 feet are required in the R-15 Residential District. The Applicants' proposed location for the shed will provide for a side yard setback on one side of 3 feet 3 inches and an aggregate side yard setback of 9 feet 5 inches. Additionally, the rear yard setback of this proposed shed will be 5 feet 1 inch to the rear property line in lieu of the required rear yard setback of 30 feet. The proposed shed will comply with the maximum height requirement.

4. The Applicants wish to install this larger shed as the existing shed, which is compliant with the required size, does not serve the functional needs of the family. The Applicants would like to store their grill, smoker and patio furniture in the shed for safekeeping and to be out-of-view during the periods of the year when they are not in used. The Applicants do not have a garage to store these items nor any exterior basement doors which would allow them to easily store these items in the basement. At present with the existing shed, the Applicants are required to move items out of storage just to get to other stored items. A larger shed will allow the Applicants to move stored items more freely.

5. As for the requested side yard and rear yard setback variances, the Applicants maintain that the triangular shape of the lot which converge into a small corner point in the rear present a hardship for the Applicant. If the Applicants were to relocate this shed to a point meeting the required rear yard setbacks the shed would be approximately 6 to 8 feet from the back steps of their home and would deprive the back yard of most of its functionality with a shed situated in the middle of the yard, close to the dwelling.

6. Any negative impact from the noncompliant size and rear and side setbacks of the proposed shed will be minimal as the shed is not very visible from the street, and it cannot be seen from the street when there is tree foliage. To the rear of the Subject Property is municipal open space and there are no residences which will be impacted by these setback shortcomings.

7. The Subject Property is located in the Historic District of Gibbsboro and will require a Certificate of Appropriateness for the construction/ installation this shed as it is not an exact replacement of the existing shed in accordance with Section 222-7 et seq. of the Gibbsboro Historic Preservation Ordinance. The proposed new shed will be a mini-barn design from Branco Woodworks with similar styling to the existing shed and will fit in aesthetically to the surrounding neighborhood. It will be situated on a concrete pad and be constructed with navy blue siding, white trim and charcoal grey roof shingles. Most relevant to this determination is the fact that the shed is to be situate in the rear corner of this triangular lot and will not be subject to public view from the street

RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS

**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 as described herein is appropriate given the hardships posed by the triangular shape of the lot, the need for a larger shed to meet the functional needs of the Applicants, and the placement of the shed in the rear corner of this Property where it abuts open space with little impact on neighboring residences. The new shed will replace a deteriorated shed with a tarped roof which will make for a better visual environment without adversely impacting surrounding properties, and the shed will have little visibility from the street.

Whereas the Board finds that the application is complete 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 Michael Mcferren and duly seconded by Barry Rothberg on August 28, 2024 that the requested bulk variance relief for the Subject Property from the provisions of Borough Code §400-11.A to allow for the construction/installation of an oversized shed, and from Borough Code Sections §400-10.D and Sections §400-12.D to allow for the construction/installation of a shed not meeting the required rear and side yard setbacks 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 August 28, 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 its own motion, when unusual circumstances so require, where a rehearing is necessary and appropriate in the interest of justice;

2. 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

RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS

permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board’s Secretary of all approvals and/or denials received from any such outside agencies, with a copy thereof to the Board’s solicitor, engineer and planner.

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 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.

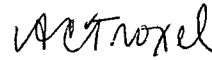
5. The Applicant shall indemnify and hold the Borough of Gibbsboro harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicant, including but not limited to proper service and notice upon interested parties 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
Michael MacFerren, Councilman	Yes
Susan Croll	Yes
Barry Rothberg	Yes
Dennis Deichert	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.

RESOLUTION GRANTING BULK VARIANCES TO ROBERT JACK AND MARGARET ANDERSON TO ALLOW FOR THE CONSTRUCTION OF A SHED NOT COMPLYING WITH THE SIZE AND SIDE YARD SETBACKS OF THE R-15 RESIDENTIAL ZONE FOR THE PROPERTY LOCATED AT 106 BERLIN ROAD, GIBBSBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 26, LOT 5 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF GIBBSBORO ALONG WITH A CERTIFICATE OF APPROPRIATENESS

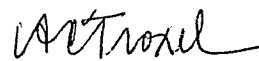


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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro

**CERTIFICATION**

This Resolution of Memorialization being adopted by action of the Planning Board of the Borough of Gibbsboro on this 25<sup>th</sup> day of September 2024 is a true copy of the action taken by the Gibbsboro Planning Board at its meeting held on August 28, 2024.



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Amy C. Troxel, Secretary  
Planning Board  
Borough of Gibbsboro