

**Township of Gloucester  
Planning Board Agenda  
November 26, 2013  
7:30 P.M.**

Salute to the Flag  
Opening Statement  
General Rules

- Meeting will start at 7:30 P. M.
- No new applications will be heard after 10:00 P. M.
- All persons testifying before the Board must be sworn in.
- The Board Chairperson reserves the right to hear applications in any order

**MINUTES FOR MEMORIALIZATION**

Minutes in folder  
Minutes for Memorialization-October 22, 2013

**RESOLUTIONS FOR MEMORIALIZATION**

**RESOLUTION WILL BE IN FOLDER DAY OF MEETING**

Ronald Aaronson #131038CM	Minor Subdivision/Bulk C Block: 2103 Lots: 13, 14 & 15
C Keys, LLC #111048PMFMSPA#3	Major Site Plan – Amended Block: 18501, Lot 12
St. Joseph's Catholic Cemetery #081072CPSP	Major Site Plan – Amended Block: 4603/4604, Lot 1

**APPLICATIONS FOR REVIEW**

#131041CM Lena DiMartino Zoned: R4	Minor Subdivision/Bulk C Block: 1306 Lots: 11 & 12 Location: 225 & 233 Seventh Ave. Glendora
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**CLOSED SESSION**

Bristow-Merritt LLC v. Gloucester Township Planning Board, et al.

Meeting Adjourned

**TOWNSHIP OF GLOUCESTER  
PLANNING BOARD**

**Tuesday, October 22, 2013**

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Vice Chairman Pearce called the meeting to order. The Secretary, Mr. Lechner, read the commencement statement.

**Roll Call:**

Ms. Costa	Absent
Mr. Guevara	Present
Mr. Jones	Present
Mr. Mercado	Present
Mr. Moffa	Absent
Mr. Owens	Present
Mr. Pearce	Present
Ms. Shinn	Present
Ms. Washington	Present
Chairman Kricum	Absent

Also present is Edward Brennan, Esq. who swore in the Board professionals, Steven Bach, PE, CME, Board engineer and Kenneth D. Lechner, PP, AICP, Board Planner and both were qualified as experts.

Vice chairman Pearce seated Sandra Shinn for Andrew Kricum.

**Minutes for Memorialization**

**Minutes for Memorialization**

**Applications for Review**

#131038CM Ronald Aronson	Minor Subdivision Block: 2103 Lots: 13, 14 & 15
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Appearing before the Board was Addison Bradley on behalf of the applicant.

Mr., Bradley discussed with the board that they are taking the three (3) lots and making them (2). They also asked for a waiver to excuse them from getting the wetlands letter. After a short discussion about grading and lot sizes for the new dwelling.

October 22, 2013

With nothing from the Board Vice Chairman open the application up to the public.

Robert Taylor- wanted to know about the proposed development. It was explained that they are going to renovate an existing dwelling. Then demolish a garage and shed to build a new dwelling.

With nothing further from the public, the public portion was closed.

Mr. Jones made a motion to approve the application as was discussed, seconded by Ms. Washington.

Meeting adjourned

Respectfully Submitted,

*Kenneth Lechner*

Kenneth Lechner, PE  
Board Secretary

*Courtney Mosiondz*

Courtney Mosiondz  
Recording Secretary

**A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING  
BOARD MEMORIALIZING MINOR SUBDIVISION WITH BULK VARIANCES  
FOR RONALD AARONSON  
APPLICATION NO: 131038CM**

WHEREAS, on October 22, 2013 consideration was given to the application of the Ronald Aaronson (hereinafter "Applicant") for the property located at Block 2103, Lots 13, 14 and 15 (hereinafter "the Property") for minor subdivision into two (2) lots through a lot line adjustment along with associated bulk variances; and

WHEREAS, the Applicant is appearing before the Board proposing to subdivide three (3) existing lots that are non-conforming by adjusting lot lines to create two (2) lots, one conforming lot and one non-conforming lot; and

WHEREAS, the Application was presented by Addison Bradley, Planner for the Applicant who stated that the Applicant is proposing a minor subdivision through lot line adjustment to create two (2) lots out of three (3) currently existing lots. Mr. Bradley testified that of the new lots, one will be conforming and the other lot will be slightly non-conforming and therefore the Applicant is requesting for variance relief. Mr. Bradley testified that the Applicant is requesting variances from the side yard setback on newly created Lot 15, from lot frontage on Lot 15 and from lot area on Lot 15. Additionally, Mr. Bradley testified that the Applicant has two existing non-conformities on Lot 15, the front yard setback and the other side yard setback. Mr. Bradley testified that the variances should be granted because the relief requests are minor and the proposed lot 15 will mostly be conforming. Mr. Bradley further testified that the Applicant and the applicant's professionals have reviewed the review letters of the Board Engineer and the Board Planner and agree to all comments and to comply with the same except for a request for waiver from providing a wetlands delineation on the site. Mr. Bradley testified that in his professional opinion that, given the water levels in this area and his review of the site that he certifies that there is no wetlands condition on the property and the Board professionals accepted Mr. Bradley's sworn testimony as sufficient for the Board to approve the requested waiver. Mr. Bradley was questioned by the Board professionals relating to difficulties developing the site as residential given the topography of the lots and indicated the Applicant doesn't anticipate any problems and that the Applicant is proposing individual access drives for the lots; and

WHEREAS the meeting was opened to the public and Robert Taylor of 136 2nd Avenue questioned the proposed development of the new lot; and

WHEREAS, the Planning Board having received reports from professionals and other advisors to the Board including, without limitation, the Zoning Officer, Board Engineer, Board Planner, County Planning Board, Traffic Commander, Fire Marshall, Tax Assessor, Water Department and Municipal Utilities Authorities having heard testimony from the Board Planner

and Board Engineer makes the following factual findings in conditionally approving the subject application for minor subdivision with bulk variances and waivers approval:

1. Existing Zoning: R-4 (Residential District)
2. Intended Use: Subdivision into two lots for residential development which is a permitted use in the zone §406.F.
3. The application implicates the following provisions of the ordinance:
  - a. R-4 Zone Requirements - § 406.F.

Standard	Required	Proposed (Lot 15)	Proposed (Lot 13)	Complies
Lot size (min.)	6,250 sf	5,750 sf	6,250 sf	no*/ yes
Lot frontage (min.)	50 ft.	57.50 ft.	62.50 ft.	yes/yes
Lot depth (min.)	100 ft.	100 ft.	100 ft.	yes/yes
Building coverage (max.)	35%	±17.6 %	≤ 35 %	yes/yes
Lot coverage (max.)	65%	±22.8 %	≤ 65 %	yes/yes

PRINCIPAL BUILDING MINIMUM YARD DEPTHS AND HEIGHT LIMITATIONS <sup>4</sup>				
Front yard (min.) - deck	20 ft.	± 3 ft.	≥ 20 ft.	enc./yes
Side yard (min.)	10 ft.	9.39 ft.	≥ 10 ft.	enc./yes
Side yard (min.) - deck	10 ft.	± 9 ft.		no*
Rear yard (min.)	20 ft.	± 46 ft.	≥ 20 ft.	yes/yes
Height (max.)	35 ft.	n/a	n/a	n/a / n/a

\* = Variance Required  
 n/a = Not applicable

4. The Board Planner reviewed the following plans:
  - a. Land Development Application Form, checklist, dated 07/02/2013
  - b. Minor subdivision plan as prepared by Walter H. McNamara Assoc., Inc., comprising of one (1) sheet dated 09/30/2013.
5. The Board Planner, Kenneth D. Lechner, PP, AICP, issued a report dated October 17, 2013 recommending certain revisions, clarification and/or modifications to the plans with which the applicant agreed to comply to the extent that they had not done so already.
6. The Board Engineer, Steven M. Bach, PE, RA, PP, CME of Bach Associates, PC, reviewed the following plans:
  - a. Land Development Application Form, dated 10/01/2013
  - b. Minor subdivision plan as prepared by Walter H. McNamara Assoc., Inc., comprising of one (1) sheet dated 09/30/2013.

c. Gloucester Township Land Development Checklist.

7. The Board Engineer issued a report dated October 17, 2013 indicating the need for several revisions, clarifications and/or modifications to the plan to which the applicant agreed as a condition of approval.

NOW, THEREFORE BE IT RESOLVED, after considering the foregoing facts the Board concludes that Ronald G. Aaronson's application for minor subdivision with bulk variances and waiver has substantial merit and should be approved subject, however, to the following conditions:

- A) Compliance with all Township, County, State and Federal rules, regulations and ordinances.
- B) Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department.
- C) Compliance with the Board Engineer's report and comments at the public hearing
- D) Compliance with the terms and conditions of the Board Planner's report and comments at the public hearing.
- E) Compliance with all representations made by the applicant at all public hearings.
- F) All existing easements on the property shall be provided to the Board Solicitor for review. All proposed or required easements shall be subject to the Board Solicitor's review and approval. All proposed or required easements for residential properties shall also be subject to three point notification (first contract of sale, deed into first home owner and plan notation.)
- G) Applicant will submit a grading plan for the new lot upon construction and prior to obtaining a certificate of occupancy.

WHEREAS, a motion was duly made by Mr. Jones and duly seconded by Mrs. Washington to approve the Minor Subdivision to create two (3) lots, associated bulk variances and waivers and with conditions as set forth during testimony and a roll call vote on the motion was recorded as follows:

Those Eligible to Vote	Those in Favor	Those Opposed
Mrs. Washington	X	
Mr. Owens	X	
Mr. Mercado	X	
Mr. Jones	X	
Vice-Chairman Pearce	X	
Mr. Guevara	X	
Mrs. Shinn	X	

ATTEST:

GLOUCESTER TOWNSHIP  
PLANNING BOARD:

KENNETH LECHNER, SECRETARY

EDWARD PEARCE, VICE-CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 26th day of November 2013 represents a true and correct copy of a resolution adopted by the Gloucester Township Planning Board at a meeting held on the 22nd day of October 2013.

KENNETH LECHNER, SECRETARY

**A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING  
BOARD MEMORIALIZING AMENDED PRELIMINARY AND FINAL MAJOR SITE  
PLAN APPROVAL WITH BULK VARIANCES FOR C KEYS, LLC  
APPLICATION NO: 111048PMFMSPA#3**

WHEREAS, on November 12, 2013 consideration was given to the application of C Keys, LLC (hereinafter "Applicant") for the property located at Block 18501, Lot 12 (hereinafter "the Property") for amended preliminary and final major site plan and bulk variances for the construction of Phase II of the Shoppes at Cross Keys; and

WHEREAS, the Applicant has obtained the Property from a prior owner who had previously made application to the Gloucester Township Planning Board (hereinafter "the Board") and was granted approval for final major site plan as set forth more fully in Gloucester Township Planning Board Resolution # 061139CP adopted May 8, 2007. At the time of the prior application, two phases were proposed for the development of the Property; and

WHEREAS, the Applicant came before this Board and made application for Amended Preliminary and Final Major Site Plan Approval with Bulk Variances and was granted approval for the same as set forth more fully in Gloucester Township Planning Board Resolution #111048PMFMSP adopted February 28, 2012; and

WHEREAS, the Applicant is appearing before the Board proposing an additional amendment to Phase II of the development of the Property with additional signage and configuration of proposed structures to be developed in Phase II; and

WHEREAS, Marc Citron, Esquire appeared on behalf of the Applicant and Mark Curcio, a representative for the Applicant Gregory Elko, P.E., the Applicant's engineer and Richard Crawford, the Applicant's sign consultant, testified in support of the application. Mr. Citron presented the application for amended site plan, stating that for Phase II construction, the Applicant is now proposing two (2) retail buildings totaling approximately 85,000 square feet of space for retail establishments. Mr. Citron noted that the amended application is seeking certain variances and waivers including waiver from providing copies of an environmental impact statement, copies of a traffic impact statement, a boundary survey from a licensed NJ Planner, the location of existing structures within two hundred (200) feet of the property and a landscape map. Mr. Citron noted that Applicant is also seeking variance relief from certain signage requirements; and

WHEREAS, Gregory Elko, the Applicant's engineer provided testimony regarding the amendment. Referencing Exhibit A-4, the Applicant's rendering of the proposed expansion, Mr. Elko testified that the Applicant is proposing 85,000 square feet of additional retail in Phase II in the form of two buildings, one 35,000 square foot building and one 50,000 square foot building. Mr. Elko testified that the two structures would be in the same place on the

site as the previously approved structure. Mr. Elko testified that access to the structures would be through internal drive aisles and proposed parking for Phase II would be 188 spaces. Mr. Elko testified that the existing infrastructure would be used and proposed impervious coverage on the site is slightly less than previously approved. Mr. Elko provided testimony that landscaping would be consistent with the other parts of the site and that the Applicant would be requesting a waiver from providing irrigation for landscaped areas as the landscaping would be native species that would require little additional irrigation after initial watering. Mr. Elko reviewed the professional review letters of the Board Engineer and Board Planner and indicated that the Applicant will comply with all comments if a waiver or variance isn't requested. Mr. Elko provided specific testimony regarding signage, stating that the Applicant is proposing a second sign along the Atlantic City Expressway, that the Applicant has been approved for the sign by the South Jersey Transportation Authority and that the fact it was a second sign, its location and the size of the sign would require certain variances; and

WHEREAS, Richard Crawford of Mercer Sign Consultants testified in support of the application and the requested variances for signage. Mr. Crawford testified that the Applicant is requesting a variance for a second sign to accommodate the additional businesses at the site. Mr. Crawford testified that the request for height variance for the second sign is necessary for visibility by vehicles on the Atlantic City Expressway to allow for vehicles to safely identify the sign, read it and exit to utilize the shopping center. Mr. Crawford further testified that the second sign and proposed height of the sign are required due to the topography of the site as it relates to the neighboring roadways. Mr. Crawford testified that the proposed variances would advance the purpose of the Township zoning ordinance because it facilitates visibility for local retail. Mr. Crawford testified that there is no downside to the public in allowing the variances for the signage as it is an adequate height for the roadways, promotes public safety and commerce and will not substantially impair the intent of the Township land use ordinance. The Applicant further agreed to work with the Township to locally brand the signage; and

WHEREAS no one appeared to testify from the public; and

WHEREAS, the Planning Board having received reports from professionals and other advisors to the Board including, without limitation, the Zoning Officer, Board Engineer, Board Planner, County Planning Board, Traffic Commander, Fire Marshall, Tax Assessor, Water Department and Municipal Utilities Authorities having heard testimony from the Board Planner and Board Engineer makes the following factual findings in conditionally approving the subject application for preliminary and final major site plan approval:

1. Existing Zoning: BP and SCR-HC Overlay
2. Intended Use: Construction of Phase II of the Shoppes at Cross Keys which provides for retail, office and restaurant space on the Property.
3. The application implicates the following provisions of the ordinance:

- a. §418 Senior Citizen Residential - Highway Commercial (Special Restrictions) Overlay District
- b. §416 Highway Commercial District
- c. §425 Signage

**SCR-HC – Senior Citizen Residential – Highway Commercial (Special Restrictions) Overlay District [§418b.D]:**

Description	Required (Planned Commercial)	Proposed (Lots)	Conforms
Tract Area (min.)	45 acres	83.56 acres	yes
Nonresidential uses (min.)	10 acres	59.12 acres	yes
Developers Agreement <sup>1</sup>	yes		yes
Planned Development <sup>2</sup>	yes		yes

<sup>1</sup> = The original application required a Developer’s Agreement in accordance with §418b.D(3)

<sup>2</sup> = the original application provided professional testimony and a written narrative “The Shoppes at Cross Keys Executive Summary,” addressing §518b.A, Specific Intent and §512, Planned Development.

**SCR-HC – Senior Citizen Residential – Highway Commercial (Special Restrictions) Overlay District [§418b.E(2)]:**

**§416, Highway Commercial District – Phase 2 Final Master Site Plan and Alternate Plan**

Description	Required	Proposed	Conforms
Lot size (min.)	20,000 sf	23.202 acres	yes
Lot frontage (min.)			
Berlin – Cross Keys Rd.	80 ft.	102.04 ft.	yes
Atlantic City Expressway	80 ft.	1,098.52 ft.	yes
Lot depth (min.)	200 ft.	1,543.57 ft.	yes
Front yard (min.)			
Berlin – Cross Keys Rd. (D3)	75 ft.	≥ 569.6 ft.	yes
Atlantic City Expressway (D1)	75 ft.	≥ 89.6 ft.	yes
Side yard (min.) – D1 and D2	10 ft.	± 680 ft.	yes
Rear yard (min.)	30 ft.	±408.67 ft. <sup>1</sup>	yes
Building coverage (max.)	25%	±15.48% <sup>1</sup>	yes
Lot coverage (max.)	75%	±70% <sup>1</sup>	yes
Building height (max.)	40 ft.	40 ft.	yes
Buffer			
Block 18501, Lot 2	25 ft.	25 ft.	yes
Existing residential	25 ft.	25 ft.	yes

<sup>1</sup> = Scaled data

**PARKING AREA SETBACKS**

Description	Required	Proposed	Conforms
Right-of-way (min.) Berlin – Cross Keys Rd.	25 ft.	±498 ft.	yes
Atlantic City Expressway	25 ft.	25 ft.	yes
Side property line (min.)	10 ft.	25 ft.	yes
Rear property line (min.)	10 ft.	±152 ft. <sup>1</sup>	yes
Parking (4.5 spaces per 1,000 sf) (207,368 sf / 1,000) x 4.5	933 spaces	934	yes

<sup>1</sup> = Scaled data

**SIGN STANDARDS (FREE-STANDING)**

Description	Required	Proposed	Conforms
Number (max.) Berlin – Cross Keys Rd.	1	1	yes
Atlantic City Expressway	1	2	no*
Area (max.) - §426.R Berlin – Cross Keys Rd. (46+ MPH – nonresidential)	120 sf	± 391 sf	no <sup>1</sup>
Sign # 1 Atlantic City Expressway (46+ MPH – residential)	120 sf	± 460 sf	no <sup>1</sup>
Sign # 2 Atlantic City Expressway (46+ MPH -- residential)	120 sf	± 185.75 sf	no*
Height (max.) - §426.R Berlin – Cross Keys Rd.	8 ft.	40 ft.	no <sup>1</sup>
Sign # 1 Atlantic City Expressway	8 ft.	50 ft.	no <sup>1</sup>
Sign # 2 Atlantic City Expressway	8 ft.	35 ft.	no*
Letter size (min.) - §426.R Berlin – Cross Keys Rd.	15 in.	< 15 in.	no <sup>1</sup>
Sign # 1 Atlantic City Expressway	15 in.	< 15 in.	no <sup>1</sup>
Sign # 2 Atlantic City Expressway (tenant signs)	15 in.	< 15 in.	no*
Property line setback Berlin – Cross Keys Rd.	15 ft.	≥ 15 ft.	yes
Sign # 1 Atlantic City Expressway	15 ft.	≥ 15 ft.	yes
Sign # 2 Atlantic City Expressway	15 ft.	7.5 ft.	no*
L.E.D. Reader Board - §513.L(1)	N.P.	yes	no <sup>2</sup>

<sup>1</sup> = Variance previously approved by Planning Board Resolution #061139CP adopted May 08, 2007.

<sup>2</sup> = Variance previously approved by Planning Board Resolution #111048PMFMSP adopted February 28, 2012

\* = Variance required.

4. The Board Planner reviewed the following plans:

- a. Langan Engineering & Environmental Services Response Letter dated 10.07.2013
- b. Langan Engineering & Environmental Services Camden County Planning Board letter dated 10.04.2013.

- c. Revised Storm Sewer System Calculations, as prepared by Langan Engineering & Environmental Services dated 09.19.2013.
- d. Pylon Sign Plan, as prepared by Jones Sign comprising one (1) sheet dated 0.03.2013.
- e. Recycling Report dated 01.10.2013.
- f. Site plan, as prepared by Langan Engineering & Environmental Services consisting of the following:

<u>Sheet</u>	<u>Plan Description</u>	<u>Date/Latest Revision</u>
1 00.01	Cover sheet	12.07.11 / 09.09.13
2 AB-1	As-Built Survey	03.06.09
3 16.01	Phase 2 Demolition Plan	12.11.11 / 09.09.13
4 20.01	Phase 2 Final Master Site Plan	12.12.11 / 09.09.13
5 20.10	Phase 2 Truck Turn Analysis & Pavement Plan	12.12.11 / 09.09.13
6 21.01	Phase 2 Grading and Drainage Plan	12.12.11 / 09.09.13
7 21.10	Phase 2 Storm Profiles	12.12.11 / 09.09.13
8 22.01	Phase 2 Erosion & Sediment Control Plans	12.12.11 / 09.09.13
9 22.10	Phase 2 Erosion & Sediment Control Details	12.12.11 / 09.09.13
10 23.01	Phase 3 Utility Plan	12.12.11 / 09.09.13
11 23.10	Phase 2 Sanitary Sewer and Water Profiles	12.12.11 / 09.09.13
12 24.01	Phase 2 Landscaped Plan	12.12.11 / 09.09.13
13 24.02	Phase 2 Landscaped Notes & Details	12.12.11 / 09.09.13
14 25.01	Lighting Plan	12.12.11 / 09.09.13
15 25.02	Lighting Notes & Details	12.12.11 / 09.09.13
16 27.01	Water and Sanitary Sewer Details	12.11.11 / 09.09.13
17 27.02	Details	12.11.11 / 09.09.13
18 27.03	Details	12.11.11 / 09.09.13

- 5. The Board Planner, Kenneth D. Lechner, PP. AICP, issued a report dated October 23, 2013 recommending certain revisions, clarification and/or modifications to the plans with which the applicant agreed to comply to the extent that they had not done so already.
- 6. The Board Engineer, Steven M. Bach, P.E., R.A., P.P., C.M.E., of Bach Associates, reviewed the following plans:
  - a. Langan Engineering & Environmental Services Response Letter dated 10.07.2013
  - b. Langan Engineering & Environmental Services Camden County Planning Board letter dated 10.04.2013.
  - c. Revised Storm Sewer System Calculations, as prepared by Langan Engineering & Environmental Services dated 09.19.2013.
  - d. Pylon Sign Plan, as prepared by Jones Sign comprising one (1) sheet dated 0.03.2013.
  - e. Recycling Report dated 01.10.2013.
  - f. First Amendment to the Slope Easement

- g. Site plan, as prepared by Langan Engineering & Environmental Services consisting of the following:

<u>Sheet</u>	<u>Plan Description</u>	<u>Date/Latest Revision</u>
1 00.01	Cover sheet	12.07.11 / 09.09.13
2 AB-1	As-Built Survey	03.06.09
3 16.01	Phase 2 Demolition Plan	12.11.11 / 09.09.13
4 20.01	Phase 2 Final Master Site Plan	12.12.11 / 09.09.13
5 20.10	Phase 2 Truck Turn Analysis & Pavement Plan	12.12.11 / 09.09.13
6 21.01	Phase 2 Grading and Drainage Plan	12.12.11 / 09.09.13
7 21.10	Phase 2 Storm Profiles	12.12.11 / 09.09.13
8 22.01	Phase 2 Erosion & Sediment Control Plans	12.12.11 / 09.09.13
9 22.10	Phase 2 Erosion & Sediment Control Details	12.12.11 / 09.09.13
10 23.01	Phase 3 Utility Plan	12.12.11 / 09.09.13
11 23.10	Phase 2 Sanitary Sewer and Water Profiles	12.12.11 / 09.09.13
12 24.01	Phase 2 Landscaped Plan	12.12.11 / 09.09.13
13 24.02	Phase 2 Landscaped Notes & Details	12.12.11 / 09.09.13
14 25.01	Lighting Plan	12.12.11 / 09.09.13
15 25.02	Lighting Notes & Details	12.12.11 / 09.09.13
16 27.01	Water and Sanitary Sewer Details	12.11.11 / 09.09.13
17 27.02	Details	12.11.11 / 09.09.13
18 27.03	Details	12.11.11 / 09.09.13

7. The Board Engineer issued a report dated November 5, 2013 indicating the need for several revisions, clarifications and/or modifications to the plan to which the applicant agreed as a condition of approval. The Applicant did continue their request for waiver from the requirements of Paragraph 6, subsection d., regarding exceeding the lighting limit at the property line or right of way as the lighting provides additional lighting to the adjacent drive aisle.

NOW, THEREFORE BE IT RESOLVED, after considering the foregoing facts the Board concludes that C Keys, LLC application for amended preliminary and final major site plan approval and bulk variances has substantial merit and should be approved subject, however, to the following conditions:

- A) Compliance with all Township, County, State and Federal rules, regulations and ordinances.
- B) Approval of all appropriate reviewing agencies including without limitation, the MUA, County Planning Board, Traffic Commander, Fire Marshall, Soil Conservation District, Department of Transportation and Police Department.
- C) Compliance with the Board Engineer's report and comments at the public hearing
- D) Compliance with the terms and conditions of the Board Planner's report and comments at the public hearing.

- E) Compliance with all representations made by the applicant at all public hearings.
- F) All existing easements on the property shall be provided to the Board Solicitor for review. All proposed or required easements shall be subject to the Board Solicitor's review and approval. All proposed or required easements for residential properties shall also be subject to three point notification (first contract of sale, deed into first home owner and plan notation.)

WHEREAS, a motion was duly made by Mr. Owens and duly seconded by Mrs. Shinn to approve the Amended Preliminary and Major Site Plan and Bulk Variances regarding the signage with conditions as set forth and a roll call vote on the motion was recorded as follows:

Those Eligible to Vote	Those in Favor	Those Opposed
Mr. Owens	X	
Mrs. Shinn	X	
Mr. Mercado	X	
Mr. Moffa	X	
Mrs. Washington	X	
Vice-Chairman Pearce	X	
Mr. Guevara	X	
Mrs. Costa	X	

ATTEST:

GLOUCESTER TOWNSHIP  
PLANNING BOARD:

KENNETH LECHNER, SECRETARY

EDWARD PEARCE, VICE-CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 26th day of November 2013 represents a true and correct copy of a resolution adopted by the Gloucester Township Planning Board at a meeting held on the 12th day of November 2013.

KENNETH LECHNER, SECRETARY

**A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING  
BOARD MEMORIALIZING AN ADMINISTRATIVE AMENDMENT TO  
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH BULK  
VARIANCES AND DESIGN WAIVERS FOR ST. JOSEPH'S CATHOLIC CEMETERY**

WHEREAS, on September 24, 2013 consideration was given to the application of St. Joseph's Catholic Cemetery (hereinafter "Applicant") for the property located at Block 4603/4604, Lot 1 (hereinafter "the Property") for an administrative amendment to prior approval to preliminary and final major site plan and bulk variances with waivers for the cemetery; and

WHEREAS, the Applicant previously made application to the Gloucester Township Planning Board (hereinafter "the Board") and was granted approval for preliminary final major site plan as set forth more fully in Gloucester Township Planning Board Resolution # 081072CPSP approved on October 28, 2008; and

WHEREAS, the Applicant is appearing before the Board proposing to remove from the plans the office maintenance building originally proposed and approved by the Board; and

WHEREAS, Clifton Quay, the Applicant's Engineer testified that after re-evaluation of the site that the office maintenance building proposed will not be constructed. Mr. Quay cited the changing face of cemetery usage led to this decision and that the site impact is negligible, with a decrease in impervious coverage and a net result of better stormwater management on site; and

WHEREAS no one appeared to testify from the public.

NOW, THEREFORE BE IT RESOLVED, the Planning Board having received the package of documents submitted by the Applicant and hearing the testimony of the Applicant and the Board professionals finds that the application and the relief requested should be approved for handling as an administrative amendment to the previously approved preliminary and final major site plan.

WHEREAS, a motion was duly made by Mrs. Costa and duly seconded by Mr. Jones to approve the Administrative Amendment to Preliminary and Major Site Plan with Bulk Variances and Waivers to remove the office maintenance building from the initial approval under Gloucester Township Planning Board Resolution # 081072CPSP and a roll call vote on the motion was recorded as follows:

Those Eligible to Vote	Those in Favor	Those Opposed
Mr. Jones	x	
Mr. Pearce	x	
Mr. Guevara	x	
Mrs. Costa	x	
Chairman Kricun	x	

ATTEST:

GLOUCESTER TOWNSHIP  
PLANNING BOARD:

\_\_\_\_\_  
KENNETH LECHNER, SECRETARY

\_\_\_\_\_  
ANDY KRICUN, CHAIRMAN

#### CERTIFICATION

I HEREBY CERTIFY that this resolution of memorialization being adopted by action of the Board on this 26th day of November 2013 represents a true and correct copy of a resolution adopted by the Gloucester Township Planning Board at a meeting held on the 24th day of September 2013.

\_\_\_\_\_  
KENNETH LECHNER, SECRETARY

# TOWNSHIP OF GLOUCESTER

Chews-Landing Clementon Road at Hider Lane  
 P.O. Box 8 Blackwood, NJ 08012  
 (856) 374-3511 Planning (856) 374-3512 Zoning (856) 232-6229

NOV 05 2013

**For Office Use Only**

Submission Date: Nov. 5 2013 Application No.: #131041CM  
 Planning Board  Zoning Board of Adjustment

Tax Map Update \$100.00  
 Taxes Paid Yes/No  (Initial)  
 Fees: \$350.00 Project # 8221  
 Escr. \$1250. Escr. # 8221

<sup>1</sup> Upon receipt of all fees, documents, plans, etc.

**LAND DEVELOPMENT APPLICATION**

**1. Applicant**

Name: LENA DIMARTINO  
 Address: 233 Seventh Ave.  
 City: Glendora, NJ 08029  
 State, Zip: \_\_\_\_\_  
 Phone: ( ) - - Fax: ( ) - -  
 Email: \_\_\_\_\_

**2. Owner(s) (List all Owners)**

Name(s): Same as applicant  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State, Zip: \_\_\_\_\_  
 Phone: ( ) - - Fax: ( ) - -

**3. Type of Application. Check as many as apply:**

- |   |  |
|---|--|
| <input type="checkbox"/> Informal Review <sup>2</sup>               | <input type="checkbox"/> Planned Development <sup>2</sup>            |
| <input checked="" type="checkbox"/> Minor Subdivision               | <input type="checkbox"/> Interpretation <sup>2</sup>                 |
| <input type="checkbox"/> Preliminary Major Subdivision <sup>2</sup> | <input type="checkbox"/> Appeal of Administrative Officer's Decision |
| <input type="checkbox"/> Final Major Subdivision                    | <input checked="" type="checkbox"/> Bulk "C" Variance <sup>2</sup>   |
| <input type="checkbox"/> Minor Site Plan                            | <input type="checkbox"/> Use "D" Variance <sup>2</sup>               |
| <input type="checkbox"/> Preliminary Major Site Plan <sup>2</sup>   | <input type="checkbox"/> Site Plan Waiver                            |
| <input type="checkbox"/> Final Major Site Plan                      | <input type="checkbox"/> Rezoning Request                            |
| <input type="checkbox"/> Conditional Use Approval <sup>2</sup>      | <input type="checkbox"/> Redevelopment Agreement                     |
| <input type="checkbox"/> General Development Plan <sup>2</sup>      | <input type="checkbox"/> _____                                       |

<sup>2</sup> Legal advertisement and notice is required to all property owners within 200 feet.

**4. Zoning Districts (Circle all Zones that apply)**

ER	<u>R4</u>	GCR	CR	BP	G-RD	LP-1
R1	RA	BWD	NC	IN	M-RD	NVBP
R2	APT	OR	HC	PR	BW-RD	SCR-HC Overlay
R3	SCR	OF	GI	FP	L-RD	NVSCR Overlay
						IR

**5. The following applicants are required to be represented by a New Jersey Attorney: Corporation, Partnership, Limited Liability Corporation and Limited Liability Partnership**

Name of Attorney: N/A Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_ State, Zip: N/A  
 City: \_\_\_\_\_ Phone: ( ) - - Fax: ( ) - -  
 Email: \_\_\_\_\_

**6. Name of Persons Preparing Plans and Reports:**

Name: MONARCH ENGINEERS  
 Address: P.O. Box 1770  
 Profession: Engineer  
 City: Pitman  
 State, Zip: N.J. 08071  
 Phone: ( ) - - Fax: ( ) - -  
 Email: \_\_\_\_\_

Name: Addison Bradley  
 Address: 1585 Hilda Lane  
 Profession: Professional Planner  
 City: LAWRENCE SPRINGS  
 State, Zip: NJ. 08021  
 Phone: (86) 228-4848 Fax: (86) 228-8507  
 Email: \_\_\_\_\_

**7. Location of Property:**

Street Address: 225-233 SEVENTH AVE. Block(s): 1306  
 Tract Area: 12,000 sq ft 0.275 Lot(s): 11, 12

**8. Land Use:** Res

Existing Land Use: VACANT lot (Lot 12); single family home (Lot 11)  
 Proposed Land Use (Describe Application): 1 conforming lot (Lot 12); 1 non-conforming lot for existing single family home (Lot 11)

**9. Property:**

Number of Existing Lots: 2 Proposed Form of Ownership:  
 Number of Proposed Lots: 2  Fee Simple  Cooperative  
 Condominium  Rental  
 Are there existing deed restrictions?  No  Yes (If yes, attach copies)  
 Are there proposed deed restrictions?  No  Yes

**10. Utilities:** (Check those that apply.)

Public Water  Public Sewer  Private Well  Private Septic System

**11. List of Application Submission Materials:** Minor Subdiv Plan & Survey  
 List all additional materials on an additional sheet.

**12. List Previous or Pending Applications for this Parcel:** None  
 List all applications on a separate sheet.

### 13. Zoning

All Applications		Proposed	Proposed	Fence Application	
		Lot 11	Lot 12	Proposed	
Front setback 1		8.6	20	Setback from E.O.P.*1	_____
Front setback 2		37.1	20	Setback from E.O.P.*2	_____
Rear setback		* 8.4	12	Fence type	N/A
Side setback 1				Fence height	_____
Side setback 2				E.O.P. = Edge Of Pavement.	_____
Lot frontage		57.5	62.50	Pool Requirements	
Lot depth		100	100	Setback from R.O.W.1	_____
Lot area		* 5750	6250.0	Setback from R.O.W.2	_____
Building height		23.4	35	Setback from property line 1	N/A
				Setback from property line 2	_____
				Distance from dwelling	_____
				Distance = measured from edge of water.	_____
				R.O.W. = Right-of-way.	_____
				Setback = Measured from edge of pool apron.	_____
Garage Application				Shed Requirements	
Garage Area				Shed area	_____
Garage height				Shed height	_____
Number of garages		N/A		Setback from R.O.W.1	N/A
(Include attached garage if applicable)				Setback from R.O.W.2	_____
Number of stories				Setback from property line 1	_____
				Setback from property line 2	_____

### 14. Parking and Loading Requirements:

Number of parking spaces required: \_\_\_\_\_ Number of parking spaces provided: \_\_\_\_\_

Number of loading spaces required: \_\_\_\_\_ Number of loading spaces provided: \_\_\_\_\_

### 15. Relief Requested:

- Check here if zoning variances are required.
- Check here if exceptions to the application or municipal requirements are requested (N.J.S.A. 40:55D-51).
- Check here if exceptions to the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.1) are requested.
- Check here if waivers from the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.2) are requested. [Such waivers require application to, and approval of the N.J. Site Improvement Advisory Board].

**NOTE: If any of above are required, attach hereto separate exhibit(s) for each category of relief sought, stating the factual basis, legal theory, and whether they have been previously granted.**

### 16. Signature of Applicant

*[Signature]* BY *[Signature]* HER ATTORNEY-IN-FACT 10/29/2013  
 Signature of Applicant Date

\_\_\_\_\_  
 Signature of Co-applicant Date

**17. Consent of Owner(s):**

I, the undersigned, being the owner(s) of the lot or tract described in this application, hereby consent to the making of this application and the approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency. (If owned by a corporation, attach a resolution authorizing application and officer signature).

10/29/13

Date

[Signature]  
Signature

MARIANNE REES, A.I.F. for LENA DiMartino  
Print Name

Sworn and Subscribed to before me this

29 day of October  
2013 (Year).

DENNIS J VENELLA Signature

NOTARY PUBLIC  
STATE OF NEW JERSEY

My Commission Expires August 4, 2014 Name

**18. Disclosure Statement (Pursuant to N.J.S.A. 40:55D-48.1 and 48.2):**

Complete each of the following sections:

- A. Is this application to subdivide a parcel of land into six or more lots?
- B. Is this application for a variance to construct a multiple dwelling of 25 or more family units?
- C. Is this application for approval on a site or sites for commercial purposes?
- D. Is the applicant a corporation?
- E. Is the applicant a limited liability corporation?
- F. Is the applicant a partnership?

- No  Yes

IF YES TO ANY OF THE ABOVE:

1. List the names and addresses of all stockholders or individual partners owning at least 10 percent of it's stock of any class or at least 10 percent of the interest in partnership, as the case may be. (Use additional sheets as necessary).
2. Does a corporation or partnership own 10 percent or more of the stock in this corporation or partnership?

IF YES:

List the names and addresses of the stockholders of that corporation holding 10 percent or more of the stock or 10 percent or greater interest in that partnership, as the case may be. This requirement is to be followed by every corporate stockholder or partnership, until the names and addresses of the non-corporate stockholder and individual partners with 10 percent or more ownership have been listed. (Use additional sheets as necessary).

- No  Yes

Signature of Applicant

Lena DiMartino

Print Name

10/29/13  
Date

**19. Survey waiver certification:**

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of \_\_\_\_\_, shows and discloses the premises in its entirety, described as Block \_\_\_\_\_ Lot \_\_\_\_\_ and I further certify that no buildings, fences or other facilities have been constructed, installed or otherwise located on the premises after the date of the survey with the exception of the structures shown.

State of New Jersey,

County of Camden:

Marianne Rees of full age, being duly sworn to law, on oath and says that all of the above statement herein is true.

Sworn and subscribed to

On this 29 day of OCTOBER 2013 before the following authority.

Marianne Rees, A.I.F. for Lena DiMartino  
Name of property owner or applicant

[Signature]  
Notary public

**DENNIS J VENELLA**  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 4, 2014

# TOWNSHIP OF GLOUCESTER

## Inter-office Correspondence

---



**TO:** Planning Board  
**FROM:** Kenneth D. Lechner, PP, AICP, Director/Planner  
Department of Community Development & Planning  
**RE:** **APPLICATION #121041CM**      **Escrow #8221**  
**Lena DiMartino**  
**BLOCK 1306, LOTS 11 and 12**  
**DATE:** November 20, 2013

The Applicant requests re-subdivision approval of Block 1306, Lots 11 and 12 within the R-4 Residential district. The property is located on the northwest corner of Seventh Avenue and Wilson Street.

The plan has been reviewed for conformance to the Land Development Ordinance of Gloucester Township and the following comments are offered for your consideration.

Should you have any questions regarding this application, do not hesitate to contact me at 374.3511.

- Applicant/Owner: Lena DiMartino, 233 Seventh Avenue, Glendora, NJ 08029.
- Surveyor: Bruce, R. McKenna, PE, PLS, Monarch Surveying & Engineering, P.O. Box 177, Pitman, NJ 08081 (telephone #856-582-8200).
- Planner: Addison G. Bradley, PP, 1585 Hider Lane, Laurel Springs, NJ 08021 (telephone#856-228-4848).

### **I. INFORMATION SUBMITTED**

1. Land Development Application Form, checklist, dated 11/05/13.
2. Plan of Survey, as prepared by Monarch Surveying & Engineering, comprising one (1) sheet dated 11/01/13.
3. Minor subdivision plan, as prepared by Monarch Surveying & Engineering, comprising one (1) sheet dated 11/03/13.

## II. ZONING INFORMATION

### R-4 Zone Requirements (§406.F):

Standard	Required	Proposed (Lot 11)	Proposed (Lot 12)	Complies
<b>Lot size (min.)</b>	<b>6,250 sf</b>	<b>5,750 sf</b>		<b>no</b>
Lot size (min.)	6,250 sf		6,250 sf	yes
Lot frontage (min.)				
Seventh Avenue	50 ft.	57.50 ft.	62.50 ft.	yes / yes
Wilson Street	50 ft.	100 ft.	n/a	yes / n/a
Lot depth (min.)	100 ft.	100 ft.	100 ft.	yes /yes
Building coverage	35%	21.6%	≤ 35%	yes /yes
Lot coverage	65%	28.6%	≤ 65%	yes /yes
<b>PRINCIPAL BUILDING MINIMUM YARD DEPTHS AND HEIGHT LIMITATIONS</b>				
Front yard (min.)				
Seventh Avenue	20 ft.	±21 ft. <sup>1</sup>	≥ 20 ft.	yes / enc
Wilson Street	20 ft.	8.8 ft.	n/a	yes / n/a
<b>Side yard (min.)</b>	<b>10 ft.</b>	<b>8.3 ft.</b>		<b>no</b>
Side yard (min.)	10 ft.		≥ 10 ft.	yes
Rear yard (min.)	20 ft.	±29 ft.	≥ 20 ft.	yes / yes
Useable Yard Area (min.)	25%	≥ 25%	≥ 25%	yes / yes
Height (max.)	35 ft.	n/a	n/a	n/a / n/a

n/a = not applicable.

## III. APPLICATION SUBMISSION CHECKLIST

The application has been reviewed for completeness in accordance with the Township of Gloucester Land Development Ordinance §817, Submission Checklist for minor subdivision requirements.

The Applicant must provide the following omitted checklist items or request a waiver.

### **We do not recommend waiving underlined requirements**

1. No application for development shall be considered complete until the applicant has calculated and delineated the area of wetlands based upon a methodology established by the New Jersey Department of Environmental Protection regulations (See §519) [Checklist #9].
  - a. The applicant must provide testimony or a certification from an appropriate professional on the absence of freshwater wetlands and transition areas based on a field investigation in lieu of requiring the applicant to submit to the NJDEP for a Letter of Interpretation.
2. Contours shall be shown at not more than two (2) foot intervals for areas with less than twenty (20%) percent slope, five (5) foot intervals for areas in excess of twenty (20%) slope [Checklist #57].
3. Within a distance of 200 feet of development show the names, locations and dimensions of all existing streets and existing driveways, and any connections by the development to existing streets, sidewalks, bike routes, water, sewer, or gas mains [Checklist #74].

4. Proposed grades in sufficient numbers to illustrate the proposed grading scheme [Checklist #58].
  - a. In lieu of providing the proposed grading the plan provides General Note #13 indicating a grading plan shall be provided in accordance with the requirements of §814, Grading Approval.

#### IV. WAIVER COMMENTS

The Applicant is requesting a waiver from the following required checklist items.

##### **We do not recommend waiving underlined requirements**

1. Locations of all existing and proposed watercourse, i.e., lakes, streams, ponds, swamps or marsh areas, or under drain [Checklist #60].

#### V. VARIANCE REVIEW COMMENTS

The Application as submitted requires the following variances:

##### **§406.F, Area, Yard, Height and Building Coverage**

1. Lot Size (Lot 11): (5,750 sf provided v. 6,250 sf minimum required).
2. Side yard (Lot 11): (8.3 ft. provided v. 10 ft. minimum required).

##### **POSITIVE CRITERIA ("C1" and "C2" variances)**

The Applicant must address and the Board consider the following in satisfying the positive criteria for the requested variances:

3. The Board has the power to grant a variance where by reason of exceptional narrowness, shallowness, shape, or topographic conditions or physical features, or an extraordinary and exceptional situation affecting a specific property, the strict application of the zoning regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the development of such property (basis 40:55D-70c(1)).
4. Also, the Board has the power to grant a variance when the purpose of the Municipal Land Use Law would be advanced by the deviation of the zoning ordinance and the benefits would substantially outweigh the detriments (basis N.J.S.A. 40:55-70c(2)).

##### **NEGATIVE CRITERIA**

The Board should not grant a variance unless it is clearly demonstrated that said variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (basis N.J.S.A. 40:55D-70).

#### VI. SUBDIVISION REVIEW COMMENTS

1. The plan must be revised to provide a concrete monument to be set between proposed Lots 11 & 12 along Seventh Avenue as per §503.C(2), Monuments.
2. The Applicant must address General Note #15 that indicates all utilities would be installed underground as per §518.D, Underground Wiring.
  - a. The plans indicate that the existing electric overhead utility line would encroach across the proposed new Block 1306, lot 12.
    - i. The Applicant must address if this overhead utility line is to be relocated underground as per General Note #15.
    - ii. Alternatively, the Planning Board may consider a utility easement as per §503.D, Easements/Restricted Covenants.

## **VII. GENERAL REVIEW COMMENTS**

Block 1306, Lot 11, Legal Description

1. It appears Course #2 should be revised to South 83 degrees 12 minutes 37 seconds west.

## **VIII. LAND DEVELOPMENT ORDINANCE COMMENTS**

The Applicant is advised of the following additional requirements of the Land Development Ordinance:

1. *A soil removal plan if soil is to be removed from the site for use or sale other than the premises subject to this application as per §801.C, Soil Removal.*
2. *A grading plan prepared and sealed by licensed professional engineer as per §814, Grading Approval.*
3. *Affordable housing requirement as per §902, Affordable Housing Fees and Procedures.*
4. *Before recording final subdivision plats or as condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:50D-65d the furnishing of a performance guarantee, maintenance guarantee, and inspection fees as per §903, Guarantees and Inspections and §904, Certification or Guarantee Required; Estimate of Guarantee.*
5. *Requirements precedent to construction as per §905, Pre-conditions to Commencement of Construction.*
6. *Construction of off-tract improvements as per §906, Off-Tract Improvements Recapture.*
7. *A zoning permit is required prior to the issuance of any construction permits and prior to the issuance of a Certificate of Occupancy by the Construction Official the Applicant must acquire a Certificate of Zoning Conformity from the Zoning Officer as per §1102, Permits, General, §1103, Zoning Permit and §1104, Certificate of Zoning Conformity.*

## **IX. RECOMMENDATIONS**

1. The Applicant must address the above referenced underlined comments.
2. The Applicant is advised revised plans and support documents would not be accepted by this Department without sufficient escrows for professional services in accordance with the signed escrow agreement.

We have no further comments regarding this application at this time; however, we reserve the right to provide additional comments during the public hearing to advance the planning process.

cc: Lena DiMartino  
Bruce R. McKenna, PLS  
Addison G. Bradley, PP  
Edward F. Brennan, Esq.  
Steven M. Bach, PE



November 20, 2013

Gloucester Township Planning Board  
Chews Landing – Clementon Road at Hider Lane  
P.O. Box 8  
Blackwood, NJ 08012

Attn: Ken Lechner, PP, AICP, Township Planner

Re: Minor Subdivision #131041CM  
Lena DiMartino  
Block 1306, Lots 11 & 12  
Seventh Avenue  
Bach File No. GTPB2013-08

Dear Board Members:

We have received the following items submitted for the above referenced project:

1. Land Development Application Form, dated October 29, 2013.
2. Gloucester Township Land Development Checklist.
3. Plan entitled "Plan of Minor Subdivision, Lots 11 & 12, Block 1306, Plate 13, Gloucester Township, Camden County, NJ" consisting of one (1) sheet, as prepared by Monarch Surveying & Engineering., dated November 3, 2013, no revision.
4. Plan entitled "Plan of Survey, Lots 11 & 12, Block 1306, Plate 13, Gloucester Township, Camden County, NJ", as prepared by Monarch Surveying & Engineering., dated November 1, 2013.

We have reviewed all information submitted for conformance with the Township's Land Development Ordinance and offer the following comments for your consideration:

1. As of May 1, 2012 all minor subdivisions need to conform to the Title Recordation Law for filing maps. All proper certification needs to be shown on the map.
2. A monument shall be set along the Right-of-Way of Seventh Avenue at the corner of proposed Lots 11 & 12.
3. Existing topography based on U.S.G.S. datum should be shown on the Minor Subdivision Plan.

Minor Subdivision #131041CM  
Lena DiMartino  
Block 1306, Lots 11 & 12  
Seventh Avenue  
Bach File No. GTPB2013-08  
Page 2 of 2

4. A certification that the new lot numbers have been assigned by the tax assessor must be provided.
5. Approval from the Camden County Planning Board may be required.
6. The Applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.

We reserve the option to make additional comments as more information becomes available.

If there are questions or if any additional information is required please contact the undersigned.

Very truly yours,  
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME  
President



Samuel Previtiera, PLS  
Vice President - Surveying

Cc: Gloucester Township Planning Board Members  
Edward Brennan, Esq. (PB Solicitor)  
Lena DiMartino, Applicant  
Bruce R. McKenna, PE, PLS

S:\GTPB2013 Gloucester Twp PB\08 - DiMartino Sub\Docs\GTPB2013-0 Minor Sub Review #1, 11-20-13.doc

Bin# 63

B

# TOWNSHIP OF GLOUCESTER PLANNING BOARD TRANSMITTAL

DATE: 11/5/13

APPLICATION No. #131041CM

APPLICANT: Lena DiMartino

BLOCK(S): 1306

Lot(S): 11 & 12

LOCATION: 225 & 233 Seventh Avenue, Glendora

**TRANSMITTAL TO:**

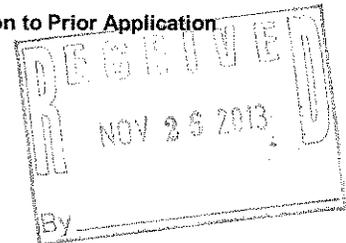
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Township Engineer     | <input type="checkbox"/> Board Planner           | <input type="checkbox"/> Tax Assessor              |
| <input type="checkbox"/> County Planning Board | <input type="checkbox"/> Traffic Officer         | <input type="checkbox"/> G.T.M.U.A.                |
| <input type="checkbox"/> N.J. American Water   | <input type="checkbox"/> Aqua Water Co.          | <input type="checkbox"/> Fire District 1 2 3 4 5 6 |
| <input type="checkbox"/> Taxes                 | <input checked="" type="checkbox"/> Construction |  |

**STATUS OF APPLICATION:**

- New Application     Bulk C Variance/Minor Subdivision     Revision to Prior Application

**PURPOSE OF TRANSMITTAL:**

- For Your Review. Please Forward Report By 11/20/13  
 For Your Files.



**ENCLOSED:**

- 2 Copies - Minor Subdivision Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Minor Site Plan
- 1 Copy - Minor Subdivision Plat
- 3 Copies - Prelimin. Site Plan, 2 County Apps and 1 Twp. App.
- 3 Copies - Major Subdivision - Prelimin. Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Major Subdivision - Prelimin. Plat
- 1 Copy - Preliminary Site Plan
- 1 Copy - Major Subdivision - Final Plat
- 1 Copy - Final Site Plan
- 3 Copies - Major Subdiv. - Final Plat, 1 Dev. Plan, 2 County Apps. 1 Twp. App.
- 1 Copy - Amended Site Plan
- 1 Copy - Major Subdivision - Amended Plat
- 1 Copy - Traffic Report
- 1 Copy - Development Plan
- 1 Copy - Drainage Calculations
- 1 Copy - E.I.S.
- Recycling Report

- Variance Plan     Bulk (C) Variance     Use (D) Variance

**COMMENTS:**

OK JTC Blog 11-26-13 No Issues

## TOWNSHIP OF GLOUCESTER PLANNING BOARD TRANSMITTAL

DATE: 11/5/13 APPLICATION No. #131041CM

APPLICANT: Lena DiMartino

BLOCK(S): 1306 Lot(S): 11 & 12

LOCATION: 225 & 233 Seventh Avenue, Glendora

**TRANSMITTAL TO:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Township Engineer     | <input type="checkbox"/> Board Planner   | <input type="checkbox"/> Tax Assessor                         |
| <input type="checkbox"/> County Planning Board | <input type="checkbox"/> Traffic Officer | <input type="checkbox"/> G.T.M.U.A.                           |
| <input type="checkbox"/> N.J. American Water   | <input type="checkbox"/> Aqua Water Co.  | <input checked="" type="checkbox"/> Fire District 1 2 3 4 5 6 |
| <input type="checkbox"/> Taxes                 | <input type="checkbox"/> Construction    |   |

**STATUS OF APPLICATION:**

- New Application     Bulk C Variance/Minor Subdivision     Revision to Prior Application

**PURPOSE OF TRANSMITTAL:**

- For Your Review. Please Forward Report By 11/20/13  
 For Your Files.

**ENCLOSED:**

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- 1 Copy - Minor Site Plan
- 1 Copy - Minor Subdivision Plat
- 3 Copies - Prelimin. Site Plan, 2 County Apps and 1 Twp. App.
- 3 Copies - Major Subdivision - Prelimin. Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Major Subdivision - Prelimin. Plat
- 1 Copy - Preliminary Site Plan
- 1 Copy - Major Subdivision - Final Plat
- 1 Copy - Final Site Plan
- 3 Copies - Major Subdiv. - Final Plat, 1 Dev. Plan, 2 County Apps. 1 Twp. App.
- 1 Copy - Amended Site Plan
- 1 Copy - Major Subdivision - Amended Plat
- 1 Copy - Traffic Report
- 1 Copy - Development Plan
- 1 Copy - Drainage Calculations
- 1 Copy - E.I.S.
- Recycling Report

- Variance Plan     Bulk (C) Variance     Use (D) Variance

**COMMENTS:**

Reviewed  
 Approved     Not Approved  
 Gloucester Twp. Fire Dist. 1  
 Fire Official: [Signature]  
 Date: 11/12/13

## TOWNSHIP OF GLOUCESTER PLANNING BOARD TRANSMITTAL

DATE: 11/5/13

APPLICATION No. #131041CM

APPLICANT: Lena DiMartino

BLOCK(S): 1306

Lot(S): 11 & 12

LOCATION: 225 & 233 Seventh Avenue, Glendora

**TRANSMITTAL TO:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Township Engineer                    | <input type="checkbox"/> Board Planner   | <input type="checkbox"/> Tax Assessor              |
| <input type="checkbox"/> County Planning Board                | <input type="checkbox"/> Traffic Officer | <input type="checkbox"/> G.T.M.U.A.                |
| <input type="checkbox"/> N.J. American Water                  | <input type="checkbox"/> Aqua Water Co.  | <input type="checkbox"/> Fire District 1 2 3 4 5 6 |
| <input checked="" type="checkbox"/> Taxes = <i>current MB</i> | <input type="checkbox"/> Construction    |  |

**STATUS OF APPLICATION:**

- New Application     Bulk C Variance/Minor Subdivision     Revision to Prior Application

**PURPOSE OF TRANSMITTAL:**

- For Your Review. Please Forward Report By 11/20/13  
 For Your Files.

**ENCLOSED:**

- 2 Copies - Minor Subdivision Plat, 2 County Apps. 1 Twp. App.
- 1 Copy - Minor Site Plan
- 1 Copy - Minor Subdivision Plat
- 3 Copies - Prelimin. Site Plan, 2 County Apps and 1 Twp. App.
- 3 Copies - Major Subdivision - Prelimin. Plat, 2 County Apps. 1 Twp. App.
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- 1 Copy - Major Subdivision - Final Plat
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- 1 Copy - Amended Site Plan
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- 1 Copy - Traffic Report
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- 1 Copy - Drainage Calculations
- 1 Copy - E.I.S.
- Recycling Report

- Variance Plan     Bulk (C) Variance     Use (D) Variance

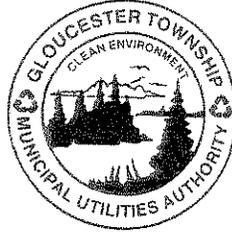
**COMMENTS:**

*Maryann Busa*  
Asst. Tax Collector

Commissioners  
**RICHARD P. CALABRESE**  
Chairman

**FRANK SIMIRIGLIA**  
Vice Chairman

Board Members  
**RICHARD EDGAR**  
**AMY TARVES**  
**DORA M. GUEVARA**  
**JOSEPH PILLO**  
**KEN GARBOWSKI**



**GLOUCESTER TOWNSHIP**  
**MUNICIPAL UTILITIES AUTHORITY**

401 W. Landing Road, Blackwood, NJ 08012  
P.O. Box 216, Glendora, NJ 08029-0216  
Phone: (856) 227-8666 • FAX: (856) 227-5668

November 12, 2013

**ROBERT C. BENSON**  
Executive Director

**CAROLINE M. TARVES**  
Administrative Secretary

**MARLENE HRYNIO**  
Recording Secretary

**HOWARD C. LONG JR, ESQ.**  
Solicitor

**THOMAS LEISSE, PE, CME**  
Consulting Engineer

Township of Gloucester  
Dept. of Community Development  
P.O. Box 8  
Blackwood, New Jersey 08012

Re: Application #131041CM  
Lena DiMartino  
225 & 233 Seventh Avenue, Glendora, NJ 08029  
Block 1306, Lots 11 & 12

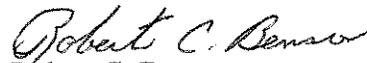
Gentlemen:

In response to your transmittal regarding the above application, approval of the sub-division will have no effect on the sanitary sewer system.

Should you have any further questions, please feel free to contact me.

Very truly yours,

**THE GLOUCESTER TOWNSHIP**  
**MUNICIPAL UTILITIES AUTHORITY**

  
Robert C. Benson  
Executive Director

RCB:mh

THE LAW OFFICES OF  
**MICHAEL J. WARD, L.L.C.**

118 White Horse Road West  
Voorhees, New Jersey 08043

Member of New Jersey &  
Pennsylvania Bar

Telephone No.: (856) 627-3444  
Fax No.: (856) 627-3305

November 19, 2013

**via federal express ground**

Mr. Kenneth Lechner, P.P., C.M.P.  
Township Of Gloucester  
Office Of Community Development  
1261 Chews Landing Road  
Blackwood, NJ 08012

NOV 26 2013

Re: "Briar Lake Subdivision Phase III" (sub. nom.) Bristow-Merritt LLC v.  
Gloucester Township Planning Board, et al.  
[Confirmation of Preliminary Subdivision Approval]

Dear Mr. Lechner:

Please allow this correspondence to follow-up on our conversation last month, wherein you indicated that the Gloucester Township Planning Board would discuss the status of my client Bristow-Merritt, LLC's entitlement to confirmation of Preliminary Major Subdivision Approval by the Gloucester Township Planning Board, at the Board's December 2013 regular monthly meeting.

Previously, I had provided you with a copy of the New Jersey Superior Court Appellate Division's opinion that required the Planning Board to grant Preliminary Subdivision Approval to my client.

As we also discussed, I am enclosing herewith, for your further reference, a copy of the Gloucester Township Planning Board's original April 8, 2008 Resolution Of Denial as well as copies of the Gloucester County Planning Board's meeting transcripts for the hearings that occurred on October 24, 2006, February 27, 2007, and November 27, 2007.

Finally, it is my understanding that the Office Of Community Development was in possession of the filed copies of the Applicant's Preliminary Subdivision Plans (as prepared by Marathon Engineering & Environmental Services, Inc., in 2006). Please advise whether you have been able to locate your copy of the Plans for review by the Board's current engineer. If you require a copy of the Plans, I will provide one to you.

Mr. Kenneth Lechner, P.P., C.M.P.

Re: “Briar Lake Subdivision Phase III” (sub. nom.) Bristow-Merritt LLC v. Gloucester Township Planning Board, et al.

[Confirmation of Preliminary Subdivision Approval]

November 19, 2013

Page 2

Of course, if you require any further information, please do not hesitate to contact me.

Very truly yours,

LAW OFFICES OF MICHAEL J. WARD, L.L.C.

BY:

  
MICHAEL J. WARD, IV, ESQUIRE

MJW:hmw

Enclosure

cc: Planning Board Solicitor, Edward F. Brennan, Esquire (w/o encl.)  
Steven Bach, P.E. (Bach & Associates w/o encl.)  
Bristow-Merritt, LLC

A RESOLUTION OF THE GLOUCESTER TOWNSHIP PLANNING  
BOARD MEMORIALIZING DENIAL OF APPLICATION OF  
JOHN H. HOOPER FOR PRELIMINARY MAJOR  
SUBDIVISION WAIVERS AND VARIANCES FOR THE  
BRIARLAKE SUBDIVISION, BLOCK 13999, LOT 1,  
BLOCK 13901, Lot 57 and BLOCK 13901, LOT 58  
APPLICATION NO: 061102PSP

WHEREAS, on October 24, 2006, February 27, 2007,  
November 17, 2007 and February 4, 2008 consideration was given to  
the application of subdivision waivers and variances for the  
Briarlake Subdivision for property located at Primrose Lane,  
Block 13999, Lot 1; and

WHEREAS, William Hyland, Esquire and Richard  
Hluchan, Esquire, appeared at the hearings on behalf of the  
applicant and the applicant produced various witnesses including  
Jerry Cantor, traffic engineer, Carl Bones and Rick Riccardi,  
Environmental Scientists and Engineers, Jason Sciuillo, applicant's  
civil engineer appeared and testified on behalf of the applicant  
and Denise Rose and Kamilla Stenstrom, Robert John Fisher and  
Francis Leaghy appeared and testified from the public; and

WHEREAS, the Planning Board having received reports  
from professionals and other advisors to the Board including,  
without limitation, the Zoning Officer, Board Engineer, Board  
Planner, County Planning Board, Traffic Commander, Fire Marshall,  
Tax Assessor, Water Department and Municipal Utilities Authority  
having heard testimony from the Board Planner and Board Engineer  
makes the following factual findings in conditionally approving  
the subject application for Denial of Application of John H.  
Hooper for Preliminary Major Subdivision Waivers and Variances  
for the Briarlake Subdivision, Block 13999, Lot 1, Block 13901,  
Lot 57 and Block 13901, Lot 58 and having determined that the  
application has failed to meet the requirements for subdivision  
approval and has failed to carry the burden of proof with the  
both the positive and negative criteria for the requested waivers  
and variances and that various design features present a danger  
to the public welfare:

1. Existing Zoning: R3
2. Intended Use: 20 new lots, 3 subdivided for  
single family homes on property adjacent to the Gems Landfill a  
national public listed superfund site.
3. The Board considered a wide variety of  
submissions from the applicant, reports from Board consultants,  
responses to applicant's submission and other agency reports as  
follows:
  - a) November 15, 2007 report of Remington and  
Vernick Engineers;
  - b) February 9, 2007 report of Remington and

- Vernick Engineers;  
 c) November 28, 2006 report of Remington and  
 Vernick Engineers;  
 d) August 29, 2006 report of Remington and  
 Vernick Engineers;  
 e) January 9, 2006 report of Marathon  
 Engineering and Environmental Services, Inc.  
 f) January 2, 2007 report of Marathon  
 Engineering and Environmental Services, Inc. and  
 g) May 18, 2006 report of de maximis, inc. and  
 HydroQual, Inc.

4. In addition, the Board and its consultants reviewed the following plans:

**New Information**

- 1.) Marathon Engineering & Environmental Services, Inc. Engineer Response Letter dated 01/02/07.
- 2.) Phase II Addendum, as prepared Marathon Engineering & Environmental Services, Inc., dated 01/02/07.
- 3.) Environmental Impact Statement Report Addendum, as prepared by Marathon Engineering & Environmental Services dated 01/09/07.

**Previous Information**

- 4.) Ballard Spahr Andrews & Ingersoll, LLP Transmittal Letter dated 7/27/06.
- 5.) Township of Gloucester Land Development Application Form with Riders dated 8/01/06.
- 6.) Township of Gloucester Land Development Ordinance, 9817 Submission Checklist.
- 7.) Disclosure Statement dated 7/05/06.
- 8.) Waiver Requests.
- 9.) Variance Requests.
- 10.) Color Photographs (2).
- 11.) Recycling Report, as prepared by Marathon Engineering & Environmental Services dated 6/23/06.
- 12.) Sediment Report Narrative, as prepared by Marathon Engineering & Environmental Services comprising one (1) page, no date.
- 13.) Phase I/Phase II Environmental Assessment, as prepared by Marathon Engineering & Environmental Services dated 6/07/06.
- 14.) Environmental Impact Statement, as prepared by Marathon Engineering & Environmental Services dated 6/23/06.
- 15.) Traffic Impact Study, as prepared by Horner & Canter Associates dated 5/08/06.
- 16.) Stormwater Management Report, as prepared by Marathon Engineering & Environmental Services dated 6/23/06.
- 17.) Land survey entitled "Boundary Topo. And Wetlands." as prepared by Richard M. Sapio, PLS comprising one (1) sheet dated 6/30/06.
- 18.) Soil Conservation Plan, as prepared by Marathon Engineering & Environmental Services consisting of the following:
- 19.) 

<u>Sheet</u>	<u>Plan Description</u>	<u>Date / Latest Revision</u>
12 of 14	Soil Conservation Plan	6-23-06
13 of 14	Soil Conservation Narrative	6-23-06
13 of 14	Soil Conservation Detail Sheet	6-23-06
- 20.) Engineering plans, as prepared Design Consulting Associates consisting of the following:

<u>Sheet</u>	<u>Plan Description</u>	<u>Date / Latest Revision</u>
1	Cover Sheet	6-23-06
2	Information Sheet	6-23-06
3	Preliminary Lot Plan	6-23-06
4	Grading Plan	6-23-06
5	Utility Plan	6-23-06
6	Landscaping and Lighting Plan	6-23-06
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9	Roadway and Site Detail Sheet	6-23-06
10	Storm Water Management Detail Sheet	6-23-06
11	Sanitary Sewer and Water Detail Sheet	6-23-06

12	Soil Conservation Plan	6-23-06
13	Soil Conservation Narrative	6-23-06
14	Soil Conservation Detail Sheet	6-23-06

Bulk Zoning Requirements:

Zone: "R-3" - Residential District (§405)  
 Use: Single family detached dwelling is permitted is a permitted use (§405.8(1))

R-3 - Residential District

Description	Required	Proposed	Conforms
Lot size (min.)	9,375 sf	≥ 9,375 sf	Yes
Lot size (min.) - Lot 57	9,375 sf	8,357 sf	no*
Lot frontage (min.)	75 ft.	≥ 75 ft.	Yes
Lot frontage - cul-de-sac (min.) <sup>1</sup>	56.25 ft.	≥ 56.25 ft.	Yes
Lot depth (min.)	125 ft.	≥ 125 ft.	Yes
Building coverage (max.)	20%	≤ 40%	Yes
Lot coverage (max.)	40%	≤ 50%	Yes
Principal Building Minimum Yards, Depths and Height Limitations			
Front yard (min.)	30 ft.	30 ft.	Yes
Front yard (min.) - Lot 57 and 58	30 ft.	20 ft.	no*
Side yard (min.)	10 ft.	10 ft.	Yes
Rear yard (min.)	30 ft.	30 ft.	Yes
Useable yard area (min.)	25%	25%	Yes
Building Height (max.)	35 ft.	35 ft.	Yes
Density (max.) - Lots 1 - 19	5 du/acre	1.71 du/ac.	Yes

<sup>1</sup> - The minimum lot frontage for curved alignments shall not be less than 75% of the required minimum lot width.  
 \* Variance required  
Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

5. At the October 24, 2006 meeting Mr. Hyland, attorney for the applicant stated that this property is next to Gems Landfill and Mr. Hooper is developing these lots in hopes of selling them in fee simple ownership. Mr. Hyland addressed the professional letters briefly by stating that most of the comments the applicant is willing to comply with.

6. Mr. Hyland commented on the testing of the site. Since this site is adjacent to Gems Landfill, there is groundwater contamination that is currently being dealt with, that may effect this property in testing. He stated that soil contamination testing was done and is clean. The site is serviced by public water and sewer. The Board asked the applicant to conduct an Air Quality, sediment and ground water test and Mr. Hyland indicated that the owner would not be the responsible party regarding the result of the testing.

7. Mr. Hyland addressed the issue of

responsibility stating that his client would be a victim since they are not the responsible party. He inquired as what the DEP would do his client about the problem. He stated that the remediation action plan would be by another entity and not this property owner. Mr. Hyland stated that the sediment testing would be conducted and the applicant was sure that the results would be below quality, the Air Quality can be only be conducted in a contained building and this property has none and that Vapor Barriers will be done in the course of construction.

8. The Solicitor, and Mr. Hyland engaged in a discussion wherein Mr. McKenna stated that the principal concerns would be in the reports. Mr. McKenna clarified with Mr. Hyland that Mr. Hooper is not the responsible party. Mr. Hyland stated that Mr. Hooper is not the responsible party and the DEP is not holding him as a responsible party. Mr. Hyland added that the property is developable with disclosure.

9. Mr. McKenna stated that the Board will want to know what would be done should contamination be found? Mr. Hyland indicated that there are comments in both reports that need to be submitted and that he is requesting that the applicant do additional ground water testing. Mr. Hyland indicated that the assumption is that there is contamination and if his client is being asked to this so it can be disclosed to perspective buyers, this his client is aware of this and is satisfied that he can develop this property safely. He indicated that the alternative is that the property is rendered useless and condemned.

10. Mr. McKenna stated that if you do not do the tests, then you would have nothing to disclose. The tests must be done so you have something to disclose to the potential purchasers.

11. Mr. Cantwell added that there may be a concern of the homes being put on shallow contaminated groundwater, especially with basements in them and the board should know there could be a potential problem. Mr. Hyland answered that the applicant will do the remediation no matter what. If there is reportable discharge it will be resolved with the appropriate remediation.

12. Mr. Busa asked why would the applicant not want to give the board this information?

13. Mr. Hooper testified that he wants to know what is under the ground as well and he does not have problem doing the tests. He is concerned that if the tests come back positive and there is a DEP approval requirement, which there will not be one, and the board requests a DEP approval, where does that leave him?

14. Mr. Cantwell stated that he wants to

make sure that the testing that was done in the past meets with DEP protocol. He stated that if contamination is detected then the State is required to be notified. Mr. Hyland responded that he has already explored the possibility of the State declining the approval.

15. Mr. Bones had substantial comments regarding testing and ground water contamination. Mr. Bones stated that NJ regulations are designed to address a spill. If there is no spill there is nothing to trigger the case. Mr. McKenna stated that by his own personal experience, that is not true.

16. Mr. Bones stated that since even though there is no case he personally did a soil boring on site. He found nothing. Mr. Bones indicated that there is a program to do additional sampling from the responsible parties to address that. They do not know when that will be done.

17. Chairman McLaughlin then addressed the issues and stated that the Board is here to protect the community. The Board is not here to say who is at fault, but they are not here to ignore the problem or pass it on. Chairman McLaughlin stated that GEMS Landfill is a hot item in the Township and the Board wants to know what is there. Chairman McLaughlin wants the testing completed so that the Board knows what is there.

18. Mr. McKenna stated that there were Zoning Ordinances, Planning Ordinances and design criteria that may not match up to this situation. He stated that the applicant is saying that this is not his fault, he does not own the ground yet, so it is not his problem, but 20 years from now then he will clean it. Mr. Hooper stated that we already know what the answer is, but will board require me to do? Chairman McLaughlin replied that they would want to see result to determine that.

19. Mr. McKenna inquired as to the plan and Mr. Hooper replied that each home would be supplied with vapor barrier system. Mr. McKenna stated that Mr. Hooper would have to give testimony regarding the remedy.

20. Mr. Hooper stated that he will conduct the testing but doesn't know what the results will be and he asks that the Board not impose a standard to get something from the DEP. Mr. McKenna advised that there is a reporting requirement and the State may want to witness the borings and Mr. Bones stated they may or may not. Mr. Cantwell added that GEMS is under Federal EPA jurisdiction, not the State, and they may want to look at the surrounding areas.

21. Mayor Rau-Hatton stated that she gave a copy of the Sediment work plan to the board, and she had a conversation with Brian Quinn from the EPA and the GEMS Land

Trust took her on site. Briar Lake is 250 feet from this property and they know there is a problem with Holly Run and Briar Lake with contamination. They have been working on a work plan for sediment. It will be final by the end of the year and then they will implement the plan, they will do sampling and there will be a potential for another phase of clean up. She asked Mr. McKenna that if there are concerns with the landfill, how does that impact this site? Mr. McKenna state that there is nothing in Black and White. Mayor Rau-Hatton stated that in ten years the site may be turned over to the DEP.

22. Mr. Bones stated that at the September meeting, the applicant can develop a sampling plan and will do sediment sampling. The applicant will do a model for potential volatilization, and will be prepared to give Remington and Vernick a sampling plan.

23. Chairman McLaughlin stated that in addition to the vapor barrier for the house, but what happens when people go outside, put in pools, move shrubbery and it disturbs the soil? Mr. Lechner stated that the Environmental Impact Statement should include the surface water of Briar Lake. Mr. McKenna asked Mr. Cantwell if he was comfortable with this? Mr. Hyland stated the applicant needed direction and will do the sampling.

24. Mr. Sciullo commented on the subdivision itself. He stated that there are 20 residential lots, 2 will be reconstructed on a cul-de-sac. The curbs are in and the street is dirt. Major site components are improved streets, cul-de-sac, 18 houses in one area and 2 reconstructed on other side. Open space is an infiltration basin to take the storm water run off from the property. He indicated that the existing area that is being collected is hydrologic type A and can not get past the landfill. There are variances for Lot 57 and lot frontage for 2 lots. According to RSIS a cul-de-sac needed to be created and created set back variances. Mr. Lechner indicated that there are 2 dead end streets and the Master Plan calls for connecting them.

25. Mr. Hooper stated that a permanent easement with DEP is there for run off to Holly Run and for testing. Mr. Hooper stated that he would rather not do 2 lots than cross the wetlands. Mr. Cantwell asked if the applicant would be curbing and paving the road and Mr. Sciullo stated yes and sidewalks are existing up to the last house. Mr. Hooper submitted photos of the area. Mr. Hooper stated that the sidewalks will be put along the improved site. Mr. Sciullo stated that the application meet the RSIS standards for cartway width, sidewalks, turn around area (both) public water and sewer, basin and there will be an HOA. Mr. McKenna stated he will need a maintenance schedule and an annual cost for the homeowners. Mr. Sciullo stated he does not know the cost of the basin maintenance cost due to servicing. The cost estimate will be

done.

26. Jerry Cantor discussed the traffic report. Mr. Cantor explained that is concern for traffic getting onto Erial New Brooklyn Road. The whole development leads to one intersection. There will an increase in the delay of vehicles at the intersection.

27. Denise Rose testified from the public. She lives at 45 Primrose Lane. Ms. Rose raised concerns about congestion and loss of power that they experienced from last construction. There was not notice to residents and there still are no sidewalks. This raises safety issues concerning the children. Mr. Hooper stated that that there is a basement plan, with large elevation drop. The sidewalks will not be where the easement is. The sidewalks will be throughout the larger subdivision, and along Primrose to the bulb on the southside. Mr. Hooper stated that there are no plans to shut off any utilities.

28. Next to appear from the public was Kamilla Stenstrom, 47 Primrose Lane, concerning contamination to soil. She was advised not to have a garden. She also had questioned as to whether there could be another road connection to Hickstown Road or College Drive because the road is narrow and there will be too many cars. She feels the development should be better organized. Ms. Strenstrom also inquired as to the size of the lots. Mr. Hooper answered that the lot size will be 9,375 sq. ft. as required.

29. Robert Fisher testified that he bought his home in 1985. He complained about an abandoned house that is an eyesore. He feels that this is a great plan and the area is a nice place to live.

30. At the February 27, 2007 William Hyland, Esquire appeared and testified on behalf of the applicant. This meeting is a continuation regarding additional testing that was requested by the Board. Testing was done and on site and sampling was sent to DEP. Mr. Bones testified that there are no organic compounds above the ground water quality standards, there were metals in ground water at GEMS Landfill site. Mr. Bones testified that that aluminum, arsenic, iron, manganese, thalium were found in samples. Some exceed the minimum standards in some areas. No organic constituents were detected, one detection of Benzene barely exceeds groundwater quality standard.

31. Mr. McLaughlin questioned about property owners and plantings and when people walk outside. Mr. Bones answered that water will be supplied to the site.

32. The was substantial discussions regarding consequences of living in this space. Vapors from

landfill may enter living space. Chairman McLaughlin was satisfied with testing and stated that it "being no worse than GEMS does not sell".

33. Mr. Cantwell expressed concerns about where the metals are, how deep they are and the likelihood of contact with toxins and the results of that contact. At different locations there would be different results from testing.

34. Mr. McKenna clarified that the Board wants to know if it is alright to live there. Chairman Schnina asked if people can plant gardens and eat the vegetables. Mr. Bones replied that they can put raised beds in but not ground level beds. The Board was not satisfied with the testimony. Mr. McKenna stated that the Board will be guided by the experts. Mr. Bones stated that residents could not use the water for drinking or bathing purposes. Mayor Rau-Hatton believed this demonstrates a risk.

35. Mr. Hyland stated that despite the evidence he feels a decision by the Board has already been made.

36. The applicant addressed the Board and testified there were homes built without vapor barriers. He is making a safe situation. The applicant agreed that there are contaminants in the groundwater and he is putting systems for that.

37. Discussions regarding roadways and dead end streets. Mr. Lechner expressed concern regarding having 2 dead end streets. DEP has easement running through area and may not allow for road connection.

38. At the November 27, 2007 meeting (the 3<sup>rd</sup>) Richard Mluchen, Esquire appeared on behalf of the applicant and addressed the additional testing on the site. He stated that the applicant agreed with Mr. Cantwell's report and Mr. Lechner's report.

39. Mr. Sciullo summarized the application, the proposed site improvements the variances requested and the location of the property in relation to GEMS landfill.

40. Mr. Hooper testified regarding the location of the proposed road and run off from GEMS Landfill into a DEP approved drainage easement into the lake. The name of road will be Primrose Lane. Mr. Lechner inquired as to DEP approval for the proposed road. Mr. Hooper stated that they have not been contacted but they would need to fill wetlands and stream encroachment. Mr. Hooper testified that there are residents who do not want connection to the cul-de-sac.

41. Mr. Lechner commented that the GTMOA required

upgrades to a lift station. Applicant agreed to that. Applicant also agreed to make a contribution in lieu of open space requirement.

42. Mr. Cantwell discussed comments from his recent letter to the applicant as well as some of the comments from his previous letter in October, 2006. His comments included grading, plantings, a swale in the rear yard of two the properties. Applicant agrees to work with Mr. Cantwell on this issue.

43. Chairman McLaughlin inquired as to what the surrounding area would look like. The applicant's attorney advised that a traffic report was submitted as well.

44. Mr. Cantwell addressed contamination in the lakes where the wetlands are. The Board recommended that the applicant provide a fence and repair the existing fence around Briar Lake.

45. Mr. Scullo mentioned that the open space lot runs along the back side of lots 13 through 18 and around the cul-de-sac and that is the entire area of the wetlands. He testified that the contamination will be in the open space lot.

46. The Board questioned about residents planting things, building decks, etc and what the result would be because of the contamination. Mr. Bones answered that the contamination was not volatiles. Mr. Bones testified that these are metals and they do not go anywhere.

47. Mr. Hooper testified that if he cannot do a basement at 5 ft he would comply with Mr. Cantwell's requirement of remaining no more than 5 ft. by installing a 3 ft. crawlspace. Mr. Hooper testified that portable water will be provided to the site during construction. Mr. Palmer questioned where all the water would go during construction and the sanitary sewer line that will 8 to 9 ft dept. Mr. Hooper testified that he was not going any further than 5 ft and there would be no groundwater/sloppy soil that comes off the site. Mr. Scullo commented that instead of breaking the surface and being pumped out in the air, it could be pumped into an area where it could be recharged without being exposed.

48. Mayor Rau-Hatton referred to Mr. Cantwell's suggestion of monitoring wells on the site. Mr. Cantwell suggested that after structures are completed, the Board could request the applicant to maintain ownership for some period of time. The Township would still have to oversee wells during construction and them maintain them sometime in the future.

49. The applicant testified that the homes would be listed in the \$200 to \$300 thousand dollar range and would be between 1800 and 2200 sq. ft, bi-levels.

50. The applicant agreed with the environmental comment of Mr. Cantwell, he agrees with site conditions and he agrees to solve the concern with sewer excavation and he is seeking a vote from the Board.

51. Mr. Custodio asked why applicant wants to build a development next to GEMS Landfill. Applicant replied that he is confident he can build this development and people can live there and be safe.

52. Francis Leahey testified from the public about lots being given back to the Township and the cost it will be to taxpayers. Mr. Leahey asked about liability. Mr. McKenna could not comment on liability.

53. The Board Planner reviewed the following plans:

**New information**

- 21.) Marathon Engineering & Environmental Services, Inc. Engineer Response Letter dated 01/32/07.
- 22.) Phase II Addendum, as prepared Marathon Engineering & Environmental Services, Inc., dated 01/02/07.
- 23.) Environmental Impact Statement Report Addendum, as prepared by Marathon Engineering & Environmental Services dated 01/09/07.

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Bulk Zoning Requirements:

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Use: Single family detached dwelling is permitted is a permitted use (§405.B(1))

R-3 - Residential District

Description	Required	Proposed	Conforms
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Lot size (min.) - Lot 57	9,375 sf	8,357 sf	no <sup>1</sup>
Lot frontage (min.)	75 ft.	≥ 75 ft.	Yes
Lot frontage - cul-de-sac (min.) <sup>1</sup>	56.25 ft.	≥ 56.25 ft.	Yes
Lot depth (min.)	125 ft.	≥ 125 ft.	Yes
Building coverage (max.)	20%	≤ 40%	Yes
Lot coverage (max.)	40%	≤ 50%	Yes
Principal Building Minimum Yards, Depths and Height Limitations <sup>2</sup>			
Front yard (min.)	30 ft.	30 ft.	Yes
Front yard (min.) - Lot 57 and 58 <sup>3</sup>	30 ft.	20 ft.	no <sup>1</sup>
Side yard (min.)	10 ft.	10 ft.	Yes
Rear yard (min.)	30 ft.	30 ft.	Yes
Useable yard area (min.)	25%	25%	Yes
Building Height (max.)	35 ft.	35 ft.	Yes
Density (max.) - Lots 1 - 19	3 du/acre	1.71 du/ac.	Yes

<sup>1</sup> = The minimum lot frontage for curved alignments shall not be less than 75% of the required minimum lot width.

= Variance required

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

54. According to the planner's report, the plan implicates the following provisions of the zoning ordinance:

55. The Board Planner issued a report recommending certain revisions, clarifications and/or modifications to the plan with which the applicant agreed to comply to the extent that they had not done so already.

56. The Board Engineer reviewed the following plans:

New information

41.) Marathon Engineering & Environmental Services, Inc. Engineer Response Letter dated 01/02/07.

- 42.) Phase II Addendum, as prepared Marathon Engineering & Environmental Services, Inc., dated 01/02/07.
- 43.) Environmental Impact Statement Report Addendum, as prepared by Marathon Engineering & Environmental Services dated 01/09/07.

**Previous Information**

- 44.) Bellard Spahr Andrews & Ingersoll, LLP Transmittal Letter dated 7/27/06.
- 45.) Township of Gloucester Land Development Application Form with Riders dated 6/01/06.
- 46.) Township of Gloucester Land Development Ordinance, §817 Submission Checklist.
- 47.) Disclosure Statement dated 7/05/06.
- 48.) Waiver Requests.
- 49.) Variance Requests.
- 50.) Color Photographs (2).
- 51.) Recycling Report, as prepared by Marathon Engineering & Environmental Services dated 5/23/06.
- 52.) Sediment Report Narrative, as prepared by Marathon Engineering & Environmental Services comprising one (1) page, no date.
- 53.) Phase I/Phase II Environmental Assessment, as prepared by Marathon Engineering & Environmental Services dated 6/07/06.
- 54.) Environmental Impact Statement, as prepared by Marathon Engineering & Environmental Services dated 6/23/06.
- 55.) Traffic Impact Study, as prepared by Horner & Canter Associates dated 5/08/06.
- 56.) Stormwater Management Report, as prepared by Marathon Engineering & Environmental Services dated 6/23/06.
- 57.) Land survey entitled "Boundary Topo. And Wetlands," as prepared by Richard M. Sapic, PLS comprising one (1) sheet dated 6/30/06.
- 58.) Soil Conservation Plan, as prepared by Marathon Engineering & Environmental Services consisting of the following:
- 59.) 

Sheet	Plan Description	Date / Latest Revision
12 of 14	Soil Conservation Plan	6-23-06
13 of 14	Soil Conservation Narrative	6-23-06
13 of 14	Soil Conservation Detail Sheet	6-23-06
- 60.) Engineering plans, as prepared Design Consulting Associates consisting of the following:

Sheet	Plan Description	Date / Latest Revision
1	Cover Sheet	6-23-06
2	Information Sheet	6-23-06
3	Preliminary Lot Plan	6-23-06
4	Grading Plan	6-23-06
5	Utility Plan	6-23-06
6	Landscaping and Lighting Plan	6-23-06
7	Landscaping and Lighting Detail Sheet	6-23-06
8	Road and Utility Profiles	6-23-06
9	Roadway and Site Detail Sheet	6-23-06
10	Storm Water Management Detail Sheet	6-23-06
11	Sanitary Sewer and Water Detail Sheet	6-23-06
12	Soil Conservation Plan	6-23-06
13	Soil Conservation Narrative	6-23-06
14	Soil Conservation Detail Sheet	6-23-06

**Bulk Zoning Requirements:**

Zone: "R-3" - Residential District (§405)

Use: Single family detached dwelling is permitted is a permitted use (§405.B(1))

**R-3 - Residential District**

Description	Required	Proposed	Conforms
Lot size (min.)	9,375 sf	≥ 9,375 sf	Yes
Lot size (min.) - Lot 57	9,375 sf	2,357 sf	no
Lot frontage (min.)	75 ft.	≥ 75 ft.	Yes
Lot frontage - cul-de-sac (min.) <sup>1</sup>	56.25 ft.	≥ 56.25 ft.	Yes
Lot depth (min.)	125 ft.	≥ 125 ft.	Yes
Building coverage (max.)	20%	≤ 40%	Yes

Lot coverage (max.)	40%	≤ 50%	Yes
Principal Building Minimum Yards, Depths and Height Limitations			
Front yard (min.)	30 ft.	30 ft.	Yes
Front yard (min.) - Lot 57 and 58	30 ft.	20 ft.	no*
Side yard (min.)	10 ft.	10 ft.	Yes
Rear yard (min.)	30 ft.	30 ft.	Yes
Useable yard area (min.)	25%	25%	Yes
Building Height (max.)	35 ft.	35 ft.	Yes
Density (max.) - Lots 1 - 19	3 du/acre	1.71 du/ac.	Yes

\* The minimum lot frontage for curved alignments shall not be less than 75% of the required minimum lot width.  
 - Variance required

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

57. The Board Engineer also issued a report indicating the need for several revisions, clarifications and/or modifications to the plan to which the applicant agreed as a condition of approval.

58. According to all of the foregoing testimony, the Bond must conclude as follows:

a) the applicant has failed to provide all information necessary to permit the Board to make a reasoned decision that is in the best interest of the public health, safety and welfare;

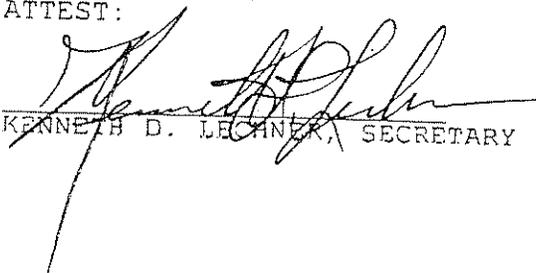
b) the applicant has failed to satisfy the positive and negative criteria criteria for the variances.

NOW, THEREFORE, after considering the foregoing facts the Board concludes that the application for Preliminary Major Subdivision is denied.

Those Eligible to Vote      Those in Favor      Those Opposed

Gabe Busa  
 Jim Forte  
 Orlando Mercado  
 Dennis Palmer  
 Tom Schina  
 Linda Musser  
 Mayor Cindy Rau-Hatton  
 Chairman John D. McLaughlin

ATTEST:

  
 KENNETH D. LECHNER, SECRETARY

GLOUCESTER TOWNSHIP  
 PLANNING BOARD

  
 JOHN D. McLAUGHLIN, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Gloucester Township Planning Board at a meeting held on the 3th day of April, 2009.

  
KENNETH D. LECHNER, SECRETARY