

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
WEDNESDAY, JANUARY 14, 2015**

Chairman McMullin called the meeting to order. Mr. Lechner read the commencement statement.

Roll Call:

Vice Chairman Simiriglia	Present
Mr. Bucceroni	Present
Mr. Scarduzio	Absent
Mrs. Chimento	Absent
Mr. Rosati	Present
Mr. Acevedo	Present
Mr. Treger	Present (late arrival 7:40)
Ms. Scully	Present
Chairman McMullin	Present

Chairman McMullin had the professionals sworn in:

Also Present: Mr. Anthony Costa, Zoning Board Solicitor
Mr. Gary White, P.E., Churchill Engineering
Mr. Ken Lechner, Township Planner

Substitutions: Mr. Treger will sit in for Mrs. Chimento and Ms. Scully will sit in for Mr. Scarduzio.

REORGANIZATION

A motion to elect Mr. McMullin as Zoning Board of Adjustment Chairman was made by Mr. Bucceroni and seconded by Mr. Rosati.

Roll Call:	Mr. Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Mr. McMullin	Yes

Motion Approved.

A motion to elect Frank Simiriglia as Vice Chairman of The Zoning Board of Adjustment was made by Mr. Rosati and seconded by Mr. Acevedo.

Roll Call:	Mr. Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to elect Ken Lechner as Secretary of The Zoning Board of Adjustment was made by Vice Chairman Simiriglia and seconded by Mr. Bucceroni.

Roll Call:	Vice Chairman Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to elect Mrs. Gomez as the recording secretary of the Zoning Board of Adjustment was made by Vice Chairman Simiriglia and seconded by Mr. Rosati.

Roll Call:	Vice Chairman Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to elect Mr. Anthony Costa as Solicitor of the Zoning Board of Adjustment was made by Mr. Rosati and seconded by Mr. Bucceroni.

Roll Call:	Vice Chairman Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to elect Churchill Engineering (Mr. James Mellett) as engineering firm for The Zoning Board of Adjustment was made by Vice Chairman Simiriglia and seconded by Mr. Bucceroni.

Roll Call:	Vice Chairman Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosati	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to choose meeting dates (every 2nd and 4th **Wednesday**), w/1 meeting in May, November & December, for the Zoning Board of Adjustment was made by Mr. Rosati and seconded by Mr. Bucceroni.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Yes
Mr. Acevedo	Yes
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Motion Approved.

A motion to approve The Courier Post and The Philadelphia Inquirer as advertising newspapers was made by Vice Chairman Simiriglia and seconded by Mr. Rosafi.

Roll Call:	Vice Chairman Simiriglia	Yes
	Mr. Bucceroni	Yes
	Mr. Rosafi	Yes
	Mr. Acevedo	Yes
	Mr. Treger	Yes
	Ms. Scully	Yes
	Chairman McMullin	Yes

Motion Approved.

A motion to approve the agenda procedures was made by Vice Chairman Simiriglia and seconded by Mr. Bucceroni.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Yes
Mr. Acevedo	Yes
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Motion Approved.

MINUTES FOR ADOPTION

Zoning Board Minutes for Thursday December 10, 2014.

Motion to approve the above-mentioned minutes was made by Vice Chairman Simiriglia and seconded by Mr. Bucceroni.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Abstain
Mr. Acevedo	Abstain
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Minutes Approved.

RESOLUTIONS FOR MEMORIALIZATION

142046C
Jacqueline Sims Coley
Bulk C Variance
Block: 7703 Lot: 1

#142048C
Richard Szerbin
Bulk C Variance
Block: 17005 Lot: 38

#142045D
Addison Bradley
Bulk C & Use D Variance
Block: 14002 Lot: 4 & 5

A motion to approve the above mentioned resolutions was made by Vice Chairman Simiriglia and seconded by Mr. Bucceroni.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Abstain
Mr. Acevedo	Abstain
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Resolutions Approved.

APPLICATIONS FOR REVIEW

#142049C
Normita Ramos
Zoned: R3
Bulk C Variance
Block: 10006 Lot: 20
Location: 9 Vicksburg Rd., Laurel Springs
6' vinyl fence w.18.09 s/b 2nd front.

Mr. Costa swears in Ms. Ramos.

Ms. Ramos states they are replacing an existing fence and it will be in the same spot, as well as the same height. The old fence is 17 years old and needs replacement.

Open to Professionals:
No Comments.

Open to the Public:
No Comments.

A motion to approve the above mentioned application was made by Mr. Bucceroni and seconded by Mr. Treger.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Yes
Mr. Acevedo	Yes
Mr. Treger	Yes
Ms. Scully	Yes

Chairman McMullin

Yes

Application Approved.

#142042C

David Wolfe

Zoned: R3

Bulk C Variance

Block: 4002 Lot: 11

Location: 41 Sofia Dr., Blackwood

11' x 43' concrete pad w/1' s/b; impervious coverage, 6' fence w/0 s/b, shed.

Mr. Costa swears in Thomas Booth (solicitor), Mr. David Wolfe. Andrew Hogg PE.

Mr. Booth reviews the application for the board and public.

Mr. Wolfe states the impervious surface was installed without permission and he was unaware of permits being necessary. He updated and staked out his property with the company Land Dimensions and everything was within his lot. The existing fence is either on his property line or over the line slightly. The fence was removed and moved in 10 inches. The concrete patio setback was dealt with by using a slight pitch in the concrete, vinyl rain rails, and 6" guards that all drain into the driveway. The neighbor's red maple had to be moved, but the neighbor removed the bed prior, so the soil was gone and they put grass seed down. The concrete patio has a water collection French drain that drains into a 55 gallon drum; this water is reused in the garden. The wood shed is sitting on gravel and was moved about 1" to 2", the wood deck is has soil underneath.

Chairman McMullin asks the board if they have any questions yet.

Mr. Lechner wanted to double check that Mr. Wolfe stated there was soil underneath the deck.

Mr. Wolfe states it has been the same since it was built; there is soil under the deck.

Mr. Hogg PE discusses the ordinance for impervious coverage. He states a driveway must be 3' from the property line but the ordinance doesn't mention patios. The patio is not on the neighbors' property. The total coverage of impervious surface is 8.12% which is half of what is typical. The irregular pie shape lot leaves Mr. Wolfe half of what is typical for a standard rectangular lot. The driveway is large because of the side garage.

Mr. Hogg PE continues that lots #1,2,9,8,10 drain into the back of the easement. Mr. Wolfe's rain edge for the patio drains to the street and easement. The water ponding is where the raised bed was located. Brick pavers are in front and on top of the rain rail. Any low areas were there from the original build.

Mr. Bucceroni asks if the tree removed was Mr. Wolfe's'.

Mr. Wolfe states "yes, it was his tree".

Vice Chairman Simiriglia asks Mr. Hogg how far the driveway is from the property line.

Mr. Hogg states the driveway is greater than 3ft from the property line.

Vice Chairman Simiriglia asks Mr. Lechner if the patio has to follow the same rule as he driveway.

Mr. Lechner states the 3ft. rule is for all impervious surfaces.

Vice Chairman Simiriglia asks Mr. Hogg if the water has been contained.

Mr. Hogg states the east side water drains down the driveway, the west side goes into the French drain and the natural flow through the neighbors (explained previously).

Mr. Lechner defines variances: 1.) impervious 48.21% 2.) shed must conform 3' 8" , 6' 4". 3.) existing fence is currently 10" from the property line; proposed 1ft. from property line.

PUBLIC PORTION:

Mr. Costa swears in Ms. Springle.

Ms. Linda Springle discusses variance notifications and how she thinks they were incorrect, Mr. Wolfe's survey being incorrect, the patio going to the property line in her opinion, thinks his impervious coverage is too high, questions how he will maintain his shed w/out going on her property and ,in addition, if you don't have room for a shed you shouldn't get one that's why she doesn't have one.

Mr. Lechner states the notice for the variance was the same as other variances during the meeting. The notice is OK.

Ms. Springle continues: she has not noticed any decreased flooding since the changes, ponding was not as obvious, land being leveled by a landscaper, no permits for the electrical work, and what permanent structure is going to go w/that electrical work.

Mr. Bucceroni asks if the conduit is on the property line.

Ms. Springle states "yes it is".

Mr. Rosati wants to know if that electrical line is active.

Mr. Costa swears in Mr. and Mrs. Collins:

Renee Macrina-Collins & Mr. Collins: the fence is 1'1" on her property even after Mr. Wolfe moved it, concrete on her property line, shed roof line and overhang on her property, her October survey shows his fence on her property.

Mr. Costa states the fence has been moved and we're not sure her survey is correct either. Mr. Costa points out Mr. Wolfe moved the fence 9'9" and it was over 1'1".

Mr. Collins states Mr. Wolfe's property wasn't surveyed , it was just staked out.

Mr. Costa states what is there now is what is important.

Mr. Collins wants the fence removed and its still on his property.

10/30/2014 there was a 0.92' encroachment so therefore he would be on his property.

Mr. Rosati asks about the fence encroachment.

Mrs. Collins states he moved and erected the fence with no permits.

Mr. Lechner states the fence should be 40' from road, within property, finished side facing out, elevated for drainage, permit necessary. (ordinance)

Mr. Costa if the fence is on the Collins' property it is a neighbor dispute.

Mrs. Collins asks how much the fence has to be raised for drainage.

Mr. Lechner states enough for water to drain underneath.

Mr. Costa swears in Ms. Andrea Colazzo

Ms. Colazzo states drainage is on their side of natural easement.

Mr. Bucceroni states the easement has a lot of trash in it, seen in the neighbors' pictures. People are adding to the problem with wood piles and such in the drainage easement. In addition there is a shed in the easement that is compounding the problem.

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Mr. Costa swears in Mr. Robert Fitzgerald

Mr. Robert Fitzgerald is concerned over he lack of concern over property lines.

Mr. Wolfe states the electrical lines are dead and were for lighting for a pond that no longer exists.

Mr. Lechner asks Mr. Wolfe if he installed the electric.

Mr. Wolfe states "yes he did and they can be pulled out, they're dead."

Mr. Lechner states he will contact the electrical official.

Mr. Booth (solicitor) states all water is directed to the easement. Water will not run up hill and the patio is completely on Mr. Wolfe's property.

Mr. Hogg (PE) wishes to clarifies the impervious coverage is over by 8%.

Vice Chairman Simiriglia asks where the shed is specifically.

Mr. Wolfe states the shed is 4" on his property.

Vice Chairman Simiriglia states the overhang is 6".

Mr. Wolfe states he's not sure how far it overhangs.

Vice chairman Simiriglia states they could amend the application to remove the shed.

Mr. Booth states Mr. Wolfe will comply to whatever the board suggests.

Mr. Costa asks Mr. Booth if the applicant can comply to the ordinance.

Mr. Booth states the shed will either comply or be removed, but the ordinance will put the shed in the middle of the yard.

Ms. Springle asks about the conduit on the patio.

Mr. Wolfe states he will remove the wire.

Vice Chairman Simiriglia wants the electric to meet ordinance.

Mr. Collins states the setback on the shed will include the roofline, the roofline will be 6" away from the property line.

Mr. Lechner states to make sure the runoff from the shed is on Mr. Wolfe's property.

Ms. Springle states the shed will have to move over.

Mr. Lechner states to use the "as built survey" for Mr. Wolfe and he wants to confirm this when everything is done being moved or removed.

Mr. Wolfe states he will move the shed up not side to side.

Mr. Rosati states the applicant should make sure the shed does not impede on neighbors' property.

REVIEW:

Mr. Lechner: Variances: 1.) 48.21% lot coverage vs. 40% 2.) shed 1 foot from base w/gutters 3.)-0.5 from edge of gutters 4.) setback of concrete 0' & has to be on his property.

Mr. Bucceroni states if the survey is incorrect they will have to come back.

Mr. Booth will follow "as built survey" but the fence will have to be on top of the patio.

Mr. Bucceroni states cut the concrete.

Mr. Booth will cut the concrete and install the fence on his property.

Mr. Lechner states he needs a number for how much concrete will be cut.

Mr. Booth states they will cut 6" off vs. 3' "as built". 1.) impervious coverage 48.1 2.) side yards .05 from gutter edge 3.) edge of concrete 6" in from property line.

***Time line for completion of work will be May 1st "as built" with permits. ***

A motion to approve the above mentioned applications impervious coverage 48.1%, side yard .05 from gutters edge, edge of concrete 6" in from property line and "as built", and all permits necessary was made by Mr. Bucceroni and seconded by Mr. Rosati.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosati	Abstain
Mr. Acevedo	Abstain
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Application Approved.

5 Minute Break

Roll Call:

Vice Chairman Simiriglia	Present
Mr. Bucceroni	Present
Mr. Rosati	Present
Mr. Acevedo	Recused
Mr. Treger	Present
Ms. Scully	Present
Chairman McMullin	Present
Mr. Costa	Present
Mr. Lechner	Present
Mr. White	Present

#142050BD

1840 P. Cheeseman Road, LLC

Zoned: R2/IN

B (interpretation) & Use "D" Variance

Block: 14003 Lot (s): 13,13X,14,15,23

Location: 1840 Peter Cheeseman Rd., Blackwood

Residential substance abuse treatment facility

Mr. Costa swears in Mr. DeVitro (planner), Mr. Kevin Mullin, Ms. Darcy Brazzle (drug and alcohol behavioral field 15yrs).

Mr. Mintz (solicitor for applicant) : interpretation of Use 1.) rehab facility 2.) residential component.

Ms. Brazzle explains that there is no license for what she does but with 15 years experience she is accepted as an expert.

Mr. Mintz presents A1) subdivision D and A2) aerial photo to the board. Mr. Mintz explains the summary letter in the folder does not explain the specific use in the ordinance. The application is a use that is permitted, or a use variance is necessary. They are

requesting that use be permitted (419 institutional zone) IZ 142 acres. There is a small piece to the left R2 zone that won't have any buildings. Ordinance 419A allows educational and health care uses; within campus a residential use is permitted or mentioned; in the next paragraph the use is not permitted or mentioned. This will be a long term care and health facility which is a institutional use. There will be a supervised residential long term use, that is permitted. Section 202 defined = long term care, licensed institutional definition, there will be a Department of Human Services License. 1.3 use disorder facility treatment center: code: faculty substance abuse for 24 hours. The intent of the ordinance is health care and residential is welcome. The base building (old retreat building) will be used along with a campus and disability care.

Ms. Brazzle continues with the explanation of the proposed health care/residential campus. There will be several levels of care. 1. detox - treatment by a doctor 2. residential - state license treatment program for 24 or more consecutive hours. 3. outpatient services 4. sober living community for patients families and others to live in a sober community. This will be self pay or commercially paid for by patients, programs 24 hours 7 days a week, that include medical care, counseling, nursing and doctors' care. Sober living community will support people in recovery and rent them as apartments, the residents will be drug tested to verify sober living. There is a need in the region for outpatient, in housing for addiction because other facilities are over flowing. The Health Care Reform Act has helped because more people have insurance (greater demand). There is a heroin epidemic in NJ which adds to the need of these facilities. There will be added local jobs which will aid the community also there will be a partnership with the local colleges. The residential part of discharge plan will be the sober housing and the outpatient services they will have available; this will assist the patients into returning to the community. The current structure will be utilized as it was previously a dormitory with chapel and kitchen. Regular State inspections will occur without notice throughout the year. The facility will have a full medical, nursing, and counseling staff on premises. Details of operation are: treatment will occur 7am to 10pm, clinical group therapies, expected stay of patient is 30 days, estimated job creation about 110 jobs (w/100 bed facility) that will be divided into shifts (4 to 5 shifts). Success rates are higher if patients stay in care treatment, since this is a mental health disorder. Outpatient sober living, full continuum of care are all part of the treatment. The patients are all on a single campus that encourages sobriety, families will be encouraged to be engaged in the process which benefits the patient because they have a support system. There are no other facilities like this in Camden County.

Mr. Bucceroni asks for more specifics on the sober living facility.

Ms. Brazzle explains there will be condos, townhouses and apartments people can rent.

Mr. Mc Mullin asks how long can will you be able to rent units.

Ms. Brazzle states there will be 6 months and 1 year leases.

Mr. Bucceroni asks if there will be random drug testing of the residents.

Ms. Brazzle states there will be weekly drug testing.

Mr. Bucceroni asks if there will be consequences if you test positive.

Ms. Brazzle states the resident would be evicted.

Mr. Treger asks the hours of operation.

Ms, Brazzle states it is a 24hr/7day a week operation.

Mr. Treger asks how much of the 140 acres would this facility encompass.

Mr. Mintz states the 142 acres has an enormous amount of wetlands, the buildings would have to stay in the front half of the property.

Mr. Rosati asks the intake rules for new patients.

Ms. Brazzle states they will be screened and no sex offenders will be admitted.

Mr. Bucceroni asks if there will be a lobby guard and security system to admit residents/patients.

Also you can keep the patients anonymity but no violent offenders would be admitted?

Ms. Brazzle states the patients will be screened and they do not accept any court mandated patients. This program does not accept Medicare or Medicaid.

Mr. Bucceroni asks Ms. Brazzle if no court mandated or violent offenders will be admitted.
Ms. Brazzle states they will be denied and if they exhibit any violent behaviors they be escorted out of the community. The sober living community lease is about double the local rentals. The rent for an apartment will be along the lines of \$3000.00 to \$4000.00 per month for sober living. This community will be extremely high end and it will have the latest in care with robust security on site. The staff will perform hourly head counts.
Mr. Bucceroni states since this is a "for profit" facility would the applicant be willing to have a Deed Restriction on the property that it stays a "for profit", it won't be able to be sold as a "court mandated" facility.
Mr. Mintz states the deed restriction changes the title and they won't be able to sell to a non-profit facility, this exposes both to approval.
Mr. Costa states how is it different from a 55 and over property.
Mr. Mintz states the statutory ordinance.
Mr. Costa states the property can only be used for 55 and over.
Mr. Mintz isn't comfortable with that.
Mr. Mintz and Mr. Costa discuss this topic at length.
Mr. Costa asks Ms. Brazzle if they have 100 beds how many living units will they need.
Ms. Brazzle states they have no numbers yet and she doesn't know of any ratio because most facilities are one or the other, not both, treatment and sober living.
Mr. Mintz states they will be with this board for density if the facility is permitted.
Vice Chairman Simiriglia asks if its possible to approve the rehab facility and disapprove the residential (sober) living facility.
Mr. Lechner and Mr. Mintz discuss residential vs. sober community, hospital vs. institutional, not being court mandated & could that change?, and the potential for court mandated legislature could enact tax exemption.
Vice Chairman Simiriglia states our zoning can't be based on a tax ratable.
Mr. Costa discusses fiscal impact on the township and the impact on township services. Mr. Costa asks if court mandated patients with private insurance could use the facility.
Ms. Brazzle states the court would have to agree to that.

Mr. DiVitto explains A2 and the wetlands involved that will keep the facility far away from any neighbors. Healthcare and religious facility allowed on the property. He has reviewed Mr. Lechner's letter and sober apartments being part of the IZ zone. Mr. DiVitto explains what will be going on in the buildings and how it isn't much different from what is going on currently. He also offers an argument for the sober apartments fitting in with the IZ zone.
Mr. DiVitto states the municipal land use law defines residential for disabled and in addition the Fair Housing act, America for Disability Act, along with Health and Vital Statistics (for alcohol and drug use) encompasses disabled housing. Mr. DiVitto discusses at length the disabled peoples argument. The town shouldn't bear the burden of the function of this facility. This facility is just providing sober, step down, "fair" housing.

A motion to continue the above application to February 11, 2015 was made by Mr. Bucceroni and seconded by Mr. Rosafi.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Yes
Mr. Treger	Yes
Ms. Scully	Yes
Chairman McMullin	Yes

Continuation Approved.

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A motion to Adjourn was made by Mr. Treger and seconded by Mr. Rosati.

Respectfully Submitted, Jean Gomez, Recording Secretary.