

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT THURSDAY,  
March 25, 2010**

---

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

<b>Roll Call:</b>	<b>Vice Chairman Simiriglia</b>	<b>Present</b>
	<b>Mr. Marks</b>	<b>Present</b>
	<b>Mr. Fabricius</b>	<b>Absent</b>
	<b>Mr. Fuscellaro</b>	<b>Present</b>
	<b>Mr. Bucceroni</b>	<b>Present</b>
	<b>Mr. Domiano</b>	<b>Absent</b>
	<b>Mr. McMullin</b>	<b>Present</b>
	<b>Mr. Gunn</b>	<b>Absent</b>
	<b>Mrs. Chiumento</b>	<b>Present</b>
	<b>Mrs. Giusti</b>	<b>Absent</b>
	<b>Chairman Richards</b>	<b>Present</b>

Chairman Richards had the professionals sworn in:

Also Present: Mr. Anthony Costa, Zoning Board Solicitor  
Mr. James Mellett PE, Churchill Engineering  
Mr. Ken Lechner, Township Planner

---

**\*\*Substitutions: Mr. McMullin will sit in for Mr. Fabricius and Mrs. Chiumento will sit in for Mr. Domiano. \*\*\*\*\***

**MINUTES FOR ADOPTION**

Zoning Board Minutes for March 11, 2010.

Motion to approve the above-mentioned minutes was made by Mr. Marks and seconded by Mr. Fuscellaro.

**Roll Call:**

<b>Vice-Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Marks</b>	<b>Yes</b>
<b>Mr. Fuscellaro</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Abstain</b>
<b>Mr. McMullin</b>	<b>Abstain</b>
<b>Mrs. Chiumento</b>	<b>Abstain</b>
<b>Chairman Richards</b>	<b>Yes</b>

Minutes approved.

RESOLUTIONS FOR MEMORIALIZATION

#102010C

Sexton, Douglas G

Block: 9601 Lot: 12

Bulk C Variance

#102007C

Duclos, Due

Block: 18105 Lot: 30

Bulk C Variance

#092067CDMSP

T-Mobile Northeast, LLC

Block: 15805 Lot: 8

Bulk C, Use Variance &amp; Minor Site Plan

A motion to approve the above mentioned resolutions was made by Mr. Marks and seconded by Mr. Fuscellaro.

## Roll Call:

Vice-Chairman Simiriglia	Yes
Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Abstain
Mr. McMullin	Abstain
Mrs. Chiumento	Abstain
Chairman Richards	Yes

Resolutions Approved.

APPLICATIONS FOR REVIEW

#102008C

McNeece, Renee

Zoned: R3

Block: 19803 Lot: 7

Bulk C Variance

Location: 15 Vail Rd. Sicklerville, NJ 08081

**Moving existing fence 6' Vinyl Fence 16' From Curb & Installing 20' x 36' Inground Pool 24' From Curb & 7' From Rear Property Line.**

Mr. Costa swears in Ms. McNeece.

The applicant Ms. McNeece states she is moving the pool in her yard to accommodate a neighbor who works from home, and since she is moving the pool, the fence must follow. Vice-Chairman Simiriglia asks Mr. Mellett if there is any problem with the site line if the fence is moved. Mr. Mellett states "no" there is no adverse affect moving the fence.

**Public Portion:**

Mr. Costa swears in Mr. David Odorisio.

Mr. Odorisio states he is the rear neighbor to the applicant. He is worried about the run off from the apron of the pool, he would like a French drain installed around the pool.

Mr. Odorisio wants to make sure the run off from the pool will be properly directed out to the street.

Mr. Simiriglia explains that the applicant can not change the grading between the houses and since there is a swale on his property which is higher than the applicants' he didn't see a problem.

Ms. McNeece explains if the pool builder hits water they have to build a French drain.

Ms. McNeece states she will abide by the ordinance and keep the pool 10ft from the rear property line. No variance is needed.

Opened to the Professionals:

No Comments.

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

**Roll Call:**

Vice-Chairman Simiriglia	Yes
Mr. Marks	Yes
Mr. Fuscellare	Yes
Mr. Bucceroni	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Chairman Richards	Yes

**Application Approved.**

#102011C

Kossar, John P

Zoned: R3

Block: 11605 Lot: 19

Bulk C Variance

Location: 200 Marshall Ave. Blackwood, NJ 08012

**Construct 12' x 30' Shed To Be Used For Storage.**

Mr. Costa swears in Mr. John P. Kossar, applicant.

Mr. Kossar explains he has spoken with all his neighbors and they have all agreed the spot in the yard he has picked for the shed is the best spot. It will be the least intrusive and aesthetically appealing. Mr. Kossar explains he will be storing bikes, basketballs and patio furniture in the shed.

Open to the Public:  
No Comments

Open to the Professionals:  
No Comments

**A motion to approve the above-mentioned application was made by Mr. Marks and seconded by Mr. Fuscellaro.**

**Roll Call:**

Vice-Chairman Simiriglia	Yes
Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Chairman Richards	Yes

**Application Approved.**

**#102009C**

**Boudreau, Paul & Dorothy**

**Zoned: SCR**

**Block: 15821 Lot: 49**

**Bulk C Variance**

**Location: 55 Shelly St., Sicklerville, NJ 08081**

**Construct 10' x 20' Screened In Porch On Property Line.**

Mr. Costa swore in Mr. Paul Boudreau, applicant.

Mr. Boudreau explains the reason and need for the porch.

Open to the Public:  
No Comments

Open to the Professionals:  
No Comments

**A motion to approve the above-mentioned application was made by Mr. McMullin and seconded by Mrs. Chiumento.**

**Roll Call:**

Vice-Chairman Simiriglia	Yes
Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Chairman Richards	Yes

**Application Approved.**

**#102004CDMSP**

**Blackwood Chicken, LLC**

**Zoned: HC**

**Block: 1102 Lot: 66**

**Bulk C, Use Variance & Minor Site Plan**

**Location: Blackwood – Clementon Rd.**

**Convert Property Into Popeye's Louisiana Kitchen Establishment**

Mr. Costa swears in Mr. Dennis Riley (attorney), Mr. Steve Bach PE, Professional Planner, and architect and Mr. Ronald Hunter.

Mr. Riley explains the project, as it used to be a Dunkin Donuts and is across the street from a Shop Rite.

Mr. Hunter explains the differences between the current building and the adjustments made to accommodate a Popeye's chicken, 20 spaces required and 21 are provided. D3 variance 1,000ft set back not being fulfilled (La Cascata development). Any concerns over odor have been addressed by carbon scrubbers to eliminate the odor. Mr. Hunter further explains this location is ideal for a Popeye's chicken and it will revitalize the site.

Mr. Riley states that it is a good fit for a lot that can not be expanded.

Mr. Hunter states he agrees with Mr. Riley that it is the best and most useful use for the existing lot.

Vice-Chairman Simiriglia asks Mr. Bach if the drive – in is new.

Mr. Bach states "yes".

Vice-Chairman Simiriglia states that the lot is tight for trash and delivery trucks.

Mr. Bach explains the dumpster will be a "roll out" dumpster and the truck will exit out the back of the lot. Mr. Bach states the County didn't question the right turn only out of the front driveway. He explains the signage will stay the same.

Mr. Mellett questions Mr. Hunter about the bypass lane, queuing lanes, loading and unloading delivery (box) trucks, total parking spaces, restricted employee only parking spaces.

Mr. Bach states the easement between LaCascata and the proposed Popeye's Chicken is a shared property and signage will designate employee parking (only).

Mr. Hunter states there is 39 feet between drive aisles which is an existing issue that isn't causing any problems.

Mr. Mellett states they should review the fire lane with the fire marshal.

Mr. Hunter states the storm water standards are as follows: the water follows La Cascata drive and Blackwood-Clementon Rd.

Mr. Mellett clarifies that the lights will be dimmed after hours and will be turned on only 1 hour before opening and 1 hour after closing.

Mr. Asheesh (applicant) is questioned by Vice – Chairman Simiriglia: hours of the store will be 10:30am to 11:30pm, 7 days a week, trash pick up is usually waste management every other day usually between 5am and 6am.

Mr. Bach states the trash pick-up will be between 8:30am and 6:00pm. He also requests keeping parking spaces the same.

Mr. Asheesh states the employee parking will have signs designating "employees only or you will be towed."

Vice-Chairman Simiriglia questions Mr. Bach about putting a "right turn only" sign up exiting onto Blackwood- Clementon Rd. Mr. Bach would prefer to keep it as it is because corporate Popeye's might not like the right turn only sign.

Mr. Bucceroni questions if any other business on Blackwood-Clementon Rd. has a right turn only sign.

Mr. Fuscellaro asks if "scrubbers" are efficient.

Mr. Bach states they are an industry standard.

#### **Public Portion:**

Ms. Connie Demingas has questions about the guard rails, trash trucks and time, also requests the curbing be continued on the LaCascata side of the access road.

Mr. Bach states there won't be a new curbing on the LaCascata side as that would be LaCascata's property and all the trucks will be box trucks NOT tractor trailers, pick up time will be between 8:30am and 6:00pm.

#### **Professional Portion:**

Mr. Lechner questions the appearance of the building being improved.

Mr. Bach states there will be a new façade on the whole building red, white and tan.

Mr. Lechner asks if the trash enclosure will match the building.

Mr. Bach states the masonry will match the building.

Mr. Lechner asks if the damaged concrete and asphalt will be repaired.

Mr. Hunter states they will overlay the asphalt, concrete will be replaced including the curbing.

A motion to approve the above -mentioned application with the following restrictions: hours of operation 10:30am to 11:30pm, trash pick-up between 8:30am and 6:00pm, lights will be on 1 hour before opening and 1 hour after closing, Police department and County Planning Board allow a right or left turn out of parking lot, was made by Vice-Chairman Simiriglia and seconded by Mr. Marks.

Roll Call:

Vice-Chairman Simiriglia	Yes
Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Chairman Richards	Yes

Application Approved.

10 minute recess.....

Roll Call:	Vice Chairman Simiriglia	Present
	Mr. Marks	Present
	Mr. Fuscellaro	Present
	Mr. Bucceroni	Present
	Mr. McMullin	Present
	Mrs. Chiumento	Present
	Chairman Richards	Present
	Mr. Costa	Present
	Mr. Mellett	Present
	Mr. Lechner	Present

\*\*\*\*\*Mr. Marks Steps Down\*\*\*\*\*

#092073D

The Gardens at Marksmen

Zoned: R1

Block: 13901 Lot: 11.01

Use Variance

Location: 1975 Erial Rd. Blackwood, NJ 08012

Landscaping Business

Mr. Costa swears in Mr. Jeffrey Baron who speaks for Marksmen Landscaping and explains the pre-existing non-conforming use: Mr. Baron continues with A13 resolution "Burbridge", A1 to A11 photos, A12 plans including 300 feet behind the building, and improvement of the site.

Mr. Costa swears in Mr. Frank Marks and Mr. John Petite.

Mr. Marks states use variance was granted to build business.

Mr. Baron questions Mr. Marks and Mr. Marks states his business has grown and he is willing to buffer and screen the neighbors. Mr. Baron and Mr. Marks explain in detail the photos presented to the board exhibits A1 thru A11.

Mr. Marks states the trips per day will be 15 trucks in and out per day. He states his employees park, get in the trucks and leave, they may arrive 3 or 4 in a car. Mr. Marks states he has 24 employees and wishes to expand to 30. His hours of operation are 7:30am to 5:30pm which he would like to change to 7:00pm as the employees are out on a job and can't guarantee they'll be back by 5:30pm. Mr. Marks has 34 trucks (and various equipment) and is requesting 37 trucks (and various equipment).

Vice-Chairman Simiriglia asks Mr. Marks if the red and yellow trucks were his.

Mr. Marks states "Yes, they're mine."

Mr. Marks states he has been in court with Mr. Lechner and the zoning officer.

Mr. Fuscellaro asks Mr. Marks if he stores mulch and salt on site.

Mr. Marks states "yes and that his start time is 7:30am".

Mr. Bucceroni questions Mr. Marks about his parking on site.

Chairman Richards asks Mr. Marks if his diesel trucks start at 7:30am.

Mr. Costa states originally the business was going to consist of 7 employees, 7 trucks, 3 cars and now Mr. Marks has 24 employees and 17 trucks.

Mr. Mellett questions Mr. Marks about all the trucks being parked on stone.

Mr. Lechner questions Mr. Marks on trailers, quantity and type.

Mr. Marks states he now has 2 enclosed, 5 flatbed and 17 six wheel trucks.

Mr. Lechner questions Mr. Marks about building a pole building.

Mr. Marks states he doesn't want to deal with the construction department.

Mr. Baron continues with Mr. Marks questioning: Mr. Marks states the trailer on the property isn't a trailer it's used as a shed that he would like to keep.

Mr. Lechner questions whose wood line is in the pictures.

Mr. Baron states it's the neighbor's wood line.

Vice-Chairman Simiriglia states the next door neighbors' house is in their own pictures.

Mr. Baron suggests extending the vinyl fence another 100ft on that side.

Mr. Lechner asks Mr. Marks when his business started.

Mr. Marks states "2007 and the business increased in 2009".

Mr. Baron questions Mr. Petite:

Mr. Baron asks Mr. Petite is exhibit A12 is true and accurate.

Mr. Petite states "yes".

Mr. Baron questions Mr. Petite about the use of the property, current and what was previously approved. It is particularly suited because of the commercial use on Erial Rd.

including Public Works. Even though there are homes on either side of the site it is still a good use, taking in consideration other properties on Erial Rd.

Mr. Mellett asks Mr. Petite about the performance of the existing basin.

Mr. Petite states he has no information on the current basin.

**PUBLIC PORTION:**

Mr. Clyde Walker Jr. attorney for Mr. Tarantino speaks about the original resolution. He states originally the business was supposed to have 8 or 9 employees and is no longer a modest business use. Mr. Walker states there have been 2 court cases on 9/1/2009 and 9/20/2009 involving 7,000 dollars worth of fines. Mr. Walker goes into great detail about the violations.

Mr. Joe Czechowski who resides at 1901 Erial rd. states the pictures are from a certain vantage point. They (Marksmen Landscaping) asked to open a small "mom and pop" landscaping business. Mr. Czechowski states within weeks of approval they stripped 450 feet of trees. Mr. Czechowski states Mr. Marks has 3 dozen employees and at 1:30pm there would be 9 employee cars on site and they use school buses to bring employees to the site. Mr. Czechowski states his house is 325ft. back and all they see are trucks and bins. Mr. Czechowski states Mr. Marks and his employees became revengeful and started pointing lights on the site towards his (Mr. Czechowski) home and revved diesel engines at 1:30am, 2:30am and 4:30am. Mr. Czechowski states the employees start at 6:15am to 6:30am and they start all the trucks. he has video to support his statement. Every piece of equipment is started before they load them on trailers, this includes mowers and weed whips. There is a dumpster on Mr. Czechowski's side of the site which employees urinate and defecate behind and have left this on his property, he speaks of the odor. Mr. Czechowski speaks of intimidation practices against him and his children such as: employees standing on the property line with arms crossed staring at him in his garage; his children come in the house because the employees are staring at them or being "hawked" by employees while they're in the pool. He has been in local businesses such as WaWa and employees have yelled insults at him while gassing up such as "you fucking pussy". Mr. Czechowski states they score grass clippings on their property which smell, crime has increased in the area since the business has opened because vehicles have been stolen off the Marksmen site. Mr. Czechowski also states employees also throw trash on his property. There has been major water shedding breached twice involving 30,000 to 40,000 gallons of water, Mr. John Cantwell has witnessed this himself.

Mr. Baron cross examines Mr. Czechowski about his statements. Mr. Baron suggests a fence and Mr. Czechowski states that won't help.

Mr. Baron questions Mr. Czechowski why he built his home there knowing the business was already approved.

Mr. Czechowski states he built his house according to the approved site plans for the Marksmen business and there were supposed to still be woods that far back.

Mr. Goodwin who lives across the street from the Marksmen business states his family has owned the property since 1904. Mr. Goodwin is a realtor and goes into great detail about the property value dropping, in his opinion. He states the impact on the area was immediate after the landscaping company moved in. He states there has been 20% depreciation since they (Marksmen) moved in. He sees commercial property in the area as a negative and traffic coming in and out of the business in dangerous.

Mr. Baron questions Mr. Goodwin about his statement.

Mr. Tarantino lives next door to the Marksmen Landscaping Company. Mr. Tarantino states at 6:30 pm he has counted 52 vehicles and continues to describe the vehicles he counted. He states Marksmen is using more (land) then they are asking to use tonight and they have taken more trees down. Mr. Tarantino has owned this home since 2001. Mr. Tarantino explains exhibits he has brought with him, T1 is a survey of his property with orange circles, the circles show where Marksmen bulldozed and dug on his property and piled 25 tons of dirt on his property with some areas being almost 12ft. high. T2 is the swing set, clothes line and property pre-construction. T3 is a photo of the front of the house where the fence was taken down and destroyed. T4 taken 1/2/09 is a view of what he sees out his back door. T5 thru T6 are pictures taken of the Marksmen lot where it has been cleared 475ft. T7 is a picture of fuel tanks which have since been removed.

**THIS APPLICATION WILL BE CONTINUED ON APRIL 22, 2010**

**A motion to adjourn was made by Mr. McMullin and seconded by Mr. Bucceroni.**

**Respectfully submitted by Jean Gomez, recording secretary.**