

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT THURSDAY,
May 27, 2010**

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

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

**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 substituted for Vice-Chairman Simiriglia and Mr. Gunn substituted for Mr. Fabricius. *******

MINUTES FOR ADOPTION

Zoning Board Minutes for May 27, 2010.

Motion to approve the above-mentioned minutes was made by Mr. Domiano seconded by Mrs. Marks.

Roll Call:	Mr. Marks	Yes
	Mr. Fuscellaro	Abstain
	Mr. Bucceroni	Abstain
	Mr. Domiano	Yes
	Mr. McMullin	Abstain
	Mr. Gunn	Abstain
	Chairman Richards	Yes

Minutes approved.

RESOLUTIONS FOR MEMORIALIZATION

April 22, 2010

#092086C

Kenneth Boyer

Block: 15810 Lot: 12

Bulk C Variance

#102016C

Rizzo/Valenti, Inc.

Block: 1703 Lot: 26

Bulk C Variance

#102003D

Henery Derreck, Sr.

Block: 15302 Lot: 35.01

Use D Variance

#102014

William Gallagher

Block: 9404 Lot: 4

Bulk C Variance

#102001A

Anthony Bentivegna

Block: 12204 Lot: 34

Appeal of Zoning Officers Decision

#102027CDMS

Reliable Tire Distribution, Inc.

Block: 8301 Lot: 3

**Site Plan Waiver, Use D & C
Variance**

**A motion to approve the above – mentioned resolutions from April 22, 2010 was
made by Mr. Marks and seconded by Mr. Fuscellaro.**

Roll Call:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Abstain
Mr. Domiano	Abstain
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Resolutions for April 22, 2010 Approved.

Resolutions for May 13, 2010**#092070C****Lillian Pursel****Block: 13605 Lot: 10****Bulk C Variance****#102028C****Brian & Christine Graves****Block: 16116 Lot: 1****Bulk C Variance****#102018C****David Minnick****Block: 6701 Lot: 1, 2 & 15****Bulk C Variance****#102030****Peter Sr. & Grace E. Harrington****Block: 5504 Lot:1****Use Variance****#102020C****Anthony & Christina Merulla****Block: 9106 Lot: 1****Bulk C Variance****A motion to approve the above-mentioned resolutions was made by Mr. Domiano and seconded by Mr. Marks.****Roll Call:****Mr. Marks****Yes****Mr. Fuscellaro****Abstain****Mr. Bucceroni****Yes (#102030D & #102020C ONLY****Abstained on #092070C,#102028C,#102018C)****Mr. Domiano****Yes****Mr. McMullin****Abstain****Mr. Gunn****Abstain****Chairman Richards****Yes****Resolutions for May 13, 2010 Approved**

APPLICATIONS FOR REVIEW**#102021C****June Pacifico****Zoned: R3****Block: 12 Lot: ????****Bulk C Variance****Location: 12 Winfield Rd. Sicklerville, NJ****6' Vinyl Fence**

Mr. Costa swears in Ms. Pacifico.

Ms. Pacifico explains she is replacing a pre-existing fence for her pool an additional 8 feet closer to the curb.

Mr. Fuscellaro asks Mr. Mellett if the site triangle will be affected.

Mr. Mellett states he doesn't see a problem with the site triangle.

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:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Application Approved.

#102032C**Nancy Owens****Zoned: R4****Block: 704 Lot: 11 & 12****Bulk C Variance****Location: 801 Price Ave. Glendora, NJ****14' x 18' Carport**

Mr. Costa swears in Ms. Nancy Owens and Mr. Phil Owens.

Mr. Owens states she is replacing an existing car port that is going to be 14' x 18'.

Mr. Marks asks if the car port will have gutters and if it will be smaller than the previous car port.

Mr. Owens states the new car port will be smaller and if will have gutters.

Mr. Lechner suggests an amendment to the resolution that the carports' distance to the road doesn't encroach into the right of way.

A motion to approve the above-mentioned application, with the amendment that the carport doesn't encroach into the right of way, was made by Mr. Marks and seconded by Mr. Bucceroni.

Roll Call:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Application Approved.

#102033C**Anthony DeVirgillis****Zoned: R4****Block: 15814 Lot: 10****Bulk C Variance****Location: 14 Shane St. Sicklerville, NJ****Variance For A Deck.**

Mr. Costa swears in Mr. DeVirgillis.

Mr. DeVirgillis states a deck any smaller would be about 2ft. wide and the deck must accommodate a wheelchair. There will be 3 steps with a railing in back of the deck.

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

Roll Call:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Application Approved.

#102034C

David T. Leader

Zoned: R4

Block: 902 Lot: 21

Bulk C Variance

Location: 1105 Huntington Ave. Glendora, NJ

14' x 18' Sun Porch

Mr. Costa swears in Mr. Leader.

Mr. Leader states he will make the sun porch match the house.

Mr. Marks asks the applicant if he will be installing gutters on the sun porch.

Mr. Leader states "yes".

Mr. Gunn asks about the screen house in the yard.

Mr. Leader states the screen house is free standing and on the other side of the yard.

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

Roll Call:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Application Approved.

*******Mr. Marks steps down*******

#092073D (Recorder counter 675)

The Gardens at Marksmen

Zoned: R1

Block: 13901 Lot: 11.01

Use D Variance

Location: 1975 Erial Rd, Blackwood, NJ

Landscaping Business Expansion

****NOTE: Mr. Gunn, Mr. Domiano and Mr. McMullin have all listened to the March 25th Zoning tapes concerning the Marksmen application.****

PUBLIC PORTION CONTINUED:

Mr. Clyde Walker continues from the March 25, 2010 Zoning Board of Adjustment meeting. He states he has photos #43 to # 47 to add to the previous 42 photos.

Mr. Lechner states he only has 38 photos.

Mr. Walker states he has extras of #38 to #42 photos and he re-introduces copies of the original resolutions and transcripts.

Mr. Walker continues, the (zoning) board decides what is gong to occur on a property. He reviews what the board originally approved in the resolution. The charges that were brought against Marksmen and the plea bargain involved. He also reviews what happened to Mr. Tarantinos' property with no buffers between him and Marksmen.

Mr. Costa swears in Mr. Tarantino.

Mr. Tarantino and Mr. Walker go through each photograph (#1 through #48) with explanations and descriptions of each one.

Mr. Bucceroni questions where the bulkhead is in the photos.

Mr. Fuscellaro questions if the no trespassing sign is on Mr. Tarantino's property.

There is much discussion about when (what year) all the photos were taken.

Mr. Tarantino states that Marksmen tried to bully him after he complained about the number of trucks on the property and the number of employees.

Mr. Baron cross examines Mr. Tarantino.

Mr. Baron points out the date stamps on the photos and asks Mr. Tarantino why he was taking the photos.

Mr. Tarantino states he was taking the photos to show what was going on.

Mr. Joe Chekowski is sworn in by Mr. Costa.

Mr. Chekowski is the neighbor on the opposite side of Marksmen from Mr. Tarantino.

Mr. Chekowski stated he was trying to show what he saw out his windows of his home.

When they tried to explain the problem to Marksmen all they got was attitude.

Mr. Costa states a lot of the photos are from 2008 before any corrections were made to the property after the complaints started. Pictures from 2010 would show a marked improvement.

Mr. Lechner asks if the area is still clear in the rear.

Mr. Chekowski states "yes".

Mr. Chekowski explains the neighborhood is mostly private homes, Marksmen is the only commercial property minus the Gloucester Township Public Works building.

Mr. Chekowski states the Marksmen attorney suggested trying to "right" things with the neighbors. Mr. Chekowski states the defecating on his property is still going on and he has a picture of the Marksmen dumpster on his property.

Mr. Gunn asked Mr. Chekowski if he discussed the issues with the Marksmen attorneys.

Mr. Chekowski states "yes, in 2008 but Marksmen didn't want to hear it."

Mr. Costa swears in Ms. Barbara Ashton of 1930 Erial Rd.

Ms. Ashton states she is across the street from Marksmen. She states getting out of her driveway is horrible and her front patio is noisy because of the trucks. She sees this as a disgrace what Marksmen has done to private home owners and states the "garden center" is a misnomer. She doesn't want anymore trucks back there "We have a right to live without being disrupted."

Mr. Baron continues questioning Mr. Chekowski. Mr. Baron shows Mr. Chekowski a copy of the plan and they discuss an eight foot fence. There is further discussion about fencing and trees as a buffer. Mr. Baron shows and submits to the board what was discussed on a plan. Mr. Baron also states the plan was later than 2008.

*****5 minute recess*****

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

All Present.

Mr. Costa swears in Mr. Petit.

Mr. Petit explains what happens now with a new picture of the site and a plan as it now, April 2010. New pictures are handed out to the zoning board with a copy of the survey and locales of where the photos were taken. The photo plan also shows the expansion and Mr. Petit continues by explaining the photos one by one, there are 10 updated photos plus an updated site plan.

Mr. Bucceroni asks Mr. Petit what time the pictures were taken.

Mr. Petit states late morning.

Mr. Baron asks Mr. Petit questions about the elevation of the site and it was requested by the town. Mr. Petit states the elevated building is creating a dam affect.

Mr. Domiano states no leaves on the trees would make a difference, and if the swale requested by Mr. Cantwell was built according to plan.

Mr. Gunn asks Mr. Petit if in photo #5 was the pink ribbon the neighbor's property line and it seems everything on the Marksmen property is as close as possible to the property line.

Mr. Gunn continues with: there isn't much room for error. Mr. Petit states the property line needs to be closed.

Mr. McMullin suggests a fence around the whole property.

Mrs. Giusti asks questions related to clearing the lot and photos #9 and #10.

Mr. Mellett asks Mr. Petit about a drain pipe being on the neighbors' property. The building was raised to get run off to go to the rear of the property towards the basin. Since the clearing is beyond what was approved may be why there is ponding, more detail is needed to fix the ponding issue.

A Mr. Barons state there needs to be NO off site drainage. Bollards may be needed to help protect the fence to help protect it.

Mr. Walker asks Mr. Petit questions about the variance plan and parking and what is permitted and where the mulch pile will be permitted.

Mr. Baron questions Mr. Frank Marks: In photo #2 Mr. Marks explains why they went off the property line when they were clearing the trees; they had figured that out in 2008 when they had the back re-surveyed. Mr. Marks is still willing to fix the disturbed area. A plan was marked up to resolve the issues but Mr. Marks states the neighbors wanted more and more every time they went back so Mr. Marks decided to let Judge Trabosh decide the case. Mr. Marks has someone police the area every morning. After the municipal court hearing nothing has changed on the site. Mr. Marks states he has no control over what size trucks people use to deliver items. The ice truck belongs to his son.

Mr. Costa states that since municipal court the issues brought up by the neighbors have been addressed.

Mr. Fuscellaro states the employees need to have a rest room.

Mr. Bucceroni addresses the drainage problem and suggests Marksmen put some drainage in to relieve the flooding on the Tarantino property. Mr. Bucceroni suggests pushing everything to the back so it's not an eyesore to the neighbors.

Mr. Chekowski states the swale was supposed to be fixed but it was paved.

Mr. Bucceroni states bushes and trees in between houses for a buffer.

Mr. Gunn asks Mr. Marks if the fence as not sufficient for the neighbors what else is he willing to do.

Mr. Marks states the building is 18 feet high plus the elevation, thus a fence will not hide it.

Mr. McMullin asks Mr. Marks if he does background checks on his employees.

Mr. Marks states "yes".

Mr. McMullin asks Mr. Marks if he does criminal checks.

Mr. Marks states "no"

Mrs. Giusti states there is a clear view to the neighbors since all the trees were cut down.

The damage is his responsibility and Mr. Marks needs to replace what he wrecked.

Mr. Lechner asks Mr. Marks for a more specific list of equipment. The landscaping business might have described as a “mom and pop” business but that may not be what Mr. Marks envisioned. There seems to be some confusion to the description of the business. The approval would have to encompass the salt bin/mulch bin.

Mr. Costa goes over the new approvals if granted:

24-30 employees

From 5:30pm to 7:00pm closing time

A list of trucks(37) and equipment with no truck larger than a 550.

Mr. Clyde Walker summation: Mr. Walker speaks the expansion of a non-conforming use and history of non – conforming use. He is stating that the applicant has done the expansion and now is requesting approval after the fact. He states the applicant hasn’t given the board a reason to approve since it’s already been done. There is nothing to keep the local children out of the Marksmen property and off the equipment, it’s a hazard. He also states the “Burden of special reasons” was not met.

Mr. Barons summation: expansion of non-conforming use is why they are here. He was allowed to cut down his trees, there is no tree ordinance. Mr. Marks wants the board to tell him what to fix not the other way around. Mr. Barons states the board should impose requirements on Mr. Marks so there is no question what is needed. Mr. Marks never saw himself as a “mom and Pop” operation he is a landscaping business. How do we fix the problem? Grant the application with conditions which are enforceable.

Mr. Costa clarifies what the board is voting on: expansion to the business, trucks and employees.

Mr. Lechner states the original site plan didn’t have the room to store that many pieces of equipment or trucks because he only had 50 feet.

Mr. Costa explains the vote as: a use variance to expand the site, 8 to 17 trucks plus equipment, 9 to 34 employees, store mulch only/salt in winter, subject to site plan approval, site plan must be submitted within 60 days of today (May 27,2010).

A motion to approve the above –mentioned application, a use variance to expand the site, 8 to 17 trucks plus equipment, 9 to 34 employees, store mulch only/salt in winter, subject to site plan approval, site plan must be submitted within 60 days of today (May 27,2010), was made by Mr. Bucceroni and seconded by Mr. Domiano.

Roll Call:

Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Mrs. Giusti	Yes
Chairman Richards	No

Application Approved.

*******Mr. Marks returns** *****

#102036CDPS (tape #2)**Sun National Bank****Zoned: CR****Block: 1101 Lot (s): 1,2, 9,10,11 & 12****Location: 1320 Blackhorse Pike, Glendora NJ****Preliminary Major Site, Bulk C & Use Variance****Bank/Drive thru**

Mr. Kevin Sheehan states variances and set backs needed for site and plan approval.

Mr. Costa swears in Ms. Beth Ann Grasso PE, Mr. Mike Masagetti, Mr. Greg Farm, Ms. Meghan Hunschek, planner, and Mr. Mike Maze, architect.

Mr. Mike Masegetti (Sun): explains the current set up of the bank, interior and exterior, stacking of cars in drive thru, trash (paper) must be held for 7 days (shredded by private company), regular trash, no loading spot, armored vehicle largest vehicle.

Ms. Mary Beth Grass PE: summary of site plan (A1), clean up of gas station, detached drive thru because of irregular shape of lot, in and out drive thru off the Blackhorse Pike, 17 parking spaces, chain link fence on top of retaining wall, Leeds building which discourages irrigation, remediation 34 feet down there is gas and hw the bank will put in an extraction system for vapors to escape, traffic issues.

Mr. Lechner explains the 5 foot set back variance, 2 free standing signs at a maximum of 8 feet.

Mr. Greg Farm discusses traffic report and Queuing.

Ms. Hunschek discusses upgrades.

Mr. Mellett discusses light standards vs. residences near by, suggests turning them off or dimming.

Ms. Hunschek states they will do everything to alleviate the lights for the residents.

Mr. Costa states what the board will be voting on: Use variance, bulk variance, preliminary and final site plan.

A motion to approve the above-mentioned application, Use variance, bulk variance, preliminary and final site plan, was made by Mr. Marks and seconded by Mr. Fuscellaro.

Roll Call:

Mr. Marks	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Domiano	Yes
Mr. McMullin	Yes
Mr. Gunn	Yes
Chairman Richards	Yes

Application Approved.

Mr. Costa asks the board to break for an executive session. Mr. Domiano and Mrs. Giusti so move.

Board returns from Executive session

Roll Call:	Vice Chairman Simiriglia	Absent
	Mr. Marks	Present
	Mr. Fuscellaro	Present
	Mr. Bucceroni	Present
	Mr. Domiano	Present
	Mr. McMullin	Present
	Mr. Gunn	Present
	Mrs. Chimento	Absent
	Mrs. Giusti	Present
	Chairman Richards	Present
	Mr. Costa	Present
	Mr. Mellett	Present
	Mr. Lechner	Present

All Present.

A motion to adjourn was made by Mr. Marks and seconded by Mr. Domiano.

Respectfully submitted by Jean Gomez, recording secretary.