

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
WEDNESDAY, AUGUST 26, 2015**

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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. Chiumento	Absent
Mr. Rosafi	Present
Mr. Acevedo	Absent
Mr. Treger	Absent
Ms. Scully	Absent
Chairman McMullin	Present

Chairman McMullin had the professionals sworn in:

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

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**MINUTES FOR ADOPTION**

Zoning Board Minutes for Wednesday July 22, 2015.

A motion to approve the above mentioned minutes was made by Mr. Bucceroni and seconded by Mr. Rosafi.

**Roll Call:**

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Rosafi	Yes
Chairman McMullin	Yes

Minutes Approved.

**RESOLUTIONS FOR MEMORIALIZATION**

#152029C  
Nicholas DiBiasio  
Bulk C Variance  
Block: 9110 Lot: 3

#152037C  
Cortez & Sherrone Robinson  
Bulk C Variance  
Block: 17002 Lot: 8

#152037CDM  
James & Linda Chando  
Bulk C & Use "D" Variance/Minor Subdivision  
Block: 7815 Lot: 1.01

#142005CCSPWA  
Joseph Federico  
Appeal of administrative Officer's  
Decision.  
Block: 6502 Lot: 8

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

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes (Abstains from #142005CDSPWA)</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Rosafi</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Resolutions Approved.**

**APPLICATIONS FOR REVIEW**

**#152040C**

**Michael Galante**

**Zoned: R3**

**Bulk C Variance**

**Block: 12802 Lot: 1**

**Location: 76 Argyle Ave., Blackwood**

**21' x 25" composite deck; hot tub; 6' stockade fence; 12 x 20' shed w/setbacks.**

Mr. Costa swears in Mr. Michael Galante.

Mr. Galante states he has a corner lot with 2 front yards & is an irregular size. There is also has a pre-existing non-conforming variance for the deck because the 30' setback wouldn't allow the deck to be serviceable.

Mr. Galante is willing to make the rear setback 20' not 21'. He is just replacing an existing shed with a larger shed.

Mr. Mellett asks Mr. Galante if the replacement fence will be in the same exact place as the existing fence.

Mr. Galante states "yes" and some of these improvements won't be for a year or two and the fence is not first priority.

Mr. Mellett states there are no site issues with the fence and current distances: Mr. Mellett does point out the 10' utility easement next to the property.

Mr. Galante states he will only be replacing the rear fence.

Open to Professionals:

No Additional Comments.

Open to the Public:

No Comments.

**A motion to approve the above mentioned application was made by Vice Chairman Simiriglia and seconded by Mr. Rosafi.**

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Rosafi</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Application Approved.**

**#152042C**

**Brian & Maria Stubbs**

**Zoned: R3**

**Bulk C Variance**

**Block: 20503 Lot: 57**

**Location: 1 North Gate Dr., Laurel Springs**

**15' x 30' above ground pool w/setbacks.**

Mr. Costa swears in Mrs. Stubbs.

Mrs. Stubbs states they have a corner lot with 2 front yards and a irregular lot size. She would like more space in the yard she is requesting a 20' setback instead of 30'.

Vice Chairman Simiriglia questions Mrs. Stubbs about fencing and how close it will be to the pool.

Open to Professionals:

No Additional Comments.

Open to the Public:  
No Comments.

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

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Rosati</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Application Approved.**

**#152032CDSPWMS**

**Bernie Wilson**

**Zoned: CR**

**Minor Site Plan**

**Block: 5403 Lot: 11**

**Location: 1414 Black Horse Pike., Blackwood  
Auto Repair and Towing.**

Mr. Costa swears in Bernie Wilson (owner), Addison Bradley ( planner), Bruce McKenna (engineer).  
Mr. Addison reviews the plan for the Getty Gas Station:

- review of site plan
- landscaping
- parking spaces
- repaving where tanks were removed in spring
- Mr. Wilson is leasing not buying the property.

Mr. Addison reviews Mr. Lechner's review letter:

- pg. 2 variances, lot depth, size, buffer are existing, no parking in rear, variance for parking out front.
- pg. 5 site plan comments; Leyland cypress.

A1- site plan

A2 - cypress location requested, large trees already present.

Mr. Lechner mentions the large trees are deciduous and won't hide the building from the neighbors in the Late  
Fall/Winter/Early spring.

Mr. Bradley suggests 10' on center Leyland cypress along the property line.

Mr. Lechner estimates 7 cypress will be needed.

Mr. Bradley continues with the plan:

- remove asphalt & landscape corner w/trees and shrubs.
- oil tank on corner
- landscape under existing tree.

Mr. Lechner states the landscaping serves 2 purposes

1. decrease lot impervious coverage,
2. buffer for the side residents, which is a requirement.

Mr. Mellett discusses removing some asphalt along lower landing Rd. as the entry is too large.

- turn orientation of parking spaces,
- put grass and access to the oil tank.

Mr. Costa states the applicant will have to submit new sketches.

Mr. Bradley continues with landscaping the island that wasn't fixed yet.

Mr. Mellett suggests not doing the block wall but something that is already existing, such as the curbing that is already  
existing on the site.

Mr. Bradley and Mr. Lechner are both agreeable to the curbing suggestion.

Mr. Bradley agrees to the overlay paving.

- adequate lighting existing,
- no real loading area needed,

-trash in cans, no dumpster,  
 -Sidewalks: they end at the property line and it will be too expensive at this time. Requesting the board to wave the sidewalk requirement.  
 Mr. Lechner states there are sidewalks on the Black Horse Pike and suggests putting in sidewalks just where there is no driveway.  
 Mr. Mellett states that will be about 60' to 70' of sidewalk.  
 Mr. Bradley agrees to the sidewalk of 60' to 70', up to the existing driveway after it is amended not as the driveway is now.

Mr. Mellett's letter review:  
 Mr. Bradley agrees to the following: bumper stops, overlay of parking lot, 2 parking spaces re-lined, widen the islands. Pg. 3 Mr. Mellett discusses the driveway and updating site pavement.  
 Mr. Bradley agrees to paving from the saw cut line to the fence.  
 Mr. Mellett requests more detail on the plan for the paving and warns the applicant about being careful not to create any low points in the paving that would create any large puddles.  
 Mr. Mellett continues: grading and drainage details along with notes added to the plan about the paving, lighting, size of parking spaces, extra detail for any improvements.  
 Vice Chairman Simiriglia discusses the current signs and if they are going to be removed.  
 Mr. Bradley states they are allowed to have a facade sign.  
 Vice Chairman Simiriglia discusses the following: removal of the battery signs, paint the building all the same color, no lifts outside the building, submit new plan with all the above discussed changes.  
 Mr. Lechner wants the revised plan submitted, past performance bond guarantee, and repairs.  
 Vice Chairman Simiriglia discusses a temporary CO before the paving is finished.  
 Mr. Lechner states as long as the bond is in but he wants a concrete time period for the repairs to be finished.  
**April 1, 2016 is the agreed upon date.**

Open to Professionals:  
 No Additional Comments.

Open to the Public:  
 No Comments.

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

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Rosafi</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Application Approved.**

**#152041A**  
**1840 Peter- Cheeseman Rd., LLC**  
**Zoned: IN/R2**  
**"A" Variance**  
**Block: 14003 Lot: 13**  
**Appeal of Administrative Decision/Residential Substance Abuse Treatment Facility.**

Mr. Costa swears in : Mr. Terence Combs (Planner), Mr. Brian O'Neill ( Chairman Recovery Centers of America), Mr. Ted Wilkenson (PE).  
 Mr. Jack Plackter (Esq.):  
 - The applicant required a "D" variance and filed an appeal on July 29,2015.  
 - argues the treatment facility is a permitted use with a cyber cafe and gym,  
 - Mr. Plackter believes the need of a Use Variance is dead wrong because they are not a sober living community. The patients will only be in the facility 30 to 90 days and Mr. Plackter states this is a permitted use.

**Mr. Costa discusses Res judicata with Mr. Plackter who doesn't believe it applies to this application.**

Mr. Costa states this application has already been heard by the planning board and denied. There is much discussion between Mr. Costa and Mr. Plackter if Res judicata applies.

Mr. Wilkenson (PE):

- minor site plan permission "fit out" of existing treatment center.
- 37 beds; use existing
- accelerated rehab would be inside of the building,

Mr. Costa questions the location of the cyber cafe and gym.

Mr. Wilkenson states no gym or cafe just retrofit the current building for the rehab center. Mr. Wilkenson states it would take 6 months to get approvals and July 15, 2015 was a much larger application.

Mr. Plackter and Mr. Costa discuss res judicata once again. Mr. Plackter states it is not an issue and Mr. Costa respectfully disagrees and insists it has to be addressed or it is waived. There is discussion about the change of number of beds along with patients care.

Mr. Combs (Planner):

- site has been there for many years,
- has reviewed site and ordinances with Mr. Lechner,
- A1 - provision of ordinances (copies provided to board),
- A2 - application and plan filed 7/15/2015/ major site plan
- A3 - letter form director of planning and zoning officers: planning board application should be before zoning board.
- A4 - Project description: rendering of overall site plan
  - Phase II Recovery Center of America's site rendering: brown structures are new buildings,
  - more beds - detox center
  - staff rooms - meeting rooms, kitchen
  - therapy rooms
  - gym, fitness center, yoga rooms building,
  - outpatient building for continued services,
  - last 4 buildings are step down housing units,
  - beds 48 in each and all 3 story: first floor is a kitchen, 2nd and 3rd floors are sleeping headquarters (24 on each floor).
  - patients can only move around on campus.
  - in patient and out patient treatment.

Mr. Bucceroni asks if there are 4 buildings with 48 beds.

Vice Chairman Simiriglia questions if there are any family visit buildings.

Mr. Costa asks for clarification of beds (192+37?)

Mr. Combs states 150+192 beds.

Mr. Costa states it is now a 342 bed facility vs. The Planning Board application of 37 beds.

Mr. Lechner and Mr. Plackert discuss the applications:

- the application withdrawn was 12 beds
  - this application is totally different then the last application
  - zoning board should know **exactly** what is in the buildings and on the plan.
- Mr. Lechner believes that much more detail is needed for vote.

Mr. Combs states the use is permitted and goes into detail on A1 hospital etc... He states all uses don't have to be in the same building. This is a campus setting that is common in these facilities. Mr. Combs believes the previous resolution fits this campus style treatment center.

A5- Gloucester Township Resolution

Mr. Costa states our resolution approves the hospital use only, how is this a hospital setting. Mr. Costa doesn't see this as a similar to a hospital. All residential uses will be prohibited.

Mr. O'Neill:

- 25 years experience
- it is a permitted use in an IN zone because it includes rehab and he had stated 90 to 120 days whether they are in the building or next to it.
- discusses all facts of buying and investment that has been previously stated,
- wants a fair shot in Gloucester Township,
- wants to expand his investment,
- Mr. O'Neill wants a complete reversal of the previous decision.

Mr. Rosati takes exception to Mr. O'Neill's combative attitude and accusatory tone.

Mr. Bucceroni states It is up to the interpretation of the zoning ordinance. This most recent application from Mr. O'Neill is not what he presented originally. Mr. Bucceroni states this is now a massive facility.

Mr. O'Neill ask why this is bad to make use of this 14 acre site.

Mr. Bucceroni states it has to be good for the whole town not just this site.

Res judicata discussion:

Vice Chairman Simiriglia states there are 4 more buildings that are residential and to use the current buildings is no problem.

Mr. O'Neill states he calls those extra buildings "treatment buildings".

Mr. Costa reads case law that pertains to res judicata and believes it applies in this case:

- 2nd application
- same parties
- no changes to application
- same cause

Greater relief in 2nd application is res judicata.

Mr. Plackert wants an appeal of the zoning decision and still doesn't believe res judicata is applicable.

Mr. Costa states the Planning Board heard the application for 37 beds and it was denied, this application has more beds.

Mr. Plackert states it is not a site plan application thus not res judicata.

Mr. Costa informs Mr. Plackert that the Zoning Board is allowed to take the Planning Boards decision under advisement while making their own decision.

Vice Chairman Simiriglia asks for the differences between the 2 applications.

Planning Board Application:

- existing building
- no extra 4 buildings

Zoning Board Application:

- existing building
- subsequent w/additional
- much larger project

Mr. Costa explains to the applicant if they deny Mr. Lechner's letter they can go back to the planning board and they will invoke res judicata. If the applicant stays here at the Zoning Board and state Mr. Lechner's letter is correct; they would be allowed to go for a Use Variance, however res judicata would apply.

Mr. Rosati adds: the approval was for a hospital treatment facility similar to a hospital.

Open to Professionals:

No Additional Comments.

Open to the Public:

No Comments.

**A motion to apply the Doctrine of res judicata was made by Mr. Bucceroni and seconded by Mr. Rosati.**

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Rosati</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Application of the Doctrine of Res Judicata is Approved.**

Mr. Lechner states there is a meeting conflict on September 9, 2015 and the Zoning Board meeting is cancelled. There will be a Zoning Board meeting on September 23, 2015 and the next meeting after that is October 28, 2015. October 14, 2015 Zoning Board Meeting is cancelled.

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

**Respectfully Submitted, Jean Gomez, Recording Secretary.**