GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT WEDNESDAY, APRIL 24, 2019

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

Roll Call:

Present
Present
Present
Present
Present
Absent
Absent
Present
Present
Absent

Chairman McMullin had the professionals sworn in:
Also, Present: Mr. Anthony Costa, Zoning Board Solicitor
Mr. Louis Garcia, P.E., Churchill Engineering
Mr. Ken Lechner, Township Planner

Mr. Rosetti will sit in for Chairman McMullin and Mrs. Kelly will sit in for Mr. Acevedo.

MINUTES FOR ADOPTION

Zoning Board Minutes – Wednesday, March 27, 2019

A motion to approve the above-mentioned minutes was made by Mrs. Chiumento and seconded by Mr. Scarduzio.

Roll Call:

Mr. Scarduzio Yes
Mrs. Chiumento Yes
Mr. Rosetti Yes
Mrs. Kelly Yes
Chairman Simiriglia Yes

Minutes Approved.

RESOLUTIONS FOR MEMORIALIZATION

#192006C #192003C

Robert Bigwood Michael Leonetti
Bulk C Variance
Block: 9101 Lot: 13
Block: 202 Lot: 16

#192008DSPW #192012C

OVAH Treatment Center, LLC Sign Pros (Skeeters)
Use D Variance/Site Plan Waiver Bulk C Variance

Block: 6501 Lot: 1 Block: 8301 Lots: 5,6 &7

A motion to approve the above-mentioned resolutions was made by Mr. Scarduzio and seconded by Mr. Rosetti.

Roll Call:

Mr. Scarduzio Yes
Mrs. Chiumento Yes
Mr. Rosetti Yes
Mrs. Kelly Yes
Chairman Simiriglia Yes

Resolutions Approved.

APPLICATIONS FOR REVIEW

#182030CDSPWMSP

Dr. MEM, LLC Zoned: NC

Minor Site Plan

Block: 13102 Lot: 18,19.01,19.02 & 20 Location: 1271 Little Gloucester Rd.

Moving plastic extrusion operation/Operation &/or other permitted

uses.

Mr. Costa swears in: Mr. Jay Simms (PE), Dr. Mem, owner (Charles Chen).

Mr. Simms reviews the site plan:

- A1 color rendering of site plan existing w/exceptions.
- Front island will be widened for landscaping,
- New trash enclosure that will containing 6 dumpsters,
- Rehab of the parking area; new lines & striping with a variance for parking,
- Will illuminate the parking spaces requested,
- Storm water basin: their records don't show a basin, they think it was a storage area not a basin,
- Make an exception for parking lot for where green space intrudes about 2'. Suggesting leaving it as is and letting the travel lane stay one way not become 2 way. It will be a smaller single lane and not 2-way traffic.
- They want to keep the 2 entrances, historically it has been that way. They will apply and comply with Camden County.
- 109 parking spaces /104 shown needed. This leaves them with a deficit of 28 spaces but gives them 5 more than they originally had.
- Lighting Issues:
- They can't get an adequate lighting test done; they have to fix the existing lights to get a proper illumination test. As soon as they are repaired another test will be performed.
- Asphalt: side walk repair: they will meet up with the engineer to get specifics and all repairs required.

Mr. Costa mentions the Church Hill letter received 4-15-2019.

Mr. Simms states the only issue with the Churchill Letter is 4C: one entrance removed (let county decide that) and short on one side for green space (buffer).

Mr. Lechner asks the reason why they can't widen the driveway, especially since they have 4 uses in the building now.

Mr. Simms states they have 3 separate entrances now.

Mr. Lechner states the drive aisle is 1 way in and out with a "Do Not Enter."

Mr. Simms states 2 are "in" only and 1 is "out".

Mr. Garcia states the drive aisle on the right side is about customers coming in and out, in a drive aisle, that is only meant for 1-way traffic. It invites people to go 2 ways in a 1-way drive aisle width.

Ms. Farrow states there will be no entrance signs present.

Mr. Lechner states

- There is plenty of room in the back of the building to make improvements.
- This lot was developed for one use and now there are 4 uses,
- The site plan should fix issues such as this,
- More specifics were identified for repairs,
- Not sure if other area in the back was ever meant for parking.

Ms. Farrow states Mr. Chan will bring the drive aisle out to 24' and the eliminate the 3'shortage in the parking lot.

Mr. Lechner states there is a lot of land on this property to make it comply with new ordinances.

Mr. Simms states they will always try to comply to ordinances, but increasing we will have to increase impervious surface (parking lot) and run off to meet the ordinance. The Auto Body company can use the back-parking lot.

Ms. Farrow states they will place evergreens around the trash enclosure since the trees are deciduous.

Mr. Bucceroni states if you walk the property and check the down spout from the back of the building they go into the ground. Behind your property there is a 4" pipe and it drains somewhere. I will drive out to you tomorrow and show you where the basin located. The basin is not holding any water. The overflow of the basin goes into the township storm pipes.

Mr. Simms states any vegetation around the basin should stay.

Conditions:

- Consolidation
- Plant evergreens around trash enclosure
- Meet w/public works about water basin
- Meet engineer on site about pavement and sidewalks
- Parking spaces 109 proposed vs. 137 required by the ordinance

Open to the Professionals: No Additional Comments:

Open to the Public: No Comments:

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

Roll Call:

Mr. Bucceroni Yes
Mr. Scarduzio Yes
Mrs. Chiumento Yes
Mr. Rosati Yes
Mr. Rosetti Yes
Mrs. Kelly Yes
Chairman Simiriglia Yes

Application Approved.

#182056CD

Empire Investment Ent. LLC

Zoned: R2/GI

Bulk C & Use D Variances

Block: 10902 Lot: 12

Location: 46 Coles Rd., Blackwood

Construct 2 Commercial 1 story Bldgs. For lease to permit Administrative office & flex space for use mentioned in Application.

Mr. John Wade ESQ explains the application:

- Use Variance 3500 sq. ft vs. 2500 sq. ft
- Will file formal site plan is approved
- Guidance for renters
- No outside storage for any offices
- Parking and traffic light added
- No auto repair shop element

Mr. Costa swears in Mr. Norm Rogers (PE), Tiffany Morrissey, (PP, AICP),

Mr. Jack Smith (architect).

Mr. Rogers begins:

- A1- site layout
- Existing zone is R2 and the site is currently vacant, cleared and wooded.
- Less sq. footage to accommodate the building and drive aisles.
- Man doors and overhead doors for access.
- Access from Coles Rd. will be 25' wide and the drive aisle 24' wide minimum.
- Parking will be 200 sq. ft. which provides a little more parking for this site.
- Loading: deliveries by UPS/service vehicles/or 30' box truck.
- 1 parking spot 12' x 28' could be for the box trucks.

Increase of traffic:

- Yield of AM peak trip is 8 vehicles enter and 1 vehicle exit.
- Yield of PM peak trip is 3 enter and 9 exits.
- This is an insignificant increase of traffic.
- Public sewer available,
- Storm water basin in rear will meet all requirements,
- Lighting will be box style w/rear shields,
- Buffer 10' wide; they will stagger evergreen trees along the entire length of the enjoining property.
- Between buildings they will add a green buffer,
- Shade trees will be planted on Coles Rd...

Bulk Variances/Relief:

- Requirements .9 acres vs. 3 acres,
- 200' frontage,
- 5% vs. 16% building coverage,
- 53% vs. 50% lot coverage,
- Rear 23' buffer vs. 24'buffer
- 10' buffer along lot,
- 10' buffer where 25' required

Mr. Costa asks for how many uses will be included and how many tenants.

Mr. Wade states; the rear property will be 1 tenant and the longer building will have up to 6 or less tenants.

Mr. Lechner's letter - pg. 5:

- Use variance,
- Description of building,
- Noise w/project No Outdoor Uses
- Anticipated trip generation
- Number of employees is difficult to answer now but there is adequate parking with 30 spaces provided.
- This property will be home base offices for contractors.

Site Layout:

- Multiple evergreens for buffer,
- Adjacent landscape buffer where it is 10' wide,
- Overnight and employee parking: site plan review,
- Shoebox lighting w/shields,
- Storm water management with basin proposed.

Mr. Lechner asks if there is handicap parking in the back? a 3600 sq. ft. building has to have handicap parking.

Mr. Rogers states there is 1 handicap parking space in the back.

Mr. Lechner asks how deep the basin will have to be?

Mr. Rogers states he's not sure yet. The size is large enough but he's not sure how deep it will have to be. There isn't high ground water.

Mr. Lechner states: Basins way in the back can get forgotten. Make sure the basin meets appropriate drainage. The site layout with a 23' frontage isn't much considering a home would need 50'.

Mr. Rogers states there is a 26' frontage for a business across the street.

Mr. Lechner states 90% of homes have 30'minimum front yards.

Mr. Rogers states this is an existing lot and they are trying to make it fit.

Mr. Wade states some frontage goes to the town.

Mr. Lechner states the building could be set farther back on the lot.

Mr. Rogers states the building is more like 28' back.

Mrs. Morrissey states they can address that at site plan.

Mr. Lechner states he still has a use concern.

Mrs. Morrissey states the buildings only accommodate a small office and storage space.

Mr. Costa states the old application had 3 buildings and the use was different.

Mr. Lecher states there is no new application.

Mr. Wade states we filed a new application.

Mr. Lechner reads the 2-building application which includes many other possible services that could use the buildings.

Mr. Wade states the uses would not be industrial or manufacturing. They pared out all industrial type businesses.

Mr. Lechner states they need to reconcile the uses.

Mr. Wade states the use is an office flex use.

Chairman Simiriglia states you are in between homes and business zones. They don't want to see any industrial uses.

Mr. Wade states it will be more like Lakeside in the Sicklerville section of the township.

Mr. Costa states all the uses must be inside the building, no outside uses.

Mrs. Morrissey states there will be no manufacturing.

Mr. Lechner states they should amend the application and negate those uses.

Mrs. Morrissey states the applicant didn't want to keep coming back in front of the zoning board to make sure the business was on the list. This list is fair for both sides.

Chairman Simiriglia states he has seen this on both side with renters and tenants. But Mr. Lechner's list has a lot of specific uses.

Mr. Wade states all uses are allowed in the zone and the applicant tried to pick the uses that would fit best.

Mr. Costa states it will all be flex space.

Mr. Wade states office and storage.

Mr. Costa states eliminating the outside limits the businesses.

Mr. Wade states one of the businesses may be retrofitting police cars. Such as putting on decals/paint details/or computers installed.

Mr. Bucceroni states the street is under a moratorium because it was paved in the last year.

Mr. Rogers states they will mill and overlay vs. fast fix trench; understood and agreed.

Mr. Smith (architect):

- Split the buildings and cut in half,
- 1 story structure,
- A2- color rendering of buildings,
- There is room to move the buildings about 2'.

Mr. Lechner states if approve this Is what will be built, what we see in A2.

Mr. Wade states the location of the doors may change.

Mr. Smith states: Yes, this is the building that will be built.

Mrs. Chiumento asks why we don't know the square footage for each building.

Mr. Smith states the tenants will define that.

Mrs. Chiumento states she doesn't want it to look like a construction site.

Mr. Rosati discusses the 20' to 40' height.

Mr. Wade states up to 40' is allowed.

Mr. Smith states a 20' to 25' slope will be more likely; when they get to site plan, it will be more specific.

Mr. Bucceroni states no trucks will be outside with construction equipment.

Mr. Smith states: No, storage will be allowed on the ground outside.

Mr. Lechner asks about a trash enclosure.

Mr. Rogers states Yes, there will be a trash enclosure.

Mrs. Morrissey (Planner): Variance for the R2 Zone:

- Surrounding areas are developed.
- Positive criteria: located across from commercial properties, the driveway is facing the business park zone, considerate to the homes next door with style and orientation of buildings, "softer" use with no outside activity, buffers, 200' to freeway, new residential not ideal on this property, mixed character area, designed to protect surrounding area, designed as a transitional property between a more industrial lot and the residential homes. This business will buffer the business park zone from the residential zone.
- Negatives: coverage and setback requirements, 16% building coverage, 53% impervious surface, buffer variance, front yard setback they will try to address at site plan if approved.
- This property was advertised as an economic development opportunity which wouldn't be residential.

Open to the Professionals: No Additional Comments:

Open to the Public: No Comments:

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

Roll Call:

Mr. Bucceroni	Yes
Mr. Scarduzio	Yes
Mrs. Chiumento	Yes
Mr. Rosati	Yes
Mr. Rosetti	Yes
Mrs. Kelly	Yes
Chairman Simiriglia	Yes

Application Approved.

The following application will be heard on May 8, 2019. No readvertisement necessary.

#192014CD

Auto Images, LLC Zoned: NC/R3

Bulk C & Use D Variance

Block: 12509 Lot: 1

Location: 104 S. Black Horse Pike, Blackwood

Continued use as Auto body repair; expansion of existing w/a60'x50'

(3000 sq. ft) addition.

#182044D

Maria Cruz Zoned: R3

Use "D' Variance Block: 19103 Lot: 1

Location: 113 Marshall Ave., Blackwood

Converting triplex to quadraplex.

Ms. Farrow (ESQ):

This is a residential area not an expansion of a non-conforming use,

- A use variance is needed,
- Not known if legal triplex/duplex or single family,
- No information prior to 2008,
- No file in zoning on the home,
- Files were damage in a 1990's flood,
- Amend the application to legal certificate,
- Planner can't really come up with a plan w/o a certificate.

Mr. Costa asks Ms. Farrow if she is amending the application to certificate of non-conformity.

Ms. Farrow states the property is listed as a quadraplex and it has been that way for 5 years. The home has been a multiple family for at least 30 years.

Mr. Costa explains the certificate of non-conformity. The request made with 1 year if more than 1 year only the zoning board can honor the request. The applicant must prove it was a pre-existing use. The applicant is asking for a triplex not a quadraplex. Ms. Farrow states it was originally zone a single-family home. Permission may have been granted previously as a multi-family home. Originally built in 1952 on 7.8 acres then in 1955 the property was parceled off. The duplex was originally a mother in law suite and from there it became a triplex. In 2007 4 electric meters were granted. In July 2014 violations updated violations. In 2006 is when it started being used as a quadraplex, according to records.

Mr. Costa swears in Ms. Maria Cruz, Jamilla Cruz, Tito Santiago and Larry Welsh.

Ms. Cruz's daughter, Jamilla will help with English if necessary.

Ms. Farrow purchased the property in 2014: exhibit A- copy of MLS. The property was advertised as a quadraplex.

Ms. Cruz reads the MLS; advertised as a quadraplex, parking and amenities, and approved for current use (multi-family).

Ms. Farrow - Exhibit B – appraisal copy from Family 5 group. The appraisal report R3 single family: legal compliance/non-conforming/grandfathered.

Ms. Farrow wanted it on record why Ms. Cruz bought the property. Exhibit C - Title commitment with property detail page. The title company stated it was only a triplex.

The prior owner, Grisola Vincent.

Exhibit D – notice and order of penalty. The previous owner received the notice and they were still under the assumption it was a triplex, and still had to get approval for the quadraplex.

Ms. Cruz states that is why she is here, to do what she is supposed to do and respect authority.

Ms. Farrow: exhibit E - 9-14 Camden County 4 notices (violations) from the public health investigator for 4 units.

Ms. Cruz states she put 20,000 dollars and then another 70,000 dollars into the property. The money was used for inside upgrades because of the violations. The violations were for units 1,2,3 and 4.

Ms. Farrow: Exhibit F1- certificate of registration to state, F2 – certificate of registration at time of purchase 2014 for Ms. Cruz.

Mr. Bucceroni states the county health dept. is separate and the county wouldn't know if it is an approved quadraplex.

Ms. Cruz states at the time I didn't realize it was all separate entities. Now I'm here to make it right. She was not trying to get away with anything.

Mr. Bucceroni asks where did the title company get their information?

Ms. Farrow states the Assessors office, it is taxed as a triplex.

Ms. Farrow: exhibit G – construction permit for the electric meters. It was for four 100-amp service. Some triplexes have a "common area" so the 4^{th} meter isn't that unusual. She would prefer a professional planner to come in and present the Use variance. Ms. Farrow: exhibit H1 and H2 tax bills from 2012/13 to 2017 for a triplex. Exhibit I property records card, states it is a triplex with an additional unit with a kitchen.

Ms. Farrow states the files have been destroyed.

Chairman Simiriglia: it is up to the applicant to prove its existence. He gets the impression it has evolved into what it is now. The township has to share responsibility in it should have been discovered a long time ago if it was illegal.

Exhibit J- inspection report in 2006 for 4 units, yearly state inspection. Exhibit K – pictures of property 2010 – 2013 (google map).

Exhibit L – aerial photo 2019 vs. surrounding buildings (google map). Ms. Cruz states no pets are allowed and she does check the site periodically. They say they have one service dog.

Ms. Farrow states Ms. Cruz will have to make sure disruptive tenants are removed sooner.

- 2018 the 4th tenant moved out and it hasn't been rented since. Mr. Larry Welsh: he has been a resident of Gloucester Township for 43 years and has lived on Marshall Ave. for 43 years. He states it was always a multi-family since about 1986. Not specifically a 4 unit but a multi-family. He lives in the apartment downstairs. There are 2 other families upstairs. He hasn't experienced any other tenant problems. The property was cleaned up in and out by Ms. Cruz. He likes it there because his Mom and Dad are down the street and his son goes to the school on the corner.

Mr. Costa asks when did you move in?

Mr. Welsh states 2016.

Mr. Costa asks how many lived there when he moved in.

Mr. Welsh states 3 when he moved in.

Mr. Tito Santiago: he has been a realtor since 2014. He was he realtor for the previous owner too. Mr. Vincent stated the home was a quadraplex, it had 4 meters and it was always inspected. Before he listed it, it had been previously listed as a quadraplex.

Mr. Bucceroni asks for testimony on how much money was put into the property and did Mr. Santiago tell Ms. Cruz to get the property inspected.

Mrs. Chiumento asks about the square footage of the building. Mr. Costa state it looks like about 2250 sq. ft. upstairs and 2448 sq. ft. in the basement. About 10 people total live in the home. Ms. Farrow: Exhibit M – sketch of the building with breakdown of the

apartments.

PUBLIC PORTION:

Mr. Greg Dettrey: 120 Marshall Ave.

Mr. Dettrey states he lives 3 doors down from the property and has photos. They bought their house in 1986 and they were in that area in 1959. They have had arguments with Mayor Love's office and had brought pictures then too.

Mr. Dettrey added a 2nd story to his house in 1993 legally. The garage in the back of that house was built in a weekend. They started taxing it as a triplex because the owners would never let them in the house (assessors) in the late 1980's.

Mr. Costa states you did let us know how and when the property became a triplex. When you are assessed and you don't let them in, they guess.

Mr. Dettrey: The siding is all mismatched and they changed the curb line when the street was paved. Half the cars have PA plates. They argued with the township for years about this property. Mayor Love mad them get construction permits to the changes. I keep a nice house and I have to look at this.

Mr. Bucceroni I was on Kiwanis field in the 1990's and I remember the Painter.

Mr. David Ryan: 121 Marshall Ave.

Lived there since 1987. The 2 brothers in the home split the upstairs and then they dug out the basement; it used to be a crawl space. In 1990/1991 they dug the basement out by hand. Up to the mid 1990's the home was all family.

Mr. Rosati states this all happened before Ms. Cruz.

Mr. Ryan states: yes.

Ms. Sabrina Mosiondz: 102 Marshall Ave.

Her father, Bill Luke, was the one who would go to Mayor's Love's office with pictures and fight about this home.

She has lived across the street most of her life. When the town went to a 4-day week they started working on that house on Thursday nights. She claims Maria Cruz knew the original owner who split the home and knew it wasn't' legal. In September or October there was a "for rent" sign up for the 4th unit, after she had been notified by the zoning office. Her father Bill went to Mayor Love's office over and over again to complain. The tenants only pay in cash, which gives you a certain clientele. She has a corner home and everyone goes to the town to get their permits except this house.

Mr. Costa asks if Ms. Mosiondz witnessed work being done to the property.

Ms. Mosiondz states the work started in the late 80's early 90's.

Mr. Costa states it is a legal question here and we're trying to figure out if the work was a lawful use and testimony is important.

Ms. Mosiondz states in 1979 the house was a single-family home.

Mr. Michael Rebbecchi: 468 W. Railroad:

I emailed code enforcement and nothing was done. It's a legal matter and says right now there are 2 mattresses in the front yard. The trash is all over the street along with the recycle. They residents park cars on the lawn and across the street. There are 2 or 3 cars on the right and 4 cars on the left. Mr. Bucceroni asks who they emailed about the code enforcement issues?

Mr. Rebbecchi states he emailed: <u>codeenforcment@dwp.com</u> in 2018 on 8-6 and 8-2.

Rhonda Vanuto: 480 W. Railroad

Initially a duplex that turned into a travesty. There are numerous parking, trash and noise complaints; people eating dinner in cans in plain sight. They pickup vodka bottles by the school.

Ms. Cruz became related to the previous owner in 2015.

Ms. Farrow asks Ms. Cruz the following;

Ms. Cruz did you have a "for rent "sign out after the first violation?

Ms. Cruz states she removed the sign after the first violation.

Ms. Farrow asks Ms. Cruz about paying rent in cash only?

Ms. Cruz states that's not true, she must have checks to proof of payment for the apartments for tax purposes. Mattresses were there but removed and the trouble maker renters moved out.

Ms. Farrow surmises it was a single-family home and changed in the early 90's. Ms. Farrow can't prove anything as it was all destroyed in the flood. Nothing was available in her OPRA requests.

Mr. Costa was asked for guidance in reference to the certificate of non-conformity. Mr. Costa reads the definition.

Mr. Lechner states the property since 1957 was zoned a residence. In 1983 land development ordinance removed. All this time is was a single-family residence.

Mr. Costa: The tax bill says triplex and they heard testimony how that happened. The Eval company determined it was a triplex because they couldn't get access inside the home and saw 3 electric meters. If it was done in the early 1990's it wasn't legal.

Ms. Farrow reads the statute and wants to come back for a use variance.

Mr. Costa states to try to incorporate the current information (Res Judicata). The applicant has the right to come back for a use variance. They file a new application and re-notice. Ms. Cruz is a victim too.

Mrs. Farrow states she will reach out to the neighbors. The renters can stay until the use variance is decided.

Open to the Professionals: No Additional Comments:

Open to the Public:

No Comments:

A motion to deny the above-mentioned application was made by Mr. Rosati and seconded by Mr. Scarduzio.

Roll Call:

Mr. Bucceroni	Yes
Mr. Scarduzio	Yes
Mrs. Chiumento	Yes
Mr. Rosati	Yes
Mr. Rosetti	Yes
Mrs. Kelly	Yes
Chairman Simiriglia	Yes

Application Denied.

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

Respectfully Submitted, Jean Gomez, Recording Secretary.