

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT  
WEDNESDAY, FEBRUARY 10, 2016**

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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	Present
Mrs. Chiumento	Absent
Mr. Rosati	Present
Mr. Acevedo	Present
Mr. Treger	Absent
Ms. Scully	Present
Chairman McMullin	Present

Chairman Simiriglia had the professionals sworn in:

Also Present: Mr. Anthony Costa, Zoning Board Solicitor

Mr. James Melleff, P.E., Churchill Engineering

Mr. Ken Lechner, Township Planner

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Ms. Scully will sit in for Mrs. Chiumento.

**MINUTES FOR ADOPTION**

Zoning Board Minutes for Wednesday January 13, 2016.

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

**Roll Call:**

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Scarduzio	Yes
Mr. Rosati	Yes
Chairman McMullin	Yes

Minutes Approved.

**RESOLUTIONS FOR MEMORIALIZATION**

January 13, 2016:

#152060C  
Loren Dale Anderson  
Bulk C Variance  
Block: 1307 Lot: 5

#1520061C  
Pamela & William Farrell  
Bulk C Variance  
Block: 8201 Lot: 7

#152063C

#152065C

Ronald E. Green Jr.  
Bulk C Variance  
Block: 11402 Lot: 29  
#152041A  
1840 Peter Cheeseman Rd., LLC  
Appeal  
Block: 14003 Lot: 13

Al Belmont  
Bulk C Variance  
Block: 8302 Lot: 7

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

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Bucceroni	Yes
Mr. Scarduzio	Yes
Mr. Rosati	Yes
Chairman McMullin	Yes

Resolutions Approved.

#152064DSPW  
David J. McCloskey  
Bulk C/Use D Variance, Site Plan Waiver  
Block: 11001 Lot: 52

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

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

Resolution Approved.

Adoption of Annual Report:

A motion to approve the Zoning Board of Adjustment Annual Report was made by Mr. Scarduzio and seconded by Mr. Bucceroni.

Roll Call:

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

Annual Report Approved.

APPLICATIONS FOR REVIEW

#152057C  
James F. Clark, Jr.

**Zoned: NVBP  
Bulk C Variance  
Block: 18301 Lot: 10:01  
Location: 863 Williamstown-Erial Rd. Sicklerville  
30' x 14' (420 sw. ft) wood shed.**

**The above mentioned application will be table until the February 24, 2016 Zoning Of Adjustment meeting; No notice necessary (advertisement).**

**#162003D  
Arthur Steiner  
Zoned: NC  
Bulk C Variance  
Block: 16102 Lot: 32  
Location: 2143 Garwood Rd., Erial  
Rebuilding a SFD (rancher) after a fire.**

Mr. Costa swears in Mr. Arthur Steiner and Mrs. Arlene Steiner.  
Mr. Steiner states the fire was on August 29, 2015 and the house had been there for 51 years.  
The house will be the same style (rancher) with the same footprint, no difference from the previous home.

Mr. Lechner states the Master Plan rezoned the neighborhood to "neighborhood commercial" in 2003, this is the reason for the need for the variance.

Vice Chairman Simiriglia asks if the setbacks would fit into the NC zone?

Mr. Lechner states "yes, they are all pre existing", this creates an "other" classification and under that classification all setbacks need variances and use variance, even with the same foot print. Mr. Steiner was a pre-existing / non-conforming property.

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

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Scarduzio</b>	<b>Yes</b>
<b>Mr. Rosati</b>	<b>Yes</b>
<b>Mr. Acevedo</b>	<b>Yes</b>
<b>Ms. Scully</b>	<b>Yes</b>
<b>Chairman McMullin</b>	<b>Yes</b>

**Application Approved.**

**#162001BD  
Brahm96 Properties, Inc.  
Zoned: R1  
B "Interpretation" / Use "D' Variances  
Block: 16504 Lot: 10, 11, 12  
Location: 1289/1271/1263 Jarvis Rd. Sicklerville  
50 Single Family Homes**

Mr. Costa swears in Mr. Michael Weisberg (representing applicant), Ms. Tiffany CuvIELLO (planner), Mr. Brian Peterman ( PE).

Mr. Mintz (Esq.) gives an overview of the application:

The property in question is zoned R1 and the applicant is requesting a R3 density. The property is on Jarvis Rd. across from Union Valley Elementary School. The applicant is seeking

a density of 50 units (3.1 density per acre) for 53 acres. 1 acre for the basin, 2 acres for open space and 50 acres for homes. They are requesting an interpretation of section 9024A2 section of the ordinance.

The town may consider 6% vs. 1.5% ; discretionary formula assist with 15% determination.

Mr. Costa states the ordinance states 1.5% or up to 6%, the state is "up to 6%". There is no guideline how you get from 1.5% to 6%, there may be some confusion because of COAH. The board and Mr. Lechner agreed on a 1.5% fee approval.

Mr. Weisberg:

Has worked with the developer for 30 years and is authorized to speak tonight for the applicant.

A1 - elevations and entry to the property,

A2- looking down the street behind the entryway,

A3 - aerial of same general area (open space),

A4 - aerial of site,

A5 - pictures of elevations of homes.

The applicant is developing an attractive entryway that would seem beneficial to the community.

Open space area is to be used by the community along with park benches and walking paths. Kids could walk to school with the walking paths. The walking path could be eliminated if the board wishes. These homes could be seen in Elk Township off Rt. 55. The price point is 270,000 to 310,000, but they aren't sure the numbers will be the same in this area but 250,000 and up. They aren't sure of any environmental conditions or contamination since the site was a salvage yard from 1930; initially they see a lot of car trash that needs to be cleaned up.

Phase I ; research concerns:

- ground water contamination? There was none,

- barrels of oil will be cleaned up.

Mr. Costa requests the square footage of then new homes:

Mr. Weisberg states 2400 sq. ft. to 2600 sq. ft.; right now they are in the phase I gathering data and phase II where they went into the field.

Mr. Lechner asks if site remediation is recommended.

Mr. Weisberg states "Yes, definitely."

Mr. Mellett requests a copy of the Phase I reports.

Vice Chairman Simiriglia asks if they meet the bulk variance for R3.

Mr. Mintz (Esq.) states the specifics would require a variance because it is a R1 zone. They will design for a R3 zone but may still need variances for 60' x 125' lots. The open space lots acreage could be used and added to the home lots incrementally.

Mr. Lechner states R4 frontage is 50' and R3 frontage is 75'.

Vice Chairman Simiriglia states 60' frontage seems small for that size house.

Mr. Mintz states the side and rear yards would be what anyone would want.

Vice Chairman Simiriglia asked if the applicant tried to design the homes with the R3 sizes.

Mr. Mintz states no, they didn't try that standard; R4 small lot with small homes.

Vice Chairman Simiriglia asks about an R4 being proposed.

Mr. Lechner states we have R4's in town ex: Clementonan and Glendora.

Vice Chairman Simiriglia states they were pre-existing lots from back in the 30's so they were allowed to build on them.

Mr. Bucceroni asks who is going to maintain the basin and open space.

Mr. Mintz states an HOA will maintain basin, and adds; if they use the open space for the lots they will get close to R3 size on some but not all lots.

Mr. Bucceroni discusses the community using the path to get to the pond in back.

Mr. Brian Peterman (PE):

-16.08 lot area; lots 10, 11, & 12,

- alignment to school driveway,

- no cul de sacs / loop instead,

- eyebrows in back,

- unique development for transition in the neighborhood,
- basin will be at the lower end of the lot where the water drains already,
- the open space in front is in the front of the development because the property is narrower in front and not as conducive to development.
- create a development that creates a neighborhood feel with the walkway,
- 940' from the back house to open space,
- benches and decorative lighting to create neighborhood feel,
- basin is HOA if the open space is still there it will be maintained by the HOA.

A7 - enlargement of the zoning map.

- RSIS 10.1 trips per day = 500 trips per day,
- county road is a little busier from the volume,
- 35 mph availability to work with for 2 entrances, which should be comfortable to egress and ingress and they will go to the county for approval.

Mr. Lechner brings up a subdivision issue with ROW to accommodate the bike lane.

Mr. Peterman states they will go to the county.

Mr. Mellett discusses site distance issue that needs to be reviewed if approved.

Mr. Peterman continues:

A4 - one of the main issues is the structure that needs to be removed and there will be adequate room out there.

Mr. Mellett states the traffic impact report will be supplied at the major subdivision; constrained area in lot?

Mr. Peterman states there are no wetlands on the property or in the vicinity and nothing on the DOA.

Mr. Lechner suggests an access road to the 9 acres that the town owns south of the lot.

Mr. Peterman states; yes, they can accommodate an access road to the township land.

Ms. Tiffany Cuviallo (planner):

D5 Variance:

- use is a permitted use,
- density permissible,
- standards of proof and proceeds to quote law cases,
- , despite "D" (density) the project serves zoning,
- Intends to answer the question why the "D" restriction was put there in the first place and are they hurting the original reason.
- The property was used as a auto recycling facility; in 1999 it was an industrial use, in 1957 automotive use, in 1957 it was zoned residential but the cars were already there, the cars pre-dated the residential.

Ms. Cuviallo reads Mr. Lechner's letter which is a quote from the Master Plan.

- Environmental rules were different in the 50's, 60's and 70's. Environmental clean up needs to occur which benefits the community. Especially since the property is next to town owned property; which may be used as recreation space in the future.
- 1983 R1 - county road frontage,
- property is the largest = 16 acres
- across from school
- abuts town land that is permanently preserved,
- maintains rural character by being setback 200',
- across from school so residents can enjoy walking or biking to school,
- R1 zone with "D" restriction; oversized not a cul de sac.
- Balance Density 3.1,
- if the permanently preserved lot of 8 acres (owned by the town) was combined with the parcel of 24 acres this would create 2 units per acre.
- this development would give residents a place to move up to a 3 or 4 bedroom home,
- not many houses for sale in this area,
- this area is stable,
- will add value to the neighborhood,

- demographics tells us there is very little housing growth,
  - 2015 plans show 2 family houses not single homes,
  - provide more expensive homes for the community,
  - "D" variance serves a purpose,
- Discussion in great detail about A.C.E.G.I..

**Detriments:**

- no impairment to the Zoning Plan,
  - if you included the open space next door it would be a 2 density,
  - no substantial impairment to the zoning ordinance,
  - 2015 re examined Master Plan single homes decline,
  - Master Plan goals, land use, preserve and promote redevelopment,
- Over all Goals: getting rid of auto yard and gaining residential,
- more traffic, more population; existing school and road system should be able to accommodate both.

The developer will be donating 500.00 dollars per lot for the towns endeavor to build a handicap park (Field of Dreams), giving back to the community.

**5 MINUTE RECESS:**

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Present</b>
<b>Mr. Bucceroni</b>	<b>Present</b>
<b>Mr. Scarduzio</b>	<b>Present</b>
<b>Mr. Rosati</b>	<b>Present</b>
<b>Mr. Acevedo</b>	<b>Present</b>
<b>Ms. Scully</b>	<b>Present</b>
<b>Chairman McMullin</b>	<b>Present</b>
<b>Mr. Costa</b>	<b>Present</b>
<b>Mr. Mellett</b>	<b>Present</b>
<b>Mr. Lechner</b>	<b>Present</b>

**PUBLIC PORTION:**

Mr. Costa swears in Ms. Cindy Daly 126 Sturbridge:

Ms. Daly feels 3 to 4 bedroom homes will lead to over crowding of our schools and worried about 1/2 sessions returning to the high schools. She has observed homes in Cobblestone vacant. 50 homes is too many for the acreage and she has been in her home 30 years and feels one way in and one way out will over crowd the roads. Will the EPA test the land or the state, who will be responsible. She just wants to know how she can stop this development from being built.

Mr. Costa explains that the density variance, if approved, the applicant would have to come back again with the exact dimensions and Ms. Daly will be re noticed for the subdivision.

Mr. Lechner states the subdivision would include civil designs, sidewalks etc..

Ms. Daly wants to know why the walkway is necessary and wants to know how to stop it.

Mr. Mintz states if the walkway is inappropriate it can be eliminated or installed.

Ms. Daly wants to make sure it's done right in addition to her worry over so many vacant homes in the area still.

Mr. Bucceroni states schools use a formula .5 children per home. 9 homes on his own cul de sac and the formula does work, in addition there are no split sessions at any schools. There is room at the schools. A plus to the development is that they will remediate the land.

Mr. Costa swears in Mr. Thomas Tyler 1257 Jarvis Rd.:

Mr. Tyler lives next to the old Bleeker house and is worried about all the wild life in the area and where it will all go when these homes are built. He believes its nice and rural now, with this development it will be like Cherry Hill. He has to back into his driveway

now to get out safely. More traffic will be created and more foot traffic across his property which will require fences to keep people out.

Mr. Costa swears in Mr. Ray Camp:

People speed on the county road with a lot of traffic and believes there are a lot of homes for sale in the area that can't sell.

Mr. Bucceroni states there will be a large buffering between his home and the development.

Mr. Camp asks if the development could be fenced in, when he bought it was all woods.

Mr. Bucceroni states the woods will still be there because there will be a 15' buffer.

Mr. Camp doesn't think the driveway to the development right across from the school driveway is a good idea.

Mr. Costa swears in Mr. Michael Cimer 21 Pinewood Ct.:

Mr. Cimer states the southwest corner are woods and not an eyesore. Extra traffic with an already busy road won't be good. There has been houses for sale for 6 months to 1 year, there is plenty of inventory. The pond on Sturbridge overflows onto that property, what will happen with that water. He is worried about water on his property and the raccoon infestation. He doesn't want to deal with the wild raccoons.

Mr. Bucceroni states the pond issue is being addressed and the owner will have to meet the grade.

Mr. McMullin states the buffer will have to stay.

Mr. Bucceroni states they will have to put in trees.

Mr. Cimer is worried the water will drain downhill towards him.

Vice Chairman Simiriglia states Mr. Cimer has a valid point.

Mr. Costa states if approved for density the subdivision will come back Mr. Mellett will make sure it doesn't come onto town property or become a mosquito breeding danger.

Mr. Lechner states in town they will have to show a grading plan reviewed by engineers.

Mr. Mellett states the applicant will submit a storm water management report in NJ. They will compare to all property lines and reduce flow to peak run off; there are very strict guidelines in NJ.

Mr. Cimer thinks those "eyebrows" are just for adding more homes.

Mr. Costa swears in Mr. Paul Molitzer 1220 Jarvis Rd.

When he purchased his home 15 years ago he had a raccoon problem and he doesn't want to deal with that again, it took him a year to get rid of them. He also states that they aren't really using 16 acres but really 11 acres because of the pond and open space.

Mr. Scarduzio poses a question: the homes are beautiful but what if they are a flop, can they turn into low income housing?

Mr. Mintz states the homes will be built in groups; 5, 7, 10 at a time with contracts. Sales re-crafting would be necessary in that kind of emergency.

Mr. Scarduzio asks if a small gap doesn't sell can they go low income.

Mr. Mintz states the lenders wouldn't allow that more than likely.

Mr. Rosati asks about a sales units and how many you will see.

Mr. Mintz states that is how it is usually done, samples will be built. Right now the lot is being used for dumping and needs to be cleaned up.

Mr. Rosati asks if it gets off the ground will the neighborhood increase in price.

Chairman McMullin asks if the new owner could address the animal problem (raccoons).

Mr. Mintz states they will address but he's not sure what they are allowed or not allowed to do.

**A motion to approve the above mentioned application with the following conditions: R3 std as close as possible, approve the density up to a certain number, traffic study, environmental impact report, "up to 50 lots", 1 1/2 % to pay affordable house fee, cut off walkway, 50 homes and 3 lots, most lots 125' deep, R3 frontage 75' w/majority are 60' and re-advertise for subdivision was made by Mr. Bucceroni and seconded by Mr. Scarduzio.**

**Roll Call:**

<b>Vice Chairman Simiriglia</b>	<b>Yes</b>
<b>Mr. Bucceroni</b>	<b>Yes</b>
<b>Mr. Scarduzio</b>	<b>Yes</b>
<b>Mr. Rosafi</b>	<b>Yes</b>
<b>Mr. Acevedo</b>	<b>Yes</b>
<b>Ms. Scully</b>	<b>Yes</b>

**Application Approved.**

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

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