

**GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 23, 2012**

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

Roll Call:	Mr. Simiriglia	Present
	Mr. Fuscellaro	Present
	Mr. Bucceroni	Present (late arrival 8:15pm)
	Mr. Gunn	Present
	Mr. McMullin	Present
	Mrs. Chiumento	Present
	Mrs. Giusti	Present
	Mr. Acevedo	Present
	Mr. Treger	Absent
	Mr. Richards	Present

Chairman Richards had the professionals sworn in:

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

Mrs. Giusti will sit in for Mr. Bucceroni.

MINUTES FOR ADOPTION

LOG #166

Zoning Board Minutes for January 26, 2012.

Motion to approve the above-mentioned minutes was made by Mr. Gunn and seconded by Mr. McMullin.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Fuscellaro	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Mrs. Giusti	Yes
Chairman Richards	Yes

Minutes approved.

RESOLUTIONS FOR MEMORIALIZATION

LOG #184

#112046C
Glen Kennelly
Bulk C Variance
Block: 8204 Lot: 11

#112054C
Brian & Dawn Leary
Bulk C Variance
Block: 9303 Lot: 16

#112053C
Alida Toledo Nicholson Land, LLC
Bulk C Variance
Block: 14501 Lot: 6

#112059B
Block: 13108 Lot: 1
Interpretations

#112057CDSPW
Joseph Frederico
Bulk C; Use "D" Variance & Site Plan Waiver
Block: 6502 Lot: 8

1st motion Mr. Gunn 2nd motion Mr. McMullin
Mr. Gunn Yes
Mr. McMullin Yes

DENIED

#112055CMSD
Anthony R. Alberto, Inc.
Bulk C/Minor Subdivision
Block: 8010 Lot: 3

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

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Fuscellaro	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Mrs. Giusti	Yes
Chairman Richards	Yes

Resolutions Approved
LOG# 212

Zoning Board of Adjustment 2011 Annual Report

A motion to approve the zoning boards' annual report was made by Vice Chairman Simiriglia and seconded by Mrs. Chiumento.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Fuscellaro	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Mrs. Giusti	Yes
Chairman Richards	Yes
Annual Report Approved.	

APPLICATIONS FOR REVIEW

LOG #274

#112058C

William McKendry

Zoned: R3

Bulk C Variance

Location: 15 Cloverdale Rd., Blackwood

Block: 11803 Lot: 24

Replacing existing concrete front steps (3) & Landing:

Replacing concrete planter box w/a concrete front porch.

Mr. Costa swears in Mr. McKendry.

Mr. McKendry explains to the board that his house doesn't conform to the setbacks and he would like to replace the steps and flower box.

Vice Chairman Simiriglia asks the applicant if the elevation will be door level.

Mr. McKendry states "yes."

Vice Chairman Simiriglia asks the applicant if the steps will be in the same spot.

Mr. McKendry states "yes, the steps will be where they are now."

Vice Chairman Simiriglia asks the applicant if the steps won't be any further then the porch and match the home.

Mr. McKendry states "yes".

Open to the Public:

No Comments.

Open to 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. Fuscellaro	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Mrs. Giusti	Yes
Chairman Richards	Yes

Application Approved.

LOG#310

#112043C

Michael & Joan Seneca

Zoned: R4

Bulk C Variance

Location: 124 Fifth Ave., Glendora

Block: 2004 Lot: 4

Construct a 5' vinyl fence on a corner lot.

Mr. Costa swears in Mr. Seneca.

Mr. Seneca states they've been in the home for 40 years and replacing the fence will make the property look better.

Mr. Mellett states the existing fence has no conflict with the intersection.

Open to the Public:

No Comments.

Open to Professionals:

No Additional Comments.

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

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Fuscellaro	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Mrs. Giusti	Yes
Chairman Richards	Yes

Application Approved.

LOG#500

#122003C

Mark A. Renye

Zoned: R3

Bulk C Variance

Location: 718 Chatham Rd., Somerdale

Block: 9201 Lot: 8

Installing a 6' vinyl fence closing the side & backyard of the property.

Mr. Costa swears in Mr. Renye.

Mr. Renye purchased the home 4 ½ years ago and he would like to replace the fence to add privacy for his pool, dog and children.

The fence is 20.6 ft. from the cart way, the old fence was 30ft. away and was made of chain link.

Mr. Renye hands out pictures of the fence to the board members.

Mr. Mellett states there is no impact on the intersection.

Mr. Lechner states he wants the applicant to get a permit for the pool.

PUBLIC PORTION: LOG# 601:

Mr. Brian DePiazza (205 Hinton Way) is sworn in by Mr. Costa.

Mr. DePiazza states he liked the unobstructed view he had previously when Mr. Renye had the old fence in place. Mr. P presents the board with pictures of Mr. Renye's fence from his home. He states the chain link was 20ft. further away & you could see through it.

Mr. Costa asks Mr. Renye how high the chain link used to be.

Mr. Renye states 4ft.

Mr. Renye states there are a series of homes with white vinyl 6ft. fencing, which sets a precedence and it fits the aesthetics of the neighborhood.

Mr. DePiazza states, just because there are 5 or 6 fences in a development that doesn't make it acceptable. Also, how many of those other homes are on corners.

Vice Chairman Simiriglia asks Mr. DePiazza and Mr. Renye if there is a way to come up with a compromise over the fence. Vice Chairman Simiriglia states fences are not allowed in 2nd front yards and that is the case here. When the board has to grant a variance, it has to take safety and aesthetics into consideration.

Mr. DePiazza states he wants the fence back where it used to be, and suggests maybe the fence contractor will move it for nothing since he misinformed Mr. Renye about the setbacks.

Mrs. Chiumento asks Mr. Renye if 5 other properties have the white vinyl fencing.

Mr. Renye states "yes they do".

Mrs. Giusti asks Mr. Renye about the fence fitting in with the neighborhood aesthetics.

Mr. Costa swears in Mr. Eric Davis (77 Chatham Rd.).

Mr. Davis states he lives across the street from Mr. Renye and has no problem with the fence.

Mr. Renye gives the board additional pictures to show the orientation of the neighborhood.

Mr. Costa states the new fence is 20ft. closer than the old fence.

Mr. Renye states the old chain link fence was bordered by 12ft. tall trees, so Mr. DePiazza's line of sight was blocked.

Mr. Fuscellaro asks Mr. Renye if anyone from the town came out to inspect the fence after it was installed.

Mr. Renye states "no".

Mr. Lechner states that chain link fencing is not permitted any longer. Installing vinyl fencing made the non-conforming fence ...conforming. Mr. Lechner states the fence is still out 20ft. from where it was previously.

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

Roll Call:

Vice Chairman Simiriglia	No
Mr. Fuscellaro	No
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	No
Mrs. Giusti	Yes
Chairman Richards	Yes

Application Approved.

10 minute break: Mr. Bucceroni arrives at 8:10 and replaces Mrs. Giusti.

Roll Call:

Vice Chairman Simiriglia	Present
Mr. Fucellaro	Present
Mr. Bucceroni	Present
Mr. Gunn	Present
Mr. McMullin	Present
Mrs. Chiumento	Present
Mrs. Giusti	Present
Mr. Acevedo	Present
Mr. Treger	Absent
Chairman Richards	Present
Mr. Costa	Present
Mr. Lechner	Present
Mr. Mellett	Present

#122004C

Walter R. Lutz III

Zoned: R3

Bulk C Variance

Location: 626 S. Venetia Ave. Blackwood

Block: 10402

Construction of 15' x 20' Garage

Mr. Costa swears in Mr. Walter Lutz.

Mr. Lutz states he moved a barn, poured a concrete slab and received a violation letter. He has already partially erected the replacement garage, up and braced.

Mr. Costa asks Mr. Lutz how he intends to use the garage.

Mr. Lutz has recently lost his job and needs the garage to store all the tool boxes from the previous employer.

Vice Chairman Simiriglia asks specific dimensions of the garage and asks Mr. Lutz if he is going to add a driveway.

Mr. Lutz states he's not adding a driveway to the garage.

Vice Chairman Simiriglia asks Mr. Lutz about drainage for the garage.

Mr. Lutz states the drainage runs toward the neighbor on the left and then towards the back.

Mr. Bucceroni asks Mr. Lutz if he is going to install gutters.

Mr. Lutz states "yes".

Mr. McMullin asks Mr. Lutz if he is going to side the garage to match the house.

Mr. Lutz states "yes".

Mr. Gunn asks Mr. Lutz specifically what kind of tools will he be storing.

Mr. Lutz states he has a couple of 8ft. tool boxes and big compressors to store.

Vice Chairman Simiriglia asks Mr. Lutz if he will be running electric to the garage.

Mr. Lutz states “no”.

Mr. Lechner tells the applicant that any building less than 5ft. from the property line needs a fire rated wall.

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. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes
Mrs. Chiumento	Yes
Chairman Richards	Yes

Application Approved.

LOG #1482

#122001DSPW

Parke Bank @ the Villas @ Broadacres

Zoned: SCR

Use “D” Variance & Site Plan Waiver

Location: Emerson Ct. & Plaza Dr.

Block: 6502 Lot: 1-2-3-4 & 5

Requesting the original Zoning Approval to be amended to remove the existing age restriction and Waive Site Plan.

Mr. Costa swears in: Thomas Hedenberger (Parke Bank, developer)
Doug Zabo – engineer
Tiffany LoBiello – planner

Mr. Wade (applicant’s attorney) explains the history of the property going from commercial to residential/age restricted. He continues with the sales of the current homes topping in 2006, when the last of 10 units was sold. Only 1 unit has sold in past 3 years. Mr. Wade states this will impact the current owners and they are all in favor of the new plan.

Mr. Hedenberger states he has been a real estate developer for 35 years and has taken the following steps:

1. Sent a letter in September to current residents.
2. Conducted meetings involving the residents.

3. Solicited suggestions from the residents.
4. They are going to create 16 new parking spaces.
5. The current residents have seen the engineers' concept plan and approve.

2/20/12 the real estate developer had another meeting and encouraged the residents to come to the zoning board meeting. Mr. Hedenberger continues with the explanation of the age restricted housing market being inherently bad in the country. The current residents are trapped in their homes, because they can't sell them. The new townhomes will create a new HOA because the current residents are paying more than their fair share, since the development isn't full (fully sold).

Mr. Hedenberger continues with presenting the board with:

A1- existing units' aerial photo

A2- traditional townhome plan "conceptual idea"

A3- attendance sheet of residents at meetings

A4- Lot plan with new parking lot,

-20 additional spaces, which exceeds RSIS standards

-shows how the wetlands won't be touched

Mr. Hedenberger continues, Parke Bank has removed the trailers from the front of the development. The retention basins will be cleaned up and the sand spread out.

Vice Chairman Simiriglia points out to Mr. Wade and Mr. Hedenberger that the townhomes will be 2 bedrooms w/a den, essentially making them 3 bedrooms.

Mr. Wade they received approval from the planning board for the 2bdm/w den.

Mr. Hedenberger explains the impact to the school system will be 6 new school children; they target market will be empty nesters and young professionals.

Mr. Gunn asks Mr. Hedenberger if he has a copy of the school impact report.

Mr. Hedenberger states "yes".

Mr. Gunn states the artist rendering looks larger than a 2 bedroom townhouse.

Mr. Hedenberger states this is what the townhouses will look like and are the traditional 3 story 20ft. wide townhouse.

Mr. Zabo (engineer) speaks:

Mr. Zabo walks the zoning board members through the site plan, parking and location of the buildings. He references A4 and explains the parking, wetlands, off street parking, 104 parking spaces vs. 97 required by RSIS standards. There will be no more impervious coverage or increases in water or sewer vs. the old site plan. The footprint of the newer townhouses will be smaller. They won't have any problems with any of Mr. Mellett's requests.

Mr. Wade states the current residents want to keep the 6ft. white vinyl fence, but black cyclone fence will be used for the rest of the development with buffering/landscaping on both sides. The fence will go to the rear of the property with a gate for emergency exit.

Mr. Bucceroni asks who will be responsible for the fence.
Mr. Wade states the HOA will be responsible for the fence.

Ms. Tiffany LoBiello (planner):

Ms. LoBiello explains the reasons for a use variance/relief request.

SPECIAL REASONS:

1. 42 units not constructed
2. No units have been sold since 2008
3. SCR zone was achieved through an amendment
4. Economics have changed & the development has not blossomed
5. Lift the age restriction
6. Not changing the character of the development with townhouses
7. There is a negative feeling in the area because the development is not finished
8. Median age is 38 years in Gloucester Township
9. 20% of Gloucester Township homes are owned by 65 and older/only 11% of the total population is 65 & older.
10. There is a burden on the current residents
11. Over supply of age restricted housing , and the “conversion act” could not be used in this development because some of the homes were already built and sold as “age restricted homes”
12. Development of proper zoning density
13. “Undue hardship” as age restricted housing is no longer viable.

Negative Criteria:

1. No impairment to zoning ordinance
2. Townhomes are permitted only the occupancy will change
3. Things have changed since the Master Plan was done in 2005
4. Public good
5. Population & traffic will change
6. New average 107 persons vs. 104 age restricted persons.
7. Will add 7 new students to the district
8. No substantial impact to traffic in the area.

Vice Chairman Simiriglia believes the parking will become an issue as the development gets older.

Mr. Wade explains the parking provided exceeds the statutes for parking, there will be parking on only one side of the street and the town can enforce the parking.

Mr. Mellett states the revised parking layout with a 28ft. street allows one side parking.

Mr. Zabo also points out the driveways are 40ft. and will fit 2 cars plus one in the garage for a total of 3 cars per unit.

Mr. Zabo explains the division of driveways being a 3ft. strip w/ river rock or grass for a property line when the garages drives are next to each other.

Vice Chairman Simiriglia hopes there isn't a "run" on these types of requests (turning age restricted developments into non age restricted).

Mr. Wade suggests it would be better to change the age restriction then have a development stay half-finished and have some control over what will be put there.

Mr. Fuscellaro questions the maneuverability of emergency vehicles in the cul-de-sac at the end of the street.

Mr. Zabo states they will use grass pavers at the end of the street for emergency vehicle use.

Mr. Fuscellaro asks if a trash truck will fit in a 40ft. turn around.

Vice Chairman Simiriglia suggests eliminating parking in the turn around.

Mr. Fuscellaro asks what the suggested sale price will be of the new townhouses.

Mr. Zabo states they price will be between 180,000 and 200,000.

Mr. Gunn asks why the conversion couldn't be used.

Mr. Wade states there couldn't have been any prior sales and the time constraint.

Mr. Costa states the zoning board has the authority to grant this type of relief.

Mr. Mellett's letter dated 2/16/2012:

- Mr. Mellett met with the applicant and the meetings went well.
- The applicant added the additional parking requested and filled in other details requested.
- The parking does exceed RSIS standards
- Whether the townhouses are 2 or 3 bedroom they still have excess parking.
- The driveways are extra long
- RSIS standards allow for one side of street parking with a 28ft drive aisle.
- “no parking” signs could be added
- Have the fire dept. review the gate at the end of the street w/lock box.

Mr. Lechner:

- for a site plan waiver an engineering plan is needed.
- 2 sidewalks (one on both sides
- fees are \$145,000 to the open space fund.
- Mr. Lechner states the white fence the current owners want to keep has been having problems with repeated graffiti.
- A black vinyl fence blends well with the surroundings and is virtually maintenance free.
- 28ft. road is plenty wide
- Generally Blackwood Clementon Rd. has been studied and this development was included.
- Our existing senior zones may become zones of inutility.

- Generally the banks are telling investors not to build "McMansions".

LOG#4370

PUBLIC PORTION:

Lisa Kelly: purchased her mother's home in 2007 as it was essentially abandoned. No one would ever look at it and states maybe someone would come look at it if it wasn't age restricted.

Tom Rosenhale: He is the last purchaser of a home in the development. Defacement is a constant problem and he sees the inactivity in the development as the problem. He is also "under water" with his mortgage, Mr. Rosenhale states the new homes need to be built.

Mr. Wade, in an effort to save time, asks all present residents to say "Yes" if they were in favor of the project, all answered Yes.

A motion to approve the 6ft. white fence w/black along Broadacres Dr., modified HOA, & agrees to all changes similar to A2: was made by Mrs. Chiumento and seconded by Mr. Bucceroni.

Roll Call:

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

Changes Approved.

A motion to approve the above mentioned site plan was made by Vice Chairman Simiriglia and seconded by Mr. Fuscellaro.

Roll Call:

Vice Chairman Simiriglia	Yes
Mr. Fuscellaro	Yes
Mr. Bucceroni	Yes
Mr. Gunn	Yes
Mr. McMullin	Yes

Mrs. Chiumento	Yes
Chairman Richards	Yes

Site Plan Waiver Approved.

A motion to approve the above mentioned use variance was made by Mr. Bucceroni and seconded by Mr. McMullin.

Roll Call:

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

Use Variance Approved.

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

Respectfully Submitted, Jean Gomez, Recording Secretary.