

**TOWNSHIP OF GLOUCESTER  
PLANNING BOARD**

**Tuesday, January 13, 2009**

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Chairman Palmer called the meeting to order. The Secretary, Mr. Lechner read the commencement statement and all professionals were sworn.

**Roll Call:**

<b>Mr. Busa</b>	<b>Present</b>
<b>Mr. Custodio</b>	<b>Present</b>
<b>Mr. DelDuke</b>	<b>Present</b>
<b>Mr. Lawrence</b>	<b>Present</b>
<b>Councilman Mercado</b>	<b>Present</b>
<b>Mrs. Musser</b>	<b>Present</b>
<b>Mrs. Schulman</b>	<b>Present</b>
<b>Mr. Vizoco</b>	<b>Present</b>
<b>Mayor Rau-Hatton</b>	<b>Present</b>
<b>Chairman Palmer</b>	<b>Present</b>

Also present is Michael McKenna, Esq. who sworn in the Board professionals, Elissa Commins, PE, CME, Board engineer and Kenneth D. Lechner, PP, AICP, Board Planner and both were qualified as experts.

**Minutes for Memorialization**

There were no minutes for memorialization.

**Resolutions for Memorialization**

<b>#081108CM</b>	<b>Minor Subdivision/Variance</b>
<b>Karen Kozachyn/Mary Kelly</b>	<b>Block 18603, Lot 4</b>
<b>Zoned R-1</b>	<b>Cedar Lane</b>

Mr. Custodio made a motion to approve the resolution, seconded by Mr. Vizoco.

**Roll Call:**

<b>Mr. Custodio</b>	<b>Yes</b>
<b>Mr. DelDuke</b>	<b>Yes</b>
<b>Mr. Lawrence</b>	<b>Yes</b>
<b>Councilman Mercado</b>	<b>Yes</b>
<b>Mrs. Musser</b>	<b>Yes</b>
<b>Mrs. Schulman</b>	<b>Yes</b>
<b>Mr. Vizoco</b>	<b>Yes</b>

Applications for Review

**#081090PSP  
Chews Landing, LLC  
Zoned: OR**

**Preliminary Major Site Plan  
Block: 9708, Lots 2 and 3  
Day Care Center/Office**

Appearing before the Board is Ms. Kuchta, Esq. attorney for the Applicant. Also present are the Applicants experts including Barry Bannett, AIA, James Clancy, PE, PLS, PP, David Cohen, a principal, and David Shropshire, PE, Traffic Engineer.

Ms. Kuchta provided an introduction of the project. She explained the project has been revised to eliminate the daycare center use, free-standing sign, and amendments to the drainage basin. She indicated the revisions were made to the plans to remove the variances.

Mr. Bannett began to provide a description of the project including location, access, etc.

Mr. Lechner interjected that the proposed plan being presented before the Board was only recently received by the Department of Community Development & Planning and insufficient time was available to review and provide a report. A discussion ensued on whether the Board should proceed and it was determined to table the application to the following meeting thereby affording it's professionals ample time to provide respective reports.

Mr. Vizoco made a motion to table and, seconded by Council Mercado.

**Roll Call:**

<b>Mr. Busa</b>	<b>Yes</b>
<b>Mr. Custodio</b>	<b>Yes</b>
<b>Mr. DelDuke</b>	<b>Yes</b>
<b>Councilman Mercado</b>	<b>Yes</b>
<b>Mrs. Musser</b>	<b>Yes</b>
<b>Mrs. Schulman</b>	<b>Yes</b>
<b>Mr. Vizoco</b>	<b>Yes</b>
<b>Mayor Rau-Hatton</b>	<b>Yes</b>
<b>Chairman Palmer</b>	<b>Yes</b>

**#9116SPAF-4 thru #9116SPAF-8 and Administrative Amendment for  
#9116SPAF-12 lakefront properties  
Cobblestone Farms  
Zoned: R-3**

Appearing before the Board is Clint Allen, Esq. representing Richmond American Homes, which developed the majority of dwellings along the lake. Mr. Allen provided an introduction of their purpose before the Board and described the waivers included within the proposed administrative amendment such as from having to install a fence, lake-shelf, and lakeside plantings. Mr. Allen generally described existing conditions of the built environment surrounding the lake edge, which included the removal or reduction – apparently by individual property owners – of fencing, submerged erosion control matting, and vegetation. Mr. Allen indicated the actual lake is owned by the Home Owners Associations (HOA) and his client lacks legal ability to make any revisions or recreate any lake shelves, which would require re-grading of existing rear yards.

Mr. McKenna inquired if the HOA had an official position regarding the changes to the existing built environment and to remove installed amenities. Mr. Allen indicated he was unclear as to the HOA's position or actions.

Chairman Palmer inquired if any of the geotextile matting was installed. Mr. Allen suggested that the presumably individual property owners may have waived both the vegetation and submerged matting.

Mr. Busa stated his familiarity with the site and extreme difficulty in changing existing conditions and inquired on the apparent 15-foot wide access easement along the lake perimeter. Mr. McKenna provided a description of the recorded easement and further stated the easement is for failure of "others" with the Township not having primary responsibility.

With nothing further from the Board, Chairman Palmer opened this application to the public.

Janet Larson: Ms. Larson resides at 27 Waterview Drive and is concerned with impacts that this application has to the Home Owner's Association (HOA) and existing improvements installed by individual property owners.

Mr. McKenna described the Applicant's position. The Board is to decide whether to maintain the "status quo" or deny the requested waivers. If the later, a field investigation of each lot along the lake would have to be completed with recommendations to bring the lots into compliance. A lengthy discussion followed between the public and several Board members on what exactly the "status quo" looks like such as docks, bulkheads, beaches, etc. versus the conditions of approval, namely submerged plantings, a 15-foot wide easement including the penultimate landward plantings, and lastly split-rail fencing with wire mesh and gates.

Mr. Custodio inquired and Ms. Larson agreed the HOA owns the lake and has the responsibility to control issues that affect the lake.

Ms. Sujata: Ms. Sujata resides at 43 Mullen Drive and inquired on why the site improvements were originally required for the project.

Mr. McKenna explained that at the time of the approval there may have been a variety of factors. He pondered deliberately the Board's alloyed interests: to determine if improvements were completed and subsequently removed or not completed and now requested to be waived.

The Board recessed at 8:30 PM

The Board returned at 8:35 PM

Harry Kohout: He indicated he is one of the original owners within the development. He stated to the Board that he walked the entire lake perimeter before choosing his lot and confirms that in fact a lake shelf was installed, as well as, the split-rail fence.

Stan Lewis: Mr. Lewis resides at 39 Mullen Drive and is also an original owner. He supports the Applicant's request to waive the conditions of the approval. He does recall the lake perimeter having a fence, but did not see any erosion control matting.

Tim Ballard: Mr. Ballard resides at 36 Scenic Point Circle and also confirmed a lake shelf was installed. However, he has a concern with the undeveloped parcels and existing soil erosion. Existing fence is installed and permitted.

Mihir Wankawala: Mr. Wankawala resides at 67 Mullen Drive and he stated all the improvements were installed: fence, lake-shelf, and vegetation.

With no one further from the public wishing to speak on the application, the public portion was closed.

John Cantwell, PE, CME of Remington 7 Vernick Engineers, Township Engineer stated that the fence was installed, as well as, the landscaping. However, some of the property owners requested waivers from the landscaping. This is standard operating procedures for many projects, especially, street shade trees: some property owners simply prefer their own landscaping or none. He further explained that the original approvals did not require as-built plans and confirmed a lake-shelf was installed along the lake perimeter. Mr. McKenna provided a summary of the waivers included in the proposed administrative amendment, which now after the testimony of several original property owners and the Township engineer is limited to only three vacant lots.

Randy Unangst of Paparone Homes of New Jersey agreed to install site improvements on the three vacant lots.

Mrs. Larson and Mr. Allen separately approached the Board again and described the soil erosion on the vacant lots.

Joseph Bennie, Esq. representing Paparone Homes of New Jersey advised the Board that the soil erosion would be remediated.

Mr. Custodio provided a summary of his perspective, namely, site improvements were installed; therefore, relief is moot, except for the three vacant lots still owned by Paparone Homes of New Jersey.

Mr. Custodio made a motion to approve and, seconded by Mrs. Musser.

**Roll Call:**

<b>Mr. Busa</b>	<b>Yes</b>
<b>Mr. Custodio</b>	<b>Yes</b>
<b>Mr. DelDuke</b>	<b>Yes</b>
<b>Councilman Mercado</b>	<b>Yes</b>
<b>Mrs. Musser</b>	<b>Yes</b>
<b>Mrs. Schulman</b>	<b>Yes</b>
<b>Mr. Vizoco</b>	<b>Yes</b>
<b>Mayor Rau-Hatton</b>	<b>Yes</b>
<b>Chairman Palmer</b>	<b>Yes</b>

**Closed Session: 9:15 PM**

Mayor Rau-Hatton made a motion to go into closed session to discuss the pending Hooper and Valleybrook litigation, seconded by Mr. Busa.

**Regular Session: 9:32 PM**

Mr. Custodio made a motion to return to the regular session, seconded by Councilman Mercado.

Chairman Palmer discussed the Environmental Advisory and Open Space Committee and their recommendation to Jack Sworaski of the Camden County Open Space Committee to not recommend approval of the Aspen Fall Major Subdivision for open space. The primary factor is a significant amount of the project is to be donated as open space under the residential cluster provision of the Township's Land Development Ordinance.

Mayor Rau-Hatton reminded Board members of the NJPO mandatory training seminar on 02/14/09, Saturday.

**Meeting adjourned.**

Respectfully Submitted,

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Kenneth D. Lechner, PP, AICP  
Acting Recording Secretary