

**MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING**

19 January 2022

6:30 p.m.

Via Zoom on-line Conference

Attorney Patrick Varga called the meeting to order at 6:35 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

SWEARING IN OF NEW AND REAPPOINTED MEMBERS

Joseph Wolf
Jim Pullman
Dana Stefanoni, Alternate I
Brandon Morrison, Alternate II

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Cocivera, Hamilton, Pullman, Rickards, Simmers, Wolf, Stefanoni,
Absent: Meehan, Morrison
Professional Staff: Attorney Patrick Varga, Planner Michelle Taylor, Secretary Beth Portocalis

EXECUTIVE SESSION – Mr. Rickards made a motion for an Executive Session at 6:42 pm. Mr. Cocivera seconded. The meeting reconvened at 7:10 pm

RE-ORGANIZATION

NOMINATION & ELECTION OF CHAIRPERSON: Mr. Wolf nominated Mr. Cocivera. Mr. Rickards seconded. Motion to accept Mr. Cocivera's nomination was made by Mr. Hamilton. Mr. Wolf seconded. Being no other nominations, the roll call vote was unanimous in favor. (7-0)

NOMINATION & ELECTION OF VICE-CHAIRPERSON: Mr. Hamilton nominated Mr. Rickards. Mr. Wolf seconded. Motion to accept Mr. Rickards' nomination was made by Mr. Hamilton. Mr. Wolf seconded. Being no other nominations, the roll call vote was unanimous in favor. (7-0)

RESOLUTION #2022-1 APPOINTING BETH PORTOCALIS AS BOARD SECRETARY: Mr. Hamilton made the motion to approve; Mr. Rickards seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2022-2 APPOINTING BETH PORTOCALIS AS BOARD RECORDING SECRETARY: Mr. Rickards made the motion to approve; Mr. Wolf seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2022-3 APPROVING MEETING DATES: Mr. Pullman made the motion to approve the meeting dates and times per the Resolution schedule distributed by the Board Secretary. Mr. Rickards seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2022-4 DESIGNATING THE OFFICIAL & ALTERNATE NEWSPAPER:

Mr. Hamilton made the motion to designate the Burlington County Times as the official newspaper and the Central Record as the alternate newspaper. Mr. Simmers seconded. The roll call vote was unanimous in favor. (7-0)

MOTION: Mr. Hamilton made a motion to adjourn the Re-Organization Meeting at 7:17pm. Mr. Pullman seconded. The voice vote was unanimous in favor.

REGULAR MEETING AGENDA

Attorney Patrick Varga called the meeting to order at 7:20 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Cocivera, Hamilton, Pullman, Rickards, Simmers, Wolf, Stefanoni,
Absent: Meehan, Morrison
Professional Staff: Attorney Patrick Varga, Planner Michelle Taylor, Secretary Beth Portocalis

CORRESPONDENCE:

1) Ms. Portocalis read a letter dated January 11, 2022 from the Attorney for the Conte/Star Sprinkler applicant (ZVE-1108) requesting the application be carried to the next meeting.

MOTION: Mr. Rickards made a motion to carry the application to the February 2022 meeting without the need to re-notice. Mr. Pullman seconded. The voice vote was unanimous in favor.

2) Ms. Portocalis read an email dated January 13, 2022 from Brian Bonelli, Applicant, requesting that his application ZVE-1105 requesting that his application be continued to the next meeting in order to have a new survey completed.

MOTION: Mr. Rickards made a motion to carry the application to the February 2022 meeting with the requirement to re-notice. Mr. Simmers seconded. The voice vote was unanimous in favor.

MINUTES:

December 15, 2021 Regular Meeting – Mr. Pullman made a motion to approve the December 15, 2021 Zoning Board Meeting Minutes. Mr. Wolf seconded the motion. A unanimous voice vote in favor carried the motion. (Stefanoni and Morrison abstained)

REPORTS: None

RESOLUTION TO BE MEMORIALIZED:

Stephen Fox, 10 Brookwood Drive, Block 5501.02//Lot 16, ZVE-1107.

RESOLUTION #2022-5

Granting Bulk Variance approvals to construct an in-ground pool with concrete decking totaling 1,559.78 sf requiring lot coverage relief with 20.6% existing, 23.4% approved, and 20% permitted. Existing driveway waiver approved for side yard setback whereby 10' is required and 5' is existing; existing driveway waiver approved for lot coverage 20.6% required with horseshoe driveway, total lot coverage is 32.22%; existing driveway waiver approved for corner lot's minimum distance between a proposed apron and the extended curb line of the intersecting street must be a minimum of 75', previous access on Bradford Court has a distance of 63'. **Zone: RGD-2**

Recorded Vote:

Ayes:	Pullman (2), Rickards (M), Wolf, Cocivera
Nays:	None
Abst.:	None
Motion carried:	4 - 0 - 0

APPLICATIONS/OFFICIAL:

Kathleen Rieck, 10 Woodland Avenue, Block 3803//Lot 4, ZVE-1106.

Seeking Bulk Variances for retroactive approval of a screened porch requiring side yard setback relief: 23.73' proposed, 30' required; and rear yard setback relief: 38.65' proposed, 50' required. **Zone: GD**

SWORN: Kathleen Rieck, Owner
Darryl Rhone, Esq., Attorney
Dr. Edward Williams, PP, Planner

Mr. Rhone opened the testimony by detailing the application and highlighting that Ms. Rieck is seeking retroactive approvals for a screen porch addition to a pre-existing, non-conforming dwelling, which was discovered while doing due diligence prior to selling the property. He added that the shed has been torn down and removed, so the overall lot coverage relief request has been withdrawn. Mr. Rhone also confirmed that all required retroactive building permits have been obtained.

Dr. Williams was next to testify, with the Board accepting his professional credentials. Dr. Williams detailed the two "c" variances required for the side yard and rear yard setbacks. He noted that the screen porch was built along the footprint of the dwelling, which was in place prior to the current zone district regulations being adopted. As the building line is still the same, there has been no further encroachment into the side yard on the eastern side. The addition itself is consistent with the zone plan and meets the positive criteria.

Vice Chairman Rickards asked if the stone work was included in the lot coverage, which Mr. Rhone responded yes.

Chairman Cocivera asked is any additional improvements are planned. Both Ms. Rieck and Mr. Rhone responded no. Chairman Cocivera asked if there were plans to place a new shed on the lot prior to sale, as the Board could consider granting lot coverage relief as a part of this application. Mr. Rhone replied no.

Mrs. Taylor referenced her letter of January 12, 2022. She noted she has no issues due to the small non-conforming lot size, and the Board has already confirmed with the applicant that they do not want lot coverage relief for a new shed.

PUBLIC: Mr. Hamilton made a motion to open the public portion. Mr. Simmers seconded. The voice vote was unanimous in favor.

No one from the public spoke.

Mr. Hamilton made a motion to close the public portion. Mr. Simmers seconded. The voice vote was unanimous in favor.

MOTION: Mr. Hamilton made a motion to approve the application as submitted. Mr. Wolf seconded.

Recorded Vote:

Ayes:	Hamilton, Pullman, Simmers, Wolf , Stefanoni, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

James Jefferson, 35 Jackson Road, Block 4801.01//Lot 9, ZVE-1011.

Seeking both d(1) and d(2) Use Variances for retroactive approvals to permit expansion of nonconforming uses for two principal buildings (residential and commercial), which have been expanded, a third use and building added, and the area of the lot used for the nonconforming uses and structures has been increased, outdoor storage and operations are not permitted. A Bulk Variance is required from the minimum 15 feet side yard setback to permit a 30-foot by 20 feet oversized play set/outdoor physical fitness equipment (600 SF), 3.4 feet to the southern property line for use as part of the principal use of training facility. Bulk Variance required from the minimum building setback distance of 20 feet where no separation is provided between the training building and massage building and approximately 10 feet between the dwelling and massage therapy business shed structure. **Zone: CC**

SWORN: James Jefferson and Nicole Webb, Applicants
Douglas Heinold, Esq., Attorney
Dan Patterson, PE, Engineer

Mr. Heinold opened the testimony by summarizing the history of the property since Mr. Jefferson acquired it. While it is located in the Community Commercial zone district, it had been utilized

as a residence with some commercial activity for many years prior. When Mr. Jefferson purchased the property, he opened a personal fitness training business. Upon notification from the Township that he required Use Variance approvals, he was granted approvals by the Zoning Board in 2003 with a number of limitations to utilize the site for both residential and commercial use. A subsequent sign variance and extension of site plan waiver was granted by the Zoning Board in 2005. Mr. Heinold concluded his testimony by detailing the buildings currently on the lot and their use.

Mr. Patterson was next to testimony. He displayed a revised site plan, and described how every area of the lot is currently being utilized. The 20' x 20' climbing/play area is located 3.5' from the adjoining property (Animal Hospital), and the footings are the only impervious area. Underneath the equipment is 10 inches of sand. There is also a 20' x 100' open play area outside of the wetlands and buffer area in the rear of the buildings with no improvements or impervious coverage. This is used in nicer weather for outdoor exercise.

Mr. Patterson continued that the massage building is a wooden framed shed structure placed on top of an existing impervious covered area and is 12 feet x 20 feet.

Mr. Jefferson was next to testify. He explained that in 2000 he was leasing the property and conducting his private personal training business. In 2003 he purchased the property so he could both reside in the dwelling and conduct his business. As Mr. Heinold had noted, he received approvals from the Zoning Board in 2003 to do both. As his business expanded, he needed more space. The recent COVID pandemic caused many more restrictions being placed upon his type of business, so he had to change how he offered services to survive. When he remarried, he relocated his wife's massage therapy business to the property, as COVID restrictions to her type of business left her unable to afford to rent commercial space.

Mr. Jefferson continued that the climbing area has caused no issues to the property next door, which is also a commercial business and residence. He allows the family to use the equipment, which they appreciate. He added that in the open play area, he has no more than two to three clients at a time, typically a couple or family since he only offers private training only and no larger classes.

Lastly, Mr. Jefferson confirmed neither he nor his wife have any employees; it is just the two of them. The hours of operation for the most part do not overlap, and many of his client's schedule massages after their sessions. His clients are typically early morning or later in the day—before or after work. His hours are for the most 5 am to 10:30 am and 3 pm to 7:30 pm. Most of his clients are local business owners; and the sessions are 30-45 minutes each. His wife's business is during more traditional business hours and the middle of the day, so there is minimal conflict. There are seven parking spaces and one handicapped space, with an additional gravel area for parking of their personal vehicles. There have been no issues at all with ingress or egress from Jackson Road or parking in the lot or on Jackson Road.

Ms. Webb was next to testify. She explained that she has been a duly licensed massage therapist since 2012. She previously operated her business from a chiropractor's office, and also was a

massage instructor for two years at Rizzeri Studios. She is required to undertake additional training every two years plus classes for CEU credits. She and Mr. Jefferson were married in 2020, and at that time they moved in together at this property and she relocated her business there. She also noted the synergy with the sports fitness training business.

Board members asked about shed; Mr. Jefferson admitted he did not obtain construction permits for the electric or the ramp. He also state the shed was placed in an area where there was a paver patio area, so no additional impervious area was added. Due to their limited finances, they could not afford an addition to the dwelling or the fitness garage/building.

Mr. Heinold next displayed several photos of the property and explained their current use and the progress to date and plan for each moving forward to address comments in Mrs. Taylor's review letter of November 3, 2021. He then specifically addressed items in the letter observed by Mrs. Taylor during her site visit:

1. All of the bamboo has been removed from the front of the property; but there is still some in the side yard to be removed as soon as weather permits.
2. All of the piled up wood has been removed.
3. All of the trash piles have been removed.
4. The box truck has been re-registered. Currently he is storing equipment in it but is looking to sell it.
5. The lean-to structure with the chickens will be torn down, and a new chicken enclosure is now located to the rear of the dwelling,
6. The remaining obstacle course pieces will be removed in a couple of weeks when the weather is better.
7. The fence and gate in the front of the property has been removed.

Mr. Heinold concluded that Mr. Jefferson is prepared to accept a condition to complete all the recommended clean-up to Mrs. Taylor's and Ms. Portocalis' satisfaction.

Chairman Cocivera inquired about the conservation easement. Mr. Heinold explained that it had been approved by NJDEP and the Pinelands Commission, and is on file with the Township. Mr. Jefferson explained that there was quite a bit of trespassing, and after a severe wind storm, he went into the area and cleaned it out. Being wetlands, this was a violation and he was required to restore the area. He completed the restoration to the NJDEP and Pinelands Commission requirements, and also agreed to deed restrict the area, which is 3 acres. All of the development is on the remaining one acre of the lot.

Mrs. Taylor asked if the greenhouses are being actively used. Mr. Jefferson responded yes; the green color one is for tropical plants. Mrs. Taylor commented on the Quonset hut, noting that an addition has been added since the 2003 Zoning Board approvals were granted. She also pointed out item #8 in her letter regarding the tree plan, with most of the trees having died. Additionally, there is no access to the south side of the property due to all of the development, and that is why Mr. Jefferson tried to create an access to the rear yard via the north side of the property where the fence and gate had been located.

Next Mrs. Taylor went thru her 11/3/21 letter which noted all of the changes to the site, some of which pre-dated the COVID pandemic. The use is more intensive than the original approvals granted. The entire operation of the fitness training and massage therapy is taking place on approximately 3500sf. If the Board was inclined to approve the expanded use, she recommended additional visual buffering.

Mrs. Taylor stated that the uses are complimentary, however, she detailed how none of the structures of the dwelling match in architectural styling, color or materials, and appear to be crowded and condensed onto the site; and the aesthetic is not in line with meeting positive criteria standards. She added that the keeping of chickens is not permitted in the Community Commercial (CC) zone district.

Much discussion ensued amongst Board members and Mr. Jefferson in response to Mrs. Taylor's comments regarding the overall aesthetics of the property. Mr. Simmers referenced the disconnect between previous applicants before the Board who were compelled to have new structures and additions match the existing dwelling and this one, where noting matches anything. He acknowledged that this site is not in keeping with the character of Medford, especially in such a prominent location.

Mr. Jefferson refuted some of the comments by stating that the Quonset hut was there 21 years ago, and was approved by a previous Construction Code Official at that time. He added that he and his wife do have plans to paint the dwelling and garage building a neutral gray; and that landscaping will be added in the spring where the bamboo was removed.

Mrs. Taylor further went thru the CC zone district requirements, specifically referencing how the physical development of this site is not consistent with typical commercial properties in Medford.

The Board continued to discuss the site aesthetics, and seemed to be in general agreement that in its current conditions, would not obtain the Board's approval. Mr. Varga interceded and based on the comments suggested that the Board bifurcate the application and first consider and take action on the uses. If the Board were to approve the expanded uses, he further suggested that the Board grant the applicant a period of time to obtain construction and investigate any other required approvals, then return to the Board with a revised site plan and architectural renderings detailing how the existing structures can be altered to match in character/style, color, etc.

Mr. Heinold concurred and agreed his client would need to re-notice. It was agreed by Mr. Varga and Mr. Heinold that six months would be sufficient to address the issues raised by the Board and obtain revised site plans and architectural renderings.

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PUBLIC: Mr. Pullman made a motion to open the public portion. Mr. Wolf seconded. The voice vote was unanimous in favor.

No one from the public spoke.

Mr. Hamilton made a motion to close the public portion. Mr. Simmers seconded. The voice vote was unanimous in favor.

MOTION: Mr. Hamilton made a motion to bifurcate the application and approve the expanded uses of personal fitness training and massage therapy as currently operating with no employees per the testimony provided; upon the condition that the balance of the application including a revised site plan and architectural renderings is brought back to the Board within the next six (6) months. Mr. Rickards seconded the motion.

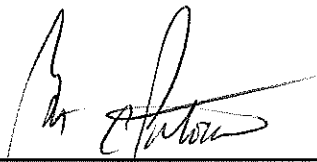
Recorded Vote:

Ayes:	Hamilton, Pullman, Simmers, Stefanoni, Wolf, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

GENERAL PUBLIC: None present or on Zoom.
Mr. Wolf made a motion to close the general public portion of the meeting. Mr. Hamilton seconded the motion. A voice vote was unanimous.

EXECUTIVE SESSION: None

MOTION FOR ADJOURNMENT:
Mr. Hamilton made a motion to adjourn the January 2022 Zoning Board of Adjustment meeting at 9:50 pm. Mr. Rickards seconded the motion. The voice vote was unanimous in favor.



Beth Portocalis, Zoning Board Secretary & Recording Secretary