

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

20 July 2022 - 7:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 7:09 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, Morrison
Absent:	Meehan
Professional Staff:	Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Beth Portocalis

CORRESPONDENCE: Ms. Portocalis stated that the M2 Properties application would not be heard as they did not notice in time, and it was anticipated that it would be scheduled for the August meeting.

MINUTES:

June 15, 2022 Regular Meeting – Mr. Pullman made a motion to approve the June 15, 2022 Zoning Board Meeting Minutes. Mr. Wolf seconded the motion. Mr. Hamilton abstained. A unanimous voice vote in favor by the other members carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Stephen Fox, 10 Brookwood Drive, Block 5501.02//Lot 16. ZVE 1124- Resolution #2022-26
Approval to construct 60” (5 foot) aluminum fence along property lines on a corner lot (Bradford Court) where only 4’H split rail fence is permitted in the front yard areas. **Zone: RGD-2**

Recorded Vote

Ayes:	Pullman (M), Simmers (2), Wolf, Stefanoni, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Fieldstone Associates, 196-198 Old Marlton Pike, Block 905//Lot 10.01, 10.02 & 11, SPR-5758 Resolution # 2022-27

Denial of Use Variances to permit a self-storage facility, inclusive of a d(1) Use Variance to permit a self-storage facility; a d(4) Floor Area Ratio (FAR) whereby .25 is allowed and .48 was proposed; and a d(6) Height Variance required to permit a building height of 42 feet (3 stories) whereby 35 feet and 2 ½ stories are permitted; along with multiple bulk variance reliefs for building square footage, roof style, loading zone and off street loading; and waiver reliefs for landscape buffer and loading in the front yard. **Zone: HM**

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Recorded Vote

Ayes: Simmers (2), Wolf (M) Stefanoni, Rickards, Cocivera
Nays: None
Abst.: None
Motion carried: 5 - 0 - 0

APPLICATIONS/OFFICIAL:

Rick Muscavage, 25 Sawmill Road, Block 6601; Lot 15, ZVE-1125 – Seeking Bulk Variances required for a 14’ x 14’ (196sf) shed exceeding the permitted shed size of 168sf; and the placement of said shed in the front yard along the driveway whereby sheds must be placed in a side or rear yard. **Zone: RGD-2**

SWORN: Richard Muscavage, Owner

Mr. Muscavage opened the testimony by describing the layout of his property, being on Braddock’s Mill Lake next to the Kettle Run Girl Scout Camp. The dwelling is set back on the lot close to the lake, so there is minimal rear yard space and no suitable space for the shed. The other side slopes towards the lake/creek making it difficult to build without a foundation. The proposed location was also dictated by the location of the septic system in the front yard. The lot is heavily wooded, and the shed will be 86’ from Sawmill Road, so it will not be seen. It will be located at the end of the driveway, so no trees will need to be removed. It will match the house, and will not have electric or plumbing.

Ms. Taylor had no comments.

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

No one from the public spoke.

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

MOTION: Mr. Wolf made a motion to approve the application as submitted. Vice Chairman Rickards seconded.

Recorded Vote:

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

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Shane & Meredith Gardner, 22 Sandtown Road, Block 807; Lot 2, ZVE- 1129 – Seeking Bulk Variances required to construct a new single family dwelling to replace dwelling destroyed by fire. New dwelling requires a rear yard setback whereby 100’ is required and 65’ is proposed. Lot depth is pre-existing non-conforming at 240.15’ where 300’ is required. (Lot size is also pre-existing non-conforming at 2.613 acres where 4 acres is the minimum) **Zone: AR**

SWORN: Shane & Meredith Gardner, Owners
Kenneth Levers, PE & PP, Engineer & Planner

Mr. Gardner opened his testimony by explaining that a fire occurred at the original dwelling on March 13, 2022, and the house was a total loss. The parcel slopes significantly (the drop is 25’ from the road to the rear of the lot), and the insurance company does not want to pay level the grade in a location that meets the setback requirements.

Mr. Levers was next to testify. He detailed that the lot is undersized for the AR Zone. The house was built sometime between 1965 to 1969 with a full basement. There are water table concerns on portions of the lot, and Mr. Gardner wishes to maintain a basement. The wood deck on the original house was 39’ off the rear yard property line. The AR Zone requires a 100’ rear yard setback, and Mr. Gardner is proposing 65 feet on this non-conforming lot.

Mr. Levers referred to the site plan, and detailed the uniquely shaped parcel. It is shallow in depth; being half the width of the lot, which is opposite the typical lot layout. Since the lot is undersized, and steeply slopes, additional constraints exist. The proposed location will have no impact on the “neighborhood,” since there are only two houses on Sandtown Road and a farm to the rear of the property. Mr. Levers also pointed out that the driveway location is proposed to change.

Mrs. Taylor commented that the proposed architecture satisfies the aesthetic purpose of zoning, and the proposed location does not exasperate the previous non-conforming rear yard setback. She added that Mr. Noll has no objections to the proposed relocated driveway.

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

No one from the public spoke.

Vice Chairman Rickards made a motion to close the public portion. Mr. Wolf seconded. The voice vote was unanimous in favor.

MOTION: Mr. Hamilton made a motion to approve the application as submitted. Vice Chairman Rickards seconded.

Recorded Vote:

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

Oscar Benavides, 200 East Lake Blvd., Block 3603; Lot 1, ZVE-1121 – Seeking Bulk Variances for retroactive approval for recently installed 4'H vinyl picket fence on corner lot whereby front yard fences are required to be constructed of wood (preferably split-rail); for a 130 sf pergola in the rear yard, exceeding the number of permitted accessory structures (2 structures where one is permitted); proposing 17% lot coverage where 15.8% is existing and 12% is permitted; and also seeking a design waiver for the driveway whereby 75' minimum distance between the driveway apron and the intersecting street, and 46' is existing/proposed. **Zone: GD**

SWORN: Oscar Benavides, Owner

Mr. Benavides opened his testimony by explaining that his dwelling is situated on a corner lot, and he installed a white picket fence for the family dog. He admitted he had applied for a zoning permit for the picket fence, and was denied as only 4'H wood/split rail fence is permitted in the front yard (which he has two being on a corner lot) He stated that when he inquired about split rail, there was none available, but needed one quickly so their dog could play outside. He noted the white picket does match the dwelling. He referenced the photos he submitted that show he planted a number of laurel plants in front of the fence to screen it.

He continued describing the pergola more as a covered roof that is attached to the dwelling over an existing paver patio area, to protect the area from a large tree that drops “tons” of leaves. He removed a shed, so no variance is required for the second accessory structure.

The driveway was changed to allow him and his wife to more safely exit the corner property. He acknowledged he did not realize he had to obtain a permit to make the change.

Mrs. Taylor noted that a 2015 application showed the shed, but she suggested the applicant testify that it had been removed. That application was for an addition to the dwelling, which made the yard smaller. She acknowledged that the picket style fence does match the dwelling and meets the opacity requirement, and concurred that is offset from the property line. The overall lot coverage was decreased when the shed was removed and replaced with the pergola over existing impervious coverage. Mrs. Taylor also commented that per Mr. Noll's review letter, the driveway was originally on Park Road, but the driveway expansion onto East Lake does alleviate the need to back up to exit. There are a lot of neighborhood residents who walk and bike in the roadways in Lake Pine, so Mrs. Taylor agreed it is a safety issue. If the Board agrees to the design waiver for the driveway, Mr. Benavides will need to apply retroactively for a driveway permit.

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

1. Frank Angelo – 203 East Lake Boulevard. He testified the Benavides' are great neighbors. They have made numerous improvements to the property since moving in, and noted the previous two owners did nothing. The driveway is also an improvement and safer.

2. Charles Nase – 205 East Lake Boulevard. He too noted the property has been greatly improved aesthetically. He also has a white picket fence and agrees it matches the house.
3. Thomas Hamilton – 114 East Lake Boulevard. He resides across Park Road from the Benavides'. He stated they are always working on their house and property. Before they purchased the property it was a "disaster." They are a benefit to the neighborhood.

Mr. Pullman made a motion to close the public portion. Vice Chairman Rickards seconded. The voice vote was unanimous in favor.

MOTION: Mr. Hamilton made a motion to deny the fence but approve the other parts of the application as submitted. There was no second.

MOTION 2: Mr. Pullman made a motion to approve the application as submitted, conditioned upon completing a Zoning Permit for the fence and pergola, and a Driveway Permit for the second driveway access. Vice Chairman Rickards seconded.

Recorded Vote:

Ayes:	Pullman, Simmers, Wolf , Stefanoni, Rickards, Cocivera
Nays:	Hamilton
Abst.:	None
Motion carried:	6 – 1 – 0

GENERAL PUBLIC:

Mr. Wolf made a motion to open the general public portion of the meeting. Vice Chairman Rickards seconded the motion. The voice vote was unanimous in favor.

No one from the public was present.

Mr. Pullman made a motion to close the general public portion of the meeting. Vice Chairman Rickards seconded the motion. The voice vote was unanimous in favor.

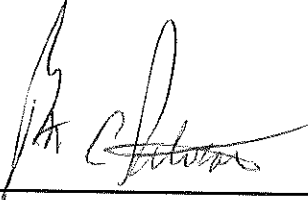
EXECUTIVE SESSION: None

ADDITIONAL ACTIONS BY BOARD: None

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MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the July 2022 Zoning Board of Adjustment meeting at 8:07 pm. Mr. Wolf seconded the motion. The voice vote was unanimous in favor.



Beth Portocalis, Zoning Board Secretary & Recording Secretary