

# MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

15 June 2022 - 7:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 7:02 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, Meehan, Pullman, Rickards, Simmers, Wolf, Stefanoni, Morrison  
Absent: Hamilton  
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Beth Portocalis

CORRESPONDENCE: None

### MINUTES:

May 18, 2022 Regular Meeting – Mr. Pullman made a motion to approve the May 18, 2022 Zoning Board Meeting Minutes as corrected. Mr. Simmers seconded the motion. Mr. Meehan and Mr. Wolf abstained. A unanimous voice vote in favor by the other members carried the motion.

May 18, 2022 Executive Session – Mr. Pullman made a motion to approve the May 18, 2022 Zoning Board Executive Session minutes. Mr. Simmers seconded the motion. Mr. Meehan and Mr. Wolf abstained. A unanimous voice vote in favor by the other members carried the motion.

REPORTS: None

### RESOLUTIONS TO BE MEMORIALIZED:

#### Matthew Shinn, 268 Atsion Road, Block 6504//Lot 11.03, ZVE-1119

##### Resolution #2022-21

Bulk variance approvals required to permit a proposed oversized residential detached garage 30' x 50' (1500 sf) with 10' garage doors, whereby 24' x 45' (1,080 sf) is the maximum size permitted. **Zone: RGD-1**

##### Recorded Vote

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

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#### James & Jacqueline Boggs, 8 Thrush Way, Block 4701.01//Lot 25, ZVE-1117

##### Resolution #2022-22

Bulk variance approvals for an existing 60 sf shed and a 1,215sf paver patio installed without permits. Bulk variance approvals also granted for a front and rear porch totaling 324sf that required lot coverage relief whereby 29.61% was existing, 29.32 % was proposed and 15% is permitted on the non-conforming sized lot. **Zone: RGD-2**

Medford Township Zoning Board  
15 June 2022  
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Recorded Vote

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

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**Patrick & Patricia Mackey, 82 Branch Street, Block 1804//Lot 6, ZVE-1118**  
**Resolution #2022-23**

Bulk Variance approval to demolish an existing laundry room of 166 sf and construct a family room and laundry room additions totaling in 640 sf. A covered porch was also approved that required side yard setback relief whereby 4' was proposed, 9.3' was existing, and 15' is required. Front yard setback relief on the non-conforming sized lot was also approved whereby 8.1' is existing, 8.1' was proposed, and 15' is required. Approvals also granted to install a 256 sf paver patio area and 250sf of sidewalks. The Board also granted a Certificate of Appropriateness, as the project was deemed consistent in the historic Medford Village district. **Zone: HVR**

Recorded Vote

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

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**Jamie Griffith, 4 Sarnesfield Way, Block 6401//Lot 3, ZVE-1120**  
**Resolution #2022-24**

Retroactive Bulk Variance approvals to maintain a concrete decking area and in-ground pool sized larger than was previously approved. Approvals also granted for an existing 168sf pavilion & concrete area exceeding the required side yard setback whereby 5' is required and 1.49' was approved. **Zone: RGD-2**

Recorded Vote

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

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**Ian Fawthrop, 4 Grist Mill Court, Block 5301.23// Lot 3.10, ZVE-1123**  
**Resolution #2022-25**

Bulk variances granted for a proposed in-ground pool of 600sf with 551sf of concrete decking exceeding the permitted lot coverage whereby 19.43% was existing, 20% is permitted, and 24.04% was approved. **Zone: RGD-1**

**Recorded Vote**

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

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**APPLICATIONS/OFFICIAL:**

**Stephen Fox, 10 Brookwood Drive-** Seeking Bulk Variance approvals to construct a 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**

**SWORN:** Stephen Fox, Owner

Mr. Fox opened the testimony by describing the layout of the corner property, with the dwelling being set back so that there is already minimal rear yard space. Bradford Court is a small cul-de-sac with only a couple of properties. He is seeking approval to place a 6’ fence along the roadway to be able to fully utilize the yard without the required setback, and also deter the deer that are rampant in his neighborhood. He has spoken to his neighbors, and no one is opposed. In response to Board member questions, Mr. Fox stated no trees need to be removed to install the fence, and that the topsoil piles are from the work to install the in-ground pool the Board approved in January. Mr. Fox confirmed the topsoil will be spread out on the site and seeded to maintain the grade, and any excess will be removed.

Ms. Taylor had no comments.

**PUBLIC: Vice Chairman Rickards 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. Simmers made a motion to close the public portion. Vice Chairman Rickards. The voice vote was unanimous in favor.**

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

**Recorded Vote:**

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

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**Fieldstone Associates, 196-198 Old Marlton Pike, Block 905/Lot 10.01, 10.02 & 11, SPR-5758 (Continued from April 18, 2022 ZBA meeting)** – Preliminary and Final Site Plan approvals required for proposed 3-story self-storage facility. The application has been amended, and as such requires: d (1) Use Variance to permit the self-storage facility; d (4) Floor Area Ratio (FAR) Use Variance whereby .25 is allowed and .48 is proposed; and d (6) Height Use Variance required to permit a building height of 42 feet (3 stories) whereby 35 feet and 2 ½ stories are permitted. Bulk Variances required for building square footage whereby 35,000 sf is permitted and an overall 94,100sf (previously 119,151sf total) is proposed. The building height permitted is 2.5 stories with a maximum 35’ height with a complete roof comprising at least ¼ of the building height is required; whereby 3 stories and 35’ height with a true peaked gambrel style (barn) roof is proposed. A loading zone of 10’ x 40’ is required and whereby 10’ x 30’ is proposed. A Bulk Variance for off-street loading is required in the front yard whereby only side and rear yard loading is permitted. Waivers are required per Section 506 to permit less than the required landscape buffer materials, fencing and berms; and per Section 520 F. to permit loading in the front yard. **Zone: HM**

**SWORN:** Art Corsini, Real Estate Developer  
Patrick McAndrew, Esq., Attorney  
Ahmed Tamous, PE, Bohler Engineering  
James Dankovich, Architect, BWD Architects  
Andrew Ferranda, Traffic Engineer  
Tiffany Morrissey, PP, Planner

Mr. McAndrew opened the testimony by stating that the applicant has made two substantial changes to the application based on the Board members and public comments at the April meeting—one is the change in architecture from an office-style to more of a rural/barn look; and two, the square footage has been reduced to 94,100sf from the original application of 119,151sf. He said the applicant’s testimony would be focused on the use variances, and the applicant is prepared to return to the Board for other bulk variances and site plan approvals should the Board approve. He reminded the Board that in 2004 the Zoning Board approved the site for self-storage,

finding the use was less intensive, less traffic would be generated, and less site lighting would be utilized than permitted uses. He added that the facility will connect to sewer, which was not a part of the 2004 approvals.

Mr. Dankovich was next to testify. He described a series of display boards (marked as Exhibits A-31 to A-42), contrasting the originally proposed facility to the revised/new proposed building. He explained the new design was intended to represent rural character with a barn/shed style roof. The building size has been reduced by 30,000sf, and the footprint by almost 3,000sf. The façade of the building closest to the neighbors has been changed with stone to break up the long blank wall. He opined that as the gateway to Medford, this new architecture was much more representative of the historical and farming origins of the town.

Mr. Dankovich further detailed display boards showing the views from each approach on Old Marlton Pike, and also the layout of each floor. He went into detail on the display boards showing the sloped roof and gutter system; as well as displays showing the 42 foot roofline, which he stated made a better aesthetic, as having a parallel roof line would be more authentic. He added when describing the display boards with the 35' roof line that the building looked to short and squatted.

He concluded that two color palettes have been presented; one being red with a dark gray roof; and the other being blue with a brown roof. The applicant will agree to the Board's preference.

Mr. Tamous was next to testify. He went thru the site plan changes, as shown on display boards marked as Exhibits A-43 & A-44. The building length was reduced from 300 feet to 200 feet. There were no changes to the access road. Only 5 loading spaces remain, all others have been eliminated. The side yard setback has increased from 100 feet to 122 feet, with 240 feet to the nearest house in the Muirfield development and 104 feet to the nearest house on Old Marlton Pike. (70' to the garage on the property) The front yard setback remains at 50.8 feet.

Mr. Tamous then went thru all the changes between the original application and this revised one. He noted that the self storage facility approved in 2004 was a total of 79, 274 square feet in two buildings. This application calls for a building only 15,000sf larger, all contained in one building.

Referencing Mrs. Taylor's review letter, Mr. Tamous stated the applicant agrees to add additional berming, fencing and buffering, in addition to relying on the existing buffer. He also confirmed the basin size is not changing.

Ms. Morrissey was next to testify. At the April meeting she had gone into great detail about the use variance criteria, focusing on the suitability of the site for a self storage facility. She again stated that the Route 70 Master Plan draft recognized that the HM Zone District was well suited for this type of development.

With the changes to the proposal, the site is now two times the required lot size. The total

footprint has decreased, the Floor Area Ratio (FAR) has been reduced, and the building size has been reduced by 14%. Sixty-five percent (65%) lot coverage is permitted in the HM Zone, this project is proposing 39%; in part because the number of parking spaces has been reduced to five. No parking lot lighting is proposed. The length of the building has also been reduced, and is stepped/staggered to break up the long expanse. The height could comply; or if the Board agrees could be slightly higher but allow for a more conforming and aesthetically appropriate roof line. Ms. Morrissey opined that the site can accommodate the project. The HM Zoning limits a building to 35,000 square feet, but does allow for more than one building, which would require more parking areas, more lighting, and potentially more traffic. Further, the Route 70 Master Plan draft also noted the traffic impact is not always equal given development can vary from 35,000sf to 99,000 square feet, but can be less impactful such as this project for self storage.

She added that the availability of sewer service makes other permitted uses more viable, such as a fast food restaurant with a drive-thru; which would be more impactful to neighboring properties. Additionally, the applicant has moved the building, loading and limited parking to the front of the property to the extent possible to minimize the impact on the neighboring properties.

All in all, the revisions made by the applicant make the overall project much less impactful but more visually appealing.

Board members questioned the need for another self storage facility in Medford, being that there are already three. Mr. McAndrew and Ms. Morrissey responded that the foundation of zoning under the State's municipal land use laws (MLUL), the burden on the applicant is to prove that a site is suited for the development proposed.

Mr. Ferranda was next to testify. He had testified at the April meeting with all the traffic counts, and comparisons between this use and other permitted uses. Given that the size of the building is proposed to be decreased, and the number of units reduced, the traffic generated will be slightly decreased.

Mr. Noll did not issue an updated review letter; and said his comments had been addressed in testimony.

Mrs. Taylor issued an updated review letter dated June 9, 2022. She acknowledged the applicant had addressed most of her comments. Ms. Morrissey's testimony for the positive and negative criteria in support of granting the requested use variances had remained basically the same as the April meeting. In her opinion, the 42' height and the roof profile was more appropriate due to the peaks, and the upper wall under the gambrel roof looks much better. Mrs. Taylor concluded by stating that it is difficult to satisfy residential property owners when there is residential development in a commercially zoned area.

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

- 1) Dana Capoli, 6 Muirfield Court. Was concerned about power grid issues and how the electric generator from the site could adversely affect the neighborhood.
- 2) Stephen Raymond, 13 Bellwether Court. Questioned why so many Bulk Variances were needed. He questions why the proposed floor size would be three times what is permitted and the FAR would be two times what is allowed. He testified that there were significant deviations and objected to the fact that there was no testimony as to the noise that would be generated by the multiple AC condensers that will now be placed on the ground instead of the roof; all of which equates that the site is not particularly well suited for the proposed development. He believed that the building should be much smaller therefore less variances would be required. He also questioned the positive benefits generated from the site and the need for the hardship (c) variances was not demonstrated. He was also concerned that in accordance with the recommendations and goals of the Township Master Plan this project does not promote the historic value and aesthetic look of Medford.
- 3) Jeff Wilson, 8 Muirfield Court. Stated that there will be no jobs generated for the community. The project would generate only 1-2 employees. There will be much more traffic and noise pollution than is permitted, and the other permitted uses operate weekdays from 9am – 5pm; so the impact to neighboring properties would be less.
- 4.) Donna Desilets, 9 Muirfield Court. Testified that the application as presented would be out of character for Medford and the surrounding properties. It is proposed to be a 24/7/365 facility. The sound of trucks entering and leaving the site would be extremely disturbing. There is no demand or need for this size self storage project in Medford.
- 5) Anthony Capoli, 6 Muirfield Court. Testified similarly to the prior members of the public. It has been vacant for years, which would indicate that it's a bad location for a fast food restaurant or a bank. He is also concerned about the draw on electric being adverse to the neighborhood.
- 6) Mark Pettine, 212 Old Marlton Pike. Offered similar testimony to the other members of the public. He questioned the need for self storage and was worried about the potential of tractor trailers on the site. He believed the building was too large, the height too high, and the FAR was in complete violation of the Township requirements, without a legitimate explanation.
- 7) Tim Stevens, 7 Bellwether Court. Acknowledged that his property backs up to Tarantella's and Popeye's. But he puts up with them because he uses them. The deciduous trees will be bare in the winter, so he will have full view of the building. Evergreens fall easily, and he wondered if the applicant would maintain and promptly replace dead ones. He questioned the value that this project will add to the town.
- 8) David Faulkner, 5 Bellwether Court. Questioned the loss of mature trees as a result of this application if approved. The renderings show the landscaping and buffering at full maturity,

but it will take decades for them to grow. Property values of neighboring properties will be decreased.

- 9) Tim Stauss, 9 Bellwether Court. Opined that the applicant was using a fast food restaurant with drive-thru as a “scare tactic,” and that it was disingenuous for the applicant to mention that profitability justified the need for such a large facility. Common sense should dictate that a building three times (3x) the permitted size is just too big.
- 10) Dawn Augustino, 202 Old Marlton Pike. Testified similarly to the other members of the public, but wanted to amplify two points: the data discrepancies and the negative impact on neighboring property values. When she purchased her property she was aware this parcel was zoned commercial, but understood the maximum size of a permitted building is 35,000 square feet. The project should only be the allowable size and should not be three times the size of what is permitted. There will be a substantial negative impact to the neighborhood. The Applicant has not provided sufficient reasons to grant the hardship variances.
- 11) Craig Turner, 2 Bellwether Court. Echoed the other public comments, and asked if there were any other three-story commercial buildings adjoining residential properties. The building as proposed is not right for Medford.
- 12) Donald Augustino, 202 Old Marlton Pike. Also stated commercial development should benefit Medford, and questioned if this oversized self storage facility is right for Medford.
- 13) Joseph Cudemo, 200 Old Marlton Pike. He has the closest dwelling to the building. He believes that the proposed number of trips is understated and will substantially increase traffic in the area, since this facility is proposed to be climate controlled so people with townhouses and apartments will visit more frequently. He also expressed concern about the entrance/exit drive being so close to the driveway for 202 Old Marlton Pike; and that it is directly across the driveway from the dentist’s office.
- 14) Richard Sopala, 17 Bellwether Court. Stated that this project backs up to his yard. He stated the large structure would be an “eyesore” and had other similar objections as raised by the neighbor’s testimony.
- 15) John Feeley, 4 Willow Court. Questioned how a building with 700+ units would only propose five parking spaces. He said tenants would have no choice but to park all over, and also believed the traffic in and out was understated.

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



For Mr. McAndrew's closing argument, he stated that the factual numbers are on the record. The facility will be gated and the hours will be 6:00 am to 10:00 pm; with office hours from 10am – 6pm weekdays and 9am – 3pm on Sundays. He reiterated that the MLUL compels Zoning Boards to consider regional needs, and in fact Medford does need another self storage facility given all the new housing, including a significant number of apartments and townhouses. This will be the only climate controlled facility in Medford as well.

In 2004, the Zoning Board found that self storage is particularly well suited for the site as the best alternative, as the use is less intense than other permitted uses, and would generate less traffic. The facility has been combined into one building, with fewer entrances and less lighting, and three stories are permitted. He concluded by reminding the Board that the site is zoned commercial and almost completely surrounded by commercial uses.

**MOTION:** Mr. Simmers made a motion to deny the application. Mr. Meehan seconded.

**Recorded Vote:**

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

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**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.


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

**EXECUTIVE SESSION:** None

**ADDITIONAL ACTIONS BY BOARD:** None

**MOTION FOR ADJOURNMENT:**

Mr. Pullman made a motion to adjourn the June 2022 Zoning Board of Adjustment meeting at 9:30 pm. Vice Chairman Rickards seconded the motion. The voice vote was unanimous in favor.

  
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Beth Portocalis, Zoning Board Secretary & Recording Secretary

