

**MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

June 30, 2021

7:00 p.m.

Public Safety Building, 91 Union Street

Attorney Dasti called the meeting to order at 7:10 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

Present: Cocivera, Hamilton, Meehan, Pullman, Rickards, Simmers, Symons, Umba, Wolf

Absent: None

Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Engineer Christopher Noll, Recording Secretary Krystle Garrison

PLEDGE OF ALLEGIANCE

MINUTES:

June 16, 2021 Regular Meeting – Vice Chairman Cocivera made a motion to approve the June 16, 2021 Zoning Board Meeting Minutes. Mr. Rickards seconded the motion. A unanimous voice vote carried the motion.

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE: None

RESOLUTIONS TO BE MEMORIALIZED:

Karoline Kokolis, 6 Heron Court, Block 3203//Lot 1.16 ZVE-1091 Resolution #2021-26,

Memorialization for approval of a Bulk Variance to construct an in-ground pool with filter and patio (1,282 sf) in the rear yard requiring lot coverage relief where 20% is permitted, 25.77% is existing, and 30.31% is proposed. **Zone: RGD-1**

Recorded Vote:

Ayes: Hamilton, Pullman, Rickards, Umba (2), Wolf, Cocivera (M), Symons

Nays: None

Abst.: None

Motion carried: 7-0-0

APPLICATIONS/OFFICIAL:

Medford Cemetery Association, Inc., 25 Fostertown Road, Block 302//Lots 27, 28 & 39.01 PBC-525, Minor Subdivision to subdivide lot 28 into two lots Lot B containing 38.362 acres and Lot C containing 40.958 acres. Use Variance is requested to permit a cemetery on Lot B whereby a cemetery is not a permitted use within the AR Zone. A mausoleum building for proposed Lot B requires Variance relief as there is not street/roadway frontage. Bulk Variances are required for Lot Frontage 200' is required, 0' is provided; Lot Width 200' is required, 0' is provided; Lot Depth 300' is required, 0' is provided; minimum 75' front yard buffer for proposed Lot B, the northern property line is the front yard, setback 5.5' from the rear line of 39.01. Submission Waivers to permit use of the property as a cemetery (Application is a proposed expansion of the existing Park View Cemetery located at 25 Fostertown Road.) **Zone: AR**

SWORN: Earl Stahl, Applicant
Christopher Baylinson, Attorney
John Kornick, Engineer
Nathan Mosley, Traffic Engineer
Tiffany Morrissey, Planner

Exhibit #23 was added at the beginning of the testimony. Site Plan Rendering Plan dated March 5, 2021, revised June 27, 2021 prepared by K2 Consulting Engineers, Inc.

Mr. Stahl opened the testimony by stating the reasons for his application. Requesting approval for a Use Variance and Subdivision application then he will bifurcate his Site Plan application. Mr. Stahl explained how in 2007 the Township Manager at the time asked him to create a cemetery on Fostertown Road, in 2008 he submitted his plan and received approval from the Planning Board in 2009 to create a cemetery on the property at 25 Fostertown Road consisting of 9.61 acres. The current cemetery is at capacity of 4500 graves. The proposed expansion of the new lot to be subdivided will be around 75 acres. Only 25 acres is usable for cemetery purpose, 14 acres are wetlands and wetland buffers. This new expansion will allow 25,000 burial plots, which will accommodate many people if planned ahead. Other cemetery locations are becoming full and have no room for expansion.

Vice Chair Cocivera asked how the State Cemetery Board based Medford Township 250 acres for cemetery use? Mr. Stahl stated that no municipality can have more than 250 acres and the gross area cannot be more than 3%, which ever number is hit first is the override factor per the State Cemetery Board.

Church owned and private cemeteries are not maintained like non-denominational cemeteries. The maintenance of the cemetery is regulated by the State Cemetery Board. Once a property is approved as a cemetery it stays with the land forever. The ownership of the cemetery can be sold, but the land must stay a cemetery per the State Cemetery Board. His intention is to take

30.86 acres of the 78 acres on lot 28 and bifurcate the property in two and leave a 40-acre parcel with an easement on lots 39.02 & 39.03 which is owned by Key Factor Partnership. There is a pre-existing easement to provide access rights from his current solar farm on lot 2.01 to create for benefiting Key Partnership's property on lot 2.02.

Mr. Dasti asked why do you need a Use Variance? Mr. Stahl's response was the reason he is applying for a Use Variance is because the proposed lot is in the AR Zone which does not permit cemeteries. The current cemetery next to the proposed cemetery is in the PI zone which permits a cemetery as a conditional use. This is the only lot available to expand the cemetery. There is a residential home north of the proposed cemetery on a 17 acres lot with a 200' wooded area buffer. To the East of the property is the solar farm which Mr. Stahl owns. Key Factor Partnership owns the other surrounding lots. Mr. Stahl described the operation of the cemetery. The cemetery is open from sunrise to sunset. There are around 1-2 burials a week. Burials are around 40 minutes long. Currently there are 5 employees.

Chairwoman Symons asked how do you provide enough parking for large services? Mr. Stahl stated the width of the drive is 20' wide. Personnel direct traffic on the two-way road into one way during a service and are turned back to a two way once the service is complete. There is no stacking in the road way, and there is always enough parking.

Chairwoman Symons was concerned on how two services at the same time with large amounts of people are handled. Mr. Stahl addressed the concern that burials are scheduled in a certain manner to prevent too much traffic. The internal road has plenty of space for vehicles.

Mr. Umba asked how much capacity the cemetery is at this time? Mr. Stahl stated 13% already purchased and inhabited.

Chairwoman Symons asked if Mr. Stahl was able to sell the cemetery business? Mr. Stahl stated he can sell the company but the certificate of authority stays with the land if the State Cemetery Board approves the project.

Chairwoman Symons asked why the two lots cannot be joined together? Mr. Stahl informed the Board that it would be an exorbitant amount of money almost \$7 million to build the crematory and mausoleum, the bank requires he guarantees its will be on lot 39.01. Every time you recast the loan a percentage charge is made and a penalty of up to \$300,000 could be issued if he joins the lots together because it would invalidate the loan. Vice Chair Cocivera asked is that why lot C is not part of the cemetery use because of the loan? Mr. Stahl stated yes, he eventually would like to use lot C for cemetery use, his intention is to purchase it but it is contingent upon the Zoning Board & State Cemetery Board approvals on lot B. Mr. Umba asked if Mr. Stahl is only purchasing lot B at this time? Mr. Stahl stated yes, only lot B. Mr. Dasti asked how you access lot B? Mr. Stahl responded that there will be a cross access easement to get to lot B.

Mr. Umba asked who owns the railroad lot, lot 27? Mr. Stahl stated that Key Factor Partnership owns the railroad lot. Mr. Stahl stated if he purchased the right of way he would love to connect by making it a bike path area.

Chairwoman Symons asked if burials are allowed in the wetlands? Mr. Stahl stated it is not appropriate to bury people in wetland/meadow areas. He has no desire to do burials in environmentally protected areas. Cemeteries do not allow scattering of any remains. Mr. Stahl may not develop the cemetery right away. He may grow straw or rye grass. He is purchasing this property to protect the cemetery from being next to any future development. The current hedgerow on the property will be pruned and maintained, some of it may have to be cleared for the future road, which will be address on the future site plan application.

Chairwoman Symons asked if Mr. Stahl is the sole owner of his current cemetery? Mr. Stahl stated anyone who purchases a plot has a vote in the company.

Mr. Umba asked what will happen if the property is purchased for cemetery use and the use if never fulfilled? Mr. Stahl responded that you would need to bury someone on the property to keep the land use as a cemetery. Within 5 years if his financial situation changes he plans on consolidating the two lots. Mr. Dasti stated that if the cemetery use is not fulfilled an applicant would have to come back to the Zoning Board for a Site Plan application with a use that is approved within the AR Zone.

Mr. Hamilton asked if improvements will be made prior to graves being needed? Mr. Stahl stated that he would like to extend the graves to the property and not do the roads.

Mr. Umba asked Mr. Noll if there is an existing easement from lot 39.03 to lot 28? Mr. Noll stated there is not one currently there but if lot 28 is developed a 50' wide access easement would be installed. Mr. Dasti stated the easement has nothing to do with lot B.

John Kornick stated that lot C is not part of the cemetery ownership only lot B is at this time. There is common ownership with the land to be purchased and adjacent lot to cemetery. Existing lot is over 79 acres, lot B which required a Use Variance is 38.67 acres and lot C is 29.6 acres. Land lock condition that is being created will need multiple Variances which can be addressed with the site plan application. Mr. Dasti stated that the cross-access easement will only be used for cemetery purposes. Mr. Stahl agreed with Mr. Dasti.

Nathan Mosley informed the Board that the expansion will not create impact for traffic. There currently is not a lot of traffic on Fostertown Road. Events from the cemetery are not a significant impact. There is no employee traffic. For large events the cemetery employees work with authorities to help with traffic control.

Mr. Umba asked about the trip generated study for the proposed site development on Fostertown Road and how it would impact the proposed cemetery?

Mr. Mosley stated that there are approximately 375 cars an hour on the weekdays and 250 cars an hour on the weekends among the proposed areas. The future development and cemetery do not propose any detriment on Fostertown Road.

Tiffany Morrissey gave her analysis on the Use Variance of the application. AR zones are to the South of the property and the PI zone surrounds the Northern part of the property. PI Zone permits cemetery as a conditional use. The design of the proposed lot is consistent with the lot next to it on 25 Fostertown Road. The expansion of the cemetery will promote general welfare, light, air and open space. Size of the tract combined burial space fulfills the demand and need for the Township. The area already cleared for cemetery, good for the use with low intense peaks for large events. Open space will remain intact and may have head stones and mausoleum but no large structures or development. The property will keep the rural character with farming utilized or open space which are what is prioritized in the Township Master Plan. The detriment of traffic was address by Mr. Mosley. Site Plan application will help with some of the negative impact.

Mr. Noll reviewed his letter with the Board. The parking and traffic detriment were addressed by Mr. Stahl and Mr. Mosley. Mr. Noll is requesting a copy of the Trip Generation Study from Shropshire to review and a closure report to make sure the meets and bounds are correct. Mr. Dasti asked about the lot numbers that will be assigned to lot B & C. Mr. Noll stated he received a letter from the Medford Township Assessor that stated the lots will be lot 28.01 & lot 28.02.

Ms. Taylor reviewed her letter with the Board, and stated that Mr. Stahl gave sufficient testimony and was glad he spoke about the capacity of the cemetery since the plan is very aggressive. She mentioned the front yard setback will need to be addressed at time of the site plan application. She was disappointed that the applicant and owner of the property on lot 27 could not come up with an agreement on the lot, and that the application for lot 27 was withdrawn. Ms. Taylor wanted to propose a 20' bike lane for the railroad way that would be beneficial for multiple townships. No Use Variance was granted for lot 27. Mr. Stahl stated that he would love for there to be a bike path but could not come up with an agreement with the owner of lot 27.

PUBLIC: None

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

Mr. Cocivera made a motion to approve the application as submitted with the condition that a cross access easement is to be used only for cemetery use. When appropriate the two lots will be

consolidated to one lot. Deferring the front setback variance with the Site Plan subject to State Board Cemetery approvals.

Recorded Vote:

Ayes: Hamilton, Pullman, Rickards, Umba (2), Wolf, Cocivera (M), Symons
Nays: None
Abst.: None
Motion carried: 7 - 0 - 0

GENERAL PUBLIC: None

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

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD: None

MOTION FOR ADJOURNMENT:

Mr. Rickards made a motion to adjourn the Zoning Board of Adjustment meeting at 9:00 pm. Mr. Hamilton seconded the motion. A voice vote was unanimous.



Krystle Garrison, Recording Secretary