

**MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT**

16 March 2022

7:00 p.m.

Public Safety Bldg.-91 Union Street  
& via Zoom On-Line Conference

Attorney Jerry Dasti called the meeting to order at 7:08 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, Meehan, Pullman, Rickards, Simmers, Wolf, Stefanoni, Morrison  
Absent: None  
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Beth Portocalis, Zoning Assistant Krystle Garrison

**CORRESPONDENCE**

1) Ms. Portocalis read an email from the Attorney for M/M Senkle, (ZVE-1110), requesting that their application be continued to the April March due to a noticing oversight.

**MOTION:** Mr. Hamilton made a motion to continue the application to the April 2022 meeting with the requirement to re-notice. Mr. Wolf seconded. The voice vote was unanimous in favor.

**MINUTES:**

February 16, 2022 Regular Meeting – Mr. Pullman made a motion to approve the February 16, 2022 Zoning Board Meeting Minutes. Mr. Simmers seconded the motion. A unanimous voice vote in favor carried the motion.

February 16, 2022 Executive Session – Vice Chairman Rickards made a motion to approve the February 16, 2022 Zoning Board Executive Session Minutes. Mr. Hamilton seconded the motion. A unanimous voice vote in favor carried the motion.

**REPORTS:** None

**RESOLUTIONS TO BE MEMORIALIZED:**

**Star Sprinkler Systems, Inc., 108 Chairville Road, Block 809//Lot 4, ZVE-1108**  
**RESOLUTION #2022-11**

Denial of a d(1) Use Variance to permit storage of material, equipment and commercial vehicles associated with an irrigation business on a residential parcel. Storage yards are not a permitted use in the Highway Management (HM) Zone District or upon preserved farmland. **Zone: HM**

**Recorded Vote**

Ayes: Rickards (M), Simmers (2), Wolf  
Nays: None  
Abst.: None  
Motion carried: 3 - 0 - 0

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**John & Leslie Wright, 194 S. Lakeside Drive E., Block 4903//Lots 145.02 & 146, ZVE-1109, RESOLUTION #2022-12**

Bulk Variance approvals on a non-conforming lot to demolish an existing sun room totaling 150 sf and a wooden deck; and to construct a three-season room addition with porch totaling 450sf; requiring one side yard setback relief whereby 15' is required and 11.65' was approved; rear yard setback relief whereby 50' is required and 36.36' was approved; and building coverage relief whereby 12% is permitted and 16% was approved. **Zone: GD**

Recorded Vote

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

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**APPLICATIONS/OFFICIAL:**

*\*\*Chairman Cocivera was participating remotely via Zoom, and due to concerns about internet strength, he ceded the meeting over to Vice Chairman Rickards. Ms. Stefanoni was designated as a voting member.\*\**

**Peter Kimani, 1 Blue Heron Ct., Block 5507.06//Lot 38, ZVE-1094,**

Seeking Bulk Variance approval for retroactive approval to permit a 217sf shed whereby accessory structures are permitted not exceeding 168 square feet. **Zone: RGD-2**

**SWORN:** Peter Kimani, Owner

Mr. Kimani opened the testimony by explaining that he had ordered a shed and did not realize there was a size limitation of 168 square feet. The shed is being utilized as a pool house and for storage of yard equipment. The shed has been in place for a few months, and the neighbors have no issue with it or its current location, which is conforming. Mr. Kimani continued that he no other sheds or accessory structures. There is no electric in the shed.

Mrs. Taylor stated Mr. Kimani has a scenic corridor on a portion of the lot, which limits the use of the rear yard. She had no other comments. Mr. Noll had no comments, as there are no wetlands or wetlands buffer impacts, nor any effect on the designated scenic corridor.

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

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

**Recorded Vote:**

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

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**Christopher Hawkins, 492 Tuckerton Road, Block 5301.14//Lot 2, ZVE-1111,**

Seeking Bulk Variance approval to permit a 200 sf shed where whereby accessory structures are permitted not to exceed 168 square feet. **Zone: RGD-1**

**SWORN:** Christopher Hawkins, Applicant

Mr. Hawkins opened the testimony by describing that he already has a 10' x 12' (120sf) shed, but is in need of a larger one for pool equipment and yard equipment. He is requesting approvals for a 10' x 20' (200sf) shed. The existing shed will be removed so that only one accessory structure will be on the property. The proposed location is conforming, so no other variance relief is required.

The Board Engineer and Planner had no comments.

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

**MOTION:** Mr. Pullman made a motion to approve the application as submitted. Mr. Simmers seconded.

**Recorded Vote:**

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

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**Brian Bonelli, 6 Carol Joy Road, Block 4801.02//Lot 3, ZVE-1105**

*(Carried from the December 15, 2021 meeting)*

Seeking Bulk Variance approvals for an existing 387sf paver patio on the rear of the dwelling that requires lot coverage relief where 28.89% is existing, 48.65% is proposed, and 30% is permitted; building coverage relief where 19.64% is existing, 26.96% is proposed, and 20% is

permitted; rear yard setback relief where 30' is required and 7.86% is existing/proposed; and side yard setback relief where 25' is required and 13.6' is existing/proposed. An existing 80sf shed requires side yard setback relief where .3' setback is existing and 5' is required. **Zone: GD**

**SWORN:** Brian Bonelli, Applicant  
Mark Shourds, Professional Planner & Engineer

Mr. Bonelli opened the testimony by responding to comments contained in Mrs. Taylor's March 2, 2022 letter. Specifically, in response to comments #5 and #7, Mr. Bonelli stated that no trees were removed for the project. Chairman Cocivera asked about the encroachment noted by Mrs. Taylor in her letter. Mr. Bonelli responded that the trees came down in a storm. Chairman Cocivera then asked if the shed, only being 8' x 10', could be moved further away from the side yard property line. Mr. Bonelli responded that if moved, it would only be a couple of feet away from his dwelling.

Mr. Shourds was next to testify. He described the property being only 8,000 square feet; 80 feet wide and 100 feet deep. He described Exhibit A-18; a color rendering of the lot. The dwelling itself is 2,157 square feet. This property is a part of a cluster development, but the existing setbacks are less than the zone district requirements. The enclosed porch did receive permits. Mr. Shourds continued that the variances are needed for the paver patio. It is 18" high and is the same elevation as the enclosed porch; with some corner seat walls.

Mr. Shourds stated that he concurs with Mrs. Taylor's summation of the variance reliefs required. The paver patio area is in line with the dwelling, so there has been no further encroachment into the side yard or rear yard except for the steps.

Mr. Shourds next detailed the positive and negative criteria. Being in a cluster development, preservation of open space areas has been achieved. The improvements made to the property are appropriate for the neighborhood; and there is respect for the surrounding environment. There are no detriments to the neighbors, or detriment to the intent and purpose of the zone plan.

Chairman Cocivera asked about the excessive coverage relief being requested. Mr. Shourds replied that due to the small size of the parcel, higher coverages are needed. Mr. Simmers commented that the coverage increases were the result of the Bonelli's adding to the driveway and also widening a concrete walkway to the rear yard from the driveway, and adding a concrete pad at the rear of the dwelling. Mr. Shourds' response was that the driveway was widened so that the Bonelli's children could play basketball in the driveway rather than in the street.

Chairman Cocivera again asked about the clearing that took place in the Township open space behind the Bonelli's dwelling, as clearly shown in aerial photographs. Mr. Bonelli and Mr. Shourds both replied that the Township did replant the area, and that when some of the trees died, the Bonelli's replaced them and have been maintaining the area since then.

Mr. Simmers asked about the concrete pad. Mr. Bonelli explained that when the foundation was

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poured for the enclosed porch/sunroom, the contractor added the extra concrete because the area was muddy. Mr. Simmers commented that actions such as this are what has added to the impervious coverage. Mr. Bonelli claimed he didn't know impervious coverage was an issue.

Ms. Stefanoni asked if there were any photos of the shed. Mr. Bonelli had one on his iPad; which showed the doors face their dwelling. Ms. Stefanoni asked if there is a fence on that side of the yard, to which Mr. Bonelli replied no.

Mrs. Taylor referred to her March 2, 2022 review letter. In the GD Zone, lots are normally 14,000 square feet. The Meadow Wood subdivision includes 10 lots surrounded by Green Acres deed restricted open space. She noted her list of variances required after the receipt of the new survey, but also commented on several inaccuracies on earlier surveys submitted with zoning permits, such as an 11' setback when the enclosed porch was approved. Mr. Bonelli said the screen porch was original to the house, and was shown on a 1979 survey.

Mr. Noll did not prepare a review letter, but did not the open space area is shown on the tax map. He did survey the lot at the Township's request, and several residents were noted to have encroached into the open space. In regards to the runoff, he has no substantial issue because of the open space area in the rear of the lot.

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

Gwenne Morea-107 N. Lakeside Drive East. Ms. Morea purchased her home 20 years ago. In 2017, the Bonelli's complained about dead trees in the open space. The Department of Neighborhood Services removed the dead trees. But the entire understory was removed too and a deep layer of wood chips was added, preventing any type of growth. The Bonelli's only added a line of arborvitae in the cleared area. In 2020 the Township added trees and other plantings. When the Township surveyed the open space, the Bonelli's had a second shed in the open space area but subsequently removed it. Their lawn is extended into the open space. This application should not be approved and their bad behavior rewarded.

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

Mr. Shourds and Mr. Bonelli added for the record that they did not remove the trees, the Township did. The shed was removed when advised by the Township, but it was less a shed and more a playfort.

**MOTION: Mr. Pullman made a motion to approve the application granting retroactive approvals as submitted, conditioned upon compliance with Mrs. Taylor's review letter. Mr. Meehan seconded.**

**Recorded Vote:**

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

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**Joseph Orlando, 144 & 148 Old Marlton Pike, Block 906.02//Lot 21 & 22, SPR-5757**

*(Carried from the February 16, 2022 meeting)*

Seeking two d (1) Use Variances for lot 21 one to permit a one-way drive for use as truck and/or vehicular circulation; second to permit the existing garage/pole barn on lot 21 to serve as storage for an off-site user, not the resident of the dwelling. Bulk Variances are required for the constructed detached accessory residential garage or principal building side yard setback 50' required, 54.6' per permit plot plan, and constructed 32.5' from side lot line; constructed detached residential garage or principal building front yard setback 75' is required, 66' per permit plot plan, and constructed 38.7' from Hartford Road. A d (2) expansion of a nonconforming use variance for lot 22 to add an 1,895 sf wood and metal pole barn addition to the existing 1,325 sf concrete and masonry building. Bulk Variances required to permit the addition and site changes, relief required for addition 30' side yard setback required and 0' feet provided, addition 50' rear yard setback required and 0' provided, addition 50' front yard setback to Hartford Road required and from 10.4' to 24.6' provided to Hartford Road; Building coverage 12% permitted, 8.8% existing, and 21.4% proposed; Lot coverage 30% permitted, 84.6% existing, and 65.9 provided.

**Zone: GMS**

**SWORN:** Joseph Orlando, Applicant/Owner  
Christopher Norman, Esq., Platt & Riso  
Mark Boyd, President & CEO-Goodwill of the Delaware Valley  
Joseph Mancini, Professional Planner & Engineer- TriState Engineering  
Daniel McGuinness-Engineer & Traffic Specialist

Mr. Norman opened the testimony by summarizing the application involving two contiguous lots both owned by Mr. Orlando. One lot contains a residential dwelling, and a newly constructed detached garage that was built in the wrong location on the lot; and the other lot is a block building currently leased as a Goodwill donation center. The application is proposed to expand the Goodwill building and reconfigure the ingress and egress; and to grant retroactive variance relief for the detached garage.

Mr. Boyd was the first to testify. This Goodwill facility opened in December of 2009. Medford has become their top collection site. Goodwill employees' special needs and unemployed individuals, and offers high school classes and GED equivalency diploma programs in addition to job training opportunities. By Mr. Boyd's calculations, this Goodwill donation center is saving Medford over \$100,000 annually in trash disposal costs by accepting household items, clothing, and other goods that would typically be disposed of in the trash.

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Mr. Boyd noted that donations have increased substantially over the past three years. The added space is needed due to this increase in donations. The addition will allow the donations to be stored inside rather than the current practice of outside during the day in boxes on pallets.

Mr. Orlando was next to testify. He confirmed he owns the two parcels subject to this application, and also the Health Haven parcel across the street. He formally owned 108 Route 70, but recently sold that parcel when he retired from the construction business. He had purchased the Goodwill site approximately 20 years ago. It had been a mechanic's garage/auto repair facility.

He obtained Use Variance approvals when he leased the building to Goodwill. The residential dwelling on lot 21 is rented. The recently built detached garage is for storage of his own personal property, including a boat, a classic car and other personal items. He has no intent to use the garage for any of other use. He applied for and received zoning and construction permits for the detailed garage, but acknowledged it was not built in the approved location.

He has observed the increased donations at the Goodwill site, and the "mash-up" of cars entering and exiting the site with no regulated drive pattern. Mr. Orlando stated he wants to improve the traffic circulation on the site to make it safer. He also intends to enhance the aesthetics of the building and add more landscaping and buffering as appropriate on both parcels.

Mr. Simmers asked if Goodwill is a tenant. Mr. Orlando responded yes. There is a verbal agreement to enter into a long term lease (15 years) with Goodwill when the building addition and driveway are completed.

Joseph Mancini was the next to testify. He described how the lot is residentially zoned, but not suitable for a residence or any other permitted use. He further described the site, with HM commercial zoning to the north and west; including Peter Lumber, Sports Paradise, Health Haven, and a local clean-out service. The Goodwill lot has extensive curb cuts close to the intersection, which will be made safer by the planned improvements.

Most of the lot is already paved, and there is no clear circulation pattern on the site. The proposed application will remedy many of these negative conditions. All of the donation activity will be relocated to the rear of the building, and the front of the building (and lot) will be aesthetically enhanced. The parking lot will revert to employee use and limited guests. All the unproductive impervious coverage will be removed.

Mr. Mancini then went thru the proposed variances and the need for same; including a design waiver for existing buffer encroachment in the front parking spaces. The access easement to lot 21 is due to the pre-existing condition of the location of the Goodwill building with the proposed addition.

Mr. Mancini offered that the d(2) Use Variance for the Goodwill could be considered to be inherently beneficial as per the testimony offered. This is not specifically covered in the MLUL, but does meet the spirit of the law.

Mr. Mancini then continued to detail the positive and negative criteria, including the goals of development on collector roads which are already highly commercialized, which is a more efficient use of the land. Both lots will be connecting to sanitary sewer, which is better environmentally, and the proposed project for Goodwill also promotes recycling.

As to the negative criteria, there are no negative impacts, as the current flaws in the existing conditions are proposed to be addressed. The existing impervious coverage will be reduced, and the applicant is proposing to add more buffering and landscaping. Thus the benefits of approving the bulk variances outweigh any negatives.

Mr. Simmers commented that he has observed trailers there many times. Mr. Mancini replied that this would be an operational issue, but if a trailer was present there would be enough space for a vehicle to pass through. Mr. Orlando added that the Goodwill COO has stated they will not bring tractor trailers to this site but will instead use box type trucks.

Upon additional questioning by Board members, Mr. Mancini confirmed that the collection bins will be located inside the Goodwill building, and that a loading dock is not proposed. For the residential Lot 21, Mr. Mancini reiterated that the detached garage will be accessory residential use and not for the benefit of the Goodwill site; and that any lighting will not be a nuisance.

Mr. Mancini continued that there is no detriment to the public good or zone plan for the detached garage in its current location, but admitted that as per Section 305 of the Land Development Ordinances the "spirit" of the ordinance calls for a use variance for the detached garage.

Chairman Cocivera asked why the detached garage was erroneously located 35' from its approved location. Mr. Mancini conceded it was an egregious error and was not staked out properly, however the applicant is proposing to mitigate the error by adding more landscaping and buffering, and by the positive benefits of the proposed improvements to the Goodwill lot.

After continued questions by Board members about the detached garage, Mr. Norman suggested that the Board could elect to bifurcate the application and approve the Use Variances.

Vice Chairman Rickards asked if a subdivision would eliminate some of the variances, to which Mrs. Taylor responded yes; however the current garage location disrupted that.

Mr. McGuinness was next to testify. He conducted a traffic analysis/comparison to permitted uses in the GMS zone district and Goodwill's data. The comparison indicated that traffic is within ranges for other permitted uses. He noted there will be a significant improvement and enhanced safety with full movements at both driveways being further back from the traffic signal. This would also create less conflict with the queue. Mr. Simmers commented that the queue in longer



now at both approaches bordering the Goodwill site. Mr. McGuiness responded that courtesy gaps will facilitate turns into and out of the site.

Board members continued commenting, with a suggestion being made by Mr. Meehan to reverse the entrance and exit. Mr. Mancini acknowledged that this may be a valid suggestion, but would require more analysis with Mr. Noll. Mr. Noll stated he would need to review the peaks on both Old Marlton Pike and Hartford Road, and compare them with Goodwill's data and peak donation times.

Mr. Noll also commented that Mr. Mancini and/or Mr. McGuiness should also check the truck turning radius.

Mr. Norman summarized the applicant's testimony, and offered Mr. Orlando is willing to paint the detached garage to a more muted, earth tone colors. He also asked for a ruling on the inherently beneficial use related to the Goodwill facility.

Mrs. Taylor acknowledged that the Goodwill works are admirable, but does not meet the criteria as set forth by the MLUL for health, safety and welfare.

Mrs. Taylor continued, referencing her March 10, 2022 review letter. She first focused on the detached garage, by stating the Board should consider a condition that its' use be limited to the owner or tenant only for non-commercial storage and activity. As per page 2 of her letter, Mrs. Taylor detailed that the dwelling is 1300sf, and the detached garage is 1,080sf, nearly the same size. She recommends a subdivision, since Lot 21 only requires 14,000sf since it will be serviced by sanitary sewer. The floor area ratio, circulation and buffering will be better if the size of Lot 22 was increased. She added that it will "muddy the waters" if a commercial easement is placed upon a residential lot; and the overburdened site would be better served by sub-dividing.

She continued that while she understands that Goodwill's color brand is blue, she does not embrace that dark of a hue as the primary color, and suggested perhaps it be utilized as an accent color or for signage. She noted Peter Lumber, a much larger building located across the street, is painted an earthy color.

A representation of the color scheme can be easily visualized since the detached garage is a bright blue color, and does not match the dwelling's color. In addition, the location, in an open area of the lot with the man door facing Hartford Road, will make it more difficult to screen with landscaping since sight triangles in the proposed driveways cannot be compromised, and as such the applicant cannot mitigate the visual of the detached garage with paint and trees.

Mr. Noll referenced his March 11, 2022 review letter, which included a request by the applicant for three submission waivers, which he recommends approving. He also recommends approving the design waiver request for the front parking spaces as there is no remedy. Mr. Noll stated that the applicant should clarify the impervious coverage for the stormwater management plan to

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meet the new NJDEP & Pinelands requirements, and should also offer testimony for potential stopping on Hartford Road by those entering and/or exiting.

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

No one was present or on Zoom.

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

Mr. Dasti summarized the salient points of the applicant's testimony for the Board's consideration, including the subdivision questions, the detached garage issues, allowing the engineer's to determine the better way for traffic flow into and out of the site, and whether or not to bifurcate the application as offered by Mr. Norman.

**MOTION:** Mr. Hamilton made a motion to bifurcate the application and approve the use variance to expand the Goodwill site, subject to minor site plan and minor subdivision approvals, with all conditions per testimony on Lot 22. The applicant will be required to return to the Board within 60 days, and will be required to re-notice. Mr. Simmers seconded.

*(On behalf of the applicant, Mr. Norman consented to an extension of time to hear the application)*

**Recorded Vote:**

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

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**GENERAL PUBLIC:**

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

No one was present or on Zoom.

Mr. Hamilton 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

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**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the March 2022 Zoning Board of Adjustment meeting at 10:50 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.



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Beth Portocalis, Zoning Board Secretary & Recording Secretary