

**A RESOLUTION OF THE
MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RESOLUTION #2022-31**

**INTENDED TO SATISFY THE STATUTORY REQUIREMENT
FOR PREPARATION OF AN ANNUAL REPORT ON ITS FINDINGS
ON ZONING ORDINANCE PROVISIONS
WHICH WERE THE SUBJECT OF VARIANCE REQUESTS AND
RECOMMENDATIONS FOR ZONING ORDINANCE AMENDMENT OR REVISION**

WHEREAS, The Municipal Land Use Law requires the Board of Adjustment to review the decisions on development applications and prepare and adopt a resolution reporting on its findings with respect to Zoning Ordinance provisions which were the subject of variance requests and to make recommendations for Zoning Ordinance modifications or amendment, if any, and that a copy of the report and resolution be provided to the Township Council and to the Planning Board (N.J.S.A. 40:55D-70.1); and

WHEREAS, the Board has compiled a list of applications heard and considered during 2021 with respect to various development applications (a copy of which is attached as Appendix A); and

WHEREAS, the Board has reviewed actions taken regarding development applications heard during 2021, and is desirous of providing a report as provided by statute;

WHEREAS, the Medford Township Zoning Board of Adjustment has made the following findings of fact consequent to its review of activity with respect to development applications during 2021, that:

Findings of Fact:

1. The Board held hearings each month of the calendar year, including two (2) special meetings, one (1) in June and one (1) in September. The Board heard and decided upon twenty-five (25) applications. Of the twenty-five (25) applications, twenty-two (22) were approved and two (2) were denied. One (1) application was bifurcated and approved in part and denied in part.
2. Of the two (2) applications that were denied, one (1) denied application requested “(c)2” variances to maintain one (1) accessory oversized shed while providing an undersized side yard setback. The other one (1) denied application requested “d(1)” use variance to demolish a PNC Bank and build a fast-food restaurant with a drive thru.
3. The one (1) bifurcated application received a “(c)2” variance to construct an accessory 96 SF shed with a 2.5’ side yard setback where 10’ is required and was denied a “(c)2” variance to construct a non-compliant 6’ high white vinyl fence in a landscape buffer and easement area in the GMN district.

4. Of the 22 approved applications two (2) were not in residential districts; but in the AR Agricultural Retention District. One was for a “(c)2” variance to permit a 1,232 SF detached garage and 3 additional garage spaces, for a total of six (6) spaces, where 3 spaces maximum is permitted on residential lots. The other one was for a d(1) use variance to permit a cemetery on a lot where a cemetery is not a permitted use in the AR Zone, as well a “(c)2” variance to permit a mausoleum building on an oddly shaped Lot without street frontage, but contiguous with lands, which have street frontage
5. Of the 22 approved applications, one (1) application requested a “d(1)” use variance in the Growth District (GD) zone to permit four (4) horses, which was approved to permit 2 horses on a residential lot, based upon carrying capacity of the land for grazing.
6. Of the twenty-two (22) approved applications, nineteen (19) applications were for residential uses within residential zones and requested “c” bulk variances, and
 - a. Of the 19 approved residential “c” bulk variances, seven (7) applications were for construction/expansion of the principal dwelling, 12 applications were related to accessory structures including one (1) application for a new shed, three (3) for detached garages, and eight (8) for inground pools.
 - b. A total of 13 of these 19 applications involved additions that required lot coverage relief. Five (5) were in either the RGD-1 or RGD-2 Zones, six (6) were in the GD zone, and one (1) each in the GMS and GMN Zones.
 - c. Seven (7) applications were for building additions including attached garages, decks, and patios, two (2) in the GD District, three (3) in the RGD-1 or -2 Districts, one (1) in the RHO District, and one (1) in the GMN-AR District, most of which needed variances for exceeding side, rear, or front yard setback requirements, and one needed a waiver for a wetlands encroachment to permit an existing shed.
 - d. Similarly, two (2) applications were for construction/expansion of homes, which needed variances to exceed the maximum building coverage, one (1) in the GD, one (1) in the RGD-2 District.
 - e. Of the eight (8) approved applications for pools, five (5) were in the GD Zoning District, and all eight (8) required variances for exceeding lot coverage.

BE IT RESOLVED, that ten (10) residential applications were in the GD Zone, which continues the trend from previous years. The Board recommends investigation of the land development patterns in the GD Zone to determine if ordinance amendments are appropriate, particularly with respect to building and lot coverage.

BE IT FURTHER RESOLVED, that seven (7) residential applications were in the RGD Districts, which also continues a trend from previous years for lot coverage variances, which warrants further review.

BE IT FURTHER RESOLVED, that eight (8) applications were for inground pools, all of which needed lot coverage variance relief. The Board recommends evaluating maximum lot coverage limits in the GD and RGD zoning districts, particularly because pools are permitted accessory uses in these residential zoning districts.

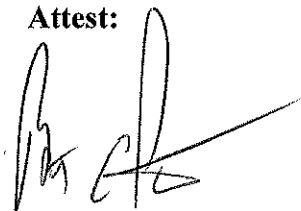
BE IT FURTHER RESOLVED, that a copy of this 2021 annual resolution be provided to the Secretary for the Medford Township Planning Board for dissemination to members of the Planning Board, as well as to the Township Clerk for dissemination to the Township Council of the Township of Medford, and respective legal counsel.

ROLL CALL VOTE

Those In Favor: 7

Those Opposed: 0

Attest:



Beth Portocalis

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

By:



Salvatore Cocivera, Chair

Dated: 8/17/22

Date of Approval: August 17, 2022

Date of Memorialization: August 17, 2022

APPENDIX A ATTACHED