

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

17 August 2022 - 7:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 7:05 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, Morrison
Absent:	Stefanoni
Professional Staff:	Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Beth Portocalis

EXECUTIVE SESSION: Mr. Hamilton motioned for an Executive Session at 7:08pm. Vice Chairman Rickards seconded. The regular meeting resumed at 7:22 pm.

COORESONDENCE: Ms. Portocalis read an email from Doulas Heinold, Esq., Attorney for the Schillaci/Angelo application, requesting that the application be carried to the September Board meeting. Chairman Cocivera asked is anyone was present to speak on this application, for which there was no one. Mr. Hamilton made a motion to carry the application to the September 2022 meeting without the need to re-notice; Mr. Wolf seconded. The vote was unanimous (7-0) in favor.

MINUTES:

July 20, 2022 Regular Meeting – Mr. Pullman made a motion to approve the July 20, 2022 Zoning Board Meeting Minutes. Mr. Wolf seconded the motion. Mr. Meehan abstained. A unanimous voice vote in favor by the other members carried the motion.

REPORTS: Moved to the end of the Agenda

RESOLUTIONS TO BE MEMORIALIZED:

Rick Muscavage, 25 Sawmill Road, Block 6601; Lot 15, ZVE-1125 – Resolution #2022-28
Bulk Variances approvals 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**

Recorded Vote

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

Shane & Meredith Gardner, 22 Sandtown Road, Block 807; Lot 2, ZVE- 1129 – Resolution #2022-29 Bulk Variances approvals 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.

Medford Township Zoning Board
17 August 2022
2

(Lot size is also pre-existing non-conforming at 2.613 acres where 4 acres is the minimum)

Zone: AR

Recorded Vote

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

Oscar Benavides, 200 East Lake Blvd., Block 3603; Lot 1, ZVE-1121 – Resolution #2022-30

Bulk Variances approvals for existing 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 approval of 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

Recorded Vote

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

APPLICATIONS/OFFICIAL:

M2 Properties, 131 Mt. Holly Road, Block 404.07; Lot 24, ZVE-1114 – Seeking a d(1) or d(2)

Use Variance determination to permit multiple existing uses on the parcel, including a residence, a property management company, and a landscaping contractor . **Zone: RHO**

SWORN: Michael Meyer, Managing Member, M2 Properties, LLC

Mr. Meyer opened his testimony by explaining that the dwelling on the property is rented for residential use by the owners of Estevez Landscaping, who have operated their business from there for several years. M2 Properties, a property management company, also stage their operations at the property and have done so for eleven (11) years since Mr. Meyer purchased the property. He stated that he had asked the Planning & Zoning staff at the time of purchase if this was permitted, and was told that given the RHO Zoning, this would be a permitted use.

He described the property with its three large buildings that are at least 60-70 years old. No mulch or stone for the landscaping business is being stored on the property. Estevez Landscaping has three trucks, and as included in the traffic analysis report submitted, there is no negative impact on the traffic on Route 541. Mr. Meyer also referenced the aerial mapping he submitted, showing the parcel is surrounded by commercial properties, with the exception of one residential

lot. He stated that this came to the attention of the Zoning Official when Estevez Landscaping installed a sign on existing sign posts, and there had been no complaints from any neighbors.

He continued that he has invested in and enhanced the dwelling, the outbuildings, and cleaned up the lot; and is seeking the Board's approval to continue with the current uses and also to re-install the Estevez Landscaping sign.

Chairman Cocivera noted that the aerial photos also show boats, an RV, trailers, plows, sea boxes and a dumpster have accumulated over the last several years. Chairman Cocivera also explained that landscape companies are not permitted to operate on a lot of this size.

Mr. Meyer replied that he could move the plows into one of the buildings. The boats and RVs are personally owned, and he wasn't aware of any restrictions on them. The sea boxes are used to store motorcycles he owns. The dumpster is used by the landscaping company and the property maintenance company, as these two businesses share the container rather than dispose of waste via the Township's waste collection programs. M2 Properties only uses the dumpster 1-2 times a week, so it is not really a full-time business operation.

Mrs. Taylor pointed out the degradation of the land, as a lot of stone has been added. She also noted that there is a great deal of outdoor uncontained storage. She continued by explaining the RHO Zoning requirements, which default to the Historic Village Residential or Commercial Zone District requirements when residential use is involved. She opined that the use is not necessarily bad and the storage buildings do hide much of the operations, and that Mr. Meyer had improved the property.

Mr. Meyer replied that he is willing to remove the RV and sea boxes, but reiterated the need for the dumpster, which allows for the proper disposal of the landscaping refuse rather than dumping it in woods. His partner in M2Properties is a contractor who also uses it for construction debris. Mrs. Taylor responded by referring to page 6 of her May 25, 2022 letter that includes a comparison of aerial photographs from 2013 and 2021, and shows the increase in the number of vehicles and sea boxes.

Mr. Noll discussed the traffic analysis as being straightforward, with less traffic and trip generation than other permitted uses would generate, which satisfies the zone plan requirements. Mr. Noll, as outlined in his July 14, 2022 review letter, recommends a minor site plan to show the circulation on the site given the number of uses; however, if some of the sea boxes and other items on the lot are removed, it may not be necessary.

Mr. Meyer stated that he had not received a copy of Mrs. Taylor's review letter, so he had not had a chance prior to this meeting to consider her recommendations. After discussion with Board members and the professionals, Chairman Cocivera asked Mr. Meyer if he would like to continue the application to the next meeting to consider the contents of the letter and the Board's questions and concerns. Mr. Meyer replied that yes, he would request to continue.

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. Hamilton made a motion to continue the application to the September 21, 2022 meeting without the need to re-notice. Mr. Wolf seconded.

Recorded Vote:

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

Steve Petterson, 83 Taunton Road, Block 2908; Lot 4 – Seeking Bulk Variances to permit garage addition to principal dwelling requiring building coverage relief whereby 12.9% is proposed and 12% is permitted; lot coverage relief whereby 32.7% is proposed and 30% is permitted; and side yard setback relief whereby 16.4’ is proposed and 30’ is required.

Zone: GD (**Chairman Cocivera recused himself from this application; and Mr. Morrison would be participating*)

SWORN: Steve Petterson, Owner

Mr. Petterson opened his testimony by describing the proposed addition being a 20’ x 30’ two-car attached garage with a small mudroom. It is intended to protect the family vehicles and the family from the weather and to provide some extra storage. The property is part of the Oakwood development, and it is the only property without a 2-car garage, and this one is of comparable size in the neighborhood. Mr. Petterson also explained that he travels frequently, and living on a busy County road, there will be added security from people noticing if cars are parked or not. He hand-delivered his required notice to neighbors on the 200’ list, and no one voiced any objections.

Vice Chairman Rickards asked about if the garage will match the dwelling, and Mr. Petterson replied yes; and added that he recently had new vinyl siding installed on the dwelling so it will be easy to match. When asked if there will be any exterior lighting, Mr. Petterson said he hadn’t discussed any with the architect, but it is a feature he would like to have. Vice Chairman Rickards and Mrs. Taylor recommended any lighting be down lighting/dark sky lighting and be motion sensed or by switch.

Mrs. Taylor noted that the survey showed two sheds, which is not permitted. Mr. Petterson said the smaller one has been removed, and submitted photos as proof. Mrs. Taylor added that the remaining shed is only 2.7’ from the side yard property line and 10’ from the rear yard property line, where 15’ is required. Mr. Petterson said it was there when he purchased the property, and cannot be moved because of the large tree located right near it. Mrs. Taylor acknowledged moving

it to a conforming location away from the tree would mean it would be in the middle of the yard, so she would suggest that the Board also grant variances for the shed. Mr. Petterson added that no neighbor has ever objected to the shed's location.

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

No one from the public spoke.

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

MOTION: Mr. Hamilton made a motion to approve the application as submitted, including the setback variance reliefs for the shed. Mr. Wolf seconded.

Recorded Vote:

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

Sean Bradley, 77B Eayrestown Road, Block 304; Lot 4.12 – Seeking retroactive bulk variance approval for a 16' x 24' (384sf) oversized shed located in the rear yard whereby sheds may not exceed 168sf. **Zone: AR.**

SWORN: Sean Bradley, Owner

Mr. Bradley opened his testimony by explaining that he purchased the shed approximately 13 years ago when he purchased the property. He did not realize permits were required since the shed was delivered as a prefabricated structure. Subsequently, he received permits for an in-ground pool and the shed was never mentioned, but when applying for a fence staff noted the shed had never received permits, was oversized, and was also located within the wetlands buffer.

Mr. Bradley continued that the shed is used to store quads, vespas, and pool equipment. It has no utilities. He has researched how to move the shed, and will locate it in a conforming location. Mrs. Taylor noted the play area is also partially located in the buffer, and that should be moved outside the buffer as well; and both disturbed areas should be restored by being scarified and over seeded. Mr. Bradley agreed to these recommended conditions.

Ms. Portocalis asked Mrs. Taylor if the 4' H white vinyl picket fence as proposed was permitted, since this is a flag lot and staff were unsure how to interpret front yards. Mrs. Taylor looked at the application, and said it would conform if it was constructed as wood, which is required for front yard fences. Mr. Bradley stated he would adhere to the requirements.

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

Medford Township Zoning Board
17 August 2022
6

No one from the Public spoke.

Mr. Hamilton 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 approve the application as submitted, conditioned upon relocating the shed and play area outside of the wetlands buffer, and restoring the disturbed areas. Vice Chairman Rickards seconded.

Recorded Vote:

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

Reports: 2021 Annual Report by Board Planner Michelle Taylor

Mrs. Taylor reviewed the salient conclusions in her Annual Report for 2021, pointing out that coverages constituted the largest share of variance reliefs sought. (13 out of 19)

She noted that the Township will be undertaking a Master Plan update, and coverage relief will be sought, especially for some of the older, lakefront neighborhoods such as Lake Pine, Birchwood and Mimosa Lakes, where the lots are for the most part all non-conforming, thus requiring Zoning Board approvals for any type of improvement. However, the Pinelands Commission must consent to any zone district changes before they can be enacted by the Planning Board and Council. She continued that the recently enacted Open Space & Recreation element to the Master Plan, detailing that close to 50% of Medford is preserved and protected, will encourage the Commission to permit greater lot coverage allowances. Mrs. Taylor also noted that the Pinelands Commission conducted a regional study, which she believes includes parts of Medford, where they did offer some leniency on coverages.

Chairman Cocivera and the Board members thanked Mrs. Taylor for her efforts in compiling the Annual Report.

MOTION: Vice Chairman Rickards made a motion to accept and memorialize the Annual Report as submitted. Mr. Hamilton seconded. (recorded as Resolution #2022-31)

Recorded Vote:

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

Medford Township Zoning Board
17 August 2022
7

GENERAL PUBLIC:

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

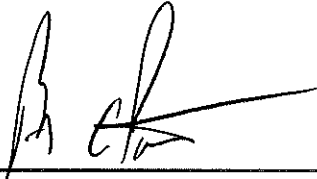
No one from the public was present.

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.

ADDITIONAL ACTIONS BY BOARD: None

MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the August 17, 2022 Zoning Board of Adjustment meeting at 8:58 pm. Vice Chairman Rickards seconded the motion. The voice vote was unanimous in favor.



Beth Portocalis, Zoning Board Secretary & Recording Secretary