

**MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING**

18 January 2023

6:30 p.m.

Public Safety Building, 91 Union St.

Attorney Patrick Varga called the meeting to order at 6:30 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

SWEARING IN OF NEW AND REAPPOINTED MEMBERS

Brandon Morrison, Alternate II

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Cocivera, Hamilton, Meehan, Pullman, Rickards, Simmers, Wolf,
Morrison, Morrison

Absent: Umba

Professional Staff: Attorney Patrick Varga, Secretary Ann Bell

EXECUTIVE SESSION – Mr. Hamilton made a motion for an Executive Session at 6:34 pm. Mr. Rickards seconded. The meeting reconvened at 6:53 pm

RE-ORGANIZATION

NOMINATION & ELECTION OF CHAIRPERSON: Mr. Hamilton nominated Mr. Cocivera. Mr. Simmers seconded. Motion to accept Mr. Cocivera's nomination was made by Mr. Hamilton. Mr. Wolf seconded. Being no other nominations, the roll call vote was unanimous in favor. (7-0)

NOMINATION & ELECTION OF VICE-CHAIRPERSON: Mr. Simmers nominated Mr. Rickards. Mr. Meehan seconded. Motion to accept Mr. Rickards' nomination was made by Mr. Hamilton. Mr. Pullman seconded. Being no other nominations, the roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-1 APPOINTING ANN BELL AS BOARD SECRETARY: Mr. Hamilton made the motion to approve; Mr. Pullman seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-2 APPOINTING BETH PORTOCALIS AS BOARD RECORDING SECRETARY: Vice Chairman Rickards made the motion to approve; Mr. Hamilton seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-3 APPROVING MEETING DATES: Vice Chairman Rickards made the motion to approve the meeting dates and times per the Resolution schedule distributed by the Board Secretary. Mr. Hamilton seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-4 DESIGNATING THE OFFICIAL & ALTERNATE NEWSPAPER: Mr. Hamilton made the motion to designate the Burlington County Times as the official newspaper and the Central Record as the alternate newspaper. Mr. Simmers seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-5 APPOINTING JERRY DASTI, ESQ. AS BOARD ATTORNEY:

Mr. Wolf made the motion to approve; Mr. Meehan seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-6 APPOINTING CHRISTOPHER NOLL, PE/PP AS BOARD

ENGINEER: Mr. Simmers made the motion to approve; Mr. Hamilton seconded. The roll call vote was unanimous in favor. (7-0)

RESOLUTION #2023-7 APPOINTING MICHELLE TAYLOR, PP AS BOARD

PLANNER: Vice Chairman Rickards made the motion to approve; Mr. Pullman seconded. The roll call vote was unanimous in favor. (7-0)

MOTION: Mr. Hamilton made a motion to adjourn the Re-Organization Meeting at 7:05 pm. Mr. Wolf seconded. The voice vote was unanimous in favor.

REGULAR MEETING AGENDA

Attorney Patrick Varga called the meeting to order at 7:06 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:	Umba
Professional Staff:	Attorney Patrick Varga, Planner Michelle Taylor, Secretary Ann Bell

CORRESPONDENCE: None

MINUTES:

December 21, 2022 Regular Meeting – Mr. Pullman made a motion to approve the December 21, 2022 Zoning Board Meeting Minutes. Mr. Wolf seconded the motion. Mr. Simmers abstained. A unanimous voice vote in favor carried the motion.

December 21, 2022 Executive Session – Vice Chairman Rickards made a motion to approve the December 21, 2022 Zoning Board Executive Session Minutes. Mr. Pullman seconded the motion. Mr. Simmers abstained. A unanimous voice vote in favor carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2022-43, Julie Blinderman – Bannett, 26 S. Wendover, 6103/18, ZVE-1134

Approval for a bulk variances to construct a front addition which encroach into the front yard and side yard setbacks and a rear addition that encroaches into the side and rear yard setbacks; both exceed the 10% maximum building and 20% lot coverages allowed.

Recorded Vote:

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

Resolution #2022-44, William & Trisha McGehrin, 71 N Lakeside Dr W, 3010/6, ZVE-1139

Approval for a bulk variance to construct covered outdoor kitchen exceeds the 12% maximum building coverage allowed.

Recorded Vote:

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

Resolution #2022-45, Thomas & Cynthia Durham, 215 Taunton Blvd, 3708/3, ZVE-1137

Approval for a bulk variance to construct front porch extension which exceeds the 10% maximum building coverage and 20% maximum lot coverage allowed.

Recorded Vote:

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

Resolution #2022-46, Lucas Mitchell, 23 Ponte View Dr, 6405.01/9.19, ZVE-1138

Approval for a bulk variance to construct in-ground swimming pool which exceeds the 20% maximum lot coverage allowed.

Recorded Vote:

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

Resolution #2022-47, Jeff Wilson, 8 Muirfield Ct, 905/13.04, ZVE-1140

Approval for a bulk variance for existing 6 foot-high, solid white vinyl fence in front yard which exceeds the maximum 4 feet height allowed and the 50% opacity required.

Recorded Vote:

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

APPLICATIONS/OFFICIAL:

M2 Properties, 131 Mt. Holly Road, 404.07/24, ZVE-1114-Use Variance to permit property management business and landscaping business plus residential use. (*Continued from August & September meetings--requested to be carried to January*) **Zone: RHO**

SWORN: Gary Woodend, Esq.
Michael Meyer, Applicant

Mr. Woodend opened the testimony by summarizing the original application, and detailed how Mr. Meyer and his tenant have cleaned up the property since the application was first heard in July of 2022. He also explained the property management and maintenance business is run from an office only, and therefore not a residential home occupation. The landscaping business, operated by the residential tenants Mr. & Mrs. Estevez, is the commercial activity; however it is not one of the permitted home occupations included in the land development ordinances for the Residential Home Occupation (RHO) zone district. As outlined in Mrs. Taylor's January 9, 2023 review letter, commercial vehicles are not permitted per the Historic Village Commercial (HVC) zone district requirements, which is the default zoning in this RHO zone.

Mr. Woodend continued by describing the RHO zoned property as almost one acre, and very deep. There is only one neighbor, who is located far away from the property. This property owner had submitted a letter, included with Mr. Meyer's application, in support of his application and no objections to the landscaping business activity.

Mr. Woodend asked the Board to consider only the landscaping use, and the presented facts that there are no sales, no storage of landscaping materials, no signage, and an occasional dumpster. There are eight employees, however they arrive in two vehicles. Mr. & Mrs. Estevez reside in the house, and only use one room as an office. Client visits are done at the client's property, not at this location. Mr. Woodend added that this use is less intensive than other permitted uses, as included in the traffic analysis noted in Mr. Noll's review letter; and part of the reason why there are no negative detriments for the use of this property as both residential and for the landscaping business. The property was already disturbed by previous owners and their uses; and with the exception on the neighboring residential property, is surrounded by either other commercial properties or open space.

Mr. Woodend also opined that land use case law permits positive criteria can include a use variance application that alleviates extra traffic. (Mr. Varga briefed the Board that this interpretation was too broad for this application) Mr. Woodend concluded by listing the two bulk variances for lot coverage and setbacks, explaining that the lot and buildings are pre-existing/non conforming. He additionally requested a Waiver of Site Plan, citing the existing buildings, gravel coverage, and no other changes to the property except the removal of the sea boxes and general cleaning up of the grounds and relocating items such as the snow plows out of site from the road frontage and adjoining properties.

Mr. Meyer testified and was contrite in admitting that he didn't realize the conditions as they existing when the original violation was brought to his attention, nor did he realize that sea boxes required permits/approvals, as they are not permanent structures.

The Board had multiple questions to Mr. Meyer about the dumpster, including the size, location and duration of time it would be on the property; and how it would be monitored. Ms. Bell advised that there is a dumpster permit application process in place should the Board be inclined to allow one to be placed temporarily.

Mrs. Taylor commented on her January 9, 2023, specifically that aerials from 2011 to 2013 show that large amounts of gravel have been added, which contributes to the overall lot coverage being exceeded. She recommended that some of the stone be removed and the areas re-seeded. She also suggested that Mr. Meyer obtain a new survey to insure the use is limited to his property, being it's surrounded by so much open space. She also suggested the selective location of fencing be installed once the survey is obtained to clearly define the property boundaries and to insure there is no encroachment, which resulted in much discussion between Board members and Mr. Meyer, primarily due to the associated costs and him asking if could be only in the areas of concern to Board members and Mrs. Taylor.

Further discussion ensued after Mr. Hamilton questioned the quantity and size of the existing commercial trucks used by Mr. Estevez. Mr. Meyer said they are 15,000lb light duty trucks. Board members asked about where they would be parked, and about enforcement should the quantity and/or size be exceeded.

Mr. Varga interjected that the Board could consider bifurcating the application; and vote on the use variance request at this time; and have the applicant return for site plan approval on the issues that the Board has expressed concerns about because of the lack of information and detail provided by the applicant. He detailed the Board, if approving the use, could quantify the number of trucks, trailers and employee vehicle spaces, and associated equipment such as the snow plows. After back and forth discussions, it was suggested that 8 parking spaces total be provided. Mr. Varga added that some limited increase in the number of spaces would be permitted if the use was approved as it is considered di minimus in land use laws.

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

No one from the public spoke.

Vice Chairman Rickards 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 bifurcate the application and approve the residential use and the landscaping business as currently operating per the testimony provided; upon the condition that the balance of the application including a site plan delineating the location of the gravel areas, fencing, parking spaces and dumpster is brought back to the Board within the next six (6) months. Vice Chairman Rickards seconded the motion.

Recorded Vote:

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

Mr. Hamilton made a motion to take a brief recess at 8:38 pm. Vice Chairman Rickards seconded. The meeting resumed at 8:48 pm.

Jeffrey Sallade, 12 Nelson Drive, 4801.05/2, ZVE-1141 – Bulk variances for exceeding building and lot coverages and side yard setback relief for an existing shed and a patio expansion proposed to be partially covered. **Zone: GD**

SWORN: Jeffrey Sallade, Owner

Mr. Sallade opened his testimony by detailing for the Board his application two years ago to construct an in-ground pool in the rear yard, whereby he was granted lot coverage relief of 35.64% where 30% is permitted. He is requesting to increase the lot coverage relief to 38.5% in order to add 350sf of added paver patio area and attach a 450sf roof to the dwelling that will partially cover the paver areas located between the dwelling and pool. The roof will be placed under the second story windows. This will result in building coverage of 21.42% whereby 16.8% is permitted, and 17.48% is existing. It will match the dwelling.

Mr. Sallade acknowledged that he had placed an 80sf shed on the property approximately 10 years ago that never received zoning or construction permits. A new survey revealed the pool fence is not contained on his property so the shed is less than 5 feet from the property line; and is actually 1 foot from both the side and rear yard property lines. He committed to moving both the fence and shed onto his property. An existing utility easements limits where the shed can be located.

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Chairman Cocivera asked if Mr. Sallade had added landscaping in the Birchwood open space area as was required as a condition of his 2021 variance, and Mr. Sallade responded yes.

Mrs. Taylor referenced her January 13, 2023 review letter which summarized the variances requested. She stated that this was the smallest lot in the subdivision, and coupled with the utility easements necessitates the number of variances. Mrs. Taylor added that Mr. Noll had reviewed the application and has no objections to the added lot coverage as it will not adversely affect run-off onto any adjoining properties.

PUBLIC: No one from the public was present to speak.

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

MOTION: Mr. Simmers made a motion to approve the application as submitted, with the condition of the fence and shed being relocated onto the property; and the shed being 1' from both the side yard and rear yard property lines. Mr. Wolf seconded.

Recorded Vote:

Ayes: Hamilton, Meehan, Pullman, Simmers, Wolf, Rickards, Cocivera

Nays: None

Abst.: None

Motion carried: 7 - 0 - 0

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD – None

MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the January 2023 Zoning Board of Adjustment meeting at 9:00 pm. Mr. Pullman seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Zoning Board Recording Secretary

