

## MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

19 April 2023 - 7:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 7:00 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, Meehan, Pullman, Rickards, Simmers, Wolf, Umba, Morrison, \*Hamilton (\*arrived at 7:08 pm)  
Absent: None  
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Ann Bell

### CORRESPONDENCE: None

### MINUTES:

February 15, 2023 Regular Meeting – Mr. Wolf made a motion to approve the February 15, 2023 Zoning Board Regular Meeting Minutes. Mr. Pullman seconded the motion. A unanimous voice vote in favor by the other members carried the motion.

**REPORTS:** Ms. Bell advised that starting with this meeting and henceforth packets will be sent electronically via email in one “Monthly Packet” file to Board members by 12:00 noon on the Friday preceding the meeting. She asked Board members to contact her by the end of the day if not received. Chairman Cocivera thanked Ms. Bell for her efforts in organizing the packets in one downloadable file.

### RESOLUTIONS TO BE MEMORIALIZED:

#### **Resolution #2023-10, Gil Steinberger, 181 Taunton Blvd, 3508/3.01, ZVE-1142**

Approval of bulk variances for exceeding the rear yard and side yard setbacks and building coverage to fully enclose an existing elevated screen porch and add a deck to the rear of the dwelling.

#### Recorded Vote

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

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### APPLICATIONS/OFFICIAL:

#### **James & Mary Madewell, 8 Springhouse Drive, 805.02/4, ZVE-1143**

Seeking bulk variance approvals for a proposed in-ground pool in the rear yard requiring setback relief of 7.5' whereby 15' is required; and 32.1% lot coverage whereby 30% is the maximum permitted.

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**SWORN:** James & Mary Madewell, Owners

Mrs. Madewell opened the testimony by detailing her & her husband's plans to install a 12' x 31' feet fiberglass pre-fabricated in-ground salt water pool. It will be angled to fit best on their property, and at its closest point to the property line will be 7 ½ feet away. It will be close to the dwelling, but had to be located outside of the 40 foot buffer along Route 541.

The closest neighbor has a deck and grass, and to provide privacy to themselves and the neighbors, the Madewells will be installing a higher solid fence that is pool compliant and conforms to the fence ordinance.

The Madewells have discussed their proposed plans with their neighbors, and there were no objections. They verbally invited them to the meeting in addition to the required letter notification. Mrs. Madewell stated the neighbors are excited for them. The HOA has also approved the plan.

Mr. Madewell confirmed the lot coverage includes the area where the pool equipment will be installed.

**PUBLIC:** 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.

Mr. Noll had no comments, as he had already reviewed and approved the pool grading plan. Mrs. Taylor had no comments other than suggesting testimony be on the record regarding any proposed lighting.

Chairman Cocivera asked Mr. & Mrs. Madewell if they had any plans for lighting, and they replied only inside the pool itself. The existing lighting is two spotlights, one on each corner of the rear of the dwelling, and interior lighting in their screened porch.

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

**Recorded Vote:**

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

**Justin & Alison Higman, 506 Fairview Road, 3202.14/25, ZVE-1145**

Seeking bulk variance approvals for a proposed 24'x42' 8' deep in-ground pool with surrounding pool decking in the rear yard requiring relief for lot coverage whereby 38.1% is requested and 30% is the maximum permitted.

**SWORN:** Justin Higman, Owner

Mr. Higman opened his testimony by describing the proposed plans for the in-ground pool, which will be made of gunite and will also include a diving board. New pool compliant fencing will be installed, and the pool decking will be hardscaping for a hot tub and a fire pit.

Being that the lot coverage is 8.1% higher than permitted, Chairman Cocivera asked if there was any possibility that the hardscaping could be reduced to bring down the overall proposed lot coverage percentage. Mr., Higbee stated he was following the pool company's recommendation for the decking surrounding the pool; and that he was planning to include the hot tub and fire pit on the hardscaped area. The large existing driveway that was present when he purchased the property is a major reason for the existing overall lot coverage.

Board members commented the proposed location was ideal, and the yard has been graded in anticipation of the pool. His property is a high elevation and is near the Township's water tower, and the soil is very sandy, so even during heavy rains his property never floods or has standing water. Mr. Noll commented that when reviewing the pool grading plan, the property will drain to dedicated open space right behind the property, and being that the soils are indeed all sandy, he would have no objection to the higher overall lot coverage, as water will perk even in the hardscaped area.

When asked about lighting, Mr. Higman stated that he has no plans as yet, and is willing to comply with any Board requirements. Mrs. Taylor offered it should be warm down lighting that only illuminates his property, and activated by a switch so it can be turned off manually. Mr. Higman agreed to comply. Mr. Higman also confirmed the HOA has approved the application.

**PUBLIC:** No one from the public spoke.

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

**MOTION:** Vice Chairman Rickards made a motion to approve the application as submitted, with the condition to follow Mrs. Taylor's lighting recommendations. Mr. Meehan seconded.

**Recorded Vote:**

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

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**Atlantic Builders (Pogozelski), 16 S. Lakeside Dr W, 3106/35, ZVE-1147**

Seeking bulk variance approvals for an expansion of existing bedrooms of main residence dwelling requiring lot coverage relief where 31.4% is proposed and 30% is permitted; building coverage relief where 21.9% is existing/proposed and 12% is permitted; and rear yard setback relief where 50' is required and 35' is proposed.

**SWORN:** Jim & Michelle Pogozelski, Owners

Walter "Bud" LeMunyon, Contractor-Atlantic Builders

Mr. Pogozielski opened the testimony by stating he and his wife downsized and purchased this property as their retirement home. It has 3 bedrooms and 2.5 bathrooms, and is approximately 1800 square feet. It has a screened porch on the rear of the dwelling which is 20' x 12'. The washer & dryer are currently located in the garage, and they would like to create a laundry room in the dwelling. His 92 year old mother will be moving in with them, so their plans include maintaining the three bedrooms, but expanding the half bath to a full bathroom for his mother's use.

The proposed plan calls for taking 2 bedrooms that are side by side and expanding partially into the screened in porch area, which is already roofed. The new addition will be under the same roof line. So they will not be further encroachment into the rear yard. The Pogozielski's intend to age in place, so a single level dwelling was preferred as opposed to adding a second story for the needed additional space. The square footage of the dwelling, if approved, will be just under 2200 square feet, and will maintain the same footprint. It is the squaring off of the current screened porch area that necessitated the variance relief. New siding will be added to the entire dwelling. There are spotlights on the rear of the dwelling which are switch operated; and these will be upgraded but will remain on the switch and will not be higher intensity.

No trees will need to be removed. Only landscaping is anticipated on the property, no new paver areas are proposed, except possibly a fire pit area on stone. There is an existing 10' x 12' flagstone area that is in disrepair, and the new stone for the firepit is contemplated for that area. Mrs. Taylor said she is unsure if that 120 sf area was included in the lot coverage calculation even though it appears on the survey. She and Mr. Noll did a quick calculation and stated by adding the 120 sf, lot coverage would be 32.5%.

**PUBLIC:** No one from the public spoke.

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

**MOTION:** Vice Chairman Rickards made a motion to approve the application as submitted, with the lot coverage allowance up to 32.5 percent. Mr. Pullman seconded.

**Recorded Vote:**

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

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**Paul & Mary Manion, 31 Fairview Road, 3202.23/1, ZVE-1144**

Seeking a use variance for an art studio and complimentary art education businesses (The Artery), and storage in the existing structure. No site improvements are proposed

**SWORN:** Gary Woodend, Esq., Attorney

Paul & Mary Manion, Owners

Marissa Corey, Tenant – Art Studio and Art Education businesses (The Artery)

Thomas Canal, Tenant – Storage Area (Canal's Wines Unlimited)

Mr. Woodend opened the testimony by explaining the property's history, starting first as the site of the Taunton Fire Company & EMS facility. In 2011, the Zoning Board granted a Use Variance to permit an automotive technology training center. The training center closed during the COVID pandemic, and the grounds have been neglected since. Mr. Canal has been using a portion of the site for storage for his liquor store business for several years.

Mr. Woodend continued that the two uses are low intensity, and much lower than the former uses. He opined that parking is adequate for both proposed uses. He did acknowledge there is a discrepancy over the number of parking spaces, since the lot is stone and overgrown, with no lines marking out the spaces; but acknowledged there is plenty of area. He noted that when the building was a firehouse, he voted there and there was never an issue even when 30-40 cars were parked. The circulation also works well in the parking areas.

Mr. Woodend continued that there are overhead doors from when it was a firehouse, and while there are no plans to remove them, but they may be opened for ventilation and air circulation. They are considering the use of some type of bollard to prevent people from driving inside if the doors are opened.

Ms. Manion was the next to testify. She and her husband Paul have been Medford residents for over 30 years. She described the building history being 10,700 square foot historic firehouse situated on 1.8 acres and constructed in the 1970s. The fire company subsequently relocated, and in 2011, the Use Variance for the automotive training school was approved. That business closed in 2020, and the building has been vacant since. The Manions had been searching for an investment property. Their daughter, Marissa Corey, opened "The Artery" on Main Street in Medford Village, and while successful, this space, being in a converted residential dwelling, does not function well and is much better suited for this commercial building. This would allow The Artery to remain in Medford and continue to flourish and grow.

Ms. Corey was next to testify. She explained her business mission in visual and creative arts education. The majority of her participants are youth. She herself and her staff are all degreed and/or certified to teach the arts. She envisions the business growing into a Creative Arts Studio to serve Medford and the surrounding communities.

Mr. Manion was next to testify. The Artery lease would be 2500 square feet. Complimentary arts studio space of 1700 square feet would also be leased in the future. He also proposes to maintain space (2,000 sf) to lease for storage. Altogether, he stated that this is an appropriate adaptive reuse of the building and property. The building is 78 sf from the roadway, and there is more than sufficient space to allow for student drop-off and pick up, and ample parking with one handicapped parking space being already designated near the front entrance. Upon closing and acquiring the property, Mr. Manion stated he plans to clean up the landscaping, as admittedly it has not been

maintained since the property was vacated. He will also submit for permits to replace the signage with new signage that meets the Township's codes. He will also address all parking lot and exterior lighting concerns addressed by the Board.

Chairman Cocivera asked about how the storage for the liquor store will work. Mr. Manion explained the current tenant, Mr. Canal, takes delivery of all liquor products at his stores. Mr. Canal then loads excess inventory into small box trucks or panel vans and transports it to this building. The inventory is unloaded and carried inside on hand carts. There are no forklifts used. Mr. Canal added that there are no loading bays, just two doors for ingress and egress. He did state that his NJ State ABC license does permit him to warehouse inventory, and thus the liquor could be delivered to this location; however he wants to respect the neighborhood by not having large tractor-trailer type trucks deliver to this location, but rather his retail store on Stokes & Jackson Roads. This has been his operational plan since he leased the storage space in this building three years ago, and is willing to accept a condition that no tractor trailer deliveries would be permitted.

Chairman Cocivera noted that one of the entrances currently used by Mr. Canal is close to the handicapped parking space. If the other building space will be occupied, he asked could the deliveries potentially impede the use of the handicapped parking. Deliveries take 30-40 minutes no more than 3x a week per Mr. Canal, and take place early in the morning or later in the day. It was noted he could access his space from a couple of the existing overhead doors if necessary. Mr. Noll confirmed during a site visit that there would be no impact on the handicapped parking space.

Vice Chairman Rickards asked about the garage doors, and Mr. Manion and Ms. Corey explained at this time there are no plans to remove them, but rather open them on occasion for movement classes to incorporate the outdoors, and for ventilation for ceramics type classes when kilns are in use.

Chairman Cocivera asked Ms. Corey about how her business will operate. While there may be some toddler "Mommy & me" type classes during the day, the bulk of the classes are after school hours—typically 4:00-8:00 pm. The max numbers will be 18-20 students per class session to maintain individualized instruction; and two classes may be scheduled simultaneously. Summer camps are three hours a day. She explained to the Board how drop off and pick up would operate, including how instructors meet the children outside and escort them into the building. Parents only stay for the younger age (5 & under) classes. After much discussion amongst Board members, and Mr. Noll confirming that there are 23 parking spaces in total available, Ms. Corey stated she would stagger the start and end time of classes if parking became an issue. Having almost no parking at her Main Street location, she was able to successfully manage her classes in cooperation with the parents.

Chairman Cocivera asked Mr. Manion to discuss lighting for the record. There are lights installed by the previous owner as accepted by the Zoning Board in 2011. He would like to add down lit security lights in the back of the building as its very dark, but being heavily wooded it would not affect any adjoining properties.

No exterior improvements to the building are planned except changing the existing sign to a monument sign with a base to match the building. Mrs. Taylor recommended that the Board approve the sign as a part of this application if so inclined, since it would only be a change of copy and this sign is pre-existing/non-conforming due to its location in a residential zone that does not permit signage. Thus its size (which is not specified in the application), has no minimum or maximum square footage or height limitations. Mrs. Taylor added that the construction of the base is not considered part of the sign per the code. This would be administered by Ms. Bell as Zoning Officer, and if she determines she cannot approve based upon the Board's decision, the applicant would need to come back to the Board for approvals.

Outdoor activities would be limited to a couple of picnic tables for the students and staff to eat lunch or snacks. Chairman Cocivera also recommended a bike rack, which Ms. Corey stated she is amenable to.

In regards to trash, Ms. Corey said what she currently generates can be accommodated in two trash containers and two recycling containers collected on the regular schedule. Mr. Noll stated that he is not certain that the Township will collect trash and/or recycling at a commercial property, and if not Ms. Corey and Mr. Manion committed to constructing a properly screened trash enclosure area in the rear and arrange for private collection. Mrs. Taylor suggested a condition that if private collection is necessary, that it take place during daylight hours so as not to disturb the residential neighbors.

Ms. Corey's deliveries are via Amazon, so there will be no tractor-trailers deliveries for her business either.

Mr. Simmers asked about the area on the building layout plan that was formerly a banquet hall. Ms. Corey stated she may have weekend parties. The existing kitchen is not commercial—it is more an employee break room. Parties would bring their own food. There will be no catering on premises.

Mr. Woodend summarized the inherently beneficial uses, and how these uses are of a much lower intensity than the former owners/tenants. Being a creative arts center, it's programs and activities are a benefit to the community and fill the need for this type of programming in the community.

Mrs. Taylor noted the prior use as a firehouse and banquet facility that generated much more traffic and higher intensity use at all hours of the day and night. The Master Plan does talk about adaptive reuses of commercial space, and while this is in a residential zone, it will provide benefits to the greater Medford community as a cooperative artists' space. She has no concerns about the parking. She appreciates the applicant working with the Board professionals of the development of their plans and their commitment to bring this property "back to life" in a creative way. As per her review letter, Mrs. Taylor concluded her remarks by stating that she would like the Board to address in any approvals what should happen if/when the current storage tenant (Canal's liquors) vacate the property since storage is a non-conforming use.

Mr. Noll reviewed the traffic and parking as per his review letter. The traffic study conducted for the former auto technician school is very similar to the proposed uses presented, the 23 parking spaces is sufficient but will require a parking variance since the number does not meet the parking requirement based upon the square footage of the building. Mr. Noll stated he has no objection to the granting of the variance since the auto school generated no complaints or parking issues during its nine years. ADA compliance will need to be assured for the parking space, and a night light test is recommended before the issuance of the final Certificate of Occupancy. Mr. Noll also noted the Ordinances state that a nonconforming use served by public sewer does not require Pinelands approvals and this property meets the criteria.

**PUBLIC:** 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 approve the use variance application as submitted and grant the parking variance providing for 23 parking spaces and ADA compliance; with the following conditions: (1) follow all recommendations of Mr. Noll & Ms Taylor's review letters, (2) deliveries only by box trucks or cargo vans, (3) address the landscaping; (4) monument size of the same size by changing the copy only and obtaining a permit from the Zoning Officer; (5) no outdoor activities other than picnic tables (5) any trash enclosure/dumpster to be properly screened; (6) no commercial use of kitchen area for catering. Vice Chairman Rickards seconded.

**Recorded Vote:**

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

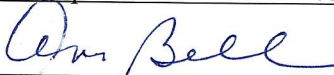
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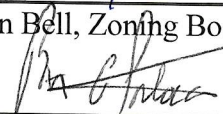
**EXECUTIVE SESSION:** None

**ADDITIONAL ACTION(S) BY THE BOARD:** None

**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the April 19, 2023 Zoning Board of Adjustment meeting at 8:34 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.

  
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Ann Bell, Zoning Board Secretary

  
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Beth Portocalis, Recording Secretary