

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

21 June 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, Hamilton (*late) Meehan, Pullman, Rickards, Simmers, Wolf, Umba
Absent: Morrison
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Ann Bell

CORRESPONDENCE: None

MINUTES:

May 17, 2023 Regular Meeting – Vice Chairman Rickards made a motion to approve the May 17, 2023 Zoning Board Regular Meeting Minutes with a minor correction to page 2 as noted by Chairman Cocivera. Mr. Pullman seconded the motion. Mr. Hamilton was not present yet for the vote; Mr. Meehan & Mr. Wolf abstained. A unanimous voice vote in favor by the other members carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2023-15. Michael & Traci DiNicola, 14 Schoolhouse Dr, 2701.12/23, ZVE-1150
Bulk Variance approval for side yard setback relief of 26' where 30' is required for an addition to the dwelling.

Recorded Vote

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

Resolution #2023-16. Axel Johnson, 3 Bradford Court, 5501.02/15, ZVE-1151
Bulk Variance approval for lot coverage of 21.89% where required is 20% to construct a deck.

Recorded Vote

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

**Mr. Hamilton joined the meeting.

Resolution #2023-17. Timothy Sheldon, 6 Roxbury Drive, 5107/21, ZVE-1152
Bulk Variance approval for a 6' solid wood privacy fence in the rear yard on a reverse frontage parcel, proposed to be located 30 feet from the property line where 50 feet is required.

Recorded Vote

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

Resolution #2023-18. Valerie Whitham, 5 Ohio Trail, 2206/22, ZVE-1153
Bulk Variance approval for a 13.3' side yard setback where 15' is required to enclose the existing carport.

Recorded Vote

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

Resolution #2023-19. Darrin & Jennifer Gould, 11 Chairville, 808/7.03, ZVE-1146
Use Variance to allow dual use as a counseling office and as a residential dwelling, with bulk variance approvals for the oversized monument sign, fencing, and three accessory structures presently on the property.

Recorded Vote

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

APPLICATIONS/OFFICIAL:

Kevin Lynn, 10 E. Lake Circle, 3804/4, ZVE-1154 – Bulk Variances to construct a one-story addition which encroaches into the minimum side and rear yard setbacks and exceeds the maximum building and lot coverages allowed.

SWORN: Kevin Lynn, Owner
Jeffrey King, Architect

Mr. Lynn opened his testimony by describing the 858sf dwelling he purchased in 2018. He is proposing a modest 292sf addition to provide for an extension to the mudroom and an enclosed

covered porch. The renovations will also include code compliant exterior steps to the basement area, which are currently too narrow and too short (under 5') for anyone to safely use.

Mr. King was next to testify. He also described the dwelling being a single floor rancher built in 1963; most likely as a small summer lakefront cottage. He referenced the demolition plan provided as Sheet A1.0 in the plans provided to the Board; and the life safety issues of the steps in their current configuration. He explained the enhanced visual aesthetics that will be provided by the proposed modifications to the dwelling, and how they meet the c1 and c2 bulk criteria. Since this is one of the smallest dwellings on one of the smallest lots in the neighborhood, the proposed addition will further the principals in the Land Development Ordinances.

He then went thru Exhibit A-9; a colorized display board rendering of the dwelling with the proposed improvements. The lot is only 7500sf, almost half of the 14,000sf minimum lot size. Thus, it does not meet one bulk criteria in the zone district. The variance relief required is as follows:

Minimum side yard - required 30 ft; existing 15.15 ft; proposed 15.15 ft.

Maximum building coverage- 12% permitted; 11.44% existing; 15.33% proposed

Maximum impervious overall lot coverage - 30% permitted; 12.2% existing; 31.17% proposed

Minimum rear yard setback - 50 ft required; 42.2 ft existing; 30.2 ft proposed.

He concluded that the proposed improvements will match the existing dwelling, will not require the removal of any trees, will cause no change to the drainage, will not include any new exterior lighting, and will actually reduce the overall lot coverage since the addition is proposed on an already disturbed area.

Mrs. Taylor concurred with Mr. King's assertions and testimony. Mr. Noll had no comments.

PUBLIC: No one from the public spoke.

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

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

Recorded Vote:

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

James Camp, 1 Braddock's Mill Rd., 3202.18/36, ZVE-1155 – Bulk Variance to install a 6' high solid wood privacy fence in one front yard and a 54" black aluminum fence in the other front yard of a corner property.

SWORN: James Camp, Owner

Mr. Camp opened his testimony by describing his corner property that fronts to Braddock's Mill Road, that corners with Fairview Road. Given the amount of daily traffic on Fairview Road, he is seeking a 6' high solid cedar wood privacy fence on the Fairview Road frontage of the property for the safety, security and privacy of his children and family. This fencing would be installed approximately 11 feet off the property line inside of a slightly wooded area on his lot. (16-18 feet from the roadway) Along Braddock's Mill Road, he is proposing a 54" black aluminum fence in the front yard, which is consistent with other properties along this Road. No trees will need to be removed for either fencing.

Chairman Cocivera asked about the sight triangle, and Mr. Camp responded the photos he submitted were intended to document that there would be no issues with the proposed fence blocking the view at the corner intersection.

Mrs. Taylor referred the Board to her June 6, 2023 review letter, which included a list of the variances required for the height, opacity and materials of the fencing itself. She also noted that if it were the Board's inclination to approve either fencing with added plantings, she would not recommend arborvitae but rather native plants such as laurels and rhododendrons.

Board members expressed concerns about the solid wood fence proposed along Fairview Road, and Mr. Camp responded that he would be willing to move the fence in further into his yard so the existing wooded area would all be on the exterior. He approximated this would be 15-18 feet off the property line.

Board members still expressed concerns, especially for the portion of the solid fence that would ultimately be located in the front yard of the neighboring property on Fairview Road.

They asked Mr. Camp if he would be willing to amend his application to make all the fence 54" black aluminum, and for privacy he could install more landscaping. They also seemed inclined to generally favor the fence along Fairview Road to be located along the grass line, and Mr. Camp indicated he would accept that condition. In order to accurately note the setback from the roadway, Mr. Noll agreed to measure and provide this information to Ms. Bell for the memorializing Resolution.

PUBLIC: No one from the public spoke.

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

MOTION: Mr. Pullman made a motion to approve the application with the conditions that (1) all fencing be 54" black aluminum meeting the 50% opacity requirement, and (2) located along the grass line on the Fairview Road side of the property to be set back per Mr. Noll's measurement. Mr. Wolf seconded.

Recorded Vote:

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

Joseph Orlando, 144/148 Old Marlton Pike, 906.02/21&22, SPR-5757PF – Minor subdivision, Preliminary and Final Major Site Plan, and Bulk Variances for an 1,895 sf addition to the existing structure on Lot 22, whereas a Use Variance was granted per Resolution #2022-16.

SWORN: Christopher Norman, Esq., Platt Law Group
Joseph Mancini, Engineer & Planner, Tri-State Engineering
Joseph Orlando, Owner

Mr. Norman opened the testimony by summarizing the previous testimony that resulted in the Use Variance granted by the Board in 2022 as per Resolution 2022-16. At that time, the application was bifurcated, with the applicant to return for subdivision and site plan approvals.

The application is centered on a proposed 1895sf addition to the existing building on Lot 22, which is being utilized by Goodwill as a donation drop-off center. The addition will allow Goodwill to move the delivery of and storage of donations indoors, a function that is now conducted outdoors. The architecture on the proposed building addition will have a barn look, per feedback from the Board members and professionals.

With the proposed subdivision lot line adjustment, Lot 22 will be increased from .35 acres to .53 acres in order to accommodate a driveway to the rear of the building where donations will be accepted. Parking requirements will also conform.

Lot 21 is a residential lot also owned by Mr. Orlando. He will commit to add fencing and landscaping to separate the lots.

Mr. Mancini was the next to testify. He introduced Exhibit A-11 dated July 2021, which is the proposed site plan. He described how the curb cuts along both frontages would be mostly closed up, and the driveway located further away from the intersection, which will limit access for both ingress and egress. Entry to drop off goods will be via Hartford Road and egress onto Old Marlton Pike. Shifting the driveway to the south will also allow for more green space along both road frontages. The driveway and drop-offs being behind the building will significantly improve the aesthetics, as the collection bins will no longer be out front while Goodwill is open. Storage of bins

will be located in the addition. The color of the addition will be neutral earth tones, with barn elements added to the architecture. Mr. Mancini added that the parking on the lot will be much more efficient based on the proposed site plan.

Mr. Mancini then summarized the bulk variances required, as included in Mrs. Taylor's May 11, 2023 review letter. Mrs. Taylor added that overall impervious lot coverage also requires bulk variance relief. He detailed how the proposed site plan meets the c2 criteria by reducing impervious coverage, adding green space areas, providing better site circulation and traffic improvements by moving the driveway further south of the intersection, and greatly reducing the size of the curb cuts all justify approval, especially given that the aesthetics on this important corner will be substantially improved.

Mr. Orlando added that his vision for the property would be good for Medford, good for Goodwill, and good for himself as the owner of both properties.

Mr. Mancini then proceeded to discuss the building architecture. The building addition height will be 16'4" ; whereby 27' is permitted. Rendering #14 in the application packet shows the proposed building with its "A" frame roof. It is proposed to be a "peachy" earth tone color.

Mrs. Taylor referenced her May 11, 2023 review letter, where she stated that the GMS zone district standards are not applicable since this is an approved commercial use. To that end, she used the Restricted Highway Commercial (RHC) zone standards as they most closely align with the permitted use. She detailed the comments in her review letter, especially that the lighting lumens be lowered or off altogether after hours. She also stated the color should not be peach; that is what was proposed by the applicant, but it is not the warm, muted earth tone colors recommended for commercial properties.

Lastly, she would recommend that the Board, as a condition of approval if so granted, have the applicant remove the concrete slab and stone on Lot 23 from a detached garage that was relocated.

Mr. Mancini then readdressed the Board; and stated the applicant will agree to the reduced lighting and will consent to a night light test by Mr. Noll; but in any configuration, a design waiver is still required. Mr. Noll recommended that the lights be set to turn off one hour after closing.

Mr. Mancini continued that a waiver is also required for parking spaces partially within the buffer areas, and he requested a waiver to permit a shrub height of 24" instead of the required 36" to permit better sight lines. Lastly, he stated the applicant agrees to Mrs. Taylor's recommendation to use "horse" style fencing between the two properties; and to plant native species to supplement the fence border.

Mr. Noll referenced his May 11, 2023 review letter. He does recommend the granting of submission waivers for the soil tests and for the utility line markings to be shown on the site plan. He also recommends granting the driveway design waiver. Mr. Noll opined that the proposed site plan would result in a significant improvement on traffic and circulation because it is being

relocated further away from the intersection.

Mr. Noll added that the residence on Lot 23 would also be connecting to the sanitary sewer service, so the septic system will be taken off-line.

Board members had detailed questions in regards to the architecture of the proposed building addition. Given that the one side of the building would be a solid wall, they asked if any faux treatments could be added, such as windows, a hayloft and/or a barn door. Mr. Orlando agreed to work with Mrs. Taylor to add some design elements. Mr. Hamilton asked if eaves could be added so the structure looked less like a box and more like a dwelling. After some discussion, Mr. Orlando said he could, and wanted to know the size, to which Mr. Hamilton recommended 18".

Discussion continued amongst the Board members, the applicant, and his professionals in regards to the architecture of the addition, along with modifications to the existing flat-roofed building.

In order to move the application, Mr. Dasti summarized the items discussed by the Board in order to frame a motion if the Board was inclined to approve the application, the requested bulk variances, the submission waivers and the design waivers:

- 1) Comply with the review letters of Mr. Noll & Mrs. Taylor
- 2) Goodwill would be limited to use box trucks only at the location; tractor trailers would be prohibited
- 3) Goodwill would come up with a solution to prevent cut-thru traffic.
- 4) The concrete pad will be removed
- 5) No drop off donations would be permitted/accepted after hours (i.e. no outside collection bins)
- 6) No outside storage
- 7) Night Light function test to be conducted by Mr. Noll prior to final C.O.
- 8) One hour after closing, lights would be reduced to motion-sensored security lighting
- 9) The colors of the building addition & painting of existing building to be approved by Mrs. Taylor
- 10) Fencing between the lots would be "horse" style wooden fence with native species plantings.

Chairman Cocivera suggested that public comment take place at this time.

PUBLIC: No one from the public spoke.

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

Board members still had questions about the architecture, especially after learning that the materials for the addition are already on the site. Mr. Norman asked for a 5-minute recess to confer with Mr. Orlando and Mr. Mancini.

The recess was called at 9:15 pm. The meeting resumed at 9:20 pm.

Upon resumption of the meeting, Mr. Norman indicated that Mr. Orlando agreed to the 18' eaves, adding architectural features on the north side of the addition, and a paint color of the Board's recommendation.

With a number of unanswered questions about the architecture, after consultation with Mr. Dasti, it was decided to not vote on granting preliminary approval of the site plan at this time, but rather continue the application to the July 2023 meeting (19th) so the applicant can submit some revised elevation renderings of the addition.

Mr. Norman agreed to a 30-day extension of time to hear the application.

MOTION: Mr. Hamilton made a motion to continue the application to the July 2023 meeting without the need to re-notice. Vice Chairman Rickards 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(S) BY THE BOARD: None

MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the June 21, 2023 Zoning Board of Adjustment meeting at 9:39 pm. Mr. Wolf seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Recording Secretary