

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

16 August 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, Rickards, Simmers, Wolf, Umba, Morrison
Absent:	Meehan, Pullman
Professional Staff:	Attorney Jerry Dasti, Planner Michelle Taylor, Recording Secretary Beth Portocalis

CORRESPONDENCE: Ms. Portocalis presented correspondence received by Board Secretary Ann Bell from the Attorney for the Mathoan Gas #7, LLC application (174 Route 70, 903.02/26.03, ZVE-1156 Minor Site Plan application and Use Variance for a gas station and convenience store) asking that the application be carried to the September 2023 meeting without the requirement to re-notice, as the applicant had not yet received their Certificate of Filing from the Pinelands Commission.

MOTION: Mr. Wolf made a motion to approve the request to carry this application to the September 20, 2023 Zoning Board meeting, without the need to re-notice. Vice Chairman Rickards seconded.

Recorded Vote:

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

Chairman Cocivera asked, and let the record reflect no one from the public was present to speak on this application.

MINUTES:

July 19, 2023 Regular Meeting – Mr. Simmers made a motion to approve the July 19, 2023 Zoning Board Regular Meeting Minutes. Mr. Hamilton seconded the motion. A unanimous voice vote in favor by the other members carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2023-22, Robert & Alison Brecher, 19 Elm Dr., 3002/14, ZVE-1157 Approval for a Bulk Variance application for a front and side yard setback to construct an addition to the residential dwelling.

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Recorded Vote

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

Resolution #2023-23, Jeffrey Wheeler, 23 E. Lake Circle, 3805/6.01, ZVE-1160

Approval for a Bulk Variance application to enclose an existing screened porch on second level and enclose sunroom on third level.

Recorded Vote

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

Resolution #2023-24, M2 Properties, LLC, 131 Medford – Mt. Holly Rd., 404.07/24, ZVE-

1114SP - Approval of a Minor Site Plan application for a landscape business and residential dwelling. (**as revised by Board Attorney Jerry Dasti*)

Recorded Vote

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

APPLICATIONS/OFFICIAL:

Warren J. Mazzochette, Vergara Residence, 39 Hampshire Way, 4101.02/23, ZVE-1165 – Bulk Variance application to construct a front porch, an entranceway element, that would exceed the 45% maximum linear distance of the foundation wall and exceeding the minimum front yard setback allowed.

SWORN: Warren Mazzochette, Contractor for the owners, M/M Vergara

Mr. Mazzachette confirmed that he is able to speak on behalf of the owners, Mr. & Mrs. Vergara, who were not present for the hearing. He then opened his testimony by describing the porch addition being proposed, which includes an 8' wide small porch with an A-framed roof, and an extension of the existing porch on both sides to each of the ends of the dwelling, which is necessitated due to the window configuration. The added areas will also be roofed; and the porch will be 6' deep where others in the neighborhood are only 5' deep. This will result in a 1' front yard setback, where 5' currently exists.

Other dwellings in the neighborhood have full front porches but the proposed roof configuration in this proposal is slightly different to provide added character. The existing trim and lattice shingles will match the existing dwelling, and the decking will be a gray Trex material. The railing will be PVC (T-Top type) with black spindles. There will be switch operated recessed lighting on the porch as well as wall sconces. The HOA approved the proposed porch addition as submitted to the Board.

Mrs. Taylor summarized her August 1, 2023 review letter, and the variances required, including (1) exceeding the 45% maximum sized porch relative to the length of the house; and (2) front yard setback relief where 20' is required and 18.91 feet is proposed. Her other comments in her review letter were addressed during testimony.

PUBLIC: No one from the public spoke.

Mr. Wolf 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, conditioned on compliance with the Board's Planner review letter for the lighting and for the porch to remain open without any enclosures including walls, screens and/or windows. Mr. Wolf seconded.

Recorded Vote:

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

Adam and Cristina Donofrio, 225 Pine Boulevard, 3304/7, ZVE-1164 – Bulk Variance application for a front and side yard setback to construct an addition to the garage.

SWORN: Adam Donofrio, Owner

Mr. Donofrio opened his testimony by describing that he and his wife purchased the property six years ago. It is an 1820sf dwelling with four bedrooms and a one-car attached garage. Since that time, they now have two children. The fourth bedroom is being used for storage, as the dwelling has no other storage areas. He now needs to make the fourth bedroom an office to work from home, so they are proposing an additional attached garage bay so that the existing garage area can be utilized for storage. Originally, they were planning for an oversized shed or detached garage, but in discussing with their closest next-door neighbors, the neighbors suggested an additional bay attached to the existing garage. The costs are similar, so the Donofrio's decided to proceed with this application for an attached bay to the existing garage.

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The plan is to match exactly what now exists as to color and trims, with the same depth, same roofline and same siding. The existing garage door will be replaced so that both will exactly match. No new exterior lighting is anticipated.

The lot will be graded to an existing drain in the yard, which they believe is part of the Township's stormwater collection system.

Mrs. Taylor went thru her August 10, 2023 review letter, and the variances required; including side yard setback relief where 30' is required and 7.9 feet is proposed. The front yard setback is pre-existing non-conforming at 39.72 feet where 50' is required; and will not be further exacerbated because of this application.

She also offered comments from Mr. Noll, the Board's Engineer including that the curb cut for the driveway should be reduced to 24' to conform the driveway requirements. A design waiver will be required as the driveway will be 7.9 feet from the corner. Mr. Noll and Mrs. Taylor both suggest that the driveway should be reduced until approximately 20' from the garages, and at that point widen to the same width as the garage doors. This will reduce the amount of impervious coverage and potential added runoff to the adjoining property.

After some discussion amongst Board members about the existing drain in the yard and potential runoff on adjoining properties, it was suggested that a grading plan be submitted to Mr. Noll for review and approval before zoning and construction permits are issued, and that Mr. Noll conduct a final inspection before the final Certificate of Occupancy is issued.

PUBLIC: No one from the public spoke.

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

MOTION: Vice Chairman Rickards made a motion to approve the application as submitted and grant the side yard variance as proposed, along with the design waiver for the driveway, with the conditions (1) the curb cut is reduced to 24'; and (2) the Board Engineer review and approved the grading plan. Mr. Wolf seconded.

Recorded Vote:

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

Jennifer A. Lynch, 39 Union St., 1601/11, ZVE-1159 – Use and Bulk Variance application to construct an addition to the existing residential dwelling and a two-car detached garage with a second floor.

SWORN: Jennifer Lynch, Owner

Ms. Lynch opened her testimony by summarizing her application for Use Variance approvals to permit a residential use in the commercially zoned (RC) property that was granted in May of 2022 when she first purchased the property.

She is proposing three improvements; a second floor master bedroom and bathroom addition, expansion of the first floor rear porch, and to construct a 24 feet x 30 feet x 23'4"H two (2) car detached garage. The two-car garage will be two story, with the lower level for garage parking and storage, and the upper level to be used as a home office and a workout area. Ms. Lynch stated there is no intent to use the 2nd floor as an apartment, and she is willing to accept this as a condition of approval.

Ms. Lynch further stated that she had not reviewed Mrs. Taylor's review letter until earlier in the day (it was in her spam folder), so she distributed and discussed Exhibits A-9; which was a list of responses to Mrs. Tylor's comments, and A-10; a list of properties in the Village that have accessory buildings in the rear yard close to the property lines.

Mrs. Taylor next summarized her July 6, 2023 review letter. She had included a snapshot of an old Sanborn map that showed the original porch on the property. She further detailed that the Restricted Commercial (RC) zoning was not ideal for a historic Village parcel, and that Historic Village Residential (HVR) zoning requirements were the requirements she used in her review. She then summarized the variances required as included in her letter; including (1) "d (2)" Use Variance relief for the expansion of the non-conforming use; and (2) a c (1) bulk variance for side yard setback relief where 15' is requires, 2.94 fee is existing and 2.04 feet is proposed; and (3) the proposed garage height of 23.4 feet where 20' is the maximum permitted. She noted the neighborhood average setback for accessory structures is less than six feet, as many of these structures were built decades ago before the current regulations were in place.

A Certificate of Appropriateness is also required to conform to the land development and zoning standards in Chapter 806. Again, she used HVR standards in her review. To that end, Mrs. Taylor had suggested minor changes to the submitted elevation drawings to make the dwelling look more historic, and Ms. Lynch's architect concurred. As an example, she pointed out the windows on the standard door lined up with the upper windows. She also pointed out that the roof slope on the proposed detached garage is slightly off, but this is not a worrisome detail.

In regards to the proposed garage height, Mrs. Taylor did note this would help "hide" the Town Hall & Library building activities (i.e. parking) from view. Discussion about the garage ensued, with Ms. Lynch explaining that it is a modular unit that will be assembled on site, selected for its historic aesthetic. It is wood board and batten.

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PUBLIC: No one from the public spoke.

Mr. Wolf 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, including the d (2) Use Variance, the bulk variances as proposed, and the Certificate of Appropriateness; with the conditions (1) to comply with the comments in the Board Planner's review letter and architectural changes recommended, and (2) no apartment use in the detached garage or the main dwelling addition. Mr. Wolf seconded.

Recorded Vote:

Ayes:	Hamilton, Simmers, Wolf, Umba, Morrison, 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 August 16, 2023 Zoning Board of Adjustment meeting at 8:01 pm. Mrs. Umba seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Recording Secretary