

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

18 October 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
Absent: Hamilton, Morrison
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Ann Bell

CORRESPONDENCE:

- (1) Board Secretary Ann Bell received additional correspondence 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 again be carried to the November 13, 2023 meeting, as the applicant had not yet received their Certificate of Filing from the Pinelands Commission.

MOTION: Vice Chairman Rickards made a motion to approve the request to again carry this application to the November 13, 2023 Zoning Board meeting, with the requirement to re-notice. Mr. Meehan seconded.

Recorded Vote:

Ayes: Meehan, Pullman, Simmers, Wolf, Umba, 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.

- (2) Board Secretary Ann Bell received correspondence from the Attorney for the Mordan application (151 Taunton Blvd., 3312/2.02, ZVE-1166 – Request for circular driveway onto Taunton Blvd.) asking that the application be further continued to the November 13, 2023 meeting, as the applicant had not yet received a decision from the Burlington County Engineer's Office.

MOTION: Vice Chairman Rickards made a motion to approve the request to again carry this application to the November 13, 2023 Zoning Board meeting, without the requirement to re-notice. Mr. Wolf seconded.

Recorded Vote:

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

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

(3) Ms. Bell also announced that the Tait application (16 Yorkshire Drive, 2703.02/22, ZVE-1169) would not be heard this evening, as their required Public Notices were incorrect and in consultation with Mr. Dasti it was determined that legally this application could not be heard.

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

Chairman Cocivera also acknowledged that this would be Mr. Pullman's last meeting, as he had to resign due to relocating out of Medford. Chairman Cocivera noted Mr. Pullman's many years of dedicated service to the Zoning Board, including his faithful attendance and astute observations, questions and comments. All Board members and professionals also expressed their appreciation and extended their well wishes.

MINUTES:

September 20, 2023 Regular Meeting – Mr. Pullman made a motion to approve the September 20, 2023 Zoning Board Regular Meeting Minutes. Vice Chairman Rickards seconded the motion. Mr. Simmers recused themselves. A unanimous voice vote in favor by the other members carried the motion.

REPORTS:

Ms. Bell made the 2022 Annual Report to the Board members. In summary, the Zoning Board heard 37 applications in 2022, with 35 being approved and 2 being denied. This was an increase of 10 applications from CY2021. In the GD Zone, the majority of variances sought were related to block and lot coverage. This was comparable to the RGD 1 & 2 zones, where 12 applications were related to coverage relief.

Ms. Bell explained that the report, upon acceptance by the Board, is then transmitted to the Planning Board and the Council for consideration when making updates to the Master Plan. Both Ms. Bell & Ms. Taylor noted that the Pinelands Commission would have to approve any recommended changes to lot coverage in those zones located within the Pinelands areas.

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2023-28, Michael Capodicasa, 2 Sarnesfield Way, 6401/1.01, ZVE-1162
Approval of a bulk variance for the side yard setback for an existing accessory structure.

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Recorded Vote

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

Resolution #2023-29, Jamie Griffith, 4 Sarnesfield Way, 6401/3, ZVE-1163

Approval of a bulk variance for the side yard setback for an existing accessory structure.

Recorded Vote

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

Resolution #2023-30. Accepting the 2022 Annual Report of the Medford Zoning Board of Adjustment

Recorded Vote

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

APPLICATIONS/OFFICIAL:

Ryan & Jennifer Keane, 17 Filbert Street, 1809/1, ZVE-1167

Seeking Certificate of Appropriateness/Historic Village Review and bulk variance approvals for side yard and front yard setbacks for two additions to the principal structure.

SWORN: Ryan Keane, Owner

Mr. Keane opened his testimony by describing that the dwelling was vacant and had been gutted when he and his wife purchased the property in 2021. They had relocated from another property in Medford, but wanted to be in the historic Village area with all that is going on in terms of restaurants, breweries and the general walkability of the neighborhood and parks. They plan for this to be their retirement property, and are committed to restoring the property to its original historic architecture and will maintain the character of this historic district.

In order to make the house more functional, a kitchen addition with a pantry and half-bath is being proposed. The kitchen currently has 7' walls and is believed to have been constructed in the 1920's; and does not match the rest of the historic dwelling. A screened in porch is also being

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proposed to add outdoor living space. The variances are required since the lot is undersized.

Mr. Keane continued that there will be no changes to the color scheme and windows will be new but look old to match the originals. It will be clapboard siding and the eaves and soffits will be similar to those existing on the dwelling. When completed the architects goal was to remain period authentic.

He stated there are many possibilities for the interior, but some of the dwelling was too far gone to restore. He opined the last owner had deferred much of the maintenance. Mr. Keane reiterated that he did not purchase the property as an investment given the amount it will cost to rehabilitate, but more as a “labor of love” in order to be able to reside in the Village.

Mr. Keane continued that the proposed improvements would not affect the neighboring properties, but rather enhance the neighborhood aesthetic by rehabbing the formerly vacant property that had been neglected for quite a while. No other improvements are planned at this time, as the property does have a detached garage and macadam area large enough to park two vehicles.

Mrs. Taylor acknowledged that Mr. & Mrs. Keane had submitted a historic statement dated October 10, 2023 in response to her September 20, 2023 review letter. Based upon her review of the architectural plans, the historical statement, and the rescue and saving the historic dwelling, she is supportive of the application. Her letter delineated the variances needed: 15 feet or the average of the neighborhood down to 6 feet is the permitted side yard setback, 6.8 feet exists to the projecting bay, 12 feet exists to the front dwelling corner, and 10 feet is proposed for the addition; and 15 feet or the average of the neighborhood is the permitted front yard setback from Mulberry Street, 4.8 to 8.6 feet exists to the building wall, and approximately 10 feet is proposed for the addition.

Mrs. Taylor added that an additional street tree should be provided on Mulberry Street. In regards to lighting, Mr. Keane explained that he does plan to install new fencing, and will only be illuminating the access point to the dwelling, and will adhere to Mrs. Taylor’s recommendations. He has conferred with Ms. Bell in regards to the planned new fencing, and she has confirmed the planning fencing conforms to the Ordinances and will not require Variance relief.

PUBLIC:

Frank Sonsini – 47 Bank Street – His side yard adjoins the Kean’s property. He has concerns about the proposed side yard setback, specifically what protections his property will have during construction. Mr. Dasti responded that this is not the Board’s purview; it is handled as a part of the construction permitting process. Mr. Sonsini also asked about potential adverse effects from drainage. Mrs. Taylor replied that Mr. Noll was not present; however, he did not mention any concerns during the staff and professional review meetings. She added that a grading plan is required as a part of the construction permit application process, and permits cannot be approved without this type of plan. The Construction Code Official does consult with Mr. Noll as needed for grading and drainage if the grade is proposed to change due to the proposed construction.

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

MOTION: Mr. Wolf made a motion to approve the application as submitted; and to also grant the Certificate of Appropriateness, with the condition that the applicant adhere to the comments in the Board Planner's review letter. Mr. Simmers seconded.

Recorded Vote:

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

Medford Memorial VFW Post No. 7677. 317 Church Road, 707/13.01, ZVE-1168

Seeking a Use Variance for a conditional use and bulk variance approvals (building coverage and setbacks) to construct a 516 square foot deck without a roof onto the rear of the building.

SWORN: Patrick McAndrew, Esq.
Shawn Fishburn, PE
Steven Patras, VFW Post representative

Mr. McAndrew opened the testimony by describing the project to add a deck without a roof onto the existing VFW Hall building. Being that the VFW Post hall is a conditional use in the zone district, a Use Variance is required, as well as two bulk variances; whereby "recreational use" buildings must be 100 feet from an adjacent property line, and the applicant is proposing 61.9 feet from the northern property line and 96 feet from the easterly property line. He further explained that the lot is non-conforming, thus the setback reliefs are needed for the project as proposed. Lot coverage relief is also requested whereby a maximum is 10% is permitted, and 11.5% is requested. The deck is to be located over existing impervious surfacing. Mr. McAndrew also noted a site plan waiver is also being requested, as a site plan partially accommodating the site plan requirements in Section 800 of the Land Development Ordinances has been provided.

Mr. Patras was next to testify. He is the House Chairman for the VFW Post, and as such oversees site management and maintenance. He explained that the deck is intended to be used on nice weather days for visitors to be able to sit outside of the hall. Being outside, the use is anticipated to be seasonal. The location for the deck was determined to be best suited to use, as an existing window will be converted to a door. No parking spaces are anticipated to be lost.

Mr. Patras continued that no negative impact would result from the deck addition, as the closest neighbor operates a farm salvage yard that is full of "antiques." There will be no new exterior lighting, but the existing motion sensor security lights mounted to the building will remain. There will not be any outdoor music or speakers.

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Based upon Mrs. Taylor's correspondence, the VFW will agree to add two bollards on the corner of the deck closest to the parking lot, and convert the two parking spaces to motorcycle parking spaces.

Mr. Fishburn was available to answer any Board member questions, but there were none.

Mrs. Taylor referenced her September 21, 2023 review letter. She stated her questions had been addressed, and she has no major issues or concerns with the application as submitted. Her only comment was the addition of more landscaping should Board members request some.

PUBLIC:

Patrick Kavanaugh – VFW Post Treasurer – He stated that the deck would be located in an innocuous area and will only be able to be partially seen from the roadway. The location also provides both partially sunny and shaded areas. The VFW also changed the parking lot configuration and driveway per the Board professionals' recommendations.

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

MOTION: Mr. Meehan made a motion to approve the application as submitted, including granting of the d (1) conditional use variance, the site plan waiver and the bulk variances for setbacks and lot coverage as proposed, conditioned upon installation of the parking bollards per the Board professionals recommendations. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Meehan, Pullman, Simmers, Wolf, Umba, 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. Meehan made a motion to adjourn the October 18, 2023 Zoning Board of Adjustment meeting at 7:40 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Recording Secretary

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