

## MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

20 September 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, Meehan, Pullman, Rickards, Wolf, Umba, Morrison  
Absent: Simmers  
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Ann Bell

**CORRESPONDENCE:** 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 October 2023 meeting without the requirement to re-notice, 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 October 18, 2023 Zoning Board meeting, without the need to re-notice. Mr. Wolf seconded.

### Recorded Vote:

Ayes: Hamilton, Meehan, Pullman, 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.

### MINUTES:

August 20, 2023 Regular Meeting – Mr. Hamilton made a motion to approve the August 20, 2023 Zoning Board Regular Meeting Minutes. Mr. Wolf seconded the motion. Mr. Meehan and Mr. Pullman recused themselves. A unanimous voice vote in favor by the other members carried the motion.

**REPORTS:** Ms. Bell noted she will have the 2022 Annual Report ready for the next meeting.

### RESOLUTIONS TO BE MEMORIALIZED:

**Resolution #2023-25, Warren J. Mazzochette on behalf of the Vergara Residence, 39 Hampshire Way, 4101.02/23, ZVE-1165**

Bulk Variance approvals to construct a front porch and an entranceway element that exceeds the 45% maximum linear distance of the foundation wall and exceeds the minimum front yard setback allowed.

Recorded Vote

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

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**Resolution #2023-26, Adam and Cristina Donofrio, 225 Pine Boulevard, 3304/7, ZVE-1164**  
Approval of bulk variances for front and side yard setbacks to construct an addition to the garage.

Recorded Vote

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

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**Resolution #2023-27, Jennifer A. Lynch, 39 Union St., 1601/11, ZVE-1159**

Approval of a use variance and bulk variances to construct an addition to the existing residential dwelling and a two-car detached garage with a second floor.

Recorded Vote

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

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**APPLICATIONS/OFFICIAL:**

Dennis V. Mordan, 151 Taunton Blvd., 3312/2.02, ZVE-1166 – Seeking bulk variance approval for a circular driveway.

**SWORN:** Robert Kingsbury, Esq.  
Dennis Mordan, Owner

Mr. Kingsbury opened the testimony by acknowledging that Burlington County officials, who have purview over Taunton Boulevard, had said they would not approve the two driveway entrances onto their roadway after an informal inquiry. However, the applicant wishes to move forward with the application; and should the Board be inclined to approve the application he understood and will accept a condition that any Board approvals will be contingent upon the County granting approval.

Mr. Dasti advised Board members it would be most prudent for the applicant to seek the County approvals first; and he would recommend that Board members carry the application to the October meeting without the requirement to re-notice.



Mr. Mordan explained that he reached out to the County when Mr. Noll's review letter indicated County approvals would be required. Mr. Modan added he just purchased the property in June of 2023 from the builder, which includes a new single family dwelling on a lot where the original dwelling was demolished. The builder did submit a permit for approval of the driveway, but was denied as a variance and design waivers were required. The builder placed a temporary raised flower bed on the 2<sup>nd</sup> leg of the driveway, and Mr. Mordan closed on the purchase without approvals in place.

Board members expressed their opinion that the application should be carried per Mr. Dasti's recommendation. Upon Chairman Cocivera's inquiry, no one from the public was present who wished to speak on this application.

**MOTION: Vice Chairman Rickards made a motion to carry the application to the October meeting without the need to re-notice. Mr. Hamilton seconded.**

**Recorded Vote:**

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

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**Michael and Chantel Capodicasa, 2 Sarnesfield Way, 6401/1.01, ZVE-1162** – Seeking bulk variance approvals for side yard setback relief for an existing accessory structure (pole barn garage).

**Jamie Griffith, 4 Sarnesfield Way, 6401/3, ZVE-1163** – Seeking bulk variance approvals for side yard setback for an existing accessory structure (pole barn garage).

\*Mr. Dasti announced that these two applications would be heard together, since they are directly related to each other by way of an existing pole barn garage that encroaches on an adjoining property.

**SWORN:** Peter Rhoads, Esq.  
Chantel Capodicasa, Owner-2 Sarnesfield Way

Mr. Rhoads acknowledged to the Board that he was representing both applicants. He opened the testimony by explaining that the Capodicosas obtained a Zoning Permit in 2019 to construct a 20' x 40' pole barn garage. It only has one garage door as they only park their classic car in it. The rest is used for storage, lawn and pool equipment, bicycles, etc. It was built on a concrete foundation, and has electric. As represented on the Zoning permit, it was built 15-20' from the neighbor's fence, which they were told was on the adjoining neighbor's property line. It was swung slightly to be parallel and align with the dwelling, but they believed the setback would still meet the requirements.

When the neighbor's (Griffith's) applied for a Variance in 2022 and obtained a new survey, it was discovered that the Capodicasa's garage had encroached on the Griffith's property.

Since that discovery was made, the neighbors have negotiated an easement for the garage to remain as is; which will be duly recorded by the County for any future property owners.

Mr. Dasti further explained that since both property owners require setback variances; this is the reason they are both being heard together.

Mrs. Capodicasa was next to testify. She also explained why it would be extremely challenging and costly to relocate the garage. She confirmed the building has electric but no plumbing. When asked about runoff, she explained the structure has downspouts & gutters, and there have been no issues to date on her property or the Griffith's. The Griffith's did add a landscaped area with trees and wood chips behind the garage, so this helps with any possible water runoff. She also confirmed that only one classic car is parked in the garage. There is no driveway or other access to the garage door.

When asked about the easement, Mr. Rhoads stated that it is not yet drafted, as he was awaiting Zoning Board approvals. But he added it will be recorded by the County as a deed to be legally recognized by all current and future property owners. Mr. Dasti recommended that he review the easement prior to filing, and that copies of the filed and recorded document be submitted to the Zoning Officer for the official records of the variance application.

Mrs. Taylor noted as per her September 11, 2023 review letters for each application, the Capodicastas will require variance relief for having two garages on a property under five acres, and for having more than three permitted garage parking spaces (6 exist if the pole barn garage was used for vehicle parking. She also added that if the garage were ever destroyed, then both owners would need to come back to the Board for the same approvals for it to be re-built in the same location.

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

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

Mr. Dasti stated only one motion and vote was required for both applications.

**MOTION:** Mr. Hamilton made a motion to approve the applications as submitted and grant the side yard setback variances as proposed, along with the variances to #2 Sarnesfield Way for the garage parking spaces and for the two garages; and the condition that the easement be reviewed by the Board Attorney and a filed copy provided to the Board Secretary. Vice Chairman Rickards seconded.

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**Recorded Vote:**

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

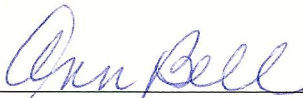
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**EXECUTIVE SESSION:** None

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

**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the September 20, 2023 Zoning Board of Adjustment meeting at 7:38 pm. Mr. Wolf 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

