MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

13 November 2023 - 7:00 p.m. **Public Safety Building - 91 Union Street**

Attorney Patrick Varga 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, Morrison, Rickards, Simmers, Wolf, Umba
Absent:	Hamilton, Meehan
Professional Staff:	Attorney Patrick Varga, Planner Michelle Taylor, Secretary Ann Bell

CORRESPONDENCE:

(1) Board Secretary Ann Bell received correspondence from the Attorney for Goodwill Industries (11 Tomlinson Mill Road) asking that the application be carried to the December 13, 2023 meeting.

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

Recorded Vote:

Ayes:	Morrison, Simmers, Wolf, Umba, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6 – 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 December 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 December 13, 2023 Zoning Board meeting, without the requirement to re-notice. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Morrison, Simmers, Wolf, Umba, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6 – 0 – 0

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

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution # 2023 – 31 Ryan & Jennifer Keane, 17 Filbert Street, 1809/1, ZVE-1167
Approval of Certificate of Appropriateness/Historic Village Review and bulk variance approvals for side yard and front yard setbacks for two additions to the principal structure.

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

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

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

APPLICATIONS/OFFICIAL:

Brian Tait, 16 Yorkshire Drive, 2703.02/22, ZVE-1169 – Bulk Variance application for side yard and front yard setbacks and overall building coverage for a front porch.

SWORN: Brian Tait, Applicant

Mr. Tait opened his testimony by describing his proposed front porch addition. He detailed that it will match the house, and the roof is proposed to be black metal. Recessed lighting is proposed in the soffit, as are two ceiling fans.

Mrs. Taylor detailed the variances required as outlined in her September 20, 2023 Review letter, being a front yard setback of 41.68' where 50' is required; a side yard setback of 10' where 30' is required and 12.59' exists; and building coverage relief whereby 14% is proposed and 12% is

permitted and currently exists. As her review letter recommended, warm recessed lights should be used (3K) and the Board members should consider a condition that the new porch cannot be enclosed. She opined that the front porch is an aesthetic improvement to the neighborhood with the porch design including the railings and steps.

PUBLIC: None

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

MOTION: Mr. Simmers made a motion to approve the application as submitted; with the conditions that (1) the porch cannot ever be enclosed in the future, and (2) warm lighting is used in the soffits per the Board Planner's recommendation. Vice Chairman Rickards seconded.

Recorded Vote:

Ayes:	Morrison, Simmers, Wolf, Umba, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6 – 0 – 0

Ronald & Joanne Powell, 155 Taunton Blvd., 3312/1, ZVE-1171 – Bulk Variance application for exceeding the side yard setback to construct a deck onto the rear of the dwelling.

SWORN: Ronald & Joanne Powell, Applicants

Mrs. Powell opened her the testimony by describing the project to add a deck onto the rear of their dwelling, because of the layout of their lot and orientation of the dwelling, would be considered the side of the house. The deck will face the lake so the she and her family can enjoy the views. She also noted it is very sloped in the rear yard so there is no real area for them to set up anything outside such as patio sets. It will be off the kitchen to eliminate the use of steps, since the second story is the living area. They plan to use the existing door to access the deck.

Mrs. Powell further described that the deck will be constructed from TimberTech to match the log siding. The only lights that may be used would be small lights on the deck railing posts.

Mrs. Powell acknowledged that one corner of the deck would be 44.7' where 50' is required. She and her husband spoke with the neighbor on that side, who sent a letter to the Board Secretary since he is away and cannot testify stating the proximity to his house is okay and will not impede his view of the lake, thus he has no objections. Mrs. Powell also stated they would need a lot coverage variance as 30.9% is proposed and only 30% is permitted.

Mrs. Taylor did not have a review letter, as the variance relief numbers requested were correct and the photos submitted sufficiently documented the proposal. She had no other comments.

PUBLIC: None

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. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Morrison, Simmers, Wolf, Umba, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6- 0 – 0

Res-Care, Inc., 268 Hopewell Road, 5604/6, ZVE-1170 – Bulk Variance application for retroactive approval of a driveway and parking area exceeding the maximum lot coverage.

SWORN: Jeffrey Brennan, Esq., Baron & Brennan Associates
Lisa Kubisiak, Exec. Dir. of NJ Programs for Bright Springs Health Care, Applicant's Representative

Mr. Brennan opened the testimony by explaining that the Bright Springs company has been the leaseholder of the property since November of 2019, and operates the single family dwelling to house adults with developmental disabilities. The property overall is 1/3 of an acre located in the RGD-1 zone district. He acknowledged that the paving has already been completed, and resulted in a lot coverage increase from 20% to 40%. There had been a gravel U-shaped driveway and this was paved, as was an additional area in the rear yard to park the lift equipped transport van and employee's vehicles.

Bright Springs/Res-Care was not aware that permits would be required from the Township, or that there was any limitations on the amount of paving.

Mr. Brennan next described the dwelling as having four bedrooms and three bathrooms. It has a full fire alarm and sprinkler system. Four adult residential clients reside there. One to 2 staff provide client supervision 24/7/365.

The van is used to transport the residents, and the turning radius of the driveway is needed to safely enter and exit onto Hopewell Road. Mr. Brennan described the original driveway as gravel circular driveway in poor condition when Res-Care took occupancy.

Board members questioned if the circular driveway had ever been permitted. Ms. Bell found no documentation in the Planning & Zoning files of any such approvals being granted. Mrs. Taylor referred to Mr. Noll's review letter dated November 2, 2023 recommending removal of the circular

driveway as it is not permitted and creates an unsafe condition on Hopewell Road. He would recommend allowing enough paving to remain to accommodate K-turns. Mrs. Taylor and Mr. Noll both noted the south side of the driveway's closeness (approx. 2 feet) to the adjoining property, where a driveway should be a minimum of 10' from an adjoining property, which Mr. Noll stated could create stormwater runoff adverse effects. Mr. Brennan explained that this portion of the driveway was done to allow use of the second entrance on the side of the dwelling for client access.

Ms. Kubisiak noted that in addition to the van, the staff also park their vehicles on the large pad in the rear yard.

Mr. Brennan commented that the use as a group home is an inherently beneficial use under NJ Municipal Land Use Law; and the testimony has detailed the driveway was constructed to address health and safety concerns. The amount of impervious is a small detriment overall in the zone district and Medford zone plan; and this is a "C" variance and not a C1 variance request.

Mrs. Taylor commented that there is over 4,000sf of impervious driveway to accommodate one van, which is out of balance versus other properties in the neighborhood. Ms. Kubisiak responded that it was their operational judgement in the design of the driveway and rear yard pad.

PUBLIC:

Brian Green – 265 Hopewell Road. Mr. Green stated the driveway is enormous. He normally would not care, but as a 44-year resident, he said that in about 2018, eight large mature and healthy oak trees were removed, leaving no trees on the lot. For some reason, the Blue Lake HOA did not enforce their rules, as every other lot in the development is heavily wooded and live trees cannot be removed. This, coupled with the 4000sf of asphalt, is contributing to added water in his basement, up to a ¼ inch every time it rains heavily since the trees were removed and the paving added. He is an engineer and has noted the topography that allows the surface runoff towards his house another house across the street. His request is that the Board require the applicant to remove some of the asphalt and add more trees to the lot.

Mr. Brennan asked Mr. Green if the road is crowned. Mr. Green responded yes. Mr. Brennan also asked if the driveway was always horseshoe shaped. Mr. Green said that to the best of his recollection when he moved to his property in 2016 the former owners were using the driveway as if it was horseshoe shaped but there was only some loose stone on the ground.

Lora Webster (w/spouse Gary) – 28 Pocahontas Trail. Mrs. Webster stated she and her husband have lived at this address for 28 years. They use Sacajawea Trail to access Hopewell Road so trees near the roadway may block the sight triangle to the left. She also stated that the van blocks the sight triangle onto Hopewell. She also noted the property is leased, but asked what would happen if the property was sold? It looks like a business parking lot. In regards to the horseshoe driveway, she stated that it had been sand and stone. She submitted an OPRA request and no driveway permits were obtained. She also stated that a fence on the property was removed to add more driveway blacktop, so it must be very close to the property next door. The company that did the

blacktop work parked their equipment on Pocahontas Trail and blocked driveways and left the road damaged and refused to repair it.

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

Mr. Brennan asked the Board to look at this as one property in a town of over 40 square miles. The testimony from Mr. Green should be discounted, as he presented no evidence that the increase in the impervious coverage contributed to his basement water intrusion issues. The use is inherently beneficial and needed for the operation of the group home.

Chairman Cocivera stated that the Board questioning is not about a group home use. He asked Mr. Brennan if the applicant would be willing to remove any of the impervious surfacing. He specifically noted that the width of the driveway to the rear yard pad is unnecessary, and the pad itself is excessive in size. He also asked if the applicant would be willing to close off one driveway entrance since K-turns for safety could be effectuated. Lastly, Chairman Cocivera asked if the applicant would be willing to add trees as aerial photography notes the clear-cutting of all the trees on the property.

Several of the Board members concurred with Chairman Cocivera's comments, with Mr. Morrison adding that his inclination was to ask that either the pad be eliminated or the driveway reduced. Mrs. Taylor concurred.

Mr. Brennan asked for a five-minute recess to consult with his client.

When the meeting resumed, Mr. Brennan stated that it is most critical for his client to maintain the U-shaped driveway. They will decrease the rear yard driveway by aligning with the setback of the driveway apron and will remove an additional 10 foot of width in the rear yard.
Exhibit A-1 was a marked up survey with the driveway reductions hand drawn in. This also included a reduction of the flair in the driveway apron, in accordance with the Board Engineer's recommendations. The applicant is also willing to plant up to five trees per the Board Planner's recommendations where they would make sense (avoiding septic field) Mrs. Taylor noted trees should be Pinelands native species.

Mrs. Taylor commented that both she and Mr. Noll recommend that the south side of the circular driveway be removed (Sacajawea Trail side) because Hopewell Road is a connector road and additional openings are not recommended. She noted that the County has taken this same position on another application before the Board located on Taunton Boulevard.

Mr. Brennan asked the Board if they would consider continuing the application to the January 2024 meeting so that the applicant to adjust the plan configuration and have a new site plan/survey competed.

MOTION: Mr. Wolf made a motion to continue the application to the January 2024 meeting without the need to re-notice. Vice Chairman Rickards seconded.

Recorded Vote:

Ayes:	Morrison, Simmers, Wolf, Umba, Rickards, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6- 0 – 0

EXECUTIVE SESSION: None

ADDITIONAL ACTION(S) BY THE BOARD: None

MOTION FOR ADJOURNMENT:
Mr. Simmers made a motion to adjourn the November 13, 2023 Zoning Board of Adjustment meeting at 8:53 pm. Mr. Morrison seconded the motion. The voice vote was unanimous in favor.

Ann Bell

Ann Bell, Zoning Board Secretary

Beth Portocalis

Beth Portocalis, Recording Secretary