

# MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

13 December 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, Hamilton, Meehan, Morrison, Simmers, Wolf  
Absent: Rickards, Umba  
Professional Staff: Attorney Patrick Varga, Engineer Christopher Noll, 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 January 2024 meeting.
- (2) Chairman Cocivera & Ms. Bell stated the January 2024 meeting will be changed to Wednesday, January 31<sup>st</sup>. It will start at 6:30 pm for the Re-Organizational Meeting; and the Regular Meeting will start at 7:00 pm.

**MOTION:** Mr. Hamilton made a motion to approve the request to carry this application to the January 31, 2024 Zoning Board meeting, without the requirement to re-notice. Mr. Wolf seconded.

### Recorded Vote:

Ayes: Hamilton, Meehan, Morrison, Simmers, Wolf, 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.

### MINUTES:

November 13, 2023 Regular Meeting – Mr. Simmers made a motion to approve the November 13, 2023 Zoning Board Regular Meeting Minutes. Mr. Wolf seconded the motion. Mr. Meehan recused himself. A unanimous voice vote in favor by the other members carried the motion.

**REPORTS:** None

### RESOLUTIONS TO BE MEMORIALIZED:

**Resolution #2023-33, Brian Tait, 16 Yorkshire Drive, 2703.02/22, ZVE-1169** – Approval of a Bulk Variance application for a front porch requiring side yard and front yard setbacks and exceeding the permitted building coverage.

Recorded Vote

Ayes: Morrison (2), Simmers, Wolf (M), Cocivera  
Nays: None  
Abst.: None  
Motion carried: 4 - 0 - 0

---

**Resolution #2023-34, Ronald & Joanne Powell, 155 Taunton Blvd, 3312/1, ZVE-1171**

Approval of a Bulk Variance application for a deck on the rear of the dwelling exceeding the permitted rear yard setback.

Recorded Vote

Ayes: Morrison, Simmers (2) Wolf (M), Cocivera  
Nays: None  
Abst.: None  
Motion carried: 4 - 0 - 0

---

**APPLICATIONS//OFFICIAL ACTIONS:**

**Dennis Mordan, 151 Taunton Blvd., 3312/2.02, ZVE-1166** – Bulk Variance and design waiver application for a circular/horseshoe driveway.

**SWORN:** Dennis Mordan, Owner

Mr. Mordan had initially testified at the October 18, 2023 meeting; but the Board voted to continue the application until Burlington County had rendered a decision to approve the additional road opening onto Taunton Boulevard, a County Road where they have jurisdiction. Mr. Mordan advised the Board that he had received County approvals to have two entrances/exits onto Taunton Boulevard. He stated there would be no changes to the driveway in its current configuration, other than removing the temporary flower bed barrier that had been erected to block use of the unapproved section.

Mr. Noll referred to his August 17, 2023 review letter. He summarized the two design waivers required: one for the setback from the right-of-way, and the other for the length between the “legs” of the driveway. He noted the County approval was verbal and that Mr. Mordan had not received approval confirmation in writing.

Mr. Noll opined that the driveway is aesthetically pleasing, and the fact that the lot is small prohibits Mr. Mordan from designing a conforming circular driveway. Mr. Noll concluded that he would recommend approval based on safety factors; specifically, that Mr. Mordan or his guests will not need to back out onto Taunton Boulevard when exiting.

Medford Township Zoning Board of Adjustment Meeting Minutes  
13 December 2023  
3

**PUBLIC:** None

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

**MOTION:** Mr. Wolf made a motion to approve the application as submitted; with the conditions that the Zoning Official be given a copy of the County approval letter prior to the issuance of the Zoning Permit of approval. Mr. Simmers seconded.

**Recorded Vote:**

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

---

**Joseph Leahy, 107 Yorktown Court, 5301.07/6, ZVE-1173** – Bulk Variance application for exceeding building and lot coverage requirements for the construction of a deck.

**SWORN:** Joseph Leahy, Owner

Mr. Leahy opened his testimony by describing his bi-level home. The lot layout is unusual, and the dwelling is set back considerably from the roadway. In addition, there is a 30' wide easement on the lot. He further described that the 320sf deck will be constructed of Trex materials and will match the dwelling. He further noted that many other houses in the development have similar-sized decks on the same side of their properties.

Mrs. Taylor acknowledged that the variance relief requested was nominal. She asked about plans for lighting, and Mr. Leahy stated that lights are only planned over the entrance/exit doors from the dwelling to the deck.

**PUBLIC:** None

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

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

**Recorded Vote:**

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

---



**Andrew Massaro, 5 Lynnefield Court, 3202.12/31, ZVE-1175** - Bulk Variance application for exceeding the maximum building coverage and rear yard setback for the construction of a deck.

**SWORN:** Andrew Massaro, Owner  
Jason Vico, Architect

Mr. Massaro opened his testimony by detailing that he had purchased the property three years ago. The lot had a large in-ground pool with a wooden deck and wrap-around flagstone. He estimated the pool was 40 years old, and as the pool, deck and flagstone were falling apart, he decided to remove all of it, including the pool equipment. He now wants to replace the pool area with a 527 square foot (16'4" x 32'2") attached deck onto the rear of the dwelling in order to expand the livable space and enjoy the rear yard area. The deck is proposed to have a hot tub on it. The hot tub will have built-in lights, but no other new lighting is proposed.

Both Chairman Cocivera and Mrs. Taylor noted that the survey submitted shows the shed and fence encroaches onto adjoining properties. Mr. Massaro said he purchased the property with both improvements, and he was not aware of the encroachment until he had the survey prepared. He stated he will relocate both onto his property, and the shed will comply with the minimum 5-foot setback requirement. A small cement patio at the end of the driveway also encroaches on a neighboring property, and he will remove the portion on that property. He confirmed no trees will be removed.

Mrs. Taylor's October 31, 2023 review letter summarizes the variance reliefs required. She acknowledged the 30' wide conservation easement area limits the use of the rear yard area. She noted the coverages are decreased due to the removal of the in-ground pool and the surrounding deck and flagstone, and the removal of the old pool and the new deck will be an improvement to the property and neighborhood.

**PUBLIC:** None

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

**MOTION:** Mr. Hamilton made a motion to approve the application as submitted, contingent upon relocating the fence, shed, and concrete block. Mr. Simmers seconded.

**Recorded Vote:**

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

---

**Mathoan Gas #7, LLC, 174 Route 70, 903.02/26.03, ZVE-1156** – Use Variance and Minor Site Plan application for a gas station and convenience store in the Highway Commercial 1 District.

Robert Baranowski, Esq., Attorney for the applicant requested that the application be carried to the January 2024 meeting without the need to re-notice, as (1) the applicant would prefer to have a full board present for the Use Variance application; and (2) the applicant would ask for more time to add more details to the plans in response to the Board professionals review letters. He also agreed on behalf of the Applicant to a time extension to hear the application.

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

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

**Recorded Vote:**

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

---

**ACDT.BIZ, LLC, 560 Stokes Rd., Suite 1, 4801.02/18.01, ZVE-1174** – Use Variance application to allow a dog training facility in the Community Commercial Zone District.

**SWORN:** Patrick McAndrew, Esq., Attorney  
Perry Parks, Owner/Applicant

Mr. McAndrew opened the testimony by explaining the need for the Use Variance, as the proposed use is a new use type not covered in the land use ordinances. No site plan application is required, as the business will only be occupying the first-floor space (approx. 3,000 sf) in the former Sports Paradise tenant space unit.

Mr. Parks was the next to testify. He stated that he was a career (25 year) Police Officer and head of the Canine Unit for the Medford Police Department. He has an existing dog training facility located at Tidswell & Charles Streets, which the Board has previously granted use variances for. The majority of his clients there are law enforcement agencies. His plan is to train law enforcement canines there for two more years. At this proposed location he will be working with pet dogs. Due to the size of the unit, he will be working with smaller amounts of dogs; registrations will be limited by the use of an on-line registration program. All the training will be done inside. The landlord is providing a 100' x100' space in the rear of the building for dog toileting.

Mr. Parks continued that the business hours will be 9 am – 8 pm Mondays through Fridays. He is also planning a small retail area to sell dog training equipment and high-quality frozen dog foods. Deliveries will take place every 1 to 2 weeks. The retail store will be open on Saturdays. The



deliveries will take place to the rear of the unit; and being a large shopping center there is sufficient space for the box truck or tractor trailer to make the delivery and navigate out of the center. He stated there will be no boarding, no kennels, or no dog grooming services offered. He plans to reface the existing sign boxes for the unit and does not propose any other signage.

Mr. Parks explained how the dog waste will be managed and cleaned up by employees. The dogs will use the outside area before and after classes. He has a contract with a firm that will haul the dog waste away on a regular basis. There will be up to 5 employees; and at any one time will be 1-2 employees and the dog owners.

Mrs. Taylor had no additional comments for her November 3, 2023 review letter. She acknowledged this center is located in the middle of a community commercial zone with no residential neighboring properties. The rear of the buildings is buffered by thick woods, so the dogs toileting in the rear will not affect any adjoining businesses. She also opined that the proposed use is akin to private educational services which is a permitted use in the community commercial zone district.

**PUBLIC:** None

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

**MOTION:** Mr. Hamilton made a motion to approve the application as submitted, including the use of up to 3,000sf in any other unit of the Ironstone Center should the business need to relocate. Mr. Meehan seconded.

**Recorded Vote:**

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

---

**Mark Springer, 102 N. Lakeside Drive E., 4902/119, ZVE-1176** – Bulk Variance application for exceeding the front yard setbacks and lot coverage requirements to construct residential dwelling additions and an oversized detached garage on a residential lot.

**SWORN:** Mark & Ann Springer, Owners

Mr. Springer opened his testimony by stating that he and his wife just recently purchased this corner lakefront property as a home to raise their family. It was neglected by its former owners and is in need of extensive rehabilitation work. He and his wife also wish to expand the square footage for additional family living space, to include an entry foyer of 36sf, a covered front porch of 124sf, and a rear porch of 560sf. He described the house as a bi-level that has no storage areas. Due to the vaulted ceilings, there is no attic.

He is also requesting approval for a detached 2-story garage for their children's bikes, canoes & kayaks, and a classic car, plus their vehicles. The garage size is proposed at 40' x 30' (1200sf) in order to park his work pick-up truck with a hitch. The detached garage will be connected to the dwelling by a new 300sf roofed breezeway.

The dwelling exterior will be completely re-done with clapboard, board & batten and vinyl treatments, and a metal roof. The color scheme will be mist blue with gray. The proposed garage will match and will look like a "mini-house" with dormers and window flower boxes. It will be aesthetically pleasing being at the entrance to the neighborhood. The second story will be used for storage. He acknowledged the garage is proposed to be 13' from the road, but the location cannot be on the other side of the property. The breezeway location is for AC condenser and gas meter clearance. Two trees will need to be removed for the garage. He added that there are some dead trees and trees covered in vines along Jackson Road. There will be no added lighting, just over the doorways.

When asked if he will be operating a business from the property, Mr. Springer stated he will not. He has space in Chesilhurst to store his other construction business equipment, vehicles and materials.

Mrs. Taylor referenced her November 7, 2023 review letter. The survey provided in the application has the correct calculations. She noted that the proposed 4' aluminum fence along Jackson Road will also require a Variance as that is technically in the second front yard of the corner property and only wood fences of 4' with 50% opacity are permitted.

Mrs. Taylor continued that the proposed garage will only be 11.5' from the Jackson Road right-of-way. Garages are permitted to be no more than 45' wide x 24' deep, totaling 1,080 square feet, and 1,200sf is proposed. The garage door is proposed to be 16' wide. This is more of a commercially sized garage and the Board should be concerned about the possibility of a business operating from the neighborhood setting. She also noted the 28' x 20' rear porch is very generous and a sizable addition.

Mr. Springer stated that he is willing to reduce the depth of the garage to 27 feet; and reduce the porch by 3 feet to 25 feet x 20 feet. This would create a new front yard setback of 10 feet, and the front porch will be 32.5 feet from North Lakeside Drive East. This will also slightly reduce the proposed building coverage.

In regard to the trees, Mr. Springer agreed to stake out for new native species trees with Mrs. Taylor.

The Board members next discussed the fence. Mr. Springer explained it will surround three quarters of the lot and will not include the North Lakeside Drive frontage. The fence along the lake in the rear yard is for the safety of their children. Black aluminum was selected as it will better match the reconstructed dwelling and porch additions.



**PUBLIC:** None present.

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

**MOTION:** Mr. Hamilton made a motion to approve the application as submitted, with the conditions of (1) reduce the garage depth by 3 feet; (2) reduce the rear porch by 3 feet; and (3) consult with the Board Planner in regard to tree removal and replanting. Mr. Meehan seconded.

**Recorded Vote:**

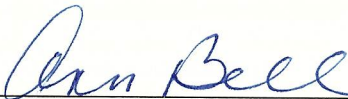
Ayes:	Hamilton, Meehan, Morrison, Simmers, Wolf, Cocivera
Nays:	None
Abst.:	None
Motion carried:	6- 0 – 0

---

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

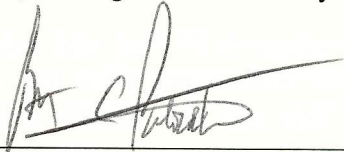
**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the December 13, 2023 Zoning Board of Adjustment meeting at 8:54 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.



---

Ann Bell, Zoning Board Secretary



---

Beth Portocalis, Recording Secretary