

**MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING**

31 January 2024

6:30 p.m.

Public Safety Building, 91 Union St.

Attorney Jerry Dasti called the meeting to order at 6:36 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

SWEARING IN OF NEW AND REAPPOINTED MEMBERS

Brandon Morrison-Four year term, Richard Rickards-Four year term, Robert Simmers-Four year unexpired term, Dana Umba-Four year unexpired term, James Meehan-Alternate I, Michelle Voorhees-Alternate II

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Cocivera, Hamilton, Morrison, Rickards, Simmers, Umba, Wolf, Meehan, Voorhees
Absent: None
Professional Staff: Attorney Jerry Dasti, Acting Secretary Beth Portocalis

EXECUTIVE SESSION – Mr. Hamilton made a motion for an Executive Session at 6:37 pm. Mr. Rickards seconded. The meeting reconvened at 6:59 pm

RE-ORGANIZATION

NOMINATION & ELECTION OF CHAIRPERSON: Mr. Wolf nominated Mr. Cocivera. Mr. Simmers seconded. Motion to accept Mr. Cocivera's nomination was made by Mr. Hamilton. Mr. Wolf seconded. Being no other nominations, the roll call vote was unanimous in favor. (9-0)

NOMINATION & ELECTION OF VICE-CHAIRPERSON: Mr. Simmers nominated Mr. Wolf. Mr. Hamilton seconded. Motion to accept Mr. Wolf's nomination was made by Mr. Hamilton. Mr. Rickards seconded. Being no other nominations, the roll call vote was unanimous in favor. (9-0)

RESOLUTION #2024-1 APPOINTING ANN BELL AS BOARD SECRETARY

RESOLUTION #2024-2 APPOINTING BETH PORTOCALIS AS BOARD RECORDING SECRETARY

RESOLUTION #2024-3 APPROVING MEETING DATES

RESOLUTION #2024-4 DESIGNATING THE OFFICIAL & ALTERNATE NEWSPAPERS (Burlington County Times & Central Record)

RESOLUTION #2024-5 APPOINTING JERRY DASTI, ESQ. AS BOARD ATTORNEY

RESOLUTION #2024-6 APPOINTING CHRISTOPHER NOLL, PE/PP AS BOARD ENGINEER

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RESOLUTION #2024-7 APPOINTING MICHELLE TAYLOR, PP AS BOARD PLANNER:

MOTION: Mr. Hamilton made a motion to approve the above Re-Organization Resolutions. Mr. Simmers seconded. The voice vote was unanimous in favor.

ADJOURNMENT: Mr. Hamilton made a motion to adjourn the Re-Organization Meeting at 7:04 pm. Mrs. Umba seconded. The voice vote was unanimous in favor.

REGULAR MEETING AGENDA

Attorney Jerry Dasti called the meeting to order at 7:04 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:	Hamilton, Morrison, Rickards, Simmers, Umba, Meehan, Voorhees, Wolf, Cocivera
Absent:	None
Professional Staff:	Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle Taylor, Acting Secretary Beth Portocalis

CORRESPONDENCE:

J & J Development Group, LLC, 122 East Route 70, 902/1.03, ZVE-1178 – Ms. Portocalis read into the record a January 17, 2024 letter from the Applicant's Attorney requesting the application be carried to February meeting without the need to re-notice so that revised plans can be drawn in response to the Board Professionals review letters.

MOTION: Mr. Hamilton made a motion to carry the application to the February 2024 meeting without the need to re-notice. Vice Chairman Wolf seconded. The voice vote was unanimous in favor.

Res-Care, Inc., 268 Hopewell Road, 5604/6, ZVE-1170 – Ms. Portocalis read into the record an email request from the Applicant's Attorney requesting the application be further continued to the February 2024 meeting to allow additional time to prepare updated plans and surveys.

MOTION: Mr. Hamilton made a motion to carry the application to the February 2024 meeting with the requirement to re-notice. Mr. Simmers seconded. The voice vote was unanimous in favor.

Let the record reflect that Chairman Cocivera asked if any members of the public were present to speak on these applications, and there were none.

MINUTES:

December 13, 2023 Regular Meeting – Vice Chairman Wolf made a motion to approve the December 13, 2023 Zoning Board Meeting Minutes, as corrected. Mr. Simmers seconded the motion. Mrs. Umba abstained. A unanimous voice vote in favor carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2023-35, Dennis V. Mordan, 151 Taunton Blvd., 3312/2.02, ZVE-1166

Approval of Bulk Variances and a design waiver for a horseshoe driveway.

Recorded Vote:

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

Resolution #2023-36, Joseph Leahy, 107 Yorktown Court, 5301.07/6, ZVE-1173

Approval of Bulk Variances for exceeding building and lot coverage requirements for the construction of a deck.

Recorded Vote:

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

Resolution #2023-37, Andrew Massaro, 5 Lynnefield Court, 3202.12/31, ZVE-1175

Approval of Bulk Variances for exceeding the maximum building coverage and rear yard setback for the construction of a deck.

Recorded Vote:

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

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Resolution #2023-38, ACDT.BIZ, LLC, 560 Stokes Rd., Suite 1, 4801.02/18.01, ZVE-1174

Approval of a Use Variance to allow a dog training facility with retail sales in the Community Commercial District.

Recorded Vote:

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

Resolution #2023-39, Mark Springer, 102 N. Lakeside Drive E., 4902/119, ZVE-1176

Approval of Bulk Variances for exceeding the front yard setbacks and lot coverage requirements to construct dwelling additions, a detached garage and front yards fencing.

Recorded Vote:

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

APPLICATIONS/OFFICIAL ACTIONS:

Christine Suchecki, 21 Shadow Oak Drive, 3202.14/7, ZVE-1115 – Seeking a one-year extension for bulk variances approved per Zoning Board Resolution #2022-18.

SWORN: Christopher & Christine Suchecki, Applicants

Mrs. Suchecki explained the delays in starting their approved project was due to issues in securing a contractor.

PUBLIC: No one from the public spoke.

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

MOTION: Mr. Hamilton made a motion to approve the one-year extension. Mr. Simmers seconded the motion.

Recorded Vote:

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

Goodwill Industries, 11 Tomlinson Mill Rd, 5605/7, ZVE-1161 – Use Variance and Minor Site Plan application for a drop-off center within a larger suite in the Community Commercial District.

SWORN: Christopher Norman, Esq., Platt Law Group
Mark Boyd, President & CEO of Goodwill Industries of NJ & PA
Michael Shaw, COO of Goodwill Industries
Michael Avila, PE & PP, Avila Engineering
Andrew Feranda, Traffic Engineer, Shropshire & Assoc.

Mr. Norman opened the testimony by stating that Medford has the number one Goodwill donation center in their entire NJ & PA region. Goodwill is the applicant and is proposing to open a satellite site to divert overcrowding at the location at the corner of Old Marlton Pike and Hartford Road. The site contains a 4200sf building, of which 1500sf is occupied by Donkey's Steaks Sandwich Shop. Goodwill is proposing to develop the other 2700 square feet as a donation center, which will include a 100sf office area and restroom. In contrast the Hartford Road site is 1300sf, of which 800sf is used to hold donations. The 2700sf building area was formerly a convenience store, which generated more traffic.

Mr. Boyed was next to testify. He explained how the site will only accept donations; no retail sales are proposed. He explained the logistical challenges that Goodwill faces at the Hartford Road location, which in November 2023 received 6,852 donations, where their average at all of their other locations is 2,000 per month. To alleviate the pressure at this location, a separate location in the southern area of Medford is being proposed.

Board members asked if all donations will be stored indoors, to which Mr. Boyd responded yes. He explained how the attendant will come out to vehicles and get the donated items from the parked car and carry them inside where all donation bins will be stored. The person making the will only need to come inside if they want a receipt; but Mr. Boyd noted that with the new tax laws the vast majority of people making donations do not want one.

Mr. Boyd continued by detailing there will be three employees present when open, and more will be scheduled if needed. Operating hours will be 8:00 am – 7:00 pm Monday thru Saturday and 10:00 am - 6:00 pm on Sundays. The site contains 18 parking spaces. Deliveries will be coordinated with Donkey's. Donations will be picked up with 28-foot box trucks since tractor trailers cannot navigate on the site. No trucks will be parked overnight outside. The site does not accept large donations such as appliances that would have to be stored outside. All items are taken off-site and sorted at another location, so no dumpsters or new trash enclosures are needed.

Mr. Shaw was next to testify. He stated that Goodwill is in negotiations to purchase the Old Marlton Pike property, with the intention to construct a new, larger building to better meet the demand. Mr. Dasti noted that testimony to the other site was not relevant to this application.

Mr. Avila was next to testify. He introduced Exhibit A-16, a display board site layout plan dated January 31, 2024. He described the site in detail, being located on County Route #619 with two existing points of access. One is for ingress and one is for egress, that will be controlled with signage and striping. The parking lot will also be restriped, and the spaces will be straight rather than the current angular/perpendicular; and a 26' wide drive aisle will be provided. This aisle will be wide enough to maneuver a box truck, which will be the largest size truck used by Goodwill to service this location.

Mr. Avila went on to describe the proposed aesthetic improvements, including a parapet roof feature as the current flat roof is difficult to enhance. This area will be where the Goodwill signage is located. There will be a double wide entry door in the front, and a garage door on the side where donations will be loaded, as well as for convenience to offload large-sized donations. The building is surrounded by woods, and no lighting impacts from the proposed improved site lighting are anticipated as the applicant will comply with the Board professionals' recommendations.

Mr. Feranda was next to testify. He discussed the results of his October 31, 2023 Traffic Study. The study was based on recorded traffic on Tomlinson Mill Road to determine the peak commuter hours on both weekdays and weekends, and contrasted that with the projected trips to the Goodwill facility and also the Donkey's Sandwich shop. The Goodwill anticipated trips were based upon Goodwill's drop-offs from all of their other facilities, since the Hartford Road site was an anomaly being more than double their other facilities. He summarized there would be 25 weekday trips and 66 midday weekend trips. The level of service per national ratings is a "C." Left turns leaving the site were graded as an "A" since they could be made in under 10 seconds of waiting in the queue.

Mr. Avila then again testified as to the Use Variance criteria. He explained that being Goodwill is seeking a d(1) use variance, the positive and negative criteria is the basis for the Board's decision. He opined that the site is particularly well suited given its location on a County road and the convenience it would provide to users. Being that aesthetic improvements are proposed, the vacant storefront and center itself would be enhanced. He continued stating the use also serves the public good as the use is inherently beneficial (upcycling, reduction in municipal trash volume, job training for adults with disabilities)

In regards to the negative criteria, Mr. Avila stated the location is within an existing community commercial zone so there would be negligible neighborhood impacts, there would be no significant traffic impact, no noise, no exterior roll-off type trash containers nor any additional site lighting.

In response to Goodwill's testimony, the Board members expressed their concerns that the site location will not necessarily relieve the number of donations at the Old Marlton Pike location, but would rather service new customers who reside in Evesham and Marlton Lakes and several large Evesham subdivisions such as Kings Grant since Goodwill has no other sites close by.

Mr. Dasti asked Mr. Norman if the applicant will comply with the review letters of the Board Engineer & Planner, to which he replied yes.

Mrs. Taylor stated that she concurs with Mr. Avila's testimony. She added that if the applicant would have included a retail store as a part of the operations, the application itself would have been heard by the Planning Board as a site plan application. She agreed the site is well suited, and converting the vacant storefront with façade improvements, better lighting and landscaping would be beneficial. She also stated the application satisfies the positive and negative criteria.

Mr. Noll referred to his November 28, 2023 review letter in which he stated that the trip generation report goes to the positive and negative criteria, as the report compared the Goodwill uses to permitted uses in the zone district. For comparison, he pointed out that the former convenience store generated 100 more trips during the designated peak hours. He did not that the size of each store tenant does need to be clarified with the Township Assessor, as the figures differ from their records. The submission waivers requested were also delineated in his review letter, and he recommends approval of all. Mr. Noll added that the applicant also requires Burlington County Planning Board approval, but they have not offered any feedback as yet.

The Board took a brief five minute recess.

PUBLIC:

Valarie Hairell – 19 Pocahontas Trail. She is a 30-year resident and stated that there are thin woods behind the center and Blue Lake. Her neighborhood would be negatively impacted being so close. She submitted Exhibit P-1 which was a drawing of other vacant locations closer to the Taunton & Tuckerton intersection that would be better locations. She offered that traffic is bad, and is concerned about children who ride their bikes to 7-11, Donkey's and Leo's Yum Yum.

Gary Levi – 5 Penny Lane. He is also a 30-year resident on the west side of the center, and has witnessed the increased traffic. He agreed the site is good for Goodwill, but not residents who live close by as traffic will be exasperated. He mentioned the queues to enter will back-up traffic, and no study can predict that. He also asked what would happen if Goodwill took over Donkey's space and the use is even more intensified.

Marybeth Myers – Taunton Lake. She stated she cannot imagine a less suitable location. Evesham residents would benefit more than Medford residents. She also stated there was no discussion of Hopewell Road or Taunton Road traffic. She also noted the traffic trip counts were taken in October. Most people have yards sales in the spring and summer, which is when leftover items are typically donated to Goodwill. Also no one discussed the mix with summer traffic.

Loretta Kamieniecki – 30 Pocahontas Trail. She has been a resident since 1975 and stated the growth has been unbelievable in 48 years. She guesstimated that traffic has increased 1000% on Hopewell, Taunton & Tomlinson Mill Roads as she uses these roads several times a day. She also noted the amount of bicyclists and pedestrians on those roads, and added that it is impossible to enter the intersection from Fairview Road and Breakneck Road. She asked if the JCC Camp busses that run all summer had been counted.

Lora Webster – 28 Pocahontas. She noted Goodwill would have 2 facilities 3.8 miles apart, and Medford also has other donation facilities. There are no acceleration or deceleration lanes, or any shoulders on Tomlinson Mill Road. She stated traffic will back up waiting on people making a left into the center, and already do not obey the in and out signage. She stated it is already difficult to turn into her development off Hopewell Road. She also asked if the landscape trailers that park and take up two spaces at Donkey's were accounted for.

Elaine Gray – Penny Lane. She stated traffic is already "a mess," there are no curbs so there will be passing on private property to get around cars making turns in. She added Medford does not need Marlton's donations or traffic.

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

Mr. Norman summarized the application by stating that as many neighborhoods will benefit as in Evesham. Under the NJ State Municipal Land Use Laws, a Zoning Board cannot consider jurisdictional boundaries and clients.

MOTION: Mr. Hamilton made a motion to deny the application, stating that the traffic flow was underestimated and traffic patterns are a concern. He did not find the site to be suitable nor a fit with the neighborhood. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Hamilton, Simmers
Nays:	Cocivera, Morrison, Rickards, Umba, Wolf
Abst.:	None
Motion denied:	2-5-0

A second vote was taken to approve, but there was some confusion to the vote, so Mr. Dasti instructed the Board to vote again.

SECOND MOTION: Vice Chairman Wolf made a motion to approve the application as submitted, with the following conditions: (1) comply with the Board Planner's and Board Engineer's review letters; (2) limit one box truck at a time on-site; (3) painted ingress and egress signed on the pavement along with traffic signage; and (4) all signage will conform with the sign ordinance. Mr. Rickards seconded.

Recorded Vote:

Ayes:	Cocivera, Morrison, Rickards, Umba
Nays:	Hamilton, Simmers, Wolf
Abst.:	None
Motion denied:	4 – 3 - 0

Mathoan Gas #7, LLC, 174 Route 70, 903.02/26.03 & 26.04, ZVE-1156 – Use Variance and Minor Site Plan application for a gas station and convenience store in the Highway Commercial 1 (HC-1) District.

SWORN: Robert Baranowski, Esq., Hyland Levine
Gary Mathoan, Owner
Kris Kluk, PE, Engineer
James Miller, PP, Planner

Mr. Baranowski opened the testimony by describing the application to convert the existing auto repair service station to a small convenience store. The existing building will be utilized, with the only addition being a cooler on the rear of the building. The gas pumps will remain. He explained that both uses are permitted principal uses; however, the convenience store being a second principal use requires Use Variance approval. It is anticipated that there will be one employee to operate the gas pumps and one for the store.

Mr. Mathoan was next to testify. He explained the improvements that will result on the site, being that vehicles in need of repair will no longer be parked there. Along with the enhancements to the exterior of the building, it will be a much cleaner and aesthetically pleasing site. The convenience store will not have a kitchen, only prepared foods and beverages will be sold.

Mr. Kluk was next to testify. He opened his testimony by stating that he has no objections to the items contained in the Board professionals' review letters; and agrees to add additional landscaping per Mrs. Taylor suggestion to supplement what is existing. Per the proposed site plan, he confirmed that the building size will only increase by 108sf for the outside cooler. The cooler will have an access door for deliveries, and can be accessed by staff from the inside of the store. A new roof line will screen the roof mounted mechanicals. The existing trash enclosure will be utilized but he acknowledged new gates may be needed. He continued that the propane tank exchange will continue.

There will be eight parking spaces to support the store use; although vehicles may be at the pumps and drivers will use the store for a quick purchase.

Upon questioning by Board members, no sign variances are being requested, as any new signs will conform to the Ordinance. The existing yard signs along the property frontages will be removed. Per Mr. Noll's letter, the applicant will undertake a lighting survey, and the lots will be consolidated.

Mr. Miller was next to testify. He discussed the positive and negative criteria. He stated that Mrs. Taylor review letter was an accurate portrayal of the many non-conformities on the lot. The location is well suited. With the evolution of cars requiring to be serviced by dealerships, the need for old-style service repair stations is becoming obsolete. The new trend is for convenience stores becoming accessory uses to gas stations, as a one-stop for drivers.

He added that the proposed site plan will upgrade the aesthetics along the state highway and busy signaled intersection.

He concluded his testimony by opining that there would be no negative criteria related to this application.

Mrs. Taylor asked about the sheds on the parcel. Mr. Mathoan would like them to remain for storage, as they are discreetly placed behind the building. She acknowledged that the site is undersized for the zone, and even when the lots are consolidated, the numerous variances as outlined in her January 26, 2024 review letter are required but are pre-existing non conformities. She concluded the site is not intensely utilized but is adequate for the proposed dual uses.

Mr. Noll asked Mr. Kluk if he was able to determine what the drainage easement is for. Mr. Kluk responded he was unable to determine why the easement was placed, but did confirm there is no underground infrastructure. Mr. Noll then asked the status of the storage tank remediation. Mr. Baranowski replied that he will provide this information to Mr. Noll.

Mr. Noll then confirmed the applicant is willing to provide a boundary survey. He also confirmed the applicant has their Pinelands Commission Certificate of Filing. He also explained that the Planning Board had previously exempted sewer service; but the Burlington County Health Department will require the applicant to certify the septic system to be adequate for the new convenience store use. Mr. Noll added that it will be difficult to install sidewalk on the site due to its size limitations.

Mr. Rickards asked if the applicant would clean up the propane storage cage. Mr. Kluk responded yes, they will have it painted.

PUBLIC: No one from the public was present to speak.

Mr. Hamilton 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, with the conditions (1) conform to the Board Engineer's and Planner's review letters; (2) paint the propane cage; (3) install the added landscaping per the Board Planner's recommendation; (4) remove all yard signs; (5) consolidate the lots; (6) provide a boundary line survey. Mr. Simmers seconded.

Recorded Vote:

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

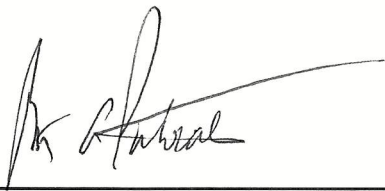
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EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD – None

MOTION FOR ADJOURNMENT:

Mr. Rickards made a motion to adjourn the January 31, 2024 Zoning Board of Adjustment meeting at 10:52 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous in favor.

A handwritten signature in black ink, appearing to read 'Beth Portocalis', written over a horizontal line.

Beth Portocalis, Acting Zoning Board Secretary & Recording Secretary

