

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

17 April 2024

7:00 p.m.

Public Safety Building, 91 Union Street

REGULAR MEETING AGENDA

Attorney Jerry Dasti called the meeting to order at 7:01 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, Rickards, Simmers, Umba, Meehan, Morrison, Voorhees, Wolf
Absent: Hamilton
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Ann Bell, Recording Secretary Beth Portocalis

Mayor Charles “Chuck” Watson, Deputy Mayor Donna Symons & Councilman Erik Rebstock read a Proclamation from the Township Council thanking Mr. Cocivera for his service to the Zoning Board, as this is Mr. Cocivera’s last meeting due to an imminent relocation from Medford.

CORRESPONDENCE: None

MINUTES:

February 2024 Meeting
March 2024 Regular Meeting
March 2024 Executive Session Meeting

Ms. Umba made a motion to approve the above Zoning Board Meeting Minutes Executive Session Meeting Minutes as one consent motion. Mr. Rickards seconded the motion. Chairman Cocivera abstained from the March Meeting and Executive Session minutes. A unanimous voice vote in favor carried the motion.

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2024-15, J & J Development Group, LLC, 122 East Route 70, 902/1.03, ZVE-1178 – Granting of conditional Use Variance approvals to permit the demolition of existing building and on-site improvements and construction of a multi-tenant shopping center that includes a 2,400sf quick-service/fast food restaurant with pick-up window only that is located within 1500 feet of another drive thru lane associated with a restaurant building.

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Recorded Vote:

Ayes: Morrison, Rickards (M), Simmers (2), Umba, Voorhees, Wolf, Cocivera
Nays: None
Abst.: None
Motion carried: 7 - 0 - 0

Resolution #2024-16, Michael and Stephanie Wojcik, 14 Andover Drive, 404.20/22, ZVE-1182

Bulk Variance approvals for exceeding the building and lot coverage to replace and enlarge an existing deck.

Recorded Vote:

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

Resolution #2024-17, James and Rachael Sautter, 22 Bank Street, 1813/10, ZVE-1183

Use Variance approval and a Certificate of Appropriateness for an expansion of a non-conforming use in the Historic Village Commercial Zoning District for an addition to the residential dwelling.

Recorded Vote:

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

APPLICATIONS/OFFICIAL ACTIONS:

Jeffery and Mary Clark, 11 N. Wendover Road, 6104/1, ZVE-1181 – seeking Bulk Variance to exceed the maximum allowable building and lot coverages to replace upper deck.

SWORN: Jeffrey Clark, Owner

Mr. Clark described the existing upper & lower decks which have been attached to the dwelling for approximately 40 years, this are categorized as pre-existing non conformities. Building coverage of 10% is permitted in this zone district; 17.4% exists, and 16.5% is proposed. Lot coverage of 20% is permitted, with 24.2% existing and 23.3% proposed. Mr. Clark's proposal is to remove both decks due to their deteriorating condition, and replace the upper deck but not the lower deck. The upper deck will be built on the same footprint as existing, so without the lower deck there will be a net reduction of overall existing lot coverage. No lighting is proposed. One

tree may possibly need to be removed if the roots are too close to the dwelling.

Mrs. Taylor had no comments, as her March 5, 2024 review letter was self-explanatory.

PUBLIC: None

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

MOTION: Mr. Rickards made a motion to approve the application as proposed. Mr. Simmers seconded the motion.

Recorded Vote:

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

James Hrobak, 303 Hickory Court, 906.04/16, ZVE-1184 – seeking Bulk Variances to encroach into the front yard setback of 50’, the side yard setback of 30’ and exceed the maximum allowable building coverage of 12% for the construction of a 43 sq. ft. portico to the front of the dwelling and a 211 sq. ft. two story addition to the rear of the dwelling.

SWORN: James, Hrobak, Owner
Jeffrey King, Architect

Mr. Hrobak explained that his parents were the original owners of the property, with the dwelling constructed in 1983. He and his family assumed ownership about 10 years ago.

Mr. King detailed the proposed improvements to the dwelling, located in the GMS zone district. The first proposed improvement is a 6’ x 8’ portico over the front door, which currently is situated as an inset less than 12” from the front step. A 211 square foot 2-story addition onto the rear of the dwelling where the deck is currently located is also proposed. This addition will include a small kitchen expansion on the first floor and a master bedroom/walk-in closet and master bath expansion on the 2nd floor.

He continued that dwelling front yard and side yard setbacks are already exceeded. Overall lot coverage is permitted at 12%, 14.3% exists, and if approved will be increased to 14.6%, which is only a 54sf total increase.

Mrs. Taylor did not prepare a review letter for this application, but was satisfied with the testimony that the proposed improvements will visually enhance the property with an aesthetic that fits in the neighborhood; and there are no detrimental impacts.

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PUBLIC: None

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

MOTION: Mr. Wolf made a motion to approve the application as submitted. Mr. Simmers seconded.

Recorded Vote:

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

Matthew and Michelle McGonigal, 14 Tallowood Drive, 3202.19/31, ZVE-1185 – seeking a Bulk Variance to exceed the maximum allowable lot coverage to install an in ground pool.

SWORN: Matthew McGonigal, Owner

Mr. McGonigal detailed his application for an in-ground pool with decking. Lot coverage will be exceeded an additional 5% to 33% overall lot coverage (30% is the maximum permitted) due to the proposed decking surrounding the pool. He described how his property backs up to dedicated open space, so there will be no detriment to neighbors or to the flow of surface water. He added that no trees will need to be removed; as the parcel was cleared of most trees prior to his purchase of the property. The pool has lighting inside, but no other new lighting is proposed.

Chairman Cocivera noted that the existing shed will require a variance being it's located less than 5 feet from the property line per the survey submitted. A permit had been obtained in 2022 for the shed by the former owner, but it was located on the existing pad that was not 5' from the property line. An easement area is next to where the shed is located.

Mrs. Taylor did not prepare a review letter as the application was fairly straightforward, and added that Mr. Noll had concerns about the added coverage and he does review the grading plan for drainage for all pool applications.

PUBLIC: None

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

MOTION: Mr. Rickards made a motion to approve the application as submitted, and grant the added variance for the shed exceeding the required setbacks. Mr. Simmers seconded.

Recorded Vote:

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

Adnan Maloku, 6 Haddington Way, 304.01/31, ZVE-1188 – seeking retroactive Bulk Variance approval for a 288 square foot pavilion where only 168 sq. ft. is permitted

SWORN: Adnan Maloku, Owner

Mr. Maloku explained that the gazebo/pavilion was constructed with his in-ground pool, and that the pool contractors had received approvals for this structure. Currently the structure has no lighting or televisions. There is conduit for electric and a gas line installed; but he is selling the property so he does not know what any future property owners may use it for or equip it with.

Mrs. Taylor did not submit a review letter for this application, but explained that only the size requires a variance. Any improvement such as an outdoor kitchen is not consequential to the use and would be permitted without additional zoning if there is no added impervious covering. She noted this is a very large lot surrounded by open space and is consistent with the size of the dwelling and the in-ground pool.

PUBLIC: None

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

MOTION: Mr. Simmers made a motion to approve the application as submitted. Mr. Wolf seconded.

Recorded Vote:

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

EXECUTIVE SESSION: The Board adjourned for Executive Session for matters involving litigation at 7:35 pm on motion of Mr. Wolf and second of Mr. Simmers. The voice vote was unanimous in favor. The regular meeting reconvened at 7:52 pm.

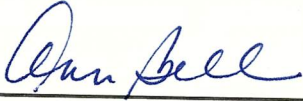
ADDITIONAL ACTION BY BOARD – Discussion took place regarding a Motion appointing a “Pro-Tem” Chairperson for the May meeting, as this was Chairman Cocivera’s last meeting. Mr. Wolf made a motion, seconded by Ms. Umba, to appoint Mr. Rickards as Pro-tem Chair for

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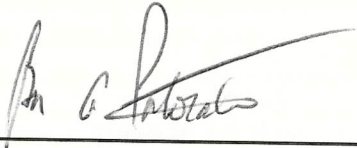
the May meeting. The voice vote was unanimous in favor.

MOTION FOR ADJOURNMENT:

Mr. Simmers made a motion to adjourn the April 17, 2024 Zoning Board of Adjustment meeting at 7:53 pm. Mr. Rickards seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Zoning Board Recording Secretary