

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

15 May 2024

7:00 p.m.

Public Safety Building, 91 Union Street

REGULAR MEETING AGENDA

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: Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Absent: Rickards, Meehan
Professional Staff: Attorney Patrick Varga, Planner Scott Taylor, Secretary Ann Bell,
Recording Secretary Beth Portocalis

CORRESPONDENCE: Ms. Bell noted that the Attorney for J. Reynolds Holdings, LLC, 686 Stokes Rd., 4801.01/32.01, SPR-5763; seeking a Waiver of Site Plan, Use Variance and Bulk Variances for a proposed storage building had requested the application be carried to the June 20, 2024 meeting without the requirement to re-notice.

Mr. Hamilton made a motion to carry the application to the June 2024 meeting without the requirement to re-notice. Mr. Simmers seconded.

Recorded Vote:

Ayes: Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

MINUTES:

April 17, 2024 Regular Meeting – Adoption deferred to the June meeting
April 17, 2024 Executive Session Minutes – Adoption deferred to June meeting

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Resolution #2024-18, Jeffery and Mary Clark, 11 N. Wendover Road, 6104/1, ZVE-1181 – Bulk Variance approvals to exceed the maximum allowable building and lot coverages to replace an existing upper deck.

Recorded Vote:

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

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Resolution #2024-19, James Hrobak, 303 Hickory Court, 906.04/16, ZVE-1184 – Bulk Variance approvals 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.

Recorded Vote:

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

Resolution #2024-20, Matthew and Michelle McGonigal, 14 Tallowood Drive, 3202.19/31, ZVE-1185 – Bulk Variance approval to exceed the maximum allowable lot coverage to install an in-ground pool and decking.

Recorded Vote:

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

Resolution #2024-21, Adnan Maloku, 6 Haddington Way, 304.01/31, ZVE-1188
Bulk Variance approval for an existing 288 square foot pavilion where only a 168 square foot accessory structure is permitted

Recorded Vote:

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

APPLICATIONS/OFFICIAL ACTIONS:

CT Kirk, 6 Strafford Circle Road, 5106/28, ZVE-1189, seeking Bulk Variance to encroach into the side yard setback of 30’ to construct a two-story addition.

SWORN: CT Kirk, Owner

Mr. Kirk began his testimony by stating he had purchased the property in September of 2023. He then hired a local architect and contractor to design an addition including a larger garage to house his pick-up truck and a home office. In designing the addition, his professionals believed the setback to be 10 feet, not the 30’ as required in the zone district.

The addition will match the dwelling, including the siding (existing installed in 2018) and the roofline. He stated that he has spoken with the neighbors to the left who will be closest to the addition, and they have no issues with his proposed plans. An existing hot tub that is currently located where the addition is planned will be removed and not replaced. The only lighting proposed is two sconce lights on the garage and a safety light over the rear door.

Mr. Taylor referenced Mrs. Taylor's April 11, 2024 review letter, and noted that the driveway location will also require a design waiver as it should be located 10' from the property line and is proposed at 4'. Mr. Taylor also recommended that the Board impose a condition that no business take place in the home office; i.e. receiving customers/clients in the home.

PUBLIC: None

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

MOTION: Ms. Voorhees made a motion to approve the application as proposed, including the design waiver for the driveway; with the condition that no business activity regarding seeing customers or clients in the home take place. Mr. Hamilton seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Charles McAfee, 21 Midbridge Drive, 6501.04/45, ZVE-1190, seeking Bulk Variance to exceed the maximum allowable size of 168 sq. ft. for a gazebo to construct a 440 sq. ft. gazebo.

SWORN: Victoria Cascio, Esq., Archer Griener, Attorney for the Applicant
Charles McAfee, Owner

Ms. Cascio opened the testimony by describing the applicant's proposal to construct a 440sf pool house in the rear yard. In support of the application, she distributed Exhibits A-15: an aerial of the property; Exhibit A-16: an enlarged copy of the survey/pool grading plan; Exhibit A-17: photos and renderings of what the pool house will look like (as created by AI); and Exhibit A-18: construction photos of the pool to date.

Mr. McAfee testified that he is a seven year resident of the property, with 3 children and a large expanded family that he hopes to entertain at the property once the pool is completed. In designing the pool he allotted a paver area for the pavilion. This area was approved when the Zoning permit for the pool was approved. He also confirmed he has another concrete area that is used as a basketball court.

Once completed, Mr. McAfee stated the pavilion will be 20' from his neighbor fence on the left

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side of the parcel. The property itself is heavily wooded with substantial buffer areas.

There was no review letter prepared by Mrs. Taylor. Mr. Taylor, after reviewing the AI renderings, noted there was no enclosed area. After discussion, it was agreed that one wall in the corner, which is 22' x 10' will be 68% open and 32% closed. Being that the 22' wall is parallel to the neighbor's property, Mr. Taylor recommended more buffering with native species such as American holly and evergreens. It was also stated that no bathrooms or outdoor showers are proposed. The only lighting will be recessed down lighting and no exterior lighting.

Ms. Cascio concluded the testimony by putting ton the record the positive and negative criteria as justification for the Board's approval.

PUBLIC: None

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

MOTION: Mr. Hamilton made a motion to approve the variance application as submitted; with the conditions of (1) the added plantings per the Board Planner's recommendation; and (2) the structure will not be fully enclosed; and (3) no water or sewer service will be extended to the structure. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Judy Meyer, 9 Nottingham Drive, 2703.03/2, ZVE-1191, seeking Bulk Variance to exceed the maximum lot coverage of 30% to construct an 87 sq. ft. portico.

SWORN: Judy Meyer, Applicant

Ms. Meyer began her testimony by stating that she is a 29 year resident of Medford; with 11 of those years residing at this property. She is the second owner of the property, and has been slowing refurbishing the interior.

The front of the dwelling is flat, with steps to the front door. The steps are deteriorating, so in addition to replacing the steps, she is proposing to build an approximately 9' x 7' front porch portico, that will have two columns, be open and have a metal roof. She displayed a photo from her phone (labeled Exhibit A-8—a copy of which will be submitted to Ms. Bell for the record) of what the portico will look like when completed. Two existing sconces will remain and one new pendant light will be added under the roof for illumination. Stone will also be added to provide front door access from the circular driveway.

Mr. Taylor referenced Mr. Noll's May 9, 2024 review letter. With the driveway expansion that has taken place, the overall lot coverage has been exceeded, hence the need for the variance. Overall, 30% is the maximum permitted, and 37.65% now exists. Mr. Noll also stated that the application should retroactively apply for a driveway permit now that the property has two driveway access points to the roadway.

PUBLIC: None

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 increase of the lot coverage, contingent upon the receipt of a driveway permit application. Mr. Simmers seconded.

Recorded Vote:

Ayes:	Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Amy Masci, 224 Sunny Jim Drive, 2701.03/5, ZVE-1192, seeking Bulk Variance to encroach into the 30' side yard setback to extend the second floor over the existing garage.

SWORN: Jeffrey Masci, Owner

Mr. Masci described that the addition is required so that his mother-in-law can move in with him and his family. The addition over the existing garage will be added bedroom and bathroom space. The addition is proposed to be in line with the existing attached garage, so no further extension of the side yard setback is required. The exterior of the addition will match the existing dwelling.

PUBLIC: None

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

MOTION: Ms. Voorhees made a motion to approve the application as submitted. Mr. Hamilton seconded.

Recorded Vote:

Ayes:	Hamilton, Morrison, Simmers, Umba, Voorhees, Wolf
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

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EXECUTIVE SESSION: The Board adjourned for Executive Session for matters involving litigation at 7:55 pm on motion of Mr. Hamilton and second of Mr. Morrison. The voice vote was unanimous. The regular meeting reconvened at 7:59 pm.

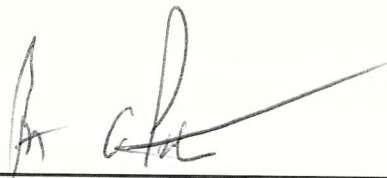
ADDITIONAL ACTION BY BOARD – Ms. Bell reminded Board members that the June meeting will be on Thursday, June 20th due to the Juneteenth holiday.

MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the May 15, 2024 Zoning Board of Adjustment meeting at 8:00 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Zoning Board Recording Secretary