

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

16 October 2024

7:04 p.m.

Public Safety Building, 91 Union Street

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: Morrison, Rickards, Simmers, Umba, Wolf, Hamilton (Arrived at 7:13)
Meehan, Voorhees
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Steven Linden,
Secretary Ann Bell

CORRESPONDENCE

MINUTES

Regular Minutes, vote was unanimous with the exception of Vice Chairman Wolf who abstained, to approve the August 21, 2024 minutes.

RESOLUTIONS TO BE MEMORIALIZED:

2024-32 Amended, Valhalla Farms Properties, LLC, 0 Jackson Road, 6605/1.01 & 6802/1 & 9.01, ZVE-1193 – approval of a Use Variance to reconstruct and expand the existing dwelling in the SAPA Zoning District and subject to a Farmland Preservation Easement.

Recorded Vote:

Ayes: Rickards (1) Voorhees (2), Morrison, Meehan., Umba, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

2024-35, Auda Aquino & Kevin Evans Jr., 11 Covenger Court, 3202.10/19, ZVE1198 – approval for bulk variances to allow two accessory structures where only one is permitted and the encroachment into the 5' rear setback.

Recorded Vote:

Ayes: Voorhees (1), Rickards (2), Morrison, Meehan., Umba, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

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2024-36, Julia Jahr, 7 Gill Road, 906.01/29, ZVE-1195 – approval for a bulk variance to construct a 24' x 40' pole barn within the 15' side yard setback and a 10' x 50' driveway.

Recorded Vote:

Ayes: Rickards (1) Voorhees (2), Morrison, Meehan., Umba, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

2024-37, Angela Zografos, 6 Teaberry Drive, 5505.04/3, ZVE-1201 – approval for bulk variances to construct a replacement 6' privacy fence in the front yard, an existing second accessory structure, 12' x 20' oversized shed in the front yard, and a third accessory structure, 11' x 15' pergola.

Recorded Vote:

Ayes: Voorhees (1), Umba (2), Morrison, Meehan., Rickards, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

2024-38, Ryan Flynn, 225 Church Road, 302/44, ZVE-1202 – approval for a bulk variance to construct a 17' x 26.5' deck which exceeds the maximum lot coverage and encroaches into the 15' rear yard setback for an accessory structure.

Recorded Vote:

Ayes: Rickards (1) Voorhees (2), Morrison, Meehan., Umba, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

2024-39, Nagendra Sikarwar, 52 Westmont Drive, 406.06/17, ZVE-1204 – approval for a bulk variance to construct a second accessory structure of a 14' x 12' gazebo in the back yard where only one is permitted.

Recorded Vote:

Ayes: Rickards (1), Meehan(2), Morrison, Voorhees., Umba, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

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2024-40, Taurus Builders, LLC, 316 Tavistock Drive, 2701.04/16, ZVE-1206 – approval for a bulk variance for the side setback to construct a second floor over the existing garage. h.

Recorded Vote:

Ayes: Rickards (1), Umba (2), Morrison, Voorhees.; Meehan, Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

2024-41, Moorestown Gas, LLC, 716 Stokes Road, 4801.05/6, ZVE-1186 – approval for a use and bulk variances with Minor Site Plan to construct a canopy over the existing gas pumps.

Recorded Vote:

Ayes: Rickards (1), Umba (2), Voorhees., Meehan, Wolf
Nays: Morrison
Abst: None
Motion Carried: 5-1-0

APPLICATIONS/OFFICIAL ACTIONS

Gianna Consello, 41 Thunder Head Drive, 4701.02/4, ZVE-1203 – seeking a bulk variance to construct a 12' x 12' roofed entry porch within the front setback for the principal building.

Mr. & Mrs. Consello applicant were sworn in to provide testimony. They stated that they have reviewed the report submitted by Michelle Taylor, AICP, PP, dated October 1, 2024

The purpose of the application is to obtain approval to construct a 12 ft. x 12 ft. roofed entry porch to replace a 3-1/2 ft. high entrance with steps to the front door. The existing entrance is wooden and is beyond repair. The entrance and steps have separated from the foundation and the house, the wood is rotting and is deteriorating, at present there are no rails on the existing entrance and it is a hazardous.

The proposed covered porch will be constructed neutral in color and will blend in not only with the siding of the home but also the neighboring properties.

The applicant will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated October 1 2024.

The sheds and fence located on Lot 1 should be removed from the open space area and placed at least five feet from the property line.

PUBLIC: NONE

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

Recorded Vote:

Ayes:	Hamilton (M), Rickards (2), Meehan, Umba, Morrison, Voorhees, Wolf
Nays:	None
Abst:	None
Motion Carried:	7-0-0

Michael & Andrea Bryan, 1 Pontiac Drive, 6303/8, ZVE-1205 – seeking a bulk variance to construct a breezeway and garage within the 75’ front setback and the 50’ side setback and exceeding the 15% lot coverage.

Jeff Reynolds, the contractor who performed the work, was sworn into provide testimony.

Mr. Reynolds stated that the property has two frontages. The Applicant has a growing family and therefore needs more space for his family including his three children. The home was constructed in or about 1974. It was therefore constructed before current zoning requirements were applied to this property.

The applicant will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated September 12, 2024. The applicant must provide a tree removal and replacement plan.

PUBLIC: NONE

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

Recorded Vote:

Ayes:	Voorhees (1), Hamilton (2), Meehan, Umba, Morrison, Voorhees, Wolf
Nays:	None
Abst:	None
Motion Carried:	7-0-0

YMCA Camp Ockanickon, 1303 Stokes Road, 5101.01/1, SPR-57243A – seeking a Use Variance and Preliminary and Final Major Site Plan approval, to allow Pre-K Child Care within the Rohrer I and II Buildings.

Expert testimony was provided by Joseph Michiels, PE as follows:

Design waivers have been requested. All of the design waivers are referenced in the review report from Chris Noll, PE, PP dated October 9, 2024. Mr. Noll has recommended that the requested design waivers should be granted.

This application will not impact upon wetlands, either directly or within the wetland buffer area. The purpose of the two buildings is for preschool learning and therefore he believes that the application is for an “inherently beneficial use”.

This application is permitted pursuant to the statutory requirements set forth in N.J.S.A. 40:55D-66.6.

There will be approximately ten staff servicing the improvements. There is no intention for new lighting on the property other than building mounted lights. School hours will be approximately 8:30 AM to 3:40 PM. The before and after school daycare will be 7:00 AM to 8:30 AM and thereafter 3:40 PM to 6:00 PM. Food service to be provided by off-site facility, delivered to welcome center and delivered to each site by YMCA staff.

YMCA maintenance and housekeeping staff will also be responsible for transport of waste to existing dumpsters, as needed.

The area is heavily wooded the existing and proposed lighting, will have no impact upon the surround property owners.

The Applicant has received a Certificate of Filing from the New Jersey Pinelands Commission dated August 22, 2023.

The roadway to proposed Rohrer II is an approximately 15 ft. wide dirt road. The proposal, however, is to have a one-way drive from Stokes Road to McKendimen Road for the Pre-K use only, which will be coordinated with parents by YMCA.

Parking requirements, Rohrer I requires at least 40 spaces. Rohrer II Building will have two pickup areas and between 30-35 parking spaces in the immediate area. Loading spaces will not be necessary since only small delivery trucks will service the property.

A discussion with members of the Zoning Board and its professional staff, the Applicant agrees to put reflectors or low watt, warm color temperature, downward facing, solar lights on the proposed signs; and if additional signs are required to provide direction interior to the site, then they will be provided. No bussing of students to the site.

The Applicant has reviewed the report submitted by the Zoning Board Professional Staff as follows:

1. Report from Christopher Noll, PE, PP dated October 9, 2024
2. Report from Michelle Taylor, AICP, PP dated October 1, 2024.

Applicant agrees to comply with all terms and conditions set forth therein.

Expert testimony was provided by Tiffany Morrissey, PP as follows:

Ms. Morrissey credentials as a Professional Planner were accepted by the Board Chairman. Ms. Morrissey has testified before the Zoning Board on prior applications as a duly licensed and certified Professional Planner.

Ms. Morrissey stated that the use is an inherently beneficial use, and therefore meets the positive criteria required to permit the approval of a use variance application in accordance with the provisions of N.J.S.A. 40:55D-70(d).

1. This site, because of its size and location, is particularly suited for this application.
2. The Applicant will utilize the buildings primarily during the non-summer months.
3. There is substantial educational value to this application if approved.
4. No new facilities are needed.
5. This is a more efficient use of the land because of where it exists.
6. The Applicant partners with the Township and the Township Board of Education in order to provide opportunities and educational facilities for children.
7. There will be no new lighting needed for the site, unless additional lighting as described is required for interior direction signs.
8. There will be no new trash facilities need for the site.
9. There will be no negative impacts if this application is approved.
10. There will be no substantial detriment to the Township Master Plan or the Zone Plan.
11. This application meets the approvals and regulations of prior approvals that have been adopted by either the Planning Board or the Zoning Board

12. This application as modified herein meets the goals and purposes of the 2017 Township Master Plan
13. The positive benefits resulting from this inherently beneficial use substantially outweigh any negative benefits caused.

PUBLIC: NONE

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

Recorded Vote:

Ayes:	Hamilton (M), Rickards (2), Morrison, Meehan, Umba, Voorhees, Wolf
Nays:	None
Abst:	None
Motion Carried:	7-0-0

Mark Padden, 65 Eayrestown Road, 304/5.01, ZVE-1208 – seeking a bulk variance to construct a single family dwelling and an accessory dwelling where two dwellings are not permitted on the tract and accessory dwelling units are not permitted in any district.

This is an approximate 68 acre area which is a preserved farm. The preserved farm and the deed restriction referenced hereinabove permits a one acre “exception area” upon which Applicant wishes to obtain approval to construct a new home.

The applicant is proposing a, two-story 5-bedroom, 3 bath, single-family dwelling containing 5,791 Sf comprised of 2,025 basement, 2,348 SF first floor and 1,408 second floor, and 625 SR two-car attached garage. The main dwelling proposes a 25 ft. x 25 ft. two-car garage attached to the dwelling.

In addition, the applicant is proposing a one, 60 ft. long x 29 ft. wide (1,740 SF) two-story 3 car detached garage, with second floor 2 bedrooms, 2-bath single family dwelling unit with full kitchen and living area containing 1,466 SF. A portion (12 ft x 29 ft = 348 SF) of the first floor detached garage is devoted to storage, washer/dryer, and stairs benefiting the dwelling on the second floor resulting in 1,814 net habitable floor area.

The proposed detached garage exceeds the area permitted for three vehicles. The remaining detached garage length is 44 ft x 29 ft. or 1,276 SF or 425 SF per vehicle; and

The exception area upon which his single-family home will be constructed is one (1) acre.

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The exception area is permitted pursuant to the deed restriction. The construction will include not only the single-family home referenced hereinabove but also a 625 square foot two-car attached garage.

The exception area lot will be located in the approximate middle of the 68-acre farm. Therefore, it will not be visible to any of the adjoining property owners.

The farm with the exception of the lot in question is now farmed in its entirety. Approximately ten acres were farmed by his wife. The remainder is farmed by a tenant.

The Applicant has reviewed the report submitted by Michelle Taylor, AICP, PP, dated September 26, 2024.

PUBLIC: NONE

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


Recorded Vote:

Ayes:	Hamilton (M), Morrison (2), Rickards, Meehan, Umba, Voorhees, Wolf
Nays:	None
Abst:	None
Motion Carried:	7-0-0

MOTION FOR ADJOURNMENT:



Ann Bell, Zoning Board Secretary



Cathy Borstad, Zoning Board Recording Secretary