

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

18 September 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
Meehan, Voorhees
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Steven Linden,
Secretary Ann Bell

Vice Chairman Wolf recognized Mr. Simmers will be moving out of town and therefore will be resigning from his position from the Zoning Board. Deputy Mayor Donna Symons presented Mr. Simmers a plaque from the Medford Township Council recognizing him for his service as Zoning Board Member.

CORRESPONDENCE

MINUTES

Regular Minutes, vote was unanimous to approve the August 21, 2024 minutes.

Executive Minutes, vote was unanimous to approve the August 21, 2024 minutes.

RESOLUTIONS TO BE MEMORIALIZED:

2024-33, Joseph Barr, 7 Foxborough Court, 2701.17/47, ZVE-1200 – approving a bulk variance to construct a paver patio that would exceed the maximum 20% lot coverage permitted.

Recorded Vote:

Ayes: Morrison (M), Simmers (2), Wolf, Simmers, Umba
Nays: None
Abst: None
Motion Carried: 5-0-0

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2024-34, Holly Wilson, 51 N Main Street, 1401.01/6, ZVE-1196 – approving a use variance to construct a deck to a residential dwelling in the Historic Village Commercial Zone.

Recorded Vote:

Ayes: Morrison (M), Simmers (2), Wolf, Simmers, Umba
Nays: None
Abst: None
Motion Carried: 5-0-0

APPLICATIONS/OFFICIAL ACTIONS

Auda Aquino & Kevin Evans Jr., 11 Covenger Court, 3202.10/19, ZVE-1198 – seeking a bulk variance to allow two accessory structures where only one is permitted.

Mr. Evans and Ms. Aquino were sworn in to provide testimony, owners of the property. There are two accessory structures, a garage and a shed, currently on the property, the fence is within is in drainage easement.

A discussion with members of the Zoning Board and the applicant, in reference to the removal of several trees from the rear of the property. Applicants have agreed as a condition of approval to work with the Zoning Board Professional Planner in order to properly install trees, shrubbery, etc. so as to aesthetically enhance the rear of the property.

The shed is less than 15 ft. in height. The Applicant agrees that if this application is approved, he will discuss with representatives of the Township the fact that the existing shed is located on a Township drainage easement and seek permission to allow it to remain.

The applicant will work with the Professional Planner of the Zoning Board in order to properly plant sufficient shrubs and trees in accordance with the prior Township ordinance, at the rear of the property to replace the trees which have been removed. The Applicant will seek approval from the Township to allow the existing shed to remain within the township drainage easement. The Applicant will comply with all terms and conditions of Michelle M. Taylor, AICP, PP, report dated August 20, 2024.

PUBLIC: NONE

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

MOTION: Mr. Hamilton made a motion to approve the variance application as submitted, Mr. Rickards seconded.

Recorded Vote:

Ayes: Hamilton (M), Rickards (2), Simmers, Meehan, Umba, Morrison
Nays: Vice Chairman Wolf
Abst: None
Motion Carried: 6-1-0

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

Mr. & Mrs. Jahr were sworn in to provide testimony. They are requesting relief to construct a 24 x 40 Pole barn, Mr. Jahr stated that he intends to install an automotive lift in the barn, and store normal family items and normal items for his children within the pole barn. He will install a light only above the garage door, the siding and roof will match the siding the existing house. The two front doors will be 8 ft. high, the one door in the rear of the pole barn will be 10 ft. high.

He has reviewed the review letters from the Township professional staff including the Report from Michelle M. Taylor, AICP, PP dated August 19, 2024. Stormwater runoff from the pole barn will be directed to the rear of the property with appropriate leaders and gutters. No commercial business use is proposed it will be strictly for residential use.

PUBLIC: NONE

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

Recorded Vote:

Ayes: Rickards (M), Umbs (2), Simmers, Meehan, Morrison, Vice Chair Wolf
Nays: Hamilton
Abst: None
Motion Carried: 6-1-0

Abst: None
Motion Carried: 6-0-0

Angela Zografos, 6 Teaberry Drive, 5505.04/3, ZVE-1201 – seeking bulk variances to construct a replacement 6' privacy fence in the front yard along with additional 43' towards the front of the residential dwelling, an existing 12' x 20' oversized shed and a third accessory structure, 11' x 15' pergola.

Ms. Zografos, Esq., owner of the property was sworn in to provide testimony. The applicant proposes the following for the installation of a fence within the front yard, 50% opened, 4-feet

high fences are permitted within the front yard, 50% open, 6-feet high fence exists, and 100% closed 6-feet high fence proposed Accessory structures permitted within rear or side yard, approval sought for 240 SF shed placed as close as 9-feet from the front property line. Two (2) structures including sheds and gazebos are permitted on lots between 1 to 2 acres, one (1) shed of 96 SF lawfully exists, and approval for two (2) additional structures are sought for a gazebo and additional shed, totaling three (3)

Applicant has reviewed the report submitted by Michelle M. Taylor, AICP, PP dated August 19, 2024. Ms. Zografos will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated August 19, 2024.

The motion to approve was made by Mr. Simmers and seconded by Mr. Hamilton and adopted by the Medford Township Zoning Board of Adjustment by the following votes:

AYES: Mr. Rickards, Mr. Hamilton, Mr. Simmers, Mr. Meehan, Ms. Umba, Mr. Morrison and Vice Chair Wolf.

NAYES: N/A

PUBLIC: NONE

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

MOTION: Mr. Simmers made a motion to approve the variance application as submitted, Mr. Hamilton seconded.

Recorded Vote:

Ayes:	Simmers (M), Hamilton (2), Meehan, Morrison, Rickards Umba, Vice Chair Wolf
Nays:	None
Abst:	None
Motion Carried:	6-0-0

Ryan Flynn, 225 Church Road, 302/44, ZVE-1202 – seeking 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.

Mr. Flynn, owner and applicant was sworn in to provide testimony. Mr. Flynn stated that the purpose of the application is to obtain variance approval to install an accessory structure, paved patio, which requires a 50 ft. rear and side line setback (9.6 ft. proposed). Mr. Flynn stated that he has reviewed the report submitted by Michelle M. Taylor, AICP, PP dated August 21, 2024. Mr. Flynn stated that he will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated August 21, 2024.

PUBLIC: NONE

Mr. Rickards 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 variance application as submitted, Mr. Simmers seconded.

Recorded Vote:

Ayes:	Hamilton (M), Simmers (2), Rickards, Meehan Morrison, Umba, Vice Chair Wolf
Nays:	None
Abst:	None
Motion Carried:	6-0-0

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

The applicant was sworn in to provide testimony. The applicant proposes to construct a 12 ft x 14 ft gazebo. The Applicant understands that the various setback requirements as set forth hereinabove will be violated for which he seeks variance approval due to the report submitted by Michelle M. Taylor, AICP, PP dated August 21, 2024, no lighting will be imposed, the gazebo will be 8 feet high, this is the second accessory structure on the property

The applicant will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated August 21, 2024. The applicant agrees to remove the existing 8' x 10' shed

PUBLIC: NONE

Mr. Rickards 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 variance application as submitted, Mr. Simmers seconded.

Recorded Vote:

Ayes:	Hamilton (M), Simmers (2), Rickards, Meehan Morrison, Umba, Vice Chair Wolf
Nays:	None
Abst:	None
Motion Carried:	6-0-0

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

Mr. Walter Olt is a registered architect in the State of New Jersey and recognized as a expert in this field. Mr. Olt provided the following testimony:

The master bedroom suite will be an additional 617 SF, the existing residence is 4304 sf, with the proposed improvement the home will be 4921 sf. A bulk variance is required because of the existing setback from the adjoining property line. The setback is 20 ft. which was the correct setback requirement at the time the home was constructed, however, the zoning ordinances were modified after the home was constructed and the new sideline setback for this property is 30 ft., therefore a variance is required. There is no addition to the existing footprint. The master bedroom will be constructed simply on the second floor within the existing first floor footprint.

Mr. Giodano, owner of Taurus Builders, provided testimony. The Applicant also requests a variance because of the size of the gazebo.

Mr. Andrew Hartung, property owner was sworn in to provide testimony. Mr. Hartung confirmed the testimony of Mr. Olt and Mrs. Giordano.

The applicant will comply with all terms and conditions set forth in the report prepared by Michelle M. Taylor dated September 17, 2024.

PUBLIC: NONE

Mr. Rickards 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 variance application as submitted, Mr. Simmers seconded.

Recorded Vote:

Ayes: Hamilton (M), Simmers (2), Rickards, Meehan, Morrison, Umba,
Vice Chair Wolf
Nays: None
Abst: None
Motion Carried: 6-0-0

Moorestown Gas, LLC, 716 Stokes Road, 4801.05/6, ZVE-1186 – seeking use and bulk variances with Minor Site Plan to construct canopy over gas pumps in the CC Zoning District where service stations are not a permitted use.

Mr. Sukhwinder Singh is the owner of the LLC was sworn in to provide testimony.

The Applicant provided an Administrative Consent Order in support of a request for the waiver of the requirement to install an Environmental Impact Statement. The AOC addresses the site remediation being conducted by Shell Oil, which will continue for a very extended period of time.

The applicant proposed to install canopies over the gas pump, he stated the canopy is required in order to assist with public safety, employee safety, and adverse weather conditions. Also lighting under the canopy will make it easier for the public to see the facility. The Applicant stated that he has only two (2) employees on site, one (1) employee for each shift, the hours of operation are 6AM to 11PM.

The Applicant and his administrative staff and professional staff have reviewed the report submitted the Township professionals Michelle M. Taylor, AICP, PP, dated June 14, 2024 andf Christopher J Noll, PE, PP dated August 2, 2024

There will be no new paving on the site. There will be no soil removed on the site. The Applicant has requested design waivers from the requirement to provide an Environmental Impact Statement.

Expert testimony from Marur Dev PE, the canopy will be 50 ft wide and 44 ft. long. It will cover the four gasoline pumps, there will be four poles supporting the canopy, LED lights under the canopy. a new ADA parking space and three new regular parking spaces

Mr. Dev, has reviewed the professional reports submitted by the Zoning Board staff. The Applicant will comply with all terms and conditions. A design waiver has been requested for 8 ft. wide parking spaces (9 ft. required); and

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After a discussion with the Zoning Board professional staff, it was agreed, in terms of the rear of the building the following was agreed upon. There would be no new construction or drainage facilities in the rear of the building, no ground disturbance behind the building.

As a condition of approval, will meet with the Zoning Board Engineer to determine how it would be best to discourage and prohibit activity and parking of other persons not associated with the Applicant behind the building.

PUBLIC: NONE

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

Recorded Vote:

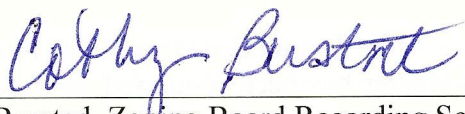
Ayes:	Hamilton (M), Simmers (2), Rickards, Meehan, Umba, Vice Chair Wolf
Nays:	Morrison
Abst:	None
Motion Carried:	5-1-0

MOTION FOR ADJOURNMENT:

Mr. Simmers made a motion to adjourn the September 18, 2024 Zoning Board of Adjustment meeting at 9:15. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Cathy Borstad, Zoning Board Recording Secretary