

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

19 February 2020

7:00 p.m.

Public Safety Building

Donna Symons called the meeting to order at 7:07 p.m. and attorney Jerry Dasti read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

Present: Hamilton, Pullman, Rickards, Umba, Simmers, Cocivera, Symons
Absent: Wolf, Meehan
Professional Staff: Attorney Jerry Dasti, Attorney Patrick Varga, Planner Michelle Taylor, Secretary Beth Portocalis

PLEDGE OF ALLEGIANCE

MINUTES:

January 15, 2020 Regular Meeting – Vice Chairman Cocivera made a motion to approve the January 15, 2020 Zoning Board Meeting Minutes. Mr. Pullman seconded the motion. A unanimous 7-0 voice vote carried the motion.

January 15, 2020 Meeting Executive Sessions #1 & #2 – Vice Chairman Cocivera made a motion to approve the January 15, 2020 Zoning Board Executive Session #1 and #2 Minutes. Mr. Rickards seconded the motion. A unanimous 7-0 voice vote carried the motion.

January 29, 2020 Special Meeting – Vice Chairman Cocivera made a motion to approve the January 29, 2020 Zoning Board Special Meeting Minutes. Mr. Rickards seconded the motion. A unanimous 6-0 voice vote carried the motion. (Mr. Pullman abstained)

January 29, 2020 Meeting Executive Session – Vice Chairman Cocivera made a motion to approve the January 29, 2020 Zoning Board Executive Session Minutes. Mr. Simmers seconded the motion. A unanimous 6-0 voice vote carried the motion. (Mr. Pullman abstained)

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE:

Patrick McAndrew, Attorney for Thornberry Holdings (Stoklyn Winery) asked to carry their application to the March meeting without the need to re-notice; and consent to a time extension if required. With no one present from the public to speak on behalf of this application, Vice Chairman Cocivera made a motion to approve the request to carry. Mr. Umba seconded the motion. The roll call vote in favor was approved by a 7-0 vote.

RESOLUTIONS TO BE MEMORIALIZED:

RESOLUTION APPOINTING JERRY DASTI OF DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS AS BOARD ATTORNEY (Resolution 2020-3):

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Recorded Vote:

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

RESOLUTION APPOINTING CHRISTOPHER NOLL OF ENVIRONMENTAL RESOLUTIONS, INC. AS BOARD ENGINEER (Resolution 2020-4):

Recorded Vote:

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

RESOLUTION APPOINTING MICHELLE TAYLOR OF TAYLOR DESIGN GROUP AS BOARD PLANNER (Resolution 2020-5):

Recorded Vote:

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

RESOLUTION APPOINTING ERIC BERNSTEIN OF BERNSTEIN & ASSOCIATES AS CONFLICT ATTORNEY (Resolution 2020-8):

Recorded Vote:

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

RESOLUTION APPOINTING DOUGLAS WHITE OF T & M ASSOCIATES AS CONFLICT ENGINEER (Resolution 2020-9):

Recorded Vote:

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

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RESOLUTION APPOINTING EDWARD FOX OF ENVIRONMENTAL RESOLUTIONS, INC. AS CONFLICT PLANNER (Resolution 2020-10):

Recorded Vote:

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

Jason Green & Angela Conti, 52 Sunrise Court, Block: 5301.15, Lot: 15, ZVE-1049,
(Resolution 2020-11) Bulk Variance approvals to construct a 652 sf in ground pool. Building Coverage 10 % permitted, 15.4% existing, 15.4% proposed; Lot Coverage 20% permitted, 31.9% existing, 35.2% proposed. **Zone: RGD-1**

Recorded Vote:

Ayes: Hamilton, Pullman (2), Rickards, Umba, Cocivera (M), Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

David & Donna Hill, 47 N. Lakeside Drive W., 3103/23, ZVE-1060 (Resolution 2020-12)
Bulk Variance approvals to construct a second story addition and covered porch. Building Coverage 17.4% existing, 17.9% proposed, 12 % permitted. Lot Coverage 31.3% existing, 34% proposed, 30% permitted. Front yard setback 30' existing, 30' proposed, 50' required. Second side setback 14'9" existing, 14'9" proposed, 30' required. Rear yard setback 44' existing, 44' proposed, 50' required. **Zone: GD**

Recorded Vote:

Ayes: Hamilton, Pullman (M), Rickards, Umba, Cocivera (2), Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

Joseph Orlando, 108 Route 70, Block: 901, Lot: 4, SPR-5636AF, (Resolution 2020-13)
Approval of expansion of a dual use to allow an access driveway on the east side of the property.

Recorded Vote:

Ayes: Hamilton, Pullman, Rickards (2), Umba, Cocivera (M), Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

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APPLICATIONS/OFFICIAL

Lisa Mikulak, 188 S. Lakeside Drive E., Block: 4903, Lot: 149, ZVE-1050

Motion to dismiss with prejudice for failure to appear for an application of reconsideration of the Board denial at the November 2019 meeting of a driveway with two openings and reduction in the size of approved shed in the side yard. **Zone: GD**

Recorded Vote:

Ayes: Hamilton, Pullman, Cocivera, Symons
Nays: None
Abst.: Rickards, Umba, Simmers
Motion carried: 4 - 0 - 0

Memorialization:

Lisa Mikulak, 188 S. Lakeside Drive E., Block: 4903, Lot: 149, ZVE-1050

(Resolution 2020-14)

Board denial of a driveway with two openings and reduction in the size and setback of proposed shed in the side yard. Building Coverage 12% required, 21.70% existing, 21.70% proposed; Lot Coverage 30% required, 32.22% existing, 33 % approved. Shed approval was for an 8' x 16' shed (128 sf) with a minimum 6' side yard setback; proposed was a 10' x 16' shed with a 5' side yard setback. **Zone: GD**

Recorded Vote:

Ayes: Hamilton (2), Pullman, Cocivera (M), Symons
Nays: None
Abst.: Rickards, Umba, Simmers
Motion carried: 4 - 0 - 0

Camp EFS – 26 Fostertown Road, Block 303, Lot 2.03 ZVE 1061- Use Variance request to permit dual residency in an historic single family dwelling; with Use Variance density relief for recently granted minor sub-division. **Zone: AR**

SWORN: Dominic Favieri, Esq., Attorney
Earl Stahl, Owner
John Kornick, Planner & Engineer, K2 Consulting
Harry F. Harrison, former owner
Joan Powell, former owner & executor of estate

Mr. Favieri opened the testimony by providing background of this historic estate, which dates back to the 1680's and is on both the National & State Register of Historic Places. Mr. Stahl purchased the property to protect his investment in the cemetery across the street, and to date has invested \$500,000 on the existing dwelling and grounds. The original house was added onto centuries ago and shared by members of the Haines family. It has two front doors, two back doors, one common front door, and two kitchens. A common hallway was closed off, and

currently there are 3 bedrooms in one side, and one bedroom in the other.

Mr. Stahl received Planning Board approval in December 2019 to sub-divide the existing lot into two parcels, with one being 4 acres and the second with the existing dwelling being 3.85 acres. A new single family dwelling for Mr. Stahl is planned for the 4 acre lot. As a condition of the Planning Board approvals, Mr. Stahl is seeking Use Variance approval to allow two of his cemetery employees to reside in the existing historic dwelling.

Mr. Harrison was next to testify. He was the former owner of the property in the late 1960's thru early 1970's. He shared living quarters with the former owner and his brother. Mr. Harris built a new kitchen for his use. Requisite permits were obtained as his brother was on the Township Committee. Exhibit A-10 was distributed, which was a photo montage of the kitchens then and now. The property was sold to the Trumbowers in 1972 and no other structural changes were made.

After a number of questions from Board members, Mr. Stahl acknowledged there was only one electric meter for the house, (a second only feeds the hot water heater) as the cost to rewire a 300 year old house was too cost prohibitive. There is only one gas meter. However, there are two cable services. There is also one well and one septic system.

Ms. Powell was next to testify. She was the executor of the Trumbower estate, and they had willed the property to her with the hope she and her parents would live there together. She did not have the financial resources to maintain the property and sold to Mr. Stahl on the proviso that he would maintain the dwelling and building to its historic roots. She confirmed that there are two front doors and each kitchen has a back door, and that the Trumbowers has always spoke of the house as a two family dwelling. She verified that the photos in Exhibit A-10 were accurate.

Mr. Stahl was next to testify. He went thru the photos in Exhibit A-10 and described some were taken for a 2015 appraisal, and some he had taken in 2017 after making improvements. The Township Assessor made changes to the official records after an inspection in 2019 based upon the improvements.

Mr. Stahl stated his intent to maintain the historic character of the dwelling and to co-exist with the cemetery. He has no intent to seek tenants, only to have two key cemetery staff members available close by.

Mr. Kornick was next to testify. He explained the request for the D5 Density Variance and the D1 Use Variance for the two family dwelling. He summarized the Planning Board action and the right-of-way taking by the Township which created the second, slightly undersized lot with the original historic dwelling with two living units. In terms of the positive criteria, only three people are residing in the two units, which is less than reside in most typical single family dwellings, The lot has more than sufficient parking. Additionally, there is plenty of land mass if the septic system expansion is needed. There is no detriment to the Zone Plan and no negative impacts for the dual residential use, which testimony and historical archives both attest to over

the past three centuries. The 2008 Master Plan update and the 2017 update both encouraged preservation of historic buildings and that has been Mr. Stahl's objective, thus advancing the overall objectives of zoning. Mr. Kornick concluded by specifically addressing (c) the adequate open space on the property and (j) the preservation of historic spaces, which outweigh any negatives; and that no neighboring properties will be detrimentally affected. (the cemetery, a solar farm, the Rancocas Creek, and the Township's sewer treatment plant.)

Mrs. Taylor summarized the application for the Board, being a net result of three houses where two are permitted. She noted the Board has previously determined that this could be interpreted as an accessory dwelling unit, similar to a mother-in-law suite, since the dwelling can easily be converted back to a single family dwelling by removing the common hall door.

PUBLIC: Mr. Umba made a motion to open the public portion. Mr. Pullman seconded.

No one from the public spoke.

Mr. Umba made a motion to close the public portion. Mr. Simmers seconded.

The voice vote was unanimous.

Mr. Hamilton made a motion to approve the application as an accessory use to a single family dwelling, without the density relief as it is not required. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

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| Ayes: | Hamilton, Pullman, Rickards, Umba, Simmers, Cocivera, Symons |
| Nays: | None |
| Abst.: | None |
| Motion carried: | 7 - 0 - 0 |

Steve Griffith – 23 Holly Drive; Block 2909, Lot 8 ESL-218I- Bulk Variance to construct a new single family dwelling on a residential lot requiring one side yard setback. **Zone: GD**

SWORN: Steve Griffith, Owner

Mr. Griffith opened his testimony by explaining that he and his wife had purchased this lot from the Township last December. The dwelling had been demolished in 2012. They plan to build a new 2,033 s/f ranch with a 432 s/f attached garage and 16' x 16' back patio. The development was built in the 1960's and many other dwellings have less than the required 30' side yard setback. Mrs. Taylor's letter noted that a building coverage variance is also required, as the 2,871.25 s/f of proposed coverage equals 12.66% of coverage, where 12% is permitted.

Mrs. Taylor acknowledged that the square footage is consistent with the neighborhood, and the house is situated no closer to the lake and street than the others. She further confirmed many houses are less than 30' from the side property line.

Chairwoman Symons asked about the driveway, and Mr. Griffith replied it will be concrete.

Chairwoman Symons asked if any trees will need to be removed, and Mr. Griffith stated one large tree in the center of the property will be removed to provide an unimpeded view of the lake.

PUBLIC: Mr. Umba made a motion to open the public portion. Mr. Pullman seconded.

1) Michael Cugini, 30 Holly Drive

He has lived in the neighborhood since 1997, including all the bad with the former house, and is looking forward to the new dwelling and neighbors.

Vice Chairman Cocivera made a motion to close the public portion. Mr. Umba seconded.

The voice vote was unanimous.

Mr. Umba made a motion to approve the application as proposed with bulk variance approval of the lot coverage and side yard setback. Mr. Simmers seconded the motion.

Recorded Vote:

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| Ayes: | Hamilton, Pullman, Rickards, Umba, Simmers, Cocivera, Symons |
| Nays: | None |
| Abst.: | None |
| Motion carried: | 7 - 0 - 0 |

Chairwoman Symons called for a brief recess at 8:44 pm. The meeting resumed at 8:49 pm

James Blair Murdock, 650 Tabernacle Road, Block: 4706, Lot: 4, ZVE-1058, Bulk

Variances required to construct a 2,000 sf pole barn & 2,566 sf driveway on a non-conforming lot. (1) Exceeds the permitted size of a garage 50' wide by 40' deep proposed; 45' wide by 24' deep permitted. (2) Accessory structure located in front yard which is not permitted in a front yard—proposed garage is setback 143' from Tabernacle Road. (3) Garage capacity twelve to sixteen vehicles proposed, three vehicles permitted. Lot Coverage 12.66 % existing, 18.15 % proposed, 15% permitted. **Zone: RGD-1**

SWORN: Patrick McAndrew, Esq.
James Blair Murdock, Co-Owner
Christine Murdock, Co-Owner

Mr. McAndrew opened the testimony by describing the lot and the house, which is a very small cabin with no area for storage. There is no garage, no attic or no basement. Mr. Murdock lives downstairs, and Ms. Murdock, his mother, lives upstairs. They share one kitchen. The cabin is 300' from Tabernacle Road and the lot is heavily wooded. There is no room behind the cabin for the proposed garage. Mr. McAndrew distributed exhibit A-9, a satellite/aerial photo of the property; and Exhibit A-10, a photo of the house. The proposed pole barn garage will be pre-fabricated steel construction with a metal roof. It will match the color of the house (brown) and will have a green roof. The doors will also be brown and faux windows will be added.

Mr. Murdock was next to testify. He explained that the garage will hold their two vehicles, an ATV, their outdoor equipment, and off-season storage of their lake house belongings. Currently all these items are stored outside. Mr. Murdock also plans to purchase a wood chipper, and would like to store that inside due to its cost and to protect it from the elements. As per Mrs. Taylor's comments in her letter, Mr. Murdock has revised his original planned structure to reduce the height by 2' so its lower than the peak of the house; added windows, and reduced the size of the garage doors to 8' x 8' with a side entry man door and amended the orientation to match the existing driveway contour. The garage will not be able to be seen from Tabernacle Road due to the slope of the road and land topography. It will not impede any of the neighbor's views due to the location of their dwellings. An existing non-conforming shed will be removed if the garage is approved. He did acknowledge that the size of the proposed garage has the capacity for eight vehicles.

Mrs. Taylor addressed Mr. Murdock and stated that the Board has been concerned when proposed garages exceed the size of the dwelling. After discussion on that issue, Vice Chairman Cocivera asked Mr. Murdock if he would be willing to reduce the size of the proposed garage. After conferring with Mr. McAndrew, Mr. Murdock replied that he would be willing to reduce the size of the structure to 1,200 s/f (30' x 40'), which Mr. McAndrew stated is slightly larger than the permitted 1,080 s/f. The height would be 17' 2"H. Given the smaller size, less clearing will be required.

PUBLIC: Mr. Umba made a motion to open the public portion. Mr. Pullman seconded. No one from the public spoke.

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

After continued discussion by Board members, Mr. McAndrew made a request to continue the application to the March meeting to allow Mr. Murdock & Ms. Murdock an opportunity to review other options.

Vice Chairman Cocivera made a motion to continue the application to the March meeting with consent to extension of time. Mr. Umba seconded the motion.

Recorded Vote:

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| Ayes: | Hamilton, Pullman, Rickards, Umba, Simmers, Cocivera, Symons |
| Nays: | None |
| Abst.: | None |
| Motion carried: | 7 - 0 - 0 |

James & Jessica Eigenbrot, 98 Old Marlton Pike, Block: 906.01, Lot: 10, ZVE-1053, Bulk Variances required to construct a 1,566.25 sf addition and 1,400 sf garage on a non-conforming lot. Lot Area 0.96 acres existing, 2.0 acres required. Lot Width at the building line is 183' existing, 200' required. Lot Depth 284.85' existing, 300' required. Side yard setback for principal dwelling 10.94' existing, 50' required; Front yard setback 53.82' existing, 100' required. Garage exceeds size permitted 35' wide by 40' deep proposed; 45' wide by 24' deep permitted. Garage height 20.875' proposed, 20' permitted. Garage capacity 4 to 5 vehicles

proposed, 3 vehicles permitted. Garage side yard setback 35' existing, 15' proposed, 50' required. Lot Coverage 14.01% existing, 19.06% proposed, 15% permitted. **Zone: GMS**

SWORN: Patrick McAndrew, Esq.
James Eigenbrot, Owner

Mr. McAndrew opened the testimony by describing the .96 acre non-conforming triangle shaped lot adjacent to Freedom Park. Mr. Eigenbrot is proposing to expand the existing ranch house for his growing family, and eliminating the existing two-car garage and replace with a larger garage. The addition will have four new bedrooms, replacing three in the existing dwelling slated to be remodeled. The house and new garage will be charcoal gray, with white trim and black roofs.

Exhibit A-13 was distributed, which was a packet of documents including proofs that a plumbing business owned and operated by Mr. Eigenbrot stores his vehicles and equipment at another location. The proposed garage is sized to accommodate his 5th wheel camper and pick-up truck.

The proposed location of the garage will be in-line with the side of the house with the addition. Large evergreens will be planted to shield the garage on the property border with Freedom Park. No change to the front of the dwelling is proposed.

The garage will be 1' higher than the dwelling. The garage door is proposed at 16' x 12' to accommodate the camper, and will match the color of the garage. The exterior was proposed to be steel, however Mr. Eigenbrot is willing to change the exterior to the same siding as will be used on the house.

Board members asked Mr. Eigenbrot if he would be willing to relocate the garage to the rear yard situated behind the house. Mr. Eigenbrot hesitated, as this would take away much of his rear yard, but it was noted by Mr. Hamilton that the family has a large community park with open space immediately adjacent to their property.

Mrs. Taylor asked Mr. Eigenbrot if the addition to the dwelling needs to be where proposed; to which he replied yes given the layout of the existing dwelling. Mrs. Taylor then commented that the proposed garage is not consistent with the dwelling's roof peaks and dormers, and is inconsistent with the neighborhood and typical residential garages, including the Eigenbrot's current garage.

PUBLIC: Mr. Umba made a motion to open the public portion. Mr. Simmers seconded.

1) Francis Bicker – 107 Old Marlton Pike. He stated he has no objections to the addition to the house, but objects strongly to the overdevelopment on the 1 acre lot; given the house will be 3,000 sf and the garage 1,400 sf. He added that the garage architecture is inconsistent with the neighborhood, and he has observed multiple occasions of construction equipment entering and exiting property.

2) Richard Obetz - 102 Old Marlton Pike. He stated he does not have any concerns with the

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proposed addition to the dwelling, but given that this lot is half the size of other lots in the zone, it is way over the zone requirements and required setbacks. He also disapproves of the aesthetics and compared the proposed garage to a warehouse building. He also noted that up to three weeks ago there was a very active business use.

Vice Chairman Cocivera made a motion to close the public portion. Mr. Umba seconded. The voice vote was unanimous.

After briefly conferring with Mr. Eigenbrot, Mr. McAndrew made a request to continue the application to the March meeting to allow Mr. Eigenbrot an opportunity to review other options. Vice Chairman Cocivera made a motion to continue the application to the March meeting with consent to extension of time. Mr. Umba seconded the motion.

Recorded Vote:

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|-----------------|--|
| Ayes: | Hamilton, Pullman, Rickards, Umba, Simmers, Cocivera, Symons |
| Nays: | None |
| Abst.: | None |
| Motion carried: | 7 - 0 - 0 |

GENERAL PUBLIC: Mr. Umba made a motion to open the public portion. Mr. Pullman seconded.

No one from the public spoke.

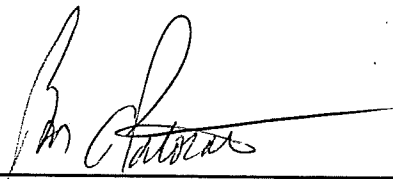
Mr. Umba made a motion to close the public portion. Mr. Simmers seconded. The voice vote was unanimous.

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD: Ms. Portocalis noted for the Board that three applications had been continued to the March meeting, and there were already three other applications that were thru staff review and tentatively scheduled for the March meeting. Mr. Dasti did offer the Board recommendations on how to address similar situations moving forward.

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the Zoning Board of Adjustment meeting at 10:10 pm. Mr. Simmers seconded the motion. A voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary