

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

19 August 2020 -- 7:00 p.m.

Via "Zoom" on-line platform*

**This Meeting was conducted during a National Emergency with remote participation in accordance with guidance provided by the NJ Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this Meeting.*

Chairwoman Symons called the meeting to order at 7:05 p.m. and Mr. Varga read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

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

PLEDGE OF ALLEGIANCE

MINUTES:

July 15, 2020 Regular Meeting – Mr. Umba made a motion to approve the July 2020 Zoning Board Meeting Minutes. Mr. Pullman seconded the motion. Chairwoman Symons and Mr. Hamilton abstained. A unanimous voice vote of the other members carried the motion.

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE: Secretary Portocalis read a letter from Brandon Horn, the new owner of 100 Hinchman Road (Block 6201, Lot 1) seeking Board approval of a one year extension of approvals granted via Resolution #2018-14 to former owner Sean Gray. Mr. Horn testified that he and his partner Michael Freeman do not intend to change anything from the original plans and variances originally approved by the Board, and intend to construct the dwelling as originally applied for. Upon questioning by Chairwoman Symons, Mr. Horn stated that the projected construction time is 9 months.

Mr. Simmers made a motion to approve the one year extension of approvals stipulated in Resolution 2018-14 permitting construction of a new single family dwelling. Mr. Pullman seconded the motion.

Recorded Vote:

Ayes: Hamilton, Pullman, Umba, Meehan, Simmers, Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

RESOLUTIONS TO BE MEMORIALIZED:

**Chris & Wendy Fenske, 6 Georgia Trail, Block: 2502.02, Lot: 5, ZVE-1064
Resolution 2020-26**

Bulk variance approval for exceeding number of permitted accessory structures; two accessory structures proposed/existing where one is permitted. **Zone: GD**

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

Daniel Terry Galvin, Jr., 2 Great Bridge Court, Block: 5105, Lot: 24, ZVE-1063
Resolution 2020-27

Bulk variance approval to re-construct an existing 10'x12' attached deck with an 8' addition resulting in a final size of 18' x 12'. Building Coverage existing 14.2%, proposed 14.7%, permitted 10%. Lot Coverage existing 20%, proposed 21%, permitted 20%. **Zone: RGD-1**

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

Nicholas Giordano d/b/a Taurus Builders, 12 Georgia Trail, Block 2502.02, Lot 8, ZVE-1065 Resolution 2020-28

Bulk variance approval to construct a new single family dwelling requiring a design waiver for the proposed driveway; 10' from side property line required; 5' proposed; and a rear yard setback proposed at no more than 40' where 50' is required. **Zone: GD**

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

Brian and Carli Hollins, 318 Jackson Road, Block 5507.01, Lot 3.07, ZVE-1066
Resolution 2020-29

Bulk Variance approvals to construct a detached pool house 12' x 16' x 13'H (192 sf) where 168sf is the maximum permitted size for an accessory structure; construction of a detached pole barn garage sized 30' x 40' x 22'H (1200 sf) where 24' x 40' (1,080 sf) is the maximum size and 20' is the maximum height; and garage parking capacity of seven vehicles where three vehicles are permitted. **Zone: RGD-2**

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

APPLICATIONS/OFFICIAL

Steve Foulk DBA Medford Auto Care, 188 Rt. 70, Block 904, Lot 3.01 ZVE-1067

Seeking Use Variance approval for second/accessory use (Truck Rentals)

Zone: HC-1

Mr. Umba made a motion to carry this application to the September 2020 meeting without the requirement to re-notice. Mr. Pullman seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Umba, Meehan, Simmers, Symons
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Bradford Bisinger, 79 Eayrestown Road, Block 304, Lot 4.02, ZVE-1068

Seeking Bulk Variance approvals for construction of an oversized barn replacing existing detached garage to be demolished, and garage parking capacity of four vehicles where three vehicles are permitted. **Zone: AR**

SWORN: Bradford Bisinger, Owner
 Randall Holberg, Architect

Mr. Holberg opened the testimony by explaining that Mr. Bisinger is seeking approval to construct a 48-foot wide by 36 feet deep (1,728 SF) four bay detached garage with a 48-foot wide by 6 feet deep roofed overhang in the rear yard on the north side of the parcel, which is a 10-acre, regularly shaped property located along the west side of Eayrestown Road. The Lot is within the AR Agricultural Retention Zone. The property, including the dwelling and existing outbuildings, were in poor condition when Mr. Bisinger acquired it. The 3,650 two and a half story dwelling, which is over 100 years old, was relocated back further on the parcel and has been undergoing extensive renovations.

Mr. Bisinger stated that the four bays are needed to park a pick-up truck, a tractor, the tractor implements, and other discretionary pieces of equipment that will be used to care for the property. Upon questioning by the Board, Mr. Bisinger testified that the proposed garage would be for residential use only and there would be no commercial vehicles. The dwelling does have a three car attached garage which will be utilized to park the family's vehicles.

Mr. Holberg continued that a 1,300sf and a 70sf dilapidated structures have already been demolished, and a 985sf rundown garage near the front of the property is currently used to park the tractor and attachments but will be demolished when the proposed garage is constructed.

The proposed garage complies with all set back and coverage requirements; but requires three variances: (1) to have a capacity for more than three (3) motor vehicles, specifically, four (4) where three are permitted; (2) to exceed the permitted depth of 24 feet where 42 feet is proposed, including the roof overhang; and (3) to exceed the permitted width of 36 feet where 48 feet is proposed. All wetlands are avoided, and it overall is well below the permitted coverages.

The proposed garage will be located approximately 1,000 feet from Eayrestown Road, and 50' off the side yard setback. No trees will be removed. It will have electric but no water or sewer services. It will be constructed with wood siding, with a wood frame with an exterior corrugated metal roof and side walls to match and complement the dwelling. The proposed plans have already received County Health Department approval for the septic on the property.

Mr. Holberg concluded his testimony by stating that Mr. Bisinger intends to refurbish the existing driveway and redesign the configuration to access the proposed garage, but this will not result in additional impervious coverage.

Chairwoman Symons asked why the garage doors are proposed at a height of nine feet. Mr. Bisinger responded that the height will allow him easier maneuverability in and out of the garage for a tractor and its' attachments. The tractor has a roof and roll over bar that requires the added height. Chairwoman Symons asked why four doors/bays are being requested. Mr. Bisinger replied that he intends to store his personal pick-up truck, the tractor, and all the tractor's attachments in three of the four garage bays. The fourth garage bay does not currently have an identified use but it is expected that additional equipment will be needed for the 10-acre property, and since this intended to be the Bisinger's "forever home," it may be utilized in the future for additional family vehicles—but it will be for purely residential purposes when it is utilized.

Chairwoman Symons asked if the proposed garage will have any additional architectural features, and Mr. Holberg responded that there will be one (1) man door and three (3) windows. It will be a historically accurate red or white/gray to compliment the dwelling, which is white with black details.

Mr. Pullman asked what the use will be of the attic space in the garage. Mr. Holberg replied that its standard trusses and not really attic space.

Chairwoman Symons asked what type of exterior lighting is planned. Mr. Bisinger replied there will not be any pole lighting, but rather motion activated security lighting. He is willing to comply with Mrs. Taylor's recommendation to use low wattage, warm in color downward facing lights above the doors of the garage.

Mrs. Taylor asked Mr. Bisinger why he has the garage doors proposed to face the neighbor's property. Mr. Holberg replied that the location of the barn is the most ideal and appropriate location given the existing driveway contour, as a new driveway would take up planned open play area for the family. Additionally, Mr. Bisinger consulted with his neighbors to find a

location where it would not create or cause any adverse aesthetic effect on the neighbor's use and enjoyment of their property, as there an existing line of white pine trees to provide screening. Mrs. Taylor suggested additional lower level landscaping below the trees such as shade tolerant brush below the trees to ensure the structure is hidden from the neighbor's view. Mr. Bisinger agreed.

Mr. Noll had no comments.

Mr. Varga asked Mr. Bisinger if the benefits of the proposed variances substantially outweigh any determinant to the AR Zone plan, to which Mr. Bisinger responded no. Mr. Bisinger further testified that the variances will not substantially impair the intent and purpose of the Township of Medford's Zoning Plan and Zoning Ordinance.

PUBLIC: Mr. Pullman made the motion to open the public comment; Mr. Hamilton seconded. No one from the public spoke.

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

Mr. Umba made a motion to approve the application as proposed, with the requirement to remove/demolish the existing detached garage and follow the lighting and additional landscaping recommendations of the Board Planner. Mr. Simmers seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Umba, Meehan, Simmers, Symons
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Jerry and Melissa Micciche, 56 N. Main St., Block 1201, Lot 19, ZVE-1069

Seeking Use Variance approval to convert existing mixed use commercial with residential space to a single family residential use only. **Zone: HVC**

SWORN: Jerry and Melissa Micciche, Owners

Mr. Micciche opened his testimony by describing the property, which was originally constructed as a single family dwelling, which over 40 years ago was converted for commercial use on the first floor with residential use continuing on the second and third floors. The Williams family owned the property and operated Genie House Lighting for many years, until their retirement. An employee took over the retail lighting sales and renamed the business Medford Lighting, and same employee rented the upper floors as living space. The Williams listed the property for sale, but there was no commercial interest, so the listing was promoted for its residential potential.

The Micciche's were attracted the Victorian design of the dwelling and look forward to restoring it to its original grandeur as a single family dwelling with residential use only. The home is mostly in its original layout and footprint as the size of the rooms on the first floor were not altered; only one doorway to the upstairs needs to be removed. The lease for the lighting store expires on December 31st of this year; so the Micciche's will live upstairs for the time being until they can restore the kitchen and the downstairs bathroom. They will remove the upstairs kitchen and restore it as another bedroom. Board members asked if approval was granted would the business need to vacate earlier, to which Mr. Varga responded the Board could add this as a condition to permit the business to operate until the lease terminates.

Upon questioning by Board members, Mr. Micciche stated that he intends to maintain the driveway but eliminate the parking spaces, and will remove the monument sign once Medford Lighting closes. The existing 8' x 12' shed is also to remain in its present location. Mr. Umba asked what the projected use of the open grass area behind the driveway perimeter fencing will be, and Mr. Micciche replied that they are still trying to figure out how to make it contiguous to the dwelling. They want to maintain it as a play area for their children and gathering space for the family. The Micciche's referred to Exhibit A-6, which was an updated survey they received upon purchase of the property.

Mrs. Taylor referred to her August 12, 2020 letter, which included a color coded block and lot layout of the HVC Zone area. This was to demonstrate the current land use patterns of both commercial and residential properties, which showed the mixed character of the neighborhood. There is a higher concentration of commercial properties closer to the center of the village near the Main & Union intersection; and further away especially heading north on Main Street the lots are bigger and there are larger setbacks, which is more characteristic of residential properties. The Micciche property is within this residential area, and is close to another property which was recently granted Use Variance approval from the Board to convert from commercial to residential use.

Mr. Noll offered that the U-shaped driveway should remain as is, as it will provide the Micciche's safer entry and exit to Main Street. Further, as a County road, if one leg of the driveway was to be removed, should the property ever revert back to commercial use, County approvals may be very costly to obtain. The traffic impact of the use is decreased as a result of the proposed use change from commercial/residential use to residential only use.

Mr. Varga questioned Mr. & Mrs. Micciche with respect to the Positive Criteria, and they testified that by permitting the requested relief it would promote the conservation of the historical roots of the subject property and enable the preservation of the property. Mr. Varga offered this is consistent with N.J.S.A. 40:55D-2(j) which provides: "[i]t is the intent and purpose of this act [t]o promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper land use." N.J.S.A. 40:55D-2(j). In addition, by permitting the use the Board would further the already changing environment, and permit the property to continue the pattern of converting the neighborhood to its historic residential roots. Lastly, altering the

use would lesson traffic coming to and from the site and ultimately make Main Street a more easily traversed thoroughfare.

With respect to the negative criteria, Mr. & Mrs. Micciche testified that the proposed use would be contrary to the 1982 Master Plan reexamination report, which recognized the purpose of the HVC Zone was to provide regulations to maintain the historic character of the village while encouraging retail, office, and profession uses within the core of the historic district. However, the Micciche's testified that this effect, if any, would be *de minimus* as the property was already a partial residential use and the neighborhood is actively converting to a residential scheme. The Micciche's concluded their testimony by stating that the benefits of the proposed variance substantially outweigh any determinant. The Applicants further testified that the variances will not substantially impair the intent and purpose of the Township of Medford's Zoning Plan and Zoning Ordinance

PUBLIC: Mr. Pullman made the motion to open the public comment; Mr. Meehan seconded.

Matt Battin - 4 Atkinson Court, Medford. Mr. Battin that he is a 25+ year resident and is extremely supportive of the application and overall commended the Applicant's plans to reinvigorate the historic district and convert the commercial property to a residential one.

Mary Madell - 8 Springhouse Drive, Medford. Ms. Madell stated that as a resident of Medford, she is extremely supportive of the application as the commercial business was not getting much foot traffic, and believed converting the property to a residential home is the best thing for the Village neighborhood.

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

Mr. Umba made a motion to approve the application as proposed to convert the property to a single family dwelling residential -only use commencing January 1, 2021; with the condition to remove the existing business monument sign by January 31, 2021. Mr. Simmers seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Umba, Meehan, Simmers, Symons
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

Adam Spisak, 1 Lippincott Court, Block 805.01; Lot 24. ZVE-1071.

Seeking Bulk Variance approval to permit a 6'H privacy fence in front yard of a corner lot where 4' fence with 50% opacity is permitted. **Zone:** GMN

SWORN: Adam Spisak, Applicant

The Applicant testified that he currently resides in Highlands Ranch, Colorado but was closing on the subject property the following morning, August 20, 2020.

The subject residential property is 11,666 SF rectilinear property located along the southeast corner of Lippincott Court and Springhouse Drive within the Springhouse development. The lot is within the GMN—Growth Management District and contains a two story single-family dwelling.

Originally, Mr. Spisak proposed to construct a six-foot-high fence erected from the front corner of his lot and extend to the property line adjacent to Springhouse Drive where it would turn south and extend to the rear yard, at which point it would turn east. He is seeking relief because a six feet high solid fence is not permitted in the front yard of the property.

As a part of his testimony, Mr. Spisak presented a PowerPoint consisting of several slides, (marked as Exhibit A-8) to clarify that he is now seeking approval to erect a 6-foot high solid white vinyl fence of the lattice design from the front corner of his home, extending west towards Springhouse Drive, turning south approximately 11 feet off the property line, 21 feet from the curb line ending at his rear property line where it would turn east. This was suggested by Mrs. Taylor in her review letter.

Mr. Spisak explained to the Board that he is seeking this variance relief to provide adequate safety for his eldest son, who is currently five years old and is severely autistic, non-verbal, and poses a serious health risk to himself as he can easily climb a foot fence with 50% opacity. His son does not understand the risk associated with running into a street with driving cars, therefore, to prevent injury to himself and others, Mr. Spisak is seeking approval to construct the proposed fence to adequately deter his son's climbing tendencies.

In addition, because of Mr. Spisak's son's special needs, they cannot recreate in a park or open space area. Therefore, he desired to provide his family with the most use and enjoyment of his yard. Mr. Spisak contended that permitting the fence to be erected off the front corner of his property would not create any visual barrier for drivers traveling on Springhouse Drive, as the fence would be located eleven (11) feet off the property line, and twenty-one (21) feet from the curb line.

There was discussion amongst the Board members that resulted in a suggestion that the fence be erected from the rear corner of the property, and from there extend west towards Springhouse Court, a suggestion that Mr. Spisak consented to. Additional discussion ensued, and Mr. Spisak thereafter offered that if the fence would extend from the rear of his property west up until it hits eleven (11) feet off the property line, twenty-one feet (21) feet from the curb line, there would be no visual impairment or a significant barrier to a driver's line of sight traveling down Springhouse Road.

Mr. Spisak added that the height of the proposed fence is consistent with the neighborhood, directing the Boards attention to similar neighborhoods with similarly designed fences as

depicted in Exhibit A-8. However, in the event the Board would require him to construct a shorter fence of four to five feet in height, he asked that the fence be permitted to solid to prevent any possibility of his son climbing over.

Mrs. Taylor stated that the original application requested the fence be 1' off the roadway, and was subsequently amended to 10' based upon her review letter. The lots in Springhouse are smaller, and there are very few front yard fences in this subdivision. The proposed fence does include lattice feature at the top. Her recommendation is 11' setback, as the current plantings would be in front of the fence. Ms. Spisak said he is willing to accept this setback, which results in the fence being 25' from the roadway.

Mr. Noll referred to Mr. Spisak's slide of the sight triangle, and explained that the 11' setback would result in the fence being 21' off the curb line, which is actually 10' more than the photo Mr. Spisak showed of an existing 6' high solid fence on a corner property on Tolkien Passage. This suggested location would not compromise the sight triangle.

Upon questioning from Mr. Varga, Mr. Spisak testified that the benefits of the proposed variances substantially outweigh any determinant; and that the variance relief will not substantially impair the intent and purpose of the Township of Medford's Master Plan and Zoning Ordinances.

PUBLIC: Mr. Umba made the motion to open the public comment; Mr. Meehan seconded

Richard Scott Halpin - 6 Hollingshead Court stated that he is concerned for the safety of children and those traveling on Springhouse Road, noting that a six-foot-high fence would potentially obstruct a driver's line of site.

Aaron Patton - 14 Springhouse Drive stated that he and his wife live in the home adjacent to the subject property would see the fence everyday as they exited their home. Although he sympathized with the Applicants position, he does not feel a six feet high privacy fence could be accommodated, emphasizing its effect on the aesthetic layout of the Springhouse community.

Chris Bortzfield - 9 Lippincott Court expressed concern about the height of the fence, and testified that there are ten corner lots in the Springhouse community and eight of them have existing fences, all of which are within the ordinance requirements.

Walt Freas - 3 Lippincott Court expressed his support for the Applicant's proposal.

Donald SangtINETTE - 5 Hollingshead Court inquired if the applicant would be willing to landscape the exterior of side of the fence to soften the view on the community, which Ms. Spisak replied he would certainly do.

Dee Bradley - 2 Prickett Court advised that she was on the Board of Trustees for the homeowner's association and opined that there is a growing concern for students standing in the road to board the school bus, as well as a concern that the fence would block or impact any utility

easements. Ms. Bradley opined that a good compromise would be for the fence to come directly back off the rear west corner of the dwelling without encroaching on the front yard facing Springhouse Drive.

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

Mr. Simmers made a motion to approve the modified application to permit a four (4) feet high solid vinyl fence to be erected located parallel with and off the rear wall of the dwelling and extend west, up to 15 feet into the front yard towards the Springhouse Drive right-of-way, at which point the fence would turn south towards the rear lot line and extend to the rear lot line; and turn east up to fifteen (15) feet or equal to the first leg and transition to a six (6) feet high solid vinyl fence along the rear yard line and continuing as permitted extending north along the eastern property line, without impeding the drainage swale easement; with landscaping in front of the fence that is directly adjacent to Springhouse Drive. Mr. Umba seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Umba, Meehan, Simmers, Symons
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

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

No one from the public spoke.

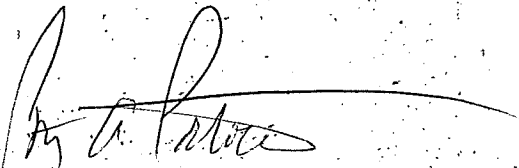
Mr. Umba made a motion to close the public portion. Mr. Simmers seconded. The voice vote was unanimous.

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD: Ms. Portocalis stated that a decision whether or not to offer the September meeting as a "hybrid" or in-person meeting only is still to be decided, predicated on the order and delivery of equipment.

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the Zoning Board of Adjustment meeting at 9:37 pm. Mr. Simmers seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary