

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

16 September 2020 -- 7:00 p.m.

Public Safety Building, 91 Union Street

and 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.*

Vice Chairman Cocivera called the meeting to order at 7:11 p.m. and Mr. Varga read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

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

PLEDGE OF ALLEGIANCE

MINUTES:

August 19, 2020 Regular Meeting – Mr. Umba made a motion to approve the August 2020 Zoning Board Meeting Minutes. Mr. Hamilton seconded the motion. Vice Chairman Cocivera, Mr. Rickards and Mr. Wolf abstained. A unanimous voice vote of the other members carried the motion.

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE: None

RESOLUTIONS TO BE MEMORIALIZED:

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

Resolution #2020-30

Bulk Variance approvals for construction of an oversized barn replacing existing detached garage, and garage parking capacity of 4 vehicles where 3 vehicles are permitted. **Zone: AR**

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

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

Resolution #2020-31

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

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

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

Resolution #2020-32

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

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

Brandon Horn, 100 Hinchman Road, Block 6201, Lot 1. ZVE-1009

Resolution #2020-33

Approval of time extension to construct a new single family dwelling granted per Resolution 2018-14 memorialized May, 2018. **Zone:** RGD-2

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

APPLICATIONS/OFFICIAL

YMCA of the Pines, 1303 Stokes Road, Block 5101.01, Lot 1. ZVE-1033(A) Zone: PPE

This was listed on the Agenda as an amended Use Variance request for expansion of a non-conforming use; however as explained by Mr. Dasti, he and the Attorney for the applicant determined that due to COVID related mandates that compelled the YMCA to expand the use, an amended Use Variance was not required in these circumstances and had been withdrawn prior to the meeting.

No one from the public was present to speak on this application.

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

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

Zone: HC-1

SWORN: Patrick McAndrew, Esq., Attorney for Applicant
Stephen Foulk, Applicant/Owner

Mr. McAndrew opened the testimony by explaining the history of the site, which has been owned by the Foulk family since 1959. The site has operated with multiple uses, including home heating fuel storage and delivery, gasoline pumps (with canopies), and vehicle repair. These three uses have been operating on the site for over 60 years. Mr. Foulk removed the gasoline pumps and canopies last year rather than upgrading/replacing the underground storage tanks. The gasoline

sales were by far the most intensive use on the site, averaging hundreds of site visits per day. This allowed Mr. Foulk to increase parking capacity on the site.

Mr. McAndrew continued that the Foulk family had offered truck rentals on a limited basis in the past, as this is a permitted accessory use for service stations. Mr. Foulk is seeking approvals to rent Penske trucks from the site, with an expectation to only have 6-8 trucks on site at any one time. This rental operation will supplement some of the lost revenue from the gasoline sales.

The Penske trucks will vary in size, but the fleet ranges from small vans to 26' moving size trucks, that including the chassis can be up to 33' in length. Since this will be a pick-up/drop-off location, the quantity and length of trucks will vary daily. But the arrangement with Penske can limit the site to a set number of trucks at any one time. The trucks are proposed to be parked on the side of the site closest to Medford Ford.

The number of employees will not be increased, and there will be no changes requested to the existing site signage. There will be no other changes to site operations such as trash removal or deliveries. Advertising will be through the internet and visually by having the trucks on the site.

Per Mrs. Taylor's recommendation in her letter dated August 12, 2020, Mr. Foulk is amenable to a lot consolidation with an adjoining lot that is used for site operations. Mr. Foulk is also agreeable to adding lot designations on the survey to develop a use variance plan as requested by Mr. Noll in his letter of September 11, 2020.

Mr. McAndrew further stated that Mr. Foulk agrees to all the recommendations in both Mrs. Taylor's and Mr. Noll's letters, except for the landscaping recommendations from Mrs. Taylor. Mr. Foulk requested that he be permitted to use slats in the existing fence. Mrs. Taylor objected, noting that the last approved site plan included natural landscaping, some of which still remains. After some back and forth conversation, Mr. McAndrew asked if the landscaping could be decided in the field with Mrs. Taylor.

Mr. McAndrew concluded his testimony by stating that there would be no negative impacts to having the rental trucks on the site, and the positive criteria has been met at the site has reduced traffic entering and exiting to the state highway, and the aesthetics have been enhanced with the removal of the gas pumps and canopies.

Mrs. Taylor asked about the depth of the parking spaces designated for the trucks. She noted that Penske does have trucks up to 31-32' in length. Mr. Foulk was not certain, and the Penske representative was not available to participate in the meeting. Mr. Noll said that per the survey, the designated parking spaces range in length from 18-21 feet; and three spaces do not meet the requirements.

Much discussion ensued about the parking spaces, aisle widths, and other site details lacking on the survey which were of concern to Board members. Mr. McAndrew then asked if the application could be carried to the next meeting so that the Board concerns could be addressed by Mr. Foulk.

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

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

Mr. Umba made a motion to continue this application to the October 21, 2020 meeting without the requirement to re-notice, and with applicant agreeing to time extension to hear the application. Mr. Wolf seconded the motion.

Recorded Vote:

Ayes:	Cocivera, Hamilton, Rickards, Umba, Wolf, Simmers, Meehan
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

James Moffa, 94 Hinchman Road, Block 6201, Lot 4 ZVE-1076

Seeking bulk variance approvals for oversized shed 12' x 20' (240sf) where 168sf is maximum permitted, and exceeding lot coverage 15% permitted; 21.75% requested.
Zone: RGD-2.

SWORN: Robert Kingsbury, Esq., Attorney
James Moffa, Owner/Applicant

Mr. Kingsbury opened the testimony by explaining that Mr. Moffa is purchasing a used shed. It is needed as there is no storage in the dwelling; as the attic is unfloored and the stairs are difficult to navigate. The existing crawl space is continuously damp. The third bay of the garage is currently used for storage, but Mr. Moffa is anticipating a third vehicle so that garage bay will be needed to park the car.

The lot next to the side yard where the shed is proposed to be located is a vacant, wooded lot owned by the Township, so there are not any visual disruptions. The shed will be set on pavers, and there will not be any electric or plumbing. Mr. Moffa will be adding arborvitae landscaping screening to insure it is well buffered all around the shed. Mrs. Taylor suggested rhododendrons instead of arborvitae for a more natural aesthetic to the adjacent wooded lot.

An existing small Rubbermaid shed will be removed if this application is approved. The lot is just under one acre, and the oversized shed will result in additional lot coverage of approx. 1%.

Mrs. Taylor also stated that since the survey submitted was not to scale, the applicant should agree on the record that the shed would be setback at least 5 feet from the property lines as required by the Ordinances. Mr. Moffa agreed.

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

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

Mr. Umba made a motion to approve the application as proposed, with the requirement to remove the existing shed, add the landscaping as recommended by the Planner, obtain the required construction permits, and maintain a minimum 5 foot rear yard and side yard setback. Mr. Simmers seconded the motion.

Recorded Vote:

Ayes:	Cocivera, Hamilton, Rickards, Umba, Wolf, Simmers, Meehan
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

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

No one from the public spoke.

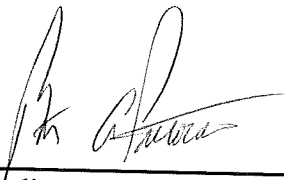
Mr. Umba made a motion to close the public portion. Mr. Rickards seconded. The voice vote was unanimous.

EXECUTIVE SESSION: None

ADDITIONAL ACTION BY BOARD: None

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the Zoning Board of Adjustment meeting at 8:15 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary