

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF MEDFORD
COUNTY OF BURLINGTON, STATE OF NEW JERSEY
GRANTING BULK VARIANCE APPROVAL
TO V. ANTHONY CATTANI
FOR PROPERTY KNOWN AND DESIGNATED AS
BLOCK 3202.12, LOT 45
AKA 3 HILL COURT
MEDFORD, NEW JERSEY**

SPR-5749

WHEREAS, The Zoning Board of the Township of Medford, County of Burlington, State of New Jersey (hereinafter referred to as the "Zoning Board") has received an application for bulk variance approval for the property owners of Block 3202.12, Lot 45, AKA 3 Hill Court, Medford, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the Owner/Applicant of the property is V. Anthony Cattani and,

WHEREAS, the property is in the GD Zone; and

WHEREAS, it appearing that the Applicant provided appropriate notification in accordance with the Township Land Use Ordinance for a public hearing to be held on May 20, 2020; and

WHEREAS, all real estate property taxes and required fees have been paid in full to date.

WHEREAS, the Owner/Applicant is pro se, appearing in his individual capacity; and

WHEREAS, in conjunction with the application, the Applicant has submitted and the Zoning Board has reviewed the following documents which have been entered into evidence:

- A-1 Land Development Application received January 29, 2020;
- A-2 Building and Lot Coverage Worksheet revised and received February 25, 2020;
- A-3 Authorization to Enter Grounds, received January 29, 2020;
- A-4 Application Checklist rec'd January 29, 2020;

- A-5 Home Owners Association Courtesy Notice received January 29, 2020;
- A-6 Tax Map;
- A-7 Pool Transmittal from Environmental Resolutions, Inc. approving pool grading plans, rec'd February 11, 2020;
- A-8 Topographic Survey dated November 14, 2019, revised January 31, 2020 and received January 31, 2020;
- A-9 Plot Plan dated 11/14/2019 prepared by Joseph A. Mancini of the "Property"
- A-10 Photo of Property;
- A-11 Photo of Property;
- A-12 Photo of Property;
- A-13 Photo of Property;
- A-14 Photo of Property;
- A-15 Photo of Property;
- A-16 Photo of Property;

WHEREAS, at a public hearing held on May 20, 2020 the Zoning Board received uncontroverted factual testimony as follows:

1. The Applicant, V. Anthony Cattani, testified that he is the owner of 3 Hill Court.
2. The purpose of the application is to obtain bulk variance approval for the pending construction of an in-ground swimming pool.
3. The required side and rear year set back is 15 feet, whereas the proposed rear and side yard setback are 10 feet each.
4. The permitted lot coverage is 30%, whereas there is 28% existing and 40% is proposed.

5. The Applicant testified that the proposed construction is consistent with the neighborhood.
6. The Applicant testified that the benefits of the proposed variance substantially outweigh any determinant.
7. The Applicant further testified that the variance will not substantially impair the intent and purpose of the Township of Medford's zoning plan and zoning ordinance.
8. The Applicant testified that the layout of the proposed pool is designed to be both aesthetically pleasing and ensure an optimum amount of safety.
9. The Applicant testified that the pool equipment will be tucked around the side of his house, on the easterly side, while the AC unit is located on the westerly side. This being consistent with the location depicted in A-9.
10. The Applicant testified that the need for the rear and side yard setback was to ensure that his pool is located in a safe and reasonable location and further deter any person from jumping off his enclosed patio roof into the pool.
11. The Applicant's contractor, Scott Jarvis, testified that the proposed pool is in fact under the averaged size for an inground pool.
12. Scott Jarvis testified that the proposed pool will comply with all codes and regulations.
13. Public comment was heard on this proposal for which Ron Lill of 5 Hill Court testified as follows:
 - a. He is the owner of the dwelling immediately east of the Applicant's lot.
 - b. That the applicants proposed construction, with the requested bulk variance would be consistent the neighborhood scheme generally, and that as his neighbor he is not opposed to pool's location or viewing pool equipment.

14. Further public comment was heard on this proposal for which Carolyn Baker of 4 Hill Court testified as follows:

- a. She is the owner of the dwelling immediately across the street from the applicant's lot.
- b. She is not opposed to the Applicant's requested variances and believes the proposed construction to be aligned with the purpose of the zoning ordinance.

15. After consulting with members of the Zoning Board, and the Applicant, it was agreed that a Bulk Variance, pursuant to the provisions of N.J.S.A. 40:55D-70(c)(2) should be granted, inasmuch as sufficient proofs have been presented to the Zoning Board.

NOW, THEREFORE, BE IT RESOLVED this 20th day of May 2020, by the Zoning Board of Adjustment of the Township of Medford, County of Burlington, State of New Jersey, that the aforementioned bulk variance application submitted in accordance with the provision of N.J.S.A. 40:55D-70(c)(2) is hereby granted.

In so approving the aforementioned application, the Zoning Board has made the following findings of fact:

1. The Applicant is the owner of the property and therefore has a proprietary interest in the application.
2. All required fees and real estate property taxes have been paid in full to date.
3. The Applicant has complied with all notification requirements of the Township Land Use Ordinance.
4. The application is therefore a "complete" application as defined by the New Jersey Municipal Land Use Law. In addition, the Zoning Board formally takes jurisdiction of this application.

5. The application has provided uncontroverted factual testimony to legitimate the findings of the Zoning Board that granting Bulk Variance relief will:
 - a. Effect a single specific piece of property;
 - b. Advance the purposes of the MLUL;
 - c. That the benefits of the proposed variance substantially outweigh any detriments;
 - d. There is no substantial detriment to the public good; and
 - e. The variance will not substantially impair the intent of the Township of Medford's Zoning Plan and Zoning Ordinance.
6. The Applicant has provided sufficient testimony and proofs to grant the aforementioned bulk variance in accordance with the statutory regulations set forth hereinabove.

BE IT FURTHER RESOLVED that the Chairwoman and Secretary are authorized and designated to execute this Resolution, as well as any and all other documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that this approval is based upon the documents and representations and testimony at the hearing. In addition, the Applicant will reimburse the Zoning Board within thirty (30) days of receipt of any and all invoices for professional fees expended by the Zoning Board in conjunction with this application.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Applicant and the Construction Department by the Zoning Board Secretary.

BE IT FURTHER RESOLVED that notification of this Resolution be published in an official newspaper of Medford Township by the Zoning Board Secretary within ten (10) days of its passage.

The foregoing Motion to approve this resolution was made by Mr. Cocivera, seconded by Mr. Umba.

AYES: Ms. Symons, Ms. Cocivera, Mr. Pullman, Mr. Wolf, Mr. Richards, Mr. Umba, and Mr. Simmers.

NAYES: Mr. Hamilton

CERTIFICATION

I certify the foregoing resolution was duly adopted by the Zoning Board of Adjustment of the Township of Medford at their meeting held on May 20, 2020 and thereafter memorialized by vote of the Zoning Board of Adjustment on June ____, 2020 a quorum being present and voting in the majority.

BETH PORTOCALIS, Secretary
Medford Township Zoning Board of Adjustment

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