

**RESOLUTION 2020-16
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF MEDFORD
COUNTY OF BURLINGTON, STATE OF NEW JERSEY
GRANTING USE VARIANCE APPROVAL
TO CAMP EFS, LLC
FOR PROPERTY KNOWN AND DESIGNATED AS
BLOCK 303, LOT 2.03
AKA 26 FOSTERTOWN ROAD
MEDFORD, NEW JERSEY**

ZVE-1061

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 use and density variance approval for property known and designated as Block 303, Lot 2.03, AKA 26 Fostertown Road, (hereinafter referred to as the "Property"); and

WHEREAS, the Owner/Applicant is Earl Stahl, on behalf of Camp EFS, LLC (hereinafter referred to as the "Applicant"); and,

WHEREAS, the Applicant is represented by Dominick S. Favieri, Esquire, of Cherry Hill, New Jersey; and

WHEREAS, the property is located in the AR Zone; 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 Development Application, submitted by Earl Stahl on behalf of Camp EFS, LLC, dated December 7, 2019.
- A-2 Use and Bulk Variance Plot Plan, prepared by K-2 Consulting Engineers, Inc., consisting of 1 sheet, dated September 10, 2019, last revised December 6, 2019.
- A-3 Plan of Minor Subdivision, prepared by K-2 Consulting Engineers, Inc., consisting of 1 sheet, dated September 10, 2019.
- A-4 Plan of Survey & Topography, prepared by K2 Consulting Engineers, Inc., consisting of 1 sheet, dated March 7, 2018.
- A-5 National Register of Historic Places Inventory- Nomination Form, by James G. & Betty H. Trumbower and John G. Martin, AIA, dated February 5, 1976.

- A-6 Property Tax Record Card for Block 303, Lot 2.03, dated April 17, 2012.
- A-7 Property Tax Record Card for Block 303, Lot 2.03 dated January 3, 2020.
- A-8 Architecture Plan, prepared by Walter A. Olt, consisting of 1 sheet, dated August 8, 2019 (submitted with previous Planning Board application #PBC-522).
- A-9 Planning Board Resolution No. 10-2020, for Application No. PBC-522 with a public hearing on November 18, 2019 and dated January 22, 2020.
- A-10 Photos of the house in its current condition; and

WHEREAS, at a public hearing held on February 19, 2020, the Zoning Board received uncontroverted expert and factual testimony as follows:

1. Earl Stahl testified that he is the sole member of the Applicant/Property Owner, Camp EFS, LLC.
2. The Applicant purchased the subject property in or about December, 2015.
3. The Applicant has invested substantial amounts of funds after the purchase in order to attempt to renovate the home, which is the oldest existing home in Medford Township.
4. There have been two (2) Kitchens in the home since at least 1970.
5. The property has been utilized as a two-family home since at least 1970.
6. The purpose of the application is to obtain use variance approval in conjunction with approval previously granted by the Medford Township Planning Board in 2019. The Planning Board has granted conditional minor subdivision and bulk variance approvals for the subject property, subject to the Applicant obtaining use variance approval, if the Zoning Board deems appropriate and necessary, to continue to utilize the existing home as a two-family dwelling.
7. Harry F. Harrison, a prior owner and occupant of the house, identified A-10, which are photographs taken by Earl Stahl.

8. Mr. Harrison lived in the home since the late 1960s and early 1970s. He lived in one portion of the home with his wife. The adjoining second portion of the home was at that time occupied and lived in by his brother and sister in law.

9. While he was the owner of the home there were no structural changes to the house.

10. There has always been, to the best of his knowledge, as exists today, two front doors and two back doors.

11. The entire home was serviced with two and one half (2-1/2) bathrooms and one (1) electric meter while he was occupant.

12. To the best of his knowledge the home has always been utilized as a two-family home. One and one half (1-1/2) baths are located on one side of the home. A separate full bath is located on the second side of the home.

13. Joan Powell testified that she was a previous owner of the home as a result of the bequeathment of the property to her by the prior owner, who owned the property after Mr. Harrison.

14. Ms. Powell has sold the home to the current Owner/Applicant.

15. Ms. Powell testified that there has always been two separate doors in the back.

16. Ms. Powell testified that to the best of her knowledge the home has always been utilized as a two-family home. It has never been rented to third parties/tenants.

17. Earl Stahl testified that he is the sole member of the Applicant, LLC.

18. An appraisal of the home was undertaken in 2015 in conjunction with when he purchased the property in December, 2015.

19. Initially the entire tract was 8.29 acres. As a result of a conditional minor subdivision approval however, the Township has required a road dedication along Fostertown Road, which has diminished the acreage to approximately 7.85 acres.

20. Inasmuch as the current Zoning Ordinances require 4 acres for each property, a variance was required pursuant to the provision of N.J.S.A. 40A:55D-70 (c). That variance approval was granted by the Planning Board in conjunction with the aforementioned approval.

21. There is a common wall dividing the home into two (2) separate units with a door that can be open to readily revert the property to single family use.

22. There are three (3) stairways leading from the first floor to the second floor bedrooms and bathroom.

23. The home is serviced by a well and septic system.

24. There is presently one (1) natural gas meter and one (1) electric meter, and two (2) bills from the cable company.

25. Mr. Stahl obtained and produced the permit which he acquired in order to authorize and permit the placement of the heating system and insulation of air conditioning.

26. John Kornick, PE, PP, testified on behalf of the Applicant.

27. In his expert opinion, Mr. Kornick testified that the "house lot" which will contain 3.85 acres is sufficient for the existing two-family dwelling.

28. He further testified that approval from the Zoning Board would encourage preservation of a historic building which would meet the goals and intent of the Township Master Plan.

29. Mr. Kornick testified that the application as set forth herein and as approved by the Planning Board meets the goals of the New Jersey Municipal Land Use Law, in particular those set forth in N.J.S.A. 40:55D-2. The application if approved, will increase light and open space, and will promote conservation of historic areas and districts.

30. This is a uniquely shaped lot which is impacted by existing and adjoining wetlands, and the road dedication required by the Township of Medford.

31. In Mr. Kornick's opinion there are no negative impacts if the use variance is granted. In fact, this application will enhance the public good and will provide additional positive benefits to the Township and the surrounding property owners.

32. After consultation with members of the Zoning Board, and the attorney for the Applicant, it was agreed that a use variance, pursuant to the provisions of N.J.S.A. 40:55D-70 (d5) is not needed. The only use variance being requested is in accordance with the provisions of N.J.S.A. 40:55D-70(d1).

WHEREAS, Applicant has complied with all notification requirements of the Township Land Use Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED this 19th day of February 2020, by the Zoning Board of Adjustment of the Township of Medford, County in Burlington, State of New Jersey, that the aforementioned use variance application submitted in accordance with the provisions of N.J.S.A. 40:55D-70(d1) is hereby granted, subject to the following:

1. The Applicant will comply with all plat detail recommendations set forth in the review letter from Michelle M. Taylor, PP, AICP, dated January 20, 2020.
2. The Applicant will comply with all terms and conditions set forth in the Resolution of Approval from the Township Planning Board.

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 Applicant has provided sufficient uncontroverted factual and expert testimony to legitimate the findings of the Zoning Board that the home currently is and should be allowed to continue as a single-family dwelling with an adjoining connected accessory dwelling.
6. The Zoning Board has received and considered uncontroverted expert testimony that this application will meet the goals and purposes of the Township Master Plan and the New Jersey Municipal Land Use Law.
7. This application, if approved, will assist in preserving historical buildings in the Township.
8. There is no negative impact in the event that this use variance if approved.
9. The Applicant has provided sufficient testimony and proofs to grant the aforementioned use variance in accordance with the statutory regulations set forth hereinabove.

BE IT FURTHER RESOLVED that the Chairman 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. Hamilton, seconded by Mr. Cocivera.

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

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 February 19, 2020 and thereafter memorialized by vote of the Zoning Board of Adjustment on March 18, 2020 a quorum being present and voting in the majority.

BETH PORTOCALIS, Secretary
Medford Township Zoning Board of Adjustment