

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

15 January 2020

7:00 p.m.

Public Safety Building

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

SWEARING IN OF NEW AND REAPPOINTED MEMBERS

Richard Rickards, Jr.

Brandon Umba

James Meehan, Alternate II

ROLL

Present: Cocivera, Hamilton, Meehan, Pullman, Rickards, Simmers, Symons,
Umba, Wolf
Absent: None
Professional Staff: Attorney Christopher Norman, Engineer Christopher Noll, Planner
Michelle Taylor, Secretary Beth Portocalis

EXECUTIVE SESSION – Chairwoman Symons called for an Executive Session at 7:06 pm.
The meeting reconvened at 7:42 pm

RE-ORGANIZATION

NOMINATION & ELECTION OF CHAIRPERSON: Mr. Umba nominated Mrs. Symons. Mr. Hamilton seconded. The roll call vote was unanimous. (7-0)

NOMINATION & ELECTION OF VICE-CHAIRPERSON: Mr. Wolf nominated Mr. Cocivera. Mr. Umba seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BETH PORTOCALIS AS BOARD SECRETARY(2020-1):
Mr. Hamilton made the motion; Vice Chairman Cocivera seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BETH PORTOCALIS AS BOARD RECORDING SECRETARY (2020-2): Mr. Hamilton made the motion; Vice Chairman Cocivera seconded. The roll call vote was unanimous. (7-0)

RESOLUTION TABLING RESOLUTIONS 2020-3 (ATTORNEY); 2020-4 (ENGINEER) AND 2020-5 (PLANNER) Mr. Umba made the motion; Mr. Pullman seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPROVING MEETING DATES (2020-6): Vice Chairman Cocivera the motion to approve the meeting dates and times per the Resolution schedule distributed by the Board Secretary. Mr. Pullman seconded. The roll call vote was unanimous. (7-0)

RESOLUTION DESIGNATING THE OFFICIAL & ALTERNATE NEWSPAPER (2020-7):
Mr. Hamilton made the motion to designate the Burlington County Times as the official newspaper and the Central Record as the alternate newspaper. Mr. Rickards seconded. The roll call vote was unanimous. (7-0)

REGULAR MEETING AGENDA

PLEDGE OF ALLEGIANCE

MINUTES:

December 18, 2019 Regular Meeting – Vice Chairman Cocivera made a motion to approve the December 18, 2019 Zoning Board Meeting Minutes. Mr. Pullman seconded the motion. A unanimous voice vote carried the motion. (Rickards & Umba abstained)

December 18, 2019 Executive Session Meeting – Vice Chairman Cocivera made a motion to approve the December 18, 2019 Zoning Board Executive Session Minutes. Mr. Wolf seconded the motion. A unanimous voice vote carried the motion. (Rickards & Umba abstained)

REPORTS: None

EXECUTIVE SESSION: Chairwoman Symons stated an Executive Session would be moved to end of the meeting agenda.

CORRESPONDENCE:

Hartford Square Associates, LLC, 135 Route 70, 401/14.03, Request for extension of approvals granted for Starbucks Restaurant with drive-thru per ZBA Resolution #2018-16 which expired April 2019. Zone: HM.

Mr. Hamilton made a motion to approve the extension for one year; from April 2019 to April 2020. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Wolf , Cocivera, Symons
Nays:	None
Abst.:	Rickards, Umba
Motion carried:	5 - 0 – 0

RESOLUTIONS TO BE MEMORIALIZED:

David Hernandez & Kelly Monoky, 511 Fairview Road, Block: 5507.01, Lot: 11.07, ZVE-1052,
Bulk Variance approval for an existing shed (80sf) to be located in rear yard. Lot Coverage 40.89% existing, 42.75% proposed, 30% permitted. **Zone: RGD-2**

Recorded Vote:

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

Dynamic Flooring, 751 Stokes Road, Block: 4802, Lot: 14.02, ZVE-1056, Bulk Variance approval to construct a 750 sf storage area to primary commercial building on a non-conforming lot. Front yard setback 52.7' existing, 52.7' proposed, 65' required; Side yard setback 11.2' existing, 3.4' proposed, 15' required; Rear yard setback 9.3 existing, 9.3 proposed, 40' required. Floor area ratio .22 existing, .336 proposed, .275 required. Building Coverage 20.39 % existing, 30.51 % proposed, 25% permitted. Lot Coverage 78% existing, 89% proposed, 65% permitted. Parking spaces 6 existing, +-5 proposed, 11 required. **Zone: CC**

Recorded Vote:

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

John Holsinger, 46 Oakwood Drive, Block: 2705, Lot: 6, ZVE-1057, Bulk Variance approvals to construct a 325sf addition to the rear of dwelling on a non-conforming lot. Front setback 65.3' existing, 65.3' proposed, 50' required; one side yard setback 5.7' existing, 5.7' proposed, 30' required; second side yard setback 14.3' existing, 14.3' proposed, 30' required; rear yard setback 50.8' existing, 37.8' proposed, 50' required. Building Coverage 18 % existing, 20% proposed, 12 % permitted. **Zone: GD**

Recorded Vote:

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

Meredith Gilsleider, 22 Sandtown Road, Block: 807, Lot: 2, ZVE-1059, Bulk Variance approval to exceed the height of a 768 sf detached garage; 26' H proposed, 20'H permitted. **Zone: AR**

Recorded Vote:

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

APPLICATIONS/OFFICIAL

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

Application for 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. Building Coverage 12% required, 21.70% existing, 21.70% proposed; Lot Coverage 30% required, 32.22% existing, 38.46% proposed. Shed requires a 15' side yard setback and 5' was proposed.

Zone: GD

Vice Chairman Cocivera made a motion carry one more month to the February 2020 meeting with the requirement to re-notice. Mr. Pullman seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Wolf , Cocivera, Symons
Nays:	None
Abst.:	none
Motion carried:	5 - 0 – 0

Jason Green & Angela Conti, 52 Sunrise Court, Block: 5301.15, Lot: 15, ZVE-1049, Bulk Variances 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 (*Carried from the December 2019 Meeting)**

SWORN: Jason Green, Owner

Mr. Green opened his testimony by stating he was a new resident and seeking to make an improvement for his family. It will be a freshwater pool so no drainage will be required. There are open space woods located to the rear of his property, so the pool will not be able to be seen. He will be changing his plan and eliminated the fence around the perimeter of his property and will instead be erecting a fence around the pool. There was some discussion about this fence option, and it was suggested by Mr. Noll to defer to the Construction Code Official as he will determine what type of fencing is required for an in-ground pool.

Chairwoman Symons asked if any trees will need to be removed; and Mr. Green replied that he has already removed four trees since moving in; and three more will need to be removed for the pool.

Mr. Noll advised that there are no wetlands or buffers impacted, and that he has already approved the pool grading plan. Mrs. Taylor had no comments.

PUBLIC: None

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

Vice Chairman Cocivera made a motion to approve the application as proposed, with the condition that the pool fence must comply with the Uniform Construction Code as enforced by the Construction Code Official. Mr. Rickards seconded the motion.

Recorded Vote:

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

David & Donna Hill, 47 N. Lakeside Drive W., 3103/23, Bulk Variances required 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**

SWORN: Donna Hill, Owner

Ms. Hill opened her testimony by explaining that she and her husband had purchased this property as a “fixer-upper.” It is a single story, and the added space is needed for her family of four children. A second story is proposed over 2/3 of the dwelling, and an existing four season room on the rear of the dwelling is to be converted to a screened porch. An 87square foot covered front porch area will be added. The existing dining room will be converted back to a garage.

The dwelling, when completed as proposed, will be no closer to Birchwood Lake than currently exists. The front will be closer to the street due to the proposed new front porch.

Chairwoman Symons asked about the driveway, and Ms. Hill stated there are no driveway changes or expansion requested.

Mr. Noll commented that the overall lot coverage is only a 5% increase. Mrs. Taylor stated that the proposed improvements will be an aesthetic benefit to the neighborhood.

PUBLIC: None

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

Vice Chairman Cocivera made a motion to approve the application as proposed. Mr. Umba seconded the motion.

Recorded Vote:

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

Joseph Orlando, 108 Route 70, Block: 901, Lot: 4, SPR-5636AF, Expansion of a dual use to allow an access driveway on the east side of the property. Previously granted Use Variance approvals by the Zoning Board. **Zone: HM**

SWORN: Erin Szulewski, Esq., Parker McCay
Joseph Orlando, Owner
Joseph Mancini, P.E., Tri-State Engineering
Sam Mammachio, Owner, Sam's Auto Repair

Ms. Szulewski opened the testimony by describing the site; being 8.16 acres located in the HM Zoning district. It currently houses an office building, a warehouse building, and an auto repair center. A large portion of the site cannot be developed due to wetlands and the State highway right-of-way. The site was previously granted two (2) Use Variance approvals to allow the current tenancy.

This application proposes a 12' wide circulation driveway to be located in front of the office building, which currently houses Cobra Construction, owned by Mr. Orlando. The warehouse is used to store equipment for Cobra's construction equipment, but this firm is downsizing due to Mr. Orlando's pending retirement. The office space and half of the warehouse space are currently for rent.

The garage is 7,000 square feet; half of which is leased to Sam's Auto Repair Center as approved by the Zoning Board in 2013 via the aforementioned granted Use Variance.

Mr. Orlando was next to testify. There currently is one driveway front Route 70 to the rear of the office building where the warehouse and garage is located. This has created a problem with vehicles entering and exiting this area, and also makes deliveries to Sam's difficult. Mr. Orlando admitted that the site was in violation of approvals, due to the excessive number of vehicles parked on site, but he has been diligently working with the owner of Sam's to remove cars, and placed boulders to stop random parking. Sam's has experienced a substantial growth in business, and there have been many instances of customers dropping off vehicles all hours of the day and evening and they leave them wherever there is space.

The driveway will be only one way and will be fenced along the right side abutting the wetlands buffer areas so that vehicles cannot park there.

Mrs. Taylor referred to her letter dated October 8, 2019; and suggested landscaping instead of fencing, which would have an added benefit of screening the driveway from the Route 70 traffic. This is important to the site as it is the first commercial property upon entering Medford. Mrs. Taylor further noted that if the other half of the garage or warehouse if converted to a repair facility, additional parking would be required.

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Sam Mammachio was next to testify. He is the owner of Sam's Auto Repair. He has rented space at this location for seven years. His current hours are 7am to 7 pm Monday thru Friday. He has eliminated Saturday hours, which has reduced the number of vehicles parked on the site. He is also working with a junkyard in Tabernacle to take cars that customers have abandoned at his business. He receives multiple deliveries of auto parts daily. Tires are picked up on average once per week. Trash is removed once per week. The driveway would facilitate not only the delivery trucks but also his departing customers.

Joseph Mancini was next to testify. He reviewed the site as displayed on a colored rendering of the site plan (Exhibit A-15), and pointed out the 270' state right-of way to the cart way, plus wetlands and wetland buffers, which leaves only a small area of the site for operations. He next displayed Exhibit A-16, a display board aerial view of current conditions.

The NJDEP has approved a Freshwater Wetlands permit for disturbance of 1,876 square feet of isolated wetlands transition area for the driveway, which requires re-vegetation of the disturbed areas. Mr. Orlando has agreed to relocate one handicapped parking spot and to add a second handicapped parking space per Mr. Noll's letter of January 10, 2020. In addition, 2 new parking spaces will be created as a part of the proposed site plan. Mr. Orlando will also restore and reseed the transition area per Mrs. Taylor's review letter. There is no lighting proposed along the driveway.

Mr. Mancini then discussed his November 26, 2019 parking analysis letter. Per Township Ordinances, a total of 28 parking spaces are required, and the amended site plan proposes parking of thirty-eight (38) vehicles of which seventeen (17) spaces are delineated. As per earlier testimony of Mr. Orlando and Mr. Mammochia, operational changes have already been made to control parking.

Mr. Mancini then displayed Exhibit A-17, which is the proposed re-vegetation plan approved by the NJDEP. After some discussion, Mrs. Taylor suggested that the Board allow her to work with Mr. Orlando and Mr. Mancini on a landscaping plan that will add a visual buffer along Route 70, which is the gateway to Medford.

Mr. Mancini closed by summarizing the Variance relief requested, including a "d(2) use variance for the intensification of the non-conforming vehicle repair facility and dual use that was granted by the Board in 2013; and a further reduction of the front yard buffer from the required 50' to 5 feet.

Mr. Noll then reviewed the major points as noted in his review letter. He will review the requirements for handicapped parking due to the stacked parking arrangement. He added that he concurs with Mrs. Taylor that natural plantings and landscaping is preferable to the proposed fencing along the driveway. Mr. Noll also recommended that two bollards be added near the corner of the building to protect the existing propane tanks. Mr. Orlando and Mr. Mancini agreed to add them.

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PUBLIC: None

Mr. Hamilton 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, with conditions as outlined by the Engineer and Planner in their review letter comments, and the addition of bollards around the propane tank and added landscaped visual buffer along Route 70. Mr. Pullman seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC:

Douglas Poppalardo, 5 Teaberry Court. Mr. Poppalardo again expressed discontent that the issues concerning a zoning violation issued by the Zoning Official (Ms. Portocalis) were not yet reconciled. Ms. Portocalis stated that a meeting had already been scheduled with Mrs. Poppalardo on Friday, January 17th to discuss the issues.

Mr. Wolf made a motion to close the general public portion of the meeting. Mr. Pullman seconded the motion. A voice vote was unanimous.

Chairwoman Symons called for a brief recess at 9:48 pm. The meeting reconvened at 9:56 pm.

EXECUTIVE SESSION: Chairwoman Symons called for an Executive Session at 9:58 pm. Mr. Hamilton made the motion; Mr. Wolf seconded.

The regular meeting reconvened at 11:18 pm.

MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the Zoning Board of Adjustment meeting at 11:19 pm. Mr. Umba seconded the motion. A voice vote was unanimous.

Beth Portocalis, Zoning Board Secretary & Recording Secretary