

**MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING**

19 June 2019

7:00 p.m.

Public Safety Building

Attorney Norman called the meeting to order at 7:09 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

Present: Benstead, Lane, Wolf, Pullman, Simmers, Cocivera, Symons
Absent: Hamilton
Professional Staff: Attorney Christopher Norman, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Beth Portocalis

PLEDGE OF ALLEGIANCE

MINUTES:

May 15, 2019 Regular Meeting – Vice-Chairman Cocivera made a motion to approve the May 2019 Zoning Board Regular Meeting Minutes. Mr., Simmers seconded the motion. Ms. Lane recused herself. A unanimous voice vote of all other Board members carried the motion.

REPORTS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: None

RESOLUTION MEMORIALIZATIONS:

#2019-17: Margaret Reihl, 2701.06/11, 102 Indian Spring Lane, ZVE-1040. Bulk Variance approval for existing 120 sf shed in the front yard on a corner lot with two front yards. Building Coverage 12.85 % existing, 12.85% proposed, 12% permitted; Lot Coverage 39.42% existing, 39.99% proposed, 30% permitted. Design Waiver required for existing horseshoe driveway. Retroactive approval for patio (214 sf) & screened-in porch (154 sf). **Zone: GD**

Recorded Vote:

Ayes: Benstead, Wolf, Pullman, Simmers (2) Cocivera (M), Symons
Nays: None
Abstentions: Lane
Motion carried: 6 - 0 - 1

#2019-18: Michael & Louise Irvin, 3804/15, 9 Forest Avenue, ZVE-1041 Bulk Variance approval to construct a 442 sf in-ground pool. Building Coverage 19.86 % existing; 19.86% proposed; 12% permitted. Lot Coverage 26.8% existing, 35% proposed, 30% permitted. Rear Yard Setback 10' proposed, 15' permitted. **Zone: GD**

Recorded Vote:

Ayes: Benstead (M), Wolf, Pullman, Simmers, Cocivera (2), Symons
Nays: None
Abstentions: Lane
Motion carried: 6 - 0 - 1

APPLICATIONS/OFFICIAL:

Wally Burdalski, 3606/7, 201 Woodland Avenue, ZVE-1045. Bulk Variance to construct a 257 sf addition. Principal side yard setback 30' required, 25.6 existing, 25.6 proposed; principle front yard setback 50' required, 28.0' existing, 20.6' proposed; principle rear yard setback 50' required, 39.1' existing, 39.1' proposed. Accessory building rear yard setback 15' required, 3.7' existing, 3.7' proposed; Building coverage 12% permitted, 15.4% existing, 17% proposed. Retroactive approval for 126 sf shed with a 4.2' rear yard setback where 5' is required; retroactive approval for a 374 sf paver patio. Zone: GD

SWORN: Wally & Jane Burdalski, Owners
Joe Adamson, Architect

Mr. Adamson opened the testimony by explaining that the property is located on the corner of Park and Woodland Avenues in Lake Pine. The lot is non-conforming. There are code issues in the existing bathroom, and the Burdalski's would like to convert the bath to a laundry room and create a larger master bedroom with a master bathroom. In designing the addition, Mr. Adamson has tried to minimize the non-conformities; including maintaining the front setback on Park Avenue and expanded towards Woodland Avenue due to an existing wooded buffer on Woodland. No trees will need to be removed. The net lot coverage increase requested is only 1.5%. The other variances requested were for accessory items that were in place when the Burdalski's purchased the property. (Shed and paver patio) The addition will match in architecture and color scheme. There is no new lighting proposed.

Ms. Taylor had no objection to the granting the requested variance relief, and Board members had no questions.

PUBLIC: None
Vice Chairman Cocivera made a motion to close the public portion. Mr. Wolf seconded. The voice vote was unanimous.

Vice Chairman Cocivera made a motion to approve the application as proposed, including retroactive approval for the shed and paver patio. Mr. Pullman seconded the motion.

Recorded Vote:

Ayes:	Benstead, Lane, Wolf, Pullman, Simmers, Cocivera, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

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Hiram & Associates, LLC, 805.02/25, 124 Mt. Holly Road, SPR-5748. Use Variance and Site Plan Waiver required for adjacent former DiVello's restaurant building to be used as storage room, offices, waiting room, and lunch room in conjunction with the Merritt Service Station located at 122 Mt. Holly Road. Zone: CC

SWORN: Patrick McAndrew, Esq., Attorney
Troy Haines, Owner
Dante Guzzi, Engineer

The testimony opened with Mr. McAndrew detailing the history of the Merritt's Service Station, which was built in 1948 and the Merritt family took over in 1951. It has been in continuous use as a gasoline station and vehicle repair facility since that time, and thus pre-dates the Medford Land Use regulations in the Community Commercial Zoning District where service stations are prohibited. Mr. Haines acquired the adjacent former DiVello's Deli/Restaurant several years ago, and the current use will not change. Mr. Haines is proposing to use the DiVello's building as office space, parts & tool storage, a customer waiting room, and a lunchroom for employees. The DiVello's parking is used as overflow parking at the service station. There will be no change to Merritt's existing operations or operating hours; which are currently 7:30 am to 6:00 pm.

Mr. Haines was next to testify. He also explained there will be no changes proposed at the existing Merritt's service station building or property. He did acknowledge that his own personal RV is parked behind the building, along with a couple of "C-unit" storage containers that are used to store both business related and personal equipment and items; and a trailer owned by the Medford-Vincentown Rotary Club, of which he serves on the Executive Board. He noted he does repair RVs, so it is possible that others have been parked in the open area behind the buildings. When asked about the number of vehicles on both sites at any one time; Mr. Haines explained that currently two have been abandoned by owners which he has to have transported to a junkyard; and it's also customary that four or five could be parked for extended periods of time while owners decide what they want to do with their vehicle or come up with the money to authorize repairs to proceed. Mr. Haines also has several of his own personal vehicles and his employees also park on the property.

Rather than consolidate the lots, both Mr. McAndrew and Mr. Haines explained they wish to keep the lots under separate ownership as a business matter.

Mr. Haines continued that he will be removing the DiVello's sign from the front of the building, but is not proposing to add any new signage. He will only repaint the façade. No new lighting is proposed as the existing security lighting is sufficient. Further, based on comments from the Board Planner, the rear door has been reduced to 9' x 9' (from the proposed 12' width)

Mr. Guzzi was next to testify and discussed the overall combined site plan. He reiterated that there will be no retail sale of auto parts; the former DiVello's building will only be used for parts storage. The use of the DiVello's building and property will alleviate crowding and also circulation issues. On behalf of the applicant, Mr. Guzzi agreed to add handicapped parking and the 200' notification list to the site plan as recommended by Mr. Noll in his June 13, 2019 letter. Mr. Guzzi added that the use, if approved, will not result in any additional vehicles on the property due to the limitation of the bays at the service station.

Mrs. Taylor commented that Mr. Haines has been parking cars at the DiVello's property since 2013 when the deli closed, and that continued after 2015 when Mr. Haines acquired the property. She acknowledged that having cars parked at DiVello's did enhance safety as it gave the appearance that the building was still occupied. As this is a D2 Use Variance request, it is not usually recommended, but for this request it makes sense. Mrs. Taylor referred to her June 17th letter where she recommended added landscaping along the frontage, and also lot consolidation. Mrs. Taylor also recommended that the external personal storage should be enforced as not necessary to the use.

Mr. Noll was next to comment and referenced his June 13, 2019 letter in regards to the two requested submission waivers. He does not recommend approval of either submission waiver, and also noted a design waiver for the reduction of the parking aisle width can be considered when the revised site plan is approved, as the parking stall depth/length can be shortened and still comply with the Ordinances. Mr. Noll also recommends that an island be added along Wilkins Station Road in order to alleviate the one long extended opening. Mr. Noll also commented on the Trip Generation report, and noted that the proposed use would generate less trips than the current approved use, so that contributes to the positive criteria.

Board members and professionals discussed the consolidation issues, with Mr. McAndrew explaining that Mr. Haines prefers not to consolidate for a number of reasons, as the two lots are held separately and there are tax and liability implications. The future use could change to office and/or storage should Mr. Haines decide to operate independently or even sell at a later date. Mr. Noll commented that cross easements would be required if the lots are not consolidated. Mr. Haines and Mr. McAndrew agreed to that condition being imposed.

Additional discussion ensued in regards to the island. Mr. Haines stated the opening is required for ingress and egress for tankers delivering gasoline and also for tractor trailers delivering parts and other supplies. This cannot be done on Route 541 without disrupting traffic, and the site has operated successfully in its current configuration for almost 70 years, even with the added later development of a residential subdivision behind the property and a strip center on the north corner. After a lengthy back and forth, it was suggested by Mr. McAndrew that he and Mr.

Haines work out the details in the field with Mr. Noll and Mrs. Taylor with regards to the island, stripping and also landscaping if the Board were to agree to this as a condition.

PUBLIC:

Walter Freas – 3 Lippincott Court. He testified that Mr. Haines is providing needed services to the community. His facility is well maintained versus others in town and he purchased a vacant building that wasn't suited for any other use. He should be allowed to expand a successful business.

Jill Neall – 208 Taunton Boulevard. She does not consider Merritt's to be an eyesore, but rather it's a needed business that she has frequented. She believes an island would hinder entering and exiting the service station, and would prefer that landscaping instead. She asked the Board to approve the application.

Dr. William Stiles – 25 North Main Street. Dr. Stiles has known the Haines family for almost 60 years. He commented that Merritt's is one of the better looking service stations in the area, and that over the years Troy Haines has added many aesthetic features such as planters, and even the expense to move the bay doors to the rear of the building so the visual from Route 541 is enhanced. He also noted Mr. Haines' civic contributions and customer oriented service dealings should reflect positively on his application.

David Stow – 51 Georgia Trail. Mr. Stow owns the Bradley & Stow Funeral Home directly across from Merritt's on Route 541, and has never received one complaint about Merritt's. The Haines family and Troy specifically are assets to the community. Mr. Stow also mentioned as President of the Lenape Regional Board, he is aware that Mr. Haines has provided a number of students with jobs and training in the automobile repair field.

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

Chairwoman Symons stated that no member of the Board is questioning Mr. Haines integrity. The Board is statutorily obligated to follow the State's and Medford's Land Use regulations.

Mr. McAndrew summarized the application and reiterated that the Applicant agrees to the following:

- link Variance approval to the Merritt's site
- Reciprocal cross access easements for the two lots
- Work with Mr. Noll on the island
- Work with Mrs. Taylor on landscaping
- adding handicapped parking spaces
- Removal of unregistered vehicles
- the two C-unit storage containers, received from the Fire Department over 20 years ago, and containing a bearing press, mowers, a quad to push inoperable vehicles, and other family

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- heirlooms from the business will be improved aesthetically and added to the site plan
- The personal RV can remain on-site but relocated behind the DiVello's building.
 - The DiVello's signage will be removed and the façade area repainted
 - Accept the design waiver for the aisle width
 - add the 200' list to the Site Plan

Vice Chairman Cocivera made a motion to approve the Use Variance application with the eleven (11) items as noted above as conditions, and the denial of the two (2) submission waiver requests. Mr. Benstead seconded the motion.

Recorded Vote:

Ayes:	Benstead, Lane, Wolf, Pullman, Simmers, Cocivera, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

Chairwoman Symons called for a 15 minute recess at 8:45 pm. The meeting reconvened at 9:00 pm.

Chairwoman Symons announced upon re-opening the meeting that by mutual consent due to the extreme and possibly hazardous weather conditions, the DePetris application would be opened and testimony would be heard from their professionals. There would be no public testimony or any Board questions this evening. The application would be continued to the July 19, 2019 Zoning Board meeting, and any member of the public will be allowed to comment at that time. Chairwoman Symons reminded the audience that tonight's testimony is live streamed via the Township website, and the video of the testimony is also available for viewing at any time.

DePetris Family Associates 2, LLC, 207 Tuckerton Road, Block 2702.01 Lot 12.03 ZVE-1044. Use Variance required to demolish existing PNC Bank and build 6,479 sf building containing four tenants, including a fast food restaurant with a drive-thru and three other retail tenants. Zone: CC

SWORN: Robert Baranowski, Esq., Attorney, Hyland Levine Shapiro, LLC
David Wipp, Architect, ci Designs
Gregory Elko, Engineer, Lagan Engineering
Nathan Mosely, Traffic Engineer, Shropshire Associates
James DePetris, Owner

Mr. Baranowski opened the testimony by explaining that the DePetris family is seeking Use Variance approval for the fast food restaurant with a drive thru component of the application; as well as a couple of bulk variances related to the overall proposed use. Should the Board approve the Use Variance, the applicant will return to the Board for Site Plan approvals and the remaining

bulk variances, including signage and lighting.

Mr. DePetris was first to testify and detailed for the Board that his family had purchased the PNC Bank property in order to block a competitor to one of the major tenants in the Village of Taunton Forge Center (VTFC). The family has undertaken substantial improvements at the VTFC, but the intersection remains blighted with two service stations and an outdated strip center. What the family is proposing for the PNC Bank site will hopefully spur additional redevelopment at this commercial corridor. Mr. DePetris also noted the proposed name of the Center will be Taunton Corners, not the name as included in the architectural renderings provided to the Board.

Gregory Elko, Project Engineer, was next to testify. Mr. Elko described the existing conditions of the site as per the provided site plan/survey. The lot is .91 acres in the Community Commercial zoning district and contains a former bank building with drive thru lanes. There is one full access driveway on Taunton Road, and two existing driveways exiting onto Tuckerton Road. There is a wooded lot to the northeast and the Braddock Building commercial office space to the east.

The conceptual plan shows a 6,479 s/f “mini” shopping center for up to four tenants; one to be a fast food restaurant with a drive thru. (Represented as a Dunkin Donuts) The Taunton Road driveway would be maintained, but moved back further north from the intersection. One driveway would be maintained on Tuckerton Road, and this would be a right in/right out only. Thirty-three (33) parking spaces are proposed. Two freestanding monument signs are proposed facing each road. A sidewalk will be added on the entire lot on both Taunton & Tuckerton Roads. The County will require that 0.014 acres on the corner be dedicated to them for the sidewalks in their right of way. The sight will be served by municipal water and sewer; and Mr. Elko has already had preliminary discussions with Mr. Noll on the storm water management plan for the site (which will be included as a part of the Site Plan application). There is a 50’ wetlands buffer, and this concept plan proposes no further encroachment.

Mr. Elko continued that the applicant has met informally with the Burlington County Planning Board, and they were generally supportive. They will require stripping improvements of the turning lanes on all approaches to the intersection and driveways, and as mentioned previously the R-O-W dedication for sidewalks.

Mr. Elko went on to list the variances that will be required in addition to the Use; including (1) lot size—2.5 acres required, 0.898 acres proposed; (2) lot frontage—200’ required, 153.9’ proposed; (3) lot coverage—max 60% permitted+3% for amenity areas, existing is 60.4%, proposed is 70.9%. If a bypass lane is added, that will increase to 74% --- +/- 14,000 sf difference. The applicant is exploring the use of porous pavement and reducing the size of the parking spaces to lower coverage.

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On the overall site plan, Mr. Elko pointed out that there will be a 14' wide green space with landscaping along Tuckerton Road and a 17' wide landscaped green space along Taunton Road. The bank site only had grass areas and no landscaping.

Mr. Elko concluded by stating that additional Variances will be required, but they will be included in a future Site Plan application should the Board approve this Use Variance application.

Mr. Noll asked if a bypass lane will be added as the Board professionals have recommended, and Mr. Elko responded yes. A revised plan will be submitted to the Board professionals and members in advance of the next meeting.

David Wipp was next to testify. He had displays of the conceptual architectural renderings, and explained that flat roofs are required to hold all of the mechanicals for the building. The façade will feature varying roof peaks to define each tenant space. This will also allow the mechanicals to be hidden, and will reduce the coverage footprint of the building.

The upper windows will have grilling, but the lower windows are open to facilitate the retail visual presentations.

The architecture itself is more contemporary with the metal features, but it does maintain some farmhouse styling characteristics, but it is consistent with the design element standards of the Land Development ordinances. The colors are neutral earth tones, and the materials are similar to other community commercial locations. In totality, the proposed signage proposed for each tenant is in conformance.

In concluding his presentation, Mr. Wipp distributed Exhibits A-17 (the newest Concept Plan); A-18 (Photos of neighboring commercial properties); and A-19 (photo compilation of other commercial strip centers located in CC zoning districts in the Township); and summarized that this proposed mini strip center would aesthetically and architecturally be one of the nicest in Medford.

Next to testify was Nathan Mosely of Shropshire Associates. Mr. Mosely prepared a Traffic Study dated April 25, 2019. He noted that both Taunton & Tuckerton Roads are under Burlington County jurisdiction and will require County Planning Board approval also. For the basis of his study, Mr. Mosely determined the morning peak was 7:30 – 8:30 am; the afternoon peak was from 4:45 – 5:45 pm; and the Saturday peak was at noon. 75% of the volume for the Dunkin would already be vehicles driving by. This is an extremely high pass-by rate. An additional 1-3% of added volume would result from the other tenants during the above peak hours. Per the proposed site plan, 7 to 8 passenger vehicles can stack.

When studying the Route 70 Dunkin Donuts, 88% of the traffic during the peak hours utilized the drive thru rather than walk-in. The cue every 3 minutes equaled 4 to 5 vehicles during the peak times. Eighty percent (80%) of the time, there were six vehicles or less in the cue. The

max was 10 vehicles and that lasted less than one minute. In his opinion, Mr. Mosely stated the stacking was sufficient, and that there would be no blockage 95% of the time on Taunton Road headed south of from left turn in from Taunton from the northbound side. He concluded that he has a multitude of experience with Dunkin Donuts locations, and he is very confident that as proposed this is a safe design.

Given the late hour, the applicant's planner will testify at the July meeting. In a couple of brief comments, Mr. Noll suggested moving the menu board up to allow another cue spot. Board members also suggested that the applicant's team study the Dunkin location at Route 541 & Church Road for both architecture and traffic.

Vice Chairman Cocivera made a motion to continue the application to the July 17, 2019 meeting without the requirement to re-notice. Ms. Lane seconded the motion.

Recorded Vote:

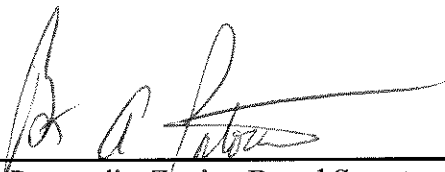
Ayes:	Benstead, Lane, Wolf, Pullman, Simmers, Cocivera Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

GENERAL PUBLIC: None

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

MOTION FOR ADJOURNMENT:

Vice Chairman Cocivera made a motion to adjourn the Zoning Board of Adjustment meeting at 10:25 pm. Mr. Simmers seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary