

**MEDFORD TOWNSHIP  
ZONING BOARD OF ADJUSTMENT MEETING**

**20 March 2019**

**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.

**ROLL**

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

**PLEDGE OF ALLEGIANCE**

**MINUTES:**

February 27, 2019 Regular Meeting – Vice Chairman Cocivera made a motion to approve the February 2019 Zoning Board Re-Organization and Regular Meeting Minutes with one correction. Mr. Simmers seconded the motion. Ms. Lane, Mr. Benstead, and Mr. Wolf recused themselves. A unanimous voice vote of all other Board members carried the motion.

February 27, 2019 Executive Session – Vice Chairman Cocivera made a motion to approve the February 2019 Zoning Board Executive Session Minutes. Mr. Simmers seconded the motion. Ms. Lane, Mr. Benstead, and Mr. Wolf recused themselves. A unanimous voice vote of all other Board members carried the motion.

**REPORTS:** None

**CORRESPONDENCE:** None

**EXECUTIVE SESSION:** Chairwoman Symons called for the Executive Session to be moved to the end of the Agenda.

**RESOLUTIONS:** None

**APPLICATIONS/OFFICIAL:**

**Adam Taylor, 302/47, 236 Mt. Holly Road, ZVE-1036,** Bulk Variance required to construct a 30' x 60' detached pole barn, where 45' x 24' is the maximum permitted size. **Zone: AR**  
*(Continued from the February 2019 meeting)*

Ms. Lane, Mr. Benstead and Mr. Wolf were sworn by Attorney Norman that they viewed the video of the February meeting and thus are eligible to vote on this application.

Adam Taylor, Applicant, was sworn at the February meeting, and opened the testimony by detailing the revised elevation rendering of his proposed pole barn garage. The size was reduced to 45'W x 30'D x 20'H. The only remaining Variance request is for the depth; as 24'D is permitted. Based upon Board member comment from February, windows were added, the height of the garage doors was reduced to 12 feet, and recessed lighting is proposed rather than spotlights.

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With the reduced size, the structure can house 3 vehicles, the ATVs and lawn equipment. The RV will be parked alongside the garage, on the grass as no concrete is proposed.

The color scheme will be gray siding, black roof, and trim color to be determined. The house will be painted to match after the garage is built.

Mrs. Taylor had no comments on the revisions. Chairwoman Symons asked Mr. Taylor if he would consider reducing the number of windows, and Mr. Taylor said yes, as that would enhance security.

PUBLIC: None

Mr. Benstead 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; with the conditions that (1) windows are eliminated; (2) the color scheme approved as gray and black and the house will be painted to match; (3) the lighting will be recessed; (4) the detached accessory structures totaling 1,594 square feet shall be removed; (5) Applicant shall remove any stacked tires and burn barrels from the property; (6) No more than three registered personal vehicles shall be parked in the garage, plus Applicant's ATV's and lawnmower. Mr. Benstead seconded the motion.

Recorded Vote:

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

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**Thornberry Holdings, LLC, 804/2.02, 50-52 Eayrestown Road, ZVE-1038,**

Use Variance to allow a vineyard/winery on existing residential property with Q-Farm grounds.

**Zone: AR**

**SWORN:** Deepa Lal, Owner  
Patrick McAndrew, Esq., Attorney  
John Kornick, Engineer-K2 Consulting Engineers  
Lance Landgraf, Planner-Landgraf & Associates  
David Davis, Winemaker/Vinter

Mr. McAndrew opened the testimony by explaining that this will be a bifurcated application. The Applicant is first seeking Use Variance approval for the proposed winery. Should the Board approve this application, a second application seeking Site Plan approval will be submitted; however some elements of the proposed overall site plan will be discussed so the Board understands the proposed use.

Mr. Kornick was the next to testify. He distributed Exhibit A-19; a site plan rendering with aerial overlays. He then described the current property use, which is a single family dwelling surrounded by a farming operation including a barn, a silo, and over 7 acres of farmland grounds, consistent with the Agriculture Retention Zoning District. Mr. Kornick described how the operation of a winery is a low intensity use, with approximately five full time employees and part time personnel for harvesting and maintenance. The residence will be converted to a tasting area and retail sales area on the first floor, and the second floor will have offices and the caretakers' apartment. The existing kitchen will be renovated into ADA compliant restrooms. Food will not be prepared on site; events will be catered and only warming stoves and some refrigeration will remain. A proposed new 2-story bank barn is proposed that will be required for the winery operation for the production of the wine and storage of juices that are included in the wine.

It is estimated that the renovated dwelling can accommodate 60 people and the barn can host 60 people; however the number of patrons must be limited to 60 persons as set by the County due to septic limitations. Mr. Kornick continued that the property is serviced by well water and public gas. The silo will remain as an aesthetic feature but will not be used for any functional purpose.

Mr. Kornick then distributed Exhibit A-20; a rendering of the bank barn. It is projected to be an 8,000 square foot two-story structure. There will be a 4,000 square foot footprint, as one story will be subterranean to limit the view and overall height. It will have a rustic appearance, and a wall and landscaping will be constructed to partially screen it from the Eayrestown Road vista. The structure is used for storage, loading and staging; operations that take place during off business hours. The by-products of the wine production will be in subsurface holding tanks and transported off site.

Mr. Kornick then summarized a traffic study conducted by Shropshire Associates. The projected operational hours for the winery are Sunday thru Thursday from 11 am – 8 pm; with no tastings after 7 pm; and Fridays & Saturdays from 10 am to 10 pm with no tastings after 9 pm. Private events may have slightly later hours. There are no plans to host wine festivals or any other type of large scale events due to the septic limitations. The traffic study revealed that the peak trips will be on Saturdays at 118 trips, which is a relatively low impact. Traffic will exit the winery and head to either a County Road (Church Road) or State Route 70. County Planning Board approval is not required since the property is not on a County roadway.

The proposed parking areas as currently designed will accommodate the maximum 60 person limitation, however there will be available alternative parking along the aisles of the entrance and exit driveways since the dwelling is situated so far off the road. No fencing is proposed along the road. Deliveries will take place prior to opening, and any catering trucks will park in the proposed loading area.

Mr. Kornick concluded that the proposed use is a relatively new industry; however is consistent with the agricultural and farming zoning. He noted that the auto body repair facility directly across Eayrestown Road is a non-conforming use, albeit a pre-existing one.

Mr. Davis was next to testify. He explained the vineyard processes, and that the production should result in 5,000 cases of wine annually. The harvest can produce an average of 3 tons per acre. When in harvest, five to seven deliveries of grapes will be received over a two month period. The deliveries come in box trucks. The delivered grapes go into production immediately at the peak of freshness, so there is no storage of grapes required. Bottled wine can be hipped and directly delivered to wine stores under NJ State Liquor laws. It is anticipated that one truck will be used for this purpose weekly.

The grapes will be in their full maturity in five years after planting. The initial cultivation only takes a couple of days. The first harvest takes place in the second year. Three to four pieces of farm equipment are used for harvesting, including a tractor pulling a trailer to bring the grapes into the production area. This equipment will be stored in an existing garage. The operation does not create any more noise than a typical farm, and it is only generated during harvest time.

The farming is not organic, but any pesticides and herbicides are applied by State certified individuals per all federal and state regulatory requirements. Mr. Davis stated care and due diligence will be taken when applying, such as not when there are windy conditions. Buffer areas along the perimeter will insure no cross-pollination or over applications of soil amendments.

Mr. Landgraf was next to testify. He spoke in regards to the D1 Use Variance requirements. As this is an agricultural zoning area that permits residential and commercial farming use, the proposed winery is not inconsistent. This site is well suited being surrounded by deed restricted farming parcels, and the applicant will be growing grapes on over 5 acres of the site. It is only the processing and selling on site that constitutes the commercial activity; although qualified farms are permitted to sell what is grown. Directly across Eayrestown Road is another dual use property, and there is easy access to a County and a State roadway.

Mr. Landgraf continued that this 10+ acre is a perfect size to grow grapes and operate a small-scale boutique winery. The proposal meets the positive criteria due to the adaptive reuse with farming elements. It is preserving key elements of a permitted use, and the agri-tourism enhances the community and aligns with Medford's last two Master Plan Re-examination reports as well as the State Master Plan recognizing the goal of eco-and agri-tourism. The proposed use fits well with and incorporates elements of other Township cultural, historic and agri-tourism & farming assets while maintaining Medford's farming origins. Aesthetically, the exterior features of the current dwelling and out buildings are being preserved, and with the dwelling being set back so far from the road, there will not be stacked traffic. As to the negative criteria, this application as set forth in testimony has no negative impact on the Zone plan or Zoning Ordinances. There will be minimal additional traffic, and with grapes being planted up to the roadway, the driveways will be partially hidden. The historic home and all of the existing out-buildings will be maintained, and any new buildings will be designed to match those existing on the site.

Mrs. Taylor asked if the Applicant will be filing with the County's Agriculture Board. Mr. McAndrew responded yes if required. Mrs. Taylor then advised the Board that this application includes a manufacturing element with product being brought in from off-site as summarized in her letter dated March 6, 2019.

Mr. Noll then offered that as per his letter dated March 14, 2019, he wished to point out his three comments (1) recommendation that two submission waiver requests be approved (Environmental Impact Statement and Traffic Impact Statement) (2) The Trip Generation Analysis should include trips generated for permitted uses to use as a comparison, which was provided via a supplemental Shropshire letter dated March 18, 2019 and documented that the comparison was below allowances; and (3) should the Board approve the Use Variance, a Site Plan should be submitted that addresses parking, lighting, storm water management, on-site septic and site access.

**PUBLIC:**

Alice Andrews- Sandtown Road, Medford. She and her ancestors lived on the farm. She asked that any lighting be done with care so to not to be seen past the open fields. She also has some concern about herbicide and pesticide drift but appreciates the conscientious commitment expressed by the winery operators.

Jeff Lucas – 20 New Freedom Road, Medford. He has lived in Medford at this address for over 30 years. He moved to Medford because of its charm. He is very much in support of the Winery. As the President of the Medford Arts Center, and a member of the Main Street Business Association, he and fellow Main Street business owners see this as a great addition to Medford.

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 Use Variance application, subject to Site Plan approval. Mr. Benstead seconded the motion.

Recorded Vote:

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

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**GENERAL PUBLIC:** None

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

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**EXECUTIVE SESSION:**

The Board went into executive session at 8:55 pm. The Board meeting resumed at 9:15 pm

**MOTION FOR ADJOURNMENT:**

Mr. Simmers made a motion to adjourn the Zoning Board of Adjustment meeting at 9:16 pm.  
Mr. Hamilton seconded the motion. The voice vote was unanimous.

A handwritten signature in black ink, appearing to read 'Beth Portocalis', written over a horizontal line.

Beth Portocalis, Zoning Board Secretary & Recording Secretary