

**MEDFORD TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING**

14 November 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, Lane, Wolf, Hamilton, Pullman, Simmers, Cocivera, Symons
Absent: None
Professional Staff: Attorney Christopher Norman, Engineer Christopher Noll, Planner Michelle Taylor, Secretary Beth Portocalis

PLEDGE OF ALLEGIANCE

MINUTES:

October 16, 2019 Regular Meeting – Vice Chairman Cocivera made a motion to approve the October 2019 Zoning Board Regular Meeting Minutes. Mr. Pullman seconded the motion. Mr. Simmers abstained. A unanimous voice vote of all other Board members carried the motion.

October 16, 2019 Executive Session Meeting – Vice Chairman Cocivera made a motion to approve the October 2019 Zoning Board Executive Session Minutes. Ms. Lane seconded the motion. Mr. Simmers abstained. A unanimous voice vote of all other Board members carried the motion.

REPORTS: None

CORRESPONDENCE: None

EXECUTIVE SESSION: Vice Chairman Cocivera made a motion to convene in Executive Session at 7:10 pm. Ms. Lane seconded the motion. A unanimous voice vote of all other Board members was in favor. The meeting re-convened at 7:41 pm.

RESOLUTION MEMORIALIZATIONS:

Keith & Valerie Meslin, 24 Pendleton Court, Block: 5301.15, Lot: 12, ZVE-1051, Bulk Variance approval to construct an in-ground pool with concrete decking (3,722 sf). Lot Coverage 20% required, 21.0% existing, 25.2% proposed. **Zone: RGD-1**

Recorded Vote:

Ayes: Lane, Hamilton, Benstead, Wolf, Pullman (2), Cocivera (M), Symons
Nays: None
Abstentions: None
Motion carried: 7 - 0 - 0

APPLICATIONS/OFFICIAL:

Lisa Mikulak, 188 S. Lakeside Drive E., Block: 4903, Lot: 149, ZVE-1050, Seeking Bulk Variance approvals to construct a 160sf shed and a driveway of 630sf with two road openings. Building Coverage 12% required, 21.70% existing, 21.70% proposed; Lot

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Coverage 30% required, 32.22% existing, 38.46% proposed. Shed requires a 15' side yard setback and 5' is proposed. **Zone: GD**
SWORN: Lisa and Stephen Mikulak, Owners

Chairwoman Symons opened the testimony by noting there was a discrepancy on the Block & Lot Coverage worksheet based upon a Resolution for 2016 bulk variance approvals granted to the Mikulaks, as 24.3% building coverage was previously approved yet only 21.7% is existing. The question was would this affect their overall lot coverage variance request as well. It was noted a revised Block & Lot Coverage Worksheet will be required.

Mrs. Mikulak then began her testimony that the shed will match their recently renovated dwelling. It has to be located in the side yard due to the topography in the rear yard, and it will not be past the rear of the house. Board members expressed some concerns about the close proximity to the neighboring property, to which Mrs. Mikulak replied they tried to locate it where the neighbor's is so as to negate some of the side yard setback impact.

Mr. Mikulak next described the driveway, which was installed without the required permits. It was built in a horseshoe design, replicating many other driveways in Birchwood. He continued that the roads are too narrow to allow for on-street parking. Permeable pavers were used as opposed to stone, concrete or asphalt, which Mr. Mikulak believed to be better for stormwater and overall lot coverage.

Mr. Noll then referenced his November 4, 2019 letter and his July 25, 2019 denial of the double driveway application. The aforementioned letter noted four items whereby waivers are required. Mr. Noll further commented that many of the horseshoe driveways in Birchwood pre-dated the zoning ordinances, as the most recent driveway ordinance was adopted in the 1990's; thus are determined to be pre-existing and non-conforming. His concern is the multitude of dual driveways on Lakeside Drive, thus even further reducing the availability of on-street parking and creating potential safety concerns for ingress and egress. There is almost 4,000 s/f of grass area off the road to park vehicles.

Mr. Mikulak responded that with his work truck and the family's other vehicles, the driveway in its current configuration is needed.

Mrs. Taylor had no comments.

PUBLIC: None

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

Mr. Benstead asked the Mikulaks if they would be willing to reduce the size of the driveway. Mr. Mikulak replied yes, he would be willing to reduce the width to 12' to maintain the needed turning radius. His work truck takes up almost half of the length of the original driveway. The Board calculated that a reduction to a 12' width would only reduce the lot coverage by 150 sf,

which would be less than one percent; or a total lot coverage of 37%.

Ms. Lane questioned what the shed will be used for. Mrs. Mikulak replied the intent is to store yard equipment (mowers and log splitter), patio furniture in the winter, and kayaks & canoes. The existing garage is only 15' deep in a portion. The intent is to clean out this portion of the garage and use the space to park a vehicle. The steep drop off behind the house to the lake will not permit the shed to be placed in the rear yard. The house is not square on the property, and there is only 23' between the edge of the dwelling and the side yard boundary; hence the request for the side yard setback variance relief sought.

Vice Chairman Cocivera asked if the Mikalaks would be willing to move the shed closer to the house. After some discussion, Board members asked if the Mikulaks would be willing to reduce the size of the shed; and the Mikulaks agreed to an 8' x 16' shed.

The Motion was bifurcated.

Vice Chairman Cocivera made a motion to approve an 8' x 16' shed with a 6' side yard setback; and the colors to match the dwelling. Mr. Benstead seconded the motion.

Recorded Vote:

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

Vice Chairman Cocivera made a motion to deny the circular driveway with two openings. Mr. Wolf seconded the motion.

Recorded Vote:

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

Kevin & Melissa Looney, 100 Heath Road, Block: 3202.04, Lot: 1, ZVE-1055,

Seeking Bulk Variance approval to install a 4'H picket fence at the rear of the property and a 6' privacy fence facing the secondary street at Tuckerton Road. *Fences on corner properties shall not exceed 4'H in either front yard nor shall be constructed of solid materials. **Zone: GD**

SWORN: Kevin Looney, Owner

Mr. Looney began his testimony by explaining that he and his wife have two small children, and as the dwelling is situated on the corner with Tuckerton Road, they are concerned for their safety and privacy. There is an existing 30-35 wooded buffer area between the yard area used and the roadway

which will remain, and no trees will need to be removed to install the proposed 6' white vinyl fence along the Tuckerton Road side of the property.

Chairwoman Symons and Vice Chairman Cocivera both expressed their concerns with white vinyl, as the white color brightness of the fence will "stick out," and the white is susceptible to green and black mold discoloring. Both suggested either a muted natural color vinyl or a wood fence. Mr. Looney responded that he prefers the vinyl as lower maintenance, and he has observed many wood stockade fences along major roadways in disrepair, which is a worse visual look. He would commit to power-washing the vinyl fence frequently, as the white siding on the dwelling requires bi-annual cleaning due to the lack of sunlight.

Mr. Benstead asked if another color vinyl would be considered, as the color chart submitted with the application listed several other options besides the white. Mr. Looney stated that the other colors are a significantly higher cost; and other fencing existing on the property is white.

Mrs. Taylor had no comments in regards to the proposed 4' picket fence area, and deferred to the Board their decision in regards to the type and color of the 6'H privacy fence along Tuckerton Road; but noting her preference would be a more natural color to better blend in the wooded surroundings.

PUBLIC: None

Ms. Lane made a motion to close the public portion. Mr. Pullman seconded. The voice vote was unanimous.

Mr. Looney asked for a brief recess to confer with his wife, who was unable to attend due to illness. Chairwoman Symons agreed to a recess at 8:50 pm. The meeting resumed at 8:55 pm.

Mr. Benstead agreed to the application as proposed, noting the Board should not impose any undue financial burden on residents. There was no second.

Ms. Lane made a motion to approve the application, with the condition that the applicant use a wood-tone color in vinyl approved by the Board Planner or a wood fence in the side yard along Tuckerton Road. Mr. Wolf seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Lane, Wolf, Pullman, Cocivera, Symons
Nays:	Benstead
Abst.:	None
Motion approved:	6 -1- 0

Craig Cocco, 32 North Main Street, Block: 1602, Lot: 6.02, ZVE-1054,
Seeking Use Variance approval to permit an arcade business. **Zone: HVC**

SWORN: Paul Gerike, Esq., Attorney for the Applicant

Craig Coccaro, Owner

John Helwig, Guzzi Engineering Associates, Planner

Mr. Gerike opened the testimony by summarizing that Use Variance approval is needed as the Medford Township codes do not include arcade businesses as a permitted use in the Historic Village Commercial Zoning District, and arcade machines require licensing per the Township's Administrative Code. This is a typical code is most NJ municipalities, adopted in the 1980's with the advent of digital video games.

Mr. Caccaro was next to testify. He, his wife and children reside in Lake Pine. He has been planning to open a family business, and was pleased when this location became available in his hometown. He researched several business models, and this type of proposed arcade has a wide range of appeal and will draw families, millennials, and teens. Per NJ.com, two of the five top Main Street downtowns have a similar type of arcade business, and this type of entertainment business is a perfect draw and compliment to the existing Main Street businesses. In addition, there are not a lot of activities for youth in town unless they are involved in athletics or scouting.

The proposed business will consist of a mix of arcade games popular over the past few decades, from pinball machines to video games to virtual reality, including old console games such as Donkey Kong and Ms. Pac-Man. There will be 5 pinball machines, an air hockey table, and gaming stations with newer games so that participants can play together and socialize. The games will be family friendly (rated PG or lower) and will come equipped with child-safe mode settings. The Wi-Fi will be locked; and no public Wi-Fi will be offered.

There will no games of chance nor any prizes awarded. Participants will pay by the hour and during that time play as many games as they wish. No gaming competitions will be held.

The business will operate during non-school hours; 10 am – 10 pm on non-school days; 10 am – 6 pm on Sundays; and 2 pm to 10 pm on school days. Staff will consist of Mr. Coccaro, an assistant manager, and a couple of hourly employees. There will be no food prep on site; just a small area selling pre-packaged snacks and beverages. The upstairs area will be set up for parties, and all food will be delivered or brought in by party organizers. No deliveries are anticipated with the exception of the initial delivery of the machines.

Interior electrical upgrades to the space are needed, but no other physical improvements are proposed. The former use was a microbrewery. No outdoor seating is proposed as to limit any type of potential loitering. The capacity will be established by the Fire Marshall; but the former use of the microbrewery was approved for 40 persons. A window etched sign with the name of the business "Game On Arcade" as included in Board members' packets is the only signage to be proposed, and will comply with the sign ordinance. No added exterior lighting is proposed, and the building will be equipped with a series of external and internal security cameras. As some of the games are played over Wi-Fi; the on-line security will be protected with the most up to date technology available.

Mr. Helwig, Planner for the Applicant was next to testify. He first referenced the Traffic Study

and Traffic Comparison analysis prepared by Shropshire & Associates (dated October 30th and November 7th, 2019.) These studies determined that the traffic generated by this type of business is less than several other types of businesses that are a permitted use in the HVC zone, and also less than the former microbrewery tenant. The space is well suited for the proposed use as there is also pedestrian and bicycle access. In addition, this type of business will create an entertainment option for Main Street that doesn't currently exist and will compliment other businesses such as the Pop Shop. This is a developed location with easy access to on-street parking and public parking. Accordingly the site suitability serves the purposes of zoning since there is sufficient space and this business will create a more efficient use of the land, with the shared parking and the applicant's agreement to contribute to the Township's Parking Lot Trust used for maintenance of the public parking areas.

Mr. Helbig continued that the Use is not a detriment to the zone, as there will not be any food prep or waste, limited trash generated, negligible impacts of lighting, and loitering opportunities have been diminished by not providing outdoor seating. In addition, as displayed in Exhibit A-19; the applicant has agreed to plant arborvitae in the existing 12' buffer space between this building and the neighboring building in order to further enhance the buffer area and deflect any possible noise. Mr. Helbig concluded by displaying Exhibit A-20, an aerial view of the Village with the business building and public parking areas highlighted.

Chairwoman Symons asked about use of the second floor; and Mr. Cocarro reaffirmed it will be used for parties only. It is not increasing use as partygoers will need to be provided access to the games during the party.

Vice Chair Cocivera asked about excess trash, and Mr. Cocarro confirmed that there is dedicated space in the rear for a disposal container if needed.

Mr. Pullman asked about the exterior steps to the second floor. Mr. Cocarro stated that will be used by staff only for trash removal, etc.; and emergency egress if needed. All patrons will access the second floor from the interior steps.

Vice Chair Cocivera asked if Mr. Cocarro would be willing to place a bike rack out front. Mr. Cocarro agreed, and further added that he will look for a bike rack that non-traditional or "artsy" to provide added visual enhancement.

Chairwoman Symons asked if there will be vending machines; Mr. Cocarro responded no; just the snack bar with a very limited selection of drinks and pre-packaged snacks (cookies, chips, candy)

Chairwoman Symons asked about staffing levels. Mr. Cocarro responded that the plan was to have at least two staff at all times, preferably at a 1:10 staff/participant ratio. Another staff person will be assigned to any party. She then followed by asking if staff will go thru background checks. Mr. Cocarro said he hadn't considered that; but would be most willing to accept a condition to make that a requirement. Mr. Norman asked what plans will be in place

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for unsupervised youth patrons. Mr. Cocarro responded that he will clearly post a code of conduct policy and expel anyone who does not comply.

Vice Chair Cocivera asked about a BYOB policy for adult patrons. Mr. Cocarro replied that at this time, he has no plans to permit any type of alcohol on the premises.

Chairwoman Symons asked about noise generated by the machines. Mr. Cocarro replied that the noise levels can and will be adjusted as needed, but none of the internal noise is expected to carry outdoors.

Mr. Noll testified about his November 7, 2019 letter which contained his review of the parking analysis. As the reports concluded, this business will generate less traffic and trip generation than the former business. A total of fourteen spaces are required. The microbrewery was previously granted a parking variance for 12 spaces. Therefore, two additional parking spaces are required. The Land Development Ordinance for the HVC zone stipulates a \$50 fee per space paid to the Village Parking Lot Trust annually; however the Township has not collected this fee after the initial first year payment for several years. The applicant agreed to this condition.

Mrs. Taylor stated that she is satisfied that the Applicant and his professionals have sufficiently responded to her November 5, 2019 letter.

PUBLIC:

Alexandra and Jessica Breaux – owners of Wonder World Toys at 23 South Main Street

Pola, Sean and Abigail Galie – residents and owners of Lower Forge Brewery – 14 South Main Street.

Lesha & Eric Moore- residents and owners of 26 South Main Street & co-founders of the Art Center's monthly Art Walk.

Each spoke in favor of the proposed arcade as a positive for Main Street and Medford Township in general, affording youth and families an entertainment option within the Township. The arcade is located within walking and biking distance to children who attend Allen, Haines & the Middle school; as well as the families who reside in the Village. While adults are shopping and/or patronizing one of the service-oriented businesses, youth will have a safe and secure place to enjoy themselves rather than "hanging out." Plus this business is family oriented, and adds another complimentary entertainment business to entice families to spend an entire day or evening along Main Street and provide something for everyone. Further, this type of business does not exist in the area, thus enhancing Main Street as a tourism destination. Most also concurred that they have met Mr. Cocarro and find him to be enthusiastic, sincere and dedicated to operating a top notch business. Abigail Galie, who also is a member of the Township Council's Economic Development Commission, commented that the diversity and vibrancy of this type of business is needed, and further added that the "only parking problem a Main Street could have is when no one is parking."

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It was also mentioned that five other Main Street business owners were in favor of this application, but could not attend the meeting.

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

Mr. Hamilton made a motion to approve the application, with the condition that the hours remain per testimony; a bike rack to be added in front of the business; and that a \$100 contribution is made to the Village Parking Lot Trust. Mr. Wolf seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC: None

Mr. Hamilton made a motion to close the public portion. Ms. Lane seconded.
The voice vote was unanimous.

Chairwoman Symons called for a second Executive Session at 10:30 pm. Vice Chairman Cocivera made a motion, and Mr. Benstead seconded. The voice vote was unanimous in favor.

The meeting resumed at 10:55 pm.

MOTION FOR ADJOURNMENT:

Vice Chairman Cocivera made a motion to adjourn the Zoning Board of Adjustment meeting at 10:56 pm. Mr. Wolf seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary