

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

**15 December 2021-7:00pm @Public Safety Bldg-91 Union St. & via Zoom Online Conference**

Attorney Dasti called the meeting to order at 7:03 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**MINUTES:**

November 10, 2021 Regular Meeting – Mr. Hamilton made a motion to approve the November 10, 2021 Zoning Board Regular Meeting minutes. Mr. Wolf seconded the motion. A unanimous voice vote of the other members carried the motion.

**REPORTS:** The 2020 Annual Report was moved to the end of the meeting.

**CORRESPONDENCE:**

Ms. Portocalis read into the record the resignation letter from Chairwoman Symons, effective December 31<sup>st</sup>, due to her election to the Township Council. Mayor Chuck Watson and Vice Chairman Sal Cocivera presented Chairwoman Symons with a plaque recognizing her service to the Zoning Board, which started in 2013, and her terms as Chairwoman since 2014.

Ms. Portocalis then read into the record the resignation letter of Mr. Umba, effective December 31<sup>st</sup>, due to his election to the NJ State Assembly. Mayor Watson and Board members also thanked Mr. Umba for his service on the Zoning Board the past two years.

**RESOLUTIONS TO BE MEMORIALIZED:**

**Joseph & Angela DeLuccia, 46 Woodthrush Tr. W., Block 3202.12//Lot 23, ZVE-1103**

**Resolution #2021-35**

Bulk Variance approvals to permit an in-ground pool with decking (1,588 sf) exceeding lot coverage 25.8 % existing, 34% proposed, 30% permitted. **ZONE: GD**

**Recorded Vote:**

Ayes: Hamilton, Pullman, Rickards, Umba (2), Wolf, Cocivera (M),  
Symons  
Nays: None  
Abst.: None  
Motion carried: 7 - 0 - 0

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**Michael Murphy, 1 Normandy Drive, Block 2703.08/Lot 1, ZVE-1104. Resolution #2021-36**  
Bulk Variances approvals to permit an in-ground pool with concrete decking (842 sf) in the front yard on a corner property lot that does not meet setbacks requirements. Setback along Friar Tuck Drive requires 35' where 11.2' is proposed. Also, retroactive approval for existing 160 sf shed located in the front yard towards Normandy Drive 35' setback required 25' existing. **Zone: GD**

Recorded Vote:

Ayes:	Hamilton (M), Pullman, Rickards, Umba (2), Wolf, Cocivera, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

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**APPLICATIONS/OFFICIAL:**

**Stephen Fox, 10 Brookwood Drive, Block 5501.02//Lot 16, ZVE-1107**

Seeking Bulk Variances to construct an in-ground pool with concrete decking totaling 1,559.78 sf requiring lot coverage relief with 20.6% existing, 23.4% proposed, and 20% permitted. Existing driveway requires a waiver for side yard setback whereby 10' is required and 5' is existing; existing driveway requires a waiver for lot coverage 20.6% required with horseshoe driveway, proposed total lot coverage is 32.22%; existing driveway requires a waiver for corner lot's minimum distance between a proposed apron and the extended curb line of the intersecting street must be a minimum of 75', previous access on Bradford Court has a distance of 63'.

**Zone: RGD-2**

**SWORN:** Stephen Fox, Owner/Applicant

Mr. Fox opened his testimony by explaining that that he has owned the property for 2 ½ years. He noted that over 60% of the properties in the neighborhood have in-ground pools, and that the lot is large enough to sustain a pool of the proposed size. The soils are of a sandy loom so run-off should not be detrimental to any adjoining properties. An existing swing set will be relocated. In regards to the driveway, it was in its current configuration when he purchased the property, and he only added a small section near the garage as it was not wide enough for a car to pass if one was parked there. Once the pool is installed, Mr. Fox stated that he planned to add landscaping and privacy fencing along Bradford Court to shield the pool area from the closest neighbor.

Mr. Noll referenced his November 29, 2021 review letter. He approved the grading plan for the proposed pool; and listed the three design waivers required for the driveway. He recommended approval of the three waivers, as Bradford Court being a small cul-de-sac road which does not generate much traffic.

Mrs. Taylor had no comments.

Chairwoman Symons questioned the type of fence that Mr. Fox intended to install along Bradford Court. He replied a 5-6' black aluminum fence. Since this is a corner lot, that area is technically considered the front yard, and only 4' high fencing is permitted. After discussion amongst Board members, Mrs. Taylor and Mr. Fox, including an option to continue the application until next month to consider his options, Mr. Fox opted not to continue the application or seek additional variance relief for the fence.

PUBLIC: Mr. Umba made a motion to open the application to the public. Vice-Chairman Cocivera seconded the motion. The voice vote was unanimous in favor.

No one from the public spoke.

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

Mr. Umba made a motion to approve the in-ground pool as proposed and grant the three design waivers for the driveway, with the condition to add landscaping, and with fencing surrounding the pool only. Mr. Pullman seconded.

Recorded Vote:

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

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**Brian Bonelli, 6 Carol Joy Road, Block 4801.02//Lot 3, ZVE-1105**

Seeking Bulk Variances for existing 387sf paver patio on the rear of the dwelling that requires lot coverage relief 28.89% existing, 42.42% proposed, 30% permitted; Patio to be 13.6 feet from the side lot line and 11 feet from the rear lot line, where 28 feet existed, and 30 feet is required.

Building coverage 19.64% previously existed, and at the time the rear deck was enclosed 23.34% occurred, and 20% is permitted. Existing 80 sf shed requires side yard setback relief 2' existing, 5' required. Existing enclosed porch requires rear yard setback relief 11' existing, 30' required.

**Zone: GD**

**SWORN:** Allison Bonelli, Owner/Applicant

Mrs. Bonelli opened her testimony by noting her husband could not attend due to a military commitment. She began to discuss the application, but upon questioning by Board members she stated she had not seen Mrs. Taylor's review letter, nor had her husband briefed her on it.

Chairwoman Symons then suggested the shed be discussed, and asked Mrs. Bonelli if she would be willing to relocate it further away from the property line. Mrs. Taylor then showed her where the shed would sit if it was moved, which would be close to the sunroom.

Mrs. Bonelli was unsure if that would be acceptable. Mrs. Taylor then noted the multiple inaccuracies in the application documents, which also conflict with surveys submitted with

previous zoning permits. Mrs. Taylor tried to scale a recent aerial to calculate the lot coverage, noting the driveway had been widened, a sidewalk from the driveway to the rear yard was widened, and that the deck that was replaced with the paver patio never received zoning or construction approvals.

The Board members commented that given the inconsistencies in the application, they will need a new survey that will include all the improvements made on the lot in order to accurately reflect the current lot coverage and setbacks.

Mr. Hamilton made a motion to continue the application to the next meeting without the need to re-notice. Mr. Rickards seconded the motion. (\*If the applicant does not have the survey ready for the next meeting, the Board may require the applicant to re-notice as there was public present to comment)

Recorded Vote:

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

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**Amega Enterprises, LLC, 1322 Stokes Road, Block 4806//Lots 3.01 & 3.03 ZVE-1095**

Seeking Use Variance to permit both a commercial use, parking of commercial vehicles (Landscaping) and residential use on a residentially zoned property. **Zone: RGD-1**

**SWORN:** Robert Kingsbury, Esq.  
Anthony Amato, Owner/Applicant

Mr. Kingsbury opened the application by stating that the application has not been classified correctly. It is a Bulk Variance application for the parking of more than one commercial vehicle on a residential lot. He continued that you can see this all over Medford on much smaller lots. Mr. Kingsbury continued that there is no neighborhood and thus there are no detrimental impacts.

Mr. Amato stated his business offices are located on South Main Street, and there is no space to park the vehicles there. The landscaping business includes three Ford F150s and two Ford F250s. In response to Mrs. Taylor's review letter and photographs taken during a recent site visit, Mr. Amato said that the roll-off container was needed for rubbish from renovations to the dwelling and barn. Trees were removed in order to install a new septic system.

Board members expressed their views that this is a Use Variance, given the trailers and other equipment on the property, the large piles of ground mulch, and the piled up trees and chippers. Upon questioning, Mr. Amato confirmed that the employees come to the property every workday and leave their personal vehicles parked, then return at the end of the work day. Mr. Umba asked what address is on the vehicle registrations, as that would legally have to be where they are housed. Mr. Amato initially replied he wasn't sure, but did ultimately admit it was at this property.

Chairwoman Symons then stated that the Board will hear this application as a Use Variance, and all the other Board members concurred. Mr. Varga explained that it is the Board's prerogative to treat the application as a Use Variance, and as such will continue with the applicant providing the required positive and negative criteria testimony and proofs as required.

Mr. Kingsbury then asked for a brief recess to consult with Mr. Amato. The Board agreed. When the meeting reconvened, Mr. Kingsbury stated that Mr. Amato is withdrawing his application and will relocate the commercial operations off of the property.

Mr. Noll asked if the applicant has responded to the Pinelands Commission's letters, which note the operations and the changes to the property are in violation of the Commission's regulations. Mr. Amato stated he will work with Ms. Portocalis to abate the violations and restore the disturbed areas to the Township's and Pinelands Commission's requirements.

Vice Chairman Cocivera made a motion to accept the applicant's request to withdraw the application. Mr. Hamilton seconded the motion. The voice vote was unanimous in favor.

**GENERAL PUBLIC:** Mr. Umba made a motion to open the meeting to the public. Mr. Hamilton seconded. The voice vote was unanimous in favor.

No one from the Public spoke.

Mr. Hamilton made a motion to close the general public portion of the meeting. Mr. Pullman seconded the motion. The voice vote was unanimous in favor.

**EXECUTIVE SESSION:** None

**ADDITIONAL ACTION(S) BY THE BOARD:** 2020 Annual Report as prepared by Board Planner Michelle Taylor.

Mrs. Taylor's report acknowledged that the Board heard 32 applications, which is the most in recent memory and may be a record. The majority of applications were for oversized sheds and garages, and for in-ground pools. There was one denial of a Bulk Variance application for an oversized shed. There were also a couple of (d) use variance applications. This report is transmitted to the Council and Planning Board, who consider the information in the report for possible amendments to Land Use elements of the Master Plan and Land Development Ordinances. Chairwoman Symons recommended that Board members review the article in the NJ Planner newsletter regarding EV charging stations, as new State laws have made these mandatory, and further will not require Planning or Zoning Board reviews and approvals.

**Resolution #2021-37:** Accepting the 2020 Annual Report

Recorded Vote:

Ayes:	Hamilton (2), Pullman, Rickards, Umba (M), Wolf, Cocivera, Symons
Nays:	None
Abst.:	None
Motion carried:	7 - 0 - 0

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**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the December 15, 2021 Zoning Board of Adjustment meeting at 8:36 pm. Mr. Umba seconded the motion. The voice vote was unanimous.



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Beth Portocalis, Zoning Board Secretary & Recording Secretary