

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

**17 February 2021  
Conference**

**7:00 p.m.**

**Via Zoom on-line**

Attorney Dasti called the meeting to order at 7:07 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

**PLEDGE OF ALLEGIANCE**

**ROLL**

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

**MINUTES**

January 20, 2021 Re-Organization & Regular Meeting – Vice Chairman Cocivera made a motion to approve the January 20, 2021 Zoning Board Regular & Re-Organization meeting minutes. Mr. Wolf seconded the motion. A unanimous voice vote carried the motion.

January 20, 2021 Executive Session Meeting – Mr. Umba made a motion to approve the January 20, 2021 Zoning Board Executive Session minutes. Mr. Rickards seconded the motion. A unanimous voice vote carried the motion.

**REPORTS:** None

**EXECUTIVE SESSION:** None

**CORRESPONDENCE:** None

**RESOLUTIONS TO BE MEMORIALIZED:**

**Michael Reilly, 97 Centennial Avenue, Block 6001//Lot 9.02 ZVE-1070**

**Resolution #2021-9 (Bifurcated)**

Bulk variance approvals to maintain a 10' x 16' (160 sf) shed in the front yard which is not permitted, with a setback of .5-1', where 5' is the required side yard shed setback. Exceeding overall lot coverage where 15% is permitted; 19.77% is proposed. **Zone: RGD-2.**

**Recorded Vote:**

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

---

**Rene Boesch, 29 Holly Drive, Block 2909; Lot 5, ZVE-1082**

**Resolution #2021-10**

Bulk variance approvals to construct a 590sf addition to the front of the dwelling and a 300sf deck on the rear of the dwelling, exceeding permitted building coverage of 12%, with 13.2% existing and 18% proposed; to exceed the permitted lot coverage of 30%, with 27% existing and 32% proposed; to exceed required side yard setback of 30', with existing 15.97' and proposed 11.896'; to permit an existing 112sf shed with attached 40sf woodshed to continue to be located 2.54' from the side yard property line where 5' minimum is required; and a waiver for wetlands buffer encroachment for the aforementioned shed located between the dwelling and the lake.

**Zone: GD**

Recorded Vote:

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

---

**Dawn & Dean Christianson, 23 Bortons Road, Block 6601; Lot 2.02, ZVE -1083**

**Resolution #2021-11**

Bulk variance approvals to construct a 36' x 24' (864 sf) detached garage, to be located in the front yard which is not permitted, and exceeding the permitted number of garage parking spaces where three (3) are permitted and four (4) are proposed. **Zone: RGD-2**

Recorded Vote:

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

---

**APPLICATIONS/OFFICIAL**

**Michael Reilly, 97 Centennial Avenue, Block 6001//Lot 9.02 ZVE-1070**

Bifurcated portion of application seeking a waiver for wetlands buffer encroachment to maintain an existing stone fire pit/seating area and a timber retaining wall. **Zone: RGD-2.**

*(\*Mr. Hamilton recused himself from this application)*

**SWORN:** Michael Reilly, Owner  
William Mead, Esq., Attorney  
John Kornick, Engineer & Planner

Mr. Noll opened the testimony by describing his observations during a site visit on February 5, 2021. Three photos taken by Mr. Noll during the site visit had been distributed to Board members. Mr. Noll opined that the removal of the existing timber wall would cause erosion on

the property and would be counterproductive to remove as that would cause more damage. Even though the ground was snow covered during the site visit, the recent activity with the construction of the fire pit seating area and the applicant's testimony at the last meeting that bringing in topsoil would lead to further erosion during weather events. The retaining wall itself is a similar distance to the lake as neighboring properties. Mr. Noll's recommendation was to add more native species plantings in the rear yard between the dwelling and the retaining wall, which would help to stabilize the soils and return the landscaped vista to the property near the lake.

Mr. Reilly stated that he had planted 1 dogwood tree, 11 sweet bay magnolias in proximity to the fire pit, and 10 mountain laurels between the retaining wall and the lake. The rear yard is irrigated so the plantings have a better chance to survive and thrive.

Mr. Noll also confirmed that the fire pit is stacked stone and not permanent per se, but it was built into an existing slope in the rear yard, which was reduced by Mr. Reilly by adding topsoil to reduce the steep pitch, which had rendered the rear yard somewhat hazardous to use and enjoy.

Mrs. Taylor was next to testify. She referred to Mr. Noll's photos and pointed out the plantings on the neighboring properties. The Old Taunton Colony Club has standards and requirements for the preservation of natural surroundings, and it was her suggestion that the applicant comply with those. But if it was the Board's decision, she would work with the applicant and his professionals on an acceptable landscaping plan.

**PUBLIC: Vice Chairman Cocivera made a motion to open the application to the public. Mr. Rickards seconded. 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.**

**Vice Chairman made a motion to approve the wetlands buffer waiver, with the condition that additional landscaping be added by May 31<sup>st</sup> per the HOA requirements. Mr. Simmers seconded.**

Additional discussion ensued in regards to the landscaping in relation to the HOA/OTCC requirements, with Mr. Reilly again stating he has added 153 plantings, at least 40% of which are native species. He has attempted to work with the OTCC's property management company, to no avail.

Vice Chairman Cocivera withdrew his motion.

**Mr. Umba made a motion to adjourn the application to the next meeting without the requirement to re-notice pending the receipt of a landscaping plan acceptable to both the Board Engineer & Planner. Vice Chairman Cocivera seconded.**

(Mr. Dasti added that the plan must be received at least ten days prior to the next meeting)

Recorded Vote:

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

---

**Andrew & Heather Scibilia, 305 Hickory Court, Block 906.04; Lot 15 ZVE-1084**

Seeking bulk variance approvals for an attached 370 sf cabana/deck with roof onto rear of dwelling and new paver patio areas in the rear yard to encompass an existing in-ground pool and hot tub/spa. Requiring principal building rear yard setback relief: 50' required; 39.4' existing; 23.4' proposed; and lot coverage relief: 30% permitted; 34.5% existing; and 30.46% proposed.  
**Zone: GMS**

**SWORN:** Andrew & Heather Scibilia, Owners  
Jeff King, Architect

Mr. Scibilia opened the testimony by describing that with the current features in their rear yard, rain would cause the soil to run under their existing deck, over the pavers and into their in-ground pool. In consultation with a contractor (Joe Quinn of Tri-County Development) and architect Jeff King, it was determined that the best course of action was to redesign the rear yard.

Mr. King described the property, being located on a cul-de-sac and irregularly shaped. The rear yard backs up to Freedom Park. There are no mature shade trees so the rear yard area experiences full sun. Mr. King reasoned that the application qualifies for C(1) and C(2) variance relief, specifically that a C(2) variance is justified as the proposed improvements will create a desirable visual to a public park. He further explained that a prior pool application had erroneous calculations, so even though this application includes a new paver patio area, the overall coverage is reduced to almost comply with the Zone district plan. This paver area includes a fire pit and additional seating for the pool, but does require setback relief to 5.5'. The proposed cabana meets the side yard setback.

Chairwoman Symons questioned the existing fencing, which is currently mis-matched. Mr. Scibilia replied that some of the fencing has been damaged during recent storms, so it is their intention to install new pool compliant fencing along the property lines and remove the fence surrounding the pool.

Chairwoman Symons then asked about a shed on the property. Mr. Scibilia admitted that they did not obtain permits for it, and relied on the vendor's assertion that permits were not required. The shed is 160sf and meets the setback requirements, and the size does not require relief. He will accept a condition to obtain retroactive approvals.

Mrs. Taylor stated that the proposed elevations are an improvement, and the rear yard is visually

Medford Township Zoning Board

17 February 2021

5

enhanced. The sun screening is needed, and the overall lot coverage reduction is also very positive.

The Board then discussed the rear yard setback relief requested. It was agreed to by Mr. & Mrs. Scibilia after confirmation by Mr. King to redesign the paver patio area to increase the setback to 10'.

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

No one from the Public spoke.

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

Recorded Vote:

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

**Jeff & Paula Sallade, 12 Nelson Drive, Block 4801.05; Lot 2 ZVE-1086**

Seeking bulk variance approvals for an 880sf in-ground pool in the rear yard requiring rear yard setback relief; 15' required; 12' proposed; and lot coverage relief where 30% is permitted and 35.64% is proposed. (previous Board approvals granted for exceeding building coverage)

**Zone: GD**

**SWORN:** Jeff Sallade, Owner

Mr. Sallade opened the testimony by explaining that the proposed pool will be for his family's enjoyment. It will enhance the value of his property. His two neighbors have each installed in-ground pools, so it is consistent with the neighborhood. He further described that there are only ten properties in the subdivision, and the lots are not particularly large, thus the need for the variance relief for exceeding lot coverage. Mr. Sallade added that staff had made him aware he had not obtained permits for an existing 80sf shed; and he will also need to relocate it outside of the easement area with the required setbacks.

Chairwoman Symons asked what type of fencing for the pool is proposed to be used. Mr. Sallade replied that along the rear yard property line he preferred to use vinyl or metal "semi-private" fencing supplemented with arborvitae. He is negotiating with his neighbors at #14 Nelson Drive for side yard property line shared fencing.

Mrs. Taylor offered that the Sallade's should field locate the shed off the easement when the pool is staked out, and confirm with the Zoning Office that the setbacks conform. She also recommended that the Sallade's rear yard property line fence should match the neighbor's for visual consistency. Lastly, she suggested that arborvitae not be used, but would not ask the

Board to make this a condition.

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

Vittorio Anepete – 132 N. Lakeside Dr. East. Mr. Anepete was testifying on behalf of the Birchwood Lakes Colony Club. The Colony Club owns a small strip of open space land behind the Sallade's property and Lakeside Drive. He asked that the Board impose a condition that the applicant's access the rear yard during construction from Nelson Drive and not over the BLCC's property.

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

Vice Chairman made a motion to approve the application as proposed; with the conditions that (1) the required permits for the shed be obtained and the shed be relocated outside of the easement area and meet the required setbacks, and (2) the fence along the rear property line match the neighbor's at #14 Nelson Drive. Mr. Rickards seconded the motion.

Recorded Vote:

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

---

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

No one from the Public spoke.

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

**EXECUTIVE SESSION:** None

**MOTION FOR ADJOURNMENT:**

Mr. Umba made a motion to adjourn the February 2021 Zoning Board of Adjus:ment meeting at 8:51 pm. Vice Chairman Cocivera seconded the motion. The voice vote was unanimous.



---

Beth Portocalis, Zoning Board Secretary & Recording Secretary