

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

21 July 2021

7:00 p.m.

Public Safety Building, 91 Union Street

Vice Chairman Cocivera called the meeting to order at 7:03 p.m.

Attorney Dasti 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, Umba, Wolf

Absent: Symons, Rickards, Simmers

Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Kimberly Moore

MINUTES:

June 30, 2021 Regular Meeting – Mr. Pullman made a motion to approve the June 30, 2021 Zoning Board Regular Meeting minutes. Mr. Umba seconded the motion. A unanimous voice vote of the other members carried the motion.

REPORTS: None

CORRESPONDENCE: None

RESOLUTIONS TO BE MEMORIALIZED:

Medford Cemetery Associates, Inc., 25 Fostertown Road, Block 302//Lots 27, 28 & 39.01, PBC-525 Resolution #2021-7

Memorialization for approval of a Use Variance and Minor Subdivision to subdivide Lot 28 into two lots; Lot B containing 38.362 acres and Lot C containing 40.958 acres. Use Variance approvals to permit a cemetery on Lot B whereby a cemetery is not a permitted use within the AR zone. A mausoleum building for proposed Lot B was granted Variance relief as there is no street/roadway frontage. Bulk Variances were granted for lot frontage where 200' is required, 0' is provided; lot width where 200' is required, 0' is provided; lot depth where 300' is required, 0' is provided; minimum 75' front yard buffer for proposed Lot B, the northern property line is the front yard, setback 5.5' from the rear line of Lot 39.01. Submission waivers approved to permit use of the property as a cemetery (Application is a proposed expansion of the existing Park View Cemetery located at 25 Fostertown Road.) **Zone: AR**

Mr. Wolf made a motion to approve Resolution #2021-7; Mr. Hamilton seconded the motion.

Recorded Vote:

Ayes: Hamilton, Pullman, Umba, Wolf, Cocivera

Nays: None

Abst.: None

Motion carried: 5 - 0 - 0

APPLICATIONS/OFFICIAL

Michael Sweeney, 16 Pendleton Court, Block 5301.15//Lot 8, ZVE-1099 Seeking Bulk Variances to construct an addition of 246.07 sf, lot coverage relief 23.92% existing, up to 25% is proposed, where 20% is permitted. **Zone: RGD-1**

SWORN: Michael Sweeney, Builder

Mr. Sweeney opened the testimony by stating he was the builder on behalf of the owners; William and Nadine Haines who were present. They have an existing patio on the rear of their home that they use for gardening and would like to enclose that by removing the existing patio. The existing lot coverage is above the 20% but with the removal of the patio and walkway it would result in a net decrease of lot coverage.

Vice Chairman Cocivera asked if they were approved for something previously that they went over on lot coverage.

Attorney Dasti explained that there was a pool permit granted in 2010 and thereafter without approvals they installed pavers that increased the lot coverage.

Vice Chairman asked Mr. Sweeney if they were okay with the percentage and if they anticipated needing any additional relief.

Mr. Sweeney commented that the survey was updated by the architect and completed based on the existing amounts so they were good.

Vice Chairman Cocivera asked the board members if they had any questions; there were none.

Vice Chairman Cocivera asked Ms. Taylor if she had any comments.

Ms. Taylor briefly explained that since they were almost at 24% lot coverage now and there were some additional impervious areas noted it made sense to go up to 25% so if pathways were warranted in the future they would already have the additional coverage.

Mr. Sweeney agreed that it would allow them some leeway for a walkway.

Vice Chairman Cocivera asked the board members if they had any questions or comments for the applicant; there were none.

PUBLIC:

Vice Chairman Cocivera opened the application to the public.
No one from the Public spoke.

Mr. Umba made a motion to close the public portion. Mr. Hamilton seconded.

Mr. Umba made a motion to approve the application as proposed, Mr. Hamilton seconded the motion.

Recorded Vote:

Ayes: Hamilton, Pullman, Umba, Wolf, Meehan, Vice-Chair Cocivera

Nays: None

Abst.: None

Motion carried: 6 - 0 - 0

Linda Yaffa, 27 Montclair Road, Block 403.01//Lot 26, ZVE-1090

Seeking Bulk Variances to permit sunroom addition (100 sf) to the rear of the dwelling exceeding the rear yard setback; 11' is existing, 5' is proposed, where 10' is required. **Zone: GMN-AR**

SWORN: Linda Yaffa, Owner

Ms. Yaffa opened the testimony by describing her request for a variance to add an additional 5' to their existing deck width. She explained that they moved to Wildflowers in 2015 to eliminate steps because her husband has been permanently handicapped since 2013. This would allow them to have their primary living space contained to one level. However, they ended up having 3 steps into the front of their house and there were 9 steps out the back to the patio. So, in order to barbeque in their backyard, they applied for a permit in 2016 to build a narrow deck on the rear of the dwelling.

Since the pandemic and as their family grows they are spending more time out back but find the 9' width too narrow for family gatherings with the existing outdoor furniture. Therefore, she is now seeking a 6' rear yard setback variance to extend the width of the deck which moves them closer to the Association open space grounds.

Vice Chairman Cocivera asked Ms. Yaffa if other homes in the subdivision have the same type of project, Ms. Yaffa confirmed that her neighbor also has a deck. Vice Chairman Cocivera asked Ms. Yaffa if the additional coverage she is requesting was comparable in the neighborhood, if she backs up to all open space and that she has Association approval. Ms. Yaffa confirmed. Vice Chairman Cocivera further asked if the changes were going to match what was existing. Ms. Yaffa explained how the deck was being extended 5' and they would use the same type of railings on the addition. Vice Chairman Cocivera wanted clarification that this was just a deck not a sunroom addition as the application stated. Ms. Yaffa confirmed that it was just an addition to their deck.

Mrs. Taylor asked Ms. Yaffa how deep the new deck was going to be from the house. Ms. Yaffa said the deck will go out from 9' to 14' from the house and is 20' long. Mr. Umba stated that it is an additional 5' in depth. There were several discussions regarding the setback from the rear and comments about the neighbor's deck size compared to hers from the google earth images. Mrs. Taylor suggested to leave the rear setback as proposed at 5' and that the effect on the surrounding neighbors would be di minimus.

Vice Chairman Cocivera asked the board members if they had any questions for the applicant, there were none.

PUBLIC:

Vice Chairman Cocivera opened the application to the public.
No one from the Public spoke.

Mr. Umba made a motion to close the public portion. Mr. Wolf seconded.

Mr. Umba made a motion to approve the addition to the deck as proposed, with a 5' rear yard setback where 10' is required. Mr. Hamilton seconded the motion.

Recorded Vote:

Ayes: Hamilton, Pullman, Umba, Wolf, Meehan, Vice-Chair Cocivera

Nays: None

Abst.: None

Motion carried: 6 - 0 - 0

GENERAL PUBLIC:

Vice Chairman Cocivera opened the meeting to the public.
No one from the Public spoke.

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

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EXECUTIVE SESSION: None

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the July 21, 2021 Zoning Board of Adjustment meeting at 7:25 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



Kimberly Moore, Acting Board Secretary & Acting-Recording Secretary