

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

17 March 2021 at 7:00 p.m.

**Medford Public Safety Building, 91 Union Street
and via Zoom on-line 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

Present: Cocivera, Hamilton, Pullman, Rickards, Simmers, Symons, Umba, Wolf
Absent: Meehan
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Beth Portocalis

MINUTES

February 17, 2021 Regular Meeting – Vice Chairman Cocivera made a motion to approve the February 17, 2021 Zoning Board Regular Meeting minutes. Mr. Umba seconded the motion. A unanimous voice vote carried the motion.

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE: Ms. Portocalis stated the Attorney for Michael Reilly had sent correspondence requesting that the application be continued to the April meeting as a required meeting with Mr. Reilly's HOA had not been held. Mr. Umba made a motion to continue the application to the April 2021 meeting, with the condition to re-notice. Vice Chairman Cocivera seconded the motion. A unanimous voice vote carried the motion.

RESOLUTIONS TO BE MEMORIALIZED:

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

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; rear yard accessory setback of at least 10 feet; and lot coverage relief: 30% permitted; 34.5% existing; and 30.46% proposed. **Zone: GMS**

Recorded Vote:

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

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

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

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.**

(Continued to the April 2021 Meeting with the requirement to re-notice)

Carla Growney, 27 Cherry Street, Block 1602: Lot 7 HVR-419

Certificate of Appropriateness with bulk variance relief as may be required to demolish existing dwelling and rebuild new Single Family Dwelling on same footprint. **Zone: RHO**

SWORN: Carla Growney, Owner
Joseph Adamson, Project Architect

Mr. Adamson opened the testimony by describing the history of the dwelling, which was built in 1855. It had sat vacant and neglected for several years until Ms. Growney purchased it in December of 2019. Given that the dwelling is slightly over 1,000sf, it was Ms. Growney's original intent to add second story space over the rear porch. However, once Mr. Adamson got involved, it was discovered that the basement brick walls were failing. A structural engineer was engaged and determined along with Mr. Adamson that it was more feasible to demolish the existing structure and build a new dwelling.

Mr. Adamson's design was almost on the same footprint of the existing dwelling (only 600sf), with the exception of a small 16' x 10' addition on the rear of the dwelling which was formerly a deck, plus a stairway to the basement. This addition adds 300sf of living space. The width of the dwelling will remain the same. The roof profile is lightly different, but conforms to the height limitation of 35 feet. The window rhythm (parallel top & bottom) and the porch side entry will remain the same.

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Chairwoman Symons asked about the shed shown on the survey. Mr. Adamson responded that it was there when Ms. Growney purchased the property, but this 10' x 12' shed has already been relocated to Ms. Growney's property. It is currently 2'4" from the property line. Given the small lot size (only .06 acres) this location is only 12 feet from the landing in the rear of the dwelling. Chairwoman Symons asked if it was needed, and Ms. Growney responded yes; as the basement will be finished for additional living space and there is no garage, so it's the only place to store outside equipment and tools. Ms. Growney added that she would like to replace it if her budget allows, and would be willing to make it smaller if the Board desired.

Chairwoman Symons asked what colors the new house will be. Both Ms. Growney and Mr. Adamson responded that final colors have not been determined, but they will be neutral earth tone colors from a historical palate; most likely gray hues. It will not be the current yellow color.

Mr. Hamilton asked for additional clarification on the railing. Mr. Adamson stated it will be a traditional style. Mr. Hamilton also asked about protection for neighboring dwellings during demolition and construction, since the neighboring dwellings are so close. Both Ms. Growney and Mr. Adamson assured the Board that they will utilize professional/certified/experienced contractors. Ms. Growney has spoken with her neighbors about her plans for the property.

Mrs. Taylor acknowledged that Mr. Adamson has made changes to the dwelling based upon her first review letter, however, the eave returns are not traditional. Mr. Adamson stated he could eliminate the "eyebrow" gables. Mrs. Taylor added that the building coverage is 31%, not including the shed; and the lot coverage is 45%.

She continued that the original application was for a Certificate of Appropriateness, since residential properties in the RHO Zone must adhere to Historic Village residential (HVR) standards. A review of the proposed new dwelling determined that several variances would be required for the pre-existing, non-conforming dwelling.

Mr. Adamson noted that the height of the proposed dwelling is slightly higher than the existing dwelling, since thicker floors are proposed for the second story as it will be the entire length of the house; however, the proportion is the same to the dwelling next door. Chairwoman Symons asked if the attic will be finished, and Mr. Adamson stated no, as there will be no stairs to that area-just a pull down set of steps to access the area for storage.

Mrs. Taylor then delineated the list of variance relief required as delineated in her review letters, including both side yard and rear yard relief, and the shed should the Board vote in favor of keeping it in its current location. Mrs. Taylor added that RSIS standards call for off street parking for two vehicles, however the size of the lot will not allow for any parking spaces. There does appear to be sufficient on-street parking. She also recommended that any Board approvals include a requirement that the porch remain open; and not be enclosed as was done on a couple of other dwellings along Cherry Street.

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.

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

Mr. Umba made a motion to approve the application as proposed including all bulk variance relief required and approving the Certificate of Appropriateness; with the conditions that (1) the eve return be changed to a more traditional concept to be approved by the Board Planner; (2) the color palate will be tradition/earth tone palate; (3) the existing or any new shed cannot exceed 120 sf, will match the dwelling, and is granted setback relief of 4 feet; (4) the porch cannot be enclosed. Mr. Hamilton seconded the motion.

Recorded Vote:

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

James Brudnicki & Emily Riggs, 19 Robin Hood Drive, Block 2703.06; Lot 3 ZVE-1085

Seeking Bulk Variance approvals for a 370sf in-ground pool and 365 sf paver patio area in rear yard exceeding permitted lot coverage. 31% existing; 30% permitted; 36.5% proposed.

Zone: GD

SWORN: Emily Riggs and James Brudnicki, Owners
Robert Conchado, Niagara Pools & Spas

Ms. Riggs opened the testimony by explaining that the property was purchased in 2010. They would like to add a modest in-ground pool of 370 sf, with a 3' wide apron around the pool and an additional 100sf of concrete decking for a patio table and chairs. The enclosed porch will remain, and the shed, currently located in the HOA open space, will be relocated to the corner of their property maintaining the required 5' rear & side yard setbacks. They were unaware the shed was not on their property until the lot was surveyed for the pool, as confirmed by photos submitted by Ms. Riggs from the MLS listing at the time they purchased the property.

Mrs. Taylor noted the lot coverage will be 36.6% is approved as submitted, as the calculations on the Building & Lot Coverage worksheet were slightly different.

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.

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

Mr. Umba made a motion to approve the application as proposed, noting the lot coverage relief will be 36.6%; with the condition that the existing shed be relocated to the rear yard as indicated meeting setback requirements, and that a retroactive shed permit is obtained. Mr. Hamilton seconded the motion.

Recorded Vote:

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

Justin Harty, 14 Christopher Mill Road, Block 2502.02; Lot 13.01 ZVE-1087

Seeking Use Variance approval to quarter horses on a residential lot whereby horses are not permitted in the Zone District. **Zone: GD**

SWORN: Justin and Kate Harty, Owners

Mr. Harty opened the testimony by describing the property as 5.78 acres with some wetlands in the northwest corner of the parcel. They purchased the property ten months ago, after moving around the country as a member of the military. The Harty's have three children, and Mrs. Harty was a competitive rider, a sport that their daughter now participates in. Part of the reason they purchased this property was the size of the lot and the fact there is an existing barn that at one time quartered horses--there are names carved in three of the stalls. They have no intent to commercialize the property by renting horse stalls, offering riding lessons, or hosting parties.

Mr. Harty continued that he did apply for and received a fence permit, but since it is not installed yet he agrees with Mrs. Taylor's recommendation to locate it 2-3 feet off the property line along the roadway for safety reasons, as the horses will draw neighborhood residents to the property. The fence will not be electric, and no trees are proposed to be removed to install it. They have talked to their neighbors and all are excited the property will have horses.

Chairwoman Symons asked if they would be willing to limit the number of horses to two, to which the Hartys agreed.

Mrs. Taylor offered that while other zone districts allow a maximum of four horses on lots of more than 5 acres, however the GD Zone was not included because the great majority of lots are too small. In addition, this property is surrounded by smaller lots. The exclusion of the GD Zone also protects the horses since a number of smaller lots border each other. Mrs. Taylor recommended the use of pasture seed mix, as the typical residential seed mixes are not safe for horses.

Mrs. Taylor also inquired how the horse manure waste will be handled. Mr. Harty responded that he has a contract with an area farmer who will accept it to use as part of a compost mix.

Discussion ensued about how and where the manure will be stored until it is transported to the farm. Mr. Harty stated his plan was to construct a cinderblock 4' x 4' containment bin along the driveway for easy loading into his truck. Mrs. Taylor added this is not a Qualified Farm property, so even though Medford is a Right-To-Farm municipality, no manure plan is required. The Board members stated no objection to the bin, but commented that the Board professionals should approve the location.

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

Rob Vitale – 8 Rancocas Lane. Mr. Vitale's property backs up to the Harty's property. He appreciated the Board's questioning, as most of his concerns were addressed. Mr. Vitale asked if animals are permitted, which Board members responded no, not without Variance approval. Mr. Vitale also asked if fence will be installed along his property line; and Mr. Harty responded no; they fencing will stop at the driveway.

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

Mr. Umba made a motion to approve the application with the following conditions: (1) a limitation of two (2) horses; (2) a 16sf manure storage bin to be erected along the driveway with located plotted on the survey and approved by the Board Planner &/or Engineer; (3) the previously approved fence to be installed 6-10' inside the property line behind an existing tree line; and (4) the horses are for personal enjoyment only and no commercial use is permitted. Mr. Hamilton seconded the motion.

Recorded Vote:

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

The Board took a brief recess at 9:00 pm, and the meeting resumed at 9:05 pm.

Donald Colamesta & Carly Lenord-Colamesta, 2 Shawnee Court, Block 4701.01; Lot 2.09 ZVE - 1088

Seeking Bulk Variance approvals for an 864 sf detached garage (36'L x 24'D x 19.4'H) providing a total of six (6) garage parking spaces where three (3) are maximum permitted; a 20' x 20' pavilion (400 sf) exceeding the permitted accessory structure size of 168 sf; approval for a 4.5' (54") aluminum fence partially in the front yard where 4'H wood or wood simulated fence is required; and approval for an existing deck requiring side yard setback relief. **Zone: RGD-1**

SWORN: Don & Carly Colamesta, Owners

Mr. Colamesta requested to bifurcate their application, and asked the Board to consider the portion of the application relative to the fence due to questions raised by Board professionals during their reviews of the other portions of their application. The Board members consented.

Mr. Colamesta opened his testimony by stating that he is requesting a 4.5' (54") black aluminum fence, as that is the requirement for a gate and locking mechanisms for pool compliance. An in-ground pool is under construction in the rear yard, but the Colamesta's property is located on a corner lot so a portion of the fence would technically be in the front yard. Mr. Colamesta stated he and his wife have three children, one of which is younger, and they may have more children in the future. The property is on the main road into the subdivision, so the fence will provide more privacy and also help deter wildlife. He further described the lot as narrow, only being 150' wide, which is atypical for the neighborhood. In addition, a portion of the lot is wetlands and deed restricted, which further limits their ability to locate improvements.

Mr. Colamesta continued the proposed fence matches the fencing of several neighbors, and will include two gates—one on each side of house and one in rear yard. If the proposed garage is not approved, the fence will continue to enclose the portion of the yard outside of the deed restricted area. It will be in the middle of the tree line along Shawnee Pass between the trees, which would allow the family to maximize the usable space in the yard.

After Board discussions, Mrs. Taylor suggested that the fence be located 10' off the property line. Mr. Colamesta countered that he would be willing to contour in the fence around the garden area and would add more landscaping, which would both screen the fence and provide additional privacy.

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

Ronald & Joyce Koontz- 22 Shawnee Court. The HOA didn't advise all of the residents before they executed the HOA Courtesy review, and were not aware of the application until they received the notice. They have no concerns about the fence height or color, but they are concerned how far off the road the fence will be. They want to protect the natural landscaping.

Meryl Penalver – 26 Shawnee Court. Her property faces the side yard of the Colamesta's. Other fences in the development are set back further. #1 Shawnee Court is approximately 50' from the roadway. It would be aesthetically better if the stone and rock landscaping remains in front of the proposed fence. (Mrs. Taylor confirmed the driveway is 22' from the roadway) Ms. Penalver agreed the fence would look better at least 10' with plantings on outside of fence to conceal it.

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

Mr. Rickards made a motion to approve the application with the following conditions: (1) a minimum setback of 10' from the roadway on the portion of fence along Shawnee Pass with a minimum of six native plantings between the fence and the roadway. Mr. Umba seconded the motion.

Recorded Vote:

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

Mr. Umba made a motion to continue the balance of the application to the April meeting without the requirement to re-notice. Mr. Rickards second 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. 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.

EXECUTIVE SESSION: None

ADDITIONAL ACTION(S) BY THE BOARD: None

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the March 2021 Zoning Board of Adjustment meeting at 10:26 pm. Mr. Rickards seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary