

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

19 May 2021 at 7:00 p.m.

Via Zoom on-line Conference

Attorney McGuckin-Anthony 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,  
Absent: Umba, Wolf  
Professional Staff: Attorney Kelsey McGuckin-Anthony, Engineer Christopher Noll,  
Planner Michelle Taylor, Secretary Beth Portocalis

**MINUTES:**

April 21, 2021 Regular Meeting – Mr. Rickards made a motion to approve the April 21, 2021 Zoning Board Regular Meeting minutes as corrected. Vice Chairman Cocivera seconded the motion. A unanimous voice vote carried the motion.

**REPORTS:** None

**CORRESPONDENCE:** None

**RESOLUTIONS TO BE MEMORIALIZED:**

**Donald Colamesta & Carly Lenord Colamesta, 2 Shawnee Court, Block 4701.01; Lot 2.09  
ZVE – 1088 (Bifurcated) Resolution #2021-19**

Bulk Variance approvals to permit a 672sf detached garage (28'L x 24'D x 20'H) within a front yard and setback 22' from Shawnee Court; and providing a total of five (5) garage parking spaces where three (3) are the maximum permitted and already provided within the attached garage; a 28'L x 13'D x 20'H covered patio area/pavilion (364 sf) attached onto the proposed detached garage, exceeding the permitted accessory structure size of 168 sf and height of 15'

**Zone: RGD-1**

**Recorded Vote:**

Ayes: Hamilton, Pullman (M), Rickards (2), Cocivera, Symons  
Nays: None  
Abst.: None  
Motion carried: 5 - 0 - 0

---

**John Davern – 67 Eayrestown Road, Block 304; Lot 4.06 ZVE-1089  
Resolution #2021-20**

Bulk Variance approvals to permit a 28' x 44' (1,232 sf) detached garage; with a proposed height of 22.5' where 20' height is permitted; and 3 additional garage spaces, proposing a total of 6 garage spaces where 3 garage spaces maximum are permitted on a residential lot. **Zone: AR**

Recorded Vote:

Ayes: Hamilton (2), Pullman, Rickards, Cocivera (M), Symons  
Nays: None  
Abst.: None  
Motion carried: 5 - 0 - 0

---

**Susan Allen – 14 West Lake Avenue, Block 3711 Lot 7 ZVE-1093** Denial of Bulk Variance requests to maintain an enlarged shed 10.3' x 8.2' (84.46 sf) not meeting side yard setbacks 4.4' existing, 15' required. **Zone: GD**

Recorded Vote:

Ayes: Hamilton (2), Rickards, Cocivera (M), Symons  
Nays: None  
Abst.: None  
Motion carried: 4 - 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:** William Mead, Esq.  
Michael Reilly, Owner  
John Kornick, PP, PE, K2 Consulting

Mr. Kornick opened the testimony with summarizing the discussions from the prior meetings. As directed by the Board, both Mr. Noll and Scott Taylor (Landscape Architect) conducted a site visit with Mr. Reilly and Mr. Kornick to discuss the amount and type of landscaping that would be appropriate to replace trees and other plantings that had been removed, to stabilize the soils, and to screen the timber retaining wall. Mrs. Taylor noted that stairs have been added to the proposed restoration plan, but they are no closer to the lake than the timber wall; which had been discussed with Mr. Noll & Mr. Taylor during the site visit. The stairs were proposed given the steep slope in the rear yard.

Mr. Noll added that if the wall were to be removed, it may likely cause washouts and affect the grading.

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

No one from the Public spoke.

**Mr. Simmers made a motion to close the public portion. Mr. Meehan seconded. The voice vote was unanimous in favor.**

Vice Chairman Cocivera made a motion to approve the application to maintain the stone fire pit/seating area and timber retaining wall, with the restoration plan to be completed as proposed by June 30<sup>th</sup>, 2021. Mr. Simmers seconded the motion.

Recorded Vote:

Ayes:	Pullman, Rickards, Simmers, Meehan, Cocivera, Symons
Nays:	None
Abst.:	None
Motion carried:	6 - 0 - 0

---

**Joseph & Carol Tarbutton – 5 Cedar Falls Drive, Block 6309//Lot 5 ZVE-1092**

Seeking Bulk Variance approvals for 29.5' x 24' (709 sf) attached garage on a non-conforming lot requiring side yard setback relief, and increased driveway paving (450 sf) requiring a waiver to be setback 0' where 10' is required; proposed lot coverage relief where 20% is permitted, 18.97% is existing, and 23.53% is proposed; and also seeking a waiver for wetlands buffer encroachment for an existing shed in the rear yard situated 3' from a wetlands stream. **Zone: RGD-2**

**SWORN:** Patrick McAndrew, Esq.  
Carol & Joseph Tarbutton, Owners  
Joseph Adamson, Architect-Adamson & Riva Architects  
Michael Avila, PP & PE, Avila Engineering

Mr. McAndrew opened the testimony by describing the lot as significantly undersized at .68 acres in the RGD Zone that requires 3.2 acres. The Tarbuttons purchased the property in August of 2020 and recently had a new septic system installed, which further limits the use of the lot. The dwelling predates the creation of the Pinelands Commission, so it is designated as pre-existing/non-conforming.

The dwelling only has a one car garage. The Tarbuttons are proposing to add a second garage bay, and a second story addition for a master bedroom suite. The new septic system limits the ability to build the addition to the proposed location, and the system was approved as large enough to accommodate the proposed bedroom and bathroom. There is no basement, so the added space is needed by the family.

The Tarbuttons added the shed shortly after purchasing the property to store the yard equipment, other tools and kayaks. It is 168sf and sits on cinderblocks. No adjoining neighbors objected to the location. The Tarbuttons readily admit they did not realize a Zoning Permit was required for the shed.

Joseph Adamson was next to testify. He described the proposed architectural plans and elevations, and detailed why he added the gable feature over the garage to break up the roof line. He confirmed that the materials for the addition will match the dwelling. Based upon comments

from Mrs. Taylor, he will add windows to each level on the right elevation to break up the solid wall.

Michael Avila was the next to testify. He also reviewed the lot constraints due to being undersized. The lot is only 33% of the required lot depth, which is why the shed location is non-conforming. He also described why the addition was proposed to be in the location it is. The lot has multiple hardships including coverage allowances. The deck has slats so water falls through with no runoff. Therefore, the impervious coverage is not a detriment. The driveway is proposed to permit vehicles to back-up and turn around to enter the street headed forward.

Mr. Avila continued that the shed has no adverse impact. It is raised off the ground with cinderblocks so any waters can freely flow underneath, thus no change or altered drainage flows. Mr. Avila then went through the 9-point wetlands criteria as detailed in his May 14, 2021 letter.

Chairwoman Symons asked if any trees will need to be removed. Mr. Avila responded that a couple of small saplings less than 1" caliper were removed.

Mrs. Taylor referred to her May 11, 2021 review letter, and explained that 25% lot coverage is proposed, but the lot is so small that the increase will not have as great an impact. Further, the area in the rear of the lot is open space. She did ask what the plan was for exterior lighting, and Mr. Adamson responded that there will be sconces over the garage doors and entrance door. Mrs. Taylor recommended that they be pointed downwards with warm lights. Mrs. Taylor also asked if there were approvals for the attached deck and Jacuzzi in the rear of the dwelling. Ms. Portocalis responded yes, per ZBA Resolution 45-1996/ZVE – 87. On that application, the deck was represented as 52.9' from the closest point of the dwelling to the rear property line.

Mr. Noll referred to his May 18, 2021 review letter. He pointed out that the Board cannot approve any development in the wetlands, (meaning the shed); as that is the purview of NJDEP or the Pinelands Commission. However, the practice has been that development can be approved as long as it is not any closer to wetlands than the existing dwelling/development.

Discussion ensued about the shed location, with most recommending that the shed be relocated further back on the lot so it is no closer to the wetlands than the existing deck/Jacuzzi as granted by the prior Resolution. Ms. Portocalis suggested to the Board to have the Tarbutton's obtain a Zoning Permit, which will document the appropriate location. Mr. Avila agreed to amend his survey to show the new location. Mrs. Taylor advised the Board that they could grant a 5' side yard setback Variance. Mr. & Mrs. Tarbutton agreed, but asked if the shed could be relocated within 30 days of the CO approvals so the items in the shed could be temporarily relocated to the new garage while the move takes place.

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

Charles DelCamp – 7 Cedar Falls Drive – He is the next door neighbor to the Tarbuttons. He has seen the plans, and they are aesthetically pleasing and are not a detriment to his property. He confirmed that he was asked if he would have any issues with the shed location, and he said he had no reservations. He concluded by stating he applauds the proposed project.

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

Vice Chairman Cocivera made a motion to approve the application as proposed including all bulk variance relief required for the addition; with the conditions that (1) the shed is relocated between the front of the dwelling and rear most point of the attached deck/Jacuzzi at least 5' from the side yard property line; (2) a Zoning Permit is to be obtained for the shed within 30 days of the issuance of the Certificate of Occupancy for the addition; and (3) the Planner's recommendations for the exterior lighting will be followed. Mr. Rickards seconded the motion.

Recorded Vote:

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

---

**Jill Santone, 120 N. Lakeside Dr. E, Block 4902//Lot 128 ZVE-1078**

Seeking bulk variance approvals for an in-ground pool with concrete decking (660sf) in the rear yard, retroactive building coverage relief 12% permitted, 16.2% existing, 16.2% proposed; proposed lot coverage relief 30% permitted, 36.2% existing, 40.9% proposed; exceeding required side yard setback of 15' with 14.9' proposed; and also seeking a waiver for wetlands buffer encroachment to Birchwood Lake . **Zone: GD**

**SWORN:** Jill Santone, Owner  
John Helbig, PP & PE, Guzzi & Associates  
Steve Horner & Alexis Schug, Executive Pools  
Vittorio Apanpete, Birchwood Lakes Colony Club

Mr. Helbig opened the testimony by describing the lot as 14,000sf in total with a two-story single family dwelling situated on Birchwood Lake, resulting in in-fill wetlands requiring a 50' buffer. The applicant is proposing to reduce the buffer to 30' to allow for a 17' x 22' in ground pool and concrete decking totaling 660sf. The pool is proposed to be located right behind the dwelling. A 100sf portion of an existing walkway is proposed to be removed, resulting in a net increase of 560sf of lot coverage.

Mr. Helbig continued that Mrs. Santone purchased the property one year ago. The property as it is today had many pre-existing non-conformities. The proposal includes adding a 6' berm (and silt fencing during construction) to prevent runoff to the lake. The ground where the pool is to be located is relatively flat and level. There is an 8-10% gradient behind the pool towards the lake,

so a retaining wall feature is also proposed. There are no wetlands on the property itself, and the existing bulkhead is the edge of the wetlands. The rear yard is 9' above the lake elevation, so run-off will not create any future issues. Mrs. Santone will add landscaping, and the required pool code fencing, which is proposed to be 4'H black aluminum from the side of the dwelling to the lake. When Mrs. Santone moved in, a couple of trees had to be removed, but no additional tree removal is required.

Mr. Helbig further testified that the dwelling is setback back 70+ feet in the front yard, which is 15-20' further than the required 50' front yard setback. This is also atypical for other dwellings in the neighborhood. The lot also has a fire lane easement which prevents added development. These conditions create the hardships requiring bulk variance relief. A revised plan was submitted moving the pool over slightly to meet the 15' side yard setback, thus eliminating one bulk variance relief request.

Mr. Helbig concluded his testimony by offering an analysis of the nine point criteria under Section 611 of the Land Development Ordinance for wetlands buffer waivers as submitted as a part of the application. He mentioned that at least six other Birchwood lakefront properties have in-ground pools, and in-ground pools are a permitted accessory use in the zone district. There will be no impact to the neighboring properties with the added landscaping and fencing, and will create a desirable visual impact.

Upon questioning by Board members, Mr. Horner stated the pool equipment will be located next to the dwelling, and will be partially enclosed with two walls so as not to be visible from the street or from the neighbor's property.

Mrs. Taylor had no comments. Mr. Noll referred to his May 14<sup>th</sup> letter describing the required wetlands buffer variance, and is satisfied that the testimony has addressed his comments.

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

Mr. Hamilton made a motion to approve the application as submitted, including the wetlands buffer waiver. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

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

---

**Christopher Tait, 9 Cedar Falls Drive, Block 6309//Lot 3 ZVE-1096**

Bulk Variances required to construct an addition consisting of a two car garage and laundry room on the first floor and two bedrooms on the upper floor at the front of dwelling; front porch at the mid or entry level along the front of dwelling; a family room at the mid or entry level at the rear of dwelling; recreation and four season room on the lower level with master suite on the upper floor at the rear of dwelling. Proposed building coverage relief 10% permitted, 5.45% existing, 10.74% proposed; proposed lot coverage relief 20% permitted, 17.75% existing, 25% proposed; two-story addition exceeds required side yard setback of 30' with 28.55' existing, 29.42' proposed; garage exceeds required side yard setback of 30' with 24.7' existing, 23' proposed; garage exceeds required front yard setback of 50' with 42.8' existing, 40' proposed; detached garage capacity for more than 3 motor vehicles, where 2 garage spaces exist, and 2 additional are proposed within the attached garage; a waiver is required from the 10' side yard setback to permit the driveway to be between 0 to 10 feet from the side lot line, at the expanded driveway and angled parking spaces along the southern property line. **Zone: RGD-2**

**SWORN:** Christopher Tait, Owner

Mr. Tait opened his testimony by stating that he is requesting approvals for an addition to his home to accommodate his growing family. He described the proposed addition, which includes the removal of an existing carport, to be replaced with a two car garage and laundry room on the first floor, and two bedrooms upstairs. One existing bedroom will be lost to create hallway access to the proposed new bedrooms. The layout was intentional so as to avoid a wetlands buffer encroachment. The addition will tie into an existing detached garage approved by this Board in 2018 and will match the existing dwelling and detached garage. The porch addition approved in 2018 was not built, and Mr. Tait's application includes a smaller revised front porch addition.

Mr. Tait added that he has shared the proposed plan with his neighbors, who find the addition to be aesthetically pleasing to the neighborhood. Chairwoman Symons noted the detached garage turned out very nice. No trees will need to be removed for the proposed addition.

Upon questioning by Board members, Mr. Tait stated that the driveway was expanded as a part of the application for the detached garage, but admitted his contractor "went overboard" in paving additional areas. He communicated with Mrs. Taylor on this issue, and agrees to cut back the driveway to be in line with the detached garage. Therefore, the driveway waiver relief should be amended to 5-10'; rather than 0-5' as applied for.

Mr. Tait also confirmed he will use the same gooseneck down lighting as on the detached garage, with warm LED lights set on timers.

Mrs. Taylor asked Mr. Tait why he chose the location he did for the addition, Mr. Tait responded that the house is a split-level, so it was difficult to match levels and the one proposed is the only one that would be feasible. Mrs. Taylor concluded her comments by reminding the Board that this is a very undersized lot for the zone district, which creates the need for the multiple bulk variances. She

also was satisfied that Mr. Tait agreed to her comment #4 regarding the driveway as per her review letter of April 16, 2021.

Mr. Noll also commented on the driveway and recommended that Mr. Tait reduce the width to match the setback of the existing detached garage, which is approximately 5 feet. Mr. Tait agreed.

Mrs. McGuckin-Anthony asked if the proposed addition was consistent with the neighborhood. Mr. Tait replied yes, especially since the Board just earlier approved another addition to a dwelling on Cedar Falls Drive.

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

Vice Chairman Cocivera made a motion to approve the application as proposed including all bulk variance relief required; along with the driveway waiver conditioned upon the driveway width being reduced to be in line with the detached garage or no less than 5' from the side yard property line.

Mr. Pullman seconded the motion.

**Recorded Vote:**

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

---

**GENERAL PUBLIC:** Vice Chairman Cocivera 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. Pullman made a motion to close the general public portion of the meeting. Mr. Rickards seconded the motion. The voice vote was unanimous in favor.

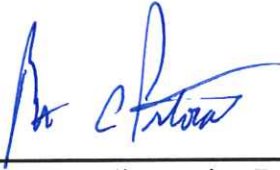
**EXECUTIVE SESSION:** The Board took a brief recess from 9:12 pm until 9:17 pm, and then convened in an Executive Session. The Executive Session meeting closed at 9:54 pm and the regular meeting re-convened.



**ADDITIONAL ACTION(S) BY THE BOARD:** An added meeting was proposed by Secretary Portocalis for Wednesday, June 30, 2021. Mr. Pullman made a motion to schedule an added meeting of the Board for Wednesday, June 30<sup>th</sup>, 2021 beginning at 7:00 pm. This will be an in-person meeting held at the Public Safety Building Courtroom & Council Chambers. Vice Chairman Cocivera seconded. The voice vote was unanimous in favor. Lastly, Chairwoman Symons thanked Mrs. McGuckin-Anthony for filling in for Mr. Dasti at tonight's meeting.

**MOTION FOR ADJOURNMENT:**

Mr. Rickards made a motion to adjourn the May 19, 2021 Zoning Board of Adjustment meeting at 9:56 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



---

Beth Portocalis, Zoning Board Secretary & Recording Secretary