

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

**10 November 2021 @ 7:00pm
Public Safety Bldg-91 Union St. & via Zoom On-line Conference**

Attorney Dasti called the meeting to order at 7:08 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 Jerry Dasti, Planner Michelle Taylor, Secretary Beth Portocalis

MINUTES:

October 20, 2021 Regular Meeting – Mr. Rickards made a motion to approve the October 20, 2021 Zoning Board Regular Meeting minutes. Mr. Hamilton seconded the motion. Mr. Pullman, Mr. Umba, and Vice Chairman Cocivera abstained. A unanimous voice vote of the other members carried the motion.

REPORTS: None

CORRESPONDENCE: Ms. Portocalis reminded Board members to respond to the Township Manager’s email regarding Board re-appointments; and also to RSVP for the Council’s volunteer appreciation gathering on December 16th.

RESOLUTIONS TO BE MEMORIALIZED:

Fr. John Bishara, 2 Springhouse Drive, Block 805.02//Lot 1 ZVE-1097.

Resolution #2021-32

Denial of Bulk Variance request to permit installation of a non-compliant 6’ high white privacy fence in a landscaping buffer/easement area and 6’ solid vinyl fence, 11 to 16 feet from Garwood Court, where 36.04 feet setback is required; and approval of a bulk variance to allow a shed (96sf) with a 2.5’ side yard setback where a 10’ minimum setback is required. **Zone: GMN**

Recorded Vote:

Ayes: Hamilton (2), Rickards, Simmers, Meehan, Wolf (M), Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

Robert Bergman, 1 Andover Drive, Block 404.21//Lot 12 ZVE-1102. Resolution #2021-33

Bulk Variance approvals to permit an in-ground pool with patio and deck area totaling 1,561 sf in the rear yard; exceeding the permitted lot coverage of 35%; whereby 32.3% is existing and 41.7% is proposed. **Zone: GMN**

Recorded Vote:

Ayes: Hamilton, Rickards (M), Simmers, Meehan, Wolf (2), Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

Timothy Diekmann, 147 Tuckerton Road, Block 2702.01//Lot 4.04 & 4.05, ZVE-1101.

Resolution #2021-34

Bulk Variance approvals to construct an oversized attached 3-bay garage of 1,260sf, with proposed 28' depth where 24' is permitted; and retroactive approvals for a pre-existing/non-conforming 60' x 26' x 28' detached garage exceeding the permitted size of 45' x 24' with two bays existing and two new attached carports approved; thus approving garage parking spaces for five to seven (5-7) personal (non-commercial) vehicles total where three (3) garages parking spaces is permitted. Approval for a driveway gate in line with and matching existing 6' solid wood fence in side yards; and retroactive approval for two (2) shed/gazebos each being 177sf exceeding the permitted size of 168sf. **Zone: GD**

Recorded Vote:

Ayes: Hamilton (2), Rickards (M), Simmers, Meehan, Wolf, Symons
Nays: None
Abst.: None
Motion carried: 6 - 0 - 0

APPLICATIONS/OFFICIAL:

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

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

SWORN: Joseph DeLuccia, Owner/Applicant

Mr. DeLuccia opened the application by describing the proposed project, and noted that the requested overall lot coverage will be reduced to approximately 34%; as more than half (50%) of the existing patio will be removed for construction and is not proposed to be replaced. Rather than seek variance relief for an existing shed, it has been removed. He continued that new pool compliant 6' fencing will be installed, and will replace the portions of existing fencing that are currently on the adjoining lot.

When questioned about the number of trees that will need to be removed, Mr. DeLuccia stated 18 total trees, as there are a few in the front yard that will need to be removed to allow for construction access. Most are pines and three are mature oaks. Board members suggested other

potential options for rear yard access to minimize the number of trees to be removed, however it was ultimately determined that the route Mr. DeLuccia and his contractor worked out is the only viable option. No trees need to be removed to install the new fencing. In order to comply with the Tree Ordinance, it was recommended as a condition that Mr. DeLuccia's tree removal and restoration plan be reviewed and approved by Mrs. Taylor.

Mr. DeLuccia stated he will have landscape lighting and one switch downlit spotlight. Mrs. Taylor recommended warm lighting for the spotlight.

PUBLIC: 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 with 34% lot coverage, with the conditions that (1) the Board Planner review and approve a plan to remove and replant /restore the disturbed construction access areas; (2) the new fencing will be located on the property line; and (3) and existing shed has been removed and will not be replaced. Vice Chairman Cocivera seconded.

Recorded Vote:

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

Michael Murphy, 1 Normandy Drive, Block 2703.08/Lot 1, ZVE-1104

Seeking Bulk Variances approvals to permit a proposed 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**

SWORN: Michael Murphy, Owner/Applicant

Mr. Murphy opened his testimony by noting one correction to the application variances—the setback is 12.5" (not 35') as there is 11.2' to the fence. Mr. Murphy continued that his lot is irregularly shaped and is located on a corner. The location proposed for the pool is to avoid the need to remove a cluster of trees. In the proposed location, only two trees will need to be removed. This location would also allow the children's play area separate from the pool area. Mr. Murphy added that there will be safety fencing around the pool.

Mr. Murphy continued that the pool and concrete area is proposed to be 842sf in total. The pool itself will be 30' from Friar Tuck Drive, and with the concrete the setback is 27'. The fencing will remain. Mr. Murphy planted trees on the outside of the fence, and will be adding evergreens on the inside of the fence.

The only new lighting will be LED in the pool. He will be using string lights on a timer in the rear yard, with one added motion light in the rear yard and pointed to the rear yard and not any adjoining properties.

Mrs. Taylor referenced her review letter dated November 5, 2021. She noted that the shed also requires variance relief to remain in the "front" yard. She also mentioned that the Board typically requires the shed to match the dwelling, but in this instance it does not. She asked Mr. Murphy how many trees in total have been removed since he took ownership, to which Mr. Murphy responded ten.

PUBLIC:

Karen Hrach – 3 Normandy Drive. Ms. Hrach expressed concerns over the potential increase in noise levels. She works from home with two jobs over 7/days a week and is on the phone constantly. She can hear the Murphy children now when they are playing in the yard. Mrs. Taylor explained that if the pool location complied with the zone requirements, it would be closer to her house. Mrs. Taylor also noted that additional trees will not reduce the noise unless that are tall and deep.

Robert Conchado – Pool Contractor. He stated Mr. Murphy has demonstrated his willingness to save trees by selecting a location that requires the Board to grant Variance reliefs. The pool and concrete is modest in size and will be further screened by the added evergreens.

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

Vice Chairman Cocivera made a motion to approve the in-ground pool as proposed in the front yard of the corner lot with a 12.5' setback; and retroactive approval for a 160SF shed partially located in the front yard. Mr. Umba seconded.

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. 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 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 November 10, 2021 Zoning Board of Adjustment meeting at 8:35 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary