

## MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

9 November 2022 - 6:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 6:02 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, Simmers, Wolf, Stefanoni, Morrison  
Absent: (\*Rickards)  
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Secretary Ann Bell

**WORKSHOP SESSION:** Mr. Hamilton motioned for a Workshop Session at 6:04 pm. Mr. Wolf seconded. Board Engineer Christopher Noll presented this workshop. He described the role of the Engineer in the Planning and Zoning process, including the engineering reviews for both use and bulk variances, as well as site plan and subdivision reviews. He further detailed how the engineer also plays a role after a Board approval; including conformance plan review, construction inspections, reviews for issuance of certificates of occupancy and determining the amounts of performance and maintenance bonds if required. Mr. Noll also explained the simplified permitting system arrangement in the Pinelands areas, which was approved for Medford given his extensive knowledge and experience with the Pinelands regulations and requirements. These permits are most often utilized for new single-family dwellings, home occupations, and change of use for non-residential properties serviced by public sewer.

The Workshop meeting concluded at 6:58 pm on motion of Mr. Pullman; Ms. Stefanoni seconded. The regular meeting resumed at 7:03 pm on motion of Mr. Hamilton; Mr. Wolf seconded.

Mrs. Taylor joined the Regular meeting at 7:00 pm.

**CORRESPONDENCE:** None

### MINUTES:

September 21, 2022 Regular Meeting – Mr. Wolf made a motion to approve the September 21, 2022 Zoning Board Regular Meeting Minutes. Mr. Pullman seconded the motion. A unanimous voice vote in favor carried the motion.

October 19, 2022 Regular Meeting – Ms. Stefanoni made a motion to approve the October 19, 2022 Zoning Board Regular Meeting Minutes. Mr. Morrison seconded the motion. Mr. Pullman, Mr. Simmers and Mr. Wolf abstained. A unanimous voice vote in favor by the other members carried the motion.

**REPORTS:** None

**RESOLUTIONS TO BE MEMORIALIZED:**

**Pensabene, 10 Woodland Avenue, Block 3803; Lot 4, ZVE-1130**

**Resolution #2022-37**

Bulk Variance approvals to construct a 12'W x 24'D (288 square feet) detached garage requiring side yard setback relief whereby 5' is proposed and 15' is required. **Zone: GD**

Recorded Vote

Ayes: Hamilton (M), Meehan, Stefanoni (2), Morrison, Cocivera  
Nays: None  
Abst.: None  
Motion carried: 5 - 0 - 0

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**Jefferson, 35 Jackson Road, 4801.01/9, ZVE-1011**

**Resolution #2022-35**

Bulk Variance approval from the minimum 15 feet side yard setback to permit a 30-foot by 20-foot oversized play set/outdoor physical fitness equipment (600 SF), 3.4 feet to the southern property line for use as part of the principal use of training facility. Bulk Variance approval granted from the minimum building setback distance of 20 feet where no separation is provided between the training building and massage building and approximately 10 feet between the dwelling and a massage therapy business shed structure. **Zone: RC**

Recorded Vote

Ayes: Hamilton (M), Meehan, Stefanoni, Morrison (2), Cocivera  
Nays: None  
Abst.: None  
Motion carried: 5 - 0 - 0

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**Sam's Medford Service Center, 108 Route 70, 901/4, ZVE-1131**

**Resolution #2022-39**

Approval of an expansion of a non-conforming use, to utilize 100% of an existing garage/storage building for automobile lifts that has been vacated. **Zone: HM**

Recorded Vote

Ayes: Hamilton (M), Meehan (2), Stefanoni, Morrison, Cocivera  
Nays: None  
Abst.: None  
Motion carried: 5 - 0 - 0

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**APPLICATIONS/OFFICIAL:**

(\*Vice Chairman Rickards joined the meeting at 7:10 pm.)

**Perkins, 26 Oak Ct., 5301.06/3, ZVE-1133**, Seeking bulk variances for building coverage, lot coverage and rear yard setback for the construction of a deck, walkway and patio. **Zone: RGD-1**

**SWORN:** Michael Perkins, Owner

Mr. Perkins opened his testimony by explaining that he is seeking approval for a pre-existing 16' x 32' (512sf) deck that runs the length of the rear of his dwelling and has a partial roof. His objective was to create outdoor usable space for his family. He is also seeking approval for a walkway to the garage and to create a paver patio area in the rear yard. The dwelling was already non-conforming for rear yard setbacks being 40' from the property line on the unusually shaped lot. The rear yard backs up to HOA common area. The HOA has no objections since its only charter is to maintain the common areas. The deck improves the rear aesthetic. It is partially covered and is gray to blend with the dwelling. The deck cannot be seen from the street; only one neighbor can see it given the layout of the dwelling on the lot. No trees were removed to construct the deck.

Building coverage relief is required; whereby 11.32% is existing and 10% is permitted. Rear yard setback relief is also requested; whereby 50' is required and 24' is requested. The walkway along the side of the dwelling to the garage is existing at 38 sf (4' x 9.5') adding to the overall lot coverage. The proposed patio to be located near the garage consisting of 96 sf (12' x 8') necessitates lot coverage relief whereby 23.62% is proposed and 20% is permitted .

Mrs. Taylor commented that the lot and the dwelling were both non-conforming at the time of the sub-division approvals, and this lot is irregularly shaped. This leaves no other logical place to have located the deck other than where it is.

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

Emily Lemma – 384 Tuckerton Road. She lives behind Mr. Perkins. The side of his house is the back of her property. She stated the deck is aesthetically pleasing and actually covers their house more with the partial roof. This addition has no affect on her family's privacy and enjoyment of their rear yard.

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

**MOTION:** Mr. Pullman made a motion to approve the application as submitted. Mr. Meehan seconded.

**Recorded Vote:**

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

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**Sakoian, 1 Travis Ct., 4101.01/20, ZVE-1136**, Seeking variance approval to construct an entranceway element, front porch, that would exceed the 45% maximum linear distance of the foundation wall. **Zone: VRD**

**SWORN:** Julianna Mardino, Owner  
Igor Sakoian, Owner

Mr. Sakoian opened the testimony by describing his property and dwelling, which has a brick entrance and stairway, and no covered porch area. Three streets border his lot; so his children play out front. The 23' x 6.5' covered front porch addition would allow a sitting area to watch the children at play, and provide shade to the front of the home and living room area. Many Village Pointe houses have porches, including a couple of the same model as his home. There is sufficient space in the front yard to place the porch. He further explained that if he reduced the porch by six feet to conform to the 45% linear frontage maximum, it would not look right given the location of the windows; and would leave at least one window exposed thus less shade. There would also be less seating space available.

Mr. Sakoian presented photos demonstrating that most porches in the development go end to end; including one of the same models as his home. His proposed porch would be similar in design, with a hip style roof and shingles to match the existing roof. His dwelling will be different from the one next door, which was a deliberate design feature in Village Pointe. The HOA is in favor of the porch addition; their only concern was the front yard setback, which will be met and maintained even with the porch addition.

Mrs. Taylor explained that the application does meet the c2 positive criteria. She added the 45% maximum linear distance is a quirk in the Village Residential District (VRD) zone district requirements, but concurred with Mr. Sakoian's testimony that the proposed porch is consistent with the design of other houses in the development, and does not require any other bulk variance reliefs.

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

No one from the public spoke.

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

**MOTION:** Mr. Hamilton made a motion to approve the application as submitted. Mr. Wolf seconded.

**Recorded Vote:**

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

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**Kelchner, 554 McKendimen Rd., 5101.01/4.02, ZVE-1122**, Seeking bulk variances for an existing oversized accessory structure (carport), exceeding the number of accessory structures permitted and locating an accessory structure in the front yard. Zone: RGD-1  
*(Chairman Cocivera recused himself from this application)*

**SWORN:** Charles Kelchner, Jr. & Gina Kelchner, Owners

Mr. Kelchner opened the testimony by describing his 11-acre property, some of which is a qualified farm being in a state managed woodlands management program. It is located adjacent to the YMCA Camp property. Portions of the property are in wetlands and have wet areas that limit where improvements can be made. The existing structures are to house their farm related equipment, and are permitted on a Q-Farm property. .

He erected a carport in the front yard alongside the entrance driveway to park his RV, and did not realize zoning and construction permits were required since it was purchased as a self-assembly kit. It is located approximately 150' from the roadway, and partially visually obscured by the trees on the property. The colors do match the dwelling. The dwelling itself sits further back on the lot behind the carport, well off the road. The area behind the dwelling is very wet so the RV could not be parked there; and additional paving or crushed stone would have been needed to drive the RV in and out from behind the house. In addition, footings would have been needed because the weight of the structure would have not have held in the wet soils.

Mrs. Taylor confirmed the parcel is an agricultural site confirmed by aerial imagery. She also verified the fields behind the dwelling are wet, and neither she nor Mr. Noll recommend paving or crushed stone to be added in the wet areas. The carport structure meets the 50' setback requirement for farm buildings, all of which are compelling reasons to approve the application.

**PUBLIC:** Mr. Hamilton made a motion to open the application to the public. Mr. Pullman seconded.

No one from the public spoke.

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

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**MOTION:** Mr. Hamilton made a motion to approve the application as submitted. Mr. Pullman seconded.

**Recorded Vote:**

Ayes:	Hamilton, Meehan, Pullman, Simmers, Wolf, Stefanoni, Rickards
Nays:	None
Abst.:	None
Motion carried:	7 – 0 – 0

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**GENERAL PUBLIC:** No one from the public was present to speak.  
Mr. Hamilton made a motion to close the general public portion of the meeting. Mr. Meehan seconded the motion. The voice vote was unanimous in favor.

**EXECUTIVE SESSION:** None

**ADDITIONAL ACTION(S) BY THE BOARD:** None

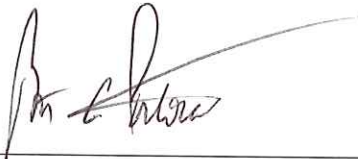
**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the November 9, 2022 Zoning Board of Adjustment meeting at 7:44 pm. Mr. Simmers seconded the motion. The voice vote was unanimous in favor.



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Ann Bell, Zoning Board Secretary



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Beth Portocalis, Recording Secretary