

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

20 October 2021 @ 7:00p.m. Public Safety Bldg-91 Union St. & via Zoom Online Conference

Attorney Dasti called the meeting to order at 7:10 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: Hamilton, Meehan, Rickards, Simmers, Symons, Wolf
Absent: Cocivera, Pullman, Umba
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Beth Portocalis

MINUTES:

September 29, 2021 Special Meeting – Mr. Wolf made a motion to approve the September 29, 2021 Zoning Board Special Meeting minutes. Mr. Rickards seconded the motion. A unanimous voice vote of the other members carried the motion.

REPORTS: None

CORRESPONDENCE: None

RESOLUTIONS TO BE MEMORIALIZED: None

APPLICATIONS/OFFICIAL:

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

Seeking Bulk Variance approvals to permit installation of a non-compliant 6' high white privacy fence in a landscaping buffer/easement area; to permit the 6 feet high solid vinyl fence, 11 to 16 feet from Garwood Court, where 36.04 feet setback is required; to permit 6 feet high fence where fences 48 inches (4 feet) in height are permitted; to permit a 100% solid fence where fences must be at least 50% open or less than 50% opaque; to permit a vinyl fence, where wood fences are required. A Variance is required to permit a shed (96sf) with a 2.5' side yard setback whereby a 10' minimum setback is required. **Zone: GMN**

SWORN: Father John Bishara, Owner/Applicant

Father Bishara opened the testimony by explaining that his existing fence has been destroyed by recent storms. He would prefer to replace the existing wood fence with 6' white vinyl privacy fencing. He pointed out several surrounding properties that already have this type of fencing. In responding to a comment in Mrs. Taylor's review letter, he pointed out the neighborhood has lost uniformity from Garwood Court to Medford Mt. Holly Road, as properties have a mix of wood, vinyl and chain link fencing.

He is seeking approval to install the white vinyl fencing on the perimeter of his rear yard, which includes a dedicated landscape easement whereby only wood fence is permitted. He has an in-ground pool and decking, so there is not a lot of open play area for his family's use. Being that

he has a corner property, a 4' high fence with opacity as permitted would not allow for privacy. The fence should not have any impact on any sight triangles.

He is also seeking approval to place a shed in the easement area to allow for the more open play area and to locate it as far away from the pool area as possible.

Mrs. Taylor noted that the property across the street on Garwood Court that Father Bishara referenced is not a corner property, as there is an open space lot between the corner and the first dwelling.

She further explained that the Planning Board required the 40' landscape easement when the Springhouse subdivision was approved to buffer the new lots from the existing residential properties along Route 541. Subsequently, the new residents sought an interpretation from the Planning Board specifically for fencing in the landscape buffer. The Planning Board determined fencing can be placed in the landscape buffer, but it must be wooden. Mrs. Taylor added that the Fence Ordinance requires only wood fences in easement and buffer areas.

Mrs. Taylor voiced no concern about the proposed shed location being there is already a concrete patio area.

PUBLIC: No one from the public spoke.

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

Mr. Rickards made a motion to approve the shed as proposed with a 2.5' setback where 5' is required; and deny the proposed fence. Mr. Wolf seconded.

Recorded Vote:

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

Robert Bergman, 1 Andover Drive, Block 404.21//Lot 12 ZVE-1102

Seeking Bulk Variance approval 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**

SWORN: Robert Bergman

Mr. Bergman opened his testimony by explaining that he is seeking approval to build an in-ground pool in his rear yard for his children and family's enjoyment. He loves the neighborhood and would like to stay in Medford.

The existing deck is raised, and he would like to keep it as the dwelling is elevated and it is needed to use the rear patio door exit. The added concrete area surrounding the pool is for pool chairs and seating.

The lot located behind and next to his lot is dedicated association open space so there would not be an impact to any adjoining property owners.

Mr. Dasti asked if the HOA has approved, to which Mr. Bergman responded yes in 2019.

Chairwoman Symons asked Mr. Bergman to clarify the Building & Lot Worksheet in regards to the bottom tier deck. Mr. Bergman said it was, but they need to keep the steps to the upper deck.

Mrs. Taylor added that Board Engineer Christopher Noll had approved the proposed grading plan for the pool; and that this is not a corner lot since the HOA has a sliver of open space between the roadway and the Bergman's property. She concluded by noting the existing fence meets the fence ordinance requirements and may remain if it meets the UCC codes as pool compliant; as determined by the Construction Code official.

Mr. Rickards asked about the construction access to the property. Mrs. Taylor responded that it is shown on the survey/pool grading plan.

Mr. Simmers asked if the pool equipment pad was included in the coverages; and Mrs. Taylor replied yes.

Mr. Rickards asked if any additional lighting is planned, and Mr. Bergman said no.

Charwoman Symons asked if any trees need to be removed. Mr. Bergman stated they have already removed the one tree that needed to be removed for the proposed pool.

PUBLIC: No one from the Public spoke.

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

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

Recorded Vote:

Ayes:	Hamilton, Rickards, Wolf, Meehan, Simmers, 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

Seeking Bulk Variance approvals required to construct an oversized attached 3-bay garage of 1,260 sf, with proposed 28' depth where 24' is permitted; and an existing 60' x 26' 28' detached garage exceeding the permitted size of 45' x 24' with two bays existing and two attached carports being proposed; thus, proposing garage parking spaces for five to seven (5-7) vehicles total whereby three (3) garages parking spaces is permitted. Retroactive approval for two (2) shed/gazebos each being 177sf exceeding the permitted size of 168 sf. **Zone: GD**

SWORN: Timothy Diekmann, Owner/Applicant
Robert Scott Smith, P.P., Key Engineers

Mr. Diekmann opened the testimony by stating he purchased the property in 2015. Aerials taken when under prior ownership show a number of other sheds and dilapidated out buildings that he has taken down. His proposed plan would allow him to consolidate and an older carport, garden shed and firewood shed can be removed.

The attached garage depth is needed to park his 21' truck (Ford F250), which is a personal use/non-commercial vehicle. The permitted 24' depth would not allow enough space to walk around the truck. The existing garage is pre-existing/non-conforming at 4' from the side yard property line. The gazebos are repurposed barn silo tops from family in the mid-west, and each are only 9sf larger than permitted.

Mr. Diekmann explained that his hobby is tinkering on 2 non-street legal jeeps and a classic pick-up truck. As a part of his application, he submitted photos of his 5400sf fully furnished business location in Berlin to document there will be no commercial use of this property. He and his fiancé also have 3 everyday vehicles. Due to the wildlife that has been on the property, including coyotes, he would like to have the garage closer to the dwelling.

A tractor-trailer on the property was converted to an RV, but he has sold that vehicle and it will be off premises within two weeks of this meeting. He has also sold a blue jeepster.

Chairwoman Symons asked about a yellow school bus which she had observed parked at the property. Mr. Diekmann responded that it has been scrapped and sold for parts.

Mr. Hamilton asked about the wetlands mapping provided. Mr. Smith then described the wetlands delineations on Lot 5 as provided by the Pinelands Commission, which differed from the NJDEP geo-mapping presumed wetlands were indicated.

Chairwoman Symons asked if the lean-to carport materials will match the refurbished detached garage; Mr. Diekmann replied yes. They will each be 14' wide x 28' depth x 15' height. The garage doors on this garage are 9' x 9'6". Ms. Portocalis shared a photo she had of the detached garage before it was refurbished; and it was marked as Exhibit A-19.

Chairwoman Symons asked Mr. Diekmann how many trailers he owns that will be parked on the property. Mr. Diekmann responded that he has one enclosed trailer; one 22' open flatbed trailer rated to carry 9,900 lbs, and one pop-up camper. A fourth trailer is currently for sale. Mrs. Taylor advised the Board that there is no limitation to the number of trailers on a residential property if they are all registered and used for residential purposes.

Chairwoman Symons asked about noise generated by his hobbies. Mr. Diekmann stated it is minimal. None of the neighbor's dwellings are close by, so they really can't hear the air powered lifts. Only the air compressor makes noise, and he limits the use of it so as not to disturb neighbors.

Chairwoman Symons asked about commercial use of the property. Mr. Diekmann reiterated his prior testimony that the use is residential only; the most might be a friend who works on his own personal vehicle.

Mrs. Taylor stated that the establishment of the true wetlands is important for any future improvements. She and Mr. Noll recommended using the existing shed as a marker for wetlands, and the Board imposing a condition that there will be no further use behind it to limit the areas of disturbance. This line will be 50' from the NJDEP geo-web wetlands.

Mrs. Taylor concluded her comments by stating that the property is 5.87 acres, and the number and size of the proposed buildings are within the scale given the size of the property. She also noted the improvements that Mr. Diekmann has already made to the property. Mr. Diekmann stated he does plan to add additional plantings and landscaping.

Chairwoman Symons asked why there isn't a gate across the driveway. Mr. Diekmann responded he wanted a gate when he installed the fencing in the side yard, but he was told that the gate would require variance approvals from the Board. Mrs. Taylor confirmed the requirement for variance relief as per the fence ordinance. Mr. Diekmann stated the gate would match the existing fencing in look, materials and height.

PUBLIC:

George Piech – 175 Tuckerton Road. He is the neighbor to the east. He is in favor of the application. He confirmed no disturbing noise is generated. He also reiterated that if Mr. Diekmann's tools are in his Berlin business, he is limited to the work he can do on his property. He concluded that the vehicles are for personal use only.

Travis Pitzi – 154 Tuckerton Road. He is the neighbor right across the street. He is in full support of the application. He noted Mr. Diekmann has accomplished a lot in terms of improvements since he purchased it, and he keeps it well maintained.

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

Mr. Hamilton made a motion to approve the application as proposed, with the added variance granted for the matching driveway gate; and conditions to (1) the garage will match the dwelling in color and materials; and (2) there will be no use of the area 50' behind the NJDEP geoweb identified wetlands buffer line. Mr. Rickards seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC: Mr. Rickards 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. Rickards 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: A reminder by Secretary Portocalis that the November regular meeting is Wednesday, November 10th. She also reminded Board members to reply to email from the Township Manager/Clerk for re-appointment to the Board for next year.

MOTION FOR ADJOURNMENT:

Mr. Rickards made a motion to adjourn the October 20, 2021 Zoning Board of Adjustment meeting at 8:46 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary