

MEDFORD TOWNSHIP ZONING BOARD OF ADJUSTMENT

21 September 2022 - 6:00 p.m.

Public Safety Building - 91 Union Street

Attorney Jerry Dasti called the meeting to order at 6:05 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, Meehan, Pullman, Rickards, Simmers, Wolf, Stefanoni, Morrison
Absent: *Hamilton
Professional Staff: Attorney Jerry Dasti, Planner Michelle Taylor, Secretary Ann Bell

WORKSHOP SESSION: Vice Chairman Rickards motioned for a Workshop Session at 6:08pm. Mr. Pullman seconded. Board Planner Michelle Taylor, who described the Master Plan zone district requirements and the Planner's responsibilities to the Zoning Board members and applicants, presented this workshop.

The regular meeting resumed at 7:05 pm. *Mr. Hamilton joined the meeting at this time.

CORRESPONDENCE:

Ms. Bell referenced an email from Michael Meyer, representing the M2 Properties application, (M2 Properties, 131 Mt. Holly Road, Block 404.07; Lot 24, ZVE-1114) requesting that the application be further continued to the October Board meeting. Chairman Cocivera asked if anyone was present to speak on this application, for which there was no one. Mr. Wolf made a motion to further continue the application to the October 2022 meeting without the need to re-notice; Vice Chairman Rickards seconded. The vote was unanimous (7-0) in favor.

Ms. Bell referenced an email from Douglas Heinold, Esq., Attorney, representing James Jefferson, (35 Jackson Road, Block 4801.01//Lot 9, ZVE-1011) requesting that the application be carried to the October Board meeting, as the site plan portion of this bifurcated application was deemed incomplete by the Board professionals. Mr. Heinold also stated in his email that his client waives all time requirements for the application to be heard. Chairman Cocivera asked if anyone was present to speak on this application, for which there was no one. Chairman Cocivera also noted on the record the applicant was to be heard in July, as the Board had previously approved a six-month period for the preparation of the site plan application. Vice-Chairman Rickards made a motion to carry the application to the October 2022 meeting without the need to re-notice; Mr. Pullman seconded. The vote was unanimous (7-0) in favor.

MINUTES:

August 17, 2022 Regular Meeting – Vice Chairman Rickards made a motion to approve the August 17, 2022 Zoning Board Regular Meeting Minutes. Mr. Pullman seconded the motion. Ms. Stefanoni abstained. A unanimous voice vote in favor by the other members carried the motion.

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August 17, 2022 Executive Session Meeting – Vice Chairman Rickards made a motion to approve the August 17, 2022 Zoning Board Executive Session Minutes. Mr. Simmers seconded the motion. Ms. Stefanoni abstained. A unanimous voice vote in favor by the other members carried the motion

REPORTS: None

RESOLUTIONS TO BE MEMORIALIZED:

Steve Petterson, 83 Taunton Road, Block 2908; Lot 4. ZVE-1127 – Resolution #2022-32
Bulk Variances approvals to permit garage addition to principal dwelling requiring building coverage relief whereby 12.9% is proposed and 12% is permitted; lot coverage relief whereby 32.7% is proposed and 30% is permitted; and side yard setback relief whereby 16.4' is proposed and 30' is required. Bulk Variances also granted for existing shed in rear yard requiring both side yard and rear yard setback where 15' is required and 2.7' is existing. **Zone: GD**

Recorded Vote

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

Sean Bradley, 77B Eayrestown Road, Block 304; Lot 4.12, ZVE-1126, Resolution #2022-33

Bulk Variance approvals for a 16' x 24' (384sf) oversized shed located in the rear yard whereby sheds may not exceed 168sf. **Zone: AR.**

Recorded Vote

Ayes: Hamilton, Meehan, Pullman, Simmers (2), Wolf, Rickards (M), Cocivera
Nays: None
Abst.: None
Motion carried: 7 - 0 - 0

APPLICATIONS/OFFICIAL:

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

SWORN: John Pensabene, Owner

Mr. Pensabene opened his testimony by describing the small dwelling (less than 900 sf) that provides no room for storage. He just purchased the property within the past year after becoming widowed and downsizing to a one story rancher for health reasons. He is proposing to add a 288' square foot A-frame detached pre-built garage, but intends to use the structure for storage and possibly a small workshop. There will be no foundation, it will have a wood floor and sit on a 6 inch bed of stone. The walls are 7' high, with the peak slightly less than 10 feet. It is proposed to have both a garage door and a man door, along with two windows. The man door will face the dwelling. It will match the dwelling. It will have electric, but no plumbing. He is undecided if there will be exterior lights. It is proposed to be located at the end of the existing driveway, which is the reason for the request for side yard setback relief.

Chairman Cocivera and Mrs. Taylor discussed the recommendation that a grading plan be submitted in order to assure that the drainage will not adversely affect the neighbor's property. Mrs. Taylor added that any lighting should be down-lighting.

PUBLIC:

Mary Ann Wilson – 8 Woodland Avenue. Concerned about the number of fires in Lake Pine. Requesting it is placed on the other side of the dwelling as there is ample space, and wouldn't be as close to her property and fence, which is connected to their house. Since the structure will have electric, the potential for a fire is greater.

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

Mr. Pensabene said he doesn't have the same access if placed on the other side of the dwelling. Mr. Hamilton asked Mrs. Taylor about the difference between a garage and a shed, as this proposed structure will function more as a shed. While a shed of this size would require a variance, a garage meeting the setback requirements would not. Much discussion ensued about the placement of the garage.

In order to allow Mr. Pensabene time to evaluate his options, the Board suggested to him that he continue his application to next month.

MOTION: Mr. Hamilton made a motion to continue the application to the October 19, 2022 meeting without the need to re-notice. Vice Chairman Rickards seconded.

Recorded Vote:

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

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Sebastian Dronski – 2 Lippincott Court, Block 805.01; Lot 36, ZVE-1132

Seeking Bulk Variance approvals to erect both 4' & 6" vinyl fence (inc. solid) on a corner property with two front yards, whereby front yard fences cannot exceed four feet and must be constructed of wood with 50% opacity. **Zone: GMN**

SWORN: Sebastian Dronski, Owner

Mr. Dronski opened his testimony by describing his corner property with other dwellings surrounding his. He is proposing the fencing to create as much privacy as possible. He displayed an enlarged version of his survey. The property next door has been an eyesore and received multiple notices from the Township for poor property maintenance. The property behind him has a pool and a trampoline and other outdoor items used by that family. The 6' high fence is proposed to extend a couple of panels around the rear up to a tree in the Township right-of-way. These extra two or three panels would still be 19 feet from the roadway. It would add privacy given the orientation of his dwelling and the entrance to the street, sidewalk and neighbor's driveway. The street side would be 4 foot in height and he is requesting solid beige vinyl fencing, to match the dwelling, for added privacy since the corner does have sidewalk, and it would prevent people, dogs, etc. from entering his property.

Mrs. Taylor, utilizing Mr. Dronski's display board survey, explained for the Board what areas on the property constituted front yards, as a corner property has two front yards. Any fence should be in at least 1 foot from the property line. The right of way is 50 feet, so the fence is recommended to be at least 26' feet in from the center of the roadway.

Additional discussion ensued, given that the Board has not generally granted relief for solid fencing in the front yard. After hearing the Board comments, Mr. Dronski made compromises to the original proposed variance request, including replacing some of the 4' solid beige vinyl with that of 50% opacity; supplemented by plantings such as arborvitae.

PUBLIC:

Dewyne Bradley – (no address given) - She is a neighbor to Mr. Dronski. She could not see the display board survey, and asked to see what Mr. Dronski has proposed. Mrs. Taylor and Mr. Dasti explained his proposed fencing layout to her.

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

MOTION: Vice Chairman Rickards made a motion to approve the application as amended, with 4' high beige vinyl fence of 50% opacity in the front yards a minimum of 1' off the property line (variance relief from required wood or wood simulated); and conforming 6' H solid beige vinyl fence in the rear yard. Mr. Hamilton seconded.

Recorded Vote:

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

Michael Schillaci & Dana Angelo, 91 Christophers Mill Rd, Block 2202; Lot 3, ZVE-1116

Seeking bulk variance approvals required for a 18' x 21' (378sf) one story addition requiring rear yard setback relief whereby 13' is proposed; 26.38' is existing(pre-existing/non conforming) and 50' is required. **Zone: GD**

SWORN: Janice Heinold, representing the Owner
Michael Schillaci, Owner

Ms. Heinold provided color renderings of the dwelling to the Board members.
Mr. Schillaci opened his testimony by detailing that he purchased the property in 2004. It is a rancher built in 1960 consisting of 1200 sf. It has only one full bath and three small bedrooms. They have one child, and the possibility of in-laws needing to move in within the foreseeable future. Due to his physical limitations and those of his in-laws, a second story was never in consideration. The addition will consist of a bedroom and another full bathroom. The dwelling on Lot 2 is set back on the lot that fronts to Oregon Trail, and the two properties have a border line consisting of a fence, large scotch pines on the neighbor's side and smaller shrubs on their side. In his opinion, the view of the addition would be obstructed by the existing trees and vegetation. He has spoken with the neighbor who lives at Lot 2, who expressed no objections.

The house sits on an angle on the lot, and as such is why the variance is required. The layout of the dwelling is such that the proposed addition is the only feasible place. It will be sided to match the existing siding, which is relatively new. It will have a simple gable extension to also match the existing architecture of the dwelling, and will not be any higher than the existing roof peak. No new lighting is anticipated. The driveway was existing, which is close to the corner.

Mrs. Taylor has no real concerns and concurs the addition is located in the only logical place given the layout of the dwelling and its angled position on the lot, so the granting of the c1 variance is warranted. The questions posed in her review letter have been addressed via additional submittals and testimony from the applicant. Existing fencing requires a zoning permit, but not a variance.

PUBLIC: No one from the Public spoke.
Mr. Pullman made a motion to close the public portion. Mr. Simmers seconded. The voice vote was unanimous in favor.

MOTION: Mr. Hamilton made a motion to approve the application as submitted, conditioned upon the restriction of exterior lighting on the addition, and obtaining a retroactive zoning permit for the existing fence. Vice Chairman Rickards seconded.

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Recorded Vote:

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

GENERAL PUBLIC:

Mr. Pullman made a motion to open the general public portion of the meeting. Mr. Hamilton seconded the motion. The voice vote was unanimous in favor.

No one from the public was present.

Mr. Hamilton made a motion to close the general public portion of the meeting. Vice Chairman Rickards 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 September 21, 2022 Zoning Board of Adjustment meeting at 8:25 pm. Vice Chairman Rickards seconded the motion. The voice vote was unanimous in favor.



Ann Bell, Zoning Board Secretary



Beth Portocalis, Recording Secretary