

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

20 January 2021

6:30 p.m.

Via Zoom on-line Conference

Attorney Dasti called the meeting to order at 6:37 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

SWEARING IN OF NEW AND REAPPOINTED MEMBERS

Salvatore Cocivera
Martin Hamilton
Donna Symons
Robert Simmers, Alternate I
James Meehan, Alternate II

PLEDGE OF ALLEGIANCE

ROLL

Present: Cocivera, Hamilton, Meehan, Pullman, Rickards, Simmers, Symons,
Umbar, Wolf
Absent: None
Professional Staff: Attorney Jerry Dasti, Engineer Christopher Noll, Planner Michelle
Taylor, Secretary Beth Portocalis

EXECUTIVE SESSION – Chairwoman Symons called for an Executive Session at 6:42 pm.
The meeting reconvened at 7:00 pm

RE-ORGANIZATION

NOMINATION & ELECTION OF CHAIRPERSON: Mr. Umbar nominated Mrs. Symons. Mr.
Cocivera seconded. The roll call vote was unanimous. (7-0)

NOMINATION & ELECTION OF VICE-CHAIRPERSON: Mr. Wolf nominated Mr.
Cocivera. Mr. Rickards seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BETH PORTOCALIS AS BOARD SECRETARY (2021-1): Mr. Hamilton made the motion; Mr. Pullman seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BETH PORTOCALIS AS BOARD RECORDING SECRETARY (2021-2): Mr. Hamilton made the motion; Mr. Pullman seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BOARD ATTORNEY (JERRY DASTI) (2021-3)
Mr. Umbar made the motion; Mr. Hamilton seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BOARD ENGINEER (CHRISTOPHER NOLL) (2021-4)
Mr. Umbar made the motion; Mr. Wolf seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPOINTING BOARD PLANNER (MICHELLE TAYLOR) (2021-5)
Vice Chairman Cocivera made the motion; Mr. Pullman seconded. The roll call vote was unanimous. (7-0)

RESOLUTION APPROVING MEETING DATES (2021-6): Vice Chairman Cocivera the motion to approve the meeting dates and times per the Resolution schedule distributed by the Board Secretary. Mr. Rickards seconded. The roll call vote was unanimous. (7-0)

RESOLUTION DESIGNATING THE OFFICIAL & ALTERNATE NEWSPAPER (2021-7): Mr. Pullman made the motion to designate the Burlington County Times as the official newspaper and the Central Record as the alternate newspaper. Mr. Rickards seconded. The roll call vote was unanimous. (7-0)

TABLING RESOLUTION 2021-8 (CONFLICT ATTORNEY) Mr. Umba made the motion to table this Resolution. Vice Chairman Cocivera seconded. The roll call vote was unanimous. (7-0)

REGULAR MEETING AGENDA

MINUTES:

December 16, 2020 Regular Meeting – Vice Chairman Cocivera made a motion to approve the December 16, 2020 Zoning Board Meeting Minutes. Mr. Umba seconded the motion. A unanimous voice vote carried the motion. (Wolf abstained)

December 16, 2020 Executive Session Meeting – Vice Chairman Cocivera made a motion to approve the December 16, 2020 Zoning Board Executive Session Minutes. Mr. Umba seconded the motion. A unanimous voice vote carried the motion. (Wolf abstained)

REPORTS: None

EXECUTIVE SESSION: None

CORRESPONDENCE:

Thornberry Holdings/Stokelan Winery signage. A letter dated January 13, 2021 from Mrs. Taylor was distributed to Board members. As a part of her review of conformance plans for the Winery, the monument signs at the driveway entrance along Eayrestown Road are different than those submitted to the Board and approved. The winery is now proposing one brick column with a light on top and suspended sign. Board members were generally in favor of the new sign design; however the rendering submitted by the Winery did not include height or width dimensions or specifications for the light or sign itself. The Winery’s Engineer, John Kornick, will provide Mrs. Taylor with this information. The Board members authorized Mrs. Taylor to approve if the updated sign conforms to the Ordinance and meets with her approval. If Mrs. Taylor and Mr. Kornick cannot come to an agreement, the Winery will need to come back before the Board.

RESOLUTIONS TO BE MEMORIALIZED: None

APPLICATIONS/OFFICIAL

Michael Reilly, 97 Centennial Avenue, Block 6001/Lot 9.02 ZVE-1070

Seeking bulk variance approvals to maintain a 10' x 16' (160 sf) shed in the front yard which is not permitted, with a setback of .5-1', where 5' is the required side yard shed setback. Exceeding overall lot coverage where 15% is permitted; 19.77% is proposed. Also 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: Michael Reilly, Owner
William Mead, Esq., Attorney
John Kornick, Engineer & Planner

Mr. Mead opened the testimony by describing the property consisting of 2/3 relatively level front yard, and 1/3 rear yard which has a sharp pitch towards the lake. The shed location was the most feasible, and being nestled behind trees and other landscaping cannot be seen from Centennial Road.

Mr. Reilly was next to testify. He moved to the property in 2015. After being made aware of a violation from the Zoning Official and having the property surveyed, he did reposition the shed to be 3' off the property line on one corner, and 2' off the property line on the other corner. This was the furthest he could move it from the side yard property line, as it would affect his ability to enter the attached garage, which is located on the side of the dwelling. He also had to avoid his well. It is 190' from the street. Moving it in any other location in the front or side yard would require a number of mature trees to be removed. The slope in the rear yard is too steep for any structure. The shed cannot be moved to the other side of the front yard since the soils are mostly sand.

Mr. Reilly continued that by his count there are at least 20 front yard sheds in the neighborhood. He has planted a number of shrubs to further screen the back of the shed from the neighboring property, whose former owner lodged the original complaint. The new owners have no issues with the shed and its location and appreciate the additional plantings, which by Mr. Reilly's count exceed 150 as per a list he submitted with his application.

Mr. Dasti asked if the Homeowners Association had approved the shed. Mr. Reilly replied yes, in 2018 when he first applied for a Zoning Permit for retroactive approval.

Mr. Reilly continued his testimony by describing the stone fire pit/seating wall and retaining wall. He stated that both the Pinelands Commission and NJDEP were at the property, and found no violations. In addition, neither required permits from the Construction office.

Mr. Kornick was next to testify. He was called in after the fact and did not prepare any plans. He

is basing his testimony on the Clancy survey of 2015 and updated on July 3, 2019. At the time of that survey, the shed had not been repositioned. By his calculation, the permitted lot coverage has been exceeded by 4.8%. Mr. Kornick added that due to wetlands, the shed in the rear yard would be prohibited.

Mr. Kornick continued and referenced Mrs. Taylor's comments in her letters of September 9, 2020 and November 12, 2020 in which she referenced nine (9) points to consider in the granting of wetlands waivers that apply with this application. It was Mr. Kornick's testimony that there has been no change to surface drainage, the seasonal flow patterns have not been altered, the water table has not been altered as this property sits on a man-made lake with a dam, no increase in erosion, and no chemical changes. It appears that some clearing had taken place prior to Mr. Reilly moving in, as represented in aerial photos from preceding years; and the 150+ diverse species plantings undertaken by Mr. Reilly will provide added stabilization and habitat diversity. Lastly there has been no significant decrease or negative impact of wetlands species.

In regards to the C(2) zoning criteria, Mr. Kornick stated that this property is unique in that it has a small rear yard envelop and a large front yard with the dwelling set back considerably from the street. Mr. Reilly has made desirable visual and overall improvements within existing cleared areas that are consistent with the neighborhood and enhance their enjoyment of the lakefront property. Further, it was Mr. Kornick's testimony that there are no negative or adverse impacts nor are any of the improvements inconsistent with the zone district master plan.

Chairwoman Symons asked for clarification on the three Building & Lot Coverage worksheets provided to Board members. Ms. Portocalis clarified that one was submitted when the shed was added, one was an office draft prepared by Ms. Portocalis when she discovered the fire pit and retaining wall had been added; and the third was prepared by Mr. Reilly's surveyor to include the fire pit and retaining wall.

Discussion ensued about other structures on the property, including 2 wood racks, a canoe rack, and a temporary canopy in the front yard. Board members also asked if there were any photos of the retaining wall and stone fire pit, to which Mr. Reilly responded no.

Mrs. Taylor referenced her two letters. She has no issue with the shed in the front yard given the topography in the rear yard. The driveway is over 30' wide; which is rather large for the neighborhood. The width itself may accommodate more of the shed to create a larger setback. Given that the property is over 1 acre, two accessory structures are permitted. Mr. Mead commented that if the shed was moved further away from the property line, it would be more visible from both the lake and the street. Mr. Kornick commented that the garage is on the side of the dwelling, and thus the driveway width is needed to make the turn into the garage. Plus the Reilly's have six children so it is anticipated that they will have more vehicles in the future. Mr. Reilly added that the neighbor has no issue with the shed in its current location.

Mr. Noll questioned Mr. Reilly about the timber retaining wall and asked if clearing had taken place. Mr. Reilly responded that he had replaced rotten railroad ties and had only moved some

soil and brought in about one load when the stone fire pit seating area was built. It is stacked stone and not permanent. The timber retaining wall is similar to that on the neighboring property. Mr. Reilly described the new retaining wall as 2-3' high, approx. 2 or 3 railroad tie height. The Construction Code Official had inspected and stated no permits were required. The bylaws of the Old Taunton Colony Club do not permit any type structure within 20' of the lake. Mr. Kornick shared an aerial view of the rear yard from February 2020 where these site features can be seen. Mr. Noll commented that Mr. Reilly's improvements do not appear any closer to the lake than neighboring properties, but the canoe rack should be relocated to Mr. Reilly's property.

PUBLIC:

Paul Lucas - 74 South Wyetta Road. Mr. Lucas is President of the Old Taunton Colony Club. He disagreed with much of what was said, but concurs the shed is of no concern to the HOA. Their concern is with what has occurred in the rear yard. Mr. Lucas stated at least ten (10) large trees were removed without the required HOA approval shortly after Mr. Reilly moved in and was advised of the HOA deeds and covenants. There is a significant difference in the vegetation from before Mr. Reilly purchased the property until now. The HOA rules also state there should be nothing between the dwelling and the lake so neither the retaining wall or the fire pit are consistent with the rear yards of other lakefront properties. He further asserted that the fire pit is not temporary.

Mr. Lucas continued that the OTCC is not satisfied with the replanting plan. The HOA requires 100% of the plantings to be native species; and Mr. Reilly stated that only 40% are.

Martin Hamilton – resident in Old Taunton Colony Club. He is not in favor of the rear yard improvements as Mr. Reilly did not receive approvals from the HOA.

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

Board members continued to discuss the igloo shaped temporary structure in the front yard, which Mrs. Taylor stated was not expressly permitted. This coupled with the shed, two firewood racks and the canoe rack was too many accessory structures per Board comments.

Additional discussion on the fire pit also took place. Mr. Reilly refuted Mr. Lucas' testimony and stated other properties have fire pits similar to his. Chairwoman Symons asked about the size of the fire pit, to which Mr. Reilly responded approximately 20' in diameter; and it is located about 20' from the dock.

Mr. Dasti offered that the HOA has only approved the shed. The other concerns raised by Mr. Lucas are matters between the HOA and Mr. Reilly to which the Board has no purview.

Mr. Noll suggested that the application be bifurcated, and that he be allowed to conduct an on-site inspection of the retaining wall and fire pit. Mr. Mead approved, and also agreed to any time extension necessary.

Mr. Umba made a motion to approve the shed in its present location exceeding the permitted lot coverage, conditioned upon it being painted to match the dwelling; that one firewood rack will be moved and attached to the shed; that the other firewood rack may remain in its present location; that the igloo shaped temporary structure in the front yard will be removed; and that the canoe rack in the rear yard will be relocated onto Mr. Reilly's property. The application for the timber retaining wall and the circular stone fire pit is bifurcated and will be heard at the February 2021 Board meeting. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

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

Mr. Rickards made a motion for a brief recess at 9:25 pm. Mr. Umba seconded. The voice vote was unanimous in favor. The meeting resumed at 9:30 pm.

Rene Boesch, 29 Holly Drive, Block 2909; Lot 5, ZVE-1082

Seeking bulk variance approvals to construct a 590sf addition to the front of the dwelling and a 300sf deck on the rear of the dwelling, exceeding permitted building coverage of 12%, with 13.2% existing and 18% proposed; to exceed the permitted lot coverage of 30%, with 27% existing and 32% proposed; to exceed required side yard setback of 30', with existing 15.97' and proposed 11.896'; to permit an existing 112sf shed to continue to be located 2.54' from the side yard property line where 5' minimum is required; to permit an existing 40sf woodshed to continue to be located .93' from the side yard property line where 5' is required; to permit two (2) accessory structures on the lot where only one (1) is permitted; and a waiver for wetlands buffer encroachment for the aforementioned shed located between the dwelling and the lake.

Zone: GD

SWORN: Rene Boesch, Owner
Alan Blair, Architect & Neighbor

Mr. Boesch opened his testimony by explaining that the lot is pie-shaped, and the dwelling is not suited for his family. He purchased the property in 2016. Being that it is a lakefront property and the proposed addition will be situated in what is technically the front yard, a total of six (6) variances are required. Mr. Boesch stated the neighbors approve of the proposed plans and appreciate the improvement to the neighborhood.

Mr. Blair explained that the property had pre-existing non-conformities. The proposed addition is a bedroom, full master bathroom and a walk-in closet. Given the layout of the house, the front was the best location. The deck is for enhanced use of the rear yard providing the lakefront visual.

Based upon the comments in Mrs. Taylor's review letter, Mr. Boesch stated that he is willing to attach the wood rack to the existing 112 sf shed, thus making it one accessory structure and eliminating the need for one of the variances being sought.

Chairwoman Symons asked Mr. Boesch is he would be willing to add additional landscaping. Mr. Boesch responded that he has already added plantings since acquiring the property, but is willing to add more.

Mr. Noll explained that the proposed deck is squaring off the rear of the dwelling. He added that the wetlands buffer waiver is required by the Pinelands at 50' to wetlands; however the dwelling is not any closer to the lake than any other property on Holly Drive.

Mrs. Taylor stated that the minimum lot size is 14,000sf in this development, and Mr. Boesch's is 18,000sf. But it is pie-shaped which creates the non-conformities. She has no issues with the application.

PUBLIC: None

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

Mr. Umba made a motion to approve the application as proposed; with the condition the fire rack is moved adjacent to the shed, and that additional landscaping is planted. Mr. Hamilton seconded the motion.

Recorded Vote:

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

Dawn & Dean Christianson, 23 Bortons Road, Block 6601; Lot 2.02, ZVE -1083

Seeking bulk variance approvals to construct a 36' x 24' (864 sf) detached garage, to be located in the front yard which is not permitted, and exceeding the permitted number of garage parking spaces where three (3) are permitted and four (4) are proposed. **Zone: RGD-2**

SWORN: Dean Christianson, Owner

Mr. Christianson opened the testimony by describing the proposed garage, but is conforming in size but technically is located in the front yard. Given the orientation of the dwelling it is in the side yard. This will allow for garage parking of four vehicles including the attached garage area.

Mr. Christianson also owns the adjacent property, giving him over six acres. He acknowledged there is a large tree house on the adjoining lot, but was advised by Township officials that no permits were required.

The proposed garage will have two garage doors in the front for vehicles. The door in the rear will be used to park his tractor mower and leaf collection cart. Sconces will be used for lighting, and they will be faced downwards. There will be none in the back facing the neighbor's dwelling as that door will only be used during daylight. One end facing the road will be gabled, as will the opposite side facing the lake. It will match the house in color, roof materials, and architecture. The second floor of the proposed garage will be for storage only as it will remain unfinished with no livable space. There will not be any plumbing, and possibly radiant heat but no ductwork. There will no new concrete walkways added. Landscaping will be added as per HOA requirements along the side of the garage facing the lake.

Mrs. Taylor added that Mr. Christianson does have a shed and a gazebo; and this will be his third accessory structure. But this is the appropriate location for the detached garage, so she has no issues with the application as presented.

PUBLIC: None

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

Mr. Umba made a motion to approve the application as submitted, with the condition of added landscaping to comply with the HOA requirements, and with down lit lighting. Mr. Wolf seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC: None

Mr. Umba made a motion to close the general public portion of the meeting. Mr. Rickards seconded the motion. A voice vote was unanimous.

EXECUTIVE SESSION: None

Medford Township Zoning Board
20 January 2021
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MOTION FOR ADJOURNMENT:

Mr. Hamilton made a motion to adjourn the January 2021 Zoning Board of Adjustment meeting at 10:14 pm. Vice Chairman Cocivera seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary

