

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

21 April 2021 at 7:00 p.m.

Via Zoom on-line Conference

Attorney Dasti called the meeting to order at 7:07 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:**

March 17, 2021 Regular Meeting – Mr. Umba made a motion to approve the March 17, 2021 Zoning Board Regular Meeting minutes. Vice Chairman Cocivera seconded the motion. A unanimous voice vote carried the motion.

**REPORTS:** None

**EXECUTIVE SESSION:** None

**CORRESPONDENCE:** Ms. Portocalis stated the Attorney for Michael Reilly had sent correspondence requesting that the application be continued to the May meeting, as Mr. Reilly's Engineer had not completed nor submitted the required restoration plan ten days before the meeting; and would also be unavailable to testify at the meeting for the requested wetlands buffer. The reason for their delay in preparing the plan was that the on-site meeting with the HOA had been delayed. Mr. Umba made a motion to continue the application to the May 2021 meeting, with the condition to re-notice. Mr. Wolf seconded the motion. A unanimous voice vote carried the motion. (Mr. Hamilton recused himself, Mr. Simmers voted)

Ms. Portocalis also communicated that the Board professionals were still trying to work thru some issues with the Tarbutton application, so at the request of Mr. Tarbutton's Attorney, Patrick MacAndrew, Mr. Umba made a motion to continue the application to the May 2021 meeting, without the requirement to re-notice. Mr. Rickards seconded the motion. A unanimous voice vote carried the motion.

**RESOLUTIONS TO BE MEMORIALIZED:**

**Carla Growney, 27 Cherry Street, Block 1602: Lot 7 HVR-419 Resolution #2021-14**  
Certificate of Appropriateness with bulk variance relief to demolish existing dwelling and rebuild new Single Family Dwelling on same footprint, and setback relief for a rear yard shed. **Zone:**  
**RHO**

Recorded Vote:

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

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**James Brudnicki & Emily Riggs, 19 Robin Hood Drive, Block 2703.06; Lot 3 ZVE-1085**  
**Resolution #2021-15**

Bulk Variance approvals for a 370sf in-ground pool and 365 sf paver patio area in rear yard exceeding permitted lot coverage. 31% existing; 30% permitted; 36.5% proposed.

**Zone: GD**

Recorded Vote:

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

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**Justin Harty, 14 Christopher Mill Road, Block 2502.02; Lot 13.01 ZVE-1087**  
**Resolution #2021-16**

Use Variance approval to quarter two (2) horses for personal use on a residential lot whereby horses are not permitted in the Zone District. **Zone: GD**

Recorded Vote:

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

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**Donald Colamesta & Carly Lenord-Colamesta, 2 Shawnee Court, Block 4701.01; Lot 2.09**  
**ZVE - 1088 Resolution #2021-17 (Bifurcated)**

Bulk Variance approval to permit a 4.5' (54") black aluminum fence within a front yard on a corner property to be setback 10' from the property line.

Recorded Vote:

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

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**APPLICATIONS/OFFICIAL**

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

Bifurcated portion of application seeking a waiver for wetlands buffer encroachment to maintain an existing stone fire pit/seating area and a timber retaining wall. **Zone: RGD-2.**

*(Continued to the May 2021 Meeting with the requirement to re-notice)*

**Joseph & Carol Tarbutton – 5 Cedar Falls Drive, Block 6309; Lot 5 ZVE-1092**

Seeking Bulk Variance approvals for 29.5' x 24' (709 sf) attached garage on non-conforming lot requiring side yard setback and increased driveway paving (450 sf) requiring a waiver to be setback 0' where 10' is required; proposed lot coverage relief 20% permitted, 18.97% existing, 23.53% proposed. **Zone: RGD-2**

*(Adjourned to the May 2021 Meeting without the requirement to re-notice)*

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**John Davern – 67 Eayrestown Road, Block 304; Lot 4.06 ZVE-1089**

Seeking Bulk Variance approvals to permit a 28' x 44' (1,232 sf) detached garage; with a proposed height of 22.5', 20' height is permitted; and 3 additional garage spaces, proposing a total of 6 garage spaces where 3 garage spaces maximum are permitted on a residential lot.

**Zone: AR**

**SWORN:** John Davern, Owner

Mr. Davern opened his testimony by stating that he purchased the property one year ago, that was farmed by prior owners. The house sits back almost ½ mile from Eayrestown Road. It is his intention to use the proposed garage for a tractor and other farm and snow removal equipment (for the long driveway) The second story will be used for storage as basement in the dwelling cannot be used due to persistent flooding. There will be no mechanicals, no plumbing or bathrooms; only electrical for lighting. There will be standard 8' doors. The color will be white to match the dwelling with black doors. Standard residential garage lights will be located over the garage doors and the man door.

Mr. Davern continued that the attached garage is technically for 2.5 vehicles due to the layout with bump outs and columns. Upon questioning by Board members, Mr. Davern explained that the extra length of the garage is needed for the tractor, which is 20' long. The added height is proposed to match to the roof pitch of the dwelling, and dormers have been included to also match the house.

Mr. Rickards noted the swale shown on the survey and the existing water issues noted in the dwelling. Mr. Davern agreed will submit a plot plan with proposed grading to Mr. Noll to approve before zoning and constructions permits are released. Mr. Davern also confirmed no trees will need to be removed.

Mrs. Taylor commented that Mr. Davern's testimony addressed the notations in her review letter. She added that the exterior garage lights should be switches as opposed to flood lights on motion sensors. Mr. Davern agreed to this condition.

**PUBLIC:** Mr. Umba made a motion to open the application to the public. Mr. Rickards seconded. The voice vote was unanimous in favor.

No one from the Public spoke.

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

Mr. Umba made a motion to approve the application as proposed including all bulk variance relief required; with the conditions that (1) the siding and the roof will match the dwelling; (2) the garage doors will not exceed 8' in height; (3) the second floor will be utilized for storage only, and there will be no plumbing or HVAC; (4) the garage will be for personal use only with no commercial use permitted; (5) the exterior lighting will conform to the Planner's recommendations; and (6) the Engineer will approve a grading and drainage plan prior to issuance of zoning and building and/or construction permits. Mr. Hamilton seconded the motion.

Recorded Vote:

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

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**Susan Allen – 14 West Lake Avenue, Block 3711 Lot 7 ZVE-1093** Seeking Bulk Variance approvals to maintain an enlarged shed 10.3' x 8.2' (84.46 sf) not meeting side yard setbacks 4.4' existing, 15' required. **Zone: GD**

**SWORN:** Susan Allen, Owners

John Kornick, Engineer & Planner, K2 Consulting

Mr. Kornick opened the testimony by describing the lot as located on the lake in the Lake Pine neighborhood in the GD Zone district consisting of 24,650sf where 14,000sf is the minimum lot size. The dwelling has pre-existing; non-conforming setbacks. Ms. Allen purchased the property in July of 2019, and has undertaken major renovations, including the shed, which is the original location when the property was purchased. Mr. Kornick confirmed with the prior owner that the shed has been in the same location at least 17 years before Mrs. Allen purchased the property. Mr. Kornick acknowledged the shed is required to be 15' from the property line since it is located in the side yard, but moving it into the back yard where a 5' setback is permitted would move it closer to the lake. Lake Pine has a 50' setback from the lake requirement. In addition, healthy trees, holly bushes and other vegetation would have to be removed to relocate the shed to a conforming location.

Mr. Kornick continued that the house exterior has been updated but the shed “log cabin” brown look was maintained. Years of overgrowth had to be removed from the shed to render it useful again.

**PUBLIC:** Mr. Umba made a motion to open the application to the public. Mr. Pullman seconded. The voice vote was unanimous in favor.

Darren Oattes, 12 West Lake Avenue – Mr. Oattes’ property is adjacent to Ms. Allen’s property on the side with the shed. He stated that the shed size has increased and now blocks the view of the lake from his side window.

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

Mr. Dasti asked Ms. Allen if she increased the size of the shed. Ms. Allen responded no. A ramp to a small porch with a roof was removed, and the porch area was closed in. The area increase of the shed was very small. The shed had overgrown vines and dead trees around it, so now the shed is much more visible.

Mr. Hamilton asked if the footprint of the shed had increased, and Ms. Allen responded no. The floor of the shed was dirt so it was raised 6” off the ground with cinderblocks and a floor was installed. Ms. Allen reiterated she could move the shed, but it would further diminish the neighbor’s view of the lake.

Mr. Kornick shared photos of the shed and property and the property survey. The photos showed that the doors open to the lake and the rear of the shed is seen from the street. Discussion ensued about added landscaping buffering.

Mrs. Taylor then asked if the shed could be moved forward towards the street. Mr. Kornick responded no, it would require removal of more trees or would need to be very close to the street to maintain turning radius for the driveway entrance to the garage, which is on the side of the dwelling with the shed.

Much discussion ensued about the feasibility of moving the shed. Mr. Kornick noted that Ms. Allen has the right to install a 6’ solid fence, which would block the neighbor’s view even more. Plus the evergreens behind it would further block the view.

Mr. Kornick requested a short recess to confer with Ms. Allen. When the meeting resumed, Mr. Kornick stated that Ms. Allen wishes to maintain the shed at its current location, so they would not be amending the original application.

Mr. Rickards made a motion to deny the application. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

Ayes: Hamilton, Rickards, Umba, Wolf, Cocivera, Symons  
Nays: Pullman  
Abst.: None  
Motion carried: 6 - 1 - 0

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**Donald Colamesta & Carly Lenord, 2 Shawnee Court, Block 4701.01; Lot 2.09  
ZVE – 1088 (Bifurcated)**

Seeking Bulk Variance approvals to permit a 672sf detached garage (28'L x 24'D x 20'H) within a front yard and setback 22' from Shawnee Court; and providing a total of five (5) garage parking spaces where three (3) are the maximum permitted and already provided within the attached garage; a 28' Lx 13' D x 20'H covered patio area/pavilion (364 sf) attached onto the proposed detached garage, exceeding the permitted accessory structure size of 168 sf and height of 15'; and approval for an existing deck requiring side yard setback relief, where 50' is required and 5' is provided. **Zone: RGD-1**

**SWORN:** Donald Colamesta, Owner

Before the testimony opened, Mrs. Taylor advised the Board members that she received a revised survey from the applicant on April 18, 2021. With this survey, she wanted the Board members to make note of a needed correction to her review letter. The proposed garage will be set back 22', not 17' feet as noted in her letter. In addition, Mr. Noll and Ms. Portocalis made a site visit to the property and confirmed the pool is in the side yard.

Mr. Colamesta opened his testimony by explaining that based upon neighbors input at the Board meeting last month, he has amended his original application. He is now proposing to combine the detached garage and covered pavilion into one structure. It will have the same color scheme as the dwelling. A covered area will be located to the rear of the detached garage. In addition, he is withdrawing the request for the variance relief for the existing octagon shaped deck, as it is his intention to remove that deck along with the walkway to the main deck behind the dwelling.

Mr. Colamesta continued that the detached garage is needed, as there are two adults and two children in the household who drive. The family is currently only using one bay of the three car attached garage, as there is a gas fireplace bump-out and workbench taking up one space, plus they have a second refrigerator, two quads, bicycles, their trash receptacles also in the garage. Mrs. Taylor asked if the dwelling has a basement, and Mr. Colamesta responded it does but it is not usable.

In describing the proposed detached garage, he noted a powder room is included for family and guests who will be using the in-ground pool under construction. There will be no mechanicals or living space in the upstairs second story area; it will only be used for storage.

The pillars/columns on the rear patio area will be covered with stone and the shingles will match the roof shingles on the dwelling. The garage door height is proposed at 8 feet. As noted in Mrs. Taylor's review letter, Mr. Colamesta stated he is willing to add a window to break up the expanse of the side of the dwelling, but he will not add shutters since the house does not have shutters.

Chairwoman Symons asked if any trees would need to be removed for the proposed structure; to which Mr. Colamesta replied no trees will need to be removed.

Mrs. Taylor had submitted a review letter dated April 13, 2021. In it she detailed that an accessory structure is only permitted to be 15' in height. While a detached garage is permitted to be 20' in height, Mr. Colamesta's elevation renderings show the entire structure to be 20' in height. She concurred that architectural consistency in the roof elevation would look better. That being said, her only concern is the 37' length, and that the covered patio area could be enclosed in the future. The reduction in the number of structures is a benefit, as is the stairwell being moved inside the garage. The stair location may not allow for a window, but Mr. Colamesta stated he was already planning to install landscaping.

It was also noted that the fence approved last month has been installed and turned out nicely.

**PUBLIC:** Mr. Umba made a motion to open the application to the public. Mr. Rickards seconded. The voice vote was unanimous in favor.

Meryl Penalver – 26 Shawnee Court. She asked if the stairs are still proposed to be located outside the proposed garage. Mr. Umba responded no, they are now shown in the drawings to be inside the structure. She then asked if she could see the proposed elevations. The plans were shown to her and the dimensions were detailed. She complimented Mr. Colamesta on the fence.

Ronald & Joyce Koontz- 22 Shawnee Court. They thanked the Board members and professionals for visiting the property. They approve and appreciate the changes Mr. Colamesta made to combine the two proposed structures into one. They also acknowledged the pool and fence look good. They asked Mr. Colamesta if he intended to install any solar panels. Mr. Colamesta replied no. They also asked if the shower would be outside, and Mr. Colamesta said no shower is proposed.

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

Mr. Umba made a motion to approve the application with the following conditions: (1) the detached garage will match the dwelling siding and roof; (2) no commercial use of the garage is permitted; (3) no living space is permitted on the second story – only storage use is permitted; (4) the garage doors will not exceed 8' in height and the stairs will be located inside the garage; (5) the exterior lighting will comply with the Planner's recommendations; and (6) the octagon deck and walkway to the main deck attached to the dwelling will be removed. Mr. Rickards seconded the motion.

Recorded Vote:

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

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**GENERAL PUBLIC:** Mr. Umba 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. Umba made a motion to close the general public portion of the meeting. Mr. Pullman seconded the motion. The voice vote was unanimous in favor.

**EXECUTIVE SESSION:** None

**ADDITIONAL ACTION(S) BY THE BOARD:** 2019 Annual Report

Mrs. Taylor had distributed her report to Board members in advance of the meeting. She summarized the report, which did not delineate any clear patterns. The majority of applications required setback and coverage relief. While a Master Plan update may include added allowances, ultimately the Pinelands Commission will need to approve any proposed changes within the Pinelands Management areas (south of Route 70)

Board members had no questions or comments, other than to thanks Mrs. Taylor for her efforts in compiling the Report.

Mr. Hamilton made a motion to approve Resolution #2021-18, accepting the 2019 Annual Report. Mr. Wolf seconded the motion.

Recorded Vote:

Ayes:	Hamilton, Pullman, Wolf, Cocivera, Symons (*2019 Board members)
Nays:	None
Abst.:	None
Motion carried:	5 - 0 - 0

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Ms. Portocalis had taken a poll of Board members to gauge their availability for an added Board meeting on June 30<sup>th</sup>. A roll call vote was taken, and the vote was 9-0 in favor of scheduling the added meeting.

Lastly, being Volunteer Week, Ms. Portocalis thanked the Board for the service on behalf of the Township Council, staff, and residents.

**MOTION FOR ADJOURNMENT:**

Mr. Umba made a motion to adjourn the April 21, 2021 Zoning Board of Adjustment meeting at 9:35 pm. Mr. Hamilton seconded the motion. The voice vote was unanimous.



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Beth Portocalis, Zoning Board Secretary & Recording Secretary