

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

18 November 2020 --7:00 p.m. Public Safety Building, 91 Union St. & via "Zoom" on-line platform

**This Meeting was conducted during a National Emergency with remote participation in accordance with guidance provided by the NJ Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this Meeting.*

Chairwoman Symons called the meeting to order at 7:06 p.m. and Mr. Dasti read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

ROLL

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

PLEDGE OF ALLEGIANCE

MINUTES:

October 21, 2020 Regular Meeting – Mr. Umba made a motion to approve the October 2020 Zoning Board Meeting Minutes. Vice Chairman Cocivera seconded the motion. A unanimous voice vote carried the motion.

REPORTS: None

CORRESPONDENCE: None

RESOLUTIONS TO BE MEMORIALIZED:

James Zeck, 13 Andover Drive, Block 404.21/Lot 6. ZVE 1074
Resolution #2020-37

Bulk variance approvals to replace an existing rear deck on dwelling with a new, larger and partially covered deck, and the installation of an entryway overhang. Exceeds permitted lot coverage of 20%. Lot coverage proposed at 22.34%; existing 19.8%. **Zone: GMN**

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

Valarie & Jay Bertsch, 6 Stonycroft Court, Block 2701.17/Lot 64. ZVE-1075
Resolution #2020-38

Bulk variance approvals to maintain a 131 sf (9.9' x 13.3') paver patio and stair located at the rear of the dwelling. Exceeds permitted building coverage of 12%; existing 37%. Exceeds permitted lot coverage of 30%; proposing 50.5%; 48.6% existing. Exceeds required rear yard setback of 10 feet; 1.1 feet proposed. Maintains 10' side lot line setback. **Zone: GD**

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

David Kotler, 2 Birchwood Drive, Block 4908/Lot 195. ZVE-1073

Resolution # 2020 -39

Bulk variance approvals to maintain two fences on a corner lot which are not permitted, including a 4' high solid fence within the front yard not meeting the required opacity of 50%; and a 6' high solid fence within the front yard where 4' is the maximum height. **Zone: GD.**

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

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. Umba made a motion to carry this application to the December 16, 2020 meeting without the need to re-notice. Vice Chairman Cocivera seconded. The voice vote in favor was unanimous.

Jill Santone, 120 N. Lakeside Dr. E, Block 4902//Lot 128 ZVE-1078

Seeking bulk variance approvals for an in-ground pool in the rear yard, requiring approval to exceed permitted building and lot coverages; exceed required side yard setback of 15' with 14.9' proposed; and also seeking a waiver for wetlands buffer encroachment. **Zone: GD**

Mr. Umba made a motion to carry this application to the December 16, 2020 meeting without the need to re-notice. Vice Chairman Cocivera seconded. The voice vote in favor was unanimous.

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Dana & Jill Gounaris, 2 Dover Lane, Block 6407/Lot 1.08 ZVE-1077

Seeking bulk variance approval for a 12' x 24' shed (288sf) where 1668sf is the maximum size permitted. **Zone: RGD-1**

SWORN: Dana Gounaris, Applicant

Mr. Gounaris opened the testimony by explaining that he and his wife have five children, and their garage is filled with kid's bicycles, sports equipment along with other family items. He is proposing a 288sf shed to be located near the driveway to store these items, thus freeing up garage space to park the family vehicles. The location of the shed will not necessitate the need for additional driveway or sidewalks. Only one neighbor will be able to see the shed in the proposed location, so the Gounaris' will add arborvitae to the left side of the shed for additional buffering. The shed will be 15' from the side yard property line, where 5' is required. It will be white in color to match the dwelling. The roof materials were shown as metal on the rendering provided to the Board, but that had not been decided. Based on comments from Board members, Mr. Gounaris agreed to shingles that match the house.

Mrs. Taylor commented that given the size of the lot, the Gounaris' are permitted to have two sheds each up to 168sf, so one larger shed that is aesthetically pleasing and matches the house would be acceptable in this neighborhood.

Upon questioning by the Board, Mr. Gounaris stated he will cut into the existing fencing to fit in the shed, and the other fencing will remain. There will be no electric or outside lighting.

PUBLIC: Mr. Umba made the motion to open the public comment; Mr. Pullman seconded.

No one from the public spoke.

Vice Chairman Cocivera made a motion to close the public portion. Mr. Pullman seconded.

The voice vote was unanimous.

Mr. Umba made a motion to approve this application as submitted, with the condition of color and roof shingles to match the dwelling, and the added arborvitae on the one side of the shed as screening; amended to a 4' height with 50% opacity in the front yard. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

Ayes: Cocivera, Hamilton, Pullman, Rickards, Umba, Wolf, Symons

Nays: None

Abst.: None

Motion carried: 7 - 0 - 0

Patrick Griffin, 6 Lilac Lane, Block 5301.14//Lot 5 ZVE -1079

Seeking bulk variance approvals to maintain a 12' x 38' (456sf) accessory building (classified as a shed) in the rear yard, exceeding the permitted size of 168sf. Side yard setback existing at 17' where 50' is required. Maintain rear yard setback of 23' where 50' is required. Approval to maintain two accessory structures, where one is permitted, and thereby triggering the 50' setback requirements. **Zone: RGD-1.**

SWORN: Patrick Griffin, Owner/Applicant

Mr. Griffin opened his testimony by stating he and his family just purchased the property in April. He acknowledged he did not obtain zoning or construction permits before purchasing and placing the shed on his property, as he erroneously assumed the municipal offices were closed due to COVID. He continued that he is a union carpenter by trade, and a shed of this size was needed to store his specialty tools, which union carpenters must have to secure work. He is not attached to any construction company and will not be operating any type of commercial business from the property. There is no electric to operate any of saws or other power tools.

The 8' x 12' shed was on the property when Mr. Griffin purchased it, and he would like to keep it in order to store his lawn equipment.

Chairwoman Symons asked Mr. Griffin if he would be willing to remove the small shed, and Mr. Griffin responded that it was his preference to keep it for the lawn equipment, and since it sits on a concrete pad that would be left in the yard. He only has a one car garage in which he stores a motorcycle and storage for other household items since he does not have a basement. Chairwoman Symons asked Mr. Griffin if he would consider any landscaping around the larger, since the structure is so large and has a metal roof which is highly visible on the lot. Mr. Griffin expressed some willingness to do so.

Mrs. Taylor referenced her review letter. The lot is undersized for the zone district, and the shed would be in the middle of the yard if it was moved to meet the setback requirements. Mrs. Taylor recommended more fencing and/or landscaping if the Board was inclined to approve the application. Mr. Griffin explained that he only owns half of the fencing, with other portions belonging to adjoining neighbors. Mr. Griffin added that he also has to avoid the septic field if the shed was to be relocated, and his preference for an open rear yard for his pets.

PUBLIC: Mr. Umba made the motion to open the public comment; Vice Chairman Cocivera seconded.

Lee Bealuk – 10 Lilac Lane. Mr. Bealuk has resided in the neighborhood since 1968, and his property two houses away from Mr. Griffin. The lot has been stripped of all vegetation, and while some of that was to accommodate a new septic system, he makes the structure much more visible to neighbors. The building is not a shed, but rather an industrial style building which a business could operate from. He can see from his dwelling, and it is not aesthetically pleasing nor does it fit into the neighborhood character.

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

Mr. Umba made a motion to deny the application as proposed. Mr. Hamilton seconded the motion.

Recorded Vote:

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

Robert Chambers, 2 Hollingshead Court, Block 805.02//Lot 8 ZVE-1080

Seeking bulk variance approval to maintain a 5' high black metal picket fence in the front yard of a corner property with Springhouse Drive; where 4' is the maximum height permitted; and to permit a metal picket fence in the front yard, where only a wood or simulated wood fence is permitted. **Zone: GMN**

SWORN: Michael Pachowski, Esq.

Mr. Pachowski is representing his grandparents, who are in their 90's and do not have the ability to leave their home because of COVID vulnerabilities, nor do they have internet to participate via Zoom from home. Since the applicants were not present, Mr. Dasti confirmed that Mr. Pachowski could not offer new testimony but could clarify any information in the application or answer any questions that the Board may have.

Mrs. Taylor referred to her November 12, 2020 review letter, which detailed that the property originally had a wood fence which appeared to be 4' in height, which would have conformed to the zoning ordinances. The applicant submitted an invoice that the current fence was installed in 2013, and is a 5' metal picket style fence.

Mr. Umba asked is added plantings would affect the sight triangle on the corner, and Mrs. Taylor replied that it might but the fence is located 5' off the sidewalk.

PUBLIC: Mr. Umba made the motion to open the public comment; Vice Chairman Cocivera seconded.

Dee Bradley – 2 Cricket Court. Ms. Bradley stated the fence has been in place for years, and she takes no offense to the visual aesthetic in the neighborhood. It is attractive and suits the family and the property. She supports the application.

Don SangtINETTE – 5 Hollingshead Court. Mr. SangtINETTE stated the fence is well setback from the street, and provides more than 50% opacity. No views are blocked with landscaping and it is not obtrusive. The dark color blends well, and he has no issue with the fence.

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

Chairwoman Symons asked if the HOA approved the fence. Mr. Pachowski responded yes, and he will forward to Ms. Portocalis for the record.

Mr. Umba made a motion to approve the application as submitted with the fence to remain in its current configuration, contingent upon receipt of the HOA approval letter. Vice Chairman Cocivera seconded the motion.

Recorded Vote:

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

Carlene Kurtz, 8 S. Lakeside Dr. W, Block 3107/Lot 31 ZVE-1081

Seeking bulk variance approvals for additions to existing single family dwelling with pre-existing non-conforming lot frontage, lot width, and lot depth. Side yard setback proposed at 6'; existing 12.2'; required 30'. Front yard setback proposed 37'; existing 54.1'; required 50'. Rear yard setback proposed 35.6'; existing 43.4' required 50'. Building coverage proposed 22%; existing 14.6%, permitted 12%. Lot coverage proposed 31.1%; existing 27.8%, permitted 30%.

Zone: GD

SWORN: Robert Kingsbury, Esq., Attorney
Jason and Carlene Kurtz, Owners/Applicant
Joe Adamson, Architect

Mr. Kingsbury opened the testimony by explaining that this dwelling is one of the original houses on Birchwood Lake, having been built in 1953. The dwelling only has one bathroom, no garage, nor any storage areas. The Kurtz's purchased the property in August 2019. They are a family of four, and will move in once improvements have been completed. This includes adding a master bedroom/bathroom suite, a two-car garage, and increasing the size of the front porch.

Mr. Adamson was next to testify. He detailed the proposed improvements, including the aforementioned two car garage of standard size, adding a roof cover over an existing rear patio area without expanding the existing footprint, a master bedroom and master bathroom addition,

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increasing the front porch to match the gables and introduce architectural features to match the front of the proposed garage.

In addition, an existing shed will be relocated on the lot, and a smaller Rubbermaid type shed will be removed. The arbor will also be removed.

Mrs. Taylor added that a waiver is also required for structures closer to the lake than permitted. Also, there is an inconsequential overall lot coverage increase of 1.1% with the proposed improvements. The dwelling is definitely dated and could use upgrading, as many other Birchwood lake front properties have undergone over the past several years.

Chairwoman Symons asked about the paver area in the rear yard, and Mrs. Kurtz replied that it was "homemade" and she will be removing it and will improve the walkway to the dock. Chairwoman Symons also inquired about the fence, to which Mrs. Kurtz responded that some of it belongs to the neighbors, but what is there does conform to the zoning requirements.

PUBLIC: Mr. Umba made the motion to open the public comment; Vice Chairman Cocivera seconded.

Patricia Boisvert – 6 South Lakeside Drive West. Ms. Boisvert is the neighbor, and wanted to confirm that the proposed garage will be 6' off the property line, to which Mrs. Taylor responded yes. Ms. Boisvert made a request that if there will only be 6' setback; that the air conditioner unit and other mechanicals be located on the opposite side of the dwelling. Mr. Adamson confirmed that is on the plan for these units to be on the opposite side.

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

Mr. Umba made a motion to approve the application as proposed, including the waiver for the setback to the lake; subject to the removal of the one shed, the arbor and the mechanicals being located opposite of the #6 property. Mr. Pullman seconded the motion.

Recorded Vote:

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

GENERAL PUBLIC: Mr. Umba made a motion to open the public portion. Vice Chairman Cocivera seconded.

No one from the public spoke.

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

EXECUTIVE SESSION: The Board went into Executive Session at 8:40 pm; and returned to the Regular Session at 9:35 pm.

ADDITIONAL ACTION BY BOARD: Ms. Portocalis made a brief presentation to the Board members on the Zoning process, from initial application to the Board hearing. Her presentation also included the Code Enforcement aspect of her position, and how applications come before the Board for retroactive approvals.

MOTION FOR ADJOURNMENT:

Mr. Umba made a motion to adjourn the Zoning Board of Adjustment meeting at 9:55 pm. Vice Chairman Cocivera seconded the motion. The voice vote was unanimous.



Beth Portocalis, Zoning Board Secretary & Recording Secretary