

A Reorganization meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Frank A. Tomasello, presiding. Members present were Wayne Cain, Wayne Choyce, William Christman, Bruce Strigh and Amanda Zimmerman. Alternate member, George Samuelsen, was also present in addition to Board Solicitor, Robert Cooper.

The Statement of Compliance was read.

Announcements: The January 28, 2013 meeting is cancelled due to lack of applications. The next meeting will be February 25, 2013.

Oath of Service – Deborah Ohnemuller administered the Oath of Service to the following: Bruce Strigh appointed as a Regular Zoning Board Member, Frank Tomasello appointed as a Regular Zoning Board Member, Amanda Zimmerman appointed as a Regular Zoning Board Member, William Christman appointed as a Regular Zoning Board Member and George Samuelsen appointed as Alternate.

Election of Chairperson for 2013 – Mr. Strigh moved, seconded by Mr. Choyce to elect Frank Tomasello for the position of Chairperson of the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN-AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN-AYE
MR. TOMASELLO-AYE		

SAID MOTION CARRIED.

Election of Vice-Chairperson for 2013 – Mr. Strigh moved, seconded by Mr. Cain to elect Elaine Valentino for the position of Vice-Chairperson of the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN-AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN-AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Secretary for 2013 – Mr. Strigh moved, seconded by Mr. Cain to appoint Deborah Ohnemuller to the position of Secretary to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO-AYE		

SAID MOTION CARRIED.

Mr. Strigh explained the process of how the recommendations were made for the reorganization. Each professional submission was reviewed individually by the subcommittee (Mr. Strigh, Mr. Choyce and Mr. Cain) and they then met as a group to review these submissions. The following was taken into consideration: background, location of their office, experience in Atlantic County (specifically Hamilton Township), zoning background, fee schedule and if their performance if they served on this Board previously.

Mr. Tomasello thanked the subcommittee for their efforts in making recommendations for the appointments and noted a large amount of work goes into the review of the proposals.

Appointment of Solicitor for 2013 – Mr. Choyce moved, seconded by Ms. Zimmerman to appoint Robert A. Cooper, Esq. to the position of Solicitor to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO-AYE		

SAID MOTION CARRIED.

Appointment of Alternate Solicitor for 2013 – Mr. Cain moved, seconded by Mr. Choyce to appoint Michael Malinsky, Esq. of Fitzgerald, McGroarty & Malinsky to the position of Alternate Solicitor to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Planner for 2013 – Mr. Choyce moved, seconded by Mr. Cain to appoint Robert Watkins of Mott Associates, LLC to the position of Planner to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment for Alternate Planner for 2013 – Mr. Cain moved, seconded by Mr. Choyce to appoint Vincent Polistina of Polistina Associates, LLC to the position of Alternate Planner to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Engineer, Lighting Consultant, and Traffic Engineer for 2013 – Mr. Choyce moved, seconded by Mr. Cain to appoint Kevin Dixon of Dixon Associates Engineering, LLC to the positions of Engineer, Lighting Consultant, and Traffic Engineer to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Alternate Engineer for 2013– Mr. Cain moved, seconded by Ms. Zimmerman to appoint Steve Fillipone of Engineering Design Associates to the positions of Alternate Engineer and Alternate Lighting Consultant to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Landscape Architect Consultant for 2013– Mr. Choyce moved, seconded by Mr. Cain to appoint Christopher Carey of Engineering Design Associates to the position of Landscape Architect Consultant to the Township of Hamilton Zoning Board of Adjustment for the year 2013, until the Board reorganizes in 2014. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Appointment of Alternate Traffic Engineer for 2013– Mr. Cain moved, seconded by Ms. Zimmerman to appoint Alexander Litwornia of Litwornia Associates to the position of Alternate Traffic Engineer to the Township of Hamilton Zoning Board of Adjustment for the year 2012, until the Board reorganizes in 2013 No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Chairperson’s Appointments to Site Review Committee – Mr. Tomasello appointed Board Members, Mr. Cain, Mr. Choyce and Mr. Strigh to serve as the Site Review Committee regarding Zoning Board applications to the Township of Hamilton Zoning Board of Adjustment for the year 2013.

Chairperson's Appointment of Legal Liaison-Mr. Tomasello appointed Board Member, Ms. Zimmerman, to serve as Legal Liaison to Board Solicitor to the Township of Hamilton Zoning Board of Adjustment for the year 2013.

Meeting Times & Dates- Ms. Zimmerman moved, seconded by Mr. Cain, to establish the fourth Monday of every month, with the exception of March, May, November and December, as the day on which the Zoning Board of Adjustment meetings for 2013 will be conducted, and to establish the time of 7:00 P.M. The Board will meet on March 11, 2013 due to the holiday; May 13, 2013 due to the holiday; November 18, 2013 due to a meeting conflict with Township Committee; December 9, 2013 due to Christmas Eve. The Board also adopted January 13, 2014 as the Reorganization meeting and January 27, 2014 as the first regular meeting for 2014.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Designation of Official Newspapers – Mr. Choyce moved, seconded by Mr. Cain to designate the Press of Atlantic City; Atlantic County Record; The Current and The Currier Post, as official newspapers for the Zoning Board Publications.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MR. CHRISTMAN – AYE
MR. STRIGH – AYE	MS. ZIMMERMAN-AYE	MR. SAMUELSEN – AYE
MR. TOMASELLO – AYE		

SAID MOTION CARRIED.

Adoption of Rules of Procedure –Mr. Cain moved, seconded by Mr. Strigh, to adopt the Rules of Procedure, as written, for the Township of Hamilton Zoning Board of Adjustment for the year 2013. Mr. Tomasello asked if there was any discussion on the motion and Mr. Strigh made comment regarding possible amendments to the Rules of Procedure and there are 4 possibilities (based on previous testimony).

1. Any professional opinions/documents presented as evidence must be accompanied by the professional at the hearing.

Discussion ensued regarding this possibility. Mr. Cooper gave his opinion to the above suggestion and concluded if applicants are relying on expert reports that the expert must be prepared to testify at the hearing. This should be part of the application process.

Mr. Watkins stated that future reports will state if applicants submit expert reports that the expert must be prepared to testify.

2. Placing time conditions on approvals.

Mr. Cooper stated the time conditions are currently for 1 year as per municipal ordinance. Discussion ensued regarding abandonment of an application. Time limitations can be placed upon an action an applicant may take to remedy a situation that he created and when the time runs out, the code enforcement officer can take action. If an applicant was denied a variance he cannot come back at a later time for the same variance.

3. Any documents that come in after the 10 day period will not be accepted.

Mr. Sartorio, Zoning Officer, stated that this is part of the law.

Mr. Cooper stated reports are submitted after the 10 day time period, the applicant will be told at the hearing they can proceed without the report or request a continuance for the next meeting so the report can be reviewed.

Discussion ensued regarding a previous applicant who submitted reports after the 10 day period.

4. Videotaping meetings for publication on Channel 2.

Adoption of Rules of Procedure –Mr. Strigh moved, seconded by Ms. Zimmerman, to adopt the Rules of Procedure, as written, for the Township of Hamilton Zoning Board of Adjustment for the year 2013.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE-AYE

MR. CHRISTMAN – AYE

MR. STRIGH – AYE

MS. ZIMMERMAN-AYE

MR. SAMUELSEN – AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Mr. Tomasello asked if any reappointed Board members would like to make comment.

Mr. Strigh thanked Township Committee for his reappointment. He stated he has enjoyed serving on this Board, finds it very interesting and nice to be a part of a great township and try to do what is best for the people.

Mr. Christman thanked Township Committee for his appointment to the Zoning Board and feels it is an honor to serve this board.

Ms. Zimmerman also thanked Township Committee for her reappointment to the Zoning Board and upgrade to full membership. She thanked Mr. Tomasello for making her the liaison for legal affairs to Mr. Cooper. She has enjoyed the last 2 years; the meetings have been very interesting and she looks forward to spending more time here.

Mr. Samuelsen thanked Township Committee for the appointment, will serve to the best of his ability and looks forward to a great year.

Mr. Tomasello thanked Township Committee for his reappointment and stated it has been an honor and a privilege to serve on the Zoning Board. We do our best to help those individuals who are coming before us for variances. He is looking forward to working with the members and professionals this year.

Public Comment – Mr. Tomasello opened this portion of the meeting for public comment. Mayor Gatto was present and congratulated the appointees and returning members. She thanked Mr. Christman for accepting his appointment and feels his past experience on the Planning Board will bring new perspective to the Zoning Board. Mayor Gatto also congratulated Ms. Zimmerman on her appointment to a full member and thanked Mr. Samuelsen on getting more involved in the Township. Mayor Gatto also took note about the comment regarding videotaping the meeting and looks forward to 2013.

Mr. Tomasello asked if anyone else would like to speak during public comment. Mr. Choyce moved, seconded by Mr. Cain to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Chairperson's Appointment of Liaison to Police, Fire & Rescue – Mr. Tomasello appointed Board Member, Mr. Samuelson, to serve as Liaison to Police, Fire & Rescue to the Township of Hamilton Zoning Board of Adjustment for the year 2013.

Approval of Minutes – Mr. Strigh moved, seconded by Mr. Cain to approve the minutes from the December 10, 2012 meeting. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications from the December 10, 2012 meeting were adopted as follows:

Mr. Cain moved, seconded by Mr. Strigh to adopt the resolution for CJ Financial -App#25-2012; Block 646 Lot(s) 16 & 17.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. STRIGH – AYE
MR. TOMASELLO –AYE

SAID MOTION CARRIED.

Mr. Strigh moved, seconded by Mr. Cain to adopt the resolution for Hildegard Bembyr–App. #27-2012; Block 5 Lot 16.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. STRIGH – AYE
MR. TOMASELLO –AYE

SAID MOTION CARRIED.

Adjournment – Ms. Zimmerman moved, seconded by Mr. Cain to adjourn the Zoning Board of Adjustment meeting at 7:43 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment