

A 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, William Christman, Bruce Strigh, Elaine Valentino, Amanda Zimmerman and alternate member, George Samuelson. Also present was the Board Solicitor, Robert Cooper and Zoning Officer, Philip Sartorio.

The Statement of Compliance was read.

Announcements: There were none.

Christopher Caffrey & Nadina Knisch; App. #13-2013; Block 1125 Lot 41.02; located at 4762 Somers Point Mays Landing Road were present and are seeking a Variance for an 8' high fence in the side lot area and any other variances(s) found to be necessary.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Mr. Caffrey was sworn in and testified that he would like to install an 8' high fence on the side of his property, along the property line. His neighbor has a large amount of dogs and when he walks to the side of his property they are very disruptive with their barking. The fence would keep the dogs from seeing him and barking at him.

Mr. Cain tried to visit the property but there was a mistake regarding the house number. The correct house number is 4726 not 4762 and he noted that the house sits back quite far.

Mr. Tomasello asked if that is the only area he would be fencing and Mr. Caffrey replied yes. Mr. Caffrey also noted his neighbor on the right side has a 4' high cyclone fence. The fence will be approximately 135' long with a corner of 6'. It will not be seen from the road.

Ms. Valentino tried to visit the property and noted that the street is busy and the houses are set far back. She did note that the proposed fence will not be seen from the road. She asked if any neighbors approached Mr. Caffrey regarding the fence and he replied no.

Mr. Caffrey noted that the neighbor (on the left) with the dogs has a 6' cyclone fence around the dog kennel. He did ask the neighbor to put up a solid fence around the cyclone so he did not see the pack of dogs or the lights.

Ms. Valentino asked how far Mr. Caffrey's fence would be from his neighbor's fence and he replied approximately 10'.

Mr. Sartorio apologized for the typo on the agenda and his report.

Mr. Tomasello asked if anyone else would like to speak during this portion of the hearing for public comment and there was none. Mr. Cain moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Ms. Valentino requested clarification on the setback from the road and Mr. Caffrey replied that it would be 230' to 240' from Somers Point Mays Landing Road. Mr. Sartorio confirmed that according to the survey the fence would be 230' from Somers Point Mays Landing Road.

Mr. Cain moved, seconded by Ms. Valentino, on App. #13-13, Block 1125 Lot 41.02 located at 4726 Somers Point Mays Landing Road to permit a variance for the installation of an 8' high fence on the northeast side of the property. The length of the fence will be approximately 135' feet long.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE
MS. VALENTINO-AYE
MR. TOMASELLO- AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN- AYE

MR. STRIGH -AYE
MR. SAMUELSEN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on the applicant and the surrounding neighbors who were noticed, the fence will not be seen from the road. The neighbor who has the kennel is being disruptive to the applicant. I don't see any detriment and I vote yes.

MR. CHRISTMAN: Yes. I live in the neighborhood and have no problem with the fence. There are many homes with fences in their yards. There have been robberies in the area and I feel dogs are necessary but can be a nuisance. I have no problems with the request.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes.

MS. ZIMMERMAN: Yes.

MR. SAMUELSEN: Yes.

MR. TOMASELLO: Yes. I believe the applicant has shown special reasons why this type of fence in this location is suitable, in order to create peace and harmony with his neighbor, who has a legal right to keep animals on his property, but has chosen to keep them close to his property. It creates a special reason/hardship situation. There would be no negative connotations to building this fence and it would be 2' over the legally permissible height under the ordinance. The applicant is entitled to the relief.

Anthony Sacco & Nicole Kraus; App. #14-2013 Block 5 Lot 12; located at 1363 Strawberry Avenue were present and are seeking a Variance to allow an accessory structure (24' x 24' garage) in the front yard area and any other variance(s) found to be necessary.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Mr. Sacco & Ms. Kraus were sworn in. Mr. Sacco testified that they would like to build a 24' x 24' pole barn/garage in front of their house. The purpose of this structure would be for storage of vehicles. It will not be used for business and will not have any utilities.

Mr. Tomasello stated that by reviewing the survey the intended area would be the only place a garage could go. Mr. Sacco said the left side of the house is where the septic and well are located.

Mr. Cain visited the property and observed that to the right of the house there is a pool, 2 sheds and a bus, which is toward the front. Ms. Kraus stated that the garage will be located behind the bus, toward the house. The pool and sheds will not impact where the garage is being proposed.

Mr. Cain asked if the garage could be located behind the well and septic system. Ms. Kraus stated they purchased the property as a foreclosure and they are not sure where the leech field is. Mr. Cain had concerns about the garage being in the front if there is room for it in the rear.

Mr. Sacco stated that they got the idea from other properties having accessory structures in the front yard area and there is a property on Jackson Road that has a pole barn to the front and left of the house.

Ms. Zimmerman asked what the garage will be used for and Mr. Sacco replied one side will be used for vehicles and the other side for storage. The pool will stay in the same location.

Mr. Cain commented that he doesn't feel impervious coverage will be an issue and Mr. Sartorio agreed.

Mr. Tomasello stated that the only issue is that an accessory structure is proposed to go in the front yard area.

The distance from the front of the property to the proposed structure would be about 130' +/- 1' foot.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was none. Mr. Cain moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Ms. Valentino moved, seconded by Mr. Cain, on App. #14-13, Block 5 Lot 12 located at 1363 Strawberry Avenue to permit a Variance for the construction of a 24' x 24' garage for residential use only. It will be located in the front yard area as an accessory structure to be located approximately 130' from Strawberry Avenue.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE
MS. VALENTINO-AYE
MR. TOMASELLO- AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

MR. STRIGH-AYE
MR. SAMUELSEN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on visiting the property, living in that area for 13 years, the property being at least 5 acres, the applicants bought it as a foreclosure and where the field beds and septic are located, I see no problem with it being set back 130 feet +/- 1 foot from Strawberry Street and I see no detriment to this application. If they want to put an addition on later I see no problem. I vote yes.

Mr. Tomasello noted this application is strictly regarding the garage, not an addition.

MR. CHRISTMAN: Yes. Everything conforms and there is no detriment to the property.

MR. STRIGH: Yes.

MS. VALENTINO: I vote yes. I did visit the property and noted that there is a hardship with the front of the property having a dictated area with the well and septic. This appears to be the only place where it could be located.

MS. ZIMMERMAN: Yes for the reasons previously stated.

MR. SAMUELSEN: Yes.

MR. TOMASELLO: I also vote yes. I feel this qualifies as a hardship. It is a large piece of property being 5 acres but it is narrow and long. Given that the applicant is limited in that part of the front yard area is burdened with well and septic system locations which are hard to determine at this point. They are left with the front yard being the only place to put a garage without taking down a number of trees to create an access route. Given the above that constitutes as a hardship and I incorporate the comments of my site review committee in that it conforms to the area. I also find the negative criteria have been satisfied as well.

Michelle Upton; App. #15-2013; Block 431 Lot(s) 1 & 2; located at 7020 Sheppard Avenue was present and is seeking a Variance to allow the installation of an accessory structure (ground mount solar panels) and any other variance(s) found to be necessary.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Mrs. Upton was sworn in along with her engineer, Robert Bruce. Mr. Bruce testified that his clients are proposing to install a ground mount solar array in their yard. The property is surrounded by 3 streets, 2 of them are paper streets (32nd Str. & Casale Blvd). The property is less than 1 acre and the ordinance requires 4 acres. The setback requirement in that zone is 175' for the front yard area and it cannot be met due to the property having 3 front yard areas. They are requesting relief of this ordinance.

The proposed solar array is 50' long and 5' wide and the panels are at an angle. It is 4' to 5' high and at the lowest point it would sit 2' off the ground. The electricity that will be generated is for their use and it will be installed where the area is marked out in the backyard.

Mr. Sartorio stated that this property has multiple front yard areas.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was none. Mr. Cain moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Cain moved, seconded by Mr. Strigh, on App. #15-13, Block 431 Lot(s) 1 & 2 located at 7020 Sheppard Avenue to allow a setback variance of 25' from 32nd Ave. and 130' from Casale Ave. for the installation of ground mount solar array The size is 5' x 50' with an elevation of 2' to 4'.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHRISTMAN-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MS. ZIMMERMAN-AYE

MR. SAMUELSEN-AYE

MR. TOMASELLO- AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: After visiting the property and I noted there are 2 unimproved roads surrounding the property and seeing that it will sit back from the road. It won't be a detriment to anyone in the area. I vote yes.

MR. CHRISTMAN: Yes. I see no affect from anyone around the area.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes and would like the resolution to reflect the size of the array (5' x 50' with an elevation from 2' to 4').

MS. ZIMMERMAN: Based on the fact that this is another case of having several front yards it becomes a hardship in putting anything in the yard at all, including their home if it was not already there. Based on those reasons and the previously stated reasons, I vote yes.

MR. SAMUELSEN: I vote yes for the previously stated reasons.

MR. TOMASELLO: I also vote yes. I agree with my colleagues that we have heard applications like these on many occasions. There are statutes that establish solar arrays as an inherently beneficial use and satisfy the positive criteria on both directions. That leaves just the negative criteria. Given the location of the property which is buffered by existing structures, I don't believe there will be any detriment to the zoning plan or anyone living in the area. I believe that anything that lessens our dependence on non renewable fuel sources is positive for everyone. For all those reasons I vote yes. Good luck.

Discussion ensued regarding ground mount solar arrays.

Mr. Tomasello asked for clarification on Application # 9-2013 (Branca) and the amount asked for impervious coverage. The total amount allowed is 2.5% and they were granted 2.75% (a difference of .24%).

Approval of Minutes – Mr. Cain moved, seconded by Mr. Strigh to approve the minutes from the July 22, 2013 meeting. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) ABSTAINS.”

Mr. Tomasello questioned why there motions were not made for the memorialization of resolutions from the June meeting. The secretary explained due to some board members abstaining or not at the meeting this was overlooked.

Mr. Cooper suggested making the corrections tonight.

Memorialization of Resolution – Mr. Tomasello moved, seconded by Ms.Valentino to adopt the resolution for Michael Kelly-App. #6-2013; Block 792.01 Lot 3. SAID MOTION CARRIED WITH TWO (2) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. STRIGH-ABSTAIN MS. VALENTINO-AYE MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Tomasello moved, seconded by Mr. Cain to adopt the resolution for Wayne & Eileen Choyce-App. #7-2013; Block 1291 Lot 1. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE MR. STRIGH-AYE MS. VALENTINO-AYE
MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Tomasello moved, seconded by Mr. Cain to adopt the resolution for Robert Sandler-App #8-2013; Block 644 Lot 7 . SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE MR. STRIGH-AYE MS. VALENTINO-AYE
MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Cain moved, seconded by Mr. Christman to adopt the resolution for Anthony & Shannon Branca-App. #9-2013; Block 11 Lot 15. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE MR. CHRISTMAN-AYE MR. STRIGH-AYE
MS. VALENTINO-AYE MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Cain moved, seconded by Mr. Christman to adopt the resolution for William Dittus -App. #10-2013; Block 649 Lot 6. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE MR. CHRISTMAN-AYE MR. STRIGH-ABSTAIN
MS. VALENTINO-AYE MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Cain moved, seconded by Mr. Strigh to adopt the resolution for Richard Shaffer, III-App #11-2013; Block 1326 Lot 1.02 . SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO-AYE	MS. ZIMMERMAN-AYE	MR. TOMASELLO- AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Ms. Valentino moved, seconded by Mr. Cain to adopt the resolution for Robert & Tracy Bustard-App #12-2013; Block 790 Lot 2. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO-AYE	MR. TOMASELLO- AYE	

SAID MOTION CARRIED.

Public Comment- Mr. Tomasello opened this part of the hearing for public comment and there was none. Mr. Cain moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Ms. Valentino commented on Sheppard Bus Company and observed the area is paved, striped, the stantions are up. The landscaping and sidewalks are in but the sign is not up. Mr. Sartorio stated they are finalizing some details.

Mr. Strigh made comments about the trees that were planted and if they were the ones proposed. The engineer will go do an inspection to make sure everything done is as per the plans.

Discussion ensued regarding the trees that were planted.

Adjournment – Mr. Samuelsen moved, seconded by Mr. Cain to adjourn the Zoning Board of Adjustment meeting at 7:53 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment