

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, Wayne Choyce, William Christman, Bruce Strigh, Elaine Valentino and Amanda Zimmerman. Alternate member, George Samuelsen, was also present in addition to Board Solicitor, Robert Cooper; Zoning Officer, Philip Sartorio and Engineering Consultant, Stephen Mazur.

The Statement of Compliance was read.

Announcements: There are none other than a reminder to Board Members that the completed financial disclosure forms are due at the end of the month. Members should get an early start on them due to the procedural changes.

Thomas Parker; App # 4-2013 Block 663 Lot 2; located at 5948 Scranton Avenue was present along with Brian Callahan, Esquire and they are seeking a variance for an accessory structure (30 x 32 pole barn) 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. Callahan testified the applicant would like to build a pole barn (30' x 32') behind his house. The property has 2 front yard areas, it fronts Scranton Avenue and behind it is a paper street (2nd Str.). The pole barn will be located 500' back from Scranton Avenue. The applicant's property is bordered on one side by protected lands from the state and the other side is 18 acres that are not developed. The closest neighbor is 700 to 800 feet away on the other side of Scranton Avenue.

Mr. Parker was sworn in and testified there are woods surrounding his property and no one would be able to see the barn. It will be used for storage and not for commercial use. His business is growing cut flowers which are sold off site. The barn will not have any living quarters and the only utility will be electric.

Ms. Valentino asked if the plot plan showed everything on the property and Mr. Parker replied yes. She asked where the pole barn would be located and Mr. Parker indicated it on the plan. Ms. Valentino asked if there was a 2nd driveway on his property and if the structure in the back was his and he replied yes. Mr. Parker replied there are 2 hoop houses (open greenhouses) located in the back of his property. One is 30' x 72' and the other is 12'x16' and both are less than 11' high. The 2nd driveway services his property. The business is conducted off site, he just grows the flowers.

Mr. Sartorio was sworn in and replied the structures were not included in the lot coverage because they are part of the agricultural operation and are seasonal because the plastic cover can be removed.

Mr. Choyce clarified the property located to the North of the applicant is owned by the state. Mr. Parker stated since nothing can be done with the land, the state bought it. The property behind 2nd Street is owned by a club and they were notified.

Ms. Zimmerman asked if the applicant owns the property or Parker House Nursery, LLC and Mr. Parker replied he owns it with his wife.

Mr. Choyce asked Mr. Sartorio if the other accessory structures required a variance and he replied no because they are part of the agricultural use.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was none. Mr. Choyce 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. Choyce moved, seconded by Mr. Cain, on App. #4-13, Block 663 Lot 2 located at 5948 Scranton Avenue to permit the construction of a 30' x 32' auxiliary structure (pole barn) in the 2nd Street front yard area as shown on the submitted plot plan and diagram.

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. STRIGH-AYE
MR. TOMASELLO- AYE

MR. CHOYCE-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on the applicant and visiting the property, the nearest neighbor is about 600’ to 700’ away. The applicant has 2 driveways, one which goes back about 400’. I don’t see any impact or detriment to anyone else. I vote yes.

MR. CHOYCE: I vote yes. The applicant has a hardship of having 2 front yards and is surrounded by land that is protected or impossible to develop due to wetlands. I see no negative impact to the Master Plan, Zoning or the neighborhood. I feel the positive and negative criteria have been met.

MR. CHRISTMAN: Yes. There is no negative impact at all.

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

MS. VALENTINO: I vote yes for the reasons previously stated and I also visited the property.

MS. ZIMMERMAN: I vote yes for the previously stated reasons as well.

MR. TOMASELLO: I also vote yes. This Board has recognized on many occasions that it is a hardship having 2 front yards. The applicant wouldn’t be here if he didn’t have that situation. The 2nd yard connects to a paper street which doesn’t exist. For those reasons I believe the positive criteria have been met. I have listened to the testimony of the applicant and Board members who visited the site and note that it is a heavily wooded rural area. There will not be any impact on light, air or open space in the vicinity or in the township. The applicant has shown he is entitled to the relief.

Diane Sinatra; App. #5-2013; Block 1345 Lot 3; located at 4131 Pearce Road was present and is seeking a variance to allow for an accessory structure (30’ x 40’ barn) in the front yard 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.

Ms. Sinatra was sworn in and testified the proposed pole barn will not be used for business or have living quarters in it. It will have electricity and water. She is also proposing a fence but it will not exceed 6’ in height but no shorter than 4’ in the front yard. The proposed pole barn will be 30’ x 40’ with a 10’ 4” overhang. She will have horses (4 and 1 mini) on the property and they are for her personal use. The pole barn will be utilized for her horses. The fencing is also for the horses.

Mr. Sartorio stated that Long Avenue is a paved street. A variance for the fence is not required if the applicant keeps it under 4’. That height is adequate for horses.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and Ms. Patricia Sato, 4130 Pearce Road, was sworn in. She asked if the barn was going to be on Pearce Road or Long Avenue and Mr. Sartorio showed her where it would be located on the map. It will be 400’ back from Pearce Road on the North side of the property. Ms. Sinatra has explored options as to the disposing of the manure.

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

Ms. Zimmerman moved, seconded by Mr. Choyce, on App. #5-13, Block 1345 Lot 3 located at 4131 Pearce Road to permit the construction of an accessory structure (30 x 40 pole barn) as indicted on the survey. There was discussion prior to the voting on the motion as to the exact position of the barn. Ms. Zimmerman withdrew her motion due to confusion as to where to barn was going to be located at. She then amended her motion to reflect the following: To permit an accessory structure (30' x 40' pole barn with a 10' 4" overhang) in the front yard of Long Avenue & placed no closer than 25' to the property line on the North side of the property.

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. STRIGH -AYE
MR. TOMASELLO- AYE

MR. CHOYCE-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: After visiting the property, I noted the shape of the property and the structure will not be visible from the road or surrounding neighbors. I vote yes.

MR. CHOYCE: I also visited the property and see no negative impact in granting the variance. This is a hardship due to the property having 2 front yard areas and wanting to construct an auxiliary structure in the rear. I see no detriment to the Master Plan and the zone for the area. I vote yes.

MR. CHRISTMAN: Yes. I see no negative impact and I think it will fit nicely on the property and in the neighborhood.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the previously stated reasons.

MS. ZIMMERMAN: Based upon the testimony and the previously stated reasons, I vote yes.

MR. TOMASELLO: I also vote yes and incorporate by reference the comments made by Mr. Choyce in his vote.

6408 Harding Highway, LLC; App. #20-2012; Block 670 Lot 4; located at 6408 Harding Highway was present along with Samuel Serata, Esquire. The applicant is requesting to occupy the building prior to completion of the improvements.

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

Mr. Sheppard was sworn in.

Mr. Serata testified the applicant is waiting for Township Engineer to submit the Performance Guarantee Estimate for the project. The applicant would like a limited temporary use of the building and parking area for interviews of potential bus drivers and aides during that time period. There will be no refueling of the buses or sales.

Mr. Sheppard stated the office would be used for interviews only and to park buses once school is out (3rd week of June). They would be stored in the fenced area.

Mr. Tomasello asked when interviews would be conducted and Mr. Sheppard replied as soon as possible. They would like to conduct the business in Mays Landing rather than Millville.

There was discussion regarding who has the authority to grant a temporary Certificate of Occupancy and Mr. Sartorio stated he would forward a recommendation to the construction office to allow the applicant to have this for a certain amount of days. Interior renovations have been done along with a fence for security purposes.

Steve Mazur, Engineering Consultant (Dixon Associates) was sworn in and testified that access to the parking lot from Harding Highway be blocked off during this stage with access from Avenue of the Pines only. Parking would be limited in the lot also.

Mr. Sheppard stated any holes in the parking lot have been filled and the entrance from Harding Highway has been blocked. There has only been work done in the interior building and inspections have been ongoing. Parking areas will be indicated for interviews.

Mr. Sartorio stated the applicant can proceed once the Guarantee has been posted.

Discussion ensued regarding the how long it was taking to get the Performance Guarantee Estimate.

Ms. Valentino asked the time frame from start to finish and Mr. Sheppard replied the project should be done by the beginning of the school year. There will be about 27 buses on the lot during the summer. The buses will be moved to Buena and Millville once the paving starts.

Discussion ensued regarding how long it will take to get the project done. It was decided that the Temporary Certificate of Occupancy would have an expiration date of August 15, 2013.

Bus repairs will not be done until the final CO is issued.

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. Strigh moved, seconded by Mr. Choyce, on App. #20-12, Block 670 Lot 4 located at 6408 Harding Highway to grant limited use of the property, specifically to the parking of 20 buses in the enclosed area and to utilize a small portion of the building to conduct interviews through August 15, 2013. The conditions are as follows: 1). Access to Harding Highway will be eliminated during this time; 2). Access will be from Avenue of the Pines with specific markings to direct individuals as to where parking and interview areas will be. The interviews will take place Monday through Friday.

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. STRIGH -AYE
MR. TOMASELLO- AYE

MR. CHOYCE-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on comments from the applicant and talking to the professionals, he is waiting for the Performance Guarantee Estimate from the Township Engineer and conditions mentioned I vote yes.

MR. CHOYCE: I vote yes also. I like the fact that the applicant has the fencing up and the buses will be parked behind it. I saw the concrete barriers that are blocking the entrance from Rt. 40 into the property and feel that will be helpful during the construction phase. Hearing from Mr. Sartorio regarding all the safety inspections will be completed inside the Temporary CO will be issued. I see nothing negative about the request.

MR. CHRISTMAN: Yes. I believe the request fits in the proper order of what is being done.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes. Hopefully by the time the expiration of the Temporary CO is over the project will be close to completion and there will be no construction or improvements made once the school year starts.

