

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Frank Tomasello, presiding. Members present were Wayne Choyce, William Christman, Bruce Strigh, Elaine Valentino and alternate member, George Samuelsen. Also present was the Board Solicitor, Robert Cooper and Zoning Officer, Philip Sartorio.

The Statement of Compliance was read.

Announcements: Application # 22-2013 has been pulled from tonight's meeting at the request of the applicant and will be heard at the January 27, 2014 meeting. There is no need to notice or advertise again.

Anthony Tirelli; App. #21-2013; Block 642 Lot 19; located at 6050 Estelle Avenue was present and is seeking a Variance approval for the height of a proposed accessory structure (pole barn/garage) to exceed 15 feet.

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

Mr. Tirelli was sworn in and testified he would like to construct a pole barn in the back of his house & didn't realize there was a height restriction. It will be used for storage of his boat & backhoe, which are currently stored in the back yard. The ceiling height would be 14 feet and the outside to the top would be 17.5 feet and 20 feet to the peak. The peak roof is measured at the midpoint, as per the ordinance. He would exceed the height by 2 feet.

Ms. Valentino visited the site and noticed the boat outside and noted the property is large but there are wetlands located behind the house. Mr. Tirelli stated he would like to keep the pole barn by the house. There will be 3 garage doors on the pole barn with the center one being 13 feet and the side doors being 12 feet. The center door is for the boat and the side doors are for the back hoe. He also has a ski boat which will be stored in the barn. There will not be a 2nd floor or any utilities. It will not be seen from the street.

Mr. Sartorio was sworn in and testified the ordinance reads the peak roof is measured at mid point.

Mr. Choyce asked if side yard set backs are an issue and Mr. Sartorio confirmed this application is for height only.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was no response. Mr. Choyce moved, seconded by Mr. Strigh 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. Strigh on App. #21-13, Block 642 Lot 19 located at 6050 Estelle Avenue to grant a Variance for the height of an accessory building (pole barn/garage) located on the plot plan as shown by the applicant with a maximum height of 17.5 feet where 15 feet is required.

SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MR. TOMASELLO-AYE

MR. STRIGH -AYE
MR. SAMUELSEN-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. What the applicant is requesting is to minimally increase the maximum height of an accessory structure. Based on testimony by the Board Member the visibility from the road will be minimal if at all. The applicant owns a large piece of property which is heavily wooded. There is no detriment to Master Plan or Zoning Ordinances. I see no true negative impact to this request.

MR. CHRISTMAN: Yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the previously stated reasons.

MR. SAMUELSEN: Yes for the previously stated reasons.

MR. TOMASELLO: I also vote yes. I note that the applicant filed this as a C1 hardship variance and I believe it should be a C2 and he is entitled to the relief. It is diminimis in height over the maximum allowed and will provide a more aesthic environment by enclosing some construction equipment and a boat which would be parked on his property. I also note from my site review person this is truly a located in a rural setting and both the positive and negative criteria have been met. The applicant is entitled to the relief.

Approval of Minutes – Ms. Valentino moved, seconded by Mr. Strigh to approve the minutes from the November 18, 2013 meeting. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO- AYE	MR. SAMUELSEN-AYE	MR. TOMASELLO-ABSTAIN

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Strigh moved, seconded by Mr. Choyce moved to adopt the resolution for Michael Zyndorf -App. #18-2013; Block 668 Lot(s) 3 & 4 SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO- AYE	MR. SAMUELSEN-AYE	

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Strigh moved, seconded by Mr. Choyce moved to adopt the resolution for Joseph Larrimore -App. #19-2013; Block 1317.02 Lot 12. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO- AYE	MR. SAMUELSEN-AYE	

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Strigh moved, seconded by Mr. Choyce moved to adopt the resolution for Katie Mazur -App. #20-2013; Block 588 Lot123 SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. VALENTINO- AYE	MR. SAMUELSEN-AYE	

SAID MOTION CARRIED.

Public Comment- Mr. Tomasello opened this part of the hearing for public comment and Ms. Dix commented on the application which was postponed to the January meeting.

Mr. Tomasello opened this part of the hearing for public comment, and there was no response. Mr. Choyce moved, seconded by Mr. Samuelsen to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Cooper stated that an applicant (Harding Brass) is requesting a special meeting for a new application (interpretation). The only dates would be the week of Christmas or week of New Years, the 23rd or 30th. If not then they can be placed on the agenda for January.

Mr. Choyce stated if this was a new application with new testimony he doesn't see the need to rush it before the end of the year. Ms. Valentino agreed.

Mr. Sartorio noted the applicant is scheduled to be in court before the regular January meeting.

Mr. Strigh is also not in favor of a special meeting.

The applicant requires a 4 vote.

The Board reviewed the applicant which was submitted.

There was discussion as to when a special meeting could be held and that the applicant would be responsible fees involved.

Executive Session- Mr. Tomasello opened this part of the hearing for Executive Session. Mr. moved, seconded by Mr. Choyce to enter into Executive Session regarding litigation at 7:30 pm.

Mr. Choyce moved, seconded by Mr. Strigh to end Executive Session at 7:41 pm. and reconvene the regular meeting.

There is a request from Mr. Daily, representing Harding Brass, to hold a special meeting before the end of this year. If not he would be placed on the January meeting. Mr. Choyce moved, seconded by Mr. Strigh to deny the request for a special meeting and the applicant can be heard at the regular scheduled meeting in January.

SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MR. SAMUELSEN-AYE

MR. TOMASELLO -AYE

SAID MOTION CARRIED.

Discussion ensued regarding the signs located at the Harding Brass applicant and the signs they have at the property. There was also discussion regarding the Yang application and if the work has been complete.

Mr. Tomasello appointed Ms. Valentino, Mr. Strigh and Mr. Choyce to a subcommittee to appoint the professionals for the upcoming year.

Mr. Tomasello also announced this is his last Zoning Board meeting. He will now be a full member of the Hamilton Township MUA and for a variety of reasons finds it impossible to continue on both boards. He stated it has been a privilege, honor and pleasure to serve on this board & feels the board is in capable hands and will continue to be a beacon of integrity & would like to thank everyone for your help. He has relied on everyone and there has not been anyone who has failed him. We may not have agreed 100% all the time but we have respected each other and opinions.

Mr. Strigh told Mr. Tomasello that it was a pleasure serving with him and best of luck. He has led the Board through some interesting applications and good luck.

Mr. Choyce also stated that it was a pleasure working with him and he has learned a lot. Good luck.

Ms. Valentino echoed the former comments of the board members and has been a pleasure working with him. Good luck on your new endeavor.

Mr. Samuelsen stated good luck Mr. Tomasello.

Adjournment – Mr. Choyce moved, seconded by Mr. Strigh to adjourn the Zoning Board of Adjustment meeting at 7:48 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment