

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, Kathi Lentz, John Sacchinelli, Bruce Strigh, Elaine Valentino and Amanda Zimmerman. Also present were Solicitor, Robert Cooper and Zoning Officer, Philip Sartorio.

The Statement of Compliance was read.

Announcements –Application # 31-11 Michael Guterman/1317 Associates has been postponed at the request of the applicant and will be heard during the February 27, 2012 Zoning Board meeting. This announcement will stand as notification of postponement so re-notification is not necessary. The applicant consents to an extension of time which the Zoning Board is required to act on the Applicant's application to accommodate the postponement.

Luis Guzeman– Application #32-11; Block 672.0 2 Lot 4 located at 181 Ardmore Road was present and is seeking a rear yard setback variance to add a roof onto an existing deck 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. Guzeman stated he was before the Zoning Board approximately 9 or 10 years ago for a rear yard setback in order to construct a 14' x 18' deck. He would like to put a roof over the deck to protect him against the elements when he utilizes his grill. The deck has 10 footing postings instead of the required 5 and he feels that this makes the deck structurally sound. He would also like to have electricity on his deck for lighting. There are no other structures on his property (sheds, detached garage, etc.).

Mr. Choyce noted that the deck that is currently on his property is different than the photos that were provided. There is a lower deck that was built 5 or 6 years ago and that is where all the grilling equipment is located. Since this portion of the deck is free standing and less than 100 square feet he did not need construction permits or a variance due to sufficient setback.

Mr. Guzeman stated the roof would cover the entire deck, including the lower portion. The roof line will protrude 15' from the house (including the rain gutters). That would require a rear yard setback of 5' from the property line. He has no plans to enclose the deck. The roof will be a straight rectangular roof and will measure 15' x 28'.

The original variance that was granted was for an "open deck" and now the applicant is requesting to change the terms that were originally granted by proposing a roof over the deck.

Ms. Valentino asked how the roof would be connected to his house and Mr. Guzeman stated it would be below the second story window and bevel out to the corners. The height at the end of the deck will be about 9' and will go straight across and above the lower portion of the deck with 12' clearance. The roof will change the lower deck from a free standing deck to an attached deck.

Exhibit A-1: Photograph of existing upper deck with a line that notates where the proposed roof will be attached to the house.

Ms. Zimmerman pointed out that the survey submitted by Mr. Guzeman shows that the property line is angled. The west side of the proposed roof will be closer to the rear property line than the east side. The 5' variance that is being proposed would not be correct. Mr. Guzeman does not know the exact distance from the rear property line to that portion of the proposed roof.

It was suggested to Mr. Guzeman to adjourn his application until the February meeting so exact measurements can be obtained for the proposed rear yard setback.

Ms. Zimmerman questioned if impervious coverage had been calculated and it had not been addressed at this time. There was some discussion in reference to the impervious coverage once both decks are covered by the proposed roof.

Mr. Sacchinelli suggested that when the applicant comes back in February to have the following information:

- Enlarge the drawing and indicate that the smaller deck is detached.
- An exact number of how far the roof line will be from the rear property line (include potential gutters).
- A recent photo which shows the detached deck.

An impervious coverage calculation for the entire lot will be performed by Mr. Sartorio.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Ms. Lentz 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.”

This application is postponed until the February 27th meeting and re-notification by the applicant does not have to be performed.

Approval of Minutes – Ms. Valentino moved, seconded by Mr. Cain to approve the minutes from the November 28, 2011 meeting and the January 9, 2012 reorganization meeting.

Memorialization of Resolutions - Resolutions prepared by the Solicitor for the following applications from the November 28, 2011 meeting were adopted as follows:

Mr. Strigh moved, seconded by Ms. Lentz to adopt the resolution for Weymouth United Methodist Church - App. # 28-11; Block 587 Lot 2.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MS. LENTZ – AYE
MR. SACCHINELLI-ABSTAIN	MR. STRIGH – AYE	MS. VALENTINO –AYE
MS. ZIMMERMAN-AYE	MR. TOMASELLO – AYE	

SAID MOTION CARRIED

Mr. Cain moved, seconded by Mr. Strigh to adopt the resolution for Brian Fike– App. #30-11; Block 1317 Lot11.

MR. CAIN – AYE	MR. CHOYCE-AYE	MS. LENTZ – AYE
MR. SACCHINELLI-ABSTAIN	MR. STRIGH – AYE	MS. VALENTINO –AYE
MS. ZIMMERMAN-AYE	MR. TOMASELLO – AYE	

SAID MOTION CARRIED

Public Comment – Chairperson, Frank Tomasello opened this portion of the meeting for public comment. There being none Mr. Choyce moved, seconded by Mr. Sacchinelli to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Mr. Choyce commented that on the summary report for 2011 Zoning Applications that were heard a majority were for 2 front yards and it continues year after year. Mr. Sartorio stated the ordinance cannot be changed due to the state definition of a street line.

Mr. Cooper commented that any discussion in reference to Applicant 31-11 should not be conducted until the hearing date in February and he also defined “estoppel”.

Discussion ensued in regards to equitable estoppel and if the Zoning Board is bound by acts made by Township Employees.

Adjournment – Mr. Choyce moved, seconded by Mr. Sacchinelli to adjourn the Zoning Board of Adjustment meeting at 7:55 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment