

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 and Elaine Valentino. Also present were Solicitor, Robert Cooper; Zoning Officer, Philip Sartorio and Kevin Dixon, Engineer Consultant.

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 March 26, 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.

Mr. Cooper stated that if the Applicant requests a postponement in March he should re-notice and re-publish.

Mr. Strigh questioned if the applicant or the Township is publishing notifications and the Secretary answered starting with the March meetings the applicant will be in charge of publishing the notification.

Luis Guzman– Application #32-11; Block 672.02 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. This is a continuation of the public hearing from January 23, 2012.

Mr. Sartorio stated the impervious coverage increase is less than 1% and a variance for impervious coverage is not necessary. After reviewing the detailed information Mr. Guzman provided, the roof line on the left side will be 5' away from the rear property line and the right side will be 12'.

Ms. Valentino asked about water runoff and Mr. Guzman answered the downspouts will face Ardmore Road and the water will flow that way. This is depicted on Attachment B.

There is no fence around his property but a fence is between the two properties to the right on the applicant.

Mr. Strigh has concerns about the roof being too close to the rear property line. Mr. Guzman does not feel a fence is necessary between his and his neighbor's property and no trees will be removed.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Strigh 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. Valentino moved, seconded by Mr. Choyce, on App. #32-11, Block 672.02, Lot 4 located at 181 Ardmore Road to grant a rear set back variance to be no closer than 5' to the existing property line for purposes of adding a roof onto an existing open deck with the condition that all drainage of water go toward the street rather than the rear property line.

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

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on visiting the property, drawings submitted and no comments/issues from the neighbors, I find nothing detrimental with what is proposed. The applicant is just closing in the existing deck. I vote yes.

MR. CHOYCE: I would like to thank the applicant for the detail that has been provided. The photographs, satellite view and detailed sketches helped in making my decision. I don't see any negative impact and this community has small yards which are close to each other. Not having heard any negative comment from the public I vote yes.

MS. LENTZ: I vote yes for the same reasons.

MR. SACCHINELLI: I vote yes for the same reasons.

MR. STRIGH: I vote yes for the same reasons.

MS. VALENTINO: Yes as previously stated.

MR. TOMASELLO: I vote yes. Traditionally this is a hardship due to the lots being small and built out very nearly to the extent that the builder could when they were first proposed. This hardship works in favor for the applicant. I don't believe this would harm the intent of the zoning plan for the township. This application was the subject of a prior variance for the deck and we are allowing it to be covered and extending it by about 1'. This is minimal impact and we are impressed by the fact that no other neighbors are here to complain about the application even though we have been here for 2 meetings. If there was anyone who thought this was a detriment they would have been here by now.

Nadia Cayce– Application #33-11; Block 1030 Lot 2 located at 2 Princeton Place was present and is seeking a rear yard setback variance, a variance for impervious coverage and any other variance(s) found to be necessary.

Mr. Tomasello recused himself and Ms. Valentino will be chairing this portion of the hearing.

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

Ms. Cayce stated she would like to put a deck in her backyard. The side of the deck will line up with the side of the house. She has lived at her house since 2003 and is the first owner. No additions have been put on to the house. A green wire fence separates her property from the water basin and she put up a vinyl fence on her property line. The distance from the vinyl fence to the green wire fence is approximately 7'. She did receive a Zoning Permit for the vinyl fence.

Discussion ensued in regards to the setbacks that were imposed when the subdivision was built and the current setbacks of that area.

The following were sworn in: Philip Sartorio, Zoning Officer and Kevin Dixon, Engineer Consultant.

Mr. Dixon testified that the coverage currently exceeds what is allowed in that zone and there are 2 items that were considered while reviewing this application.

- 1). Amount of runoff generated from the proposed deck.
- 2). What may result from runoff from other decks if this deck is approved.

This deck, from a drainage standpoint, has 2 unique points:

- 1). Location to the drainage basin (any increased runoff will go toward the basin and not be an issue).
- 2). It is small and will not impact the storm water management.

The property and proposed deck will be sloped toward the basin. It is recommended that the deck boards be spaced so the runoff would go between the boards of the deck and hitting the ground. Ms. Cayce stated the boards will be tongue and groove with no spacing. Mr. Dixon stated having the spacing would be desirable.

Ms. Cayce stated the basin located behind her property has never been full.

Discussion ensued in regards to standards when that subdivision was built. It was confirmed that wooden decks are considered impervious coverage.

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

Ms. Lentz moved, seconded by Mr. Sacchinelli, on App. #33-11, Block 1030 Lot 2 located at 2 Princeton Place to approve a 17' rear setback variance and 42'.8" impervious coverage for a 14' x 28' deck.

SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "ONE (1) ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: After visiting the property, seeing the fence which encloses the property, hearing testimony from our engineer regarding the runoff and that there will be no impact to the drainage or to the neighbors. The changes that are being requested will not be a detriment to anybody I vote yes.

MR. CHOYCE: Having visited the site and observing the location of the home (on the corner). There is common ground on the side of the property and behind it which leads to the drainage basin. The topography of the property will have the runoff away from any other property and into the common area. The additional coverage of the deck will have minimal runoff and the applicant has a hardship based on when the development was approved the conditions for lot size and coverage were less demanding than now. I vote yes and see minimal negative impact.

MS. LENTZ: I also visited this property and never noticed any water in the drainage basin. I view this as a hardship because the lot size requirements have changed from the time when the development was approved to when she took ownership. I don't see any negative impact and I vote yes.

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

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

MS. VALENTINO: I vote yes for the previously stated reasons.

Mr. Tomasello resumed his position as Chairman.

Maurice McDonnell– Application #34-11; Block 204 Lot 6 located at 7356 Woodbury Road was present and is seeking a variance to permit an accessory structure (ground mount solar panels) in the front yard area and any other variances found to be necessary.

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

Mr. David Phillips was sworn in (he is an employee of the solar company).

Mr. McDonnell stated that he is proposing to install ground mount solar array panels in the front section of his property located to the left of his driveway. It will provide electricity for personal use and excess energy will not be sold back to the electric company.

Mr. Phillips stated if any excess electricity is produced it will feed back to the grid and will be pulled back for his use. A roof mounted array could not be considered due to the size of the roof of the house. The back yard area could not be considered due to shade trees, setbacks, etc. Trees in the front yard area have already been taken down to accommodate this.

Anthony Chadwell was sworn in (he is the engineer for this project). He testified that there are 2 sets of solar arrays being proposed and the measurements are as follows:

- 8'-9' at its highest point
- 2' off the ground (this is the lowest point)
- The sizes are 8'.5" x 65'.10.5" and the other 8'.5" x 60'.7"

A plot plan was not submitted with this application but an aerial photograph was. Discussion ensued in regards to where these panels would be placed on the applicant's property and setbacks.

Mr. Cain visited the property and observed from the road the trees to right of the house have been cleared. Mr. McDonnell stated the panels could not go in the back yard area due to fruit trees, pool and septic system.

Board members voiced concerns in regards to not having a professional plot plan submitted with this application. It was strongly suggested by the Chairman to Mr. McDonnell that his application be continued March 26th and he return with a plot plan prepared by a professional showing detail to his property and indicate where the solar panels are being proposed. The Board agrees he does not have to re-notice or re-advertise for continuation of this application. This plot plan is to be submitted to the Zoning Board Secretary at least 10 days prior to the March meeting.

Approval of Minutes – Mr. Cain moved, seconded by Mr. Strigh to approve the minutes from the January 23, 2012 meeting. SAID MOTION CARRIED WITH MEMBERS VOTING "AYE," NO "NAY".

Memorialization of Resolutions – There were no resolutions to memorialize.

Approval of 2011 Annual Report (Required) 40:55d-70.1 – Suggestions of were made by Phil Sartorio in regards to PURD's and standards to change. The Zoning Board can make recommendations to Planning Board and Township Committee about revising ordinances for some areas of the Township.

Mr. Strigh moved, seconded by Mr. Choyce to approve the 2011 Annual Report 40:55d-70.1. SAID MOTION CARRIED WITH MEMBERS VOTING "AYE," NO "NAY".

Mr. Tomasello opened this part of the hearing for public comment. Ms. Aline Dix had comments in regards to impervious coverage in the Chancellor Park subdivision and an approved shopping complex located on Harding Highway.

Mr. Tomasello asked if anyone else wanted to speak for this portion of public comment and there was no response. 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. Strigh asked if at the March meeting the Zoning Application Review Committee can present their suggestions. This item will be on the next agenda. He also had concerns about two previous applicants and if time frames were set in the resolutions to remove items.

Mr. Sartorio stated he would review the resolutions and discuss these items with the code violation employee.

Adjournment – Mr. Sacchinelli moved, seconded by Mr. Strigh to adjourn the Zoning Board of Adjustment meeting at 8:23 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment