

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, John Sacchinelli, Bruce Strigh, and Alternate Member Amanda Zimmerman. Also present were Solicitor, Robert Cooper and Zoning Officer, Philip Sartorio.

The Statement of Compliance was read.

Announcements – There were no announcements.

Jordan Padula– Application #5-12; Block 201 Lot 4 located at 7330 Jackson Road was present along with his attorney Eric LeBoeuf and is seeking a variance to permit a 6’ fence 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. Padula testified that this is a 5 acre lot, $\frac{3}{4}$ of it covered in brush and trees, the front (where the house is located) is open grass, it is also between 2 main roads (Malaga Road & Jackson Road). He would like to install a 6’ wood stockade fence behind the house for privacy. The existing trees will not be removed.

Mr. Choyce asked if there was going to be fencing along the back which would connect the fencing along the side and Mr. Padula replied yes but it will be an open wire fence.

Mr. Cain visited the location and asked if the fencing along Malaga Road would be about 10’ – 15’ in from the road and Mr. Padula replied yes and possibly in more.

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.”

Mr. Choyce moved, seconded by Mr. Sacchinelli, on App. #5-12, Block 201 Lot 4 located at 7330 Jackson Road to permit a 6’ high fence in the front yard portion of the property along Jackson Road and Malaga Road as depicted in the sketch provided by the applicant.

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

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE-AYE

MR. SACCHINELLI-AYE

MR. STRIGH – AYE

MS. ZIMMERMAN –AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: After visiting the property and seeing how the property is configured I can understand why the extra height is needed. I see no negative criteria and there will be no obstruction with either of the roads because it is not coming into the line of sight. I vote yes.

MR. CHOYCE: I feel the applicant is at a disadvantage with the triangular shape of his property and having 2 front yards becomes a hardship. The 6’ high stockade fence will add to the privacy of the property. I don’t see any negative content against any of the zoning or master plan for the township. I vote yes.

MR. SACCHINELLI: For all the reasons stated so far, I vote yes.

MR. STRIGH: Yes for the same reasons.

MS. ZIMMERMAN: Based on the testimony of the applicant and the reasons previously stated, I vote yes.

MR. TOMASELLO: I also vote yes. On many occasions applicants have come before the board for having multiple front yards. This is double hardship given the triangular shape of the property and the fact that the 2 side yards are considered front yards. He would be permitted to install a 4' high fence but is seeking a 6' high fence for the sides of his property. I understand the reasoning to be privacy and most of all security. Being on 2 busy roads I believe a 6' high stockade fence would be safer for his animals and potential children but also a deterrent for future crime. Given he is only seeking 2' over what is allowed in that area I don't see any negative aspects to this application. It is a sparsely populated area and heavily wooded area with few neighbors.

John Aspenberg– Application #6-12; Block 730 Lot1 located at 6137 Old Harding Highway was present and is seeking a rear yard setback variance along with a Certificate of Appropriateness for an addition onto the back of an existing dwelling 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. Aspenberg testified the rear of his property backs up to Lake Lenape and he has owned it for 15 years. The house is located in the Historic District. The addition (9.2' x 4') will be within the footprint of the existing building and squaring off the area where the deck is currently located. The purpose of the addition is to enlarge the kitchen which will be used for their personal use. The applicant appeared before the Board having previously appeared before the Historic Preservation Commission and having obtained their recommendation that the Board issue a Certificate of Appropriateness for the project.

Mr. Cain visited the site and noted that the addition will not be seen by neighbors or from the road. Mr. Aspenberg has already been to the HPC meeting and stated the addition will have cedar siding.

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

Mr. Cain moved, seconded by Mr. Sacchinelli, on App. #6-12, Block 730 Lot 1 located at 6137 Old Harding Highway to grant 12' (+/-1') rear yard setback variance to allow for an addition (9.2' x 4') to the North side of the dwelling and a Certificate of Appropriateness.

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

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE-AYE

MR. SACCHINELLI-AYE

MR. STRIGH – AYE

MS. ZIMMERMAN –AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: After visiting the property and knowing the unique situation of where the house is at I noted the neighbors will not see the addition and neither will anyone from the road. I see no detriment to anybody unless you are paddling along Lake Lenape. I don't see an issue of granting him the variance to do the addition. I vote yes.

MR. CHOYCE: I see the applicant has somewhat of a hardship due to the triangular shape of the property. What he is proposing to do is to square off the dwelling that presently exists. I see no negative impact to the surrounding neighborhood, zoning or master plan of the township. This addition would give the applicant more room for enjoyment of his family. I vote yes.

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

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

MS. ZIMMERMAN: I vote yes for the reasons stated.

MR. TOMASELLO: I also vote yes. This is a situation where a house is more than 50 years old and predates the zoning ordinance. I am familiar with the neighborhood and the lots and building tended to be much smaller and closer together in an era before zoning laws. In addition he is backed up to the lake and has a triangular shaped piece of property. All of the above constitutes as a hardship. What the applicant is proposing is to square off the building to allow for an extension of a kitchen. I see no negative impact and there have been no objectors from the neighborhood who would oppose the application. Therefore given all of the above there are no negative impacts to granting the application. I vote yes.

Saeed Bhatti - Application # 7-12; Block 1132.18 Lot 121; 240 Pheasant Run Road was present and is seeking a variance to permit an accessory structure (sunroom, rear landing, and stairs) onto the back of an existing dwelling 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. Bhatti is proposing to install a small sunroom attached to the back of his dwelling. His elderly parents live with him and he feels they would get enjoyment from this structure. There are woods behind his house which is the common open space area owned by the developer.

Mr. Sartorio reviewed the Zoning Application and noted that the steps and landing are the issue for the variance. The 18' includes the steps and landing only.

Mr. Cain asked if the existing back door will be in the sunroom and Mr. Bhatti answered yes. The stairs that are currently located by the back door will be removed.

Mr. Bhatti stated the stairs will be lengthwise toward the fireplace. The structure will be projecting out further than originally indicated. Mr. Sartorio indicated the structure will be 10' off the dwelling (by the rear window) and 8.9' wide.

Mr. Choyce visited the property and noted what is being proposed will not interfere with any potential neighbors in the back due to that property being a common open space owned by the developer.

Mr. Cain also visited the property and confirmed with the applicant that this is the only item that will be going into the back yard.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. 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. #7-12, Block 1132.18 Lot 121 located at 240 Pheasant Run Road to allow for a rear yard setback variance of 20' (+/- 1') to allow for the addition of a sunroom to the home on the property.

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

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE
MR. STRIGH – AYE

MR. CHOYCE-AYE
MS. ZIMMERMAN – AYE

MR. SACCHINELLI-AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: There is a lot of room in the back of this house and because it backs up to open space it won't interfere with any neighbors looking into the property. This is not a detriment to any neighbors and will be used by family members. I vote yes.

MR. CHOYCE: We are dealing with an application in a subdivision where there is very little room for any resident to add or modify their property in any way. What is being proposed is to the rear of the property and will not impact the side yard setbacks. The fact the property directly behind the applicant is preserved land which will never be developed and it is heavily wooded. I see no negative impact to the

request that the applicant is making .It is strictly for the expansion of his home for his families use. I vote yes.

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

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

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

MR. TOMASELLO: I vote yes and incorporate the reasons previously stated.

Paul Theorgood; App. #8-2012; Block 23 Lot 4; 1326 Orchard Road was present and is seeking a rear yard setback variance for the construction of a deck (22' x 20') on to the back of an existing dwelling 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. Theorgood presented drawings to the Board which Mr. Tomassello marked as follows:

A-1: 3 sketches with dimensions of proposed deck

The builder was before the Zoning Board in 1998 for a rear yard setback variance in order to build the house. The property has wetland buffers in the front which is why the house sits toward the rear. The applicant was before the Zoning Board in 2002 for a rear yard setback variance for the detached garage (40' x 64') that was built.

Mr. Theorgood answered that the deck will not extend further into the backyard than the garage. The deck will not have an attached roof and it will not have any utilities. The material that is being used is wood. He is building this deck with his grandson.

Mr. Cain visited the property and noted the pole barn is located to the right of the house. The house has a driveway that is approximately 300' and there are no neighbors that can see this property. The lot is 5 acres and there is no detriment.

Mr. Choyce also visited the property and noted it is in a heavily wooded area. No one will be able to see what is being proposed.

Mr. Tomassello opened this part of the hearing for public comment and there was no response. Mr. Choyce moved, seconded by Mr. Cain 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. Sacchinelli on App. #8-12, Block 23 Lot 4 located at 1326 Orchard Road to allow a rear yard setback of 63.8' (+/- 1') to construct a 22' x 20' attached deck.

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

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE-AYE

MR. SACCHINELLI-AYE

MR. STRIGH – AYE

MS. ZIMMERMAN –AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: I visited the applicant's property noted the existing pole barn and that is located in a heavily wooded area. I vote yes.

MR. CHOYCE: The applicant's property is large in size and acreage. There is a bit of a hardship due to the wetlands when the house was originally built forcing the home to be built toward the rear of the property. The positive aspect is for the applicant to enjoy the outdoors with his family. I see no negative impact and surrounding property owners will not be impacted by this deck in any way. I vote yes.

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

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

MS. ZIMMERMAN: I vote yes for the reasons stated.

MR. TOMASELLO: I vote yes and incorporate the reasons previously stated.

Board members had questions in regards to previous zoning variance applications.

Zoning Application Review Committee Presentation-Mr. Sartorio stated he will have a checklist to the Board before the May 14, 2012 meeting.

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Cain to approve the minutes from the March 26, 2012 meeting with corrections. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY” and NO “ABSTAIN”.

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications from the March 26, 2012 meeting were adopted as follows:

Mr. Cain moved, seconded by Mr. Sacchinelli to adopt the resolution for Michael Guterman/1317 Associates- App. #31-11; Block 1317 Lots 17.02 & 17.03. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Mr. Sacchinelli moved, seconded by Mr. Choyce to adopt the resolution for Maurice McDonnell– App. #34-11; Block 204 Lot 6. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Mr. Sacchinelli moved, seconded by Mr. Cain to adopt the resolution for Irvin Cruz– App. #1-12; Block 936 Lot 10. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Mr. Cain moved, seconded by Mr. Sacchinelli to adopt the resolution for William Dittus–App. #2-12; Block 649 Lot 6. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Mr. Choyce moved, seconded by Mr. Cain to adopt the resolution for Baker Residential– App. #3-12; Block 1132.18 Lot 131. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Mr. Choyce moved, seconded by Mr. Cain to adopt the resolution for Alfred & Janette Freeman - App. #4-12; Block 1313 Lot 13. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MR. CHOYCE-AYE MR. SACCHINELLI-AYE
MR. STRIGH – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Mr. Tomasello opened this part of the hearing for public comment. There being 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.”

Adjournment – Mr. Choyce moved, seconded by Mr. Cain to adjourn the Zoning Board of Adjustment meeting at 8:12 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment