

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

The Statement of Compliance was read.

Announcements – **Robert Kahrman**– **Application #13-12**; Block 997 Lot1 located at 1 Lewis Drive will be postponed at the request of the applicant until July 23, 2012. 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.

Fred and Nancy Kneble - Application #12-12; Block 979 Lot 5; 5473 Mays Landing Somers Point Road will not be heard tonight due to experts not being available to testify during tonight's meeting. Mr. Baylinson asked, via a letter received today, that this matter be continued until July 23, 2012 due to experts not being available. 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.

Tomi Perraut – Application #11-12; Block 217 Lot 1 located at 7240 1st Avenue was present and is seeking a variance to allow for an accessory structure (ground mount solar array 65' x 13') in the front yard area and any other variance(s) found to be necessary. Also present was Mark Perraut and Nikolai DeMarinis, Solar Consultant for the applicants.

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

Philip Sartorio stated that this property has three front yard areas but only one of the streets is improved (1st Avenue).

Mr. Tomasello asked if the solar power will be for personal use. Mr. Perraut stated yes and any excess power is required to be bought back by the electric company. Mr. DeMarinis testified that less than 6 trees will be cut on the property for this project.

Ms Valentino visited the property and noted there is a clearing in the front of the house and asked if that is similar to the clearing in the back and Mr. Perraut stated it is more open. She stated that this is a rural area with many trees and there is no clear view of the house from adjoining property owners. The solar array will not be visible from 1st Avenue and the other streets are not improved.

Mr. Choyce viewed the property from 1st Avenue and noted that the solar array will not be visible from the street and the property behind the applicant (on Woodbury Road – which is undeveloped) will not be able to see this array.

Mr. Cain also visited the property and was allowed access to the backyard by the renters. He noted that the lot is 10 acres and the back is not visible to any neighbors. The array will be located at back left corner of the property. The tree removal will be minimal.

Ms. Zimmerman visited the property from 1st Avenue and shares the same sentiments as the previous Board Members and agrees that the surrounding neighbors will not be able to observe this solar array.

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. Sacchinelli, on App. #11-12, Block 217 Lot 1 located at 7240 1st Avenue for a variance to allow an installation of a solar array (65' x 13') in the front yard area of an undeveloped road (Woodbury Road).

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: I visited the property and noted it has three front yards, two of which are not improved. A minimal amount is being cleared and the array will not be visible to anyone. There is no negative impact and for that reason I vote yes.

MR. CHOYCE: I vote yes. We have an applicant who has the hardship of having three front yards and the physical location where the solar array will be installed is fronting on two undeveloped streets. The possibility of those streets being developed in the future is very slim. I see no detriment to the township zoning ordinance by granting this variance and there is no detriment or negative effect to any neighbors associated with this construction.

MS. LENTZ: I vote yes given the hardship factors of three front yards. There is no detriment to surrounding property owners or the municipality.

MR. SACCHINELLI: Based on the comments of my fellow committee members I vote yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the reasons previously stated. I also visited the property and would include that the array be developed in accordance with the setbacks that are included in the plan (36’ from Avenue C; 32’ from Woodbury Road and 67’ from the right property line).

MR. TOMASELLO: I vote yes. I would like to commend the applicant for the proposal of the solar array. My hat is off to anyone who comes forth with a plan for alternative energy sources. In this day and age it is an essential thing for anyone in our state and country. Additionally the statutes indicate that a solar array is an inherently beneficial use therefore the positive criteria are satisfied. In addition the applicant is burdened with the fictitious three front yard scenario which is even more burdensome because two of those front yards are for streets that do not exist and probably never will. With regard to the negative criteria I have listened to the applicant as well as the fellow Board Members who have visited the site and indicate that it is a well wooded area and would not be visible to anyone other than the applicant. Therefore I feel the negative criteria have also been met and this application would cause no harm to the zoning plan and zoning ordinances for Hamilton Township.

Jeffrey Montemurro– Application #14-12; Block 53 Lot 27 located at 2008 Lawrence Lane was present and is seeking a front yard variance for the construction of an attached deck (15’ x 25’) to the front of the house and a rear yard setback variance for an expanded area of a shed/garage (14’ x 31’) 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. Montemurro testified that the shed shown on the survey has been removed. The deck will not have a roof or utilities. It will have solar lights. The garage is a metal frame kit which has vinyl siding to match the house. It will be used for storage and workshop for home hobbies.

Mr. Cain visited the property and asked about the shed (14’ x 16) which is currently located on the property. Mr. Montemurro stated it has been sold and removed from the property. There is a temporary building which is housing the items which were in that shed. The landscaping trailer that is on the property was given to Mr. Montemurro to repair and he stated he does not own a landscaping business. Once the garage is built the temporary building and landscape trailer will be removed.

Mr. Choyce asked how close the garage will be built to the rear property line and Mr. Montemurro stated the house is 12' away from the rear property line and the garage will not be any closer. It will be located 1.5' to 2' away from the side yard.

Mr. Sartorio stated this property has 2 front yards and 2 rear yards. The side and rear yard setbacks in that zone for accessory structures are 10'. The applicant also needs a variance for lot coverage of 11.1%. This takes into account the house, proposed structure and proposed deck.

Mr. Cain visited the property and noted the back yard is fenced in. There are no trees or shrubs being removed for this project.

Mr. Choyce also visited the property and noted the property is cleared of trees. There is a 6' fence along the rear and side of the property. What is being proposed will not be intrusive to anyone in the neighborhood.

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

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #14-12, Block 53 Lot 27 located at 2008 Lawrence Lane for a projection variance for the construction of a 15' x 25' deck attached to the front of his dwelling, a rear yard setback for the construction of a new shed/garage (14' x 31') which will be located 2.5' from the left side of the property and a lot coverage for 11.1% where 10% is required.

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: After visiting the site, hearing the applicant is not going to close the deck in and the garage will be for personal use only I see no detriment to anyone in the area. I vote yes.

MR. CHOYCE: I visited the site and observed other properties in the neighborhood it is not out of character for what is being proposed. The 14' x 31' garage is not going to be any closer to the rear property than the existing dwelling so I vote yes.

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

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

MR. STRIGH: Yes for the previously stated reasons.

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

MR. TOMASELLO: With regard to the impervious lot coverage the additional 1.1% that the applicant is proposing is very close to diminimis and very minimal and will not impact the zoning in that area any further. For all those reasons I vote yes as well.

Zoning Application Review Committee Presentation- Mr. Strigh asked Mr. Sartorio to email the draft to all members of the Board for their review. He stated Mr. Sartorio did a thorough job incorporating all the suggestions from this committee. Once the Zoning Board approves this application the ordinance will have to be amended to include these changes.

Ms. Valentino stated she feels Mr. Sartorio did an excellent job in capturing the recommendations that were made.

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Strigh to approve the minutes from the May 14, 2012 meeting with corrections. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY” and TWO (2) “ABSTAIN”.

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications from the May 14, 2012 meeting were adopted as follows:

Mr. Sacchinelli moved, seconded by Mr. Choyce to adopt the resolution for Anthony Dalton-App. #9-12; Block 655 Lot 6. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Mr. Sacchinelli to adopt the resolution for Richard Kelusak–App. #10-12; Block 793 Lot 1. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Mr. Tomasello opened this part of the hearing for public comment. There being none Mr. Cain 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.”

Adjournment – Mr. Cain moved, seconded by Mr. Sacchinelli to adjourn the Zoning Board of Adjustment meeting at 7:46 pm SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment