

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 Choyce, John Sacchinelli, Bruce Strigh, Elaine Valentino and Alternate Member Amanda Zimmerman. Also present were Solicitor, Robert Cooper; Zoning Officer, Philip Sartorio; Planner, Robert Watkins; and Engineer Consultant, Kevin Dixon.

The Statement of Compliance was read.

Announcements – There were no announcements.

Anthony F. Dalton, Jr. – Application #9-12; Block 655 Lot 6 located at 6692 Millville Avenue was present and is seeking a front yard setback variance for the reconstruction of a previous dwelling which was destroyed by a fire 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. Dalton testified that there was a mistake in the original variance application in regards to the front yard setback when he was before the Board on September 26, 2011. The Board granted him a front yard setback of 50' from Millville Avenue and Mr. Dalton stated that the new house has a front yard setback of 32' due to a misinterpretation of what was granted. The house will be in the same place that it originally was before the fire.

Ms. Valentino asked what stage the construction is on and Mr. Dalton replied that it is 80% complete. The distance from the right side of the house to the driveway that empties out to Pittsburgh Avenue) is 20' – 30'.

Mr. Choyce clarified that the setback being asked tonight is not any less than where the original building sat.

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. Strigh, on App. #9-12, Block 655 Lot 6 located at 6692 Millville Avenue for a variance to permit a front yard setback of 32' on the portion of the property located on Millville Avenue.

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. ZIMMERMAN –AYE

MR. SACCHINELLI-AYE
MS. VALENTINO –AYE

MR. STRIGH – AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. We have a homeowner who has the hardship of having 2 front yards. The fact that this change in the setback on Millville Road is less than what was originally granted by this Board and is not any worse than where the original building was located. I agree to the request.

MR. SACCHINELLI: I vote yes.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes.

MS. ZIMMERMAN: Yes for the same reasons.

MR. TOMASELLO: Yes. This application was before us a few months ago on an emergent situation due to the existing house had burned down and the applicant was under a demolition order at that time, Since then the demolition has taken place and has gone substantially forward in rebuilding his house and has come to find out there was a mistake in the interpretation of what was needed. This house had existed before zoning, was before the Board to seek a Certificate of Appropriateness due to the structure being more than 50 years old and was seeking demolitions in a Pineland area. It was a long standing house that suffered a fire and Mr. Dalton has been diligently working toward restoring his house and life but has hit a bump in the road. In terms of this application, I agree with Mr. Choyce that what he is asking for is:

A) To substantially recreate what had existed before zoning ordinances.

B) It is no further of an encroachment into the setback than what we approved several months ago.

For all those reasons I believe Mr. Dalton is entitled to the relief and therefore I vote yes.

Richard Kelusak– Application #10-12; Block 793 Lot1 located at 1501 Route 50 was present along with his wife, Donna, and they are seeking a rear yard setback variance for the construction of a covered porch (16' x 20') located on the side of an existing dwelling and a deck (12' x 16') onto the back of the same 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. Kelusak testified he would like to add a 20' x 20' deck. A portion of that deck (12' x 20') would be screened in and the rest would remain open. This would be located on the side of the house where a set of steps are. He is also proposing to have an open deck (12' long x 16' wide) along the back of his house. Directly behind his house are blueberry fields and a canal, which are owned by Atlantic Blueberry. The only way to access his property is from Route 50.

Photos A-G represent side and back views of the house along with the steps. There are also photos that represent the view from the driveway to Route 50 along with the view from the house toward Route 50.

Ms, Valentino asked the distance from the proposed rear deck to the wetland buffer line. Mr. Sartorio did the calculations and stated the proposed back deck would be located 15' to 20' from the buffer line.

Mr. Choyce asked if the enclosed deck would be screened in or made into a permanent room and Mr. Kelusak confirmed it would only be screened in. He understood if it was changed into a room with windows he would have to come back to the Board for another variance.

Ms. Valentino visited the property and accessed it through a paved driveway which leads to the left side of the house. It is a wooded lot with no visible signs of residences from the property. The only other resident is in the cut out (which can be viewed from the plot plan).

Mr. Tomasello drove by the property and noted that other than the driveway entrance it cannot be seen from Route 50.

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

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #10-12, Block 793 Lot 1 located at 1501 Route 50 to grant a rear yard variance of 141.5' to allow a 12' x 16' rear deck and rear yard setback variance of 156' to allow a 20' x 20' construction (this which will consist of a 20' x12' porch and an 8' x 20' deck which will be located on the left side of the house).

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. ZIMMERMAN –AYE

MR. SACCHINELLI-AYE
MS. VALENTINO –AYE

MR. STRIGH – AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes and see no deterrent to the Master Plan or Zoning Ordinances for the Township. The house was originally built on a lot that required rear setback variances due to the shape of the property and the location that was needed for the home. I see no negative impact for the construction of what is being requested.

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

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

MS. VALENTINO: Yes for the reasons previously stated.

MS. ZIMMERMAN: Yes for the reasons previously stated and also note that no neighbors would be able to see this addition and is not visible from the street. It will have no deterrent to anyone around them.

MR. TOMASELLO: I also vote yes. The applicant is making esthetic and safety improvements. He is removing inadequate steps and making it safer. The house is already non-conforming and the addition adds little to that. There is a hardship due to the rear of the property being surrounded by wetlands and the street. He meets both positive and negative criteria.

Fred and Nancy Kneble - Application #12-12; Block 979 Lot 5; 5473 Mays Landing Somers Point Road was present along with Mr. Christopher Baylinson, Esquire and are seeking a Use Variance to permit used car sales (11 spaces) and any other variance(s) found to be necessary.

Mr. Tomasello announced that the applicant is seeking a Use Variance which requires a 5 vote majority and 2 members are absent from tonight's meeting. The applicant is requesting to come back before the Board at the next meeting which would be June 25, 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.

Zoning Application Review Committee Presentation- Mr. Sartorio is working on revisions.

Discussion ensued in regards to ongoing issues from previous applications.

Mr. Sartoiro stated that there have been approximately 80 Notice of Violations issued from the Code Enforcement Officers for this year.

Discussion ensued in regards to charitable drop boxes and Certificates of Appropriateness.

Approval of Minutes – Mr. Strigh moved, seconded by Mr. Choyce to approve the minutes from the April 23, 2012 meeting with corrections. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY” and ONE (1) “ABSTAIN”.

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications from the April 23, 2012 meeting were adopted as follows:

Mr. Choyce moved, seconded by Mr. Sacchinelli to adopt the resolution for Jordan Padula- App. #5-12; Block 201 Lot 4. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MS. VALENTINO - ABSTAIN

MR. SACCHINELLI-AYE
MS. ZIMMERMAN – AYE

MR. STRIGH –AYE
MR. TOMASELLO –AYE

SAID MOTION CARRIED.

Mr. Sacchinelli moved, seconded by Mr. Choyce to adopt the resolution for John Aspenberg– App. #6-12; Block 730 Lot 1. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MS. VALENTINO-ABSTAIN

MR. SACCHINELLI-AYE
MS. ZIMMERMN-AYE

MR. STRIGH–AYE
MR. TOMASELLO–AYE

SAID MOTION CARRIED.

Mr. Sacchinelli moved, seconded by Mr. Choyce to adopt the resolution for Saeed Bhatti– App. #7-12; Block 1132.18 Lot 121. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MS. VALENTINO-ABSTAIN

MR. SACCHINELLI-AYE
MS. ZIMMERMN-AYE

MR. STRIGH–AYE
MR. TOMASELLO–AYE

SAID MOTION CARRIED

Mr. Choyce moved, seconded by Mr. Sacchinelli to adopt the resolution for Paul Theorgood– App. #8-12; Block 23 Lot 4. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MS. VALENTINO-ABSTAIN

MR. SACCHINELLI-AYE
MS. ZIMMERMN-AYE

MR. STRIGH–AYE
MR. TOMASELLO–AYE

SAID MOTION CARRIED

Mr. Tomasello opened this part of the hearing for public comment. Ms. Aline Dix had comments about the house on Route 50 which had suffered from a fire. Discussion ensued in regards to the variance which was granted to that applicant.

Mr. Tomasello asked if anyone else from the public had comments. 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.”

Adjournment – Mr. Choyce moved, seconded by Mr. Sacchinelli to adjourn the Zoning Board of Adjustment meeting at 7:50 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment