

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, Bruce Strigh and Elaine Valentino. Also present was Solicitor, Robert Cooper.

The Statement of Compliance was read.

Announcements – There were no announcements.

CJ Financial Associates, Ltd.; App. #25-2012; Block 656 Lots 16 & 17 located at Millville Avenue. Cheryl Sumante, principle for the applicant, was present along with Mr. Jeffrey Sutherland, Esquire. They are requesting to remove certain deed restrictions placed against the property as part of a prior Zoning Board Resolution (8/24/98) and any other variances found to be necessary. *This was postponed from November 26, 2012.*

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

Ms. Sumante testified that the DEP wants to purchase the property and would like to have the deed restrictions removed from the deed. The restrictions were part of an approval given by the Zoning Board in 1998. A proposed driveway was to be placed on the property and the township did not want to be responsible for clearing snow, to remove trash, etc. The conditions were imposed due to the road not being improved and the length of it. Due to buffers only a small area could be developed. CJ Financial Associates is a limited partnership that Ms. Sumante and her husband set up in 2004 and all real estate that they owned was transferred into this partnership.

Mr. Choyce asked about the DEP commitment in purchasing this property and Ms. Sumante stated they are ready to buy it as long as the deed restrictions are removed.

Discussion ensued regarding the previous resolution and the wording of a new resolution.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was none. 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. Strigh moved, seconded by Mr. Choyce, on App. #25-12, Block 656 Lots 13 & 17 located at Millville Avenue to remove all prior variances and restrictions granted by resolution from this Board on August 24, 1998.

SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE”, NO MEMBERS VOTING “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHOYCE-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MR. TOMASELLO- AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on the applicant selling to DEP and if that deal doesn't go through the applicant will have to come back before the Board for a variance in order to develop. I vote yes.

MR. CHOYCE: I see no detriment to the township or to the zoning ordinance in granting this request so the property can be sold to the DEP for preservation and undeveloped in the future. I vote yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the reasons previously stated.

MR. TOMASELLO: I vote yes. All we are doing is preserving the status quo ante so a sale can be accomplished with the DEP which would serve the purpose of preserving the property. Therefore I see no problem in granting the relief. Thank you.

Hildegard Bemby; App. #27-2012; Block 5 Lot 16 located at 1301 Strawberry Street was present along with the prospective buyer, Francisco Patterson, and is requesting a front yard setback variance of 120' from Strawberry Street along with a rear yard setback of 50' at the north side of the property.

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

Ms. Bemby and Mr. Patterson were sworn in.

Ms. Bemby testified she has owned the property since 1963 with the intention to build on it. Her husband passed away in 2002 and now she can't use the land and would like to sell it.

Mr. Sartorio was sworn in and stated this is an existing corner lot. Ms. Bemby filed with Pinelands and received a Certificate of Filing in 2007 for development. To meet the scenic corridor requirements the building shall be located 175 from the property line facing Venice Blvd. and 125 from the property line facing Strawberry Str. Mr. Patterson indicated he would like to have the structure facing Venice Blvd. A 50' setback (adjacent to lot 17) is being requested. This would be the minimum side yard setback for a RD5 zone.

Ms. Valentino asked if both streets are paved and Mr. Choyce replied yes.

Mr. Choyce asked if anything was proposed to be built in the center of the lot (as indicated on the drawing) and Mr. Sartorio stated that was the plan submitted to Pinelands. Mr. Patterson would like to have the proposed single family dwelling facing Venice Blvd.

Mr. Cain stated he knows the property well and what is being proposed will fit in with that area.

The following was introduced by Mr. Patterson:

Exhibit A- 1: Proposed house drawing.

Mr. Tomasello asked if anyone would like to speak during this portion of the hearing for public comment and there was none. 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. #27-12, Block 5 Lot 16 located on 1301 Strawberry Street for the following variances: front yard setback of 120' off Strawberry Str., a side yard setback of 175' off Venice Blvd. and maintain a 50' rear setback line abutting lot 17 for the construction of a single family home.

SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHOYCE-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MR. TOMASELLO- AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on the property the applicant is going to purchase and the dwelling he is proposing to build, I see no negative or detriment impacts so I vote yes.

MR. CHOYCE: Having visited the property earlier today and hearing testimony as to why he is proposing to position the house and having it conforming to the other homes existing on Venice Blvd.

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Along with complying with the Pinelands Commission request I see nothing here that is negative to the zoning ordinances or to the neighborhood. I vote yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the previously stated reasons.

MR. TOMASELLO: I also vote yes. This is a hardship application in that this property is burdened by the 2 front yard scenario. The contract purchaser wants to build a dwelling that is consistent with what is in the neighborhood and indicated by 2 of our Board members. The setback that is being proposed is consistent with the zoning had this not been burdened by the 2 front yard scenario. The positive criteria have been met and the negative criteria satisfied as well.

Discussion ensued in regards to Application #27-2011 and the revised plans which are being reviewed by the Board Engineer. There was also discussion regarding Application #14-2011 and the foundation.

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Strigh to approve the minutes from the November 26, 2012 meeting. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY” and NO “ABSTAIN”.

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

Mr. Strigh moved, seconded by Mr. Choyce to adopt the amended resolution for St. Vincent De Paul School -App#18-2012; Block 807 Lot 4. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

Mr. Strigh moved, seconded by Mr. Choyce to adopt the resolution for 6408 Harding Highway, LLC–App. #20-2012; Block 670 Lot 4. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

Mr. Choyce moved, seconded by Mr. Strigh to adopt the resolution for Ed & Mary Koenke–App.#26-2012; Block 981 Lot 59.05. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

Ms. Dix made comment regarding the amount of applications heard this year.

Mr. Tomasello opened this portion of the hearing for public comment and there was no response. Mr. Choyce moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Mr. Tomasello appointed Mr. Choyce, Mr. Cain and Mr. Strigh to review the RFP’s for the professionals next year. The reorganization meeting is scheduled for January 14, 2013.

Mr. Sartorio stated the new Zoning Applications and Zoning Permit Applications will be implemented for 2013. The applications will be online as a PDF form and the office will provide them as well.

Mr. Strigh made comment about videotaping future Zoning Board meetings.

Adjournment – Mr. Strigh moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 7:39 pm. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment