

A Reorganization 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, Kathi Lentz, John Sacchinelli, Bruce Strigh, and Elaine Valentino. Alternate member, Nelson Gaskill was also present in addition to Zoning Officer, Steve Maimon and Zoning Board Solicitor, Robert Cooper.

The Statement of Compliance was read.

Oath of Service – Chairperson, Frank Tomasello, administered the Oath of Service to the following: Wayne Cain 12/31/2014, appointed as a Regular Zoning Board Member, John Sacchinelli 12/31/2014, appointed as a Regular Zoning Board Member, and Nelson Gaskill 12/31/2011, appointed as Alternate #2 Zoning Board Member.

Election of Chairperson for 2011 – Mr. Strigh moved, seconded by Mr. Cain to elect Frank A. Tomasello for the position of Chairperson of the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MR. STRIGH – AYE MS. VALENTINO – AYE MR. GASKILL – AYE

SAID MOTION CARRIED.

Election of Vice-Chairperson for 2011 – Mr. Strigh moved, seconded by Mr. Cain to elect Elaine Valentino for the position of Vice-Chairperson of the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MR. STRIGH- AYE MR. GASKILL – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Secretary for 2011 – Ms. Valentino moved, seconded by Mr. Strigh to appoint Jeanne Parkinson to the position of Secretary to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MR. STRIGH – AYE MS. VALENTINO – AYE MR. GASKILL – AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Solicitor for 2011 – Mr. Strigh moved, seconded by Mr. Cain to appoint Robert A. Cooper, Esq. to the position of Solicitor to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MR. STRIGH – AYE MS. VALENTINO – AYE MR. GASKILL – AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Alternate Solicitor for 2011 – Ms. Lentz moved, seconded by Mr. Sacchinelli to appoint Michael Fitzgerald, Esq. to the position of Alternate Solicitor to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Engineer, Lighting Engineer, and Traffic Engineer for 2011 – Mr. Strigh moved, seconded by Mr. Cain to appoint Dixon Associates Engineering, LLC to the positions of Engineer, Lighting Engineer, and Traffic Engineer to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Alternate Engineer and Alternate Lighting Consultant for 2011– Ms. Valentino moved, seconded by Mr. Strigh to appoint Fralinger Engineering to the positions of Alternate Engineer and Alternate Lighting Consultant to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Alternate Traffic Engineer for 2011– Ms. Valentino moved, seconded by Mr. Sacchinelli to appoint CME Associates to the position of Alternate Traffic Engineer to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment of Landscape Architect Consultant for 2011 – Mr. Gaskill moved, seconded by Ms. Lentz to appoint Engineering Design Associates to the position of Landscape Architect Consultant to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Appointment of Planner for 2011 – Ms. Valentino moved, seconded by Mr. Strigh to appoint Mott Associates, LLC to the position of Planner to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Appointment for Alternate Planner for 2011 – Mr. Strigh moved, seconded by Mr. Cain to appoint Polistina Associates, LLC to the position of Alternate Planner to the Township of Hamilton Zoning Board of Adjustment for the year 2011. No other names were presented.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Chairperson's Appointments to Site Review Committee – Mr. Tomasello appointed Board Member, Wayne Choyce, Elaine Valentino, and Wayne Cain to serve as the Site Review Committee regarding Zoning Board applications to the Township of Hamilton Zoning Board of Adjustment for the year 2011.

Chairperson's Appointment of Liaison to Police, Fire & Rescue – Mr. Tomasello appointed Board Member, Kathi Lentz, to serve as Liaison to Police, Fire & Rescue to the Township of Hamilton Zoning Board of Adjustment for the year 2011.

Chairperson's Appointment of Zoning Application Process Revision Committee – Mr. Tomasello addressed that there had been some discussion about the need to reform the Zoning Application Process regarding the information gathered on the forms which applicants submit to the Board. He appointed Board Members, Bruce Strigh, Elaine Valentino and Alternate Member, Amanda Zimmerman to serve on this committee.

Mr. Tomasello also asked that this same committee look into beginning an orientation/ review for new members to get some background on zoning and existing members to get a refresher course. He stated that this will allow new members to meet existing members in addition to the Zoning Officials and Solicitor. Mr. Cooper agreed to

help put something together since he was already working on something similar for his Board in Somers Point.

Meeting Times & Dates for 2011 – Mr. Strigh moved, seconded by Mr. Sacchinelli to establish the fourth Monday of every month, with the exception of December, as the day on which the Zoning Board of Adjustment meetings in 2011 will be conducted, and to establish the time of 7:00 PM, with the exception of the Reorganization meeting this evening held at 6:30 PM, with the date of December 12th, 2011 being tentatively scheduled due to the Christmas Holidays. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Designation of Official Newspapers – Mr. Strigh moved, seconded by Mr. Cain to designate the Press of Atlantic City; Atlantic County Record; Record Journal; and The Current, as official newspapers for the Zoning Board Publications. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Adoption of Rules of Procedure – Ms. Valentino moved, seconded by Mr. Strigh, to adopt the Rules of Procedure, as written, for the Township of Hamilton Zoning Board of Adjustment for the year 2011. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Alexsandra Cokenakes – App. #26-10, Alexsandra Cokenakes of Block 809, Lot 12 located at 5749 Second Street was present and seeking a variance for a front yard setback to allow for the replacement of dilapidated stairs to be attached to her single family home.

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

Mr. Tomasello asked Ms. Cokenakes if she brought any photos of her property to share with the Board. Ms. Cokenakes said she did have two documents and presented Mr. Tomasello with the following:

- A-1: Three copies of photos depicting front view, rear view & street scene of subject property
- A-2: Hand-drawn sketch of subject property with proposed steps depicted

Mr. Tomasello asked if the home currently has the same steps that are shown in the photos that were provided. Ms. Cokenakes stated that she had already removed the dilapidated steps because she felt they were a hazard and did not want anyone to get hurt. She noted that as they were doing work on the inside of the house, people were constantly going in and out and using the steps. She noticed them caving in throughout the center and felt it very unsafe.

Mr. Tomasello asked what is currently there in there place. Ms. Cokenakes stated that there is nothing because she is required to get the front yard setback in order to have them replaced. She said that for the time being they are using the side entrance to get in and out of the house.

Mr. Tomasello asked when she purchased the property. Ms. Cokenakes replied that it was about two years ago. Mr. Tomasello asked if she knew when the house was built. Ms. Cokenakes replied that it was built around 1930, but she did not know exactly. Mr. Tomasello pointed out that it was definitely built before the Zoning Ordinance in the 1970's.

Mr. Tomasello asked Mr. Maimon if the front yard setback was the only issue here. Mr. Maimon responded that it was and that there would be 2 feet 9 inches from their front property line if they are approved for the variance.

Mr. Tomasello asked if any of the members from the Board had a chance to visit this property. Mr. Gaskill responded that he lives in that area and passes by quite often and often wondered how they got in and out of their home. He asserted that it is a necessary addition for safety reasons and will also enhance the aesthetics of the home.

Ms. Valentino said that she also had the opportunity to visit this site and asked Ms. Cokenakes if the steps were ever in a different location other than the front of the house. Ms. Cokenakes replied that they have always been located in the front.

Ms. Lentz also noted that she visited the site back in December and pointed out that although the steps that are being proposed will be close to the property line, she does recognize that this is an older house which pre-dates zoning. She also noted that she feels people should be afforded the opportunity to have two entrances into their home for safety reasons so she feels this would be a good move for the owner.

Mr. Sacchinelli added that the steps would fit in with the character of the neighborhood. In addition, if the steps did not come out as far as they are being proposed they would be too steep, creating another safety issue for the owner.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Strigh 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. Gaskill moved, seconded by Mr. Sacchinelli on App. #26-10, Block 809, Lot 12 located at 5749 Second Street, to grant a variance for a front yard setback of 2 feet 9 inches to allow for the replacement of dilapidated stairs which will be attached to a single family home.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. LENTZ – AYE	MR. SACCHINELLI – AYE
MR. STRIGH – AYE	MS. VALENTINO – AYE	MR. GASKILL – AYE
		MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made the following comments regarding the above motion:

MR. CAIN: I vote yes. This applicant is replacing stairs exactly the way they used to exist so I feel it is appropriate to grant the variance.

MS. LENTZ: I vote yes.

MR. SACCHINELLI: I vote yes.

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

MS. VALENTINO: I vote yes because I feel it is a hardship for the applicant to not currently have steps. Also, I feel they should have safe access into the dwelling.

MR. GASKILL: I vote yes.

MR. TOMASELLO: We have a structure that pre-exists our zoning ordinance. The dwelling had steps when the resident bought the property; however due to the age of the steps, they have become dilapidated. The applicant wants to replace the steps using the same footprint that existed when she purchased the property. Given that it's a pre-existing condition, there is being no expansion to that pre-existing condition. In addition, it is a safety hazard the way it currently is. I believe the applicant is entitled to the relief and I vote yes.

Curtis Dilks – App. #1-11, Curtis Dilks of 1501 Strawberry Street located on Block 31, Lot 6 was present and seeking a variance to permit the erection of a 30' x 32' detached shed in a portion of the front yard area of a corner lot.

Mr. Strigh recused himself due to an ongoing business relationship.

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

Mr. Dilks presented the Board with several photos which were labeled as follows:

A-1 – Photo of 7489 Smith Avenue which depicts a property in the same area as the applicant with similar improvements that are being proposed

A-2 – Photo of 7424 Jackson Road which depicts a property in the same area as the applicant with similar improvements that are being proposed

A-3 – Photo of 1699 McCall Avenue which depicts a property in the same area as the applicant with similar improvements that are being proposed

A-4 – Photo depicting 1501 Strawberry Street (applicant's home) from the front of the property

A-5 – Photo depicting 1501 Strawberry Street (applicant's home) shows the portion of the applicant's yard where the carport is proposed to go

A-6 – Photo depicting the tree buffer along applicant's property located at 1501 Strawberry Street

Mr. Tomasello asked Mr. Dilks to elaborate on what he is proposing to do. Mr. Dilks stated that he would like to put up a carport in the front portion of his property, even though he is aware that the ordinance only permits accessory structures to exist in the rear of the owner's property. Mr. Dilks raised the issue that he lives on a corner lot which already deems him with two front yards. In addition, he stated that he has a nice large area in his yard that is already cleared so he would not need to remove any trees. In addition, he stated that his driveway is situated in such a way that he would not need to extend it if it were to go in his proposed location.

Mr. Tomasello asked Mr. Maimon why this would not be considered a temporary structure. Mr. Maimon responded that due to the size of the structure exceeding 10' x 10' the construction department will require there to be a specific footing for the foundation which makes it a permanent structure. Mr. Dilks stated that the carport comes with anchors, but will have to find out what the Township's Construction Office will require for it to be in compliance.

Mr. Tomasello asked Mr. Dilks why he cannot place this carport in the rear of his property. Mr. Dilks stated that if he were to have it placed in his rear yard it would require him to extend his driveway around the house. In addition, there are three large trees that provide shade to their home that would need to be removed.

Ms. Valentino asked if the carport would be open on all sides. Mr. Dilks stated that it would actually be three-sided and open on only one side. Ms. Valentino asked what Mr. Dilks would be storing in this structure. Mr. Dilks responded that he plans to store two vehicles within this carport. Ms. Valentino also asked whether Mr. Dilks would plan to take the carport if he were to move and if he felt it was portable. Mr. Dilks said that he would take the carport with him because he does feel it is a portable structure.

Mr. Cain asked Mr. Dilks if it will be situated on a gravel base or a concrete slab. Mr. Dilks responded that it will be on a gravel base.

Mr. Tomasello asked members of the Board if they had the opportunity to visit this site. Ms. Valentino expressed that she did have the opportunity to check out the site and did notice the other homes in this area which also had carports. Ms. Valentino stated that she views this structure as a temporary structure and feels it would not be a detriment to have in the front yard area of this home due to the topography of the land, the tree buffer on the property, in addition to the setback from the neighboring properties. She said she does question the need for it, but does not feel the location of it is a real detriment.

Ms. Lentz noted that she visited the property which is on a largely wooded lot, in which she does not believe neighbors would object due to the lack of visibility. Ms. Lentz referenced the already cleared area as well as the existing drive-way that would be utilized.

Mr. Cain asked for clarification of the exact location of the proposed structure. Ms. Valentino stated 44' from Strawberry Street and 100' from tax lot #5. It was stated that the distance from the residence to the proposed structure would be less than 80'.

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

Ms. Valentino moved, seconded by Mr. Sacchinelli on App. #1-11, Block 31, Lot 6 located at 1501 Strawberry Street, to grant a variance to permit the erection of a 30' x 32' detached shed, 44' from Strawberry Street and 100' from tax lot #5, plus or minus one foot.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MS. VALENTINO – AYE MR. GASKILL – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made the following comments regarding the above motion:

MR. CAIN: I vote yes. Having previously resided in that area and being aware of similar structures in said area I do not see this to be a detriment to the neighborhood.

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

MR. SACCHINELLI: I vote yes.

MS. VALENTINO: I vote yes after having visited the property.

MR. GASKILL: I vote yes.

MR. TOMASELLO: I vote yes based on the property having multiple front yards which places limits for the property owner. Additionally, asking that the structure be placed somewhere else would cause hardships by restructuring the driveway and removal of old growth trees. This alone would be more detrimental to the area than the structure itself which for all purposes should be considered a temporary structure.

Mr. Strigh returned to the dais.

Bryan and Nancy Marengo – App. #2-11, Bryan and Nancy Marengo of 6843 Weymouth Road located on Block 587, Lot 15.02 were present and seeking a variance for a front yard setback and a side yard setback for the construction of an addition attached to their single family home.

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

Mr. Tomasello asked the applicants to explain their proposal to the Board. Mr. Marengo stated that they would like to add an addition to their existing residence. It was determined that the residence was built in 1965 and that the Marengo's had recently purchased it in September 2010 after having rented the property for approximately three years.

After discussion with the applicant it was determined that the proposed addition would include three bedrooms, computer room and a living room. The applicant explained the need for the additional space as well as the fact that the property had been in the family for generations.

Ms. Valentino noted that she had visited the Marengo's property as well as the neighboring commercial property. Ms. Valentino inquired as to the relationship between the two properties to ensure that the Marengo's were not enhancing their property as a way of benefiting the adjoining commercial business. The Marengo's stated that their residence will continue to be a single family residence.

Ms. Lentz stated that she had also visited the property and although it is a very narrow lot the placement of the residence in relation to the neighboring residence makes it so that the two will not be too crowded. Ms. Lentz also noted that considering the personal relationship between the property owners she does not foresee there being any opposition. Ms. Lentz did inquire as to why the addition could not be constructed in the rear of the property. Mr. Marengo stated that the septic system is located in the rear.

There was discussion of the existing front yard not being in conformance with the current Zoning Ordinances. It was stated that if the variance was granted it would include a front yard setback as well as a side yard setback.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Strigh 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 moved, seconded by Mr. Sacchinelli on App. #2-11, Block 587, Lot 15.02 located at 6843 Weymouth Road, to grant a variance for a front yard setback of

83.8' and a north side yard setback of 38' for the construction of an addition attached to single family residence.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – AYE
MS. VALENTINO – AYE MR. GASKILL – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made the following comments regarding the above motion:

MR. CAIN: I vote yes, considering the testimony that was provided tonight as well as considering the fact that the addition will not further encroach on the front yard.

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

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

MS. VALENTINO: I vote yes for the reasons previously stated as well as having visited the property and considering this is to remain a single family residence.

MR. GASKILL: I vote yes.

MR. TOMASELLO: I vote yes considering we have a structure that predates the Zoning Ordinances. This is also a residence that has been in the family since its construction and at this time it does not have suitable living space for the current residents. After exhausting all other locations for the addition the north side yard is the most feasible. I do not anticipate any negative impact that would out- weigh the applicants need.

Approval of Minutes – Ms. Lentz moved, seconded by Mr. Strigh to approve the minutes from the December 13, 2010 meeting. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Memorialization of Resolutions - Resolutions prepared by the Solicitor for the following applications from the December 13, 2010 meeting were adopted as follows:

Ms. Valentino moved, seconded by Mr. Strigh to adopt the resolution for Stephen DeSario, App. #21-10, located on Block 494 Lot 73.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. STRIGH – AYE
MS. VALENTINO – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Ms. Lentz moved, seconded by Mr. Cain to adopt the resolution for Kevin Tunney, App. # 24-10, located on Block 588 Lot 29.03.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. STRIGH – AYE
MS. VALENTINO – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Ms. Valentino moved, seconded by Mr. Strigh to adopt the resolution for Michael Hazard, App. # 25-10, located on Block 864 Lot 8 with the amendment to delete the repetitive sentence regarding the concrete pad.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. STRIGH – AYE
MS. VALENTINO – AYE MR. TOMASELLO – AYE

SAID MOTION CARRIED

Public Comment – Chairperson, Frank Tomasello opened this portion of the meeting for public comment. Mayor Amy Gatto was present and wished to congratulate all newly appointed members as well as thank everyone for their continued service. There being no further comment Mr. Strigh moved, seconded by Mr. Sacchinelli to close the public portion of the hearing. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

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

Respectfully submitted,

Kristyna Weller, Secretary
Zoning Board of Adjustment

These minutes were prepared by Jeanne Parkinson and Kristyna Weller.