

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, Kathi Lentz, John Sacchinelli, Bruce Strigh, Elaine Valentino and Alternate Member, Amanda Zimmerman. Solicitor, Robert Cooper and Zoning Officer, Steve Maimon were also present.

The Statement of Compliance was read.

Oath of Office – Chairperson, Frank Tomasello, administered the Oath of Office to Amanda Zimmerman 12/31/2012, appointed as Alternate #1 Zoning Board Member.

Appointment of Interim Secretary – Mr. Strigh moved, seconded by Mr. Sacchinelli to appoint Kristyna Weller to the position of Interim Secretary to the Township of Hamilton Zoning Board of Adjustment. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Announcements – There were no announcements.

Chris Risley – App. #3-11; Block 709, Lot 16 located at 6306 Nelson Avenue was present and seeking a variance to allow for a side yard setback for the construction of an 18' x 20' addition to this single family home.

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

Mr. Tomasello asked Mr. Risley to elaborate on what he is intending to do. Mr. Risley stated that he intended to build an 18' x 20' addition to the rear of his single family home. Through discussion it was determined that the home was built in the late 1950's to early 1960's and that Mr. Risley had purchased the home approximately 12-14 years ago. It was noted that the addition would be a master bedroom.

Mr. Tomasello inquired as to the need of a variance due to there being a preexisting deck with similar dimensions. Mr. Maimon clarified that the home predated the Zoning Ordinance making it nonconforming. He further explained that the need for the variance exists because it is an extension of an existing nonconformity.

Mr. Risley presented four photos to the Board which Mr. Tomasello marked as follows:

- A-1: Photo showing back of house/utility room.
- A-2: Photo showing fence area where proposed addition would be located.
- A-3 Photo showing different view of fence area where proposed addition would be located
- A-4 Picture depicting full view of proposed addition location.

Mr. Tomasello asked members of the Board if they had the opportunity to visit the site. Mr. Cain explained that he had visited the property and questioned the need for the variance as well, being that it would not encroach on the neighboring properties.

Mr. Cooper explained that the house was built prior to the Zoning Ordinance, which created the setback requirements, making it nonconforming. Mr. Cooper also stated that although it is nonconforming the house may stay as is, however, any change would require a variance.

Ms. Valentino expressed that she did have the opportunity to visit the property as well. Ms. Valentino verified with the applicant that the plan submitted accurately depicts all structures located on the property. Ms. Valentino inquired as to the lot coverage requirements in the R-9 Zone. It was stated by Mr. Maimon to be forty percent. Mr. Maimon also indicated that the applicant meets those requirements.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Strigh moved, seconded by Ms. Lentz 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. Cain, on App. #3-11, Block 709, Lot 16 located at 6306 Nelson Avenue, to grant a variance for a south side yard setback of no less than 5' for the construction of an 18' x 20' addition to this single family home.

ROLL CALL ON THE ABOVE MOTION:

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

MS. LENTZ: I vote yes due to this being an extension of a nonconforming use since the home predates the existence of the Zoning Ordinance. There also being no objection from the public.

MR. SACCHINELLI: I vote yes.

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

MS. VALENTINO: I vote yes after visiting the property and recognizing that this addition is similar to many within the immediate area.

MS. ZIMMERMAN: I vote yes.

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

Approval of Minutes – Ms. Valentino moved, seconded by Ms. Lentz to approve the minutes from the January 24, 2011 meeting. SAID MOTION CARRIED WITH SIX MEMBERS VOTING "AYE," NO "NAY," ONE "ABSTAIN."

AMANDA ZIMMERMAN - ABSTAINED

Memorialization of Resolutions - Resolutions prepared by the Solicitor for the following applications from the January 24, 2011 meeting were adopted as follows:

Mr. Strigh moved, seconded by Mr. Sacchinelli to adopt the resolution for Alexandra Cokenakes, App. #26-10, located on Block 809 Lot 12.

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED

Ms. Valentino moved, seconded by Mr. Sacchinelli to adopt the resolution for Curtis Dilks, App. # 1-11, located on Block 31 Lot 6.

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED

Ms. Valentino moved, seconded by Mr. Strigh to adopt the resolution for Bryan and Nancy Marengo, App. # 2-11, located on Block 587 Lot 15.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – AYE MR. SACCHINELLI – 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. Mr. John Pucci, 828 Harrison Avenue was present. Mr. Pucci stated that he would like clarification regarding a letter written by Mr. Cooper to his attorney. Copies were provided to the Board and Mr. Pucci read the following:

“At our November meeting your letters of November 5 and November 17 were discussed before the Board. The Board has agreed that they will accept the Deed of Consolidation with the exact language that was in the previous Zoning Board Resolution. Please make certain that I receive a copy of the Deed of Consolidation with that language.”

Mr. Pucci explained that he had consolidated the Deed which included conditions from the 2007 Use Variance Resolution. Mr. Pucci is now asking for clarification as to which previous resolution is being referred to in the letter written by Mr. Cooper.

Mr. Cooper explained that the Deed of Consolidation has been completed and filed by Mr. Pucci’s attorney to the satisfaction of the Board. It was then stated that the language used in the Deed of Consolidation was the language from the original 2007 Use Variance.

Mr. Pucci went on to state that he now has a 2007 Use Variance and Deed of Consolidation with the same language and conditions. However, he has a 2010 Site Plan Resolution with different language.

Mr. Cooper expressed that the Board is extremely familiar with the language and conditions that are being referenced. Mr. Cooper also referred to the Board’s necessity to change the language after hearing evidence that had previously been provided by Mr. Pucci’s attorney. Mr. Cooper went on to state that the difference in language between the Resolution and Deed of Consolidation has no bearing on the Board’s right to place conditions on Mr. Pucci’s application. Mr. Cooper made note that Mr. Pucci is referring to the condition that requires that the property owner must also be the person that operates the business. Mr. Cooper affirmed that the conditions within the Site Plan Resolution will stand with respect to the conditions that were placed on the ownership and operation of the property.

Mr. Pucci went on to dispute the terms in which he agreed to the Deed of Consolidation. Mr. Pucci insisted that he was willing to agree to the Deed of Consolidation as long as the language was exactly the same as the 2007 Use Variance Resolution. Mr. Tomasello asserted that it was within the Board's prerogative to implement conditions for the 2010 Site Plan Resolution.

Mr. Cooper advised Mr. Pucci that the proper procedure to seek remedy would be to return to the Board asking for an amendment to his 2010 Site Plan and the conditions attached.

Mr. Tomasello reinforced that there are two separate issues being discussed. The first, being that the Board had agreed to allow the Deed of Consolidation to have the same language as the 2007 Use Variance as a courtesy to Mr. Pucci. He then explained the second and separate issue being the conditions on the 2010 Site Plan Resolution. Once again, Mr. Pucci was advised of the process for seeking remedy.

There being no further comment Mr. Sacchinelli 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 made reference to the 2010 Annual Zoning Variance Report that was submitted. It was clarified that an application for Hope Animal Rescue Shelter was made in 2009. However, the decision to deny the variance was made in 2010 and should be reflected on the 2010 Annual Zoning Variance Report.

Mr. Strigh inquired as to how long the Annual Zoning Variance Report has been maintained.

Adjournment – Mr. Sacchinelli moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 7:36 pm. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Respectfully submitted,

Kristyna Weller, Secretary
Zoning Board of Adjustment