

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 and Elaine Valentino. Solicitor, Robert Cooper was also present along with Robert Watkins (Mott Associates), Christopher Carey (Engineering Design Associates) and Cormac Morrissey (Dixon Associates).

The Statement of Compliance was read.

Appointment of Interim Secretary – Ms. Lentz moved, seconded by Mr. Sacchinelli to appoint Deborah Ohnemuller to the position of 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.

Joseph Fraone – App. #7-11; Block 1132.24, Lot 3 located at 19 Rue Chagall was present and seeking a variance for fence height for security and safety reasons and an accessory structure (shed) in the front yard for storage purposes. The subject property was a double frontage lot, having frontage in two non-intersecting streets.

Mr. Cain recused himself due to conflict of interest.

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

Mr. Fraone described his proposal to place a storage shed (12' x 16') and to erect a 6' high fence on his lot in the area that fronts Volunteer Way. He explained that the Homeowners Association would not permit the shed to be placed in either side yard area.

Ms. Valentino stated that she visited the site and observed that all the backyards face Volunteer Way with no fence or landscaping.

Mr. Fraone stated the fence and shed location has been approved by the Homeowners Association (Realty Management Company in Egg Harbor Township on Zion & Ocean Heights Avenue) but he did not bring the paperwork from them.

There are no other fences along Volunteer Way.

Mr. Tomasello opened this part 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. Choyce moved, seconded by Mr. Strigh, on App. #7-11, Block 1132.24, Lot 3 located at 19 Rue Chagall, to grant a variance to permit a 6' high fence and an accessory structure (12' x 16' shed) in the front yard and on Volunteer Way with the condition that Mr. Fraone must present written approval from the Homeowners Association granting construction of above items and that all conditions of the Planning Board approval that provided for the 50' buffer in the rear of the property are met. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and “ONE ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – ABSTAIN	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 the following comments regarding the above motion:

MR. CAIN: Abstain

MR. CHOYCE: Yes

MS. LENTZ: Yes

MR. SACCHINELLI: Yes

MR. STRIGH: Yes

MS. VALENTINO: Yes and the shed size has to be specified along with the fence height and indicate the front yard on Volunteer Way.

MR. TOMASELLO: Yes

Nancy Turnbull – App. #8-11; Block 806, Lot 14 located at 5915 7th Street was present and seeking a front yard setback for replacement & expansion of front entry.

Mr. Tomasello stated that Mr. Cain has rejoined the hearing of this variance.

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

Ms. Turnbull stated that the front entry of her house is approximately 60 years old and has been decaying due to the ice and salt being applied and she would like to replace it with a new front entry, railing, stone walkway and steps. The existing house is at the zoning setback of 30' and she would like to encroach an additional 12" (+/-) in the front yard area.

Exhibit A-1: A depiction showing a red dash line indicating the existing front entry and a heavy line which indicates the proposed replacement and expansion of the front entry.

Mr. Choyce stated that 7th Street Right Of Way must be wide because properties that have sidewalks are set back from curb quite a distance and the property line is about 15-16' back from the curb line. He expressed the opinion that what the applicant is proposing is not out of character for the other homes in the neighborhood.

Ms. Valentino asked if the house on the right encroaches onto her property and Ms. Turnbull replied that it did.

Mr. Tomasello asked Board Members if they had the opportunity to visit the site.

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. #8-11, Block 806, Lot 14 located at 5915 7th Street, to grant a variance to permit a front yard setback for the reconstruction of the front porch not to be less than 22' plus or minus 1' from the front property line.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE – AYE

MS. LENTZ – AYE

MR. SACCHINELLI-AYE
AYE

MR. STRIGH – AYE

MS. VALENTINO –

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

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

MR. CAIN: I visited the site and the expansion would not be detrimental and it would enhance her property.

MR. CHOYCE: What the applicant is proposing would not be detrimental to the rest of the neighborhood and fits in with other home designs and I vote yes.

MS. LENTZ: In light of the disrepair of the existing steps and the safety of the entryway I vote yes.

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

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes. The proposed use of the property is consistent with other properties in the area and will not encroach upon adjoining properties in the area and the pattern of development will not be disrupted by the entrance.

MR. TOMASELLO: I also vote yes. I am familiar with the area up until recently having lived a couple blocks away. The applicant is reconstructing in a modern fashion of what was previously constructed as a non conforming step entry way. It will enhance the aesthetics of the property along with the safety and will not negatively impact any of the zoning in town and therefore the applicant is entitled to the relief.

Capital Telecom - App # 9-11: Block 1093, Lot 12 Vienna Avenue is seeking a use variance for cell phone tower and site plan approval. Property is owned by the Township of Hamilton. Michael Learn, of Cooper Levenson was present and he represents Capital Telecom. They are seeking a Conditional Use Variance (D).

Mr. Learn discussed the history of how the Township and Capital Telecom came into this contract.

Exhibit A - copy of the bid dated July 2009 which awarded the contract to Capital Telecom.

Exhibit A-2 - copy of lease dated December 11, 2009.

Mr. Strigh objected to receiving information at the time of the meeting.

Exhibit A-3 - Pinelands Certification of Filing issued May 2011.

Mr. Learn discussed Smart v Fairlawn and what the New Jersey Supreme Court defined how land can be used by cell phone towers.

The following witnesses and professionals were sworn in by Mr. Cooper:

Glenn Villanueva, Radio Frequency Engineer with T-Mobil
Shannon Morton, Radio Frequency Engineer with Metro PCS
Richard Peterman, Engineer with Advantage Engineers
Vincent Casiero, Partner with Capital Telecom, LLC
Robert Watkins, Mott Associates, LLC
Christopher Carey, Engineering Design Associates, P.A.
Cormac Morrissey, Dixon Associates

The first witness was called, Glenn Villanueva, and he testified in regards to the design and build out of the cell phone tower and the coverage needed to provide reliable service in this area.

Exhibit A-3: color coded map indicating existing T-Mobil coverage and proposed coverage.

Mr. Tomasello asked if the yellow areas are less reliable than the green and Mr. Villanueva answered yes.

Much discussion ensued in regards to cell phone coverage, the proposed site and current cell phone tower locators. Also discussed was the maintenance and monitoring of the proposed site.

Exhibit A4-color coded map of vehicle coverage along Atlantic City Expressway.

Ms. Valentino asked how many towers does T-Mobile have in the Township of Hamilton and Mr. Villanueva answered "I don't have that record".

Mr. Choyce asked how tall the tower will be and was told it would be 91 feet due to FAA requirements.

Board members commented that they did not receive all site plans and reports.

Mr. Tomasello recessed the meeting starting at 8:14:48 pm in order to distribute additional site plans for members to review.

The meeting reconvened at 8:27:18 pm.

Shannon Morton testified in regards to the design and build out of the cell phone tower and the coverage it would provide in this area.

Exhibit A-5- color coded maps indicating existing Metro PCS coverage

Exhibit A-6 - proposed coverage of Metro PCS.

Mr. Tomasello asked Members of the Board if they had any questions for Ms. Morton.

Ms. Valentino asked if there were any other Metro PCS towers located in the township and Ms. Morton answered she could look it up before answering.

Mr. Tomasello asked if the professionals if they had any questions for Ms. Morton and there were none.

Mr. Tomasello opened this part of the hearing for public comment exclusively for questions for the two engineers that had provided testimony and there was no response. 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."

The next witness, Richard Peterman, testified in regards to the site plan for the project. Discussion ensued in regards to site access.

In response to questions of board members, Mr. Peterman testified that the distance from the end of the pavement on Spruce Street to the corner of Vienna Avenue is approximately 760'. The distance from Vienna Avenue to the site is approximately 1,700'; the road would be gravel with no additional signage at the end of the paved area; and that emergency information signs from each carrier will be located on their equipment along with a placard on the fence indicating the landlord information.

Exhibit A-7-Letter from Kenneth R. Foster & Associates in regards to radiofrequency (RF) electromagnetic energy and it will be less than 1.2%.

The next witness, Vincent Casiero, testified in regards to the project. Much discussion ensued in regards to the site access on Spruce Street and Vienna Avenue.

Cormac Morrissey and Mr. Sacchinelli voiced their concerns in regards to the proposed site access, specifically the width of the road and adequate access for emergency vehicles.

Board Members asked questions related to the RFP.

There was much discussion between the professionals and Board Members in regards to the maintenance of a gravel road. Mr. Learn agreed to widen the road to 20'.

Mr. Tomasello recessed the meeting at 9:47:09 pm and the meeting reconvened at 9:54:03 pm.

Due to issues that needed to be addressed, especially those related to access, Mr. Learn requested that the hearing be continued and he agreed to attend a workshop on July 5, 2011 at 10:00 am at town hall to attempt to resolve the open issues.

It was announced that the Capital Telecom hearing would be continued at the next meeting on July 25, 2011 with no need for further public notice. An extension of time was granted by applicant through his counsel.

Ms. Lentz requested a copy of the RFP and Lease and Mr. Strigh requested a copy of the RFP.

Approval of Minutes – Mr. Cain moved, seconded by Ms. Lentz to approve the minutes from the March 28, 2011 meeting. SAID MOTION CARRIED WITH MEMBERS VOTING “AYE,” NO “NAY”, “. ”

Memorialization of Resolutions - Resolutions prepared by the Solicitor for the following applications from the March 28, 2011 meeting were adopted as follows:

Ms. Lentz moved, seconded by Mr. Strigh to adopt the resolution for Anthony & Patricia Bianco, App. #5-11, located on Block 996.01 Lot 4. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Application Form Revisions - Mr. Strigh passed out suggestions for possible revisions of current zoning applications and conversation ensued.

Public Comment – Chairperson, Frank Tomasello opened this portion of the meeting for public comment. There being none Mr. Choyce 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.”

Adjournment – Mr. Sacchinelli moved, seconded by Ms. Lentz to adjourn the Zoning Board of Adjustment meeting at 10:19 pm. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment