

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, 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.

Announcements – There were no announcements.

Anthony & Patricia Bianco, represented by Keith Davis, Esq. – App. #5-11; Block 996.01, Lot 45 located at 88 Gasko Road were present and seeking a variance to allow for a rear yard setback for the construction of 16' x 14' framed deck.

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

Mr. Davis questioned Mr. Bianco. It was determined that the Bianco's purchased the property in November 2010 and would like to construct a 16' x 14' framed deck along a portion of the rear of their home. Mr. Davis verified that Mr. Bianco had reviewed the application and plans that were submitted and deemed them to be an accurate depiction of what the Bianco's are requesting. Mr. Bianco explained that they would like to add the deck in order to enjoy the outdoors in the warmer weather. Through questioning it was stated that there are decks and sun rooms of similar size in the community and that the Bianco's have spoken with neighbors who have shown no objection. Mr. Davis inquired if Mr. Bianco understands the need for a variance and discussion about the irregular lot line ensued. It was stated that the setback requirement is 25' and at the closest point there would be 19.3' and at the furthest point there would be 23.5'. Mr. Bianco affirmed his understanding. It was made clear that the deck would remain open space with no roof.

Mr. Tomasello asked members of the Board if they had the opportunity to visit the site. Ms. Valentino stated that she had visited the property and noticed that the Bianco's residence is located between a vacant lot and a home with a deck similar to that which is proposed. Ms. Valentino inquired as to the need for approval by the Home Owners Association. Mr. Davis explained that the Bianco's are working in conjunction with the original builders of the development. Ms. Valentino stated that there were previous variances issued for the property in order for it to be developed prior to the Bianco's taking ownership.

Mr. Cain expressed that he did have the opportunity to visit the property and took note of the neighboring vacant lot as well. Mr. Cain questioned the size of the requested deck as it appears to be larger than those within the community. It was clarified that there are two deck options offered and that the Bianco's are requesting the larger deck. Mr. Cain inquired if there would still be a need for the variance if the Bianco's chose the smaller deck option. Mr. Cooper explained that regardless of the choice of deck size a variance is still needed since the size of the rear yard is being decreased.

Mr. Strigh referenced the type of variance relief being requested and noted the choice of hardship or substantial benefit. Mr. Davis stated that based on the irregular lot shape, aesthetic benefit to the dwelling and negative impact to the Bianco's he would argue both hardship and substantial benefit. Mr. Cooper stated that the variance requested is a C-2 variance.

Ms. Lentz verified that the deck is raised.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Strigh 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 moved, seconded by Mr. Strigh, on App. #5-11, Block 996.01, Lot 45 located at 88 Gasko Road, to grant a variance for a rear yard setback of 19'4" for the construction of a 16' x 14' framed raised deck.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE MS. LENTZ – 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: Since there are similar decks on neighboring properties I do not see any indication that this would be a detriment to the community, therefore I vote yes.

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

MR. STRIGH: I vote yes after weighing the positive against the negative outcomes. As well as considering the location of the deck will not be intrusive to any neighbors.

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

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

MR. TOMASELLO: I vote yes for all the reasons previously stated as well as when considering the balance test the positive outweighs any negative impact that may exist. In addition there are no neighboring property owners objecting.

Approval of Minutes – Mr. Strigh moved, seconded by Ms. Lentz to approve the minutes from the February 28, 2011 meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

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

Mr. Strigh moved, seconded by Ms. Zimmerman to adopt the resolution for Chris Risley, App. #3-11, located on Block 709 Lot 16. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Adopt Resolutions – Ms. Valentino moved, seconded by Mr. Cain to adopt the Resolution prepared by the Zoning Board of Adjustment Secretary for the 2010 Annual Zoning Variance Report submitted March 28, 2011. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Public Comment – Chairperson, Frank Tomasello opened this portion of the meeting for public comment. There being none Ms. Lentz 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."

Mr. Strigh reported for the subcommittee in charge of evaluating the Zoning Board of Adjustment Application. Mr. Strigh stated that he, Ms. Valentino and Ms. Zimmerman had met and will continue to meet to discuss the possibility of preparing an information packet to better prepare the applicants. Discussion regarding Mr. Cooper

presenting an orientation meeting ensued. It was concluded that Mr. Cooper would prepare an orientation document for the Boards review.

Adjournment – Ms. Valentino moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 7:29 pm. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Kristyna Weller, Secretary
Zoning Board of Adjustment