

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, Elaine Valentino and Amanda Zimmerman. Solicitor, Robert Cooper was also present along with Robert Watkins (Mott Associates), and Steven Mazur (Dixon Associates).

The Statement of Compliance was read.

Announcements – The agenda will be followed in the order they were filed starting with App. # 11-2011.

Kewy and Pedro Santana- App. # 11-11; Block 854.03 Lot 12; 41 Abington Court were present and are seeking a variance to permit an accessory structure (shed 10' x 20') in the front yard area.

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

Mr. Santana stated they would like to erect a shed that will be 5' away from the property line in the front yard area and it will be 10' x 20'. The shed will have 2 doors and the exterior will match the house. The shed will be installed on the ground with stone underneath. It is being used for storage purposes and there will be no electricity or water connections to it.

Mr. Tomasello asked if anyone on the Site Committee had a chance to visit the property. Ms. Valentino did and asked if the fence (which was a prior application) on the left side was completed and Mr. Santana stated yes.

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."

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #11-11, Block 854.03, Lot 12 located at 41 Abington Court to grant the relief requested by the applicant for a 10'x 20' accessory structure with double doors for residential use only and it is to be 5' from the left property line.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MS. LENTZ – AYE
MR. SACCHINELLI-AYE	MR. STRIGH – AYE	MS. VALENTINO –AYE
MR. TOMASELLO – AYE	MS. ZIMMERMAN-AYE (called in error not eligible to vote)	

SAID MOTION CARRIED.

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

MR. CAIN: I made a visit to the property but the fence wasn't closed in yet. Since the fence is now done and everything is closed in I don't see it being a detriment to anything I vote yes.

MR. CHOYCE: I also vote yes. I remember the application from their previous visit. The applicant has a hardship due to their property having 2 front yards and trying to adhere to set back requirements in both front yards & it is difficult to do.

MS. LENTZ: Yes for the same reasons.

MR. SACCHINELLI: Yes for the same reasons.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes for the same reasons.

MS. ZIMMERMAN: Yes for same reasons (called in error-not eligible to vote).

MR. TOMASELLO: I vote yes. Essentially we recognize many times before this board the situation that the township has designated multiple front yards & creates a hardship for many homeowners. The proposal for an accessory structure (shed) will be basically invisible because it will be behind a fence and there are trees buffering it. It will enhance the property and has no deterrent to it.

SAID MOTION CARRIED.

Pashley Builders – App. #13-11; Block 668 Lot 3 located at 6489 Harding Highway were present and seeking a use variance to permit amusements associated with Halloween. Attorney Charles Gemmel was present and he is representing Pashley Builders. Also present was James Pashley, Pashley Builders, Inc., who owns the property.

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

Mr. Gemmel stated that the property is 5 acres with frontage on Harding Highway in a GA-L zone. Mr. Pashley has owned the property since September of 2005, the last use of this property was a restaurant but for the last 8 to 9 years it has been unused. A use variance is being requested primarily for Halloween Activities. This project is being presented in 2 phases. The 1st phase will try to use what is at the site now with no changes to parking, landscaping and access. The rear portion, which is wooded, will be used as a haunted hayride and haunted walking activity. There will be no change other than the use of the property and would like to start this fall.

Phase 2 is continue with Phase 1 along with a use variance to convert the restaurant building (approximately 2500 sf) into a haunted house. More people will be coming to the site & it will be necessary to expand the parking with site plan approval along with Pinelands approvals. Phase 2 will happen in 2012. This is a unique use because it is used for 2 months out of the year. In addition for use variances for Phases 1 & 2 a variance for a proposed fence for security purposes in the front yard. This property will promote general welfare, gives opportunity for entertainment for residents and larger geographical area, and it is a use which is close to what is permitted in the GA-L zone (parks and playgrounds). There a lot of the same planning & zoning issues that is applicable to this use. Open space will be maintained and it will be esthetically pleasing than it is now. This use will be more combatable with the residential character of this zone than some of the permitted uses (schools & places of worship). A similar operation at the Laureldale Fire Department on Route 50 has been conducted for a number of years.

The first witness was sworn in, Robert Bruce, a licensed professional engineer.

Exhibit A-1 Site plan for proposed hayride.

The site is about 5 acres, located on the East side is property owned by Michael Zyndorf the rear, side & across the street is woods, a residential development farther to the rear of the site. The former restaurant and parking area and site lighting are to be incorporated in this proposal. Parking is in the front (52 spaces) with a few areas in the rear of the building. The hayride will take 20-25 minutes and slightly longer for walking.

Exhibit A-2: rendering of hayride path and clear area is the front of the hayride area (Parking indicated in yellow & the red is the loop for the walking patch).

The DOT recreated 2 curb cuts for access to the property. It is proposed to have both of these areas for 2 way traffic coming in from each access. When it is time for site plan approval for the haunted house these access areas would be one way in and out.

A fence would be constructed for security purposes around the rear & side boundaries. The front fence would be a decorative 5' black aluminum and out of the site triangle.

The township requires 24,000 square feet, front yard setback of 90' and side yard setback of 40'. All of these requirements are being met or exceeding with this plan. The existing non-conforming free standing sign would be used as is.

Phase 1 does not disturb any of the front area; Phase 2 would create 152 parking spaces. There would be a field of parking to the East and West of the building. Additional site lighting would also be in the parking areas. The entrance would be in the left front corner of the building. The intensity would be for a 6-8 week period at night during the months of September and October.

Exhibit A-3: Haunted House Plans.

Ms. Valentino asked if the paths for the walking and hayride trails are different and Mr. Pashley stated they are the same but will be operated on separate occasions.

The second witness was sworn in, James Pashley, owner of the property.

Mr. Sacchinnelli asked about the fence height and Mr. Pashley stated the front will be a 5' decorative aluminum fence and the rear and side will be a 6' chain link fence.

Mr. Strigh asked about the parking ordinance for the front of the property and Mr. Gemmel stated in a commercial zone there is no parking in the front yard. The parking for Phase 1 is to continue as a pre existing non-conforming use that is not being expanded at this time and understand a variance for expanded parking will be necessary for the Phase 2.

Accommodations for offsite parking at the old South Shore Building will not be used because it has recently changed owners.

If all spaces (52) are filled the parking attendants will wave people along with signs stating the lot is closed. Board Members have concerns about people parking on Route 40 and then walking to the area.

The parking at Zyndorf's will be used for Phase 1 only and utilized by employees. The use variance can have conditions for parking.

Mr. Watkins asked who would be using Zyndorf's and Mr. Pashley stated employees and volunteers. They would walk to the site on the grass easement which is in front of the fence.

Ms. Lentz asked about the proposed additional lightening and Mr. Pashley responded that there is a pole with 400 watt quartz lamps that AC Electric supplies and a street light that will have an additional 400 watt lamp.

Flat bed hay wagons will be used to transport customers through the paths which are 6'-8' wide. Port a Potty's will be used and serviced prior to opening of that day. The 12' x 40' shed is part of Phase 2.

The next witnesses were sworn in: Robert Watkins, Mott Associates and Steven Mazur, Dixon Associates.

There was discussion in regards to utilizing parking at the Zyndorf property.

Mr. Pashley gave testimony in regards to the history of his property and his background of attractions/amusements. He gave testimony in regards to the opening and closing times, the days it would be open and the ages of those attending. The fence would be for security purposes of the site. The haunted house (Phase 2) would be an enclosed

structure with a façade on the front. It will look like a 2 story Victorian Motel and comply with sprinkler/suppression systems.

Ms. Lentz had questions about the path and the height clearance. The trees would be pruned to 8'-12' which wouldn't be enough room for an ambulance and no emergency lighting would be set up. The stops along the paths would have actors and scenes set up and during the off season they would be stored in the restaurant. Concessions (popcorn, hotdogs and soda) would be sold. Children under 16 cannot be unattended and signs will be posted not recommended for children under 12.

Mr. Tomasello asked if there was any monetary agreement between Mr. Pashley and Mr. Zyndorf and there is none. He has concerns about this being a contract if there is no consideration involved.

Previously there was a use variance given for a Self Storage Facility but site plan approval was not completed.

There was discussion in regards to having a possible hardship and overall permitted use of the property.

The next witness was sworn in, David Shropshire, a licensed professional engineer and planner. Mr. Shropshire gave testimony in regards to traffic patterns and parking at the site.

Ms. Valentino wants the record to reflect that Route 40 is a single lane highway with a speed limit of 50 mph and has no acceleration or deceleration lanes.

Mr. Strigh stated that many businesses have peaks regards of hours of operation and feels there will be too many people showing up at once. Mr. Shropshire feels that people will be dropping large amounts of people off and not staying. The peak amount of parking spaces utilized would be 54 spaces and when full they will be told to move along.

Much discussion ensued in regards for overflow parking areas. There are 52 spaces currently and anything over that would require a use variance.

Mr. Watkins gave testimony on his report dated July 18, 2011. The fence variance was not looked at because it was not part of the Phase 1 plan and nothing has been submitted for the sign that is currently on the property.

Mr. Watkins asked about the speaker noise and Mr. Pashley stated it will meet all state and local noise requirements.

Mr. Choyce asked about the variance associated with the fence in a GA-L zone. Mr. Watkins said it would be for the height and for having it in the front yard of a commercial use. It would be a C variance.

Mr. Mazur gave testimony about his traffic engineering report dated August 15, 2011 after reviewing Mr. Shropshire's report. Since the fence would be open it may affect the site triangle and it would have to be maintained as a condition for approval.

Comment 9 (parking in the front yard)-There is a dashed line which is the delineation of the stone drive. There are parking spaces that go outside of that-the parking use being expanded in the front yard. Currently there are 52 spaces that have existed since 1976.

The traffic impact study was submitted because the applicant felt it would be beneficial to this project. There was discussion in regards to this traffic study to peak time periods and the traffic that would be involved. Mr. Mazur feels comfortable that the 73 peak trip generations with both curb cuts being ingress and egress along with 4 people to direct would work.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Cain moved, seconded by Mr. Strigh to close the public portion of the

hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” ONE “ABSTAIN.”

Mr. Cooper stated the following variances are to be addressed:

2 D Variances:

Phase 1-Use of the property (hayride), continuation of the parking (52 spaces) and utilization of the signage.

Phase 2-Anticipated use of the property (reconstruction of the restaurant into a haunted house).

1 C Variance:

To permit a 5’ high black aluminum fence in the front yard approximately 1’ inside the property line.

Additionally:

*A waiver of site plan approval (preliminary and final) for Phase 1 only.

*The applicant will come back before the board if Phase 2 will be developed.

Conditions:

*The noise level will be maintained at proper levels and not exceed regulations for noise off of a property.

*The adjoining neighbor permits the employee/volunteer parking and it doesn’t continue in the future. The applicant must make alternate arrangements or come back for a different plan whether it’s on site or somewhere else.

*The sign cannot be larger than what (6’ x 8’) is currently there and 16’ high.

Mr. Cooper stated the D variances (Phase 1 and Phase 2) should be voted on separately. Phase 1 should include the C variance (fence), sign and conditions and waiver of site plan.

Mr. Sacchinelli moved, seconded by Mr. Cain, on App. #13-11, Block 668, Lot 3 located at 6489 Harding Highway for Phase 1 D variance which includes the C variance (fence), conditions and waiver of preliminary site plan approval.

SAID MOTION CARRIED WITH THREE (3) MEMBERS VOTING “AYE,” FOUR (4) MEMBERS VOTING “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE
MR. SACCHINELLI-AYE
MR. TOMASELLO – AYE

MR. CHOYCE - NO
MR. STRIGH – NO

MS. LENTZ – NO
MS. VALENTINO –NO

SAID MOTION DENIED.

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

MR. CAIN: Yes.

MR. CHOYCE: It is my opinion the positive criteria presented by the applicant wasn’t sufficient enough to outweigh the negative impact of the project. I vote no.

MS. LENTZ: I also have concerns about the site and the safety of the participants in the back area which is not accessible to an ambulance. The thought of bringing someone out with a spinal injury on the back of a golf cart is not recommend for First Aid protocol. I also have concerns about the traffic (entering and exiting the site) because there will a high volume of traffic in a short period of time. I am not sure the applicant has met the criteria so I am voting no.

MR. SACCHINELLI: Yes.

MR. STRIGH: I am voting no. I don't believe the applicant has met the positive criteria and I am not satisfied that the parking and the traffic flow will be sufficient to ensure safety. This is a residential area and the noise will be going until 12:30 am.

MS. VALENTINO: I am voting no. I don't believe there are any special reasons that have been demonstrated to grant the variance. I am of the opinion that a free standing use unlike a use that shares a parking lot (mall or a strip store shopping center) should have all the amenities of that use contained within the property lines. The idea that using an adjoining property to accommodate employees or having a bus come from another site is not conducive to having a business on a piece of property.

MS. ZIMMERMAN: I believe that the applicant has shown positive criteria for a D variance. It is suited for the proposed use (called in error-not eligible to vote).

MR. TOMASELLO: I vote yes. I saw this differently from my colleagues and saw positive criteria in this application. It would preserve open space, preserved trees etc. I had concerns about the traffic and the parking. After hearing the testimony from the applicants and our experts I think the applicant went above what was called for and produced a conservative traffic study. The property is zoned residential but it is a state highway and whatever goes there will generate traffic. The restaurant that was there generated traffic and the parking may or may not have been adequate but the applicants traffic engineer was conservative in his opinion which was confirmed by our traffic engineer. This use would have been more of a concern if it was held year round. Given that there were positives I don't really see that there were negatives that were insurmountable.

Mr. Pashley withdrew Phase 2 since Phase 1 did not pass.

Mr. Tomasello recessed the meeting starting at 9:28:18 pm and the meeting reconvened at 9:39:36 pm.

Laura Suhmann and Paul Morris – App. #15-11; Block 202 Lot 3 located at 1680 McCall Avenue was present and seeking a variance to permit an accessory structure (ground mount solar panel array) in the front yard area.

Ms. Lentz recused herself due to a conflict of interest.

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

Ms. Suhmann stated that she is seeking a variance for ground mount solar panels in the front yard area that will generate electricity for their use. The lot has many trees and none of them will be removed for these panels.

Mr. Tomasello asked if any Board Members had visited the site. Ms. Valentino stated she did and she inquired about the other structures on the property. Ms. Suhmann stated there was a fruit garden located to the left of the house. The house is on the corner of McCall Avenue and Third Avenue. The closest neighbor is across the street on Third Avenue. The solar arrays will sit behind the house and to the side.

Mr. Cain is familiar with the site and stated the panels will not be a detriment since they will be behind the house and to the side.

Mr. Cooper confirmed that passive energy, such as solar panels, is an inheritably beneficial use. It meets the positive criteria and the negative criteria would be if it impacts the neighbors and if it affects the zoning ordinances.

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," ONE "ABSTAIN."

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #15-11, Block 202, Lot 3 located at 1680 McCall Avenue to grant the relief requested by the applicant of a 13' x 62' accessory structure (ground mount solar panel array) in the front yard area.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and “ONE (1) ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	MR. CHOYCE-AYE	MS. LENTZ – ABSTAIN
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: Based on the positive criteria of the applicant she meets that. There are no negative criteria with the surrounding neighbors, the landscape and where the panels are located there is sufficient property. I do not have a problem voting yes on this applicant.

MR. CHOYCE: I would vote yes based on the aerial photographs provided by the applicant and the testimony from other Board Members regarding their knowledge of the neighborhood. I think what the applicant is proposing has little or no impact to the surrounding neighbors. This Board has already granted similar variances for solar array installation for 2 other properties within a short distance of this property.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes for the reasons previously stated.

MS. VALENTINO: Yes. The area is in a GA-M Zone and the proposed use is a permitted use in this area. There were no objectors present for the granting of this variance and accompanying plans indicate the proposal will not encroach upon adjoining properties in the pattern of development. The immediate area will not be disrupted by the granting of this variance.

MS. ZIMMERMAN: Yes for the reasons previously stated.

MR. TOMASELLO: I vote yes. I also would like to commend you on your submission, the photographs were excellent and it makes our job easier when we see so many views, color and aerial. On a personal note I am in favor of anything that prevents importing a single drop of oil or any type of fuel from people who hate our guts. So I commend you for bringing this application. From a legal stand point, the positive criteria is met because the state statute says so and the only thing that remains to be determined is if any impairment to the neighborhood. Board Members who have visited the site testified it is a wooded area and there is absolutely no negative impact to the zone, township, or neighborhood.

NVR, Inc. (Joseph and Carol Fraone) - App. # 23-11; Block 1132.24 Lot 3; 19 Rue Chagall were present and are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was also present; he is representing NVR and the homeowner.

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

The following witnesses were sworn in by Mr. Cooper:
Lance Landgraf, Jr., Professional Planner
Jason McNee, NVR

Mr. Floyd gave testimony in regards to seeking variances for any accessory structures in the front yard areas of all the properties that will be heard tonight.

The following Exhibits were introduced:

Exhibit A-1: Individual lot plans.

Exhibit A-2: Outline of meeting notes.
Exhibit A-3: Final plan of lots (dated 11/10/05)

Mr. Floyd stated that out of approximately 107 lots in the subdivision 11 of them face Rue Chagall and back up to Volunteer Way which creates 2 front yard areas according to the Township Ordinances. Any items which are to be erected will need a variance through the Zoning Board. There is a 50' buffer that runs through a majority of these lots that runs to the other side of Volunteer Way. The residents would like to be able to construct a fence against the property line for privacy and noise buffer.

There were 2 conditions that Mr. Fraone had to comply with when he was previously before the Zoning Board. The first was to get HOA approval for the structure and the other was to comply with all conditions/restrictions of the Planning Board. The issue was the location of the fence and where it could be located in the buffer zone.

Mr. Fraone asked Mr. Choyce about the deed restrictions on the properties. He does not recall the exact detail of these restrictions from the Planning Board but the 50' buffer was to be left as is (trees, vegetation, etc.). Mr. Choyce is only aware that a deed restriction was to be recorded stating what could or could not be done in the 50' buffer.

Mr. Floyd wanted the record to reflect that Ryan Homes was not the original owner of this property. Mr. Cooper stated it was La Pergole, LLC, he has a copy of the declaration of restrictions, but it is not a filed copy which states that the buffer area is open unoccupied space, no improvements can be constructed within the buffer area and no clearing of the buffer area is permitted other than underbrush and trees that are less than 3".

There was discussion about the deed restrictions and if it was recorded.

Mr. Floyd stated that any accessory structures that the applicants may need in the future will be placed in the green area (the rear area) which is indicated on Exhibit A-1 (not in the buffer area). If any of the other applicants require a fence in the future, he will research the declaration of covenants and restrictions to see if it was recorded, locate the original deeds, and present them to the Board of Professionals and if necessary, Ryan Homes and the applicants about contacting the Planning Board about having the condition quickly or modified.

Mr. Fraone's fence issue cannot be addressed at this time only the pool he plans to build. That area is buildable and has no restrictions.

Mr. Floyd acknowledged that all the lots in this area have rear yard setbacks of 35' except for the lots in question tonight. They can only build in front of the house. This is a hardship because they are limited on where accessory structures can be placed. There are no negative criteria because no one will be impacted. The benefits outweigh the detriments to the Zoning Ordinance. There are no homes behind these properties, only commercial sites.

Mr. Floyd asked that the time frame to apply for any permits be extended beyond the 1 year with no time limitations.

Discussion ensued about the time limitations that were asked for. It was concluded that the time limitation be 15 years from the date of the Declaration and Resolution.

Mr. Cooper stated that a record has to be retained for all the other applications but they will be expedited since they are all the same. Ms. Valentino had concerns because only 1 application stated what they wanted to do and the others are a generic application.

Mr. Tomasello opened this part of the hearing for public comment 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," ONE "ABSTAIN."

Mr. Cain moved, seconded by Mr. Sacchinelli, on App. #23-11, Block 1132.24, Lot 3 located at 19 Rue Chagall to grant the variance to allow 1 or more accessory structures in the Volunteer Way front yard so as all meet the bulk requirements of the zone

and do not encroach into the 50' buffer and if approval of the Home Owners Association is required they obtain this approval. The time limit will be extended to 15 years from date of approval of the Decision and Resolution.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Based on the discussion we just had and as long as it meets all conditions and does not encroach on the 50' buffer I vote yes.

MR. CHOYCE: I vote yes. We are dealing with properties that have 2 front yards and present a hardship to the owner not being able to utilize the property.

MS. LENTZ: I vote yes for the same reasons.

MR. SACCHINELLI: I vote yes for the same reasons.

MR. STRIGH: I vote yes for the same reasons.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes. We recognize that this is a hardship because of a technicality. The homeowner is deemed as having 2 front yards and qualifies as a hardship. Given that there is a buffer and the development abuts a commercial development there would be no negative impact.

Mr. Cooper stated to Mr. Fraone that as long as the accessory structures do not exceed the total lot coverage (shed, pool, fence, etc.) and meets all zoning requirements for those structures.

NVR, Inc. (Gabriel & Iris Pencheff Valentin) - App. # 16-2011; Block 1132.24 Lot 2; 21 Rue Chagall were not present but they are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

Mr. Tomasello opened this part of the hearing for public comment 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," ONE "ABSTAIN."

Mr. Strigh moved, seconded by Mr. Choyce, on App. #16-11, Block 1132.24, Lot 2 located at 21 Rue Chagall to grant the variance to allow 1 or more accessory structures in the Volunteer Way front yard so as all meet the bulk requirements of the zone and do not encroach into the 50' buffer and if approval of the Home Owners Association is required they obtain this approval. The time limit will be extended to 15 years from date of approval of the Decision and Resolution.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: As previously stated, yes.

MR. CHOYCE: Yes, with my previous comments.

MS. LENTZ: Yes.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (David & Marie Hughes) - App. #17-2011; Block 1132.24 Lot 4; 17 Rue Chagall were present and they are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Hughes commented that the house and backyard will always be utilized as such and in regards to the time limitations of 15 years he feels this is a hardship for any future homeowners of this property.

Mr. Tomasello stated the Board felt comfortable to put a time limit on this variance and Mr. Strigh added that anyone else in the township has a time limit of 1 year.

Mr. Landgraf stated the previous testament is the same for this variance.

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

Mr. Sacchinelli moved, seconded by Mr. Strigh, on App. #17-11, Block 1132.24, Lot 4 located at 17 Rue Chagall to grant an identical variance as the ones previously stated.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes, for same previously stated reasons.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (Cynthia Vogt) - App. #18-2011; Block 1132.24 Lot 6; 13 Rue Chagall was present and is seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

Ms. Valentino asked Ms. Vogt if the plot plan represents all the structures currently on the property. It includes the gazebo, shed and patio that was previously erected.

Mr. Michael Burke, the applicant's boyfriend, stated that permits were obtained and inspected by township officials.

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

Mr. Cain moved, seconded by Mr. Strigh, on App. #18-11, Block 1132.24, Lot 6 located at 13 Rue Chagall to grant an identical variance as the ones previously stated and to permit the previously built accessory structures within the front yard area and to grant variances to them.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes, for the same previously stated reasons. Along with the exceptions and conditions that have been placed on this applicant.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes, for same previously stated reasons.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (Marcia Marcano & Kevin Samuel) - App. #19-2011; Block 1132.24 Lot 7; 11 Rue Chagall were not present but are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

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," ONE "ABSTAIN."

Mr. Strigh moved, seconded by Mr. Sacchinelli, on App. #19-11, Block 1132.24, Lot 7 located at 11 Rue Chagall to grant a similar variance as the ones previously stated. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes, for the same previously stated reasons.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes, for same previously stated reasons.

MR. SACCHINELLI: Yes, for same previously stated reasons.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (Joseph & Jessica Taylor) - App. #20-2011; Block 1132.24 Lot 8; 9 Rue Chagall was present and are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

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

Mr. Strigh moved, seconded by Mr. Choyce , on App. #20-11, Block 1132.24, Lot 8, located at 9 Rue Chagall to grant a similar variance as the ones previously stated. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes, for the same previously stated reasons.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (Joseph Reyes & Cheryl Bacarro) - App. #21-2011; Block 1132.24 Lot 9; 7 Rue Chagall were not present but are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

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,” ONE “ABSTAIN.”

Mr. Tomasello noted for the record that since there is no one left in the audience there is no need to open the hearing for public comment.

Mr. Cain moved, seconded by Mr. Choyce , on App. #21-11, Block 1132.24, Lot 9, located at 7 Rue Chagall to grant a similar variance as the ones previously stated. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes, for the same previously stated reasons.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

NVR, Inc. (Wilfredo & Susie Reyes) - App. #22-2011; Block 1132.24 Lot 10; 5 Rue Chagall were not present but are seeking a variance to permit accessory structures in the front yard area. Attorney Michael Floyd of Archer & Greiner was present; he is representing NVR and the homeowner.

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

Mr. Landgraf stated the previous testament is the same for this variance.

There is no one in the audience.

Mr. Strigh moved, seconded by Mr. Cain, on App. #22-11, Block 1132.24 Lot 10, located at 5 Rue Chagall to grant a similar variance as the ones previously stated. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE	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: Yes, for the same previously stated reasons.

MR. CHOYCE: Yes, for same previously stated reasons.

MS. LENTZ: Yes.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes and incorporating my previous comments.

Approval of Minutes – Ms. Valentino moved, seconded by Mr. Choyce to approve the minutes from the July 25, 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 July 25, 2011 meeting were adopted as follows:

Mr. Sacchinelli moved, seconded by Ms. Lentz to adopt the resolution for Capital Telecom with corrections, App. 9-11 located at Block 1093 Lot 12. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Mr. Strigh moved, seconded by Mr. Choyce to adopt the resolution for Richard and Michelle Check, App. #10-11 located at Block 940 Lot 9. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Mr. Strigh moved, seconded by Mr. Choyce to adopt the resolution for Caryn and Dominic Francesco, App. #12-11 located at Block 829 Lot 6. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Public Comment – Chairperson, Frank Tomasello stated since no one is left in the audience the public comment portion will be dispensed.

Mr. Strigh would like to request that the Zoning Officer, Mr. Sartorio, to be present at all future Zoning Board Meetings.

Adjournment – Mr. Sacchinelli moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 11:20 pm. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment