

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. Also present were Solicitor, Robert Cooper; Zoning Officer, Philip Sartorio; Jen Heller, substituting for Vincent Polistina, Alternate Planner Consultant; and Kevin Dixon, Traffic Engineer Consultant.

The Statement of Compliance was read.

Announcements – There were no announcements.

Thomas Cawley/DLG Builders- App. # 26-11; Block 1030.03 Lot 27; 42 Knights Bridge Way; Joseph Viso (DLG Builders) was present and is seeking side yard setback variances to reconstruct a single family home destroyed by fire.

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

Mr. Sartorio stated the owner's insurance company requested the house taken down to the foundation and rebuilt. Based on that information the assessed value will be at approximately 20% of it's value.

Mr. Tomasello asked if the same house will be rebuilt and Mr. Viso answered yes. The current owner (Thomas Cawley) will move back into the home once it is complete and it will remain a single family dwelling.

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. Strigh moved, seconded by Ms. Lentz, on App. #26-11, Block 1030.03, Lot 27 located at 42 Knights Bridge Way to grant the variances requested by the applicant for the lot size of 7,105 square feet, a side yard variance of 6.4' and aggregate of 12.8' for both side yards.

SAID MOTION CARRIED WITH FIVE (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "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		

NOTE: The following Board Members made comments

MR. CAIN: I visited the site and based on the fire and that the applicant is rebuilding the exact same floor plan there is no deterrent, other than what the family went through. I vote yes.

MR. CHOYCE: I vote yes. I also visited the site and it is a hardship on the family for having a total loss of their home. The exact same home is being built and it won't impact the rest of the neighborhood or the intent of our zoning ordinances.

MS. LENTZ: I also visited the site and the fire was devastating to the family. Since the exact home is being rebuilt on the same footprint there is no deterrent to the surrounding neighbors or environment I vote yes.

MR. SACCHINELLI: Due to the reasons that were already spoken I vote yes.

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

MS. VALENTINO: I vote yes. I did visit the site and there is complete devastation of the house. The proposal is to reconstruct the identical house and it is keeping with the other houses in the area.

MR. TOMASELLO: I vote yes. I pass by that property several times a week and it is a tragedy what occurred. The fire was devastating and it is a shame that the owner has to go through this but the zoning has changed, it was originally part of a Planned Unit Development. The applicant is replacing what was there and there is no detriment to the zoning plan. All the positives of getting rid of an unsightly and perhaps hazardous building are met. Good luck.

SAID MOTION CARRIED.

Jiang Wen Yang (Steve) and Wai Ming Cheng (Christine) – App. #27-11; Block 732 Lots 51 & 52 located at 6142 Old Harding Highway were present along with his attorney, Robert Campbell, Jr. and is seeking a variance for 69.9% impermeable coverage to facilitate a driveway and parking area on a residential lot where 40% maximum coverage is permitted.

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

This will be delayed until the applicant's engineer arrives for the meeting.

John W. Pucci, Sr. and Deborah Pucci– App. #15-2010A; Block 1305 Lot 9.05; located at 828 Harrison Avenue. Mr. Pucci was present along with his attorney, Thomas Darcy, and are seeking modification to language of previous resolution and an amendment to the approved site plan to remove the agricultural fence so Mr. Pucci does not have to bond for that.

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

Mr. Darcy wanted to address the fence issue that was approved October 2010 (Resolution #15-2010) and give background information pertaining to this amendment. He noted on the site plan that Mr. Pucci's commercial operation is outlined in green and the fence is outlined in red. That fence line goes back on Harrison Avenue about 340' and ties into his commercial facility at about 150'. On the site plan the area which is southeast of his dwelling and the commercial building can't be used for commercial purposes. It reads "No commercial activities or related disturbances permitted south of the existing dwelling and barn or east of the existing barn with exception of the cutting area."

The fence is proposed to be in an agricultural area that Pinelands agreed was pre 1979 but it can't be used as part of the commercial operation. When the site plan was submitted along with the bond estimate to the township engineer it was required that the fence be bonded as part of the performance guarantee for the commercial operation. The township engineer was contacted and informed that the fence shouldn't be included because it can't (by definition) be part of the commercial operation. It is for private agricultural use only and typically not bonded. The engineer indicated that because the fence is depicted on the site plan (regardless of the limitations that are in the notes) it can't be used for commercial purposes and he doesn't have the authority to decide if the fence line has to be bonded. A modification from the Zoning Board is needed in order to remove it. We are asking the Board to allow the fence line, which was proposed for private agricultural use, and has no connection to the commercial use be removed from the site plan so Mr. Pucci does not have to put up the money to bond the fence that he may or may not put up.

Mr. Pucci agreed with Mr. Darcy's statement that the area where the fence line is located on the site plan is to be removed. He also agreed that the area where the Pinelands Commission indicated cannot be used as part of his commercial operation. If the fence does go up it will be used solely for his personal private agricultural use. The existing 4' high chain link fence (extends 75' in the rear of the building-the cutting area), the gate and the fence approximately 80') by the north side will remain because they are connected with the commercial operation. He will bond for those if they are not bonded already. The fence in the agricultural area does not exist; it is on the site plan as proposed.

Mr. Cooper verified that the fence which is being proposed to be removed starts at Harrison Avenue continues across about 340', ties into the commercial facility, it turns north for about 150' and ties into existing 4' chain link fence on the south side of the cutting area.

It was suggested that the modifications being requested be heard separately. The first modification is the fence.

Mr. Tomasello opened this part of the hearing for public comment and there was no response. Mr. Sacchinelli 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 asked if the area shown in green has any additional fencing needs to be installed to meet what is shown on the site plan around the commercial part of the property and Mr. Darcy answered that all the fencing exists.

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #15-2010A Block 1305 Lot 9.05 located at 828 Harrison Avenue to coincide with the applicants representation that there is no existing fencing on the plan that would require additional bonding and the area to be fenced will be in the confines of the green line on the plan which clearly delineates the residential and business portion of the property in accordance with the facts that were presented.

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 what's supplied because it does not exist already and the commercial part is closed in I vote yes.

MR. CHOYCE: Based on the fact that the fence that is being requested be removed from the site plan is totally associated with the agricultural portion of the property and not the commercial portion I vote yes.

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

MR. SACCHINELLI: I vote yes.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes.

MR. TOMASELLO: Yes. The Pinelands has prevented Mr. Pucci from doing anything but agricultural in that area. Unfortunately because of semantics it became part of an approved site plan not realizing that it would require bonding. I see no reason not to grant the relief requested so that he doesn't have to bond the project of the fence whether he decides to put it in the future or not. It doesn't make sense to me to require the applicant to bond that particular fence. I vote yes.

Mr. Darcy explained the second modification that is being asked for is to modify the language of the site plan resolution to include the original condition B that was imposed by this Board in the Use Variance that was granted in 2007. The Resolution that the Board passed had different language. There are 3 good reasons why the Board should agree to the modification.

1. At the time when the condition was originally imposed in 2007, the Pucci's were the owners of the property.
2. They were the resident's of the dwelling.
3. They were the operator's of the business.

At that point in time Mr. Pucci had to comply with the terms and conditions of Resolution 13-2007, especially condition B. An adjoining property owner appealed the decision of the Zoning Board to grant the Use Variance and it then went before Township Committee. Township Committee voted to affirm the decision of the Zoning Board for the Use Variance and the language of condition B was not modified.

Mr. Pucci came back for site plan and the language of condition B remained the same because their status was the same (see above points). The site plan and deed were recorded and their status was

unchanged. The language in condition B was recorded within the Deed of Consolidation. When the site plan resolution came out the language had changed and there was no reason to change it. This is the first reason for the Board to restore the original language of the site plan resolution, condition B.

The second reason is the recordation of the Deed of Consolidation. When we agreed with you to record that condition in the Deed of Consolidation we didn't expect the language to be modified.

The third reason is when a condition gets approved by Zoning an applicant has rights and obligations. In a Use Variance the general public shows up and wants to know what can/cannot be done by the applicant. If the Board decides to modify to restore the original language Mr. Pucci ends up having no more or less than he originally had in 2007. There is no change to the Use Variance applicant and Mr. Pucci's status stays the same.

These three arguments are sufficient to modify the site plan resolution and to restore the original language.

Mr. Cooper reviewed the deed after it was recorded and feels the language is slightly different-the original language doesn't require that the owner of the property both operate and reside in the premises. It only requires that the operator resides in the premise. Someone can own the real estate and lease it to someone to operate the business and reside at the residence. The change that we made in the Resolution is that person had to be one in the same (owner, operator & resident).

Mr. Darcy said that if he had known the language was going to be modified a different application would have been brought before the Board. He feels that condition B of the Use Variance would have been detailed more. He also feels that the modification should not have been made in the Site Plan Application.

Mr. Tomasello opened this part of the hearing for public comment and Susan Diefenbeck, 829 Harrison Avenue was sworn in. She knows Mr. Pucci and feels that it was the Board's intent for the owner of a business, which is located in a residential area, lives in the house and owns the building have a higher standard.

Myra DiBianca was sworn in and asked what the difference in wording is between the 2007 and 2010 Resolutions. She has concerns if the owner of the property sells to another business entity.

Mr. Tomasello asked if anyone else wanted to speak for this portion of 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."

Mr. Cooper clarified that condition 8 of the 2010 Resolution stated that the person who owns the house is to live there and be the same person who owns and operates the business.

There was discussion in regards to the language that was used in 2007 (Section B) and 2010 (Condition 8) and the previous hearings.

Mr. Pucci stated that there have never been any violations on his property. There were 11 other conditions placed on the building to satisfy the concerns of the residential neighborhood. Under the old conditions Mr. Pucci could move, his son could be his manager, and run Chestnut Run Excavating out of the auxiliary building. Under the new conditions he cannot do that.

Ms. Valentino and Mr. Cooper clarified if the operator of the business is to reside in the premises if the situation should change (i.e. the business expands; the operator chooses not to reside in the premises; or a violation of something) that is a violation of the conditions imposed. The owner will receive a notification from the code enforcement officer that he is in violation. Should he want to expand or change something with the business in the future he will have to come back to the Zoning Board. If there was to be a new owner/operator of the business (in case of a sale) and reside on the premises and the use is not consistent the contract purchaser would have to come back before the Zoning Board for a variance.

Ms. Valentino moved, seconded by Mr. Strigh, on App. #15-2010A, Block 1305 Lot 9.05 located at 828 Harrison Avenue to recommend that the request by the applicant be granted and the original condition B in Use Variance Resolution 13-2007 (To control operators not as conscientious as the Applicants, in the event that the Applicants sell their business, this use variance shall lapse unless the new business operator continues to reside on site) to be include that in lieu of Condition 8 in Resolution 15-

2010. The language only addresses the sale, not the renting of the business. This is a modification of the Site Plan Resolution.

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

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. CHOYCE - NO

MS. LENTZ – AYE

MR. SACCHINELLI-AYE

MR. STRIGH – AYE

MS. VALENTINO –AYE

MR. TOMASELLO – AYE

SAID MOTION DENIED.

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

MR. CAIN: Based on giving him the flexibility I vote yes.

MR. CHOYCE: I think a Use Variance is the one of the most critical variances this board has jurisdiction over. This variance is in a residential zone which makes it more critical and to me it is in the neighborhoods best interest for the granting of the Use Variance. It is important whoever resides on the property must operate the business and own the property. I vote no.

MS. LENTZ: I am going to vote yes that we return to the language outlined in section B. I understand what the owner proposes to do which is to involve his son in the business and allow him to live in another location. The language from 2010 would not allow that-for those reasons I vote yes.

MR. SACCHINELLI: I vote yes with the stipulation that the comments that Ms. Valentino made are included.

MR. STRIGH: I agree with Mr. Choyce that granting Use Variances is a difficult thing to prove and for residents to live with. I vote yes.

MS. VALENTINO: Yes as previously stated.

MR. TOMASELLO: I found this to be an extremely difficult application. The Board in 2007 may have been trying to accomplish a lot in a small space and the result was confusion, misunderstandings and unpleasant things. I agree with Mr. Choyce that a Use Variance should be granted sparingly, especially in a case where you are operating a quasi business in a residential neighborhood. Unfortunately, I have to agree with Mr. Darcy that the time to argue that was in 2007 not at the time of the site plan application in 2010. I understand we have the right to impose some conditions, I don't know if it was appropriate under those conditions I think this Board tried to live up to the spirit of what happened in 2007, although a Use Variance had already been granted by tightening it up and no more that was given in 2007 was to occur. If the business does expand this is a violation of the use and require some action and revisiting the situation from the Board. In a sense, changing the language doesn't change much but it was in place from 2007 until 2010 and for those reasons I vote yes for the modification.

Mr. Tomasello recessed the meeting starting at 8:32 pm and the meeting reconvened at 8:38 pm.

Jiang Wen Yang (Steve) and Wai Ming Cheng (Christine) – App. #27-11; Block 732 Lots 51 & 52 located at 6142 Old Harding Highway were present along with their attorney, Robert Campbell, Jr. and are seeking a variance for 69.9% impermeable coverage to facilitate a driveway and parking area on a residential lot where 40% maximum coverage is permitted.

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

The following witness for the applicant was sworn in: Rami Nassar, Schaeffer Nassar Scheidigg.

Mr. Campbell stated that the owners purchased the property in 2005 (this is their second property). In July of 2011 the driveway was paved by a contractor (Driveway Express) and they were told the blacktop will absorb water (variances were not discussed). The parking area was also paved because Mr. Yang parks his vehicles (2 trailers -6' x 10', 1 van and 1 pickup truck) which are used for his construction business. The pavement also comes around to the back and side of the detached garage

(located in the back of the house) which leaves room for a turning radius. The owners feel the paved area is esthetically pleasing; there is also a fence (chain link) in the back and side. They would like to Board to allow this variance even though the impervious coverage is over what is allowed.

Mr. Nassar reviewed this project and made changes to the plans that the Township Engineer requested, except for item #5. Testimony was given in reference to the changes and how the zoning application meets this plan. Mr. Nassar stated the hard packed dirt that was there before created an impervious surface. The negative impact created was more runoff of water. Underground recharge systems were created to combat this issue.

Ms. Valentino questioned the utilization of the property. Mrs. Cheng answered that her husband lives at the property about 20 days per month and friends of the family also stay there. This is a single family home with 2 front doors, 5 bedrooms, 4 bathrooms and 1 kitchen. The front doors open to a living room. When the home was purchased it was in the same condition not a duplex. There is no staff or office in the house. If there are any supplies left over from a job it is stored in a utility trailer.

The asphalt is complete and the underground recharge systems along with the center berm between the driveways have to be completed.

Discussion ensued about Mr. Yang's construction vehicles and what capacity the vehicles are used for. The other people who live in the house do not have any vehicles and rely on Mr. Yang for transportation.

Discussion also ensued about materials being stored on the property. Mr. Choyce has concerns about commercial items being stored in a residential neighborhood. It was agreed that as a condition any materials can be stored in the shed.

Mr. Yang stated that there is less water going towards the neighbor's house then there was before and he attributes it to being because of the berm.

Mr. Strigh visited the site after the rain and noted that from halfway up the driveway to the berm was flooded with water. It appeared that the water from the back would come forward and there are railroad ties across the back that stick up about 1". The water comes toward the street and ends up in a large puddle. Opposite the back step is where the water flows into the property next door. Mr. Nassar stated that there will be an underground recharge pipe (2'x2' with an 18" pipe).

Mr. Dixon stated that their report states what the impact is for the neighbors and it seems that the standing water will take a toll over time on the concrete. He

The following witness was sworn in: Mr. Kevin Dixon, Dixon Associates.

Mr. Cooper asked if the condition was better today than if it was left as dirt. Mr. Dixon stated that there is more water run off on a paved surface than a compacted dirt surface. He feels if the applicant complies with review comments 1 through 4 then the water runoff issues will be adequate. As far as comment 5, it can be eliminated. A pipe from the field drain to the street will redirect the flow of water from the neighbor's property.

Much discussion ensued about the maintenance of the proposed berm and the shrubs which are proposed to be planted.

The underground storage areas will be functional for a very long time.

This property does not have any street parking. The parking lot design is for maneuvering vehicles for K-turns and for taking them out straight.

There was discussion about the amount of paving on the property. It was concluded that part of the paving would be removed. The part agreed upon would be from the left side corner of the house to the garage (about 800 sf.). This would reduce the impervious coverage to approximately 55%-56%. The pipe would still be needed but could be moved or adjusted.

Mr. Tomasello opened this part of the hearing for public comment. Attorney Frank Lentz was present and is representing Karen Rogers who was also sworn in. She has owned the duplex (6144 and 6146 Old Harding Highway) which shares the driveway of the applicant since 1992.

Mrs. Rogers testified that the asphalt berm is on the east side of their property and it makes getting in and out of a vehicle harder since the space is narrower. When exiting the driveway the only option is to back out. The proposed holly bushes will also present a possible problem when backing out as well. She has seen the water come down the driveway toward the house. A paving contractor came to the property and met with Mr. Yang and Mr. Rogers. Mrs. Rogers stated that Mr. Yang was advised not to pave that much of the driveway. If anything were to be done the entire driveway (on both sides) should be regarded so it would slope to the street so both structures would not be affected.

Mrs. Rogers has spoken to a professional about the current paving situation and corrections required to correct it. They were also told that it is only a matter of time before water enters the basement on both sides of the duplex. She is concerned about this happening. Since July (when the berm was installed) there has been water crossing over it onto their property.

Much discussion ensued in regards to reducing the curbing and berm between the shared driveways.

Mr. Tomasello asked if anyone else wanted to speak for this portion of 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," NO "ABSTAIN."

NOTE: The following Board Members made comments

MR. CHOYCE: The condition of the property as it exists today, 70% impervious coverage in a residential neighborhood does not fit with the zoning of the area. Viewing the property with all the asphalt makes it look like a commercial property. I couldn't agree to leave it as it is and some reduction of the paving would have to be done. Some of the compromises are helpful, the applicant offering not to store excess construction material outside and keeping it under cover is a plus for the neighborhood. The property is the highest spot on the street, everything from there drains to the neighbors (east, west or south). By taking any natural soil out and putting Macadam down accelerated the volume and velocity of the runoff to the neighbors. I want to see some reduction in the total coverage, as much as possible, for me to agree to accept anything that is above what is allowed by code.

MR. CAIN: I wasn't able to get out to the property but I know where it is at. Granting variances based on hardships is one thing but to grant a variance for a project that was done without going through the proper channels is another. I have a difficult time accepting it how it is. There have been discussions about scaling back the coverage and I am relying on the members who visited the property their opinion. We can't correct all the issues but some adjustments and concessions must be made.

MS. VALENTINO: I would like to revisit the area from the front of the property back to the first 3 trees on the berm. I think that is unnecessary and it would give you more clearance even coming out of the driveway. The landscaping could grow and get in the way of making a turn when you pull out.

Mr. Campbell replied that this landscaping could be removed and Mr. Dixon confirmed the drainage and the adjoining property will not be impacted.

Much discussion ensued in regards to using a solid curb in front of the berm. A compromise was reached and will be a condition in the resolution.

Mr. Strigh moved, seconded by Mr. Sacchinelli, on App. #27-11 Block 732 Lots 51 & 52 located at 6142 Old Harding Highway to grant a variance to permit lot coverage of approximately 56% +/- 2% once the asphalt is removed in accordance with the testimony given and the plans submitted along with the following conditions:

1. Items 1-4 of the Dixon Associates review which is dated 10/20/11.
2. No outside storage of equipment, supplies or materials other than the vehicles and 2 trailers (6'x10') as previously testified.
3. The applicant shall remove a portion of the Macadam starting at the front of the garage and a parallel line down to the house and all of the Macadam to the left of that area. The applicant properly covers that with ground coverage (to be determined by our board engineer).
4. The applicant will remove a portion of the berm from the street back 6'. The berm will be reduced to 18" and an asphalt curb will be installed on the inside portion of the berm.

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 testimony from our engineer and the applicants engineer hopefully this solves the neighborly aspect of things as long as they do everything that was agreed upon and that was asked for. I vote yes.

MR. CHOYCE: I vote yes. The compromise that the applicant has agreed to with the reduction of the impervious surface as well as the berm modification and adding the inside curbing to that berm will help control the run off to adjacent properties and protect the adjacent property owners.

MS. LENTZ: I vote yes. The applicant is willing to compromise and work with the professionals to try to reduce the impervious coverage and make the necessary changes that we, along with the township engineer requested.

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

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

MS. VALENTINO: Yes. I visited the property several times, looked at the properties and the properties within 200', except for about 4 properties, a majority of them are not owner occupied and are duplexes. My concern is that the property remains residential and that no business be conducted on the subject property and all of the conditions and changes are followed.

MR. TOMASELLO: I vote yes. Under the statute the applicant has to satisfy positive criteria as well as negative criteria. The applicant adequately demonstrated the positive criteria in that this property is abutting a major thoroughfare and there is no parking available on the street. It did improve the area esthetically; it was a dirty, muddy field prior to the paving. Now it is clean. The negative was to the neighborhood and particularly to the adjoining neighbor. Mostly in regards to the water runoff I am hoping that based on the compromises made in terms of the impervious coverage and the attempts made through underground storage and percolation have mitigated at least to where it was before the paving. The applicant is permitted to the relief that we are granting today.

Approval of Minutes – Ms. Valentino moved, seconded by Mr. Cain to approve the minutes from the September 26, 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 September 26, 2011 meeting were adopted as follows:

Mr. Sacchinelli moved, seconded by Mr. Choyce to adopt the resolution for Ranjit & Balbir Dhaliwal, App. 14-11 located at Block 801 Lot 5. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Ms. Valentino moved, seconded by Mr. Sacchinelli to adopt the resolution for Brian & Diane Mohr, App. #24-11 located at Block 849 Lots 4 & 5. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Ms. Lentz moved, seconded by Mr. Choyce to adopt the resolution for Anthony F. Dalton, Jr. App. #25-11 located at Block 655 Lot 6. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” ONE “ABSTAIN.”

Public Comment – Chairperson, Frank Tomasello opened this portion of the meeting for public comment.

Mr. Tomasello asked if anyone else wanted to speak for this portion of 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. Strigh questioned if public notice in the form of a sign for change in use was acceptable. Mr. Cooper stated that the general public is noticed by the advertisement in the local newspaper legal ads.

Mr. Tomasello appointed Mr. Choyce, Mr. Strigh and Ms. Valentino to research the RFP's to select the best suited professionals for next year. They agreed to take on this responsibility.

Adjournment – Mr. Sacchinelli moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 11:01 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment