

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Frank Tomasello presiding. Members present were Wayne Choyce, Eduardo Freire, Kathi Lentz, and Werner Raff. Also present was Zoning Officer, Steven Maimon and Zoning Board Solicitor, Robert Cooper.

The statement of compliance was read.

Approval of Minutes- Mr. Choyce moved, seconded by Mr. Raff to approve the minutes of the May 24, 2010 Zoning Board of Adjustment meeting. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mark and Fran Ludwick, App # 6-10- Solicitor, Robert Cooper verified that the proof package has been executed properly and property taxes are current.

Mr. and Mrs. Ludwick of 1706 Branch Drive on Block 836, Lot 3 were both present for the meeting. Mr. Ludwick explained that his mother will be living with them so they are seeking a rear yard setback for the construction of a 20 foot by 17 foot addition due to the demands of their growing family and need this additional handicap accessible space. He explained that they have made every effort to try and comply with all zoning requirements and subsequently will only need a rear yard setback for this project.

Mr. Choyce asked if the space would be intended for Mr. Ludwick's mother only and, therefore, not to be rented out. Mr. Ludwick agreed that it would only be used as a living space for his mother and will not be renting it out at any time.

Mr. Raff pointed out that based on their lot size it appears that Mr. & Mrs. Ludwick have city water and sewer on their property. Mr. Ludwick stated this was correct.

Mr. Choyce stated that he had the opportunity to visit this particular site and found there to be a drainage ditch for a stream that runs near their property. He asked Mr. Ludwick about this drainage area and Mr. Ludwick replied that the drainage ditch is for the high water seasons, particularly the Spring. He noted that he hasn't had any drainage or flooding issues on his property in the past.

Mr. Choyce stated that he feels that with this drainage ditch directly behind their property, the rear yard setback that is being requested would not have any negative impacts in terms of drainage on any of the surrounding properties.

Mr. Freire stated that he also visited the property and mentioned that it is very nicely maintained. He stated that upon his visit, he noticed that several of the Ludwick's neighbors have had similar work done on their properties also. In addition, Mr. Freire stated that the addition would not be visible from the front of the property.

Mr. Choyce asked Mr. Maimon to verify that all other zoning issues were met, with the exception of this rear yard setback. Mr. Maimon stated that this was correct.

Mr. Raff asked Mr. Ludwick if it was his intention to have a door that would lead out to the backyard. Mr. Ludwick answered that he was intending to have a standard thirty-six inch door going out toward the driveway side of the house which connects to the walkway. Mr. Tomasello pointed out that they are already at 10 feet 6 inches on the side yard and are required to be at 10 feet; therefore should probably put the door out toward the backyard instead in order to avoid needing an additional variance. Mr. Ludwick said he is flexible with where the door is placed and would be willing to have it go out the back rather than out the side if need be.

Much discussion ensued. Mr. Cooper came to the conclusion that Mr. and Mrs. Ludwick could actually go forth with requesting the side yard variance at this time since it was stated on all the notices that they were requesting a rear yard setback along with any additional variances they may need to complete this project.

Mr. Ludwick explained that he would like to go ahead and modify his request to the Board by having the two steps built connecting the door to the walkway which would equal two feet into his side yard. Since he only has six inches to spare before encroaching into his setback area, he would also be requesting a side yard setback variance for the additional one and a half feet.

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

Mr. Freire moved, seconded by Mr. Choyce on App. # 6-10, Block 836 Lot 3 located at 1706 Brach Drive to grant variances for a rear yard setback of 18 ft, plus or minus a foot, where 25 is required in addition to a side yard setback of 8 and ½ ft, plus or minus 6 inches, where 10 ft is required, to allow for construction of a 20 ft by 17 ft addition. The conditions for this project are that it cannot be considered a separate structure and it may not be rented out.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE – AYE	MR. FREIRE – AYE	MS. LENTZ – AYE
MR. RAFF – AYE	MR. TOMASELLO – AYE	

SAID MOTION CARRIED.

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

MR. CHOYCE: I feel the relief that the applicant is requesting is in no way a detriment to the zoning plans for this Township. Also, the fact that the 40 ft Township owned property sits right behind theirs will minimize the impact that the rear yard setback will have.

MR. FREIRE: I vote yes for the same reasons Mr. Choyce pointed out.

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

MR. RAFF: I vote yes for the same reasons previously stated.

MR. TOMASELLO: I vote yes for the same reasons and will add that nobody from the public appeared in opposition to the application. Therefore, I believe it is entirely appropriate given the fact that it will not be visible from the front of the property or practically from anywhere since there is such a large buffer that is behind their property.

Gordon Craig, App. #7-10- Solicitor, Robert Cooper verified that the proof package has been executed properly and property taxes are current.

Mr. Freire recused himself at this time due to having a personal business relationship with the applicant.

Mr. Craig was present

and informed the Board that he is seeking a variance to exceed lot coverage by 1% on his property to permit for the construction of a 9 ft by 23 ft attached garage expansion on Block 1101, Lot 8.08 located at 503 Sun Pine Drive. Mr. Craig also provided a letter from a licensed professional engineer indicating the proposed 207 sq. ft. addition will not create a drainage problem.

Mr. Tomasello asked if the garage would be used for personal storage purposes. Mr. Craig responded that this is exactly what the purpose of this expansion is for since he does not have a basement and is running out of storage space.

Mr. Tomasello also asked Mr. Craig to verify that this expansion would not be used for any commercial purposes at all. Mr. Craig agreed that he would not be using the garage for any type of business and reiterated that it is strictly for personal use.

Mr. Tomasello added that he did have the opportunity to visit this property and stated that he did notice a significant amount of trees that line the property in addition to their neighbor's six foot wooden fence.

Mr. Choyce also said that he had a chance to visit the property and look at it from the street. He then proceeded to ask Mr. Craig if this garage was going to be placed in the space between where the house is and the pavers begin on his property. Mr. Craig agreed and said this was his plan exactly.

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

Ms. Lentz made a motion, seconded by Mr. Choyce for App. #7-10 on Block 1101, Lot 8.08 located on 503 Sun Pine Drive, to exceed the lot coverage by 1% plus or minus 1% in order to construct a garage.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE – AYE MS. LENTZ – AYE MR. RAFF – AYE
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

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

MR. CHOYCE: I vote yes. The applicant has provided a letter from a licensed professional engineer and it appears that his comments agree with our comments that exceeding 1% impervious lot coverage is minimal for this application.

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

MR. RAFF: I vote yes for reasons previously stated.

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

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications were accepted by those Members voting "AYE," NO "NAY," three "ABSTAIN."

South Jersey Gas Co. – Block 1301, Lot 2; App. #4-10
John and Kristina Carr – Block 984, Lot 3; App. #5-10

Public Comment – Chairperson, Frank Tomasello opened the hearing to the public for comment, and there was no response. Mr. Freire moved, seconded by Mr. Raff to close the public portion of the hearing. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

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

Respectfully submitted,



Jeanne M. Parkinson, Secretary
Zoning Board of Adjustment

This entire meeting was recorded. The compact disk is on file in the Zoning Office and may be reviewed by interested persons during regular business hours.