

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, Kathi Lentz, Werner Raff, Bruce Strigh, and Elaine Valentino. Also present were Zoning Officer, Steven Maimon and Zoning Board Solicitor, Robert Cooper.

The statement of Compliance was read.

Susan Shipman App #12-10 – Mr. Cooper verified that the proof package has been executed properly and property taxes are current.

Mrs. Shipman explained to the Board that she is interested in building an above ground pool on her property located at 6356 Benson Avenue on Block 717, Lot 28. Due to the way her house is situated with a road in the front and back of her property, she is considered to have two front yards. Mrs. Shipman is seeking relief from the Board by requesting a variance to allow for this accessory structure to exist in the front yard area.

Mrs. Shipman also explained that she has had both knees replaced and her husband has a torn shoulder. The Rothman Institute told her that swimming will be beneficial and is recommended for their physical therapy, which is why it is so important for them to have this pool.

Mr. Choyce stated that he had the opportunity to visit this property and it is really set back from the road, making it very hard to even see it unless you drive up the easement. He stated that even from Route 40 it is difficult to see due to a fence and heavy vegetation which surrounds it. He feels these factors will make it extremely difficult for anyone to even see this swimming pool from either side.

Ms. Lentz stated that she also had a chance to visit this property and that it is very unusual in the way it is situated. She stated that it would be difficult for these residents to do much of anything on their property without first seeking a variance. She also stated that it is very hard to see from the road and feels the only way people might see the pool is from the back of her property.

Mrs. Shipman presented the Board with photos of her property. Mr. Cooper marked them as the following:

Exhibit A1- Five photos of the deck where she is intending to situate the pool.

Mrs. Shipman stated that it is her intention to place the pool right against the deck so she can walk out her back door onto the deck, then go right into the pool.

Mr. Tomasello opened this portion of the hearing to public comment on App #12-10, and there was no response. Mr. Choyce moved, seconded by Mr. Strigh to close the public portion of the hearing for this application. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Choyce made a motion, seconded by Mr. Raff on App #12-10 to grant a variance on Block 717, Lot 28 located at 6356 Benson Avenue to allow the construction of an above ground pool to be placed in the front yard area of a single family home.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

SAID MOTION CARRIED.

Note: The following Board Members made the following comments regarding their vote on the above motion:

Mr. Choyce: The applicant has a hardship in this particular case because their property is considered to have two front yards. The property line facing Route 40 is fenced in and highly vegetated. I don't see any negative impact with the construction of this swimming pool and I vote yes.

Ms. Lentz: I vote yes for the same reasons.

Mr. Raff: I vote yes because there is no negative impact to the construction of this swimming pool in the front yard. It is vegetated and there is also a fence in place. It is just a unique topography of land where there are two front yards by the mere fact that the property is abutted by two streets.

Mr. Strigh: I vote yes.

Ms. Valentino: I vote yes. I also visited the property and see no negative impact.

Mr. Tomasello: This Board has typically recognized that there is some sort of hardship that entailed a cork in the law when you have a property that is abutted by two streets creating what is deemed having two front yards, although in reality, that's not the case. Particularly, in this case, based on the testimony and reports from the Site Review Committee, the area is fenced and heavily vegetated. Also, from the photos that were provided by the applicant, there is already a deck in place abutting the home and the above ground pool will be abutting this deck. The pool will not be highly visible to anyone happening by the property. I vote yes for the above reasons. I don't feel there is any negative impact to this application and certainly there is hardship and this would be beneficial to the property owner.

Thomas & Gail Pellerito App #13-10 – Solicitor, Robert Cooper, verified that the proof package has been executed properly, and property taxes are current.

Mr. Pellerito explained that he is seeking a variance for a front yard setback in order to build an 8' x 8' deck where a small set of steps currently exists. Mr. Pellerito stated that he currently can not stand on the top step and open the door at the same time since the space is so limited. In addition to this, he said that there also no railings on his current steps so he gets frustrated when he is carrying things in the house such as groceries, etc.

Mr. Pellerito handed Mr. Tomasello photos of his current steps for the Board to examine. Mr. Tomasello labeled these photos as the following:

Exhibit A1 – Eight photos of Mr. Pellerito's current steps which he is intending to replace with a deck and new steps

Mr. Choyce asked Mr. Pellerito if he is intending to make any changes to his driveway. Mr. Pellerito answered that he is not intending for the construction of this deck to go out that far and said it would still be about three feet from the driveway.

Mr. Cooper asked Mr. Pellerito if it was his intention to remove the old steps and replace them with the new deck and add new steps to this addition. Mr. Pellerito stated that this was exactly his intention.

Mr. Choyce stated that he had the opportunity to visit this property and look at some of the surrounding homes in the area and there are homes that exist within the area that have smaller properties and lesser setbacks than what is being proposed here.

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

Mr. Strigh moved on App #13-10, seconded by Mr. Raff to grant a variance on Block 667, Lot 5 at 6564 Route 40 for a front yard setback of 2 feet 6 inches +/- 6 inches to permit the construction of an 8' x 8' addition to an existing single family home with the condition that the old steps be removed.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

SAID MOTION CARRIED.

Note: The following Board Members made the following comments regarding their vote on the above motion:

Mr. Choyce: I think that the applicant has demonstrated with the photographs that he has presented to us that the existing condition of the home is somewhat hazardous and does pose a potential threat for someone to trip and fall. Also, what is required in this particular zone is a 50' setback and what is being proposed is 47' 8". I think that is a minimal impact to the zoning plan and see only a positive impact from what the applicant is proposing, so I vote yes.

Ms. Lentz: I vote yes. I think it is a minimal request, and in the interest of safety and replacing the steps that are falling apart, in addition to making it easier on the applicant to open his door and get in and out safely, I vote yes.

Mr. Raff: I vote yes.

Mr. Strigh: I vote yes.

Ms. Valentino: I vote yes. I also visited the site and it is difficult living on a main highway and there are positive reasons for granting this variance.

Mr. Tomasello: I'll also vote yes and make it unanimous based on what has been stated by the other Board Members.

Shawn Vallauri App #14-10- Solicitor, Robert Cooper, verified that the proof package has been executed properly, and property taxes are current.

Mr. Vallauri explained to the Board that he is seeking a variance to allow the construction of a 30' x 60' detached pole barn to be located within a portion of the front yard area of a corner (double frontage) lot.

Mr. Vallauri also stated that he actively farms the property and proposes to use the pole barn for personal/ agriculture use only.

Mr. Tomasello asked Mr. Vallauri if he was going to be building this 30' x 60' pole barn by hand or if it is a kit that he is going to assemble. Mr. Vallauri stated that it is a kit.

Mr. Tomasello also asked if he was able to meet the setback of at least 20' from his property line. Mr. Vallauri stated that he was aware of the property lines and would be in compliance with them. He explained that due to the nature of his property abutting two streets, he is technically considered to have two front yards which is the only reason why he needs the variance.

Mr. Tomasello asked Mr. Vallauri to explain the vegetation that surrounds his property. Mr. Vallauri stated that his property is surrounded by trees and he does intend to keep the vegetation that is currently there. Mr. Vallauri also told the Board that this pole barn is going to be constructed across from Linden Avenue where there is nothing but a large open lot.

Mr. Choyce said that he had the opportunity to visit this property and noticed that his property along Linden Avenue is very heavily wooded. Mr. Choyce asked Mr. Vallauri if it was his intention to maintain the berm that already exists. Mr. Vallauri agreed that it is his intention to keep the berm in place as it is. Mr. Choyce said that between the berm and thick vegetation, the pole barn will be shielded from the road. In addition, Mr. Choyce stated that there is minimal development in this area of the township, so there would be a minimal impact to the neighborhood.

Mr. Choyce asked whether there was any intention to use the pole barn for any type of commercial business. Mr. Vallauri stated that it is going to be used for his personal use only.

Ms. Valentino asked the applicant if he had a farmland assessment. Mr. Vallauri said that he does not, but would like to eventually.

Mr. Tomasello opened this portion 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 ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Choyce moved, seconded by Mr. Raff to approve App #14-10 by granting a variance on Block 1099, Lot 11.01 located at 4820 Drosera Avenue. This variance is to allow for an accessory structure to be constructed on the front yard with 165' +/- 1 ft setback on Drosera Avenue and 80' +/- 1 ft setback on Linden Avenue. The conditions that apply to granting this variance include that it cannot be used for commercial use and the berm which surrounds the property must remain in place.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

SAID MOTION CARRIED.

Note: The following Board Members made the following comments on the above motion:

Mr. Choyce: We have an applicant with the hardship of having two front yards, so through testimony from the applicant, I feel comfortable that this barn is going to be used for his personal use to farm his property. The vegetation and berm that exists on his property will help the construction of this barn to have no negative impact to the neighborhood, as well, so I vote yes.

Ms. Lentz: I also visited this property and found it to be secluded with trees and wooded areas which makes me believe the barn will not be visible. I do not see any negative impact to granting this variance, so I vote yes.

Mr. Raff: I vote yes for reasons previously stated.

Mr. Strigh: I vote yes.

Ms. Valentino: I vote yes for reasons previously stated.

Mr. Tomasello: I vote yes for the reasons stated by the members of the Board.

Approval of Minutes – Mr. Choyce moved, seconded by Ms. Lentz to approve the amended August 23, 2010 Zoning Board of Adjustment Minutes. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAINS.”

Memorialization of Resolutions – Ms. Valentino moved, seconded by Mr. Choyce to adopt the resolution for App. #9-10, Jim and Judy Link on Block 723, Lot 19.

ROLL CALL:

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

Ms. Lentz moved, seconded by Mr. Choyce to adopt the resolution for App. #10-10, Keith Morganweck on Block 699, Lot 2.

ROLL CALL.

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

Mr. Choyce moved, seconded by Ms. Lentz to adopt the resolution for App. #11-10, Gary Carlson on Block 207, Lot 1.

ROLL CALL.

MR. CHOYCE: AYE MS. LENTZ: AYE MR. RAFF: AYE
MR. STRIGH: AYE MS. VALENTINO: AYE MR. TOMASELLO: AYE

Public Comment – Chairperson, Frank Tomasello opened the hearing to public comment, and there was no response. Mr. Choyce moved, seconded by Ms. Lentz 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. Strigh to adjourn the Zoning Board of Adjustment meeting. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Jeanne M. Parkinson
Zoning Board of Adjustment

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

