

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Robert J. Campbell, Sr., presiding. Members present were Charles Cain, Wayne Choyce, Eduardo Freire, Kathi Lentz, Werner Raff, and Frank Tomasello. Alternates present were Elaine Valentino & David Grassi. Also present was Robert Watkins of Mott Associates, Zoning Board Planner; Charles Endicott of Polistina Associates, LLC, Zoning Board Engineer & Traffic Consultant; Robert Cooper, Zoning Board Solicitor; & Steven Maimon, Zoning Officer.

The Statement of Compliance was read.

Announcements - Mr. Campbell, Sr. announced that due to technical problems taking place with recording equipment, this evening's meeting did not appear to be recording. Mr. Len Epstein, a court reporter, was present and stated he is taping the meeting and may be able to provide a tape of the meeting. Mr. Stephen Nehmad, attorney, for the Hope Animal application scheduled to be heard this evening, confirmed that Mr. Epstein is certified and had no objection with him providing a tape, if necessary. Mr. Campbell, Sr. asked Mr. Jack Plackter, attorney representing a group opposing the Hope Animal application, if he had any objection with Mr. Epstein providing the tape, if necessary. Mr. Plackter replied, no, he had no objections.

Rita & William Martino – Solicitor, Robert Cooper, verified that the proof package has been executed properly, and property taxes are current.

Rita & William Martino were present, as well as their contractor, Michael Kelly of Quality Modular Homes. Ms. Martino informed the Board they are requesting variances for front, side, & rear yard setbacks, as well as a variance to exceed lot coverage to allow the reconstruction of a new single family dwelling to replace their dwelling recently destroyed by a fire, located on 5814 Hickory Street, Block 941, Lot 7.

Ms. Martino presented 16 photographs depicting the site for the Board to view, and Mr. Cooper marked them into evidence. Ms. Martino stated they would be demolishing the building. Mr. Kelly testified they will be constructing a new foundation for the new dwelling, however it will be just about the same size as the old one. He noted they would like to add a small porch with steps, and it will remain a single family home.

Mr. Choyce stated that he was able to go the site and observed other homes in that area and the requested setbacks by the applicants are similar to other neighboring homes there.

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

Mr. Freire moved, seconded by Mr. Tomasello, to grant Variances to Rita & William Martino, Block 941, Lot 7, App.# 13-09, to allow the reconstruction of a new single family dwelling to replace a dwelling recently destroyed by fire, as follows: a variance for a front yard setback of 92' +- 1'; a rear yard setback of 55' +- 1'; side yard setbacks of 25' & 30' aggregate +- 1'; lot size of 39,800 square feet +- 50 square feet; and lot coverage not to exceed 12% +- 1%, conditioned upon the applicant obtaining all necessary building permits, as required.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE

MR. FREIRE – AYE

MR. RAFF – AYE

MR. CHOYCE – AYE

MS. LENTZ – AYE

MR. TOMASELLO – AYE

MR. CAMPBELL, SR. – AYE

SAID MOTION CARRIED.

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

MR. CAIN: Yes, and best of luck to the applicants.

MR. CHOYCE: Yes, the variances to rebuild their home will not have any negative impact on the quality of the neighborhood.

MR. FREIRE: Yes, the applicants have suffered a hardship in the loss of their home and wish them well in rebuilding it.

MS. LENTZ: Yes, this is a hardship case and they should be able to rebuild their home.

MR. RAFF: Yes, for all of the same reasons.

MR. TOMASELLO: Yes, a pre-existing home is just being replaced and should not have any negative impact.

MR. CAMPBELL, SR.: Yes, positive and negative criteria have been met and the replacement is in the best interest of the applicant and the community.

Hope Animal Resource Center, LLC – Public hearing continued from the July 27, 2009 Zoning Board meeting. Mr. Stephen Nehmad, attorney for the applicant was present and introduced Mr. Michael Arms from San Diego, California, to testify. Mr. Arms stated he is President and C.O. of the Helen Woodward Animal Center in San Diego, noting he has over 40 years experience with the animal field. Mr. Arms stated that he first went to work for the ASPCA because he was tormented by the way animals were treated. He stated he stayed with the ASPCA for 20 years and then took another job. He stated he speaks all over the world to teach others how to care for and save animals. He stated that animals have saved many lives, as well. He noted that during 911 a blind man was trapped on the 86<sup>th</sup> floor and his guide dog led him down to safety.

Mr. Arms stated “why are we going to kill five million animals in this Country this year, and when are we going to step up to the plate”? Mr. Nehmad asked Mr. Arms if the euthanization of animals a problem. Mr. Arms replied yes, noting that some people who work at these facilities sometimes take their own lives because of animals being euthanized.

Mr. Arms spoke of his facility in California, noting they are a part of the community and share this with the children in the community. He stated they have camps and programs that teach our children how to care for animals. Mr. Cain asked if there would be therapeutic riding on horses at the proposed site, and Mr. Nehmad replied, yes. Mr. Arms stated that school children come to the site and we provide classes for them, and we also have birthday parties and help teach the elderly, as well. He stated we also provide “meals on wheels” for pets.

Mr. Arms stated he cannot see anything negative about a facility like what is being proposed. He noted that a facility like this usually gives the local veterinarians more business, noting they work with us and we work together. He stated that their facility in California is located on 12 acres.

Mr. Nehmad stated that Hope does not intend to compete with the local veterinarians and only provides free or reduced services for those who are unable to afford it, except in emergencies.

Ms. Christina Lyons of Hope Animal was sworn in. Mr. Campbell asked Ms. Lyons if an animal was abandoned on the Hope site, would you get those animals? Mr. Cain questioned what happens if the gates are closed after hours? Ms. Lyons replied they will have video monitors and security, and there would be caretakers on the site 24 hours a day. Mr. Cain asked if I did not want my dog, could I bring it to you? Ms. Lyons replied yes, if we have room, we would take it. Ms. Lyons stated that all of these facilities work very well with all of the local veterinarians. Mr. Cain asked Ms. Lyons how many volunteers they have at her facility, and she replied about 1,000, but not all at once, of course.

Mr. Freire asked Mr. Arms how do people access his facility, and he replied they access it from a residential, two-lane road. Mr. Grassi asked Mr. Arms if they ever have neighbors complain, and he replied, no, we have had no opposition.

Attorney, Jack Plackter, was present representing several residents & veterinarians. Mr. Plackter informed the Board that he is representing the following in opposition to the applicant:

Debbie Ciarrocki of 3035 Columbia Road; John W. Senior; Joanne Botbyl of 3256 Pine Street; Agnes Stein; Barbara & Dean Kennedy; Geraldine & Robert Ponzetti of Holly Street; Kimberly Sakowitz; Debra Kienzle; Janice Foster of 3020 Columbia Road; Jerry & Joanne Jones of Holly Street; Ricky of Holly Street; K. Merlock; John Platanela of Holly Street; Robert & Sandra Meyer of Holly Street; John Burgess of Holly Street; Jim Hagen; Dr. Suzanna Brown; Dr. Dawn Ritter; Dr. Margaret Scott; and Dr. Mark Newkirk of Egg Harbor Township.

Mr. Plackter asked Mr. Arms why he came here to testify this evening. Mr. Arms stated that Ms. Lyons called his secretary about four weeks ago about coming this evening. Mr. Plackter asked Mr. Arms if he was paid to come. Mr. Arms replied yes, he was paid for only his expenses to travel here. He notes he arrived yesterday and met with Ms. Lyons earlier today. Mr. Plackter asked if he looked at the Township Master Plan? Mr. Arms stated he looked at the plans for this proposed facility, but not the Master Plan. Mr. Plackter asked Mr. Arms about "no kill"? Mr. Arms stated he was informed that about 4,000 animals a year are euthanized throughout Atlantic County. He stated they have four apartments above their equine facility in California. Mr. Plackter asked if Hope will have meals, and Mr. Arms stated, yes, I believe they will. Mr. Cain asked Mr. Arms about the two-lane access road to his facility. Mr. Arms stated the speed limit is 25 mph or 20 mph when school is in session, estimating about 1,000 trips a day. Mr. Choyce asked Mr. Arms if his facility was farmland, and he replied yes, years ago when the facility started, but it became residential over the years. Mr. Campbell thanked Mr. Arms for coming. Mr. Nehmad commented that Mr. Arms came here to show that this use would be inherently beneficial.

Mr. Campbell, Sr. called upon Charles Endicott of Polistina Associates, Zoning Board Traffic Engineer, to testify. Mr. Endicott stated that due to the public being very concerned about traffic, we reviewed the traffic report done by the applicant's traffic professional, and subsequently, have submitted a revised report to the Board.

Mr. Endicott stated the problem regarding the use proposed by the applicant for this site is that we do not have any projections for this type of use. He stated that some of the activities or uses were not included in the applicant's traffic report. He stated it will have to be determined if the streets are appropriate for the traffic generated – 600 trips on weekdays and 800 trips on weekends, not just on Holly Street, but also on Laurel and Columbia Road. He noted Holly Street is 20' wide, Laurel 18' & Columbia 16 to 18'. He stated it would require improvements on Laurel Street and if the Board approves the use, when they come back for site plan approvals, the Board may require pro-rata share to improve all of those streets. Mr. Endicott explained how he arrived at the trip numbers. Mr. Nehmad stated he would like to have rebuttal testimony in the future.

Ms. Lyons stated that if we had 40 surgeries a day, it would not mean 40 cars, noting at times three or four people come in one car. Mr. Freire asked Mr. Endicott what the existing condition of the pavement is on those three streets. Mr. Endicott replied it appeared they were in adequate condition. Mr. Nehmad stated he would be happy to review all of this at the time of site plan approval.

At this time, a film was shown by the applicant. On completion of the film, Mr. Campbell, Sr. opened the hearing to public comment. Dr. Suzanna Brown was present and stated she is a veterinarian and has been offering low cost procedures since she opened her practice. She stated that rescue groups have not contacted her for low-cost rates, noting she charges \$30.00 for female cats & \$45.00 for male cats.

Mr. Mark Heyman was present and thanked Mr. Arms for his presentation. He stated his wife is a veterinarian and he does not believe our veterinarians have been contacted by this facility and that everything has not been spelled out in detail.

Dr. Dawn Ritter was present and stated she is a practicing veterinarian on the Black Horse Pike. She expressed her opposition to the Board. She stated she has been practicing for 20 years and also was at a shelter in Atlantic County for over two years. She explained the Atlantic County shelter and how shelters operate. She commented that "no kill" is a debatable term. Dr. Ritter read several pages opposing the application. Mr. Nehmad cross examined some of Dr. Ritter's comments.

Robert Watkins of Mott Associates, Zoning Board Planner, then questioned Mr. Arms.

Following some discussion, Mr. Campbell Sr. stated that due to the lateness of the hour, they would be unable to continue this evening with the public comment. He announced that this hearing for Hope Animal would be continued to the October 26, 2009 Zoning Board of Adjustment meeting to begin at 6:30 P.M. Mr. Nehmad and Mr. Plackter agreed.

Adjournment - Mr. Raff moved, seconded Mr. Freire, to adjourn the Zoning Board of Adjustment meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Jeanne C. deVecchis, Secretary  
Zoning Board of Adjustment

