

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 were Charles Cain, Eduardo Freire, Kim Melton, Werner Raff, and Agnes Simmons. Alternate present was Frank Tomasello. Also present was Robert J. Campbell, Solicitor; Marc Shuster of Bach Associates, Zoning Board Planner; and Steven Maimon, Zoning Officer.

The Statement of Compliance was read.

Approval of Minutes – Mr. Freire moved, seconded by Mr. Cain, to approve the minutes of the June 23, 2008 Zoning Board meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

NOTE: Vice-Chairperson, Werner Raff, presided at this time.

Robert & Sandra Lincoln – Solicitor, Robert J. Campbell, verified that the proof package has been executed properly, and marked it as Exhibit A 1. Mr. Lincoln presented a photo of his site for the Board to view, and Mr. Campbell marked it as Exhibit A 2.

Mr. Lincoln informed the Board that they are requesting a Variance to allow the construction of a 24' X 32' detached garage in a portion of the front yard area of their existing single family dwelling on 7426 Driftwood Lane, Block 222, Lot 8, as previously granted by the Zoning Board. He stated they previously came before the Board for variances to construct an addition to their existing home, and the detached garage. He stated they obtained a permit and completed the addition, however, they were unable to do the garage right away, noting that when he tried to apply for the permit to construct the garage, he was informed the variance had expired.

Mr. Lincoln testified that their home is about 35 to 40 feet from the Egg Harbor River. He stated there is not enough room on the left side of the parcel to construct the garage and the proposed location would be the only suitable spot. He stated the garage would be located about 80' from the front property line, and 60' from the side yard line. Mr. Freire asked if he would maintain the existing tree buffer, and Mr. Lincoln replied yes, it would remain just as it currently exists. Mr. Maimon commented that this appears to be a C-1 hardship application.

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

Mr. Cain moved, seconded by Ms. Simmons to grant a Variance to Robert & Sandra Lincoln, Block 222, Lot 8, App.# 15-08, to allow the construction of a detached garage, as previously granted by this Board, to be located in a portion of the front yard area of their existing single family dwelling, conditioned upon the following: the size of the detached garage shall be 24' +- 1' X 32' +- 1'; the front yard setback for the garage shall be 80' +- 1'; the side yard setback shall not exceed 60' +- 1', as shown on the submitted plot plan; and the applicant shall obtain all necessary building permits, as required.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. MELTON – AYE	MS. SIMMONS – AYE
MR. FREIRE – AYE	MR. RAFF – AYE	MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: CHAIRPERSON, ROBERT CAMPBELL, SR., ARRIVED AT THIS TIME.

Roseann Woods-Gruhler – Solicitor, Robert Campbell, verified that the proof package has been executed properly, and marked it as Exhibit A-1.

Applicant, Roseann Woods-Gruhler, & James Schlegle were present. Ms. Woods-Gruhler presented three photographs of the site for the Board to view, and Mr. Campbell marked them into evidence as Exhibits A-2, A-3, & A-4.

Ms. Woods-Gruhler informed the Board that she is requesting a variance for a side yard setback to allow the construction of a 9' X 18' attached deck to their existing single family dwelling, on 222 Acorn Terrace, Block 754, Lot 3. She noted they are amending the plan to an attached deck to their home rather than detached as previously submitted. She stated they are also requesting the issuance of a Certificate of Appropriateness from the Zoning Board for the deck, noting they are located in the Historic District.

Ms. Woods-Gruhler stated the proposed deck will not be visible from the streets, noting their property fronts three streets. She stated they would like the deck off of their existing kitchen area out to the existing swimming pool. Mr. Schlegle stated they are not going any closer to the road on the Hanthorn Street side and the proposed deck would be attached to the house.

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

Mr. Freire commented that the proposed deck would technically have three front yards and there is an existing fence around the entire property. He noted that the deck would not be visible from the street. Mr. Schlegle commented that they did appear before the Historic Commission, and they did not appear to have any problem with the proposed deck or the type of railing they showed them.

Mr. Tomasello moved, seconded by Mr. Raff, to grant a Variance for a side yard setback to Roseann Woods-Gruhler, Block 754, Lot 3, App.# 13-08, to allow the construction of a 9' X 18' +- 1' attached deck to an existing single family dwelling, with setbacks of 21' +- 1' and 30' +- 1', conditioned upon the applicant obtaining all necessary building permits as required.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE	MS. MELTON – AYE	MS. SIMMONS – AYE
MR. FREIRE – AYE	MR. RAFF – AYE	MR. TOMASELLO – AYE
		MR. CAMPBELL, SR. – AYE

SAID MOTION CARRIED.

Mr. Tomasello moved, seconded by Mr. Raff, to grant a Certificate of Appropriateness to Roseann Woods-Gruhler, Block 754, Lot 3, App.# 13-08, for a 9' X 18' +- 1' attached deck on an existing single family dwelling, in conjunction with the recommendations of the Township of Hamilton Historic Preservation Commission.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE
MR. FREIRE – AYE

MS. MELTON – AYE
MR. RAFF – AYE

MS. SIMMONS – AYE
MR. TOMASELLO – AYE
MR. CAMPBELL, SR. – AYE

SAID MOTION CARRIED.

James & Wendi Brown – Solicitor, Robert Campbell verified that the proof package has been executed properly, and marked it as Exhibit A 1.

Applicants, James & Wendi Brown were present and informed the Board they are requesting a variance for a side yard setback to remove an existing 9' X 9' detached shed with a 3 1/2' side yard setback, as previously granted by the Zoning Board, and to replace the shed with a 20' X 24' detached garage in the same general location, which would require the granting of the same 3 1/2' side yard setback. They stated their parcel is located on 6407 Tanglewood Drive, Block 588, Lot 33.

Mr. & Mrs. Brown presented ten photographs of the site for the Board to view, and Mr. Campbell marked them into evidence as Exhibits A 2 to A 11.

Mr. Brown described the submitted plot plan to the Board, noting that the driveway goes back and the house is actually faces to the right. He stated the current driveway will lead into where the proposed garage will be. He described their hardship regarding the location of the proposed garage, due to the unusual lot and location of their home. Mr. Raff commented that if they would attempt to relocate the proposed garage in the wooded area of the parcel, it would have to go smack in the middle of their front yard. Mr. Brown replied, yes, that is true.

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

Mr. Raff moved, seconded by Ms. Simmons, to grant a Variance to James & Wendi Brown, Block 588, Lot 33, App.# 18-08, for a side yard setback of 3 1/2' to allow the construction of a 20' X 24' detached garage to be placed in the same general location of an existing 9' X 9' shed, which shall be removed from the site, conditioned upon the applicant obtaining all necessary building permits.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE
MR. FREIRE – AYE

MS. MELTON – AYE
MR. RAFF – AYE

MS. SIMMONS – 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 application:

Mr. Tomasello – I feel it falls under a C-1 hardship due to a very irregularly-shaped property and the location of the existing home.

Mr. Campbell, Sr. – I agree and feel it is appropriate to grant the variance.

Newco Services Co., LLC (Taco Bell Restaurant) - Keith Davis of Nehmad, Perillo & Davis, attorney for the applicant was present, as well as Craig Spicer of Newco Services; Salvatore Lauro, Architect; and William McManus & Thomas Roesch, Planner/Engineer. Mr. Davis informed the Board that they were originally requesting a Use Variance & Amended Site Plan approval with signage variances this evening to allow the construction of a Taco Bell Restaurant on a previously approved pad site in the Wrangleboro Consumer Square Shopping Center on Block 1319, Lot 2, however, they would like to request the Board to just approve the Use Variance this evening; then complete the plan revisions and come back before this Board next month, if possible, at the August 25th Zoning Board meeting for the amended site plan approval & signage variances.

Solicitor, Robert Campbell, verified that the proof package has been executed properly, and he marked it as Exhibit A-8.

Mr. Davis testified regarding the background of the Wrangleboro Consumer Square Shopping Center approved back in 1990 and amended in 1994. He stated the Shopping Center consists of 845,000 square feet, and the proposed Taco Bell site is only 2,400 square feet with a proposed building of 4,000 square feet. Mr. Davis stated the pad site was originally approved back in the 1990's for a bank or retail use, and they would now like to change that use to the restaurant. He noted that they have always contemplated the development of this pad site.

Mr. Davis stated that there is little or no detriment to the zone plan and this use is very appropriate for this site. He stated these uses of fast food restaurants are typical and complimentary to these types of shopping centers.

The applicant presented Exhibits for the Board to view, and Mr. Campbell marked them as follows:

- A-1 - Floor/Seating Plan of Restaurant
- A-2 - Right Side Elevation
- A-3 - Left/Front/Rear Elevations
- A-4 - Colored Renderings
- A-5 - Aerial Photo - Hamilton Township Shopping Area
- A-6 - Aerial Photo - Consumer Square
- A-7 - Colored Site Plan
- A-8 - Property Tax/Notices (Proof Package)

Mr. Davis called upon Salvatore Lauro, architect for the applicant, to testify. Mr. Lauro reviewed the plans, elevations, renderings, and design of the building with the Board. He noted the proposed building is low in height - 19 feet. He stated that the applicant would come back next month with their revisions to the building in accordance with the recommendations of the Zoning Board professionals, and the signage package which will require several variances.

Mr. Raff raised the issue of location of the trash enclosure. Mr. Davis stated that the trash enclosure will not be located where they are now showing it, noting that will be revised on the site plan.

Mr. Davis called upon William McManus, engineer for the applicant, to testify. Mr. McManus reviewed the aerials of the existing pad sites and the Taco Bell pad site, noting that no buildings on these pad sites should create an unpleasant rear area. He testified that with the proposed Taco Bell, they are actually reducing the impervious coverage of the originally approved revised plan back in 1995. He stated they also meet all setback requirements. He stated this center is the focal point of the Community and this an appropriate location for this use.

Mr. McManus testified they are not proposing any additional driveways, noting they are going to use the existing traffic patterns on the site. He stated that regarding sidewalk, he feels the current sidewalk system in place is adequate. He stated that this site is located in the GA-I zone which permits residential. He stated that homes do not fit at all in this area. He commented that this restaurant use poses no detriment to the public good with no substantial negative impact.

Mr. Davis called upon Craig Spicer, Franchisee associated with Taco Bell for over twenty-one years, to testify. Mr. Spicer informed the Board that he is and has been owner/operator of the present Taco Bell facility located in the Food Court of the Hamilton Mall since the very beginning of Hamilton Mall. He stated this facility in the Mall has been very successful over the years, and he would now like to bring a sit-down/drive-thru Taco Bell restaurant to the Consumer Square Shopping Center.

Chairperson, Robert Campbell, Sr., called upon Marc Shuster, Zoning Board Planner, to comment. Mr. Shuster, reviewing his report, stated this proposal is not really an expansion, noting it is actually less than what was previously approved. He stated this would have no detriment since they are actually reducing what was originally approved.

Mr. Shuster testified they have proposed a very nice visual and it appears to be a step above the average fast food restaurants. They are also reducing the impervious coverage, and they have made their burden of proof. Mr. Davis commented that some of the professionals have suggested some unreasonable comments regarding sidewalk and drainage, however, that could be discussed at the time of site plan next month.

Mr. Campbell, Sr. opened the hearing to public comment. Ms. Aline Dix was present and expressed her concerns regarding the number of people that will be walking to this site, noting this would be more than what a bank would generate. She stated the applicant should address how people will walk to the site.

With no further public comment, Mr. Cain 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".

Ms. Simmons asked how close this building would be to Wrangleboro Road. Mr. Roesch showed Ms. Simmons the plan showing where it is proposed. He stated they are in the process in revising the site plan and that distance could change. Mr. Campbell, Sr. commented that site plan issues would be addressed when the applicant comes back for their site plan approvals at the August 25, 2008 Zoning Board meeting next month.

Mr. Freire moved, seconded by Ms. Simmons, to grant a Use Variance to Newco Services Co., LLC (Taco Bell Restaurant), Block 1319, Lot 2, App.# 16-08, for an expansion of a nonconforming use to allow the construction of a Taco Bell Restaurant with drive-thru facilities on a previously approved pad site in the Wrangleboro Consumer Square Shopping Center, conditioned upon the applicant obtaining the necessary amended Site Plan Approvals with Signage Variances from the Township of Hamilton Zoning Board of Adjustment.

ROLL CALL VOTE ON THE ABOVE MOTION:

MR. CAIN – AYE
MR. FREIRE – AYE

MS. MELTON – AYE
MR. RAFF – AYE

MS. SIMMONS – AYE
MR. TOMASELLO – AYE
MR. CAMPBELL, SR. – AYE

SAID MOTION CARRIED.

Memorialization of Resolutions – Resolution prepared by the Solicitor for the following applications were accepted by all Members voting "AYE", NO "NAY", NO "ABSTAIN":

Sissi M. & Ricardo Nivar – Block Block 1030.02, Lot 23; App.# 14-08

Adjournment – Ms. Simmons moved, seconded by 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

This entire meeting was taped. The tapes are on file in the Zoning Office and may be reviewed by interested persons during regular business hours.

