

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Elaine Valentino, presiding. Members present were Wayne Choyce, William Christman, Bruce Strigh, Amanda Zimmerman & alternate member Joseph Leyenaar. Also present was the Board Solicitor, Robert Cooper and Phil Sartorio, Zoning Officer.

The Statement of Compliance was read.

Announcements: Application #16-2014, Julie Forshaw, requested a postponement to the October meeting. She has to notice and publish this announcement.

Bithika Bhowmik; App. #14-14; Block 496 Lot 11; located at 6961 Harding Highway was present along with his attorney, Michael Learn (filling in for Brian Callaghan). A variance for a change made to the roofline on the back of the dwelling, changing it from 2.5 stories to 3 stories, is being requested.

Solicitor, Robert Cooper verified that the proof package had been executed properly.

Mr. Learn noted there are 6 Board Members at the meeting and one of the variances for this application is a Use Variance, which requires 5 affirmative votes. He will present testimony and introduce exhibits tonight. He is also asking the Board to table this application, if warranted, to perform an onsite inspection. The variances being requested, with the exception of 1, are pre-existing non-confirming. The prior use may have been used for housing horses. The property has 4.731 acres and has an existing single family home. The owners purchased the single family home from a bank in 2005 and unsure of the prior use. It had 7 bedrooms, 1 bathroom, 1 kitchen & is 3 stories. The back portion of the roof was sloped & when the new roof was put on it was squared off. This created enough space for 2 additional bedrooms. They also received permission from the township for an additional bathroom on the 2nd floor. The house currently has 9 bedrooms, 2 bathrooms & 1 kitchen with the same footprint.

Exhibit A-1 was introduced as evidence (photo of house-east side).

Mr. Learn stated single family homes are not permitted in that zone (AG) unless they are associated with agricultural use. The lot is undersized. If the board grants the approval a condition can be set to have the house remain a single family dwelling.

Mr. Strigh asked if it will be rented. Mr. Learn replied it might be rented. The eventual intent is for the family to use. It will not be a boarding house.

Rami Nassar and Phil Sartorio were sworn in. Mr. Nassar has appeared before the board as an expert witness. He will give testimony as a planner and engineer.

Exhibit A-2 was introduced as evidence (aerial photo of property).

Mr. Nassar noted the aerial photo shows the house along with the land (which is cleared). He believes the property may have been used as a horse farm.

Mr. Nassar explained that the plot plan submitted shows the property is 4.73 acres, in an AG zone, and is undersize. That zone requires 10 acres & the property be used for agricultural. The front requires 200 feet and the property has 94.5 feet; the side yard setback requires 300 feet and the east & west side has 122.7 feet; the rear yard setback requires 300 feet and it has 608 feet. The bulk standards require 35 feet and 2.5 stories. The house has 3 stories.

Mr. Cooper clarified this application is a D variance.

The property has been used as a single family home for years & is an existing non-conforming structure.

The rooms on the 2nd floor were always there. The pitch was changed due to water damage (dormers eliminated). It currently resembles a salt box style.

Exhibit A-3 was introduced as evidence (photo of house-west side).

The adjacent properties are being used as residential and similar to what is in the neighborhood. Setbacks are not being changed. The use is the same (single family home). There is no benefit going from 7 bedrooms to 9 bedrooms. The basement is unfinished & will remain as storage/utility room.

Mr. Learn suggested the Board take a tour of the interior of the property.

Ms. Valentino stated the Board has a site committee & this suggestion would not be unusual.

The applicants plan on having family members living in the house with them.

Mr. Choyce asked when building permits were issued for the house. Mr. Learn replied a building permit was issued for a bathroom on the 2nd floor (within past few months). There was a permit issued for re-roof (no zoning permit required) & that is when the roof pitch was changed.

Board members voiced concerns about work throughout the township being done without permits & then having to ask for variances.

Mr. Learn will submit a timeline of permits that were issued.

Mr. Learn requested to table the application until the October meeting. This will give time for Board members to tour the building. The tour will be arranged by the secretary.

Ms. Valentino stated there is an Amish furniture store by the property. Mr. Nassar believes there is a property in that area that may have done agricultural use.

Mr. Choyce inquired when the properties were registered as a rental & inspections done during that time period. He also is questioning if any agricultural use was done during those times. Mr. Sartorio responded that type of use was probably not performed.

Mr. Choyce moved, seconded by Mr. Strigh to table the App. # 14-2014 until the October 27th meeting, in order to present more information.

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

MR. LEYENAAR-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

April & Anthony Perrone; App. #15-14; Block 852 lot 15; located at 5845 Birch Street were present and are seeking a variance for an accessory structure (garage) in the front yard area.

Mr. Choyce recused himself from this application.

Solicitor, Robert Cooper verified that the proof package had been executed properly.

Mr. & Mrs. Perrone were sworn in. Ms. Perrone testified they are seeking a variance to build a detached garage in the front yard of their existing single family dwelling. The home sits at an angle to the road. If the garage is placed behind the house, it will block views from the dining room, living room & bedroom & require additional trees to be removed.

The house is 200' from the road and the proposed garage will be 175' from the road. The garage will be used for Mr. Perrone's hobbies.

The proposed garage will be 16' from the current garage & will not be attached. It will have electric and in the future, gas.

Ms. Valentino visited the property & noted it is in a heavily wooded area. The setbacks of other houses in the area vary. The most prominent part of the house is the attached garage & there is a sizeable distance between this house & the neighbors.

Ms. Zimmerman asked what the required setback is for a house & Mr. Sartorio replied 175 feet from the front property line. The proposed garage will be set back 170 feet from that line. About 40% of the garage will be placed behind the existing house.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Zimmerman moved, seconded by Mr. Christman 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 Mr. Leyenaar on App. #15-14, Block 852 Lot 15 located at 5845 Birch Street to grant a variance for an accessory structure (garage) in the front yard area to be setback 170 feet, +/- 1 foot, from the front property line. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHRISTMAN- AYE
MS. ZIMMERMAN-AYE

MR. STRIGH-AYE
MS. VALENTINO-AYE

MR. LEYENAAR-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHRISTMAN: Yes.

MR. STRIGH: Yes. I think this is appropriate for the style of the house & the size of the lot. It is the best design to compliment the house.

MS. ZIMMERMAN: I vote yes.

MR. LEYENAAR: Yes.

MS. VALENTINO: Yes. I visited the property and the proposed garage is keeping with the residential feel of the neighborhood. The placement of the garage will be eye appealing to the existing house. The request for the relief by the applicant is minimal.

Mr. Choyce reconvened with the Board at 7:57 pm.

Approval of Minutes – Mr. Choyce moved, seconded by Ms. Zimmerman to approve the minutes from the August 25, 2014 meeting as amended. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE
MR. LEYENAAR-AYE

MR. STRIGH-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Leyenaar moved, seconded by Ms. Zimmerman to adopt the resolution for Leslie Morrow-App. #8-2014; Block 750 Lot 11. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MS. ZIMMERMAN-AYE

MR. LEYENAAR-AYE

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Mr. Leyenaar to adopt the resolution for David Scheer-App. #13-2014; Block 672.01 Lot 80. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MR. LEYENAAR-AYE

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

Public Comment- Ms. Valentino asked if anyone would like to speak for public comment. Ms. Zimmerman 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.”

Executive Session- There were no items to discuss.

Mr. Cooper stated he was asked for a copy of the transcript of the meetings in which Harding Brass was heard. He will forward the request to the secretary.

Mr. Choyce asked if there was a need to ask Township Committee for a replacement for Mr. Cain. Mr. Cooper stated that Committee can take into consideration to elevate one of the alternates to a permanent position and to appoint a new alternate.

Mr. Choyce asked why the Forshaw application was coming back before the Board. The secretary gave a brief explanation as to why. She also stated that the applicant was obtaining a new survey to submit.

There was discussion as to who is on the site visitation committee.

Mr. Strigh had questions regarding the voting process for Application #8-14.

Discussion ensued regarding granting variances after projects are done and how to prevent it.

Adjournment – Mr. Christman moved, seconded by Mr. Samuelsen to adjourn the Zoning Board of Adjustment meeting at 8:13 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment