

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, George Samuelsen, Bruce Strigh, Amanda Zimmerman and alternate members Joseph Leyenaar and Debra Kraus. Also present was the Board Solicitor, Robert Cooper and Zoning Officer, Phil Sartorio.

The Statement of Compliance was read.

Announcements: The order of the agenda will be changed and will start with Application #10-2014.

Julie Forshaw; App. #10-14; Block 18 Lot 8; located at 7416 Jackson Road was present along with Joe Carow (Sun Up Zero Down, LLC) and both were sworn in. The applicant is seeking a variance for an accessory structure (solar array) in the front yard area.

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

Mr. Carow stated a ground mount solar array will be constructed and the size is as follows:

Length:	55' to 58'
Height:	8' to 10'
Depth:	8' to 10'
Ground to bottom of 1 st Panel:	1' to 2'

The panels will be 125' from Jackson Road & 4th Avenue & 100' from the edge of the property.

John Williams was sworn in & testified the property is 3.85 acres and triangle shaped. The nearest neighbor to the West is located ¼ of a mile & to the East 700'. The property has 2 front yards (Jackson & 4th). The driveway is off of Jackson Road.

Ms. Kraus visited the property and noted a berm was on the property and the house faces Elm Street.

Phil Sartorio, Zoning Officer, was sworn in and stated the property has 2 front yard areas. The variance is for 4th Avenue.

The energy is for personal use only.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Strigh 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."

Mr. Choyce moved, seconded by Mr. Strigh on App. #10-14, Block 18 Lot 8 located at 7416 Jackson Road to install ground mount solar array in the front yard area of 4th Avenue with the setbacks as shown on the drawings. The size of the array is to be included: Length 55' to 58'; Height 8' to 10'; Depth 8' to 10'. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MR. STRIGH -AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

MR. SAMUELSEN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. Solar arrays are inheriting beneficial & I see no detriment to the Master Plan in this area or neighborhood. 4th Avenue is undeveloped & will have no impact to the location of the panels. The size of the lot & the amount of vegetation will make it impossible to see from Jackson Road.

MR. CHRISTMAN: Yes for the same reasons.

MR. SAMUELSEN: Yes.

MR. STRIGH: Yes for the same reasons.

MS. ZIMMERMAN: Yes for the same reasons previously stated.

MS. VALENTINO: Yes, I also visited the property & agree with the comments & statements made previously.

Pleasantville Investments, LLC; App. #7-14; Block 801 Lot 5; located at 208 Route 50 was present and represented by Keith Davis. The applicant is seeking amendment of language of previous resolution (14-2011). Mr. Dhaliwal transferred the ownership of the property to the LLC.

Mr. Davis verified there was an error in the notice regarding the number of bedrooms from the previous resolution. It should read 2 bedrooms 1 bath not 3 bedrooms 2 bedrooms.

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

Mr. Davis testified Mr. Dhaliwal came before the Board for variances in order to rebuild. It was also specified at that time that the house would have 2 bedrooms and 1 bathroom and the basement to remain unfinished. The contractor had a bathroom installed in the basement along with other improvements which was noticed by one of the inspectors.

During the May meeting concerns were raised regarding the plans submitted & what they consisted of. The owner would like to finish the construction in the basement and add the 2 bedrooms and 1 bath. The property was offered for inspection for all Board Members & 3 did visit it. The owner has marketed it as a single family unit. A 4 bedroom unit is more marketable than a 2 bedroom.

Ms. Valentino noted the following Board Members visited the property:

Elaine Valentino
Bruce Strigh
Debbie Kraus

She also noted the current Board Members who were NOT here at the hearing from 2011:

Joseph Leyenaar
George Samuelson
Bill Christman
Debbie Kraus

This application will start as a new public meeting, not a continuation.

Mr. Khosro Houtan was sworn in and testified that the date on the drawings (6/5/2014). He noted there are no changes to the 1st floor. The attic was changed on the plan to add walls for storage. The basement currently has a wall to the left & a bathroom has been constructed. The HVAC and laundry room has also been added. The applicant would like to add 2 bedrooms, corridor, & walk in closet.

Mr. Leyenaar asked about the storage area in the attic. Mr. Houtan answered there is no independent closet space and the reason for the heating & air condition is for climate control. The ceiling is at an angle. There is a significant slope in the storage area. The wall for storage is a load bearing wall.

Ms. Krause questioned about the electric outlets if it is only used for storage. The game room also has sloped ceilings.

Discussion ensued regarding how much construction has to be completed in the basement.

Ms. Valentino noted the HPC was the 1st Board to give approval (2011) to the construction of a single family home. Those plans were submitted to the Zoning Board for approval (September 2011). The basement was to remain unfinished & the attic to be used for storage.

Mr. Davis replied the HPC looked at the exterior of the building & the elevations.

Mr. Ranji Dhaliwal was sworn in & testified construction officials walked through the building while construction was going on. The electrical contractor started the basement work prior to permits being issued.

Mr. Sartorio stated after the action of the Board, the applicant submitted construction permits based on the plans which were similar to approval. The setbacks didn't change. There was concern regarding the foundation & if more blocks had to be added. It was brought to his attention that electric & partitions were applied for in the basement. They also were asking for plumbing changes to the basement.

This was a prior non-conforming structure due to the lot size not being sufficient.

Members voiced concern about what is being presented tonight is different than what was previously built.

Mr. Strigh asked Mr. Sartorio asked if the footprint of the building changed and he answered no.

Ms. Kraus asked if the parking will be impacted due to the increase in bedrooms.

Rental properties are inspected when renters change. The lease agreement can state this is a 4 bedroom house.

Parking concerns were discussed. A 5 bedroom house requires 3 parking spaces. These spaces are located in the back.

Rami Nassar was sworn in and stated the driveway is about 100' long & the house sits back 50.5' from the alley. He feels 5 cars could be stacked in the driveway and 3 or 4 cars in the alley.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Zimmerman moved, seconded by Mr. Samuelsen to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Choyce requested a discussion prior to making a motion. He stated when the applicant came before the Board originally for the variance members did ask what was going to be done with the property & how it was going to be built. If at that time the applicant had answered he would possibly finish the basement & attic, he feels the resolution still would have passed due to the setback issues being resolved. If the applicant then wanted to do something different in the basement he wouldn't have had to come back to the Board. The applicant is back tonight before the Board because he testified the basement would not be finished & that statement was included in the resolution. The interior construction of the house doesn't affect the zoning issues which were presented before. The foundation was modified by being raised not by expanding.

Detailed questions are asked to protect the township.

Mr. Strigh stated he shares the same concerns with Mr. Choyce.

Mr. Choyce moved, seconded by Mr. Christman on App. #7-14, Block 801 Lot 5 located at 208 Route 50 to amend the previous approvals granted to permit the attic being finished as specified with rooms & electrical outlets along with the basement being finished (as submitted per the plans) with 2 bedrooms, 1 bathroom, laundry room & electrical. The attic space is to be used for storage & a game room only. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
MR. STRIGH -AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

MR. SAMUELSEN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. I would like to thank the applicant for letting Board members tour the home, which typically doesn't get done but was appropriate for this situation.

MR. CHRISTMAN: Yes. The application was convincing & I have trust and good will about this application.

MR. SAMUELSEN: Yes. I would like to echo the statements that Mr. Choyce made. I understand when building a house things change.

MR. STRIGH: I vote yes. The property has been improved & it looks nice along with improving the area. However, the township needs to get its act together.

MS. ZIMMERMAN: I vote yes. There is no good reason to vote no. This fell through plans submitted with bedrooms & bathrooms. Thank you for members being allowed to go through the site & the detailed plans submitted.

MR. LEYENAAR: I also vote yes. I wasn't here for the 2011 meeting but feel everything was proven today.

MS. VALENTINO: I vote yes. I reiterate the concerns from the previous comments made by Board members. I would like the resolution to read it will remain a single family home.

Ms. Valentino recessed the meeting starting at 8:23 pm.

The meeting reconvened at 8:32 pm with the same members present.

Leslie Morrow; App. #8-14; Block 750 Lot 11; located at 6049 Main Street was present along with his attorney, Mr. Thomas Ehrhardt. A Use Variance and a Setback Variance are being requested to change the existing commercial portion of the structure to a residential use.

Solicitor, Robert Cooper verified that the proof package had been executed properly. This application was originally scheduled for May but there only 5 members at the meeting and Mr. Ehrhardt decided to postpone due to the Use Variance. There are no changes to the application plans.

Mr. Morrow was sworn in and testified he has owned the property for 18 months. The configuration consists of a commercial space (225 sf) and 1 duplex up (3 bedrooms 1 bathroom) and 1 duplex down (3 bedrooms 1.5 bathrooms). He is proposing to change the commercial space to a residential unit with an addition above it to consist of a 1 bedroom efficiency. There has never been a tenant in the commercial space. The neighborhood consists of residential houses & a Bed & Breakfast. An art studio was located down the street and a block from the lake. He also gave testimony of his HPC application. He already has renters lined up for these duplexes.

There is a 2 car garage with 2 spaces along it for parking.

Ms. Valentino asked what work was being done presently and Mr. Morrow replied structural due to termite damage. The property is vacant and he does not know when it was last occupied.

Mr. Strigh asked how this will benefit the town & Mr. Morrow replied an occupied building is better than a vacant one.

The commercial space will be turned into a 2 story unit with 1 bedroom upstairs & kitchen/living area below.

The 1st floor unit will have 3 bedrooms, 2 baths, living area & kitchen.

The upstairs unit will have 3 bedrooms & 1 bath (accessible through living area) living area & kitchen. A separate staircase to enter this unit will be on the outside with the egress off the kitchen.

He is not changing the footprint just the configuration. Mr. Morrow submitted plans as to what the building will look like when it is finished.

Mr. Choyce asked if the garage will stay & Mr. Morrow replied yes and it will be utilized by the tenants. One space will be used for the upstairs tenant and the other space for the downstairs tenant. The rest of the tenants can park outside (stacked).

The outside stairway will have a landing, not a deck. It will not be covered with a roof. It is an emergency egress. It will be metal & will go all the way to the ground. This is not the primary entrance.

Mr. Choyce if the asphalt paving in the rear yard will remain & Mr. Morrow replied yes. He envisions tenants parking there.

Mr. Leyenaar asked about the floor plan for the 2nd floor. Mr. Morrow answered the plan shows the proposed additional space for the bedroom.

Mr. Strigh asked how the Board can be assured that what is being proposed will be done. Mr. Morrow explained that what is there is what will be built. The siding will not have any breaks.

Mr. Greg Schneider, Mott & Associates was sworn in and is substituting for Mr. Watkins. He testified the property is in the Village Commercial District & explained the intent of the district.

A survey was requested for the proposed setbacks & one was received but it wasn't signed & sealed. The variances required are the front & side yard due to the staircase & addition improvements.

The front yard setback is proposed at 6.1' and the east side yard setback 4.1' for the principle building.

Based on residential site improvements 6 parking spaces are required. Mr. Morrow gave explanation where they will be located: 2 in the garage; 2 adjacent to the garage & 2 stacked in the driveway.

Mr. Strigh asked how a car in the garage will get out if all the other cars are stacked.

Discussion ensued regarding the parking situation. The driveway partially encroaches onto the neighboring property.

Ms. Valentino suggested removing the garage & to consider a rear setback variance to accommodate parking in there. Mr. Schneider stated the setback would be 10' if the garage was removed.

It was recommended for the applicant to come to a workshop slated for July 1st to discuss the parking layout.

Mr. Cooper stated this application will be continued next month.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Zimmerman moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Ms. Aline Dix, Smart Growth Liaison, was sworn in and voiced concerns regarding tearing down structures that are more than 50 years old with the Pinelands because a Certificate of Appropriateness is required.

Ms. Dix gave testimony about the properties history.

Mr. Ehrhardt requested his witness be sworn in tonight.

Ms. Angel Merrill was sworn in. She has been a NJ realtor for 16 years & a resident of Belcoville. She testified she was involved with the property in question. It was listed with her for 3 years and that was 5 years ago. She also gave testimony about how Mays Landing looked 25 years ago.

There will be no need to advertise or service.

Mr. Strigh moved, seconded by Mr. Choyce to continue App. #8-14, Block 750 Lot 11 located at 6049 Main Street to carry this application until July 28, 2014. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

Approval of Minutes – Ms. Zimmerman moved, seconded by Mr. Strigh to approve the minutes from the May 12, 2014 meeting as amended. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. SAMUELSEN

MR. STRIGH –AYE

MS. ZIMMERMAN-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

Memorialization of Resolution – There were no resolutions to memorialization.

Public Comment- Ms. Valentino asked if anyone would like to speak for public comment. Mr. Choyce moved, seconded by Ms. Zimmerman 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.

Adjournment – Mr. Choyce moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 9:34 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment