

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 Michael Angelo, William Christman, George Samuelsen, Bruce Strigh, Amanda Zimmerman & alternate members Carl Pitale and Lisa Avis. Also present was the Board Solicitor, Rebecca Lafferty and Zoning Officer, Phil Sartorio. Wayne Choyce was absent.

The Statement of Compliance was read.

Oath of Service – Ms. Lafferty administered the Oath of Service to Michael Angelo as a Regular Zoning Board Member and Lisa Avis as Alternate #2.

Announcements: There were none.

Justin Marmo; App. #1-15; Block 17 lot 8; located at 7408 Smith Avenue was present and is seeking a variance for an accessory structure (6' fence) in the front yard area of Malaga Road and any other variances found to be necessary.

Solicitor, Rebecca Lafferty verified that the proof package had been executed properly.

Mr. Marmo testified he would like to put in a 6' wooden privacy fence & along the back would be chicken wire with wood posts. Along Malaga Road, the fence will be installed within the tree line, no closer than 40 feet. The opposite side will be along the property line. The length of the fence along Malaga Road will be 100 feet.

Ms. Valentino visited the property & noted a similar property was the subject of a variance for a fence. Mr. Marmo noted his fence will be further away from Malaga than that one.

Ms. Zimmerman verified that the back portion of the fence will be chicken wire. The portion parallel to Malaga Road & the opposite side will be wooden.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Strigh 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. Christman on App. #1-15, Block 17 Lot 8 located at 7408 Smith Avenue to grant a variance to construct a 6 foot stockade fence in the front yard area of Malaga Road. The fence will not be any closer than 40 feet to Malaga Road & the length will be 100 feet at the point that intersects the rear line of the house (west along Malaga Road) & enclosed by the same line to the opposite property line. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE

MR. CHRISTMAN-AYE

MR. SAMUELSEN-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

MR. PITALE-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes.

MR. CHRISTMAN: Yes.

MR. SAMUELSEN: Yes.

MR. STRIGH: I vote yes because there will no detriment to the master plan or any other property adjacent. The fence will be going 40 feet along the property line & the tree line will remain as the buffer.

MS. ZIMMERMAN: Yes. I visited the property & noted the characteristics of the neighborhood; this type of fence that the applicant is proposing is common.

MR. PITALE: Yes.

MS. VALENTINO: Yes. I also visited the property & the relief the applicant is seeking is consistent to the neighborhood & similar to what a previous applicant requested who had a similar property layout.

Mr. Strigh noted he visited the property.

Chris & George Hallett; App. #2-15; Block 1132.07 Lot 10; located at 19 Putters Lane was present and is seeking a Variance to for an accessory structure (6' fence) in the front yard area (Golf Drive) and any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty verified that the proof package had been executed properly.

Mr. Hallett testified he would like to put up a 6' solid vinyl fence along the Golf Drive side of his property. The current owner of the property is George Hallett. The plot plan which was submitted with the application represents everything on the property. The fence will be setback 23 feet from the house & 21.8 feet around Golf Drive.

Mr. Strigh asked how far off the sidewalk will the fence be & Mr. Hallett stated about 4 feet. It will wrap around Golf Drive & continue along the side of the house.

Ms. Valentino asked where the driveway is located for lot 9. Mr. Hallett replied that it is located to the right of the house. The owner of lot 11 does not have a fence & is aware of the application. The owner of lot 9 has a fence & is also aware of the application.

The existing trees will be on the outside of the fence & the air conditioning will be behind the fence.

Mr. Strigh has concerns of a 6 foot fence in a neighborhood where the houses are close together & that at least 9 other homes will be in direct view of the fence. The zoning ordinances are to protect the surrounding properties.

Mr. Hallett stated the fence is for privacy & for his dog. His neighbors are aware of the proposed fence & do not have a problem with it. His dog is large & could jump a 4 foot fence. The Homeowners Association is aware of this application & has no ordinances against fences.

Ms. Zimmerman visited the property & noted the need for privacy with the surrounding houses. Ordinances & plans are in effect to protect the neighbors. The other corner properties have 6 foot fences.

Mr. Strigh asked if sight triangles would be an issue & Mr. Sartorio stated since it will be placed inside the tree line (4 feet), there will not be a problem.

Ms. Valentino stated that the decision to have the fence 23 feet from the house to the curb will give better sight from Putters Lane to Golf Drive, than if it ran parallel to the house.

Ms. Zimmerman added that having the fence 4 foot off the sidewalk improves the sight distance.

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

Ms. Zimmerman moved, seconded by Mr. Christman on App. #2-15, Block 1132.07 Lot 10 located at 19 Putters Lane to grant a Variance to construct a 6 foot vinyl privacy fence beginning approximately 23 feet back from the front edge of the South Westerly corner of the house extending to a distance of 4 feet from the sidewalk facing Golf Drive. It continues parallel along Golf Drive to the North Easterly point of the applicants property (sharing the same corner as lots 11 & 9), then extending South Westerly along the property line back to the house. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and "NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE
MR. STRIGH-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-AYE

MR. SAMUELSEN-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes.

MR. CHRISTMAN: Yes.

MR. SAMUELSEN: I visited the property & see that the fence is warranted in order to keep neighbors from looking into his house. I was concerned about the located until I heard testimony of how far back from the sidewalk it will be located. I vote yes.

MR. STRIGH: No. This is a very nice neighborhood, the houses are well maintained but because of the proximity of the fence & the height, I vote no. I understand that your neighbors told you they have no problem with it, but sometimes people say yes to be nice. The Zoning Board has the responsibility to defend the ordinances & master plan.

MS. ZIMMERMAN: I visited the property & noted the unusual situation of having 3 front yards. I also noted the manner of similar properties that have multiple front yards have their fences situated. I do not feel installing the fence as the applicant is requesting will be a detriment, it does fit in. This property does have a need for privacy due to how it is viewed by neighbors. Due to this, I vote yes.

MR. PITALE: Yes.

MS. VALENTINO: I visited the property and think the decision of the applicant to set the fence back on the side yard from the front of the house gives clearance from Putters Lance to Golf Drive. I feel that the fabric that was chosen is consistent to the other fencing in the area, which is well maintained. Since the owner has approval from the association & neighbors, it will fit in well with the character of the neighborhood. I vote yes.

Mr. Hallett stated that if any of the neighbors did not want the fence, they would have been able to attend the meeting & voice their concerns.

Thomas Grunwald; App. #3-15; Block 1132.26 Lot 8; located at 19 Renaissance Drive was present and is seeking a Variance to for an accessory structure (6' fence) in the front yard area (Matisse Drive) and any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty verified that the proof package had been executed properly.

Mr. Grunwald testified he would like install a 6 foot fence on his property. Along the rear left side of the property, to the rear corner (approximately 13 feet) & then turn 90 degrees following the property line down to the left rear corner. It will then follow to just inside the landscape easement & then it will go perpendicular to the right rear of the house & then turn in the direction of the house. The sections that face Renaissance Drive will have lattice along the top & the rest will be solid. There will be an access gate along the right rear corner & the east side which will be the vinyl.

Ms. Valentino asked where if the driveway for lot 7 abuts his property & Mr. Grunwald replied it is to the left of the house.

Mr. Strigh asked how far off the sidewalk the fence will be & Mr. Grunwald replied the trees will not be inside of the fence. Mr. Sartorio confirmed there is a landscape easement that goes around the property & the owner cannot put anything in that easement.

The lattice will be the same material as the rest of the fence.

Mr. Grunwald stated his HOA does not allow fences in the front of the house. The fence is for privacy when he installs his pool. The fence has to be white.

Ms. Zimmerman asked about lot coverage & Mr. Grunwald stated he is allowed 30% coverage & with the pool it will be less than that. He received a pool permit last year. He also has a dog and a 4 foot fence would not contain it.

Discussion ensued regarding the location of the pool. If the fence was closer to the proposed pool he would lose use of part of his yard.

Ms. Zimmerman visited the property & noted that other properties that are situated similarly do not have fences that came out from the house. She asked if it could be setback further from the road because it would be keeping with the rest of the neighborhood. Mr. Grunwald stated a property on the corner of Rembrandt & Renaissance does have a fence that extends to the landscape easement. That fence is 4 foot high & transitions to 6 foot high.

Discussion ensued regarding corner properties that have fences.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Strigh 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. Christman moved, seconded by Mr. Samuelsen on App. #3-15, Block 1132.26 Lot 8 located at 19 Renaissance Drive to grant a Variance to construct a 6 foot vinyl fence in the Matisse Drive front yard area. The fence would start from the rear of the house, not including the morning room, to just inside of the landscape easement. It would continue to the back corner & coming out from the rear portion of the property to the property line & extending along the back. It would be approximately 5 feet from front yard area & will not disturb the landscape easement. SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING "AYE", THREE (3) MEMBERS VOTING "NAY" and "ONE (1) "ABSTAIN."

Mr. Strigh has issue with the fence going out to the requested distance. The Zoning Board job is to protect the integrity of the neighborhoods & the reason for fence height restrictions in the front yard is aesthetic. He feels the height is a detriment in that neighborhood & it doesn't do the Master Plan justice. I respect his wish to use all possible space of his yard; the ordinances are to protect those in the neighborhood. The fence is in the sight line & is a distraction.

Ms. Zimmerman has issues with the distance of the fence from the sidewalk. She would feel more comfortable approving if the fence was further in because it would keep in character with the rest of the neighborhood.

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-ABSTAIN
MR. STRIGH-NO
MS. AVIS-NO

MR. CHRISTMAN-AYE
MS. ZIMMERMAN-NO
MS. VALENTINO-AYE

MR. SAMUELSEN-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: I didn't have an opportunity to visit the property but I did view it on Google Earth. A 6 foot fence in the front yard is not easthically pleasing in that neighborhood. I am going to abstain due to not being able to visit the property & property viewing it.

MR. CHRISTMAN: Yes.

MR. SAMUELSEN: I visited the site & it is unique due to it having 2 front yards. My opinion is that a 6 foot fence does not pose a detriment, especially with an in ground pool. I vote yes.

MR. STRIGH: No for the reasons I stated earlier. The purpose of the Board of Adjustment is to hear applicants with issues that are not zoned properly. Fences are important for various reasons but because a property has 2 front yards does not make the variance automatically get approved.

MS. ZIMMERMAN: I also vote no. I feel there could be measures to bring the fence in closer to the house that would reduce the detriment to the neighborhood. There are other properties that are situated similarly & those with fences were able to keep them further back from the sidewalk. I feel that doing something similar would be appropriate in the situation.

MR. PITALE: I vote yes. I am taking the applicants word that he will be installing an in ground pool because that is the reason the length of the fence would be appropriate.

MS. AVIS: I vote no. I have not seen the property but have reviewed the home owner's rules & regulation & feel there has to be more clarifications as to what is a front yard.

MS. VALENTINO: I visited the property & there have been other applications in this area. Although it is considered a front yard, the house faces Renaissance Drive. The fence will begin at the rear of the house; extend about 12.7 feet on the left side of the property; from the right side of the rear of the property for 28.1 feet. The applicant has testified that it will be set 5 feet from the street to incorporate the setback of the easement. I believe the structure of the fence is keeping with the rules & regulations (vinyl & white). The section that fronts the house will have lattice above & the remainder will be solid. The fence will be keeping with the character of the neighborhood. I vote yes.

Approval of Minutes – Ms. Zimmerman moved, seconded by Mr. Strigh to approve the minutes from the January 12, 2015 meeting as amended. SAID MOTION CARRIED SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

Memorialization of Resolution – There were no resolutions.

Approval of 2014 Annual Report (Required) 40:55d-70.1- Ms. Valentino thanked the Secretary for putting together the 2014 annual report.

There was discussion regarding Use Variances that obtained Construction Permits prior to coming before the Zoning Board (self-imposed hardship).

Mr. Strigh moved, seconded by Ms. Zimmerman to approve the 2014 Annual Report 40:55d-70.1. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY”.

ROLL CALL ON THE ABOVE MOTION:

MR. ANGLEO-AYE

MR. CHRISTMAN-AYE

MR. SAMUELSEN-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

MR. PITALE-AYE

MS. VALENTINO- AYE

SAID MOTION CARRIED

Ms. Valentino, Mr. Strigh & Ms. Zimmerman met as a subcommittee to review the current Zoning Application process. The Secretary will forward a copy of the Zoning Board Application from Cherry Hill to all members for their feedback. They reviewed what was done at the meeting in 2011 regarding the application process. There were four (4) issues discussed:

1. Awareness & history of current & past violations for a period of 3-5 years from Zoning Office.
2. History of recent & current tax assessments for a period of 3-5 years from Tax Assessor (room count).
3. Project that have begun prior to the applicant coming before the Board from Construction Office. If the work was completed, it would have to be in compliance with current building codes & if not done right it would have to be corrected. Also and payments or penalties.
4. All of the conditions would be approved by the Board, memorialized in the Resolution & carried through the various departments, including payments & penalties.

In looking at this information, reviewing the Cherry Hill Application, & seeing what other towns are doing, we would to discuss this as a Board. At the next meeting we would like to have a Board Orientation for new members & as a refresher for current members after the March meeting.

Public Comment- Ms. Valentino asked if anyone would like to speak for public comment. Sue Sandman commented on the great job the Board does & she was impressed with the discussions that took place. She spoke about zoning issues that have occurred in her neighborhood & how important setbacks are & how it affects those who live there. Amy Gatto welcomed the new members of the Board & remarked that the suggestions sound positive and to keep the perspective of those applying in mind. Ms. Zimmerman mentioned the Board would like to have the application process user friendly. Ms. Valentino asked if anyone else would like to speak for public comment. Mr. Strigh commented how the Board has

made changes to the process & how important this Board is. Ms. Zimmeman 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.”

Executive Session- There were no items to discuss.

Ms. Valentino reminded everyone to review the Ethics video & bring the certification to the Secretary once it has been viewed.

Ms. Lafferty commented on the importance of not responding or have discussion via email on information the Secretary may send out.

Ms. Valentino stated cell phones are not allowed to be used during the meeting & using email between members.

Ms. Zimmerman asked the Secretary to see if 11 Renaissance Drive obtained a Zoning Permit for a fence. Mr. Sartorio stated a Zoning Permits are required for all fences. He also stated Construction dictates the height of a fence in regards to a pool.

Adjournment – Mr. Strigh moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 8:32 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment