

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

The Statement of Compliance was read.

**Announcements:** There were none.

**Daniel Rimling; App. #4-15; Block 983 lot 44;** located at 5127 Somers Point/Mays Landing Road was present and is seeking a variance for an accessory structure (pole barn) in the front yard area of North Street and any other variances found to be necessary.

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

Mr. Rimling was sworn in and testified he would like to build a pole barn 24' x 32'. The structure behind his house is temporary structure & that is where the pole barn will go. The other structure is a 10' x 12' storage shed (indicated on the survey). Both of these structures are his but located on his neighbor's property & he will relocate them to his property to conform.

Mr. Choyce asked about the history of the property due to it having frontage on North Street but does not face or is positioned toward that street. Mr. Rimling is not the original owner.

Mr. Rimling stated the pole barn will be 15' from the house, 5' from the side of that parallels Somers Point/Mays Landing Road; 36' from neighbor's property line & from North Avenue no closer than 140'. The height will be 12'. There will not be any utilities & it will be used for storage. The floor will be crushed concrete.

Mr. Rimling will move the shed onto his property & meet the 5 foot setback.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Dave Mayo, 18 Lewis Drive, Mays Landing asked how much property you need to own in order to put up a pole barn. Mr. Sartorio replied that as long as the accessory structure size does not exceed the size of the house, there is no acreage limit and the height cannot exceed 15'. There are various zones in the township and there are different setbacks.

Mr. Choyce confirmed with the applicant that the existing temporary structure (shed & tent) behind the home would be removed & relocated as per the ordinance.

Ms. Valentino asked if anyone else would like to speak for public comment. Mr. Strigh moved, seconded by Mr. Sameulsen 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. Choyce on App. #4-15, Block 983 Lot 44 located at 5127 Somers Point/Mays Landing Road to grant a variance to construct a 32 foot x 24 foot accessory structure. It will be located 15 feet from the existing home; 35 feet from the side property line & not less than 140 feet from North Street. All auxiliary structures that are not on the applicant's property be relocated to the property within the zoning ordinances 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. CHOYCE-AYE  
MR. PITALE-AYE

MR. SAMUELSEN-AYE  
MS. AVIS-AYE

SAID MOTION CARRIED.

**NOTE:** The following Board Members made comments

MR. ANGELO: Yes.

MR. CHOYCE: I vote yes. In this case it is a hardship for the owner the way the home was originally built & positioned on the property. The front yard of the house is technically in the rear of the property & he has few choices where to construct an accessory structure. Where he is choosing to locate it is a fair distance from North Avenue. The lot is wooded & the way the shed will be positioned will have no impact to his neighbor's property, master plan or zoning.

MR. SAMUELSEN: Yes.

MR. STRIGH: I vote yes for the previously stated reasons.

MR. PITALE: I vote yes. I went out to the site & agree with Mr. Choyce that the layout is a hardship. The shed will have no impact on any neighbors.

MS. AVIS: Yes.

MS. VALENTINO: I visited the property & rode up & down the street a few times. It is a residential zone & several homes have accessory structures in the back. I think it is keeping with the neighborhood & will not be a detriment to the surrounding neighbors. I vote yes.

**Anne Marie Leone; App. #5-15; Block 826 Lot 26.01;** located at 1305 Old Egg Harbor Road was present and is seeking a Variance for a Pole Barn Height of 20.9 feet where 15 feet is allowed and any other variance(s) found to be necessary.

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

Ms. Leone was sworn in & testified she has an existing structure across from a drainage basin & it makes her basement & backyard unusable for storage. She would like to park her trailer, vehicle & motorcycle in the proposed pole barn along with using it as storage. She also has a gazebo & storage shed on her property. The shed will be removed once the pole barn is built. The height of the pole barn will be close to 21' per the code & the actual height will be close to 26'.

Mr. Christman joined the meeting at 7:25 pm.

Along the front of Old Egg Harbor Rd. there will be 3 garage doors (1 will be 14' & the other 2 standard). There will be an 8 x 7 roll up door in the back. It is for residential purposes and will have electric along with a sink.

Mr. Choyce asked if the pole barn height will be the same as the house & Ms. Leone replied yes.

The side yard setback in that zone is 5' & Ms. Leone stated it will be within the setback. It will be in line with the home. The square footage of the house is 2,300 sf & the pole barn will be smaller. The only issue with this application the height.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Robert Kahrmann, 1 Lewis Drive, he feels the building will cause additional flooding & is not in favor of the proposed pole barn.

Ms. Leone gave statement as to why she feels the proposed pole barn will not cause flooding.

Ms. Valentino asked if anyone else 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."

There was discussion regarding if this application was an impervious coverage issue & it was determined that it would not be. The structure will be no closer than 95' from the road & it will be 26' from the house. The structure cannot be any shorter due to the height of the camper. The flooring will be stone. It is for personnel use only. She does not want to move it back further due to security reasons. In order to alleviate the flooding in her basement, the foundation will be removed.

Mr. Strigh moved, seconded by Mr. Choyce on App. #5-15, Block 826 Lot 26.01 located at 1305 Old Egg Harbor Road to grant a height variance of 20.9 feet for a pole barn which will be no closer than 95 feet to Old Egg Harbor Road. 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. CHOYCE-AYE  
MR. PITALE-AYE

MR. SAMUELSEN-AYE  
MS. AVIS-AYE

SAID MOTION CARRIED.

**NOTE:** The following Board Members made comments

**MR. ANGELO:** Yes.

**MR. CHOYCE:** This was a difficult application to review. The applicant is trying to store & protect personal material, mainly a 40 foot 5<sup>th</sup> wheel travel trailer, which is dictating the maximum height allowed. Testimony from the applicant indicates there is a hardship due to the water intrusion onto the property & because of that she would like to build this structure. I vote yes.

**MR. SAMUELSEN:** I did visit the site & the pole barn looks like it would fit in. I vote yes.

**MR. STRIGH:** I vote yes. This was a tough application. The board was looking at the height issue but it does fit in. This is a hardship & noted the water running out of the house.

**MR. PITALE:** I also visited the site & saw the shed which is being removed. It will not be as high as the house & will meet our zoning, I vote yes.

**MS. AVIS:** I vote yes.

**MS. VALENTINO:** I also visited the property & the concern was the height. It will be used for storage trailer & household items that can't be stored in the basement. The clarification of the zoning officer as to the requirements & testimony of the applicant as to the hardship & lack of storage within the basement was helpful in making the decision. I vote yes.

**Roseann Weber Mendoza/Code Green Solar; App. #7-15; Block 432 Lot 1;** located at 7017 Sheppard Avenue was present and is seeking a Variance to for an accessory structure (ground mount solar array) in the front yard area and any other variance(s) found to be necessary.

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

The following were sworn in:  
Roseann Weber Mendoza, owner  
John Seibert, Code Green Solar

Mr. Seibert testified the proposed panels will be 105L x 10SW x 8H. The applicant has 4 front yards & solar arrays cannot go in the front yard area.

Ms. Valentino asked the distance from the solar array to the fenced in horse area & Mr. Seibert replied about 10 feet. The array will be 50' from 32<sup>nd</sup> street & 200 feet from Sheppard Ave. At the lowest point it will be 2'. No trees will be removed & it is for residential use only.

The house fronts Sheppard Ave., to the left is 32<sup>nd</sup> Str. (unimproved); to the right is 31<sup>st</sup> (unimproved); to the rear Cole Ave. (unimproved).

Mr. Choyce asked about the existing accessory structures and made comment that on the survey they are shown outside of the property line, in a public right of way.

The owner can move the accessory structures out of the right of way onto her property or have 31<sup>st</sup> street vacated. They are to be no closer than 5' to the 31<sup>st</sup> Street property line & within the cleared area. This will be a condition of the Resolution.

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. #7-15, Block 432 Lot 1 located at 7017 Sheppard Avenue to grant a Variance to construct a ground mount solar array in the front yard area of 32<sup>nd</sup> Street with a minimum setback of 50 feet. The front yard setback from Cole Avenue will be about 600 feet. The setback from Sheppard Avenue will be 190 feet & the existing accessory structures owned by the applicant & are in the 31<sup>st</sup> Street right of way will be relocated onto the property within the cleared area & no closer than 5 feet 31<sup>st</sup> Street property line OR that the 31<sup>st</sup> Street be vacated said accessory structures would be on the property owned by the applicant. The existing shed within the property, 6 feet from 31<sup>st</sup> Street property, will now be granted with a front yard variance. 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. CHOYCE-AYE	MR. CHRISTMAN-AYE
MR. SAMUELSEN-AYE	MR. STRIGH-AYE	MR. PITALE-AYE
MS. VALENTINO-AYE		

SAID MOTION CARRIED.

**NOTE:** The following Board Members made comments

**MR. ANGELO:** Yes.

**MR. CHOYCE:** I vote yes. This is a hardship for the homeowners due to the property having 4 front yards & 3 of them are undeveloped. The state has deemed solar arrays and inherent beneficial use. There is no detriment to the neighborhood, master plan or zoning to permit the solar array.

**MR. CHRISTMAN:** Yes.

**MR. SAMUELSEN:** Yes.

**MR. STRIGH:** I agree & vote yes for the reasons previously stated.

**MR. PITALE:** Yes.

**MS. VALENTINO:** Yes. I also visited the property & noted the use is consistent with the other uses in the neighborhood. The setbacks will not be a detriment to others.

There were questions from the applicant about vacating the street.

**Approval of Minutes** – Mr. Strigh moved, seconded by Mr. Christman to approve the minutes from the February 23, 2015 meeting as amended. SAID MOTION CARRIED SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. ANGELO-AYE	MR. CHRISTMAN-AYE	MR. SAMUELSEN-AYE
MR. STRIGH-AYE	MR. PITALE-AYE	MS. AVIS-AYE
MS. VALENTINO-AYE		

SAID MOTION CARRIED.

**Memorialization of Resolution** – Mr. Strigh moved, seconded by Mr. Christman to adopt the resolution for Justin Marmo-App. #1-2015; Block 17 Lot. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. ANGELO-AYE	MR. CHRISTMAN-AYE	MR. SAMUELSEN-AYE
MR. STRIGH-AYE	MR. PITALE-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

**Memorialization of Resolution** – Mr. Strigh moved, seconded by Mr. Sameulsen to adopt the resolution for Chris & George Hallett-App. #2-2015; Block 1132.07 Lot 10. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. ANGELO-AYE                      MR. CHRISTMAN-AYE                      MR. SAMUELSEN-AYE  
MR. STRIGH-AYE                      MR. PITALE-AYE                      MS. VALENTINO-AYE

SAID MOTION CARRIED.

**Memorialization of Resolution** – Mr. Christman moved, seconded by Mr. Sameulsen to adopt the resolution for Thomas Grunwald-App. #3-2015; Block 1132.26 Lot 8. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. ANGLEO-ABSTAIN                      MR. CHRISTMAN-AYE                      MR. SAMUELSEN-AYE  
MR. STRIGH-AYE                      MR. PITALE-AYE                      MS. VALENTINO- AYE

SAID MOTION CARRIED

Ms. Lafferty stated that due to Mr. Angelo abstaining that did not qualify Ms. Avis to vote. The outcome of the application was not changed.

**Public Comment-** Ms. Valentino asked if anyone would like to speak for public comment. Mr. Choyce 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.

Mr. Christman apologized for coming to the meeting late.

**Adjournment** – Mr. Choyce moved, seconded by Mr. Strigh to adjourn the Zoning Board of Adjustment meeting at 8:26 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary  
Zoning Board of Adjustment