

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, William Christman, George Samuelsen, Bruce Strigh & alternate member Carl Pitale. Also present was the Board Solicitor, Rebecca Lafferty; Zoning Officer, Phil Sartorio; Planner, Robert Watkins; Engineer, Kevin Dixon.

Members absent were: Amanda Zimmerman & Lisa Avis.

The Statement of Compliance was read.

Announcements: The 1st case heard will be Anthony Gross (501 Farragut Ave.) & the 2nd Neil Woerner (6892 3rd Ave.). A short recess will be taken & then the Brown application will be heard.

Anthony Gross; App. #14-15; Block 804 Lot 10; located at 501 Farragut Avenue was present and is seeking a Variance for an accessory structure (carport) in the front yard area of an existing alley & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly & taxes are current.

Mr. Gross was sworn in & testified he would like to install a carport (20 ft. x 24 ft.) in his yard (noted on the plot plan). It will be located 10ft. off side yard & 1.5 ft. off the alley. There is asphalt down in yard already & the carport will be located there.

Mr. Sartorio stated the property has 3 front yards (Farragut, 3rd & the alley). The variance is for an accessory structure in the front yard.

Mr. Strigh asked if anyone else who lives along the alley came in for a variance. Mr. Sartorio stated he is not aware & those structures have been there for many years.

Mr. Choyce visited the property & asked about the fence along the North side of the property. He confirmed the fence is 4 foot in the front & 6 foot along the rear. A variance is required for the 6 foot portion of the fence & for the existing shed. Each section of the fence is 8 ft. wide & he would need a variance for that.

The distance from the shed to the alley is 14 ft.

Ms. Valentino asked if any members visited the property & Mr. Samuelsen stated he did.

Mr. Sartorio confirmed that impervious coverage is not an issue. Mr. Gross added the concrete along the side of the garage. The amount allowed is 40%.

Ms. Valentino asked if the picture submitted is what Mr. Grasso intends to have installed & he stated yes or a similar structure. The height will not exceed 15 feet.

The alley is not completely vacated.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Mary Summer, 5911 5th Street, asked if the alley would be blocked due to the proposed structure. Ms. Valnetino confirmed the structure will be on the applicant's property & it will not obstruct her view while turning onto Farragut Ave.

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."

Mr. Choyce moved, seconded by Mr. Strigh on App. #14-15, Block 804 Lot 10 located at 501 Farragut Avenue to grant a variance to construct a 20 ft. x 24 ft. carport (on an existing concrete pad) in the front yard area of the alley with a setback of 1.5 ft. , portable shed which will be located 15 ft. or more along the front yard area of the alley & a 6 ft. high fence, 40 ft. long, running North corner along the

front yard area of the alley toward Farragut Ave. 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. SAMUELSEN-AYE
MS. VALENTINO-AYE

MR. CHOYCE-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes for the reasons previously stated.

MR. CHOYCE: I vote yes. What is being proposed is not out of content with the structures on the neighboring properties & the impervious coverage will not be impacted. There will not be any detriment to the zoning, master plan or to the neighborhood.

MR. CHRISTMAN: Yes.

MR. SAMUELSEN: Yes.

MR. STRIGH: Yes for the same reasons stated by Mr. Choyce.

MR. PITALE: Yes for the same reasons stated by Mr. Choyce.

MS. VALENTINO: Yes. I visited the property & the applicant keeps his yard meticulous. The installation of the carport will not be a detriment to the neighborhood & it is in keeping with the neighborhood.

Neil Woerner; App. #15-15; Block 581 Lot 4; located at 6892 3rd Avenue was present and is seeking a Variance for an accessory structure (ground mount solar array) in the front yard area (H Avenue) & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly & taxes are current.

The following individuals were sworn in:

Neil Woerner, Applicant
David Appalana, Solar Company Representative

Mr. Woerner testified he would like to install solar panels & the submitted plot plan (dated 1999) represents all items on his property. These items are: deck, garage, gazebo, pool & rear storage shed.

Mr. Appalana testified the proposed solar panel array will be 44 ft. long, 14 ft. depth & height not to exceed 14 ft. The setback from Avenue H is 20 ft.; rear yard setback (NW side) in excess of 75 ft. & front yard setback about 150 ft.

Exhibit A-1 was submitted (aerial view of the property).

The aerial view indicates the paper street in the woods.

The panels are for residential use only & trees will be trimmed (large Oak trees).

Mr. Strigh asked about structures which are not indicated on the survey. Mr. Samuelson visited the property & noted there is more open space than noted.

Ms. Valentino confirmed the solar array will be 44 ft. long, 14 ft. depth & height not to exceed 14 ft. The setbacks are: 20 ft. off H Avenue, from 3rd Ave. about 150 ft. & from the rear yard 75. ft. There were no drawings showing the size submitted with the application. The length will face true south & will be parallel to H Avenue.

Discussion ensued regarding documents required for application submittals. Mr. Choyce requested a drawing of all structures on the property, setbacks & where the proposed solar array will be located.

Mr. Choyce moved, seconded by Mr. Strigh on App. #15-15, Block 581 Lot 4 located at 6892 Third Avenue to deem the application **incomplete**. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

This application will be continued August 24, 2015. The applicant also waives any time restraints the board is bound by. The applicant will not have to reserve or republish. The applicant is requested to submit a plot plan indicating all structures on the property & identifies the setbacks from all property lines for the solar array. If any of the additional structures need variances, the application can be amended at that time.

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE
MR. SAMUELSEN-AYE
MS. VALENTINO-AYE

MR. CHOYCE-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes I agree. It is in the applicant's best interest in case the other structures that are not indicated on the plan need variances for setbacks.

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes.

MR. SAMUELSEN: Yes for the previously stated reasons.

MR. STRIGH: Yes.

MR. PITALE: Yes.

MS. VALENTINO: This matter will be continued on August 24 at 7:00 pm.

Ms. Lafferty confirmed the applicant will not have to re-notice or re-publish for the August meeting.

Ms. Valentino called a short recess at 7:38 pm and the meeting reconvened at 7:45 with the same members of the board in attendance.

Barbara Brown; App. #11-15; Block 1132.01 Lot 31.02; located at 4179 West Jersey Avenue is seeking a Variance pursuant to NJSA 40:55D-70.d and any other variance(s) found to be necessary by the Board to expand an existing non-conforming use on the property. This is a continuation from May 11, 2015.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly & taxes are current.

Mr. Harry Sear was placed under oath on May 11, 2015 and is still under oath.

Mr. Strigh was absent at the May meeting but did listen to the tape and visited the property.

Mr. Sear testified a new survey was submitted and he clarified information from the last meeting regarding the concrete. It was poured 2 different times not at the same time. Barbara also sent any items which were in the archives. The additions were done under the previous owner (Larry Edwards).

Ms. Valentino established the sequence of events for this application:

1980: Mr. Sear's father went to zoning board for sheet metal roofing business.
1980: Permits were open for the sewage system & the building.
1981: The building was constructed (40 ft. x 60 ft.).
1985: Agreement to rent the building.
1986: Returned to Zoning Board to convert the building from sheet metal shop to printing shop (no review required).
1987: Building was sold to Larry Edwards & the enclosure was illegally done with he owned it.
1989: Mr. Sear died.
1993: Larry Edwards filed bankruptcy & his family became the owners again.
2005: Dan Lundberg became the current tenant.

Mr. Sear and his family want to sell the building & brought the addition to the attention of the Zoning Board.

The only information since the May meeting that was received was the 1981 invoice from the Seeko Steel to build the steel building.

All dealings with Dan have been through Barbara Brown.

Mr. Choyce confirmed between 1987 & 1993 were when the improvements were done.

Mr. Sear explained the difference between the originally submitted survey and the most recent survey. He stated when the property was originally going to be built on, there was an error.

Mr. Watkins stated that the difference regarding the survey property lines have to do when the subdivision was created. Even though the lot lines are different, the acreage is the same.

Mr. Watkins & Mr. Dixon were sworn in.

Mr. Sear stated that Mr. Edwards enclosed the overhang.

Ms. Valentino commented all the proofs were presented by the applicant. The resolution along with the tax record of the building (3,840 sf) was presented by the municipality. The applicant is here because the contract purchaser had a problem with the financing due to a discrepancy in the square footage of the building.

Mr. Choyce confirmed that enclosing the overhang on the building is why the applicant is before the board. This is an expansion of a non-conforming use.

There was discussion regarding the current traffic patterns.

Mr. Watkins summarized his report.

Mr. Dixon has a layout of the site which the applicant submitted with the single access driveway & parking in rear. There is also a drainage basin & septic tank indicated.

Dan Lundberg (106 Bethel Road, Somers Point, NJ) was sworn in and testified he has 2 to 3 employees throughout the year. There may be as many as 10 customers over the course of a day. He understands that the use runs with the land & if the use changes, a trip back to the Zoning Board is required.

The front of the building is used for parking & there is 36 ft. between the building and the ROW.

According to the original plan (1988), the parking has to be to the back and to the right of the building. The rear of the building is used for deliveries & employees. The side parking is for customers & Mr. Lundberg parks in the front.

The conditions that Mr. Watkins & Mr. Dixon recommend are as follows:

Single Access 2 Way Driveway (25 ft. to 30ft long)

Unpaved with paved apron at edge

Hard concrete separation at the edge of the road to prevent traffic egress at the site.

Parking along right edge of driveway (as per approved plan)

Turn around in the rear of site (behind building for loading & K turns).

The ground could be crushed stone
1 ADA parking space & route to the building. It should be as close as possible to the entrance to the building. This has to be hard surface (13 ft. x 20 ft.).

Mr. Sear stated there is a manhole cover located to the western side of the property.

There was discussion between 1 or 2 driveway entrances. It was concluded that a single driveway would work best.

The professionals stated that if a business other than a print shop would go there, they would have to return to the Zoning Board for approval.

Discussion ensued regarding the size of the parking lot.

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. Strigh moved, seconded by Mr. Choyce on App. #11-15, Block 1132.01 Lot 31.02 located at 4179 West Jersey Avenue to grant an expansion of a non-conforming existing use with the following conditions:

- Exhibit A-1 (7/15/1980) which shows a single entrance (30 ft. wide)
- 10 parking spaces in the rear
- Hard curbing in the front (along West Jersey Ave to corner of building)
- Apron (30ft wide & depressed depth of 6 ft.)
- One (1) ADA parking space (13 ft. x 20 ft.) marked & located by front door.
- Crushed stone is permissible
- The building is 3,480 sf (proofs provided by the applicant).

SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and ONE (1) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. ANGELO-AYE
MR. SAMUELSEN-AYE
MS. VALENTINO-AYE

MR. CHOYCE-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
MR. PITALE-ABSTAIN

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes for the previously stated reasons.

MR. CHOYCE: I vote yes. There is no impact to the zoning or to the neighborhood since this use has been in existence for several years & a previous variance was granted for the use. As far as the expansion, of the use, the impervious coverage as a result of the building hasn't changed. The roof line is the only thing that changed to enclose a concrete pad under a carport. The surrounding area has expanded & a great deal of construction took place after the original variance was granted. This use is not detrimental to the area.

MR. CHRISTMAN: Yes. I think all the items have been addressed properly.

MR. SAMUELSEN: Yes for the previously stated reasons.

MR. STRIGH: Yes. I think this will be an improvement to the property. The issue of the expansion of the non-conforming use has been explained.

MR. PITALE: ABSTAIN.

MS. VALENTINO: Yes. I visited the property & the burden of proof was presented by the applicant. There was no one contradicting any items presented by the applicant. In addition to his proofs, we have the proofs from the zoning board & the 2015 tax record which certifies the square footage of the building. I vote yes with the conditions as noted.

The improvements have to be done whether or not the property is sold. The approvals are good for 1 year.

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Angelo to approve the minutes from the June 22, 2015 meeting as amended. SAID MOTION CARRIED SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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|-------------------|--------------------|-------------------|
| MR. ANGELO-AYE | MR. CHOYCE-AYE | MR. CHRISTMAN-AYE |
| MR. SAMUELSEN-AYE | MR. STRIGH-ABSTAIN | MR. PITALE-AYE |
| MS. VALENTINO-AYE | | |

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Choyce moved, seconded by Mr. Angelo to adopt the resolution for Donna Schwartz -App. #13 -2015; Block 601 Lot 1. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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|-------------------|--------------------|-----------------------|
| MR. ANGELO-AYE | MR. CHOYCE-AYE | MR. CHRISTMAN-ABSTAIN |
| MR. SAMUELSEN-AYE | MR. STRIGH-ABSTAIN | MR. PITALE-AYE |
| MS. VALENTINO-AYE | | |

SAID MOTION CARRIED.

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. Watkins suggested future Use Variances should attend workshops.

Adjournment – Mr. Choyce moved, seconded by Mr. Strigh to adjourn the Zoning Board of Adjustment meeting at 9:04 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment