

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, Bruce Strigh, Amanda Zimmerman & alternate member Lisa Avis. Also present was the Board Solicitor, Rebecca Lafferty, Zoning Officer, Phil Sartorio.

Members absent were: George Samuelsen and Carl Pitale

The Statement of Compliance was read.

**Announcements:** Ms. Valentino changed the sequence of applications starting with Nelson Brown (#18-2015).

**Nelson Brown; App. #18-15; Block 849 Lot 2;** located at 2420 Columbia Road was present and is seeking a Variance to construct an accessory structure (detached garage) in the front yard area of an irregular shaped lot & any other variance(s) found to be necessary.

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

Mr. Brown was sworn in and gave testimony regarding his property. He also gave explanation of the photos which were submitted with his application. The setback from the road to the structure would be more than 73 ft. The pole barn will have a metal roof, be for residential use, have electricity & the doors will be 8 ft. high.

Mr. Choyce asked if there were any other structures on the property. Mr. Brown answered there was a shed located by the driveway. The garage will have a concrete pad.

Mr. Sartorio stated impervious coverage is not an issue; it will be under 3.5%.

Ms. Zimmerman did not visit the property but asked what material will be used in front of the garage. Mr. Brown answered stone.

There will be an additional driveway added in front of the proposed garage. The area is not cleared & there are small trees there.

Mr. Angelo is familiar with the house. The area is wooded & will not be a detriment to the neighborhood.

Ms. Valentino also visited the property & noted it is not in a standard development with no established building lines. It will not be a detriment to any of the neighbors.

Ms. Valentino asked if anyone else 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. Angelo moved, seconded by Mr. Christman on App. #18-15, Block 849 Lot 2 located at 2420 Columbia Road to allow an accessory structure in the front yard area for residential use & will have electricity only. 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  
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE  
MS. AVIS-AYE

SAID MOTION CARRIED.

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

MR. ANGELO: Yes. I see no detriment to the neighborhood.

MR. CHOYCE: Yes. The geometry of the lot creates a hardship for additional buildings on the property with respect to the requirement of no accessory structures in the front yard. The proposed location of the garage & concrete patio will minimize the amount of clearing required on the site & keeping as much of the natural growth as possible on the site. There is no detriment to the zoning or master plan.

MR. CHRISTMAN: Yes. I visited the site & repeat everything Mr. Choyce said.

MR. STRIGH: Yes.

MS. ZIMMERMAN: Based upon the comments of my fellow board members, the nature of the neighborhood & reasoning, I vote yes.

MS. AVIS- I also vote yes. I am familiar with the area & don't find it to be a detriment. The house is barely visible & not many trees will be removed.

MS. VALENTINO: Yes. Based on the application submission, the visitation & the testimony presented it will not be a detriment to the property. I concur.

Mr. Brown asked how long it will take to get permits & Mr. Sartorio advised him to contact the office & speak to the Secretary.

**James & Theresa Brown; App. #19-15; Block 869 Lot 3.03;** located at 6283 Holly Street were present and are seeking a Variance for the side yard to construct a garage/utility room on the side of the existing single family dwelling & any other variance(s) found to be necessary.

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

Mr. Brown was sworn in and testified they would like to construct an attached 2 car garage/utility room. Their house is a small 2 bedroom ranch & would like to expand their house. The existing shed is too small & they would like to have a garage to park their cars. The septic system is on the other side of the house which is why it will be located as shown. The house is placed 58 ft. off the side yard & the setbacks are 50 ft. & 8 ft. is not large enough for what they are proposing. It can't go on the back of the house due to the large amount of trees & taking backyard away. The left side of the house is the best place for this expansion.

The property backs up to the Expressway & is about 2 properties down from the toll booth yard.

It will be a 2 car attached garage with storage space & washer/dryer. The utilities needed are electricity & plumbing. There will not be any additional living quarters. The cars are for residential use.

Mr. Choyce confirmed the septic field is located to the East of the house. A drawing submitted with the application shows a proposed well location. Mr. Brown explained their current well has a high salt content & a new well may have to be installed in the front.

Ms. Avis asked about the storage shed that is currently on the property. Mr. Brown will relocate it the backyard.

Ms. Zimmerman asked how long they owned the house & he replied 10 years.

Mr. Choyce asked what the side yard setback would be for the shed. Mr. Sartorio replied 20 ft. but the expressway property is in the back which makes that area a front yard.

Mr. Brown amended his application to seek relief to move the shed 20 ft. from the side yard & to locate it within the front yard area of the Atlantic City Expressway (within the fence line).

Ms. Valentino asked if anyone else 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."

Mr. Choyce moved, seconded by Mr. Strigh on App. #19-15, Block 869 Lot 3.03 located at 6283 Holly Street to side yard setback for an attached 2 car garage with storage & utility room with a 20 ft. side

yard setback & an accessory structure in the front yard area of Atlantic City Expressway within the existing fence 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. STRIGH-AYE  
MS. VALENTINO-AYE

MR. CHOYCE-AYE  
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE  
MS. AVIS-AYE

SAID MOTION CARRIED.

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

**MR. ANGELO:** I visited the site & see no detriment to the neighborhood. For the reasons previously stated, I vote yes.

**MR. CHOYCE:** I vote yes. The applicant has provided information to justify not being able to locate the addition to the other side of the property due to existing septic systems that would need to be moved or disturbed to accommodate the addition. What is being asked for is not a detriment to the neighborhood, master plan or zoning.

**MR. CHRISTMAN:** Yes for the same reasons stated by Mr. Choyce. I also think the situation regarding the well is an added hardship.

**MR. STRIGH:** Yes.

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

**MS. AVIS:** Yes.

**MS. VALENTINO:** Yes. I visited the property & the placement of the garage is very visual because of where the 2 cars park now. I think it's in a rural area & the addition is keeping with the residential character of the neighborhood & will not be a detriment to any of the adjoining properties.

**Fred Bohren; App. #20-15; Block 809 Lot 6;** located at Second Street was present and is seeking a Variance for lot frontage & front yard setback to construct a single family dwelling at the east end of Second Street & any other variance(s) found to be necessary.

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

Ms. Valentino stated the Board has received the application & reviewed the supporting documentation and realized a few items are not included which render it incomplete. The issues being the absence of a flood hazard map, all elevations or building plans & no review by our professionals (engineer & planner). It is recommended that the application be carried to the next meeting in November. It will be reviewed by the professionals for completeness and any considerations they may have after the review.

The property is a peninsula & there are issues raised in which there are no documents to review regarding the development.

Ms. Valentino would like the board to vote on the completeness of the application.

Mr. Strigh moved, seconded by Mr. Christman on App. #20-15, Block 809 Lot 6 located at Second Street to deem the application **incomplete**. 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  
MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

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

**MR. ANGELO:** Based on what I just heard, yes.

**MR. CHOYCE:** Yes, I think it's critical our professionals review & give comment to the board.

**MR. CHRISTMAN:** Yes.

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

**MS. ZIMMERMAN:** Yes.

**MS. AVIS:** Yes for the reasons stated above.

**MS. VALENTINO:** Yes.

Mr. Sartorio asked why the professionals will be involved for a bulk variance, which does not require site plan approval. Ms. Valentino replied due to the topography of the property & not knowing how the house will be placed it requires review.

Mr. Irick replied the elevations are on the plan & the flood hazard/plan was approved by the EPA & the house will not be built over the river.

Mr. Bohren also asked why it would have to be heard again.

Ms. Lafferty explained the Secretary will forward the plans to the professionals & they will issue a report as to the completeness of the application. Mr. Irick will get a copy of these reports regarding any concerns.

Mr. Dixon explained they will not know if the application is complete until all the paperwork is reviewed.

Discussion ensued regarding the paperwork submitted with the application.

The service and mailing does not have to be done again & this application will be heard on November 23<sup>rd</sup>. If any waivers are required a new notice will have to be done.

**Michael Zyndorf; App. #17-15; Block 668 Lot 4;** located at 6481 Harding Highway was present along with his attorney, Tom Darcy & is seeking site plan approval for previous approved Use Variance along with a size modification of 2 previously approved buildings & 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:

Robert Watkins, Planner, Mott Associates  
Kevin Dixon, Engineer, Dixon Associates  
Chris Carey, Landscape Consultant, Engineering Design Associates  
Mike Zyndorf, applicant  
Robert Bruce, Engineer  
Barbara Allen Woolley-Dillon, Planner

Mr. Darcy stated the applicant is requesting preliminary & final site plan approval in a 3 phase development; variances for the signs (number, area & height); front yard setback for proposed fence & impervious coverage variance (25.18%). The waivers being requested are: traffic study, environmental impact study & to defer the signed/sealed architectural plans to the time of the building permit under the Administrative Review policy that will show a typical type building he is proposing to construct indicating the length, width, size, elevation & materials.

Phase 1 is site improvements in order for the business to be expanded to the Huntzinger property. Phase 2 is the construction of the 1<sup>st</sup> building & phase 3 is the construction of the 2<sup>nd</sup> building. Mr. Zyndorf doesn't have the drawings because he is not sure who he wants to buy the pre-fabricated building from.

Mr. Darcy noted that during the Use Varainace hearing, two 50 ft. x 100 ft. buildings were proposed and now he is asking to expand the building to 60 ft. x 100 ft. He feels this change doesn't require a new Use Variance but the previous one can be modified to show this change. He is also asking for a waiver of the fiscal impact study & security analysis plan since this is a commercial development with no residential.

Ms. Valentino asked if both lots were consolidated (as per the original Variance) & Mr. Darcy stated yes & the recorded deed was part of the application package. The doors to the building will not face Rt. 40 & the re-vegetation of the wetlands area which was disturbed is noted on the site plan.

Mr. Strigh asked about the time frame for the phasing. Mr. Zyndorf stated Phase 1 would be the clearing, asphalt, landscape, retention ponds, etc. which should take about 6 months. After that the construction of the 1<sup>st</sup> building will take place & the final building about a year after that. Mr. Strigh expressed concerns regarding the construction of the building taking place in phases.

Mr. Bruce testified the current layout of the site. The only change to the existing lot will be to move a loading area from the NE corner toward the Huntzinger lot due to the Pinelands requirement of plantings in that area. A gate will be installed in the NW corner for access for the East lot. Primary traffic will enter in the East lot & the fencing would stay. A handicap space is by the door on a concrete area. There is also septic & well service on that lot. Mr. Zyndorf has used this property since 2000 & recently bought the Huntzinger property. A 6 ft. chain link fence is also proposed around the property & across the front for security purposes. There are 2 curb cuts to the site & the one to the far West will be eliminated. The access point will closed 95% of the time. This site will have a paved display area which will parallel Rt. 40. The buildings will be 60 ft. x 100 ft. & it's a minimal increase in size considering the lot is 5 acres. The area behind the front building will have access drives which will be recycled concrete instead of pavement. Crushed stone will go on the access areas & the building closest to Rt. 40 will be a wash facility (Phase 2) & the building in the rear will be for storage/maintenance (Phase 3).

The wash facility is 100% recyclable facility & will also have a restroom which will have a separate system & conform to State health department requirements for installation. The size of the system is based on the building & use. It will be about 100 sq. ft. The grassy area between the 2 buildings will be used for storm water runoff. There will be 4 storm water basins along the bottom & the land slopes from the upper corner across to the right (depicted on the sketch). A description of the materials to be used in the basins was explained.

Mr. Bruce explained there are 3 pole mounted light fixtures along the front of the site & building mounted fixtures over side access doors. It will provide sufficient lighting for security of the site. There are 2 existing signs on the Huntzinger site. They would like to remove one of the signs & keep the larger sign (located near the new entrance). There is 850 ft. of frontage & there will be a total of 2 signs.

Mr. Darcy stated curb & sidewalk waivers are also being requested. Mr. Bruce confirmed the waiver is being requested because these items are not along this stretch of road. An informal traffic study showed about 4-5 vehicles came to the site per day. They would like to keep the 2 signs due to the length of the frontage.

There was discussion regarding why the signs are needed.

All 3 phases could take 2 ½ to 3 years to be complete.

Ms. Valentino asked the date of the plan & Mr. Bruce replied 10/22/15. She also asked about the 1<sup>st</sup> building & if the all the elements/technology which was testified at the Variance application the same. Mr. Bruce replied yes & the difference is the width of the building will be larger.

Mr. Darcy handed out the informal traffic count done by Mr. Zyndorf, photos of the proposed buildings (inside & out), details of what the building will look like, & the wash facility details. The wash facility is self-contained & specs will be submitted with the construction permit.

They will use Model 850 for the wash system.

Ms. Valentino stated the minutes of the previous meeting were distributed to the Board so they could be familiar with the project.

The 10 parking spaces in the front will be pulled about 5 ft. away for wheel stops & there will be a walk way between the building & the parking. The employees will be using these parking spaces.

There is no adverse drainage condition along Route 40 that would require curbing.

The allowable lot coverage is 10% in this zone. The proposed coverage is 4%. The allowable Impervious coverage is 20% & the proposed is 25%. The front yard setback is 86 ft. & 40 ft. is required. The side yard setback (west side) is 150 ft. & the required is 40 ft. An existing 50 ft. buffer is being kept for the runoff. The proposed chain link fence will sit 41 ft. from the front & the requirement is 40 ft. Mr. Zyndorf is requesting a 6 ft. high fence in the front yard area for security purposes.

The current fence is 6 ft. & there have been thefts over the past years.

Ms. Avis asked about the new well being proposed. Mr. Bruce stated they will get comments from the Fire Chief regarding it & proper permits will be pulled.

Mr. Dixon gave comments about his report dated 8/14/15. Most of the comments had to do with drainage & grading of the site, which is sloped from 1 side to another. The site drainage should be broken up so there isn't 1 long flow along the site. There are concerns about erosion & additional plans were submitted on 10/23 but have not been reviewed thoroughly. As per that plan, some erosion control has been installed along the basins and any flow will not erode the top of the slope. Additional drainage on the site should be installed to pick up the flow before it gets to the basin. When the driveway is eliminated the flow pattern can be looked at closer. If the Board approves the application, the drainage comments can be reviewed between the engineers. Mr. Dixon is advocating additional drainage improvements that would help in calming the flow and he needs further information regarding the storm water discharge onto Harding Highway.

The lights are indicated on the plan & are building mounted. Mr. Dixon did not review that part of the revised plan yet. He feels a locked fenced in site is necessary because there is need for more lighting. Some areas may need additional lighting if the hours of operation are early in the morning or later at night.

Mr. Dixon stated with respect to traffic, the low volume does not warrant 2 driveways. Mr. Zyndorf performed a traffic count & Mr. Bruce feels the low count is accurate. The area is large & it is suggested the applicant provide delineation for traffic control & parking areas.

Mr. Zyndorf commented the employees are the only ones entering/existing the area. The trucks will be on the asphalt area. He also explained the daily operations of his business.

There are concerns regarding the lighting in the parking area during the hours of operation.

Mr. Dixon made comment regarding the soil logs & it should be a condition of the approval.

Mr. Zyndorf & Mr. Bruce will work with Mr. Dixon in regards to the lighting.

Mr. Watkins gave comment regarding his report regarding impermeable coverage.

Board members expressed concern about the project being done in phases.

Mr. Bruce stated where the asphalt, recycled concrete, crushed stone and grass areas would be located at. There were questions about what types of vehicles can go on the particular materials.

There was discussion regarding the materials being used & storage of the trucks.

A recess was called at 9:02 pm and reconvened at 9:19 pm with the same members in attendance.

Mr. Darcy requested the application be tabled until the November 23<sup>rd</sup> meeting. Mr. Bruce and Mr. Zyndorf will also attend a workshop with the Board professionals in November. He also requested the planner give testimony regarding the variances.

Ms. Wooley Dillion testified Mr. Zyndorf is asking for a modification regarding the approval of the size of the buildings. He would like to increase the size of each building to 60 ft. x 100 ft. which is an expansion of a non-conforming use.

Ms. Wooley-Dillon gave facts about the “purposes of zoning/positive criteria” in regards to why the expansion should be granted (NJSA 40:55D-2). In order for the Board to grant the request only 1 of these purposes has be satisfied. She feels it satisfies 5 of these purposes & therefore should be granted.

C: Light, air & open space  
E: Appropriate population density (keeping area as rural)  
G: Sufficient space in an appropriate location for a variety of uses  
I: Promotion of desirable visual environment through good civic design & arrangements.  
P: Enable municipalities the flexibility to offer alternatives to traditional development through the use of equitable & effective planning tools.

The negative impact is the site circulation due to the change in the site configuration. The increase in the building size does not cause a detriment to the character to the neighborhood, zoning ordinance or master plan.

They are also requesting variances for the signs. The 1<sup>st</sup> Variance is for the number of ground mounted signs (1 is permitted & they are requesting 3). The 2<sup>nd</sup> Variance is for the surface area for signs (32 sf. is permitted & they are proposing a 68 sf. sign). The 3<sup>rd</sup> Variance is for the sign height (6 ft. is permitted & the proposed height is 6 ft. 5 inches for one sign & 16 ft. for another).

They originally requested 3 signs & are modifying to 2 signs. The signs are important for the visibility of the business. There is no detriment of the zoning or master plan.

The impervious coverage increase is due to site safety for individuals. The previously stated 5 purposes of zoning can also be used for the impervious coverage increase.

Ms. Valentino asked if the sign would be the same size as a mall sign & Ms. Wooley-Dillon stated it would be smaller. The signs have been at the property for a long time & she feels they pre-date the current zoning regarding signs.

Conversation ensued regarding signs allowed in the zone.

Mr. Carey will discuss the landscape items at the workshop.

The service and mailing does not have to done again & this application will be heard on November 23<sup>rd</sup>. They will also waive the time the applicant has to make on the decision. The applicant will also attend the workshop in November to discuss any issues prior to the meeting.

**Approval of Minutes** – Mr. Christman moved, seconded by Mr. Choyce to approve the minutes from the September 28, 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. STRIGH-AYE  
MS. VALENTINO-AYE

MR. CHOYCE-AYE  
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE  
MS. AVIS-AYE

SAID MOTION CARRIED.

**Memorialization of Resolution** – Mr. Choyce moved, seconded by Ms. Zimmerman to adopt the resolution for Vito Cassara -App. #16 -2015; Block 1341 Lot 4. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

MR. CHOYCE-AYE  
MR. SAMUELSEN-AYE

MR. CHRISTMAN-AYE  
MS. ZIMMERMAN-AYE

SAID MOTION CARRIED.

**Executive Session-** There were no items to discuss.

**Public Comment-** Ms. Valentino asked if anyone would like to speak for public comment. Mr. Fred Akers, the Administrator of The Great Egg Harbor Watershed Association, spoke about the Association. Mr. Christman asked about Babcock Creek (above the Sugar Hill Inn & bulkhead) if it is covered under CAFRA. Mr. Akers was not quite sure where the line separating Pinelands & CAFRA is located. Mr. Christman asked if none of the agencies take responsibility would the Township be responsible & Mr. Akers responded it could be.

Ms. Valentino asked if anyone else 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."

Mr. Strigh thanked Mr. Akers, Mr. Ripley & Mr. Christman regarding all the work they have done.

Ms. Zimmerman didn't know about all the work that was done in regards The Watershed & thanked all involved.

Mr. Christman added he was appointed to the Environmental Commission in 1986 & served as Chairman for 7 years. He also served on Planning Board for 13 years, as the liaison to the Greater Egg Harbor Council & the National Park Service of the Federal Government. Environmental issues are his specialty & he commented the townships responsibility on Environmental issues and construction issues.

Ms. Lafferty reiterated that 2 applications were partially heard at the meeting & are carried to another meeting. These applications should not be discussed with other Board members or anyone outside of the Board.

The Secretary stated the November meeting consists of these 2 applications.

**Adjournment** – Mr. Choyce moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 10:06 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Respectfully submitted,

Deborah Ohnemuller, Secretary  
Zoning Board of Adjustment