

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, Bruce Strigh, Amanda Zimmerman & alternate member Carl Pitale. Also present was the Board Solicitor, Rebecca Lafferty; Zoning Officer, Phil Sartorio; Board Engineer, Kevin Dixon; Board Planner, Robert Watkins & Landscape Consultant, Chris Carey.

**Members Absent:** Michael Angelo, Wayne Cain & Joseph Leyenaar

The Statement of Compliance was read.

**Announcements:** The meeting will start with Application # 7-2016

**Mary Lou DeFrancisco; App. #7-2016; Block 790 Lot 2.01;** located at 6010 13<sup>th</sup> Street was present & is seeking a variance for an Impervious Coverage for a proposed 12' x 40' attached deck & any others variance(s) found to be necessary.

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

Ms. Lafferty noted that the notice was published for impervious coverage & after publication it came to her attention that 2 additional variances were being requested. The notice does have the catch all phrase "any and all variances that the board may deem necessary or appropriate".

The applicant stated there is not an engineer or person who developed the plan in attendance.

Mr. Sartorio commented the application and plans had sufficient information & had no objections if the Board deemed it for completeness. The applicant is requesting a variance for increasing the lot coverage from 25.39% (approved at a prior hearing for the free standing garage) to 25.78%. There are 2 other variances required, a rear yard setback for proposed deck off the South side of the dwelling & for a proposed 120 sf shed which is in the 13<sup>th</sup> Str. & Decatur Ave. front yard areas.

Ms. Lafferty asked the Board to vote if the catch all phrase was adequate for the additional variances. She also read the notice which was published out loud.

Mr. Choyce commented that the application should be re-noticed due to the deck & shed not being mentioned. Mr. Strigh & Ms. Zimmerman agreed.

Ms. DeFrancisco was given the notice for publishing but noted the application mentioned the additional deck & shed (page 3).

Mr. Choyce felt the notice didn't adequately let the public know what the application was about.

Ms. Valentino asked the Board if there was a motion to hear the application tonight under the catch all phrase or to carry it until June with proper notification made by the applicant indicating the items that require variances.

Mr. Strigh moved, seconded by Mr. Choyce on App. #7-16, Block 790 Lot 2.01; located at 6010 13<sup>th</sup> Street to CARRY the application to the JUNE meeting and renote & republication must be done. 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. CHRISTMAN-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

MR. PITALE-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

The next meeting is scheduled for June 27<sup>th</sup>.



**Vuocolo River Beach Camp, LLC; App. #9-2016; Block 1121 Lot 1;** located at 4678 Mays Landing Somers Point Road was present along with his attorney, Stephen Nehmad, and is seeking a Use Variance for the expansion of an existing non-conforming use to permit the sale of mobile campers within the existing campground office building located on the property & any other variance(s) found to be necessary.

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

Mr. Nehmad stated the campground is owned by Jim & Joyce Vuocolo since 2001. There are approximately 140 sites & it has been in existence since about 1970. There was a Use Variance granted in 1967 & opened in the early 1970s. The campground has a loyal clientele & following. The application is to allow an accessory use not permitted by law. They would like to have the ability to sell campers in the existing administrative office located in the campground. There will not be any signs or advertising around the periphery adjacent to the property. There will not be any display area or development. There will be 5 campsites with campers (1 or more) for sale. That is the maximum amount. The site upon which the camper for sale is sitting will be indistinguishable from any other camper on a camp site. This requires a D variance for the accessory use. The campground is an existing non-conforming use which has existed since the early 1970s & was approved in 1967. This is considered a D1 variance, development is not being proposed, the change will make the use of the land more efficient. The Vuocolo's will be able to provide a service to their clientele. There is also a proposed sign located outside the building and will say "Campers for Sale" or something similar. The sign will not be visible from Mays Landing Somers Point Road.

Ms. Valentino stated the application has been rendered complete from the Planner. There was also a workshop which the Board Professionals & Mr. Choyce attended.

In Mr. Watkins report he questioned the number of spaces. Mr. Nehmad explained there are no number 13 or 113 sites. There are a total of 138 sites even though they are numbered to 140. It is similar to a hotel.

Ms. Lafferty swore in the following:

Mr. James Vuocolo-Owner

Mr. Bill McManus-Planner & Surveyor (the Board accepted his credentials)

Mr. McManus put together a plan which incorporated what is currently on site along with the proposed development. There were 3 plans submitted with the application.

The 1<sup>st</sup> sheet (A1) is the cover sheet which shows the certified list, tax map, zoning map, zoning information & where the property (River Beach Resort) is located on the west side of Somers Point-Mays Landing Road. West of the property is the Great Egg Harbor River & is approximately 30 acres. It is bisected north to south by a tributary of the river with a majority of the development located to the west.

A2 is the aerial map (zoomed in). The layout was provided by the applicant & superimposed onto the aerial map. There are 138 campsites with an 84 slip marina fully licensed & permitted by the state of NJ. The slips are available to the patrons of the campsite, not the public. There is a maintenance building, office building, swimming pool (patrons only), community building with restrooms & laundry facilities.

Mr. McManus reviewed prior resolutions which were submitted with the application. The Use Variance was granted in 1967 for the previous owner, Mr. Mario Pomanti. The site has 138 sites & the owners have operated it since 2001. Mr. McManus has been to the property & in his opinion it is well organized & is a family run business with the owners living on there. It is not a place for weekend camping. Individuals sign up in April for a site & are asked to leave in October. It is open April 15<sup>th</sup> to October 15<sup>th</sup>. The applicant is requesting to do a paper transaction for selling campers & this will take place in the office. The building will not be modified on the exterior or interior. The proposed sign will be 8 sf. & will be outside of the office door. Individuals will be able to view models on line or catalog.

A3 is the layout which shows the campsites. There will be no more than 5 sites dispersed throughout the campground & place a display model on them for sale. The campers would be new & wouldn't be distinguishable from any other campers on the property. No development is proposed. Currently there are individual hookups for electric & septic throughout the site.

Mr. McManus does not see any negative impact for this variance relief. There is no negative impact & will not impair the zoning of that area. The use will be similar to what is there now. This is an appropriate location for the proposed activity.

Ms. Valentino asked if there will be any reselling of existing units & what type of licensing is required.

Mr. Nehmad stated in order for DMV to give a license to the owner for selling campers they require local zoning authorization.

Mr. James Vuocolo testified he owns the campground with his wife Joyce & they have owned & operated it since 2001. They bought it from Mario Pomanti. There are 138 campsites, it is a seasonal site & they do not take any weekenders. Some people have been coming there for 30 years. When the campers are on site it is easier for people to see them set up & buy them. The campsite opens April 15 to October 15. He lives on site with his wife. There will not be any advertising or banners outside. They intend to sell new campers only. There will be a maximum of 5 campers for sale. The tenants leave the campers when the season ends, except for person. The nearest place that sells campers is in Galloway & Berlin.

Ms. Valentino asked who sells the sites if a tenant no longer uses it and Mr. Vuocolo stated the tenant does but the Vuocolo's screen applicants. All the trailers they are proposing to sell will be new. If a tenant is delinquent in the site fees and abandons the site, the Vuocolo's pay by the pound to get rid of it. They do not have any issues if the 5 sites are entered into the resolution as a condition. A tax ID number is required.

Mr. Choyce asked what models will be offered for sale and Mr. Vuocolo stated park & traditional trailers with 2 bedrooms. He doesn't have a specific manufacturer as of yet.

Mr. Strigh asked if the campers are considered "tiny homes". Mr. Vuocolo commented the park models are no larger than 400 sf. & traditional campers are put on a 5<sup>th</sup> wheel. The demand for the type varies.

Mr. Watkins asked if they are selling the campers all year & Mr. Vuocolo stated April through October. They have extra sites if a camper buys. The plan is to sell the campers & have them stay on site. The vacancy is at 40% & they are selective as to who comes to the campground. After October 15<sup>th</sup> the gates are closed & everyone leaves. There is a state regulation as to when campgrounds close.

Mr. Christman commented he is a neighbor to the campground and feels it is a hidden gem of Hamilton Township. It is not a rowdy establishment & there is never any noise after 11 or 12 at night. This is a tough business to keep afloat & what he is asking to do is good for him as a business to keep the park running.

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."

There were no landscaping or engineering comments. The planner had a report on completeness & the requirements. Mr. Watkins had no comments regarding the application.

Mr. Christman moved, seconded by Mr. Pitale on App. #9-2016, Block 1121 Lot 1 located at 4678 Mays Landing-Somers Point Road for a D1 request on the application. 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  
MS. ZIMMERMAN-YES

MR. CHRISTMAN-AYE  
MR. PITALE-AYE

MR. STRIGH-AYE  
MS. VALENTINO-AYE

SAID MOTION CARRIED.

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

**MR.CHOYCE:** I vote yes. I think the change the applicant is asking for is minimal & has very little or no effect on the operation on campground as it is today. There were variances were previously granted. This is a natural move for a person in this business today to expand the membership by offering units for sale.

MR. CHRISTMAN: Yes. As I said previously, I see no detriment. It is a plus for River Beach Campground to continue to be an asset to the Township.

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

MS. ZIMMERMAN: Yes for the previously stated reasons.

MR. PITALE: I vote yes. I see no detriment here. This is a great campground & a great idea.

MS. VALENTINO: I vote yes. I was here when the last variance was granted. This is on the sites which are already developed & have been improved with the utilities they need. Visually it will be keeping with the rest of the units & will upgrade the property. **I would like to include as a condition that the new units be limited to 5.**

**Peter & Shelly Fantasia; App. #6-2016; Block 649 Lot 7;** locate at 5396 Estelle Avenue was present & is seeking a variance for an accessory structure (ground mount solar array) in the front yard area of Maryland Avenue & any others variance(s) found to be necessary.

Mr. Castle, who represents the solar company, asked the application to be carried until the June meeting.

Ms. Lafferty stated this is a reasonable request due to the additional materials requested were not provided in a timely fashion due to emails being bounced back. The law requires the documents be part of the record for the public to review 10 days prior to the meeting.

Ms. Valentino confirmed this matter will be carried until the June 27<sup>th</sup> meeting. There will be no further need to reserve or republish.

Mr. Castle spoke to the applicant & he is unable to make it to the meeting tonight & requested to be heard at the June meeting.

Mr. Sartorio commented all the items which were deficient before are now part of the application & it is complete.

Ms. Lafferty stated there was a letter received, there may be a potential objector represented by an attorney. It may behoove the applicant, if he wishes, to get an attorney.

**Approval of Minutes** – Mr. Christman moved, seconded by Mr. Choyce to approve the minutes from the April 25, 2016 meeting with amendments to include the members of the committees. SAID MOTION CARRIED FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. ZIMMERMAN-AYE	MS. VALENTINO-AYE	

SAID MOTION CARRIED.

**Memorialization of Resolution** – Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Fred Bohren -App. #20 -2015; Block 809 Lot 6.** SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. STRIGH-AYE
MS. ZIMMERMAN-ABSTAIN	MR. PITALE-ABSTAIN	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **776 Associates-App. #3-2016; Block 1028.02 Lot(s) 3.03 & 6.** SAID MOTION CARRIED WITH FOUR (4) MEMBERS VOTING “AYE,” NO “NAY,” and ONE (1) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE  
MS. ZIMMERMAN-ABSTAIN

MR. CHRISTMAN-AYE  
MS. VALENTINO-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

**Public Comment-** Ms. Valentino asked if anyone would like to speak for public portion. Mr. Fred Akers, Greater Egg Harbor Watershed Association. He wanted to speak in regards to the Fred Bohren application, 2 days after the Boards approval; he received a call from Fred Bohren, for help in with a potential blue acres purchase of his property. Mr. Akers spoke to the Administrator, who spoke to the committee. He then went to a committee meeting & asked for them to be a willing owner of that parcel should public funding be able to purchase it for preservation of open space. He didn't get a commitment from them but they are giving it serious consideration. Mr. Bohren has filled out the blue acres form & because of the Boards approval; the fair market value has increased. Mr. Akers is going to tell Mr. Bohren to figure out a cost for the blue acres to purchase. He also contacted the county about acquiring the property & they would rather have the state purchase it. The county reviewed the blue acres application & commented it was a viable acquisition. He also mentioned when this application was received by the Board it didn't have a notice that it was in a flood hazard area. Mr. Akers made a suggestion that if an owner has property in a flood hazard area, wants to develop it & needs Planning or Zoning approval, there should be an application (Chapter 173) made which becomes part of the record and completeness. The public would know if Chapter 173 has been filled out & the owner would know they are applying for development in a flood hazard area & rules/regulations have to be complied with.

Mr. Christman stated Mr. Akers is very involved with the Greater Egg Harbor Watershed.

Ms. Lafferty commented the ordinance does not provide for a 2<sup>nd</sup> application process for flood hazard area. The professionals analyze the application for compliance for flood hazard ordinance & submit reports. The township committee would have to get it into the ordinance.

Mr. Strigh noted there is a process to have an application process added for areas in the flood zone. He feels the Zoning Board should write a letter to Committee & Planning Board to address the flood hazard ordinance & ask that Mr. Akers assist in drafting any ordinance or update.

Ms. Lafferty will assist Ms. Valentino in writing a letter for this issue.

Motion made by Mr. Strigh, seconded by Mr. Christman to have a formal letter written to Committee & the Planning Board to add a 2<sup>nd</sup> application process for any property in a flood hazard zone. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN"

Ms. Valentino asked if anyone else would like to speak for public portion. Mr. Choyce moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE  
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE  
MR. PITALE-AYE

MR. STRIGH-AYE  
MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Christman added he spoke to Mr. Dixon prior to the last meeting & Mr. Dixon expressed he wished he had something more to go by & there was nothing in the ordinance to be more effective.

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

**Adjournment** – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 8:20 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Respectfully submitted,

Deborah Ohnemuller, Secretary  
Zoning Board of Adjustment