

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 Joseph Leyenaar. 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: Wayne Cain & Carl Pitale.

The Statement of Compliance was read.

Announcements: Ms. Valentino stated the order of the cases will be changed. The 1st item will be application # 6-2016 (Fantasia); the 2nd item will be application #3-2016 (776 Associates) & the 3rd item 20-2015 (Bohren).

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.

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

Mr. Fantasia was sworn in.

Ms. Lafferty commented that an individual who was noticed has attorney representation for this application.

Ms. Erica Edwards, esquire (Hunterdon County) stated that she represents an adjacent property owner with respect to this application (block 649 lot 8-Dorothy Reeves). She feels this application requires a D variance, her client doesn't have any issues with the application, township or solar. The issue is about the MLUL & town ordinances require with due diligence. Ms. Edwards pointed out Section 203-198 of the Municipal Land Use, prohibited uses, states that any use not permitted in the zoning district is prohibited. In Section 203-28 (Forest Area Districts) she listed the accessory uses that are allowed & noted solar arrays are not mentioned as an accessory use. She states the ordinance does not expressly permit the arrays as an accessory use in that zone & feels this application should be for a D (Use) variance along with C variances for the 2 front yard areas (Estelle & Maryland Avenues). She also feels the notice is defective, the board does not have the jurisdiction to hear this & the applicant should have to re notice.

Ms. Valentino asked Mr. Watkins that if the language of the ordinance does not specifically include an item is it excluded. Due to it being a hardship variance he did not review the application.

Mr. Sartorio stated that is the language of the ordinance & it is not a Use variance. It will continue as a residence. This application is coming before the board due to how the house is oriented.

Ms. Lafferty stated the Board has viewed solar arrays as accessory structures not requiring Use variances.

The notice was read & discussion ensued regarding if it was clear as to what variance is being asked for.

Ms. Lafferty relayed to the applicant that if this variance was approved it could be appealed. She also asked them if they would like to have attorney representation for the issue notice. The appeal period timeline was also explained.

James R. Castle was sworn in & asked which lot Ms. Edwards was representing. She stated it is located to the south of the applicant's lot (lot 8).

Discussion ensued regarding the notice & previous variances granted for solar arrays.

Ms. Edwards noted the accessory uses in the FA-10 zone as per the ordinance, specifically the word "etc." The provision of that word opens up it up to confusion when Section 208 says "any use that is not expressly permitted is prohibited."

There was discussion of what the “etc.” means in the ordinance.

Mr. Choyce asked what the state statute says about solar arrays, besides that they are inherently beneficial. Ms. Lafferty commented she would have to do research for that comment but did note that the ordinance does not define accessory structure or use separately.

The Board discussed if the notice was correct & if the applicant should move forward tonight.

Ms. Edwards then noted the checklist was not submitted with the application & it is not a complete application.

The application can be deemed incomplete due to the checklist not being submitted.

The application will be heard at the next meeting, May 23, 2016 at 7:00 pm & the applicant does not have to re-notice or republish unless he hears further from us.

There were comments in regards to the solar array being an accessory use or accessory structure.

Mr. Choyce moved, seconded by Mr. Strigh on App. #6-16, Block 649 Lot 7 located at 5396 Estelle Avenue to **table** the application in order for the Board solicitor to review & provide legal advice on how to proceed with this request. The motion was then withdrawn.

Ms. Edwards will do due diligence for researching case law to support her position that solar arrays are a Use Variance.

Mr. Strigh moved, seconded by Ms. Zimmerman to move forward on the application.

Mr. Sartorio commented the Board has the right to waive the checklist items. He reviewed the application & noted ground level photos along with typical elevations of the panels were not included.

The checklist should note if the applicant is waiving, including or items are not applicable.

Ms. Valentino summarized the items in questions are:

- C or D variance or both
- Checklist incomplete

Ms. Zimmerman moved, seconded by Mr. Strigh on App. #6-16, Block 649 Lot 7 located at 5396 Estelle Avenue as **Incomplete** on the basis it does not have a completed checklist & request the applicant to provide a complete application & it will be tabled until May 23rd. 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. STRIGH-AYE

MS. ZIMMERMAN-AYE

MR. LEYENAAR-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes. The application is missing the checklist.

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes.

MR. STRIGH: Yes.

MS. ZIMMERMAN: Yes. The application is missing the checklist & I feel it is incomplete.

MR. LEYENAAR: Yes.

MS. VALENTINO: Yes.

Mr. Leyenaar made moved, seconded by Mr. Strigh, on App. #6-16, Block 649 Lot 7 located at 5396 Estelle Avenue that solar arrays are accessory structures & does not require a D 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. STRIGH-AYE
MS. VALENTINO-AYE

MR. CHOYCE-AYE
MS. ZIMMERMAN-AYE

MR. CHRISTMAN-AYE
MR. LEYENAAR-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes. That is how we addressed solar arrays since I have been on this board.

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes.

MR. STRIGH: Yes.

MS. ZIMMERMAN: Based on previous comments I made during this application with the wording that is required for a D variance, specifically if it is a principal structure or use, based on the history of this board in viewing solar arrays as accessory structures, also that the state views solar arrays as inherently beneficial in any zone, I vote yes that this application does not require a D Variance to move forward.

MR. LEYENAAR: Yes based on previous actions & statements of the board.

MS. VALENTINO: Yes. I vote for the same reasons previously stated.

The application will be heard on May 23, 2016 without the need to re-notice or republish. The applicant will need to resubmit the application, checklist & any items on the checklist that were not previously submitted.

776 Associates; App. #3-2016; Block 1028.02 Lot(s) Lot 3.03 & 6; Blackhorse Pike; Seeking Final Site Plan Extension for Variance #38-2005 adopted July 24, 2006.

Mr. Nehmad is appearing on behalf of the applicant. The application is for an extension of the period of zoning protection. In 2006 the applicant appeared before the board for a variance for a planned commercial center.

Exhibit A-1: photo of property

The property is located on the corner of Cologne & Black Horse Pike & is 8.29 acres.

The applicant was before the Board 3 times in 2006 (January, April & July). A D3 variance & preliminary site plan & final site plan approval was obtained. The approved development consists of 46,000 sf planned commercial center. Mr. Nehmad summarized why they came to the board for this development. They are seeking an extension of the period of zoning protection. The protection expires 6/30/16 & they would like it extended for 3 years. The site hasn't changed, the zone is the same & it remains prime retail location. The owner has been searching for corporate tenants for this site due to the recession. There are no changes in the plans which were submitted originally.

Discussion ensued in regards to any changes to the original site plan. Mr. Nehman gave an example of a tenant, like a CVS, which might have a particular build-out, in which case they would come back to the Board for an amendment to the original plan.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Zimmerman 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. #3-16, Block 1028.02 Lot(s) 3.03 & 6; located at Blackhorse Pike to extend the site plan (with no changes) in conjunction with the New Jersey Permit Extension Act for a period of three (3) years 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
MR. LEYENAAR-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes.

MR. CHOYCE: Yes. I agree with the applicant that the economics of the area since 2006 has not been conducive to commercial construction or expansion in the area & doesn't appear to be improving in the near future. A 3 year extension is warranted in this case.

MR. CHRISTMAN: Yes. I agree 3 years is adequate.

MR. STRIGH: Yes.

MS. ZIMMERMAN: Based on the previously made statements, I vote yes.

MR. LEYENAAR: Yes.

MS. VALENTINO: Yes. Based on the representation of the applicant that the site plan will remain unchanged, I agree that the extension should be granted.

The Board took a recess starting at 8:04 pm & reconvened at 8:12 pm.

Fred Bohren; App. #20-2015; Block 809 Lot 6; located at Second Street was present along with his attorney, Stephen Nehmad, and is seeking a Variance for lot frontage 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.

Mr. Watkins deemed the application is complete.

Mr. Nehmad stated the application is for a lot frontage variance. The lot is located at the terminus of 2nd Street & Babcock Creek. It is surrounded on 3 sides by Babcock Creek. The property is in the R-22 district & contains 37,000 sf of area & 22,000 sf is the minimum area required.

Exhibits A1-A6 was introduced (A-5 intentionally omitted).

A-6: Aerial photo with property outlined.

The property has been owned by Mr. Bohren & his family since the early 1960s. It has never changed in shape, size or configuration. The shape & configuration of the property has been traced back to 1927. The lot has 50 ft. of frontage & 100 ft. is required which is why the variance is being requested. Mr. Bohren originally submitted the application & was not represented by counsel. He would like to build a single family dwelling.

The Pinelands has issued a Waiver of Strict Compliance which was obtained in 1990 & is still valid. A CAFRA permit from the DEP was also obtained. The Pinelands prescribed a limited area where the building footprint could be placed & this is created a classic hardship case due to an existing non-conforming condition (ENC).

Mr. Nehmad understands this application has generated concern due to in being surrounded on 3 sides by water & is in flood plain area. The Township has enacted Chapter 173 (Flood Damage Prevention Ordinance) with standards for building a residence in a flood plain area. The appeal process

for this is through the Planning Board. This application will meet all the flood damage prevention standards. The applicant is not prohibited from building on the lot & has been in the family for years. This application is a hardship & the variance is for lot frontage which has no detriment related to the property or neighborhood. The house will be built in the allowable footprint in which Pinelands has required in the waiver of strict compliance. The frontage is 50 ft. which is ample for a car to enter & exit the site.

Mr. Bohren was sworn in & testified he is the owner of the property. He has owned it since 1990s & his family has owned it since the early 1960s. Exhibit A-4 is a survey of the property & the configuration has not changed. Mr. Irick is his engineer. Mr. Bohren is a carpenter & currently resides in Buena Vista Twp. & would like to build a single family home. There was an application filed with the Pinelands for a Waiver of Strict Compliance.

The following exhibits were introduced:

- A-1: Variance plan submitted to Pinelands & CAFRA
- A-2: Letter from Pinelands dated March 1990 (waiver) & item #4 states "all development shall be located within 75 ft. of the common lot line with lot 7. All development shall be located at least 35 ft. from the river.
- A-3: CAFRA permit dated 7/27/15.
- A-6: Aerial photo

Mr. Bohren obtained from the Pinelands that the waiver is still intact. Mr. Irick also obtained a CAFRA permit. He would like to build a single family home for his children or grandchildren. He understands the property is located in a flood zone & the house will be 7 ft. above grade. He will meet all requirements of Chapter 173.

Mr. Irick was sworn in and testified has been retained by Mr. Bohren & is familiar with all the regulations of this zone. He assisted Mr. Bohren with the Pinelands & CAFRA applications & noted it is at the end of 2nd street & surrounded by Babcock Creek. They worked with Pinelands to define the wetlands & worked with them to develop that line. They will tie into the sewer system & worked to meet in with the building envelope. It is located in the R-22 zone. The plan shows where the house will be located & defined with DEP the footprint.

Ms. CuvIELLO, Planner, is assisting with Mr. Irick tonight.

The footprint will be 10% of building area & will meet all township & Pinelands requirements. The residential space is required to be above the flood plain. Mr. Irick & Mr. Bohren have been working together for about 12-15 years & the lot shape has remained the same. The lot frontage is wide enough for emergency vehicles & there will be parking under the structure. Mr. Irick sees no detriment if the variances are granted & commented the frontage & access will remain the same.

The aerial photo accurately depicts the property with the building envelope indicated. The lot will have pump station which will connect to the nearest manhole (about 600 ft.) & this is a requirement of the Pinelands. There will be a well with a permit issued by DEP.

Ms. Valentino asked about the pump station. Mr. Irick commented it will be in the ground with a protective device (about 25 sq. ft.) above ground. It will be 5ft. above ground. The distance from the ground to the 1st floor will be 14ft. with 8 ft. for parking. The heating/AC will be above flood level. There will not be any structures or docks. The building will be on pilings or piers with no openings. Pinelands will still review the specs once the Board approves this.

There was discussion where the measurement for ground level would be. There will not be any fill on the property or bulkheads. The pump station will be under the house.

Ms. Tiffany CuvIELLO, Planner, was sworn in & the Board accepted her credentials as provided by the witness. She testified she reviewed the property for granting of the variance request. She stated this application is a hardship situation (C1) due to the shape of the property & gave testimony as to why. The lot is larger than what is required in the R-22 zone & the lot will have a 3% coverage. There is no substantial detriment due to the reduced frontage. The existing non-conforming condition cannot be changed. She does not feel there are any negative criteria with the granting of the variance.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Fred Akers, Administrator of the Great Egg Harbor Watershed Association. He discussed the flaws in Chapter 173 & the FEMA regulations.

Ms. Valentino wanted the record to reflect that Board Members received a copy of the correspondence from FEMA.

Ms. Lafferty stated Mr. Akers statements are legislative in nature.

Mr. Akers made comment in regards to Chapter 173.

Mr. Nehmad has objections to Mr. Akers comments.

Mr. Christman asked how many times the property has been underwater & made comment in regards to concerns about possible flooding.

Mr. Elmer Ripley was sworn in & he stated that he lives on the opposite side & commented about previous flooding in the area & also noted there was bulldozing previously done on the property.

Mr. Domingez was sworn in & stated he also lives across from this property. He asked if an impact study has been done for the rear of the house & he wanted to know what the effect would be. He had concerns regarding the height of the pump station & wanted to know if there was any issue with house values if this was built.

Ms. Valentino asked the Board professionals if FEMA was an approval & Mr. Dixon stated it is guidance for flood insurance rates. NJ Flood Hazard Area Control Act Provisions would review the application; Soil Erosion & Sediment Control from County Planning Board wouldn't be involved; CAFRA would be involved but not Waterfront Development Permit from DEP. MUA needs to review & the silt fence is a soil conservation item. Deed modification or restriction would be done by the agencies requiring them (Pinelands or DEP).

Ms. Locke (Block 809 Lot 7) was sworn in & had concerns regarding the pile driving & possible damage her house may receive. Mr. Nehmad advised to take pictures before & after construction for documentation & also commented the construction will be done with sensitivity to the neighborhood. If damage is done the person who is responsible will take care of it.

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

Ms. Valentino opened the discussion with a summary of the process including the workshop which was previously conducted. Her comments included the fact that the lot was an isolated surrounded by properties that were built upon & no property remained available to make the lot confirming. She summarized her opinion on the matter & that the Board, though they had many areas of concern, should consider the matter based on the variance that was the subject of the application & condition any approval on those areas of concern to be addressed by the appropriate agencies who have the qualifications & authorization to do so.

Ms. Zimmerman asked if the deed was recorded with the restrictions. Mr. Nehmad did not represent the applicant at that time but stated it would be done & it is customary with CAFRA conditions.

Mr. Christman had comments in regards to the property being in CAFRA or Pinelands & possible future flooding.

Mr. Nehmad will provide the Board with a copy of the deed after it is recorded so they can see the CAFRA restrictions have been implemented.

Mr. Strigh commented this is not a typical application & has concerns due to the location of the property. He would like the township to remain harmless if there is any flooding.

Mr. Nehmad noted that there would be concerns with flooding no matter what the lot frontage request is.

Ms. Zimmermann asked the Ms. Lafferty what the MLUL standards are for this variance & she stated 40:55d-70(c1) & read the standards to everyone.

Mr. Watkins also stated this is a preexisting non-conforming property & the flooding that may happen isn't a detriment to the public & can't be part of the decision making.

Mr. Nehmad stated there is no detriment if the lot was developed on a 50 ft. lot frontage as opposed to 100 ft. lot.

If there is flooding or other emergencies in that area the Emergency Management Office has an evacuation plan in place.

Ms. Valentino opened the discussion with a summary of the process including the workshop which was previously conducted. Her comments included the fact that the lot was an isolated surrounded by properties that were built upon & no property remained available to make the lot confirming. She summarized her opinion on the matter & that the Board, though they had many areas of concern, should consider the matter based on the variance that was the subject of the application & condition any approval on those areas of concern to be addressed by the appropriate agencies who have the qualifications & authorization to do so.

Mr. Choyce asked if fill was going to be added which would alter the flood plain or redirect the flow of water. A site plan isn't required for a single family dwelling. Mr. Dixon stated this was a valid concern & the DEP made note they complied with the flood hazard area regulations because no fill will be added to the property.

Mr. Strigh had concerns with the water being close to the house. Mr. Dixon noted that "the driveway may be occasionally inundated" must be put in the deed.

Ms. Zimmerman commented that if the frontage was the required length, this application wouldn't be before the Board.

Mr. Angelo agreed that it is dangerous to build the house here but after listening to the planner they meet the criteria for the hardship. The other discussion is secondary. Mr. Leyenaar stated he also agrees.

Ms. Valentino gave a brief summary of the steps the applicant took to come before the Board & what variance he is seeking.

Mr. Leyenaar also commented the frontage is a preexisting non-conforming lot.

Mr. Choyce stated he couldn't understand why anyone would want to develop this lot & realized this is a lot frontage issue.

Mr. Nehmad reiterated this application is a classic hardship situation & realizes the concerns that Board members have.

Mr. Choyce moved, seconded by Mr. Angelo on App. #2-15, Block 809 Lot 6 located at Second Street for a C Variance for reduced lot frontage of 50 ft. where 100 ft. is required & the conditions imposed would be from the CAFRA permit, Pinelands approval letter & any other conditions/approvals required by any outside agencies. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", ONE (1) MEMBER 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-NO

MR. CHRISTMAN-AYE
MR. LEYENAAR-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes for the reasons stated by the solicitor.

MR. CHOYCE: The fact that the residential use is permitted with this property, the uniqueness of the shape, restrictions placed on the construction allowed by Pinelands & DEP, the requirements for the C1 variance are met. I vote yes.

MR. CHRISTMAN: I agree with Mr. Choyce's comments & it leaves this Board with no alternative to vote yes but I will also want the record to reflect this is reckless& irresponsible. Board members & Mr. Bohren have observed what has happened with this property over the years, the predictions of future storms. I think the hardship will lie with future owners of this property & possible destruction. This property should have been deemed for open space. I see nothing good with the development of this property in the future. I vote yes.

MR. STRIGH: I vote yes because the applicant has shown that this will be built within our ordinances. The idea of a house in the flood plain is a shame.

MS. ZIMMERMAN: This is a unique lot & has seen quite a bit of flooding. The applicant met the positive criteria & do not believe the negative was met. This is a lot which has slipped through the cracks of many jurisdictions. At some point the governing body needs to rule accordingly. It is detrimental to others visiting or be called if there is an emergency. I cannot vote yes. My vote is no.

MR. LEYENAAR: Yes. For reasons previously stated by Board members but with reservations mentioned.

MS. VALENTINO: I would like to thank all parties in this process & who read all reports & noted their concerns. This is a variance for lot frontage & doesn't dismiss the concerns of the Board. The approval is based upon conditions of agencies outside of this Board.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Choyce to approve the minutes from the March 28, 2016 meeting with amendments to include the members of the committees. SAID MOTION CARRIED FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and TWO (2) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

| | | |
|-------------------|-----------------------|----------------------|
| MR. ANGELO-AYE | MR. CHOYCE-AYE | MR. CHRISTMAN-AYE |
| MR. STRIGH-AYE | MS. ZIMMERMAN-ABSTAIN | MR. LEYENAAR-ABSTAIN |
| MS. VALENTINO-AYE | | |

SAID MOTION CARRIED.

Memorialization of Resolution – Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Arnold Sikking -App. #1 -2016; Block 534 Lot 14**. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and TWO (2) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

| | | |
|-------------------|-----------------------|----------------------|
| MR. ANGELO-AYE | MR. CHOYCE-AYE | MR. CHRISTMAN-AYE |
| MR. STRIGH-AYE | MS. ZIMMERMAN-ABSTAIN | MR. LEYENAAR-ABSTAIN |
| MS. VALENTINO-AYE | | |

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Michael Angerman-App. #2-2016; Block 1345 Lot(s) 22 & 23**. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and TWO (2) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

| | | |
|-------------------|-----------------------|----------------------|
| MR. ANGELO-AYE | MR. CHOYCE-AYE | MR. CHRISTMAN-AYE |
| MR. STRIGH-AYE | MS. ZIMMERMAN-ABSTAIN | MR. LEYENAAR-ABSTAIN |
| MS. VALENTINO-AYE | | |

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Debra Kraus-App. #4-2016; Block 711 Lot 6**. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and TWO (2) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

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

MR. CHOYCE-AYE
MS. ZIMMERMAN-ABSTAIN

MR. CHRISTMAN-AYE
MR. LEYENAAR-ABSTAIN

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Mr. Christman to adopt the resolution for **Mike & Suzy Chiarlanza-App. #5-2016; Block 1132.25 Lot 23**. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and TWO (2) “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

MR. CHOYCE-AYE
MS. ZIMMERMAN-ABSTAIN

MR. CHRISTMAN-AYE
MR. LEYENAAR-ABSTAIN

SAID MOTION CARRIED.

Public Comment- Ms. Valentino asked if anyone would like to speak for public portion. Mr. Fred Akers made comment that the FEMA report omitted items for Hamilton Township.

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 ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Executive Session- There were no items to discuss.

Ms. Valentino reminded all members that April 30th is the deadline for the Financial Disclosure Forms. She also thanked the professionals for their assistance in the last application.

There was discussion regarding the Zoning Permit Application process.

In regards to the 1st application heard, Mr. Dixon asked if the Board could ask what the interest would be & Ms. Lafferty stated yes.

Adjournment – Mr. Choyce moved, seconded by Ms. Zimmerman to adjourn the Zoning Board of Adjustment meeting at 10:38 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” O “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment