

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 Cain, Wayne Choyce, William Christman, Bruce Strigh & Amanda Zimmerman. Also present was the Board Solicitor, Rebecca Lafferty; Zoning Officer, Hannah Desmond.

**Members Absent:** Michael Angelo & Joseph Leyenaar

The Statement of Compliance was read.

**Announcements:** Ms. Valentino & Board Members welcomed Hannah Desmond as the new Zoning Officer.

Ms. Valentino announced Application #7-2016 (Mary Lou DeFrancisco) will be continued at the August meeting & Application #41-2016 (Keith Boakes & Christine Johnson Boakes) will be heard at the September meeting.

**Fernmoor Homes @ Woods Landing, LLC;** Applications #12-2016 through #37-2016; Seeking Variance for Front & Rear Yard Setbacks for the following:

<b><u>Block:</u></b>	<b><u>Lot:</u></b>	<b><u>Address:</u></b>
997	88	175 Keller Way
997	89	177 Keller Way
997	90	179 Keller Way
997	91	181 Keller Way
997	92	183 Keller Way
997	93	185 Keller Way
997	40	79 Keller Way
997	41	81 Keller Way
997	42	83 Keller Way
997	43	85 Keller Way
997	44	87 Keller Way
997	46	54 Keller Way
827	2	2 Ernst Court
827	3	4 Ernst Court
827	4	6 Ernst Court
827	5	8 Ernst Court
827	6	10 Ernst Court
827	7	12 Ernst Court
827	8	14 Ernst Court
827	10	18 Ernst Court
827	14	26 Ernst Court
827	15	28 Ernst Court
827	16	30 Ernst Court
997	112	36 Goetz Court
997	113	38 Goetz Court
997	114	40 Goetz Court

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

Lew Kurland stated he is legal counsel for Fernmoor properties. There are 26 C2 (front & rear yard setbacks) variances being requested for the Woods Landing project. Testimony will be presented by Terrance Combs, Planner, as to each lot & the planning criteria. There will also be witnesses presented by Fernmoor who will discuss the need for the variances.

Prior to the meeting, a workshop in the fall was attended by the applicant & Board members (Wayne Cain, Bill Christman & Elaine Valentino) & the subject of the larger houses on these lots was expressed then.

Ms. Valentino asked if the rear setback for the Aria model was measured from the back of the house or back of patio. She also noted the Rhapsody model has a patio which fits into the confines of the extension of the house.

Ms. Valentino suggested the Board discuss if the application should be heard as phases or to do it in its entirety.

Mr. Choyce was at the workshop, visited the site & was involved with it from the beginning. He commented that testimony from their professionals regarding the overall proposal is appropriate.

Mr. Christman agrees with Mr. Choyce & stated it is a possibility to hear about them in 2 or 3 categories.

Mr. Terrance Combs was sworn in & stated he is a licensed professional planner & landscape architect in the State of NJ. He was part of the original approvals & design plans in this project.

Mr. Kurland stated the project was bought by Fernmoor a few years ago. The market has changed & the types of homes selling are longer due to purchasers wanting the bedrooms on the 1<sup>st</sup> floor instead of the 2<sup>nd</sup>. The 26 lots would have an option to build a longer & deeper home. Fernmoor has built these types of homes but there are no more lots left. The site plan was looked at to see which lots could be used for this type of home. Wherever there was a rear yard variance request, the rear yard would face an open space with the exception of 3 lots in Phase 5. Those 3 lots would back up to another adjacent lot.

In Fernmoors mind this change will help with the completion of the project. This is something the residents want & the town would want. Once the project is complete, the road will be finished.

Mr. Combs stated the setbacks were measured to the building. Board members had questions regarding the patio & the sunroom setbacks.

Ms. Carol Gephart, Director of Sales & Marketing for Fernmoor Homes, was sworn in testified the Aria model has an optional sunroom. The measurement was taken from would the optional sunroom or standard patio.

There was discussion regarding the options offered for the Aria & Rhapsody models.

At 7:16 pm Mr. Pitale joined the meeting.

Mr. Christman stated he was on the Planning Board when this project was before that Board. He asked which models will be an Aria or Rhapsody. Mr. Kurland commented 3 lots can have an Aria model (997/40; 997/41; 997/46-phase 3B). The rest will have Rhapsody models. This is the largest of the units.

Exhibit A-1 (variance graphic plan) was introduced.

Mr. Combs indicated on the plan where phase 3B is located. The lots in yellow are the subject lots (phase 5). Lots 112, 113 & 114 have a front yard setback of 20 feet & rear yard setback of 16 feet.

The exhibit shows phase 1 with 6 lots; phase 3 with 6 lots; phase 4 with 11 lots & phase 5 with 3 lots. It was originally designed with the Planned Adult Community option (25 foot front & rear). During the approval process there was a provision for a modulation of the setbacks. This type of housing typically has a large building footprint due to the desire to having a high proportion of the living space on the 1<sup>st</sup> floor. The original setbacks for the rear & front yard were a combined 50 ft.

The Aria & Rhapsody are typical of the architecture being built. The units are 5' narrower than the building envelope which creates more building space between the buildings.

The variances for the 26 lots needed are: 15 need a rear yard setback only; 1 lot needs a front yard setback & 10 need front & rear lot setbacks. With these requests the lots will have less than the 50 ft. combined front & rear as was in the original plan.

Mr. Kurland feels these are C2 variances due to the promoting of zoning & the benefits outweigh the detriments of a compliant plan. The variances will increase the flexibility with the developer to do more innovate things with the architecture. The changes will encourage the promotion of more senior citizen housing construction with popular units. The zone plan shouldn't be impacted. The lot coverage requirements will not be exceed on any of the lots.

There isn't any detriment for this project. It is for the good of the community to have this project built out and completed.

Ms. Valentino asked if the roadways are completed. Mr. Kurland stated the roads are base paved. The lots which are the subject of the application have been offered for sale but none are under contract.

Mr. Choyce had questions regarding what the original drainage calculations were based on. If the calculations weren't based on 50% lot coverage for each & every lot there is a potential impact for changes in the drainage calculations due to an increase in the impervious coverage. Mr. Kurland commented the drainage & impervious coverage was looked at. The increase is minimal.

Ms. Desmond was sworn in & Mr. Choyce asked her if the laws were different when the drainage calculations & designs were originally made. Ms. Desmond stated the ordinance hasn't been updated to differ between the 50% impervious coverage requirements for the zone & properties since 2004. Mr. Choyce asked if the Pinelands requirements for drainage runoff & calculations have changed since 2004. Ms. Desmond stated she couldn't answer a Pinelands related question but did comment as per the zoning ordinance it has not changed.

Mr. Choyce asked if the application had gone to the Planning Board, would the drainage calculations be required to be redone with what is being proposed tonight. Ms. Desmond stated yes.

Mr. Choyce has concerns about the storm water plan due to the conditions of the basin behind the clubhouse & the basin by Phase 3b. If they aren't working properly now the drainage should be addressed before the possible changes are permitted.

The Board members had concerns regarding the basins & if they are working properly at this time.

Ms. Valentino made mention that at the workshop in the fall the planner & engineer were present. At that time the applicant was not sure which Board they were going to make application with.

Ms. Valentino asked the Secretary if they were involved in the review of the application & she stated no.

The Board doesn't feel comfortable in moving forward until the planner & engineer review the application & submit reports.

Mr. Kurland is willing to table the application until the professionals review & submit reports.

Ms. Lafferty asked if there were any witnesses who were here tonight that would not be able to attend the meeting in August. Mr. Kurland stated no & also stated they will waive the time frame in the MLUL in order to hear it in August. The next meeting will be August 22<sup>nd</sup>.

The Secretary summarized the applications which will be heard at the August 22<sup>nd</sup> meeting. Ms. Valentino stated the Fernmoor application will be heard 22<sup>nd</sup>.

Mr. Choyce moved, seconded by Mr. Cain to carry Applications #12-2016 through #37-2016 until AUGUST 22, 2016 contingent upon review by the Board Planner & Engineer with no need for renoticing & advertising. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

#### ROLL CALL ON THE ABOVE MOTION

MR. CAIN-AYE

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. PITALE-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

MS. VALENTINO-AYE

SAID MOTION CARRIED.

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

**MR. CAIN:** Yes.

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes.

MR. PITALE: Yes.

MR. STRIGH: Yes.

MS. ZIMMERMAN: Yes.

MS. VALENTINO: Yes.

Mr. Christman asked if there would be enough time at the next meeting & Ms. Valentino commented there should be.

The application will be carried to the August 22, 2016 meeting at 7:00 pm.

**Approval of Minutes** – Mr. Christman moved, seconded by Mr. Cain to approve the minutes from the June 27, 2016 meeting with amendments to include the members of the committees. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and ONE ABSTAIN.”

Ms. Lafferty made a change to Resolution #6-2016 to note Maryland Avenue is unimproved.

**Memorialization of Resolution** – Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Peter & Shelly Fantasia -App. #6 -2016; Block 649 Lot 7**. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Mr. Cain to adopt the resolution for **Louis Cosenza #10-2016 Block 206 Lot 1 Gerald Errickson, II-App. #11-2016; Block 1335.01 Lot 68.02**. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Ms. Zimmerman to adopt the resolution for **Gerald Errickson, II-App. #11-2016; Block 1335.01 Lot 68.02**. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Ms. Valentino asked if anyone would like to speak for public portion. Mr. Cain moved, seconded by Mr. Christman to close the public portion of the hearing. SAID MOTION CARRIED WITH SIX (7) MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION

MR. CAIN-AYE	MR. CHOYCE-AYE	MR. CHRISTMAN-AYE
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MR. PITALE-AYE  
MS. VALENTINO-AYE

MR. STRIGH-AYE

MS. ZIMMERMAN-AYE

**Executive Session-** There were no items to discuss. The deadline for the appeal period for Fantasia is September 19<sup>th</sup>.

Ms. Valentino thanked Ms. Zimmerman for all her service, input & being on various subcommittees.

Mr. Choyce stated her questions & comments on applications will be greatly missed.

Ms. Zimmerman commented she has been on this Board for 6 years & it has been a great experience. The times serving on this Board have been interesting.

Mr. Choyce asked if Committee is working on a replacement & the Secretary answered they are. He suggested Frank or Heather Tomasello as a possible member.

**Adjournment** – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 7:57 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary  
Zoning Board of Adjustment