

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 Cain, Wayne Choyce, William Christman, Dr. Robert Kahrmann, Bruce Strigh & Carl Pitale. Also present was Board Solicitor, Rebecca Lafferty; Zoning Officer, Hannah Desmond; Engineer, Kevin Dixon; Planner, Robert Watkins; Landscape Consultant, Chris Carey.

The Statement of Compliance was read.

Announcements: Ms. Valentino stated the agenda will be followed as written.

Fernmoor Homes @ Woods Landing; App. #12-2016 through 37-2016; Seeking variances for Front & Rear Yard setbacks for the following Blocks & Lots. *This is a continuation from September 26, 2016.*

<u>Block:</u>	<u>Lot:</u>	<u>Address:</u>
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

Dr. Kahrmann recused himself from this application due to him being a resident of Woods Landing & is also a member of the Board of Directors for the HOA.

Mr. Kurland stated this is a continuance from the September meeting. He also noted Board Members had concerns of the retention basins which are on the site. The meeting was then adjourned so they could look into the concerns. A letter dated 11/18/16 from him was emailed to the Secretary regarding the steps Fernmoor & the Woods Landing HOA had taken regarding the maintenance of the ponds.

This was introduced as exhibit A-4.

Mr. Kurland reviewed the contents of the letter.

Due to the letter being about the basins, Ms. Valentino stated that Mr. Dixon may have questions or comments regarding the letter.

Ms. Valentino also stated this application is a continuance from 9/26/16 with no need to republish or serve. Mr. Kurland also gave the extension of time.

Mr. Kurland commented the letter addressed the different ponds/basins the project. The HOA entered into an agreement with Solitude Lake Management to maintain them (attached). Mr. Strigh asked why the contract amount was redacted & if Mr. Dixon feels that amount is enough to maintain them. Mr. Kurland will convey that information to Mr. Dixon.

Mr. Choyce asked if the scope of work of the contract matches or exceeds the requirement of the maintenance agreement which was part of the overall resolution for the last site plan.

Mr. Kurland stated there was a Basin Declaration which was entered into by the original Developer (Kabro) & is attached to the agreement. The Declaration is recorded with the County Clerk & the specific steps do not start until the Performance Guarantees have been released. Fernmoor is responsible for making sure the basins are built & operated as designed. If the Township Engineer feels there are any concerns Fernmoor will respond to that.

Mr. Cain asked who was going to maintain the basins once the project is complete. The road out front has never been fixed & he would like to know how Fernmoor is going to handle it.

Mr. Kurland commented there was miscommunication as to who is responsible for the basin maintenance & that is why the HOA entered into the agreement. The HOA will likely build into their budget funds to maintain the basins.

Basin 2 (at the end of Keller Dr.) still needs the landscaping around the perimeter & the installation of the aerator. A contractor is working on a bid for these items. This is a bonded item & it will be satisfied.

Basin 3 (dry basin at SW corner of Ernst Ct. & Old Egg Harbor Rd.) it will be mutually maintained & cleared of debris by Fernmoor & the HOA. Arrangements have been made to work with the contractor who worked on Pond 2 to clean the basin of trees & cutting grass. Any other construction items will be dealt with the Township Engineer.

At this time, Fernmoor will not do any work on the road out front due to additional heavy construction that still needs to be done & a Performance Guarantee is in place.

Mr. Dixon remarked his original report for the last meeting regarding this application stated the basins needed significant repair, maintenance & restoration. The applicant's engineer supplied additional information of the design & performance of the basins. They are lined & supposed to be wet. The area above the liner is used as an infiltration area which is acceptable method for dealing with storm water management. The lack of maintenance makes it impossible to see if they can function. The basins are covered by a performance guarantee that would be released by the governing body if & when those basins are completed to a satisfactory degree by the Township Engineer. There will be inspections done by the Township Engineer. The contract term is from 10/1/16 to 9/30/17 with the basins being monitored 2x a month during October & November. Mr. Kurland doesn't have any reports from the HOA.

Mr. Strigh asked if a wet basin is high maintenance & Mr. Dixon replied yes & there should be at least 4 reports. If the reports are from the contractor to the HOA the township should be made aware of them. Mr. Dixon stated if this application is approved, any conditions pertinent to the maintenance & operation of the basins can be made a condition of any approval granted.

Every June 1st a report is to be submitted to the Planning Board regarding the basins. Once the bonds have been released, the terms & conditions of the declaration are in place a detailed report should be submitted to the township regarding the basins annually.

Mr. Kurland stated they will not be doing anything with the road right now & it is in Mr. Watkins & Mr. Cain's opinion that the road is unsafe.

Mr. Strigh asked what the agreement with the roads is & Mr. Watkins answered there is not a time period that the road has to be fixed. Mr. Christman believes it is to be fixed phase by phase. The road is unsafe & the Board has the opportunity to address this matter.

The bonds have been reduced for various phases. Mr. Watkins feels the amounts left in the bonds are not sufficient to finish the repairs with the basins. The storm water management bonding is 100% released.

Mr. Kurland said there have been reductions & the total amount of the bond cannot be reduced below 30% of the total. Their experience has been that the individual reduction of items when the final release is ready, the township engineer will prepare a punch list of items which need to be completed before the Performance Guarantee is released. Mr. Dixon stated the 30% is for any improvements which are not installed correctly.

Ms. Valentino would like the conditions summarized if the Board approves this application.

Mr. Dixon stated as a condition when the basins are restored with the permeability prior to building permits being issued, report to township engineer establishing a baseline of the basins along with reports on a timely basis, reports should also be received when the inspections are done, the building permit will have to wait for a report from the township engineer stating the basins are functional (ongoing).

Mr. Kurland pointed out that the 26 lots are located in different phases & if a building permit is requested in that phase the basin in that section will be inspected. The basin discussion was started due to the variances being requested for the 26 lots & Fernmoor would like this to be done on a phase by phase basis which is applicable to the lots which are part of this variance.

The roadway maintenance should be another condition & pave certain sections to make it safe. The township engineer should perform a report on that as well.

Mr. Strigh asked about the phasing of the project. Mr. Kurland gave explanation as to the phases as indicated in Exhibit A-3.

Phase 1- Main portion where most of the homes are completed (Basin 1) back up to wooded area.

Phase 3B-End of Keller Way (Basin 2)-backs up to wooded area

Phase 4A-Ernst Road (Basin 3A & 3B dry & pond) backs up wooded area

Phase 5-vacant lots (Goetz Ct.) There are 3 lots on Goetz which back up to the side property line of the next lot.

The township engineer prior to our last hearing issued a letter to Fernmoor regarding the basin conditions & Mr. Kurland clarified the consultant taking care of the basins was under contract with the HOA not Fernmoor. Work is ongoing with the basins & Fernmoor did work on Basin 2.

The types of dwellings will be: Rhapsody 2,339 sf & the Aria 2,182 sf. The Aria is 182 sf. over the original design & the Rhapsody is 339 sf. over.

Ms. Valentino asked if the Board would like to enter into discussion prior to making decision.

Mr. Cain commented based on the reports & comments of the engineer he would like to see the reports of the company doing the work along with reports from the township engineer. He feels the road should be inspected prior to any permits being issued.

Mr. Strigh stated the Developer needs to bring the basins up to functioning (now & in the future) because that is what they are for, not wait until a future date. Before any building permits are issued & all future building permits the basins have to be maintained & in working order. When they fall below the standard, building permits are discontinued until it is rectified.

Mr. Cain made note that the company that maintains the basin should continue with reports to the Township Engineer even after the project is done.

Once the bonds are released, the HOA will continue to have the basins maintained. There are no bonds posted with the HOA-just Fernmoor.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Paul Ratesch testified he is the President of the HOA & stated the previous company maintaining the basins was not doing an adequate job of them. They entered into a 1 yr. agreement with the current company. They are willing to wait until the community is built out to have the internal roads paved. Old Egg Harbor Rd. has been repaired a bit & he feels it is safe as long as the speed limit is maintained. Mr. Ratesch stated there is a line item in the Declaration for pond maintenance. Once the bonds are turned over, the HOA understands the maintenance issue with the basins.

Mr. Strigh stated he doesn't have an issue with the variances being requested for the larger homes.

Ms. Valentino asked if anyone else would like to speak for public comment. Mr. Strigh moved, seconded by Mr. Cain to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Pitale made mention of Phase 1 (Keller Way lots) where the rear setback is being decreased, those lots butt up to woods so the buffer for forest fires is also being decreased. Mr. Kurland stated the clearing is in compliance to the Pinelands requirements & Fernmoor is aware of his concern.

Mr. Watkins suggested a percentage be added for these lots only for impervious coverage. Mr. Dixon stated a 10% increase would be satisfactory for impervious coverage of 60%.

Mr. Christman moved, seconded by Mr. Cain on App. #12-16 through 37-16 to approve the front & rear yard setback variances as requested as set forth on the Adams, Rehmann & Heggan Associates lot variances chart, to be incorporated into this resolution with the addition to increase the impervious coverage to 60% maximum with the conditions that the basins be restored so they are functional as certified by the Township Engineer; the reports from the Solitude Lake Management, as per their contract with the HOA, be submitted to the Township Engineer as set forth in the timetable in the contract; the road (Old Egg Harbor Road) be repaired to the satisfaction by the Township Engineer along with a written report to the Township, with a copy to the Zoning Board, stating the condition of the findings prior to building permits being issued. Prior to any of the 6 lots in Phase 3B receiving building permits Basin 2 has to be functioning & the Township Engineer has to certify that Basin 2 is functioning properly. The issuance of building permits for the 6 lots in Phase 1 are tied into Basin 1. The variance lots in Phase 4A the building permits are tied into the Township Engineers determination of basin 3A & 3B. The issuance of building permits for the 3 lots in Phase 5 are tied into the Township Engineers determination of Basin 2. 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. CHRISTMAN-AYE
MS. VALENTINO-AYE

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. ANGELO: Yes for the reasons previously stated.

MR. CAIN: I am sorry things got heated over the last few meetings but understand that the board agrees with what you are asking for. When things are put in place & not done it becomes an issue. Thank you for your commitment in taking care of these issues. I vote yes because I don't see any detriment as long as the conditions are met.

MR. CHOYCE: I vote yes. I think the issue with the increase in impervious coverage & the variances along with the testimony heard has satisfied me that the change will be minimal with the run off. My biggest concern was the function of the basins. I appreciate the applicant's cooperation with this board & understanding our concerns with the basins & ongoing maintenance. This has been an issue with the township, zoning board & the planning board in the past with developments & problems with drainage basins. Thank you for your cooperation.

MR. CHRISTMAN: Yes. I echo everything Mr. Choyce said. I remember this application from the planning board days & finally glad to see it ending. Please keep in close contact with the HOA & they understand what their responsibility & how it works. If there are any questions contact the office.

MR. STRIGH: I vote yes. I think everyone should be a winner (township & homeowners) there were concessions & compromises made for the benefit of everyone involved. Thank you to the Fernmoor & the professionals' involved.

MR. PITALE: I vote yes. Stay on top of the basins & keep them right. Good luck with selling the lots & the road paving.

MS. VALENTINO: I vote yes. It seems like about a year ago we met in the workshop to see where you would be going. I would like to thank our professionals who we rely on very much & their ability to answer any questions we had.

The Board recessed at 8:29 pm & reconvened at 8:37 pm.

The Board has been reconvened with all the members in attendance except for Michael Angelo.

Peter Dellas; App. #40-2016; Block 749 Lot 4; located at 5732 Main Street was present & is seeking a Use Variance to convert a single family dwelling into a duplex & any other variances found to be necessary. *This is a continuation of August 22, 2016.*

Dr. Kahrman was not here for the 1st hearing & therefore cannot vote or participate.

Mr. Dellas stated after the August 22 meeting, several items came up that he wanted to address & wrote a letter concerning them. He also had a workshop session with the board professionals.

The biggest issue seems to be the parking egress. If he used the easement which runs along the side of the property there may be problems with the neighboring property due to their use of it for parking. He removed shrubbery & bamboo for visibility at the entrance. He supplied a photo of the rear area parking with 4 cars. He feels using the home as a 2 family domicile is more consistent with the historic preservation rather than retrofit it for a professional office. He would be willing to write it into the lease to limit the parking to 2 cars per unit. The bottom half is leased to an individual who has 1 vehicle. He is looking for "low use" type tenants. He feels has been an exemplary landlord in Mays Landing and feels he is an asset to the community.

Mr. Dellas spoke about the other properties he owns in Mays Landing.

Mr. Dixon stated at the workshop he asked for an engineer to certify & sign off on the driveway & parking. Mr. Dellas responded that he does not have the money to hire an engineer to do that.

Ms. Valentino asked if the property can be used as zoned (single family house). Mr. Dellas answered yes & commented it was 10 bedrooms. When he bought it, every room had padlocks on the doors. The property record card shows a total of 9 rooms (5 bedrooms & 2 bathrooms).

At the last meeting, Mr. Dixon recommended as conditions of an approved resolution the front of the driveway widened to 12 ft., clear vegetation that is obstructing vision at the entrance of the roadway & 12 x 20 ft. solid surface for parking & signage for coming in & out.

Mr. Dellas addressed these items other than having the front of the driveway paved & engineer approval. Mr. Dixon requested the parking area to be paved in order to stabilize it.

Mr. Choyce asked Mr. Watkins to clarify the Master Plan/Zoning Plan for this area. Mr. Watkins stated this is Village Commercial & there are no changes as of yet. The Master Plan is being changed this year & he is not sure what the changes will be. Village Commercial allows commercial on the bottom & residential on top. This building was used as a multi-family illegally for years. He also feels the applicant has not provided the special reasons or negative impacts. That is why he was suggested to have an engineer or planner to give testimony.

Mr. Choyce commented that a Use Variance is the most critical variance that the board has to pass judgment on.

Discussion ensued regarding what Mr. Dellas would have to provide in order to have a Use Variance approved.

The property in question was foreclosed upon about 4-5 years ago & was deteriorating inside when it was purchased. He cannot put any more money into this project.

Mr. Cain stated a financial hardship is not a reason to approve a Use Variance.

Legal proofs have to accompany a Variance & the board has not seen enough from a qualified planner. Variances run with the land.

Discussion ensued between Board Members & the applicant regarding what is allowed in the zone & what the applicant would like to do with the house.

Mr. Choyce asked what Mr. Dellas would do in order to improve the driveway. Mr. Dellas believes the 1st 10ft. are sufficient. The tree is large & the driveway is 9 ft. wide. Mr. Christman stated the road has cobblestones & believes it is a better option than asphalt. He also agrees the building is designed to be a 2 family house & nothing inside has to be changed.

Mr. Dellas would like to preserve the house & his plans for stabilizing the parking in the back. He laid new stone on top of the broken concrete. A loop was made around the tree in the back. He feels it is stable.

Mr. Dixon stated again he wants to see a plan with an engineer's signature for the driveway & parking for the Boards protection. He also feels this is a substandard design.

Mr. Dellas said the building needs no renovation & he has a CO from the building department when they checked for smoke detectors.

Mr. Watkins recommended to Mr. Dellas to table the application until he gets an engineer to review his plans.

There was discussion regarding why the applicant needs an engineer for this Use Variance.

The Board has to legally protect itself if anyone disagrees with a positive decision without the proper justification. Discussion ensued regarding these proofs & safety issues.

The Board recessed at 9:24 pm & reconvened at 9:27 pm.

Mr. Watkins discussed with Mr. Dellas that he table this application until he speaks with an engineer/planner. Ms. Valentino outlined his options & it was concluded that he would appear at the January 23, 2017 meeting.

Mr. Pitale suggested any individuals who want to speak for public comment do so tonight.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Sliwinski (5915 6th St.) spoke in favor of Mr. Dellas being his landlord. He asked the Board to let him continue his application. Emily Colts (6215 Harley Ave.) spoke about Mr. Dellas & how the town needs landlords like him. Shannon Price (1712 Colts Mill Rd. Franklinville) said Mr. Dellas was her landlord & spoke about him being a great landlord. Timothy Colts (6215 Harley Ave.) stated Mr. Dellas would be an asset to the town.

Mr. Dellas said there are about 2 dozen vacant/foreclosed homes in the historic district & if he didn't have to this application he would have bought another one to repair.

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

Mr. Cain explained to Mr. Dellas why the Board has to do things the way they do with these applications.

Mr. Dellas will postpone the hearing on his application for the hearing scheduled for January 23, 2017. He will try to obtain a planner & engineer to give testimony on his behalf.

There will be no further need for republishing or notice.

Bryan Jobin; App. #44-2016; Block 1099 Lot 21; located at 2921 Cologne Avenue were present & are seeking a variance to install ground mount solar array in the front yard area of Cologne 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 were sworn in:
Mr. Bryan Jobin-owner

Mr. Michael Upton-solar representative

Mr. Jobin testified due to the placement of his house he would like to have a ground mount solar array. The front property line is parallel to Cologne Ave. & it is a flag lot.

Mr. Choyce had an issue on completion. He stated the drawing that was provided does not show all the structures on the property as per the aerial view. What was provided shows the dwelling & proposed solar panels only. The survey of the property has to show the size & locations of all accessory structures on the property. The photographs show more accessory structures than the survey does.

Mr. Jobin reviewed the survey that was submitted with the application & he didn't provide it to the solar company. Mr. Upton provided an aerial view photo of the property.

The aerial view & the survey do not match. Impervious coverage does not impact the application.

Mr. Kahrman asked if he was leasing or buying the solar array. Mr. Jobin answered buying. The panels cannot go on his roof due to the placement of his house. If the solar array was moved to the back of the property, many trees would have to be removed.

A drawing is required for all the structures on & proposed for the property.

Mr. Choyce suggested if the variance is granted, permits will not be issued until a proper site plan showing all the structures is submitted to the office.

The Board agreed, with the exception of Mr. Pitale, to allow a survey submitted at a later date.

Mr. Jobin testified the panels are for residential use only,

Mr. Choyce asked how far off Cologne Ave. the property line is & Mr. Jobin replied 900 ft. & it will not be visible from Cologne Ave.

Mr. Upton testified the array is 65 ft. long, 19 3/4 ft. wide, 10 ft. high in the back & 32 inches in the front. There will be 72 total panels as determined by AC Electric & state. There will be a mat under the array for weeds, stones on top & a fence surrounding it to keep the animals out.

The property is about 2 acres & impervious coverage is not an issue.

The closest corner of the panel will be 45.6 ft. from lot 22 & 33.5 ft. from lot 23.02 (side yard).

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Choyce moved, seconded by Mr. Cain to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Cain moved, seconded by Mr. Strigh on App. #44-16, Block 1099 Lot 21; located at 2921 Cologne Avenue to approve the solar array based on the setbacks of 45.6 ft. & 33.5 ft. along with the condition that a survey indicating all existing & proposed structures along with the sizes. 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
DR. KAHRMANN-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. CAIN: I vote yes. I don't see any detriment to the area & it will not be seen from Cologne Ave. The completed survey should be turned in before any permits are issued. Solar panels are a good thing.

MR. CHOYCE: I vote yes with the fact that solar arrays are inherently beneficial. The testimony that we heard tonight from the applicants professional indicating where the array will be located minimizes the

impact of the property with the least amount of clearing required. The fact that it is 900 ft. plus from Cologne Ave. will not be detrimental to the neighborhood. It has no impact to the Master Plan.

MR. CHRISTMAN: Yes for the same reasons.

DR. KAHRMANN: Yes for the same reasons.

MR. STRIGH: Yes for the same reasons. The Board tries hard to get it right & over the years we try to follow the law along with helping & protecting the applicant & township.

MR. PITALE: Yes for the previous reasons.

MS. VALENTINO: Yes. I visited the property & walked the driveway. It is obvious from the length of the driveway along with the positioning of the house that it will not stand out in the neighborhood. The position of it respects the rest of the property & trees will not be taken down. As long as the survey is submitted, I have no problem approving this application.

William Kruse; App. #46-2016; Block 733 Lot 26; located at 6118 Longwood Avenue was present & is seeking a Variance for a side yard setback for an addition, replacement of an existing deck & 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 were sworn in:
William Kruse-applicant
Charles Johnson - Ridgewood Builders

Ms. Valentino commented a Certificate of Appropriateness from the Historic Preservation Committee approving the proposed addition was obtained by the applicant & included with the application. The application is to demolish wood & concrete porch, steps & replace with new construction.

Mr. Kruse testified there is a small bump out which he refers to as an enclosed back porch which is slowly sinking into the ground. He feels this is due to lack of foundation. The photos enclosed show this. He is proposing to extend out in order to enlarge the kitchen, put laundry in the back area & add a small powder room. He explained it is hard for his wife to get up & down the stairs. The amount needed to build this addition is 1.2 ft. in order to go straight along the house. He supplied pictures of the front & rear of the house. The expansion of the home in regards to the side yard setback will not be any worse than what exists now. It will not be any closer than 8.8 ft.

There is no impervious, rear or front yard issues.

Ms. Valentino asked if any of his neighbors did anything similar to this & Mr. Kruse stated yes. The rear of the property has a shed which will be removed & possibly place it against the back of the garage. The alley has large trees which make it hard to use it as it was intended.

Mr. Choyce commented the information & documentation presented by the applicant was well prepared.

Ms. Valentino asked if anyone else would like to speak for public comment. Mr. Cain 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."

Dr. Kahrman moved, seconded by Mr. Christman on App. #46-16, Block 733 Lot 26; located at 6118 Longwood Avenue for a 1.2 ft. side yard setback for the addition along with the condition to remove the existing shed 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
DR. KAHRMANN-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. CAIN: Yes and the application was well prepared. Since the historic commission didn't have any issues that is a pretty good accomplishment. I can see why this is a safety issue & see no detriment to anything in the area. It will conform to the other houses in the area.

MR. CHOYCE: I vote yes. The side yard setback is an existing non-conforming condition & what is being proposed will not make it any worse. Testimony from the applicant testifying why the addition is needed along with the plans which were submitted showing the detail, I feel there is no detriment to the Master or Zoning Plan.

MR. CHRISTMAN: Yes for the same reasons.

DR. KAHRMANN: Yes for the same reasons.

MR. STRIGH: Yes.

MR. PITALE: Yes.

MS. VALENTINO: Yes. I visited the property & the proposed addition is consistent with other properties in the area. As long as the condition to remove the shed is met, I see no problem with approving this application.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Cain to approve the minutes from the October 24, 2016 meeting. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

Memorialization of Resolution- Mr. Christman moved, seconded by Mr. Choyce to adopt the resolution for **Fred Bohren -App. #45 -2016; Block 809 Lot 16.** 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
DR. KAHRMANN-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Memorialization of Resolution- Mr. Christman moved, seconded by Mr. Cain to adopt the resolution for **Edward & Barbara Bowman -App. #43 -2016; Block 725 Lot 25.** SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE	MR. CHOYCE-AYE	MR. CHRISTMAN-AYE
DR. KAHRMANN-AYE	MR. PITALE-AYE	MR. STRIGH-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. Christman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Adjournment – Mr. Strigh moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 10:35 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment