

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, & alternate member Carl Pitale. Also present was the Board Solicitor, Rebecca Lafferty, Zoning Officer, Phil Sartorio & Board Engineer, Kevin Dixon.

Members Absent: Michael Angelo, Amanda Zimmerman & Joe Leyenaar.

The Statement of Compliance was read.

Announcements: There were none.

Michael J. Angerman, Jr.; App. #2-2016; Block 1345 Lot(s) 22 & 23 & Block 1342 Lot 2; located at 2500 Linwood Road & 2550 Linwood Road was present and is seeking a Variance from the requirement for the full frontage of a building lot to abut an improved street, pursuant to NJSA 40:55D-35 & §203-124.E. of the Township Code & any other variance(s) found to be necessary.

This is a continuance from the February meeting with no need to reserve or advertise. There was a workshop conducted in which the applicant, his representative, Wayne Choyce, Bill Christman & Kevin Dixon were present.

Mr. Dixon gave testimony regarding his report dated March 21st & takes into account the site visit & workshop. There was discussion at the workshop regarding paving the road. The ordinance requires the roadway be paved according to township standards through the full frontage of the lot. The area is remote & with the length of roadway to be paved, the applicant agreed at the workshop to assume the maintenance of the roadway. This would include preparing the roadway adequately to occupy the site, continued maintenance of the roadway (repairing potholes & making roadway passable for emergency vehicles). The benefit is that he is the sole beneficiary of the roadway so the responsibility lies with him. The township would not be responsible for the upkeep of the roadway since it is not constructed to township standards. The applicant agrees to maintain the roadway under an agreement with the township. The road would be prepared with the township engineer doing the inspection, he would sign off on that & an agreement would be in place (this would be reviewed with the township attorney). The upkeep would include trash removal & recycling by the applicant through private disposal along with snow removal. It does remain a township street with regard to public safety, speeds, or issues that may arise in the right of way. Township Committee would be involved with the preparation of an agreement that the applicant & Township would sign for ongoing maintenance of the roadway. There are 8 items on pages 2 & 3 of Mr. Dixon's report that the applicant should be responsible for. After the road is established & improved it becomes the applicants' sole beneficiary of the road.

Prior to the applicant's statement, this is for residential use only.

Mr. Choyce commented that during the workshop session a suggestion was made for a deed restriction being placed on both properties that if any future development should occur adjacent or across from these properties that whoever owns those are obligated to paying their fair share of paving the road.

Mr. Christman added that if there was more development it would be prorated & paving would be required. If any future development were to take place in this area this places a starting point for any future permits to go on with.

The Township Solicitor would be responsible for drawing up the agreement.

If the property was to be developed as a subdivision it would be before the planning board.

The applicant & his engineer understand they are still under oath.

Mr. Angerman testified he is the owner of Michael Angerman Landscaping & the property will be used as residential only. The 2nd building will also be used as residential & he has no plans for subdividing.

Mr. Nassar testified the trash & recycling will be taken to the paved area where it can be picked up. His mailbox will also be located at that area. They would like item #8 (Guarantee) to be noted in the deed that any future owners would be aware of the responsibilities & accepted by the township. If future

owners of the property located across the street decide to pave, they will agree to pave their fair share (frontage of the property).

If in the future the applicant decides to run his business there, he would have to come before the Board for a Use Variance.

Mr. Pitale asked where the applicant has to pave from (EHT side or Wrangleboro). Mr. Dixon answered that the applicant agreed to maintain the unpaved portion of the roadway (extending all the way out to the paved portion). Per the ordinance, paving is only required through the full frontage of the property.

The township is responsible for speeding or incidents that the police would be responsible for.

The lot is in an RD-5 zone & in a remote area. The applicant is the sole beneficiary.

Ms. Valentino asked if anyone 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 asked if there will be inspections on the roadway. Mr. Dixon replied that as the applicant is seeking to occupy the house the Township Engineer will inspect to make sure the road has been compacted, graded, potholes filled, etc. The applicant will have to post escrow fees for those inspections. An agreement will be formed with Township Committee.

Mr. Choyce moved, seconded by Mr. Christman on App. #2-16, Block 1345 Lots 22 & 23 located at 2500 Linwood Road & 2550 Linwood Road for a variance to deviate from Section N.J.S.A. 40:55D-35 & section 203:124E of the Hamilton Township Code requiring two (2) single family residential use properties that front an improved street with the conditions as set forth in Mr. Dixon's review letter Items 1-8, excluding #7. The following are additional conditions: the design, preparation & maintenance of the unimproved roadways are subject to the review & satisfaction of the township engineer. A guarantee, bond or in lieu of those; a maintenance agreement between the township & applicant as to the future maintenance of the roadway subject to the Township Committee & review of the Township Solicitor. As well as a deed restriction that future pro rata paving be incurred if there is future development along the roadway. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Yes. Based on the engineers report & the applicant's conditions with the workshop, this is a good starting point based upon this staying residential & everything else set forth in the variance.

MR. CHOYCE: I vote yes. By granting this variance I don't see a detriment to the neighboring property owners, master plan or zoning plan for this area. I thank the applicant & his representative for their cooperation with the Board & the Board's professionals in working out this agreement.

MR. CHRISTMAN: Yes & I agree with Mr. Choyce's statements. We are going to have to start, for future development, imposing similar conditions.

MR. STRIGH: Yes. I believe that the interest of all parties have been addressed, including the Township. The applicant will be able to build their residence on that road.

MR. PITALE: I vote yes. I see no detriment & as stated earlier, hopefully this spurs some development in this area.

MS. VALENTINO: I vote yes. I think that the Board had issues; at the workshop 2 of our members were there, the engineers report was comprehensive & the conditions that were incorporated into the resolution will be forwarded on to the Township Committee for further satisfaction.

Debra Kraus; App. #4-2016; Block 711 Lot 6; located at 6309 Quinn Avenue was present and is seeking a side yard variance for an addition (320 sf.) to the rear 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.

Ms. Kraus was sworn in & testified she is here for a side yard variance. The property is located in Harding Lakes & most of the other properties in that area are the same width (60ft x 100 ft. deep). Most of the houses were built in the 1950s. The side yard in question is 6 ft. & the opposite side is where the driveway is located. She would like to put an addition on the back house to make a 3 bedroom house. They will maintain a 6' 1" side yard setback for the proposed addition.

Mr. Choyce noted there are existing non-conformances & asked if variances need to be granted. Ms. Lafferty stated it is up to the Board & probably conforming at the time. Ms. Kraus pointed out that of the 15 houses on that street, 11 were built in the 1950s & the rest in the 1960s. There was 1 house that records indicate it was built in 1989 but she thinks that is the addition.

Ms. Valentino commented that many of the additions in the back of the houses are similar to what Ms. Kraus is proposing. She did look into putting a 2nd story addition onto the house but felt it wouldn't blend in with the other houses. She will eliminate the existing brick patio. The house will be rented out or her daughter may move into it.

Mr. Cain visited the property & use to live there. He noted that based on the other houses located there, it was conforming at the time. Mr. Choyce stated the proposed side yard setback is common for that area.

Ms. Kraus indicated that the addition could have been moved over 4 ft. in order to avoid coming before the Board but that option didn't look visually appealing.

Ms. Valentino asked if anyone 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."

Mr. Strigh moved, seconded by Mr. Choyce on App. #4-16, Block 711 Lot 6 located at 6309 Quinn Avenue for a 320 sf addition with a side yard setback no less than 5.5 ft. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Yes. Based on visiting the property I noted it was conforming when it was built. I think what they are doing falls in line with the development & I see no detriment.

MR. CHOYCE: I think what the applicant is proposing architecturally is fitting. The addition is not going to make the side yard any worse from the existing dwelling. There are also other existing non-conforming conditions. What is being proposed is fitting for the neighborhood & I don't see it as a detriment to the Zoning or Master Plan. I vote yes.

MR. CHRISTMAN: Yes. I agree with the previous comments.

MR. STRIGH: I see no detriment to the application & note it is being rehabbed into a livable structure for the area.

MR. PITALE: I vote yes. I see no detriment and am happy to see some rehab going on over there.

MS. VALENTINO: I vote yes. I did visit the property & note that this style of house is common in that neighborhood. There are many additions placed to the back of houses similar to this one as well of utilization of the buildings in the back. Maintaining the side yard setback should be attainable due to being minimal & it's in conformity with the rest of the house.

Mike & Suzy Chiarlanza; App. #5-2016; Block1132.25 Lot 23; located at 20 Rue Chagall was present and is seeking a variance for Impervious Coverage of 35.9% where 30% is allowed for a swimming pool with concrete surround & any other variance(s) found to be necessary.

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

Mr. Cain recused himself from the application.

Mr. Chiarlanza & Mr. Simonds (GS Engineering) were sworn in. Mr. Simonds testified that he is representing the applicant for a type C Variance (Impervious Coverage) for the installation of a pool, pump & filter house. The maximum amount of impervious coverage is 30% & they are seeking 35.9%. This also includes the concrete surround & the applicant would like to have 4 ft. instead of 3 ft. The impervious coverage would increase to 36.9%. The swimming pool would collect the rainwater. There is a storm water easement behind the property & that is where additional run off would go. The Engineers report was reviewed & the applicant agrees not the discharge into the storm sewer system. The pool discharge will go into the sanitary system.

Mr. Strigh visited the property & asked about the storm water inlet. Mr. Simonds noted the yard slopes back toward the sewer & the water will not drain back there. There are other swimming pools in the neighborhood.

Ms. Valentino asked if there are structures in the yard that cannot be seen due to the fence. Mr. Chiarlanza answered he has his kids playground back there.

Mr. Choyce also drove by the property & noted the one back corner of the lot slopes steeply. Any increase in impervious coverage could present a problem for neighboring properties if it wasn't for the drain.

Mr. Strigh asked if that goes to a retention basin & Mr. Dixon answered yes.

Mr. Dixon's report stated any water will not have any impact on surrounding properties or the subdivision storm water management system. The applicant agreed to drain into the sanitary sewer system. The ground slopes toward the inlet & it connects to the retention basin. Based upon his recommendation, a reasonable condition would be that the applicant refrains from emptying into the inlet adjacent to his property (Block 1132.22 Lot 1).

Mr. Christman visited the property & noted there are other properties with pools in that area.

Ms. Valentino asked what is going in between the apron and the fence. Mr. Chiarlanza answered grass (real or artificial).

There are no issues with rear yard or side yard setbacks.

The impervious coverage is increasing due to part of the concrete pad being 4 ft. Mr. Dixon stated his report does not change due to this small increase.

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."

Mr. Choyce moved, seconded by Mr. Christman on App. #5-16, Block 1132.25 Lot 23 located at 20 Rue Chagall to permit the construction of an in ground swimming pool (18 ft. x 36 ft.) with a concrete apron & the impervious coverage will increase to 36.9%. Any discharge will not be made into the storm water drain, as testified by the applicant. The concrete apron size will increase and result in the impervious coverage to 36.9% (as per the applicant). SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I think the fact that the storm water easement is located directly adjacent to the applicant's property & the sloping of the property goes directly to that drain eliminates my concerns about additional runoff off this property as a result of exceeding impervious coverage. I see no detriment to the neighboring properties as a result. I don't see anything detrimental to our zoning or master plan.

MR. CHRISTMAN: Yes. I agree with Mr. Choyce's statements.

MR. STRIGH: I agree. I see no detriment to the increase in the increase of impervious surface & any additional runoff will be addressed by the adjacent storm water easement.

MR. PITALE: I vote yes. I see no detriment & as stated there are other homeowners with swimming pools.

MS. VALENTINO: I vote yes. I visited the property and read the engineers report. The applicant is willing to abide by the conditions he accepted & that the Board incorporated into the resolution.

Mr. Cain rejoined the Board.

Arnold Sikking; App. #1-2016; Block 534 Lot 14; located at 6375 Estelle Avenue was present and is seeking a Variance for front, side (RD-4 standards), building height, lot frontage, lot coverage, impermeable coverage & rear yard setbacks (FA-10 standards) & any other variance(s) found to be necessary.

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

Mr. Sikking would like to build a 1 bedroom house with a 2nd floor addition onto the existing foundation. He purchased the house in 2015.

Ms. Valentino asked if the plans submitted were the corrected to indicate his block & lot. Mr. Sikking stated his architect sent a letter with the change (Robert W. Sheer) & Ms. Lafferty verified this information.

Mr. Choyce visited the site & noted the new block work. Mr. Sikking wanted to raise the house to increase the basement height. The front of the foundation has block work which was replaced/repaired. There was no expansion of the foundation.

Ms. Valentino noted the applicant was in violation of Construction Code for demolition of the building without a permit.

Mr. Sikking stated the house had termites & beetle damage. His architect noted it couldn't be repaired & it was taken down.

Mr. Cain visited the property & asked about the building in the back. Mr. Sikking said it would come down & he would get a permit to do that.

Mr. Sartorio said he still needs the Pinelands paperwork due to the structure being over 50 years old (Certificate of Appropriateness).

Mr. Sikking noted the closet building is across the street. The total square footage of the house will be about 900 & the upstairs 125. It will be a single family house with the basement remaining unfinished.

Mr. Sartorio gave explanation as to which variances are required & he needs a front yard setback variance.

Mr. Sikking noted the property slopes downward in the rear; the well is toward the south side of the house & the septic is to the north side. If the house was to be built to meet the setback standards required, it would interfere with the septic & well. He is unaware if there are any wetlands restrictions.

Mr. Christman stated the property slopes down in the back.

The structure is over 50 years old & requires Pinelands to issue a Certificate of Appropriateness for demolition.

Mr. Cain commented the shed in the back seems to of been set up as living quarters at one time & thinks it should be removed.

Mr. Sikking will go through the appropriate steps to remove the shed.

Ms. Valentino asked if anyone 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. Cain moved, seconded by Mr. Christman on App. #1-16, Block 534 Lot 14 located at 6375 Estelle Avenue to grant the front yard setback of 85'.2" with the following conditions: removal of the other building in the rear of the property (prior to the CO), any pinelands conditions & submitted plans to reflect the correct block/lot.

SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CAIN-AYE
MR. STRIGH-AYE

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on the applicant's testimony of the condition of the house, the location of the well & septic & conditions of the resolution, I vote yes.

MR. CHOYCE: I vote yes. Based on the applicant's testimony, there is a hardship as to where to locate the dwelling due to the location of the well & septic along with the topography of the site. I see no detriment to the neighboring properties with this request.

MR. CHRISTMAN: I vote yes. I agree with Mr. Choyce's comments. I have also been out to the property & hardships were created during the original development of the property.

MR. STRIGH: Yes for the previously stated reasons.

MR. PITALE: Yes.

MS. VALENTINO: Yes, I think the applicant has made an attempt to amend the prior actions & citations which were issued in this respect. I visited the property twice & there are no set building lines in the development. I think that making this a 2 story home instead of a 1 bedroom home would be consistent in the area along with the willingness of the applicant to remove the accessory structure on the property.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Choyce to approve the minutes from the February 22, 2016 meeting with amendments to include the members of the committees. SAID MOTION CARRIED SIX (6) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

Memorialization of Resolution – There were none.

Public Comment- Ms. Valentino asked if anyone would like to speak for public portion. 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."

Executive Session- There were no items to discuss.

Ms. Valentino reminded members there will be an active shooter seminar on March 31, 2016 at 6:30 pm at townhall.

Adjournment – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 8:22 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” O “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment