

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Elaine Valentino, presiding. Members present were Wayne Choyce, William Christman, Dr. Robert Kahrmann, Carl Pitale & Bruce Strigh. Also present was Board Solicitor, Rebecca Lafferty; Zoning Officer, Hannah Desmond; Engineer Kevin Dixon.

Members Absent: Michael Angelo & James Santilli

The Statement of Compliance was read.

Announcements: Ms. Valentino stated application #2017-12 (5776 Birch Street - Margaret Csaszar) has not met the service requirements or published within 10 days prior to the meeting. This application will be heard at the next meeting, June 26, 2017.

Regina Plocica; App. #2017-9; Block 1132.13 Lot 9; located at 38 Cranberry Drive, was present & is seeking a Variance for an accessory structure (shed) which is not allowed in the development & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly.

Ms. Plocica was sworn in & Ms. Valentino asked if the HOA is aware that she is applying for this variance. Ms. Plocica handed the Board a copy of the HOA application & stated they do not need an application. Ms. Lafferty reviewed the HOA application.

There was discussion between Mr. Christman & Mr. Dixon regarding a deed restriction in that approved subdivision plan. Mr. Dixon stated the deed restriction is for development in the 1st 15 ft. of the lot, which is where the shed is proposed. There are 2 deed restrictions on that lot (vegetative & development). The shed is in the development restriction. This is not a typical setback variance.

Ms. Lafferty requested to see the deed for the property, the decision & resolution for the approval of the subdivision & any related documents from the HOA (if any) for the deed restrictions.

Ms. Desmond stated the ordinance does not permit accessory structures in this development.

There was discussion regarding the site plan that went before the Planning Board.

This application can be carried to the June meeting without need to notice or publish again. The application must provide the documentation Ms. Lafferty was asking for.

Carlo Del Donna; App. #2017-7; Block 1303 Lot 9; located at 851 Dover Avenue, was present & is seeking to build a pole barn exceeding the allowable impervious coverage & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly.

Mr. Del Donna was sworn in & testified he submitted an application to build a pole barn/garage but it was denied because he needs a variance & that is why he is here today.

The purpose of the structure is to store 2 antique cars, lawn care equipment & storage of trailers. These items are for his personal use. It will not have any utilities but electric in the future. He is not in the landscape business. The plot plan represents all items which are on the property. He was not required to come before the board for the solar panels. He does not have a representative from Doreen Engineering due to her having another board meeting tonight.

Mr. Choyce stated calculations for lot coverage & impervious coverage that Doreen Engineering gave & Ms. Desmond's & Mr. Dixon are different. He is trying to figure out the correct calculation.

Ms. Desmond explained the property is in the scenic corridor which does not include driveways, paved or gravel in the calculations for impermeable services. Her calculations included the pool, sheds, garages, patio, porch, home & proposed pole barn.

Mr. Del Donna stated the distance from the solar panels to lot 8 is 25-30 ft. & Ms. Desmond noted the side yard setback for an accessory structure in that zone is 20 ft. Permits were pulled but a variance was not needed.

The detached garage was there when Mr. Del Donna bought the property. It consists of 3 bedrooms & 1 bathroom. It is used as a pool house not a separate residence.

Mr. Del Donna stated the proposed size of the pole barn is 30 x 48 with a height of 12 ft. 4 in. The area where the pole barn will be installed is vacant & there is gravel fill where it will be placed.

Mr. Dixon gave testimony regarding the increase in runoff with impervious coverage. The property will absorb the runoff with this increase in the coverage.

Ms. Valentino asked if anyone would like to speak for public comment Mr. Strigh 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. Christman moved, seconded by Mr. Choyce App. #2014-07, Block 1303 Lot 9; located at 851 Dover Avenue to approve the lot coverage of 2.6% (where 2.5% is permitted) & impervious coverage of 2.8% (where 2.5% is permitted) for a pole barn (30 ft. x 48 ft. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MR. STRIGH-AYE

DR. KAHRMANN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: When I first looked at the application the amount of coverage that was a being requested seemed quite large for what is permitted. After having a discussion regarding what should be in the calculations along with what the final numbers are & hearing from our engineer that storm water is not a concern. Also having the testimony that the pole barn is for personal use not commercial I don't see that this is a detriment to the area or the zoning for that area. I vote yes.

MR. CHRISTMAN: I vote yes & agree with what Mr. Choyce stated. Thank you to Ms. Desmond to clearing up what the impervious coverage is in that area.

DR. KAHRMANN: Yes.

MR. PITALE: I vote yes. It does seem a bit large for landscape equipment & hope you aren't going to open on up.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: I vote yes. I visited the property & observed it from the road. We are talking about a single family dwelling & a pole barn that would accommodate residential use, not commercial use. Based on the testimony give & reports given by the zoning officer & engineer I vote yes.

Gordon Craig; App. #2017-11: Block 1121 Lot 5; located at 4612 Mays Landing Somers Point Road, was present & is seeking a Variance for an accessory structure (shed) in the front yard area of a proposed dwelling & any other variance(s) found to be necessary.

Solicitor, Rebecca Lafferty, verified that the proof package had been executed properly.

Mr. Pitale recused himself for this application.

Mr. Craig was sworn in & stated he would like to put a pole barn in the front yard of the property due to the river being a focal point of the proposed house. The pole barn will store boats, cars & jet skis. He purchased the property from Dr. Merlino & there was a house there but a fire caused it to burn down. He will be rebuilding a single family dwelling which will not need any variances.

The pole barn will be in the front yard area of Somers Point Mays Landing Road & set back about 300 ft. There will also be a gravel driveway to it. Mr. Craig showed the Board photos of where the pole barn will be placed. There area is slightly wooded & will be located to the left of the pond. The photos were marked as Exhibits.

The pole barn will be for residential use only & will also have electric, water & propane. The side yard setback will be 15 ft.

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."

Mr. Choyce moved, seconded by Mr. Christman on App. #2017-11, Block 1121 Lot 5; located at 4612 Mays Landing Somers Point Road to allow a pole barn in the front yard area with dimensions & location as shown in the drawings provided with the application. This would also include a height variance of .9 ft. (+/- 2 ft.). There is also a 10 ft. concrete apron along with the utilities as stated by 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. CHRISTMAN-AYE	DR. KAHRMANN-AYE
MR. STRIGH-AYE	MS. VALENTINO-AYE	

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. I think what is being proposed is not out of the ordinary for that area. As the applicant has indicated the house being as close to the river is possible is the focal point. With the large setback off the road & proposed location I see no detriment to the neighborhood, zoning or master plan for the area.

MR. CHRISTMAN: Yes. It fits in with the neighborhood & I see no detriment.

DR. KAHRMANN: Yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: Yes for the previously stated reasons. I did visit the property & the proposal along with the distance from the road is in keeping with the residential character. It will not be a detriment to the neighborhood.

Mr. Pitale rejoined the board at 7:46 pm.

Approval of Minutes – Mr. Christman moved, seconded by Dr. Kahrman to approve the minutes from the April 24, 2017 meeting. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	DR. KAHRMANN-AYE
MR. PITALE-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Memorialization of Resolutions- Mr. Christman moved, seconded by Dr. Kahrman to adopt the resolution for an **Thomas & Christy Dayton-App. #2017-08; Block 866 Lot 12** . SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	DR. KAHRMANN-AYE
MR. PITALE-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Christman moved, seconded by Dr. Kahrman to adopt the resolution for **Natalie Kelin - App. #2017-04; Block 988 Lot 1**. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
MR. PITALE-AYE

MR. CHRISTMAN-AYE
MR. STRIGH-AYE

DR. KAHRMANN-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

Ms. Valentino gave information regarding following up on Zoning Board Cases & possibly having a quarterly report by the Zoning Officer. The Secretary will look into having the computer system generate a report.

The board voiced concerns regarding conditions on applications.

Ms. Desmond addressed the Board regarding the importance of conditions in resolutions. She stated understands the issues with the enforcement & administrative side of applications. When conditions are imposed Board members should be mindful of the timeframe being placed on individuals along with the language. She gave an example of a previous applicant coming into the office who was in violation of conditions placed in his resolution & it was difficult for her to understand the language of the condition. There were several members of the current Board who were part of the adoption of this resolution. Now, 5 years later, it was difficult for her (who has a Master’s Degree & a Bachelor’s Degree) to wrap her head around it. When conditions are imposed on properties & when Use Variances are heard, Zoning Board members are to understand the timeline & power that they have in granting these conditions. In North Jersey a board placed a condition of a “dialogue” between neighbors & she cannot see herself having to enforce a condition like that. When this Board is imposing conditions (given all the issues they have) members should think about the enforcement that they would like to see. The fact that there is not a timeline & what is being imposed how that will affect the future. She also wanted to tell the Board that some of the applications that come before them regarding accessory structures in the front yard area that keep getting granted should be having a recommendation to the Planning Board & Governing Body about why they keep hearing & granting them would behoove this Board.

Mr. Choyce commented that most of the variances heard are for accessory structures in the front yard areas & they did question Mr. Sartorio about rewriting the ordinances to address properties that have multiple front yards to designate a single frontage as a primary frontage & the other front yards as side yards. They were told it couldn’t be done.

Ms. Desmond feels having multiple front yards is a huge burden on applicants. She also spoke in reference to the previous application (Pucci) & the condition that was imposed by the Board. Mr. Strigh stated that this case is the reason that Township Committee will not hear appeals & individuals must go to court if appealing.

The condition stated the Use & whether or not it could be rented out. Mr. Strigh stated the owner of the property had to live on the property.

Ms. Lafferty asked to Board not to discuss this application further in case it comes back to this Board.

Mr. Choyce stated this application had a great deal of discussion & negotiating when that requirement was put into that Decision & Resolution. The fear was that he was going to do exactly what Ms. Desmond has a complaint on.

Mr. Strigh asked Ms. Lafferty if a time is not put in a resolution an application has to move forward within a reasonable amount of time.

Public Comment- 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.”

Adjournment – Mr. Christman moved, seconded by Dr. Kahrman to adjourn the Zoning Board of Adjustment meeting at 8:29 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment