

**TOWNSHIP OF HAMILTON  
PROPERTY MAINTENANCE CODE APPEALS BOARD**

6101 THIRTEENTH ST.  
MAYS LANDING, NJ

**July 18, 2017 Meeting  
3:00 PM**

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This meeting of the Property Maintenance Code Appeals Board was called to order by Secretary Lisa Marcolongo. The Pledge of Allegiance was recited and the certification of compliance with the Open Public Meetings Law was read.

**Roll Call**

Present: Wayne Choyce; Allan Womelsdorf; Vickie Collette; Debra Kraus.

Absent: None.

Also present: Lisa Marcolongo, Secretary; Phil Sartorio, Community Development Director; Frank Primavera, Fire Official; Chris DeBiase, Fire Inspector; Evan Labov, Attorney for the Township.

**Administration of Oath of Office to Members**

The Oath of Office was administered to PCMAB members by Secretary Marcolongo.

**Reorganization**

*Election of Chairperson*

Allan Womelsdorf nominated Wayne Choyce, seconded by Debra Kraus. There were no other nominations and the floor was closed for nominations. Wayne Choyce was elected Chairperson by a vote of three in favor, none against and no abstentions.

Chairman Choyce asked Evan Labov if a Co-Chair should be selected; Mr. Labov said it was not necessary.

**Applications**

Chairman Choyce asked Mr. Labov to give the Board and the members of the public a brief explanation of how the hearings would work. Mr. Labov explained that there were three properties to be considered and the discussions would be conducted individually. Any property owners, other interested parties, and members of the public would have the opportunity to speak.

**Block 805/Lot 2.02      5916 Seventh Street**

Fire Official Frank Primavera was sworn in by Mr. Labov. Mr. Primavera stated that this property has been abandoned since 2012. The owner is deceased and willed the property to his children. There are no working utilities and it is home to rodents and wildlife. The Township boarded up the home. In his opinion, repair is not possible and the home needs to be demolished. Notice has been given to those on the title search (the Williams family and creditors). No response has been received.

Chairman Choyce asked about the current status of the property taxes; Mr. Primavera did not have that information. Phil Sartorio was sworn in by Mr. Labov. Mr. Sartorio reported that according to the title report, taxes are in arrears. The bank was noticed in 2011 but did not respond.

The members of the Board had no further questions. Chairman Choyce then opened the floor to the public; no one spoke.

Ms. Kraus asked if it is possible for the Township to recoup the costs of demolition, since it would be a desirable, buildable lot. Mr. Sartorio said we would not be able to recoup the costs at this time.

Chairman Choyce asked, what is the process if the Board supports an order of demolition? Mr. Labov stated that a resolution will be approved and adopted; the resolution will direct the owner to take action. If there is no action within a specified time frame, then Mr. Primavera can proceed with obtaining estimates for demolition. The demolition would take place, and then the Township would place a lien on the property.

Hearing nothing additional from the public, on the motion of Mr. Womelsdorf, seconded by Ms. Collette and carried, it was moved to close the public portion.

Chairman Choyce asked, what is a reasonable time frame for the owner to act? Mr. Primavera stated that he thought that 30 days is fair. Ms. Krause suggested a time frame of allowing 30 days to start work and an additional 60 days after that to complete the job. Mr. Sartorio stated that, based on the age of the house, there may be considerations such as asbestos disposal that may add additional time. Ms. Collette asked if the neighbors would be notified of any potential health hazards; Mr. Labov said yes, as required by code. Ms. Collette asked if the Township was cutting the grass; Mr. Primavera said yes, through an additional lien.

On motion of Mr. Womelsdorf, second of Vickie Collette to direct the owner(s) that demolition must commence within thirty (30) days of notification and be completed within ninety (90) days of the start of demolition (one hundred twenty (120) days in total); and to authorize the Township to take action if the property owner or interested party does not take action.

Recorded Vote: AYE	Choyce, Womelsdorf, Collette
NAY	None
ABSTAIN	None

**Block 805/Lot 5            5908 Seventh Street**

Mr. Primavera stated that this property was owner-occupied until a fire on December 29, 2012. After the investigation, the house was deemed uninhabitable and was boarded up. The owner walked away. The owner and the bank was noticed of this meeting but there was no response. Mr. Primavera recommends demolition. Mr. Labov stated that the notices to the owner and interested parties are part of the record. Chairman Choyce asked if the taxes are current? Mr. Sartorio stated that they are not; a lien was purchased in 2013 and the lien owner was noticed but there was no response.

The members of the Board had no further questions. Chairman Choyce then opened the floor to the public; hearing nothing additional from the public, on the motion of Mr. Womelsdorf, seconded by Chairman Choyce and carried, it was moved to close the public portion.

On motion of Ms. Collette, second of Mr. Womelsdorf to direct the owner(s) that demolition must commence within thirty (30) days of notification and be completed within ninety (90) days of the start of demolition (one hundred twenty (120) days in total); and to authorize the Township to take action if the property owner or interested party does not take action.

Recorded Vote: AYE	Choyce, Womelsdorf, Collette
NAY	None
ABSTAIN	None

**Block 1030.03/Lot 27                      142 Knights Bridge Way**

Mr. Primavera stated that there was a fire at this property on June 29, 2010. After investigation, the home was boarded up. The owner, Mr. Crowley, filed for a demolition permit on October 21, 2011 and a new building permit on December 29, 2011. Mr. Crowley began construction but it was never finished. For six years, the partial structure has been exposed to weather conditions without protection; unsafe structure notices have been issued beginning in 2013. Mr. Primavera does not think it is salvageable and recommends demolition.

Ms. Krause asked if the bank had taken responsibility. Mr. Primavera said they had not. The property preservation company had called today, asking to get inside the property, but Mr. Primavera denied the request because it is unsafe.

Chairman Choyce then opened the floor to anyone in the audience who represented the property owner; Chris Kelleher identified himself as counsel for Ditech, and stated that he was notified by Ditech yesterday that he was to represent them at this hearing. Mr. Kelleher stated that the preservation company wants to see the inside of the structure; Mr. Primavera said that if they would sign a release, he would consider allowing it. Mr. Kelleher asked why the Township would not give the lender a chance to rehabilitate the structure? Mr. Labov admonished the public to be silent so that testimony could be heard.

Mr. Labov asked if Ditech has a plan for rehabilitation. Mr. Kelleher stated that they want to get in to see the structure and get bids. The plan now is to get bids and then a plan will develop. Chairman Choyce asked Mr. Labov, if the Board makes a decision, does owner or mortgage company have the ability to appeal it? Mr. Labov said yes, they could appeal to another entity, and explained some possible options.

Ms. Krause asked if the taxes and HOA fees were paid up to date? Mr. Sartorio said that the HOA had purchased the tax lien. Mr. Labov said that there had been liens for non-payment the HOA fees for several years.

Chairman Choyce asked if there was an officer from the HOA present. Alice Melnick, 166 Tryens Drive, the HOA collection officer, was sworn in by Mr. Labov. Ms. Melnick said that the homeowner had planned in good faith to rebuild, but the insurance did not pay out and Mr. Crowley went through bankruptcy prior to the fire. The bank has not yet foreclosed but the mortgage has been assigned to Ditech.

Mr. Kelleher asked how long it takes to demolish a property in the Township. Mr. Labov said that the property owner would have the opportunity to comply before the Township takes action. Mr. Kelleher asked why the long history with this home just sitting is stopping the bank from going in now to see the property? Mr. Labov said there is no issue, the Township's concern is human safety. If there is an order today, this will mean there will be no additional delays. This Board's concern is to direct what will happen next.

Ralph Putiri, 19 Chancellor Place, was sworn in by Mr. Labov. Mr. Putiri said that he walks by the house frequently and the house must come down because it is full of mold; this is visually obvious.

Shasank Sharma, 140 Knights Bridge Way, was sworn in by Mr. Labov. Mr. Sharma said that someone who said they were from the bank comes by every few months to take photos of the house. There are snakes around the property. Mr. Sartorio stated that it's normal process for banks to send someone out to monitor the properties.

Humu Kaloko, 135 Knights Bridge Way, was sworn in by Mr. Labov. Ms. Kaloko said that the house is getting worse; children are playing around it. She is tired of looking at a burned out house. PLEASE please tear it down; do what is right.

Kim Murphy, 19 Princeton Place, was sworn in by Mr. Labov. Ms. Murphy said that she has been living there for 10 years and she is a realtor. This property is bringing down the home values for the neighborhood, plus it is a safety concern with kids going in there. It is a rotting shell; the basement is probably full of water, snakes mosquitoes and bugs. There is no excuse to continue like this; the Township should decline Mr. Kelleher's request.

Mr. Labov reminded the Board members that they should not consider the fact that the property is an "eyesore" in making their decision; it is strictly based on safety concerns.

Marge Wilson from the Atlantic Realty (property management company) was sworn in by Mr. Labov. Ms. Wilson said that no matter who demolishes the house, we are all here to make it safe. The bank may have financial decisions to make regarding this house, but the Board should vote to demolish.

Jim Coll, 66 Chancellor Park, was sworn in by Mr. Labov. Mr. Coll said that this property can't be rehabbed; nobody wants a hole in the ground; everyone wants it fixed. Nobody has made any effort for years, and this seems like a last-ditch effort to slow things down again as Ditech doesn't know what to do either.

Hearing nothing additional from the public, on the motion of Ms. Collette, seconded by Mr. Womelsdorf and carried, it was moved to close the public portion.

Mr. Womelsdorf asked Mr. Labov if, from a process perspective, can the Board give [the owner] the choice of demolition or rehab? Mr. Labov said that the Board can craft its own solution, considering the safety and other factors while being fair to the owner and other interested parties. The Board should give the interested parties reasonable and sufficient time to act without an open end.

Chairman Choyce suggested that if demolition is ordered, then the interested parties can either comply with the order to do the demo or they can appeal. If they appeal, they would have to get all the appropriate engineering reports. Hopefully the interested parties will take that action so the Township doesn't have to do it. Ms. Collette asked Mr. Kelleher when the owners would do an inspection; Mr. Kelleher said that he can't speak for why this wasn't taken care of in the past; but now that it is in his hands, it will move quickly as he will tell the owners about the Township's time frame.

Ms. Kraus said that the structure has been ruined by rain and it is moldy; kids are in and out of it. It only has half of a roof, a problem in light of the recent high winds. If safety is the concern, then demolition is the only way to go; it would cost more to fix what is already there. Ms. Collette reminded the Board about houses in Philadelphia which collapsed, and said that we don't want this to happen here.

Mr. Sartorio suggested that the Board could choose to adjourn in order to allow Ditech to inspect the property and report back to the Board. Mr. Womelsdorf said that Ditech would still have 30 days. If they really want to rehab the property, they can appeal the decision; they can make their plans and it doesn't delay the Board. If the Board adjourns, it just adds another delay.

On motion of Mr. Womelsdorf, second of Ms. Collette to direct the owner(s) that a demolition proposal/plan must be in place within thirty (30) days of notification and demolition be completed within ninety (90) days of

the start of demolition (one hundred twenty (120) days in total); and to authorize the Township to take action if the property owner or interested party does not take action.

Recorded Vote: AYE	Choyce, Womelsdorf, Collette
NAY	None
ABSTAIN	None

**Public Comment**

Mayor John Kurtz thanked the Board for their concern for the safety and well-being of the public. He also thanked the members of the public for attending; he will direct the Administrator to give weekly updates on the progress of the projects.

Hearing nothing additional from the public, on the motion of Mr. Womelsdorf, seconded by Ms. Collette and carried, it was moved to close the public comment portion.

Chairman Choyce asked Secretary Marcolongo to coordinate with Mr. Labov to prepare the resolutions and then schedule a follow-up meeting; Mr. Labov said that the forms should be ready by the end of the week. Chairman Choyce asked that the Board would meet again within about two weeks.

**Adjournment**

On the motion of Mr. Womelsdorf, second of Ms. Collette and carried, the meeting was adjourned at 4:50 PM.

Respectfully submitted,

Lisa Marcolongo, Secretary