

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 Kahrman, Dr. Lawrence Mroz, & Bruce Strigh. Also present was Board Solicitor, Rebecca Lafferty & Zoning Officer, Hannah Desmond.

Announcements: January 8, 2018 the Board will meet for the Reorganization & the regular meeting will be held on January 22, 2018.

Michael Panza; App. #2017-19; Block 494 Lot 9.01; located at Madison Avenue, was present & is seeking a Variance for any other variance(s) found to be necessary.

The Secretary verified the proof package had been executed properly. Ms. Lafferty verified the publication was correct & Ms. Desmond stated the application can be deemed complete.

Mr. Panza was sworn in.

Ms. Valentino asked Ms. Desmond what transpired to make this application appear before the Board.

Ms. Desmond testified the Code Enforcement received a complaint regarding this property & notified her. There was an expansion of a non-conforming structure (garage) that was done without permits or approvals. She visited the site & verified the information. An accessory structure cannot be a principle or sole structure on a site, according to the ordinance. In her assessment, Madison Ave. is unimproved & there are other sheds. The lot in question sits behind lot 9 & is a very old subdivision (1960s). There is a home on lot 9. The lots were always separate but owned contiguously.

Ms. Valentino asked Mr. Panza if the garage is the only thing on the property & he stated yes. The property has almost 10 acres. He also asked for a Waiver for the Plot Plan. He has located all the markers & do not look like they have been disturbed.

Mr. Panza became owner of the property in 2009/2010. The 1979 deed was a transfer which was prepared by a lawyer.

Mr. Choyce asked Ms. Desmond if garages in all zones are considered accessory structures & she commented yes. When she visited the site & observed there were materials consistent with a garage. There is not a kitchen or bathrooms. In this zone the permitted principle structures are single family dwelling, farm related building, automotive garage. A living area & kitchen are some items which would deem a property to be a principle structure.

There are no utilities. It is wired to code for electric. The building uses a generator & when he added the addition outlets etc. were installed. There is not a meter, water, or septic.

Ms. Valentino made note to how the property record card describes this garage. Photos were also provided & will be marked as A1-A-6. Mr. Panza showed which photo matches the property record card.

Mr. Panza submitted a drawing of the building & it coincides with the front of the garage (south side of the building). There is a garage door to the front & side. A fireplace & TV antenna are also part of the garage. He lives in the house (lot 9) with his father. His intended use for the garage is so he can work on vehicles (his & his sons). He also works does dirt track racing so he can repair those cars.

The building has been there since 1942 (front part). It has never been rented or used for commercial. He lives in the front lot (9) with his father. That lot is on the corner of Harding Highway & Madison Ave. This was never 1 single lot. His father owns lot 9. The garage was used as storage for the farm during 1942.

He has been working on the garage for 7-8 years & will not live there. The property has been in the family for many generations. There is a wood stove insert & the propane tanks in the back just sitting. The solar panels are for the alarm system. He has no intentions to develop the remainder of the property. If he decides to develop it, he must come to the Planning/Zoning Office.

Mr. Choyce asked Ms. Desmond about the half bath noted on the property record card. She did not see any bathroom. She also stated there are 2-3 rooms. The smaller shed will be removed in the spring due to the rotted floor. There is an 8 x 8 shed that he has a quad in. This one has a pole barn roof & has no concrete floor.

Ms. Lafferty asked if the prior versions of the ordinance differentiate between a garage as an accessory structure or principle structure like it does now. Ms. Desmond commented this was probably a farm building converted into a garage. The variance would be an expansion of a non-conforming condition (D2). Any change in use (non-permitted) would have to come before the Board.

Mr. Panza asked if a non-improved road needs a stop sign & he was told that is an engineering or police department question.

There is no intent to change the garage into any other than what was testified to.

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 Dr. Christman, App. #2017-19, Block 494 Lot 9.01; located at Madison Avenue to grant a waiver for plot plan requirement. 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. CHRISTMAN-AYE	DR. KAHRMANN-AYE
DR. MROZ-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Dr. Christman, App. #2017-19, Block 494 Lot 9.01; located at Madison Avenue to grant a Variance for an expansion of a non-conforming structure, setback to Madison Ave. (163 ft.) & use which was testified by applicant 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. CHRISTMAN-AYE	DR. KAHRMANN-AYE
DR. MROZ-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. After hearing from the applicant that the property & garage has been in his family for 3 generations and as time has gone by the property has been subdivided. The lot is now owned by the applicant and he currently lives in the adjacent property with his father, which was part of the original parcel. I see no detriment to the neighborhood or zoning plan for the area.

MR. CHRISTMAN: Yes. I agree with Mr. Choyce's comments. If the applicant does any major changes (even the footprint) he will have to come back to the board.

DR. KAHRMANN: Yes.

DR. MROZ: Yes.

MR. STRIGH: Yes for the previously stated reasons.

MS. VALENTINO: I vote yes. I did visit the property & agree with all the comments & exploration of the issues that the Board brought up. I also agree with the statement from Mr. Choyce.

Ms. Lafferty explained to the applicant the appeal period regarding this application. The Secretary will send him the paperwork about working under the appeal period.

Mr. Panza also commented he received an arrest warrant & Ms. Desmond will take care of the dismissal of the warrant (which was based on the decision tonight).

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Strigh to approve the minutes from the November 27, 2017 meeting. 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
DR. MROZ-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 **Ronald & Dorothy Smolen (5904 Hickory Street)-App. #2017-20; Block 939 Lot 11.** 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
DR. MROZ-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Dr. Kahrman to adopt the resolution for **Joie DeStefano & Joe Rossi (2407 Lahn Lane) App. #2017-21; Block 1144.06 Lot 21.** 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
DR. MROZ-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Strigh moved, seconded by Dr. Mroz to adopt the resolution for **Joann Penza (110 Galleria Drive) App. #2017-22; Block 1132.20 Lot 27.** 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
DR. MROZ-AYE	MR. STRIGH-AYE	MS. VALENTINO-AYE

SAID MOTION CARRIED.

Mr. Choyce moved, seconded by Dr. Kahrman adopt the resolution for **Jared Cummings (1326 Orchard Street) App. #2017-23; Block 23 Lot 4.** 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
DR. MROZ-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. Christman 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.”

Ms. Lafferty spoke to Mr. Dixon regarding some ordinance changes which were discussed at the last meeting. The February training session will be used to talk about these changes.

The Secretary will arrange for the Conference Room at the February meeting.

The discs for the professional RFP were passed out to all members. Ms. Valentino asked Mr. Strigh & Mr. Choyce to join her in reviewing the submittals & making recommendations for 2018 professionals.

The Secretary confirmed with the Board that the February meeting will be open to the public.

The Reorganization is scheduled for January 8, 2018 at 7:00 pm.

Mr. Choyce stated the current professionals represent the Board very well at the workshops.

Mr. Choyce asked Ms. Desmond if she found any deed restrictions in the Artists Walk development. Ms. Desmond answered she talked to Mr. Sartorio & she isn't sure if any restrictions were noted in the deed.

There was discussion regarding that subdivision & lots that were cleared.

Mr. Choyce thanked Ms. Desmond for her work as Zoning Officer.

There was discussion about the Industrial Park & the gymnastics studio parking.

Adjournment – Mr. Strigh moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 8:07 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment