

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, Michael Graff, Dr. Robert Kahrman, Dr. Lawrence Mroz, Bruce Strigh, Alternate Members John Sacchinelli & Diane Fox. Also present was Board Solicitor, Rebecca Lafferty & Zoning Officer, Hannah Desmond, Planner, Robert Watkins, Engineer, Kevin Dixon & Landscape Consultant, Christopher Carey.

Members Absent: There were none.

The Statement of Compliance was read.

Announcements: Ms. Valentino stated Item #6 (Tom Caucci-App # 2017-24) will not be heard pending receipt of a complete application. Item #7 (Sandra O'Neill-App # 2017-25) will be carried to the March 26, 2018 meeting. There is no further need for publication or service. There is no one in the audience for this application.

Patti Simons; App. #2018-01; Block 216 Lot 2; located at 7239 1st Avenue; was present & is seeking a Variance for an accessory structure (ground mount solar array) in the front yard area of 1st Avenue & Avenue "C"& 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.

Ms. Valentino recused herself from this application due to being a neighbor of Mr. Carew's & asked Mr. Strigh to chair this application.

Ms. Pattie Simons & Mr. Joe Carew (Sun Up/Zero Down) were sworn in. Ms. Simons testified they would like to install a ground mount solar array in the rear yard. Their property is 10 acres & a paper street is in the side of their yard. It would be located behind the existing pool.

The following exhibits were submitted:

A-1: survey

A-2: photo with solar panels imposed with setbacks of panels

Ms. Simons stated that all the accessory structures on her property are shown on the survey. The structure close to Avenue C is a pool shed. Mr. Choyce asked Ms. Desmond if the pool house is in the front yard with respect to Avenue C & she stated yes. She also stated there weren't any previous variances granted. Mr. Choyce also noted in the area to the West of where to solar panels are being proposed there is a structure. Ms. Simons noted it is a greenhouse.

With respect to Avenue C; the barn, shed & greenhouse are along the front yard area.

Mr. Gary Simons was sworn in & testified the barn, pool & 2 sheds all received variances.

The application portion which asks if previous variances were given was not checked off. The application was incorrect.

Mr. Strigh confirmed since the Board has no documentation of the previous approved variances, they should proceed as if it never was applied for & make it a part of this application.

Dr. Kahrman asked if trees were going to be removed for the solar panels. Mr. Carew stated no, it will be placed in an area where there are currently no trees.

The panels will be for residential use only.

Ms. Simons commented the solar panels are being placed in the proposed area due to the southern exposure of the sun.

The structures on the property are as follows: barn, shed, pool shed, greenhouse, pool, solar array, fence (6 ft. & 4 ft.). The fence is on Avenue C & 1st Avenue. Some of these items are from a previously approved variance.

Mr. Strigh 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."

Mr. Christman moved, seconded by Dr. Kahrman on App. #2018-01, Block 216 Lot 2; located at 7239 1st Avenue to approve a Variance for accessory structures (solar array, barn, greenhouse, 6 ft. fence) with dimensions as shown on the property survey. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE
DR. KAHRMANN-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
DR. MROZ-AYE

MR. GRAFF
MR. SACCHINELLI-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. I visited the site & the property is 10 acres in a rural portion of the township. Avenue C is not developed & probably will never be developed. This poses no impediment to the area & solar arrays are deemed inherently beneficial by the state.

MR. CHRISTMAN: Yes. I agree with everything Mr. Choyce stated & note that we are a solar friendly township.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

DR. MROZ: Yes.

MR. SACCHINELLI: Yes.

MR. STRIGH: Yes. I think it is a good project & agree with the statement by Mr. Choyce.

Ms. Valentino resumed her position as chair.

Edward Muller & Donna Smaniotto; App. #-2018-02; Block 53 Lot 20; located at 2024 Little Eagle Drive was present along with their attorney, Fred DeClement, & is seeking a Variance to allow an existing 16 ft. x31 ft. carport/motor home in the front yard area of Little Eagle Drive & any other variance(s) found to be necessary.

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

Mr. DeClement stated the applicants are seeking a variance for an accessory structure (carport) in the front yard area of Little Eagle Drive along with other items which will be presented.

Mr. Muller & Ms. Smaniotto were sworn in.

Ms. Desmond expressed the application is based upon a complaint that she received regarding a motor home enclosure/carport which was installed without approvals or permits & a Notice of Violation was issued. The applicant consolidated lot 21 into lot 20. There are a total of 3 structures in the front yard area (2 sheds & the motor home enclosure). Additionally, it is encroaching 3 ft. into the public ROW. There is also a fence close to the ROW as well. Ms. Desmond tried to come to a solution with the owners but they decided make application to the Board.

Mr. DeClement presented photos to the Board (which was submitted with the application). There are marked as Exhibit A-1. The property is located along the Greater Egg Harbor River which is high in the front & slopes toward the back. The carport is located in the front due to the physical characteristics of the property.

Mr. Choyce asked when the carport was installed. Ms. Smaniotto answered October 2017. The survey also shows 2 storage shed adjacent to the carport were installed about 10 years ago or longer. The carport is beyond the property line by about 3.1 ft. but the survey does not show how far the carport is from the fence. The fence is beyond the carport & is also in the public ROW. The fence is about 8 ft. into the public ROW. Mr. DeClement stated when the applicants bought the property 22 years ago; there was an existing fence which has been replaced. The new fence was there before the carport (15 years ago). The carport is considered portable & was professionally installed.

Ms. Valentino commented the plot plan (410/17) doesn't show topography & asked when the property starts sloping to the rear. Ms. Smaniotto replied that one of the photos supplied with the application shows the slope (shed with bricks under it). There is not enough room for the carport to be located on the side with the sheds.

Mr. Choyce asked the height of the carport at its highest point. Mr. Muller answered 13' 11".

Mr. Choyce asked Ms. Desmond if the zoning has changed. She replied there are exceptions to setbacks of principal structures not accessory structures. It appears on the survey the fence & carport is going beyond the property line. According to the tax map Little Eagle Drive is 50 ft. wide ROW & there is also about 10-12 ft. beyond the property line & ROW.

Mr. Strigh has concerns regarding the items in the ROW which is township property. Mr. DeClement asked if this is a public ROW. Ms. Desmond stated the structures are in the public ROW. Little Eagle Drive is an accepted township road.

Mr. DeClement said the fence is past the carport & other neighbors have fences in line with the applicant's & they also have the same problem. If the township wanted to grant an easement or licensing agreement he would have to discuss it with Mr. Sandman (township solicitor).

Ms. Desmond stated there could be an easement in the deed.

The road is a paved ROW that goes past the applicant's house to the neighbor's house.

The applicant has options in regards to the ROW but they need to speak to Mr. Sandman.

The fence & a portion of the carport are in the public ROW. The applicant can table this application to ask questions to the solicitor.

The next meeting will be held on March 26, 2018.

Ms. Valentino noted the applicant submitted a list of neighboring property owners who have no objection with the approval of the application. Ms. Lafferty noted there is limited weight to this list.

Mr. Choyce asked which item came first & Mr. Muller stated the carport.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Heather Boone (2020 Little Eagle Dr.) would like to see this application tabled until March & hear what the township has to say. She has concerns about the application & the process. She would like to check her records in regards to the situation.

Ms. Valentino asked if anyone else 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."

Ms. Lafferty stated the application to the March 26th meeting & they do not have to re-notice or republish.

Mr. Choyce moved, seconded by Dr. Kahrman on App. #2018-02, Block 53 Lot 2; located at 2024 Little Eagle Drive **TO TABLE UNTIL THE MARCH 26, 2018 MEETING**. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE

MR. CHRISTMAN-AYE

MR. GRAFF

DR. KAHRMANN-AYE
MS. VALENTINO-AYE

DR. MROZ-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

Mr. Strigh asked if the Decision & Resolutions can be posted on line & the Secretary stated they are not. He would like to recommend that they are posted on line. The Secretary will look into the process of this request.

Ms. Valentino reminded members the February meeting will be a training session at 7:00 pm Conference Room A.

Public Comment- Ms. Valentino asked if anyone would like to speak for public comment. Mr. Christman 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.”

Adjournment – Mr. Strigh moved, seconded by Mr. Christman to adjourn the Zoning Board of Adjustment meeting at 7:55 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment