

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Vice-Chairperson, Bruce Strigh, presiding. Members present were Wayne Choyce, William Christman, Michael Graff, Dr. Robert Kahrmann, Dr. Lawrence Mroz and Alternate Member Diane Fox. Also present was Board Solicitor, Rebecca Lafferty, Zoning Officer, Hannah Desmond, Board Engineer, Kevin Dixon and Landscape Consultant, Chris Carey.

Members Absent: John Sacchinelli and Elaine Valentino.

The Statement of Compliance was read.

Announcements: There were none.

Jeffrey and Barbara Dworkin; App. #2018-09; Block 221 Lot 1.05; located at 2012 High Bank Road, was present & is seeking a Variance to install a 6 foot high fence along the front yard area of a Right of Way (as shown on the survey) 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. and Mrs. Dworkin were sworn in and testified that they would like to install a 5 ft. chain link fence in their backyard area and along the 50 ft. right of way of the side yard. The fence would be for a dog.

The fence will be located in the rear of the house, with respect to both roads.

Mr. Christman stated he does not see a detriment due to the location and material of the fence in regards to the neighborhood.

Dr. Kahrmann asked if there will be any tree removal and Mr. Dworkin answered only brush will be removed.

Mr. Strigh 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. Christman moved, seconded by Mr. Choyce, App. #2018-09, Block 221 Lot 1.05; located at 2012 High Bank Road to grant a Variance for a maximum five and a half foot fence (5.5 ft.). 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-AYE
MS. FOX-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. The fact that the frontage in question is an undeveloped street which will probably never be developed in my time and can be treated as a side yard. The fence will be placed behind the front line of the house and will not be a detriment to the neighborhood, master plan or zoning.

MR. CHRISTMAN: I vote yes and agree with Mr. Choyce. The fact that this is a chain link fence and see through makes it better.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

DR. MROZ: Yes.

MS. FOX: Yes.

MR. STRIGH: Yes for the previously stated reasons.

Megan James; App. #2018-10; Block 216 Lot 5; located at 7223 First Avenue, was present & is seeking a Variance for an increase in impervious coverage of 1.97% where 1.26 % is required and 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. James was sworn in.

Mr. John Halbruner, Project Engineer with HDG Engineering (701 West Avenue, Ocean City, NJ) gave his credentials.

Mr. Strigh asked for a motion to accept Mr. Halbruner's credentials. Mr. Christman moved, seconded by Dr. Kahrman to accept this. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Ms. James testified she would like to install an in ground pool in her back yard.

Mr. Halbruner stated the applicant is looking to install the pool along with paver patio and walkway. The property is in a FA-10 zone and there is a house and out building currently located there. The parcel is an undersized (9.7 acres) lot of record. The ordinance has building coverage of up to 5% in this zone and the current coverage is 1.26%. The lot coverage is not being increased only the impermeable. The current impermeable coverage is 4.42% and the proposed coverage is 4.73%.

The development being proposed is not out of character for what the zone plans allows for.

There will not be any buildings for the pool equipment. It will be placed on a platform area. The area is already cleared for this. This development will not have any deforest issues and the Pinelands has no concerns.

Mr. Dixon commented his report is dated June 4, 2018 and this is a minimal amount of impervious coverage on a large lot. There isn't any storm water impact to the area.

Ms. Desmond does not consider this an undersized lot of record. There are no variances on record for the construction of the house. The lot and impervious coverage both exceed what is allowed in the zone.

Ms. James is not aware of any previous Zoning Board applications. The outbuilding was constructed in 2010 and the house 2008. Permits were pulled for both buildings.

Mr. Choyce asked if the Variance is granted should the issue of lot coverage be incorporated in the Resolution and Ms. Lafferty advised yes.

The impervious coverage has an exemption due to the scenic corridor. Mr. Halbruner's calculations did take into account the driveway and that is not part of the scenic corridor calculation.

Mr. Strigh asked if anyone would like to speak for public comment. Mr. Choyce moved, seconded by Dr. Kahrman 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. Kahrman, App. #2018-10, Block 216 Lot 5; located at 7223 First Avenue to grant a Variance for lot coverage of 1.66% and impervious coverage of 1.97% where 1.26% is required for the construction of an in ground pool and walkway. 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. CHRISTMAN-AYE
DR. MROZ-AYE

MR. GRAFF-AYE
MS. FOX-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. Due to the rural nature of the neighborhood, the pool and patio being centrally located on the property and the testimony of our engineer and applicants engineer any runoff will be contained on to the property. I do not see any detriment to the proposed development.

MR. CHRISTMAN: I echo the sentiments and vote yes.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

DR. MROZ: I agree with the statement of Mr. Choyce and vote yes.

MS. FOX: Yes.

MR. STRIGH: Yes based on the testimony of the applicant and I see no detriment to the proposed development.

NVR Inc./dba Ryan Homes/Artists Walk; App. #2018-12; Block 1132.20 Lot 32 and Block 1132.29 Lot 1; located at 120 Galleria Drive and 2 Galleria Drive, was present & is seeking a Variance for two temporary (2) real estate signs (20 square feet each) being placed 5 ft. from West Jersey Avenue and any other variance(s) found to be necessary. Michael Floyd, Archer and Greiner, is the attorney representing this application.

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.

The following were sworn in as witnesses:

Paul Atlas, Production Administrator, NVR/Ryan Homes
Richard Clemson, Professional Engineer in NJ, James Sassano Associates
Joseph Mancini, Professional Planner in NJ, Tri State Engineering

Mr. Clemson and Mr. Mancini are both licensed professionals in NJ and have testified before Planning and Zoning Boards throughout the state and can be recognized as experts in their fields.

Mr. Strigh asked for a motion to accept these qualifications of the professionals. Mr. Choyce moved, seconded by Dr. Kahrman to accept these qualifications. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

The following were introduced into the record:

A-1: Aerial photo of property
A-2: Site Plan of sign

Mr. Atlas testified they are requesting a variance for 2 temporary signs for advertising Artists Walk and will have contact and location information on them. The signs are typical in size for this type of community. The signs will be removed when the last home is built. They will be located 5 ft. from the ROW and this setback is adequate for the community.

Dr. Kahrman asked how many homes are built out and Mr. Atlas answered there are 4 with COs and 4 more under construction. There will be a total of 92 or 93 homes when the development is complete. The time frame for the sign would be 3 years or until the project is complete. A community center/clubhouse is not planned. Mr. Graff expressed his concerns regarding the size of the sign and the site triangle when leaving Galleria Drive.

Mr. Floyd stated the signs will be located outside of the site triangle and there will be no impact.

Mr. Clemenson testified 2 temporary signs are being proposed and both are 48 inches wide and 6 ft. high. One will be located in the open space area to the East of the entrance on Galleria Road

Block 1132.09 Lot 1 and the other on Block 1132.30 Lot 32 which is an open space lot. This is to the westerly end of the property about 120 ft. off the westerly tract of the boundary.

The original name of this project was Glen Eyre Pallet II which is in a GA-I zone (growth area intense). There were original to be 224 single family homes and 92 would be completed by Ryan Homes. To the west of the property is Victoria Crossings and to the east is Victoria Point. There is a development to the rear as well. The area consists of residential uses.

Mr. Choyce commented to the west of the applicant's property and before Victoria Point there is a piece of vacant property (5 acres) which has Planning Board approval for 20 additional homes.

There will not be any impact to the site distances, storm water runoff, impervious coverage, traffic or lighting. The signs will not have any lights.

Mr. Choyce noted that the application states 2 signs on Galleria Drive and the drawing shows 2 signs along West Jersey Avenue. He asked if the sign on Cates Avenue and West Jersey Avenue is part of the application. Ms. Desmond stated that sign is located in Egg Harbor Township.

Mr. Strigh asked about the sign on New York Avenue and Route 40 along with the sign on McKee Avenue and Route 322. Mr. Atlas is familiar with the New York Avenue sign only. The temporary directional signs are also against the ordinance. Mr. Atlas stated these signs will no longer be placed in any areas and if they are placed the Variance will be rescinded.

Mr. Choyce asked Ms. Desmond if the interior sign on Galleria Drive was permitted by ordinance. She answered they were approved for 1 identification sign. This is similar to what is being proposed due to not having a phone number or pricing.

Dr. Kahrman asked Mr. Dixon if the sign has an impact of the storm water runoff basin and he answered no.

Mr. Mancini testified the real estate signs will be 20 sq. feet and will be 5 ft. from the ROW. The signs meet the standards of Chapter 203-139. The signs meet the standards of 6 ft. in a residential district. The signs also improve the visibility of the entrance for motorists.

Mr. Dixon testified his report determines when the sign is set 5 ft. off the ROW line (where the entrance meets the edge of paving on West Jersey Avenue) the typical site distance begins 14.5 ft. back from edge of paving. Both signs will be outside of the site triangle.

Ms. Desmond stated that the area and type of sign are the only zoning issues.

Mr. Carey did not do a review but noted there will not be any clearing associated with this sign. He did comment that the development has restrictions within the lots and there have been issues with homeowners clearing their lots past the deed restricted areas. Any potential purchasers should be made aware that the deed restricted areas should not be cleared. Mr. Atlas will make this known to purchasers. There is not a HOA but will be once the project is complete.

Mr. Choyce also commented about the clearing that current homeowners have done in the deed restricted areas. He spoke of one lot specifically. The original storm water/rain water calculations included the vegetation and if it is not there, before any bonds are released; additional drainage calculations may be requested. In Phase 1 of the plan, sidewalks and curbing along West Jersey Avenue were to be installed and haven't been done yet and that Phase is almost complete. That should also be looked at by the developer.

Mr. Strigh asked if anyone would like to speak for public comment. Mr. Choyce moved, seconded by Dr. Kahrman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Dr. Mroz asked Mr. Atlas about signs on the weekend and he stated the marketing department has stopped putting those types of signs out and if he hears of those types of signs continuing he will discuss it with them. He does understand if those signs are found the variance will become void.

Mr. Choyce moved, seconded by Dr. Kahrman, App. #2018-12; Block 1132.20 Lot 32 and Block 1132.29 Lot 1; located at 120 Galleria Drive and 2 Galleria Drive, to grant a Variance for two (2) temporary signs for four (4) years from date of the Resolution. The height is not to exceed 6 ft. and 46

inches wide. The signs will be located on West Jersey Avenue at the locations described by the applicant. If any other temporary signs are found in the township the Resolution becomes void and any other temporary signs should be removed by the developer. 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-AYE
MS. FOX-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes. I understand the need for the signs from a marketing standpoint. The housing market is turning around and the signs are needed. The proposed signs are also being located outside of the site triangles and they are pleasant to look at.

MR. CHRISTMAN: I agree and vote yes.

MR. GRAFF: I agree.

DR. KAHRMANN: Yes.

DR. MROZ: Yes.

MS. FOX: Yes.

MR. STRIGH: Yes. Thank you for working with us regarding the signs and good luck.

Bradford Yoder; App. #2018-15; Block 54 Lot 4; located at 2006 Blue Fox Lane, was present & is seeking a Variance for an accessory structure (pole barn 30 ft. x 50 ft.) and 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. Bradford Yoder and Ms. Barbara Yoder were sworn in and testified they are seeking a variance for a 30 x 50 pole barn which will be used for storage of tools, boats, cars and yard equipment. It will not be used for business. In the future there may be electricity but there will not be any plumbing. This will be for personal use only.

The pole barn will have a setback of 32 ft. from Bear Claw Lane. Ms. Desmond stated for a front yard setback for a principle structure is 30 ft. There are no issues with lot or impervious coverage and it will be smaller than the principle structure.

Mr. Strigh visited the property and was glad to see the setback was revised from 20 ft. to 32 ft. due to the neighboring properties.

The area has been cleared for this structure and Mr. Yoder plans on doing a buffer between the structure and the roadway. There are trees located to the left and right of the properties. The structure will be about a foot above grade and backfilled with stone. The pole barn will be entered from the side.

Mr. Strigh asked if anyone would like to speak for public comment. Ms. Melinda Lehy and Mr. Robert Thompson, 2007 Bear Claw Lane, were sworn in and testified they have concerns with the increase in coverage, proposed water runoff, future plans for plumbing, electric, placement of the pole barn doors, driveway access and septic. They are having issues with animals due to trees being cleared.

Mr. Strigh asked the applicant if they had plans for water runoff. Mr. Yoder answered his property and the neighbors are about 80 ft. away. He wasn't planning on installing gutters.

Mr. Thompson stated they are lot 10 which is located to the right. The frontage is 115 ft. The proposed roof edge is almost in the middle and there are valid concerns. Board members suggested a French drain and to work with the Board engineer to come to a solution regarding the draining.

Ms. Lehy had concerns about light spillover and Mr. Yoder stated there would not be any spotlights/floodlights shining towards neighbor's house. Ms. Lehy commented the garage doors will be facing their property. Mr. Choyce confirmed Ms. Lehy reviewed the same documents the Board did.

They also had questions regarding impermeable size calculations. Ms. Desmond explained Indian Branch Park consists of lots which are undersized and have exceptions from the ordinance. The ordinance has an exemption which addresses the lot areas and setbacks but not clear regarding impervious coverage. She doesn't see a problem with the coverage and the proposed structure is smaller than the house. As per the tax records and survey, the principle structure is 1,384 sf. with attached structures (deck, carport, and porch) which bring the total to 2,233 sf. The lot is in a scenic corridor therefore any paving; asphalt etc. was not calculated toward impervious coverage. Lot coverage calculations were looked at for this proposed structure. The ordinance doesn't state any standards the development has to follow which could be due to its age.

Mr. Strigh asked where the garage doors would face and Mr. Yoder stated the neighbor's yard with a driveway located on his property, not Bear Claw Lane. The buffer area between Bear Claw and the garage will have plantings. There are several trees between their property and the neighbors. There will be crushed stone to the garage from Blue Fox Lane.

Discussion ensued regarding undersized lots of record and the ordinance. Ms. Desmond stated the carport, deck and porch are attached to the house therefore are calculated as part of the principle structure. The applicant stated they are still attached to the house. Mr. Thompson commented this proposed pole barn will be built adjacent to his front yard and has concerns it will depreciate the value of his property. Mr. Strigh visited the property and he feels the pole barn and Mr. Thompsons house will line up. The Zoning Officer does visit the property to confirm the pole barn will comply what is proposed. The stakes which are on the property are where the pole barn is being proposed (amended). It was suggested to pull the pole barn back closer to the existing house and Ms. Desmond used 30 ft. as a base setback. This is a number which would be used if this was a principle structure. Mr. Thompson does not know how far his house is setback from the road.

If Mr. Yoder decided in the future to access the pole barn off Bear Claw Lane he would have to return to the board for permission and this could be a condition. Mr. Thompson asked if there was an ordinance regarding how far a driveway could be from property lines. He also feels the building is oversized, will change the look of the neighborhood, and cause noise pollution. He would like the doors to be placed toward the applicant's house.

If the access is from Blue Fox, Mr. Thompson would like to see the vegetation that was removed to be replaced. The state and township have noise standards that would have to be complied with.

Pinelands approval is not required for an accessory structure.

Ms. Dorrie Grimsgaard, 2002 and 2004 Blue Fox Lane was sworn in and testified she has concerns with the clearing. All the down trees are on 2004 Blue Fox Lane and the applicants have been asked to remove it and have not. The wildlife has been impacted by the tree removal and she has concerns about the well water. She would like to know what the pole barn will be used for once electric is installed. Ms. Grimsgaard can contact the office to verify if new plans have been submitted.

Mr. Choyce moved, seconded by Dr. Kahrman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Christman asked the applicants if they understood the neighbors' concerns and if they would be willing to change location of the pole barn (doors face the house). Mr. Yoder stated more trees would have to be removed along with additional grading.

Mr. Strigh reopened public comment.

Ms. Lehy stated that if the pole barn position is changed then it would look better and the drainage would be addressed. Mr. Choyce suggested the setback of the pole barn match the setback of the adjacent properties along with gutters, downspouts, and retention facilities to be reviewed and approved

by engineer. Mr. Yoder said by moving the position it could impact the septic (indicated on survey by concrete lid).

Mr. Choyce commented the size and location of leech field is not indicated on survey.

Discussion ensued regarding moving the pole barn.

It was suggested the application be tabled until the neighbor obtains a survey showing the principal dwelling setback to help the Board determine where it possibly could be moved to. The applicant should provide the septic and leech field information to the Zoning Board Engineer.

Mr. Strigh called for a brief recess at 9:10 pm.

The meeting reconvened at 9:16 pm.

The applicant agrees to waive the time frame for a decision and will be heard at the July 23, 2018 meeting.

Mr. Strigh recommended Board members to visit the site along and for Mr. Thompson to provide the Board Secretary with sketch showing measurements of the structures of the property to the applicants.

Dr. Kahrman moved, seconded by Mr. Christman to table the application to the July 23, 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-AYE

DR. KAHRMANN-AYE

DR. MROZ-AYE

MS. FOX-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

DR. MROZ: Yes.

MS. FOX: Yes.

MR. STRIGH: Yes.

The application will be carried to July 23, 2018 at 7:00 pm with no need to renote or republish.

Mr. Choyce stated he would like the following information which would help make a decision on this application: setback of adjacent properties with respect to Bear Claw, septic system location, and leech field location and for the engineer to make comment on the rainwater issue of the proposed building. This information should be given to the Board Secretary within the next 10 days so it can be properly reviewed.

Ms. Yoder asked Ms. Grimsgaard what her status is in regards to ownership of the property. She stated she is a resident there. This is a public meeting so anyone can speak.

Mr. Choyce moved, seconded by Dr. Kahrman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Approval of Minutes: Mr. Choyce moved, seconded by Dr. Kahrman to approve the minutes from the May 14, 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
DR. KAHRMANN-AYE
MR. STRIGH-AYE

MR. CHRISTMAN-AYE
DR. MROZ-AYE

MR. GRAFF-AYE
MS. FOX-AYE

SAID MOTION CARRIED.

Memorialization of Resolution(s): There were none.

Public Comment- Mr. Strigh 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. Christman stated he did not know that the new McDonalds was going to be automated and has had several complaints. That is not under the Zoning Board jurisdiction.

Adjournment – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 9:26 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment