

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 Kahrmann, Bruce Strigh and Alternate Members Diane Fox and John Sacchinelli. Also present was Alternate Board Solicitor, Richard DeLucry, Zoning Officer, Hannah Desmond, Board Engineer, Kevin Dixon, Board Planner Robert Watkins and Landscape Consultant, Chris Carey.

Members Absent: Dr. Lawrence Mroz

The Statement of Compliance was read.

Announcements: Ms. Valentino stated the Alternate Solicitor, Richard DeLucry was present along with the Board Professionals and the Zoning Officer.

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.) any other variance(s) found to be necessary. *This is a continuation of June 25, 2018.*

Mr. Strigh will Chair this application which is a carryover application.

Mr. Dixon testified a new report was not issued for the plan which was received late last week. The existing impervious coverage is 16.1% (4,990 sf) and the proposed is 20.9% (6,490 sf) which is a difference of 1,500 sf. The applicant was asked to submit an engineer plan demonstrating the increase in impervious coverage could be absorbed into the ground. The plan from Schaeffer, Nassar, Scheidig, shows a swale around the back of the barn opposite Bear Claw Dr. The applicant will access the barn from Blue Fox but the swale is 2.5 ft. deep. Mr. Dixon suggested a condition of the approval be the swale is maintained so over time it does not get filled in.

The site will support the Pole Barn if the swale is maintained. Mr. Dixon also would like to have a detail regarding the roof drains into the swale. Mr. Dixon has question regarding the swale if they are accessing the pole barn from Blue Fox Lane which may damage the swale.

The drawing and what the applicant would like to do with setbacks are different. The accuracy of the calculations can't be verified.

Mr. Strigh had questions about the setbacks of the proposed Pole Barn.

Mr. Watkins testified he reviewed the application and noted there are stakes in the ground. He asked the applicants where they are measuring from the edge of the pavement and the 11.5 ft. is correct. The Board would like the barn to be set back 30 ft. from the ROW. The lot coverage in that zone is the RD-1 at 10% with proposed barn. He also would like clarity in regards to how the applicant will access this structure.

Mr. Choyce asked Ms. Desmond about the coverage requirements and she stated the ordinance has no specifics with lot coverage. Mr. Watkins stated this is under the FA-70 lot requirements. There was discussion regarding the zone and the requirements for the lot coverage.

Mr. Carey reviewed the plan and testified the plans show garage doors are on the North side, the surface treatment of the pad and driveway is unclear, additional clearing has been done from Blue Fox to the proposed pole barn. The pole barn will be shifted to 30 ft. from the ROW and he hasn't put anything in his report regarding landscaping. The swale on the south side should have limited clearing. He can work with the applicant's engineer.

Mr. Strigh asked about the positioning of the garage doors facing the neighbor's property. Mr. Yoder placed the building as far away from the neighbor as possible and does not want to change the positioning.

Discussion ensued regarding the plans the applicant submitted.

Mr. Choyce commented the drawing the applicant submitted shows the access point from Bear Claw Drive.

The Zoning Board professional can work with the applicants engineer regarding issues with landscape and the swale.

Mr. Choyce commented at the last meeting there were discussions about the setbacks of the pole barn and the neighboring property. The neighbor provided a drawing which showed their house 51 ft. from Bear Claw Lane (from the edge of the pavement). Which means the house is 30 ft. from the property line. It was suggested that the Pole Barn be in line with the neighbor's house (30 ft. from property line). The lot coverage isn't an issue due to the size.

The applicants agreed to the 30 ft. setback and they will access it by Blue Fox Lane and Mr. Carey will review an revised engineer plan regarding landscaping. Drainage swales will have to be revised and Mr. Dixon will review. The driveway will be ¾" crushed stone (also will have to be on engineer report).

The Zoning Professionals will reach out to Mr. Schaeffer regarding the errors on his plan.

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 Mr. Christman, App. #2018-15, Block 54 Lot 4; located at 2006 Blue Fox Lane to grant a Variance for a Pole Barn (30 ft. X 50 ft.) in the front yard area of Bear Claw Drive with a setback 30 ft., any additional landscaping (may or may not be required) and impervious not to exceed 21% (revised drawings with necessary calculations for engineers review to be submitted and accepted with drainage calculations). SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY" and TWO (2) "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. GRAFF-AYE
DR. KAHRMANN-AYE	MR. SACCHINELLI-ABSTAIN	MS. FOX-AYE
MS. VALENTINO-ABSTAIN	MR. STRIGH-AYE	

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. I understand the applicant's frustration and appreciate the willingness to relocate the Pole Barn. I don't see the lot coverage being an issue due to the other lots being small.

MR. CHRISTMAN: I vote yes. I agree with Mr. Choyce and would like the neighbors who brought a good point that the building stay in line with each other. I also appreciate the applicants and professionals.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes provided that the professionals are satisfied with the revisions.

MS. FOX: Yes.

MR. STRIGH: Yes. It is unfortunate there was a misunderstanding with the applicant and their engineer regarding the design. The professionals will work with the applicant.

Mays Landing DG, LLC; App. #2018-11; Block 996 Lot 22 ; located at 5401 Route 50, was present & is seeking site plan approval for the construction of a Dollar General retail store (9,238 sf) and any other variance(s) found to be necessary. Mr. Tyler Prime, Prime Law, is representing the applicant. *The Use Variance was previously approved on September 25, 2017.*

The Secretary verified the proof package had been executed properly.

Mr. Prime stated they are seeking preliminary and final major site plan approval and minor subdivision approval. There have been several workshops in order to make the site function better. The variances being requested are for front yard parking setback and signage. Mr. Dan Dougherty, Dynamic Engineering, is representing the applicant. He has appeared for the Use variance application.

Mr. Dougherty was sworn in as planner and gave his credentials.

Mr. Dougherty testified parcel is 35 acres and will be subdivided into a smaller parcel (3.4 acres) for the Dollar General store. It is located across from Clayton Storage and East of the Cousin Mario's restaurant (Exhibit A-1). The store will be 9,300 sf. and the driveway will be aligned with the parking lot. The plan also shows a cross access easement connecting to Cousin Mario's and the driveway will be at the property line. There is currently no agreement and as a condition can have a cross assessment easement (Exhibit A-2).

The loading area will be located behind the building and will not be seen from Harding Highway. The Growth Region zone does not allow for Commercial Uses and parking in the front yard is restricted as an accessory use and is being proposed.

A monument sign (3 ft. high) is being requested and will be 50 sf. (5 ft. sign box x 10 ft. wide) where 32 ft. is required. The total height of the sign is 8 ft. where 6 ft. is required. The proposed building mounted sign is 28 sf.

There is no detriment to the public good; the store will be a convenience for customers. They will be providing pedestrian path along the front of the site (from Sandpiper to their site). This is a benefit to those living there.

Dr. Kahrman expressed his concerns regarding left hand turns out of the driveway during peak hours. He asked about the traffic study.

Ms. Valentino confirmed the applicant is asking for 3 variances: facade sign (28 sf.), free standing sign (50 sf and 8 ft. tall) and the parking (30 spaces). The facade sign is internally illuminated with channel letters.

The sign will be on the left side of the entrance and will be set back off the road so it will not be in the site line.

Ms. Valentino asked about the location of the ice machine and propane tanks. Mr. Dougherty answered on either side of the main vestibule on concrete pads. The trash enclosure is located in the rear of the site at the furthest North Site. The design waivers are for parking lot landscape islands and curb line opening. They are asking for the curb line opening to be 80 ft. from the outside of the radius line where 50 ft. is allowed. The entrance/exit will have arrows on the pavement.

The ice machine will have a sign stating ICE. Board members had concerns regarding items for sale in the front of the building.

Mr. Carey commented he didn't see the ice machine or propane tanks on the site plan. Mr. Christman stated at the workshop meetings Board members didn't want to see items outside for sale. This includes ice and propane.

Mr. Choyce stated the workshops were productive and comments were made by the professionals as to what the Board was looking for. The parking was rearranged, garbage and delivery area were changed to accommodate what the Professionals were looking for. Mr. Strigh noted that during the workshop it was very clear that no retail sales would take place outside but now ice and propane are being proposed to be sold outside in the front of the store. This is also not indicated on the front elevation drawing.

There was discussion regarding outside retail sales and the Board members and professionals did not agree to that.

Mr. Christman stated during the workshops the applicant was going to make an attempt regarding the cross access easement with the Cousin Mario's site. He expressed his concern with the difficulties making a left hand turn out of the driveway onto Harding Highway and wanted to see more of an effort from the applicant with a cross access easement attempt.

Mr. Prime confirmed a letter was sent about an attempt for a cross access easement. The Board requested a copy of that letter as part of evidence. They will make another attempt with certified mail.

The face of the building will have hardy board plank with wainscot and brick face with faux vinyl shuttered windows. The doors and windows next to the vestibule will have awnings. The sides will have finished painted metal with seams.

Mr. Strigh mentioned the buildings nearby to this site and acknowledged how nice they look. He suggested that this proposed building look as nice as the other buildings along Route 40. He would also like the sides to look the same as the front with the hardy board and brick.

Mr. Christman asked why the ice and propane hasn't been mentioned before. It was confirmed this was mentioned in the report to the professionals. There was discussion why the ice and propane can't be placed in the back.

The building does not have sprinklers inside but a fire hydrant will be in front of the building. As a condition of approval they will indicate on plans where the hydrant will be placed.

Ms. Desmond stated 25% of the area (windows and doors) is allowed to have signs. Mr. Strigh asked if a sign with ice advertised could be placed on the door (part of the 25%) instead of on the machine.

Ms. Fox asked if the ice would be for sale for the public. Mr. Dougherty answered the ice machine is outside and the public can get a bag out for purchase.

Mr. Jason Garcille, developer, was sworn in and testified that a few ice bags are kept inside the cooler in the store. The box stays outside and is locked during the off hours. It cannot be in the back due to the accessibility for the customers. If the ice machine is located in the back then a sales associate must leave the store to get a bag.

Mr. Carey asked if the ice machine can be placed in the vestibule but the area isn't wide enough. It was compromised the ice machine can be placed inside.

Dr. Kahrmann stated there is limited visibility of the inside of the store for the police to observe if they were driving by. He suggested more windows in the front.

The store is not open 24 hours.

It was agreed to not have propane for sale at this location. If permitted by code they will have it stored inside.

Ms. Valentino asked if there is an access agreement in the rear of this property to the property next door. Mr. Dougherty explained to the right of the driveway there is a section in the rear that could be used as an access easement. Sandpiper residents can get to the store by the sidewalk along Harding Highway.

Mr. Watkins testified the freestanding sign will exceed what is allowed by 2 ft., the area of that sign will be 50.63 sf and the allowable size is 32 sf.; the setback will be 15 ft. Wall mounted signs are not allowed in the residential zone and they are asking for 1 sign on the building. That sign will have illuminated yellow block letters. Parking is not allowed and they are asking for 45 ft. setback. The applicant received the fire marshal report and will comply with his report. The minor subdivision plan will need to be submitted. The base of the sign will be brick to match the store.

Mr. Strigh asked why the freestanding sign is so large and Mr. Watkins stated if this was in a commercial zone it would be double. The size of the proposed sign is better for visibility. A copy of the access easement agreement should be submitted to the solicitor for review.

Ms. Valentino asked Mr. Watkins about the 75 ft. curb line opening and he stated it is for vehicular access.

Mr. Dixon testified his report had asked the applicant to make revisions to the non-structural storm water and revisions were submitted but still need changes. As of this year, the DEP has made changes and will be inspecting and auditing municipalities. The applicant did submit a sketch with some of the conceptual changes but more need to be done. Mr. Dougherty stated the wetlands have been delineated along with the 300 ft. buffer and it follows behind basin. Mr. Dixon asked if the applicant has plans to develop lot B and the Pinelands may condition that lot would be deed restricted. Mr. Dougherty

stated they would deal with the Pinelands if that question arises. This application does not deal with lot B. They will provide updated storm water information that was ineligible to review.

Discussion ensued regarding the other lot and any restrictions.

Mr. DeLucry stated the remainder tract has limited development potential due to the wetlands and other environmental restrictions. If an application is presented to the Pinelands they may restrict a substantial portion of the property.

Mr. Dixon stated drainage is a complex item to be deemed complete. They meet the checklist for the items for completeness and further review can be done administratively. The applicant may need to come back before the board if there are issues that need to be worked out.

Mr. Carey made comments on the following from his report dated April 30, 2018:

Item 1: Needs clarification and revisions.

Item 2: More plantings on West side of the building and East side back by truck turning/delivery location.

Item 4: Review of species in the basins to make sure they will function and thrive.

Item 8: More additions in that area.

Item 9: The site to the West is being cleared to the property line and more will be added.

Item 15: Revised to show 4 ft. wide planting in front of the building. More landscape will be added where the propane/ice machine was shown on the plans. There will not be any concrete.

Mr. Carey stated the maintenance on the facilities once they are built is not very attentive. He suggested a quarterly maintenance report be submitted to the Zoning Officer for inspection so the facility can stay as beautiful as when it goes in. This should be a condition of approval for the resolution. The applicant will have a landscaper do this report (basin maintenance and landscape reports). The ordinance does address the maintenance which would be required by the owner.

Mr. Prime declared that the Dollar General is a triple net lease tenant so the applicant who owns the site may sell it.

Mr. Strigh stated the approval goes with the land so whoever owns the land is responsible for the maintenance.

Mr. Carey mentioned the trash enclosure is within the visibility of the store and it appears it is in the way of the truck turning movements. Mr. Dougherty stated the enclosure can be moved toward the parking bay with landscaping in front and the doors will be moved to the side. As a condition the trash enclosure will not be in line with the front entrance of the driveway. It will be moved behind the building to the East by the parking stall. The trash enclosure will not be seen-only the fencing around it. There will also be landscaping around it.

Ms. Valentino asked for clarification regarding the application. Mr. Watkins confirmed they applicant is asking for site plan approval along with a minor subdivision plan. The subdivision does conform to the requirements.

Mr. Dixon was asked if he has any comments about the traffic. He stated this is a commercial development along the highway and as it queues up it will not impair the flow on Route 40. There will be some delays with left turns out of the driveway during the peak hours. The Board has the means to control this by "right in-right out". That would be subject to DOT approval.

Mr. Strigh moved, seconded by Mr. Choyce to deem the site plan and subdivision application complete. 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

MR. STRIGH-AYE

MR. SACCHINELLI-AYE

MS. VALENTINO-ABSTAIN

Mr. Christman stated he has been into 2 different Dollar General over the past 2 weeks and noticed the aisles inside the store are narrow and 2 carts cannot pass each other. Mr. Dougherty can only comment on the site plan not the interior design.

Mr. Justin Taylor, Dynamic Traffic, was sworn in and gave the Board his credentials. He testified a traffic impact study was performed at this area and he gave an explanation of what it entailed. At this site the evening peak hour will generate 49 trips (24 in and 25 out) which is a car every 3 minutes. On Saturdays the trips increase to 78 trips, a car every minute and a half coming in and out. This development is lower traffic generator than a standard retail establishment. The average delay is 39-40 seconds. During the evening peak hour with 12 people trying to make a left turn will take longer but will not impede the operation of the highway or the customers at that site. It is his opinion the driveways will operate efficiently with delays but not exorbitant delays. Based on that what is proposed will operate. The application has also been submitted to the NJDOT and they requested the driveway radii be opened by another 5 ft. to 80 ft. (inbound lane) to help facilitate to traffic off the highway. They were also asked to investigate the depth of the shoulder pavement. The full movement driveway has been approved based on the analysis which was submitted.

The traffic study was done July 2017 and Dr. Kahrman expressed his concern about the study due to the lack of school traffic during that time period. The study was performed in July due to the shore traffic and the evening peak hour does not coincide with the school peak hours. They consider 4:30 pm to 6:30 to be peak commuting hours and that is when the study was done.

Discussion ensued regarding the traffic study and the hours it was performed at. There was also discussion about the turning lanes when exiting the driveway (one lane in and one lane out).

Mr. Dixon stated that is the methodology of the study. He has traveled on this road for many years and he has had problems turning onto the road. There are gaps at times with the road. He sees the gaps to the East and West must be timed perfectly in order to make a left hand turn. There will be delays and that is what their traffic engineer is telling the Board. He feels making a left turn out of the driveway will be an issue.

Mr. DeLucry commented that the Board does have authority to impose reasonable conditions regarding the egress/ingress if they feel it may create safety issues. Ms. Valentino stated Board members are aware of the traffic concerns in this area due to living in the area. There was discussion regarding exiting the driveway and if that would be a safety issue.

Ms. Valentino asked if anyone would like to speak for public comment. Ms. Aline Dix asked what the driveway width will be on the egress/ingress coming off Route 40. Mr. Taylor stated it will be 35 ft. wide and a typical driveway access is 24 ft. She also commented of possible U-turns people may make and feels the egress will not work. Mr. Nelson Gaskill, 508 Farragut Avenue, agreed with Ms. Dix's comments. 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."

The Use Variance was already approved and the applicant does not have anything else to add.

Mr. DeLucry asked the applicant would prefer to hold off on voting tonight in order to discuss the different elements of relief with the Board Professionals. Mr. Prime stated they would like to go ahead with the vote tonight.

Mr. Choyce moved, seconded by Mr. Strigh, App. #2018-11, Block 996 Lot 22; located at 5401 Route 40 to grant approval on the Minor Subdivision Approval, Preliminary and Final Major Site Plan Approval, Variances to permit parking in the front yard area, Sign Variance of 8 ft. high with an area of 50 sf. of a free standing sign, Variance for a 28 sf wall mounted sign, design waiver for the driveway width of 80 ft. (if the DOT requests the width to be larger they will comply. The following are the conditions:

Applicant will prepare a cross access agreement for the Board Solicitor to review and reach out to the neighboring property about this via certified mailing.

No merchandise outside of the building (ice machine and propane discussion).

Front exterior treatment of the building will be Hardy Board and extended down the sides.

Fire Hydrant added as identified by the Fire Official.

Applicant will meet with the Board Professionals regarding Storm Water Management Plan. Once the plan is approved and the structures (basin) has been installed the applicant would make quarterly reports on the Maintenance of the basin and the Landscape issues.

The trash container will be moved so it is NOT in line with the driveway.

The approval is subject to any conditions or comments from the Board Professionals.

The applicant is also required to file a minor subdivision plan containing all the details with the Board is looking for along with the site plan revision with all the changes that are part of the approval.

Mr. Choyce commented in regards to the exiting/entering the driveway as proposed by the applicant is acceptable.

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
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MR. STRIGH-AYE

MR. GRAFF-AYE
MR. SACCHINELLI-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. I appreciate the applicant's diligence in attending all the workshops and working with the Board Professionals. I feel confident they will continue to work with the professionals to resolve the remaining issues.

MR. CHRISTMAN: I agree with Mr. Choyce's comments and vote yes although my heart is telling me this is wrong. I feel this is not the proper place to put this building and the traffic is the busiest during the school year.

MR. GRAFF: I vote yes. There is no way to fix the traffic study problem and Mr. Christman and Mr. Choyce have said it all.

DR. KAHRMANN: I concur with my colleagues comments and vote yes with reluctance.

MR. STRIGH: I vote yes. I thank the applicant with working on the building design and appearance. Time will tell with the traffic.

MR. SACCHINELLI: I vote yes and good luck.

MS. VALENTINO: I appreciate the work that was done by the site committee who attending so many workshops and the Board Professionals. Based on the previous comments, I vote yes and I do hope the traffic egress/ingress can be done in another format.

The Board took a recess starting at 10:25 pm and reconvened at 10:30 pm. with the same members.

Michael Rullo; App. #2018-13; Block 1121 Lot 26; located at 4500 Catawba Avenue, was present & is seeking a Variance to demolish and rebuild a single family dwelling with a side yard setback of 12.2 ft., rear yard setback of 12.7 ft. and any other variance(s) found to be necessary.

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

Mr. Rullo and Mr. Kelly (builder) were sworn in. Mr. Rullo testified that he bought his house 15 years ago and resided in it. The plans show the 1st floor having utilities, kitchen and a bath and the 2nd floor will have living quarters. It will be a single family dwelling. Mr. Kelly verified the new house would be 2 stories instead of 1.5 stories. The footprint will be identical. The previous building was damaged during Super storm Sandy.

Mr. Kelly stated the property is on the Great Egg Harbor River and it has a 20 ft. easement to access the property. The house was more than 50% damaged and currently sits on 4 ft. pilings and it will need new pilings. The new plan will increase the rear and side yard setbacks. The property is land and water locked. The new height requirements will be adhered to. The proposed rear and front yard setback is 12.7 ft. and the side yard is 12.2 ft.

Mr. Christman asked Mr. Rullo if there was another storm he would be able to leave the property. Mr. Rullo will lose grants if he doesn't start with the pilings by November. Mr. Kelly is asking for a plus or minus a foot for the setbacks due to the location of the pilings. The home will be stick built. The house will be 1,120 sf. and the same footprint will be kept. The enclosed porch isn't in the living space.

Ms. Desmond stated the property is located in CAFRA due to the location of the river. Mr. Kelly stated the property is in the Pineland Reserve area.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Strigh moved, seconded by Mr. Sacchinelli 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, App. #2018-13, Block 1121 Lot 26; located at 4500 Catawba Avenue to allow the demolition and reconstruction of a single family dwelling on an existing non-confirming lot (13,124 ft.) with zero lot frontage, 88.6 feet for front (plus/minus 2 ft.) side yard setbacks of 12.2 feet (plus/minus 2 ft.) and rear yard setback of 12.7 feet (plus or minus 2 ft.) with the condition that the proposed plans will be reviewed for compliance with the provisions of Chapter 179 Flood Damage Prevention prior to any permits being issued. 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
MS. VALENTINO-AYE

MR. SACCHINELLI-AYE

MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. What is being proposed mirrors what is in existence and making any improvements to avoid any additional storm damage.

MR. CHRISTMAN: Yes.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

MR. STRIGH: Yes.

MR. SACHINELLI: Yes.

MS. VALENTINO: Yes. I visited the property and the application is a hardship due to Super Storm Sandy. The lot is isolated surrounded by properties that are built upon and no property remains to make the lot conforming, which would be 13,124 sf where 24,000 is required.

Irina Venezia; App. #2018-16; Block 757 Lot 5 ; located at 112 Hanthorn Street, was present & is seeking a Certificate of Non-Conformity for a two (2) family home and any other variance(s) found to be necessary.

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

Ms. Venezia was sworn in and testified she purchased the property May 20, 2018 and are seeking a Certificate of Non-Conformity for an existing two (2) family house. The house has 2 kitchens, 2 entrances, 2 meters and they would like to use it as a 2 family house. She does have written testimonies from individuals who remember it as a duplex along with a few individuals who are here tonight. The house was not occupied when it was purchased.

Ms. Ware was sworn in and testified that her father owned the property and it has been a duplex for at least 59 years. She remembers as a little girl playing with the girl that lived there. The house was vacant for about 5 months when she purchased it.

Ms. Valentino asked Ms. Venezia if there were any previous Zoning Board applications regarding this property since that portion was checked off as yes on the application. Ms. Venezia stated she checked that off in error. She has been to a workshop and HPC. She would also like to turn the steps in the front for easier access.

Mr. Christman was at the workshop along with Mr. Choyce is to restore the house along and has received approvals from HPC.

Mr. Choyce asked if the steps count as part of the structure for the front yard setback. Ms. Desmond replied that they do. The ordinance states a 6 ft. projection is allowed. Ms. Venezia would like to reorient the steps. The setback for the house is 7.2 ft. and that does not include the steps. If the steps are changed then the setback variance is required. Ms. Venezia stated the proposed platform for the steps would be 50 inches by 50 inches and the steps would go toward the street. The total would be 80 inches from the door to the street. The proposed front yard setback would be 3 ft.

Mr. Choyce asked how far back they need to have proof that this was a duplex. Mr. DeLucry stated the test year is 1955.

Ms. Aline Dixon stated she remembers this house when she walked to school as a child. She also talked to Jeannie May who as a child lived at this house.

Mr. Nelson Gaskill spoke next and stated he lived on Hanthorn Street and lived in Mays Landing all his life. He remembered it as a duplex when he was as a child and when he was a mailman. He agrees with the steps being reconfigured.

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

Mr. Strigh moved, seconded by Mr. Christman, App. #2018-16, Block 757 Lot 5; located at 112 Hanthorn Street to grant a Certificate on Non-Conformity along with a front yard setback variance of 3 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
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MR. SACCHINELLI-AYE

MR. GRAFF-AYE
MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes.

MR. CHRISTMAN: Yes. We are making a good move with this decision.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

MR. STRIGH: Yes.

MR. SACCHINELLI: Yes.

MS. VALENTINO: I vote yes. I visited the property and feel there has been enough verification from members of the community that proves the property has been a duplex predating the ordinance. I also believe the reconstruction of the front steps is a better choice. Along with the approval of the HPC.

Michele Day; App. #2018-17; Block 217 Lot 2 ; located at 7238 First Avenue, was present & is seeking a Variance for an in ground pool (377 sf) and a 6 ft. fence in the front yard area of Woodbury Road and any other variance(s) found to be necessary.

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

Michele Day and Johnathon Michael Day were sworn in. Ms. Day testified they are looking for a variance for an in ground pool to be constructed in their backyard between the existing house and Woodbury. They would also like to change the existing 4 ft. fence to a 6 ft. fence and it would stay in the same footprint.

Mr. Choyce asked Ms. Desmond if the existing two patios were calculated in the impervious and lot coverage calculations. Ms. Desmond answered that they were.

Mr. Day stated the existing shed is staying and if they need a variance for that if it could be granted.

Ms. Valentino confirmed that the following variances are needed: in ground pool 330 ft. from Woodbury; 6 ft. fence 94 ft. from Woodbury and 165 ft. from neighboring property on right; the shed 185 ft. from left property line and 225 ft. from Woodbury. She did visit the property.

Mr. Choyce stated the pool and shed variances are due to them being located in the front yard area with the shed being 225 ft. from Woodbury; the pool 330 ft. from Woodbury; a 6 ft. high fence in the front yard area.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Choyce 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."

Dr. Kahrman moved, seconded by Mr. Christman, App. #2018-17, Block 217 Lot 2; located at 7238 First Avenue to grant a Variance for an existing shed in the front yard area of Woodbury Avenue with a setback of 225 ft.; in ground pool in the front yard area of Woodbury with a setback of 330 ft.; allow a 6 ft. fence in the front yard area where 4ft. is permitted. 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
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MR. SACCHINELLI-AYE

MR. GRAFF-AYE
MR. STRIGH-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: Yes. Multiple front yards are a hardship for any homeowner to make improvements on. I see no detriment to the zoning plan or the neighborhood.

MR. CHRISTMAN: Yes.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes.

MR. STRIGH: Yes.

MR. SACCHINELLI: Yes

MS. VALENTINO: I visited the property and for all the previous stated reasons, I vote yes.

Approval of Minutes: Ms. Valentino stated the minutes from the July meeting will not be approved at this time. They will reserve the right to approve them at the September meeting. She encouraged all Board members to carefully read the minutes and if there are any errors or omissions please let the Secretary know so changes can be made. The Secretary will let Ms. Fox know when a disc is ready for her to listen to.

Memorialization of Resolution(s): Mr. Graff moved, seconded by Mr. Christman to adopt the resolution for **Paul Horsey -App. #2018-14; Block 587 Lot 34** for an accessory structure (pole barn) in the front yard area. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE
DR. KAHRMANN-AYE
MS. VALENTINO-AYE

MR. CHRISTMAN-AYE
MR. STRIGH-AYE

MR. GRAFF-AYE
MR. SACCHINELLI-AYE

SAID MOTION CARRIED.

Public Comment- 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.”

Adjournment – Mr. Christman moved, seconded by Mr. Choyce to adjourn the Zoning Board of Adjustment meeting at 11:23 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment