

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairman, Elaine Valentino, presiding. Members present were Wayne Choyce, William Christman, Michael Graff, Dr. Robert Kahrmann, Dr. Mroz and John Sacchinelli. Also present was Board Solicitor, Rebecca Lafferty, Zoning Officer, Hannah Desmond and Steve Phillipone, Alternate Engineer.

Members Absent: Bruce Strigh and Diane Fox.

The Statement of Compliance was read.

Announcements: The agenda will be as printed and the next meeting is scheduled for June 24, 2019.

Tim France; App. #2019-04; Block 1132.32 Lot 2; located at 4 Da Vinci Way; seeking an increase in impervious coverage (35.4% where 30% is permitted) for accessory structures (in ground swimming pool 561 square feet and 100 square foot patio) 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. France was sworn in and testified the property does not have an HOA and the streets will be turned over to the Township. There will fees paid by the homeowners which will go into the storm water management. Mr. Phillipone stated the storm water basins will be taken over by the HOA once they are perfected. Currently, the homeowners do not pay a monthly fee but will in the future.

The survey (3/20/2015) submitted with the application does not show the storage shed. Mr. France has a newer survey (3/19/2019) that does show it and he thought that was the one the pool company submitted.

Exhibit A-1: Survey-3/19/2019 (existing conditions).

The proposed pool will be in ground with a concrete patio of 100 sf. and above ground pool has been removed. The shed will remain and playground will be removed.

Mr. Choyce asked if the lot coverage calculation was included with the application and Ms. Desmond stated it was not and if the shed stays then the calculations will be higher. Mr. France stated the shed size is 12 x 8.

Mr. Choyce asked if the fence is on the property line and Mr. France replied yes. He did remove vegetation for the fence and shed. He added a river rock buffer of 2 feet when the fence was added. He may have removed a tree for the fence. Mr. Choyce stated the properties in this development have tree preservation deed restriction, including this lot. The areas where the shed and fence are located are in this restricted area.

Mr. Phillipone stated his report is dated 4/29/2019 and the proposed pool is 561 sf with a 100 sf patio. The maximum coverage is 30% and with the shed the new coverage would be 36.3%. Storm water is not needed for this application so a swale or trench isn't necessary.

Mr. French stated the fence will conform to all construction code issues. There are no other houses in the development with swimming pools.

Mr. Christman commented when this development configured with the storm water buffering, it was based upon the houses being built. How many houses would it take to have a negative effect on what was originally calculated? Mr. Phillipone reviewed this application and didn't know if trees were cleared or not. Mr. France stated that behind his house more development is happening. He doesn't feel that the pool will not negatively impact his neighbors and some lots are larger than his. He has tried to negate the impact due to the installation of the river rock.

Discussion ensued regarding the impact in the neighborhood if others were to do the same thing.

Mr. Fillipone reviewed the calculations and the property is well graded and as are the neighboring sites. A swale is between the property lines and a storm inlet beyond his property. There is no concern is water runoff. There was a question as to the deed restriction. The fence is on the property line and the survey shows a deed restricted tree preservation easement and those trees are missing. Mr. France stated where the playground is located where the restricted tree line is. Mr. Sacchinnelli voiced his concerns regarding the removal of trees in the easements.

There will be lights in the pool but no additional lighting in the backyard.

The tree preservation area is not to be touched (brush, trees, etc.). The concrete around the pool area also encroaches into this area along with the shed and playground. The shed & playground will have to be removed. Mr. France proposed about adding additional landscaping in that area. Mr. Fillipone asked if the shed could be moved and Ms. Valentino gave some suggestions as to where it could be moved to (by the deck). Mr. France stated if a condition of the approval is to relocate the shed along with additional landscaping he would be agreeable to this. Ms. Desmond stated a fence, per Pinelands, is not considered a structure. In order for Ms. Lafferty to comment if the fence is to stay in the tree restriction area she would have to review the Master Deed.

There was discussion as to what the deed restriction states for this development and if the applicant revegetates. Mr. France will try to accommodate (move shed and landscape) if the Board approves the installation of the in ground pool. Discussion ensued regarding the Master Deed.

Ms. Desmond stated setbacks for an accessory structure (side and rear) are 5 ft. and the shed should meet those setbacks. She also suggested the Board set a time line for the relocation of items.

Mr. Choyce made comments about timelines for the applicant Dr. Kahrman noted the concrete surround is in the tree preservation line and if it could be made smaller or pull the pool about 6" closer to the house.

Board members are agreeable to the impervious coverage and would like to see the buffer replanted.

Ms. Valentino asked if anyone would like to speak for public comment. Mr. Christman 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 moved, seconded by Dr. Kahrman, **App. #2019-04, Block 1132.32 Lot 2; located at 4 Da Vinci Way** to grant a Variance for an accessory structure (in ground pool) with an increase in impervious coverage of 36.3% where 30% is the maximum with the following conditions: playground removed, shed removed./relocated from the tree preservation deed restricted area, pool construction located outside of tree preservation deed restricted area, the applicant work with landscape architect to relandscape the tree preservation area with appropriate vegetation agreed upon with applicant and professional. The date for the landscaping is set for 12/31/2019 and the shed must be removed prior to the construction of the pool/surround. The lighting will be in the pool only an anything inside must be below the fence line. 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
DR. MROZ-AYE

MR. GRAFF-AYE
MR. SACCHINELLI-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CHOYCE: I vote yes and thanked the applicant for his cooperation and noted the runoff will not be detrimental to any of his neighbors.

MR. CHRISTMAN: Yes and I agree with Mr. Choyce's comments.

MR. GRAFF: Yes.

DR. KAHRMANN: Yes with the conditions stated.

DR. MROZ: I vote yes and some of the things presented make sense regarding impervious coverage.

MR. SACCHINELLI: Yes.

MS. VALENTINO: I vote yes and also visited the property but couldn't get around the back. The willingness the applicant showed is appreciated.

Approval of Minutes: Mr. Christman moved, seconded by Dr. Kahrman to approve the minutes from the April 22, 2019 meeting. SAID MOTION CARRIED WITH SIX (6) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHRISTMAN-AYE	MR. GRAFF-AYE	DR. KAHRMANN-AYE
DR. MROZ-AYE	MR. SACCHINELLI-AYE	MR. CHOYCE-AYE

SAID MOTION CARRIED.

Memorialization of Resolution(s): Mr. Christman moved, seconded by Dr. Kahrman to adopt the resolution for **Delta Group -App. #2016-08; Block 1134 Lot 6** for time extension of 6/30/2020 SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE," NO "NAY," and NO "ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE-AYE	MR. CHRISTMAN-AYE	MR. GRAFF-AYE
DR. KAHRMANN-AYE	DR. MROZ-ABSTAIN	MR. SACCHINELLI-ABSTAIN

MS. VALENTINO-ABSTAIN

SAID MOTION CARRIED.

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."

The next meeting is June 24th.

Ms. Valentino commented that some changes have been made and Ms. Desmond and the Secretary jobs have changed. Ms. Desmond stated she is now the Community Development Director and the new Zoning Office will be Ms. Ohnemuller and there will be a new Zoning Board Secretary hired. The job has been posted and interviews will most likely be at the end of the May.

Ms. Ohnemuller stated she will be moving into the Zoning Officer position but cannot start that new job until a Secretary is hired.

The workshops will still be run the same. The last master plan review was about 10 years ago. There was discussion about changing some ordinances.

Adjournment – Mr. Christman moved, seconded by Mr. Graff to adjourn the Zoning Board of Adjustment meeting at 8:29 p.m. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment