

**Hillsborough Township
Board of Adjustment Meeting
June 20, 2012**

Chairman Leon Krals called the Board of Adjustment Meeting of June 20, 2012 to order at 7:30 p.m. The meeting took place at the Municipal Building in the Courtroom.

Pledge of Allegiance

Notice of Meeting

Chairman Krals announced that the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975.

Roll Call:

Joseph Jaghab - Absent
John Stamler - Present
Helen Haines - Present
Leon Krals - Present
Walter Dietz - Absent

Frank Valcheck - Present
John Sheridan – Absent
Frank Herbert (Alt. #1) - Present
Shawn Lipani (Alt. #2) – Present
Curtis Suraci (Alt. #3) - Present
Michael Volpe (Alt. #4) – Absent

Also in attendance are Mark Anderson, Esq., Board Attorney, Woolson Sutphen Anderson, P.A; David Kois, Zoning Officer / Assistant Planner; and Lucille Grozinski, CCR.

Acceptance of Minutes

May 16, 2012 – Regular Session Meeting

Vice Chairperson Haines made a motion to approve the regular session minutes of May 16, 2012, which was seconded by Mr. Valcheck. This was approved unanimously by all eligible members.

Acceptance of Resolutions

Mark & Lisa KWIATEK – File #BA-12-05 – Block 207.03, Lot 1.01 – 2 Steeple Drive.

Mr. Stamler made a motion to approve the resolution for *Mark & Lisa KWIATEK – File #BA-12-05*, which was seconded by Mr. Valcheck.

Votes in Favor: Mr. Valcheck, Mr. Stamler, Mr. Herbert, Mr. Suraci, Vice Chairperson Haines and Chairman Krals.

Votes Against: None

Board of Adjustment Business

Chairman Krals announced that it is with regret that he has accepted the resignation of Mr. Jaghab
Chairman Krals announced that a member from the public has informed him that the trees located in the median on Raider Boulevard are essentially dead and requests that the Township look into the matter because the trees were a condition of an application.

Business from the Floor

None

Public Hearing-Applications

Chairman Krals announced the protocol for the following applications.

Maryse GELLER – File #BA-12-04 – Block 148, Lot 27 – 103 Hodge Road.

Mr. Kois, Zoning Officer / Assistant Planner introduced the application.

Joseph Cioce, Attorney for the Applicant introduced himself and described the application.

Michael McNerney, Architect was sworn in and described his qualifications.

Chairman Krals accepted Mr. McNerney's qualifications.

Mr. McNerney noted that he determined the impervious coverage based on the survey provided.

Mr. McNerney indicated that most of the proposed addition (approximately 90%-91%) will be located on the existing driveway.

Mr. McNerney noted that a portion of the driveway has been removed.

He noted that the proposed new improvements will result in a slight reduction of impervious coverage.

Chairman Krals asked if the existing coverage exceeds the requirement.

Mr. McNerney affirmed that the existing coverage exceeds the limit by 4.73%.

Chairman Krals asked for history of the property when the applicant testifies.

Mr. McNerney noted that he did a calculation that removed existing improvements and only included the existing house, driveway and walkway. The total impervious coverage totaled 10.3% which exceeds the requirements.

Vice Chairperson Haines asked for the requirements at the time the house was constructed.

Mr. Kois gave some background regarding the zoning history of the property and confirmed that the standards were different at the time the house was constructed. He also indicated that the Building & Zoning Departments do not have any records for the subject property regarding the existing improvements on the lot.

Mr. McNerney explained that the new garage was designed to be wider than the existing garage because of new requirements.

No Questions from the public.

Maryse Geller, Applicant was sworn in.

Ms. Geller indicated that she purchased the subject property in 1985. She noted that the existing improvements: pool, patio and deck were pre-existing at the time of purchase.

The following Exhibit was marked into evidence:

- o A1 – Survey dated May 22, 1980

Ms. Geller referred to Exhibit A1 – 1980 survey and noted the improvements such as the pool and shed.

Ms. Geller noted the odd shape of the lot and how they were restricted to placing the addition in the proposed location.

Ms. Geller indicated that the subject property is unique to the neighborhood. Further, she described the property as an L-shaped lot.

Chairman Krals asked the applicant if she can buy adjoining property.

Ms. Geller noted that no one that she has heard from is willing to sell her additional property.

Ms. Geller described the surrounding lots.

Vice Chairperson Haines asked if the proposed addition will be any closer to the street than her neighbors.

Ms. Geller indicated that the next door neighbor's house is the same distance from the road than the proposed garage.

Mr. Kois pointed out that the survey shows the location of the neighbor's house in relation to the proposed garage.

No Questions from the public.

No Comments from the public.

Vice Chairperson Haines made a motion to approve the application for *Maryse GELLER*, subject to the Mr. White's condition, which was seconded by Mr. Valcheck.

Votes in Favor: Mr. Valcheck, Mr. Stamler, Mr. Herbert, Mr. Lipani, Mr. Suraci, Vice Chairperson Haines and Chairman Krals.

Votes Against: None.

Paul GRAPPONE – File #BA-12-06 – Block 207.01, Lot 58 – 52 Walker Drive.

Mr. Kois, Zoning Officer / Assistant Planner introduced the application.

Chairman Krals emphasized that during the presentation he would like to know why the property is special and why retail sales should be granted in a residential area.

Henry Wittman, III, Attorney for the applicant described the application.

Chairman Krals noted that the focus must be on the use of the land and not the applicant or the applicant's background.

Paul Grappone, Applicant was sworn in.

Mr. Grappone indicated that he is a collector of military antiques and he is looking to expand the use of his home to include firearms as part of the military antiques that he deals. Further, he noted that he has a sole proprietorship called PLG Collectables based in Somerset County since 2005. He also noted that he primarily deals with people over the internet rather than face to face sales.

Mr. Grappone described the licensing process and requirements.

Mr. Grappone noted that it would be very rare that a person would come to the home because a lot of the business is almost exclusively conducted through the internet. He acknowledged that it is possible, but he does not expect that there would be regular sales conducted at the home.

Mr. Grappone indicated that nothing will change on the outside of the home, including no signage.

Mr. Grappone noted that there is a proposal for security improvements.

Mr. Whittman requested that the security details are not made on the public record for security reasons.

Chairman Krals asked the applicant if they are aware that the storage of stock in trade is not permitted for home occupations.

Mr. Whittman requested that they amend the application and have it carried to a later meeting to request that relief.

Chairman Krals indicated that retail sales are not permitted in home occupations. He noted that if the Board grants retail sales then that property in perpetuity can be used for retail sales.

Mr. Whittman indicated that the proposed business is a licensed occupation.

Vice Chairperson Haines noted that the application states that the request is for retail firearms and not a home occupation.

Mr. Whittman described the ordinance as being for licensed businesses such as a sales agent.

Chairman Krals noted that he is not satisfied with the explanation.

Mr. Grappone estimated that a client could come to the home once every six months.

Vice Chairperson Haines asked if Mr. Grappone is currently storing and selling collectibles from his home.

Mr. Grappone indicated that he has a private collection at his home. Further, he noted that the current business is non-firearms.

Mr. Herbert asked if it is similar to e-bay.

Mr. Grappone noted that it is akin to that.

Mr. Stammmler asked if the variance limits the applicant to selling firearms only.

Mr. Anderson noted that some of the arguments are different from what appears in the application. He pointed out that there has been a request for an adjournment and the Board needs to address that.

Mr. Anderson noted his concerns with the application and acknowledged that the primarily dilemma is if the Board grants an application for retail sales then the property is entitled to be used for retail sales in perpetuity.

Mr. Anderson explained that in regards to this application the Board has the power to grant a 'd' variance and a separate power to interpret the zoning ordinance. He noted that this application is not for an interpretation. Further, he noted that arguments made related to an interpretation are not applicable because this is a variance application.

Mr. Whittman requested an adjournment to a later date without further notice.

Mr. Kois noted that July 18, 2012 is available.

Mr. Lipani made a motion to adjourn the application for Paul GRAPPONE to July 18, 2012, which was seconded by Vice Chairperson Haines. This was approved unanimously by all eligible members.

Correspondence

Planning in America: Perceptions and Priorities – APA Report

Adjournment

Chairman Krals announced the next meeting is July 18, 2012. The meeting adjourned at 8:23 p.m.

Submitted by:
David Kois
Zoning Officer / Assistant Planner
Board of Adjustment Secretary