

**Board of Adjustment Meeting
May 19th, 2010**

Vice- Chairperson Haines called the Board of Adjustment Meeting of May 19th, 2010 to order at 7:30 p.m. announcing that the meeting had been duly advertised according to Chapter 231, Open Public Meetings Act. The meeting took place at the Municipal Building in the Court Room.

ROLL CALL:

Joseph Jaghab -Absent

Barry Quick -Absent

Helen Haines, Vice-Chairpersons - Present

Leon Krals - present

Walter Dietz, Chairman -Present

Frank Valcheck - Present

John Sheridan - Absent

Frank Herbert (Alt. #1) - Present

John Stamler (Alt. #2) - Absent

Mark Wetter (Alt. #3) - Absent

Michael Volpe (Alt. #4) - Present

Also in attendance are Mark Anderson, Esq., Board Attorney, Woolson Sutphen Anderson, P.A.; William H.R. White, III, P.E., P.P., C.M.E., Board Engineer, Maser Consulting, P.A.; Rebecca Marshall, Assistant Planner/Zoning Officer and Tina Restuccia, CSR.

Pledge of Allegiance

Acceptance of Resolutions:

Hillsborough Lawn and Garden Equipment, Inc. (Interstate Development Services, LLC.) – BA-09-10 (Request for Extension)

Motion to approve:

Krals

2nd:

Haines

Roll Call:

Mr. Valcheck - yes

Mr. Krals - yes

Mr. Herbert - yes

Ms. Haines - yes

Board of Adjustment Business:

- **Anthony Giraldi BA-09-06**
 - **Motion to Extend: Valcheck**
 - **2nd: Krals**
 - **All: aye**

Applications:

Bessasparis, Diane and Daniel - #BA-10-04, Block 8, Lot 34, 5 Larch Lane

- Mr. Bessasparis is sworn in.
- Mr. Cipparulo is counsel for the Applicant.
- There is discussion as to the notice being sufficient.
- Mr. Anderson addresses the front yard issue because there is the possibility the lot in question has two front yards.
- Chairman Dietz comments that even if there are technically two front yards, the lot behind which would typically be considered the traditional back yard could not be used for anything else.
- Ms. Haines comments the road could be widened.
- Chairman Dietz asks the Applicant when the house was built.
- Mr. Bessasparis testifies it was built in the 1950's.
- There is a question as to who owns the fence on the property.
- Ms. Haines comments the fence does not look as old as the house.
- Mr. Bessasparis testifies the fence has had maintenance done to it.

- Mr. Anderson comments that there was no notice given for a pool in the front yard and the notice merely sites “bulk variances.”
- Chairman Dietz comments the house faces Larch Lane and therefore that is the front yard because the other yard is distant from Amwell Road.
- Ms. Haines asks if there was an easement from the builder regarding a strip of land between the Applicant’s property and Amwell Road.
- Mr. Anderson comments if it is owned by someone other than the Bessasparis’ the road could technically be expanded.
- Mr. Cipparulo comments the photos submitted indicate the use of this yard mirrors the use of a typical backyard.
- Mr. Anderson describes the need for the variances. Mr. Anderson comments the lot size variance is not needed. The side yard and rear yard are needed as well as impervious coverage.
- Chairman Dietz comments when this house was built in the 1950’s, it was a legal house and legal lot.
- Chairman Dietz comments that despite the question of notice, he feels his application can be heard.
- The notice from the application is provided to Mr. Anderson and Chairman Dietz.
- Mr. Anderson comments the notice from the newspaper only site bulk variances but is not more specific than that.
- Chairman Dietz comments all the variances the Applicant needs are bulk requirements and the notice is therefore within the intent of the law.
- Mr. Cipparulo comments the notice he has is different than the first notice Mr. Anderson read.
- Mr. Anderson comments the second notice he read was the actual printed notice.
- Chairman Dietz asks if the Board feels this application should be heard then or if the Applicant would need to re-notice and come back.
- Mr. Anderson comments that the notice is sufficient as per the bare minimum of the law.
- Mr. Krals comments he feels the application can be heard as long as it is done so the homeowner is in no danger of future problems for obtaining the incorrect variances.
- Mr. Cipparulo comments he feels the Applicant has complied with the notice requirement.
- Chairman Dietz comments he feels the application should be heard.
- Ms. Haines has issues with the procedure, not with the application.
- Mr. Cipparulo asks Mr. Bessasparis what he intends to do.
- Mr. Bessasparis testifies he wants an in-ground pool so his children have some recreation.
- Photographs of the property are marked as A1-5.
- Mr. Bessasparis testifies he has relocated the pool since he was last before the Board.
- Mr. Bessasparis describes the photos of the property.
- Mr. Bessasparis purchased the property in 1999 with a fence on it.
- Mr. Bessasparis is going to use trex material around the pool to mitigate his impervious surface issue.
- Ms. Haines asks if the fence Mr. Cipparulo was referring to was on the Applicant’s property or the mysterious twenty feet of property.
- Mr. Cipparulo comments this question was only to establish the fence was there when the property was purchased.
- Mr. Bessasparis comments the twenty foot stretch of land extends down Amwell Road and no one pays taxes on it as per the title company.
- Mr. Anderson asks if other houses in the neighborhood have pools.
- Mr. Bessasparis testifies there is one other house with a pool and he feels this would be an asset to the neighborhood.
- Mr. Bessasparis testifies he cannot purchase any surrounding land.
- Ms. Haines asks what the concrete decking is on the application.
- Mr. White comments this is around the pool and Mr. Cipparulo clarifies this is the coping for the pool.
- Public portion is closed.
- Mr. Anderson comments this application requires a side yard, rear yard and impervious coverage variance.
- Mr. Herbert would like the plan changed to reflect the new bulk requirements as per the new township ordinance in the AG zone.

Motion to Approve: Krals
 2nd. Valcheck

Roll Call:

Mr. Valcheck: yes

Mr. Krals: yes

Ms. Haines: no (has problems with the procedural issues)

Mr. Herbert: yes

Mr. Volpe: yes

Chairman Dietz: yes

Board of Adjustment Business:

- **Omnipoint BA-09-08**

Will give an update on June 16th or withdraw their application.

Motion to Cancel June 2nd, 2010 meeting: Krals

2nd: Haines

All: Aye

ADJOURNMENT

The meeting adjourned at 8:30p.m.

Submitted by:

Rebecca Marshall

Assistant Planner/Zoning Officer

Board of Adjustment Secretary

Approved