

**Minutes of the Board of Adjustment of the
Township Of Hanover
July 17, 2014**

Chairman Benjamin Stanziale called the Meeting to order at PM and The Open Public Meetings Act statement was read into the record:

Board Secretary, Kimberly A. Bongiorno, LUA, took the Roll Call.

In attendance were Members: Caruso, Fomchenko, Linfante, Neidhardt, Olsen, and Stanziale

Absent were Members: Donaldson, Hingos, and Vigilante

Also present were Board Attorney, Daniel Bernstein, Township Engineer, Gerardo Maceira, PE. and Township Planner, Blais Brancheau

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- | | |
|--------------------|-----------------------------------|
| 1) CASE NO. | 1750 |
| APPLICANT | Donald Riemer & Ilizabeth Cabrera |
| OWNER | Donald Riemer |
| LOCATION: | 26 Hilltop Circle Whippany |
| BLOCK: 5408 | LOT: 8 ZONE: R-15 |

Applicant proposed to remove and reconstruct roof structure with a new higher pitched roof as a result of storm damage and structural modifications to correct improper framing conditions, remove a portion of damaged chimney and rebuild to height required for new roof structure. Applicant sought relief from sections 166-173A (3). **Application approved June 19, 2014.**

Motion to approve as written

Moved by Member Fomchenko, Seconded by Member Olsen

Members Voting "AYE" Fomchenko, Olsen, Neidhardt, and Caruso

Members Voting "NO" None

II. MINUTES - JUNE 19, 2014

Approved as written

Moved by Member Neidhardt, Seconded by Member Fomchenko

Voice vote all present in favor

III. PUBLIC HEARINGS

- 1) **CASE NO.** 1749
 APPLICANT David Dutcher
 OWNER David B. Dutcher & Lisa M. Corsi
 LOCATION: 54 Oak Boulevard Cedar Knolls
 BLOCK: 1311 **LOT:** 6 **ZONE:** R-10

Applicant is proposing to construct a second story addition. Applicant is also proposing to replace the existing patio with a deck and install a new patio and pool. Applicant is seeking “C” & “D” Variance relief from sections 166-176A, 166-176B, 166-176C, 166-167B AND 166-154C. **Board decision due by: September 10, 2014**

Due to Quorum issues and not enough eligible members to vote - case carried to August

David Dutcher – Applicant – Was present and agreed to case being carried to August 21, 2014

- 2) **CASE NO.** 1748
 APPLICANT 230 Ridgedale Avenue LLC
 OWNER Robert S. Cook
 LOCATION: 230 Ridgedale Avenue Cedar Knolls
 BLOCK: 1702 **LOT:** 6 **ZONE:** I-B3

Applicant seeks approval to use the property for residential and business purposes. The applicant is an affiliate of Pacific Lawn Sprinkler a commercial/residential lawn sprinkler firm. The manager will reside on the premises, operate a local office, park vehicles and operate the business during normal business hours which are Monday through Friday 8:00 Am to 4:00 PM. No nighttime business operations are contemplated. The applicant is proposing no new structures. An outdoor storage area for the storage of plastic irrigation pipe coils and a freestanding pylon sign are proposed. The applicant is seeking relief from sections 166-203(8) (A), 166124(A) (3), 166-147(B), 166-147(D) (1), 166-147(D) (3), 166-147(D) (4), 166-203.9(D) **Board decision due by: October 14, 2014**

Case Carried to August 21, 2014 by E-mail read into the record by Board Secretary

- 3) **CASE NO.** 1751
 APPLICANT/OWNER Michael and Gloria Lateiner
 LOCATION: 38 Highland Avenue Whippany
 BLOCK: 7601 **LOT:** 42.03 **ZONE:** R-15

Applicant is proposing to construct an in-ground swimming pool with surrounding patio with decorative boulder waterfall area. Lighting and additional landscaping is also being

proposed. Applicant is seeking relief from sections 166-113.1. for improvement coverage. ***Board decision due by: October 8, 2014.***

Michael and Gloria Lateiner - Both applicants sworn by board attorney

James Hark and Frederick C. Meola - Sworn in by board attorney

James Hark - builder - Gave his credentials for building pools

Frederick C. Meola - Appearing as PE, LS and PP for the applicant

Michael Lateiner – Applicant - Gave the reasons for wanting the pool

Member Caruso - Recused himself from this case due to the fact he was the builder of this home

Frederick C. Meola - Discussed the drywell system and the pool coverage

Daniel Bernstein – Board Attorney - Discussed conditions with Mr. Meola if the case were approved regarding backwashing, lighting and other improvements with the pool

Member Linfante - Questioned the need for the variance for the 1,000 square feet why is it needed, scaling back the patio coverage would help reduce the intensity of the coverage issue.

Frederick C. Meola - The proposed pool is 1,130 and patio is 1,111

Member Linfante - Questioned being able to cut down the patio coverage

Michael Lateiner – Applicant - Discussed the current location of the fire-pit

Gerardo Maciera – Township Planner - The smaller patio measures 10x15 the larger patio is 30x17

James Hark – Explained that 1,100 to 1,500 square feet is the average for patio area and explained that this pool will not have a slide

Member Fomchenko - Questioned the lighting

James Hark - In the pool will be LED colored lighting
- There is no high structured lighting all lighting is underwater

Frederick C. Meola - The property behind them is all wetlands and a wetlands buffer

Opened to the public hearing and seeing none

Closed to public

Daniel Bernstein – Board Attorney - Summarized conditions

Motion to approve with conditions

Moved by Member Olsen, Seconded by Member Neidhardt

Members Voting “AYE” Fomchenko, Olsen, Neidhardt, Linfante, and Stanziale

Members Voting “NO” None

- 4) **CASE NO.** 1733
APPLICANT/OWNER Caldwell Investors, Inc.
LOCATION: 36 South Jefferson Road Cedar Knolls
BLOCK: 2904 **LOT:** 5 **ZONE:** I

Applicant is seeking Preliminary and Final Site Plan “C” and “D” variances to construct an indoor firing range with an area also for instruction/sales/mechanicals. Case partially heard on October 17, 2013 and May 15, 2014. **Board decision due by: July 31, 2014**

Remo Caputo - Fill in attorney for the applicant for James Pryor until Mr. Pryor’s arrival

Eric Rebels - Sworn by Board attorney - Testifying as a fact witness for the facility and an expert witness in firearms - co-owner of Firearms Support & Storage LLC located in the Pine Plaza Shopping Center - Gave overview of qualifications

Lane Miller - Objecting Attorney for Rainbow Academy - Questioned Mr. Rebels regarding his qualifications

Daniel Bernstein – Board Attorney - Mr. Rebels is an expert in guns and gun safety - not in the development and construction of firing ranges

Member Linfante - Questioned Mr. Rebels regarding his experience

Eric Rebels –

Verbal Agreement with Caldwell Investors that if this range is approved and built Firearms Support & Storage LLC will be the operator of this facility

- Described where the customers would be entering the building into a single entry and exit way
- Would be received by an employee and will be qualified for being on the site
- Discussed the operations of the range
- Explained the lighting system within the ports
- The badge system for visitors at the range

- Explained the differences between someone bringing their own weapon and someone who is not using their own weapon and uses the ranges guns
- Discussed how someone bringing their own firearms would have to be transported
- There will be onsite storage for weapons
- The sale of new and used firearms
- Ear protection and general shooting safety items will be sold
- Addressed how spent ammunition will be collected and disposed of

James Pryor – Attorney for the applicant – 8:39PM arrived and took over as the applicant’s attorney for the rest of the hearing

Eric Rebels –

Discussed how a person on the range would terminate their sessions

- Addressed how a gun that was rented is packaged and returned to the rental counter
- If you are in the retail area you can walk through the retail areas and brows and shop
- The badge system will only let you into the areas you are approved to be in
- The Chief range safety officer will always be on a raised platform so that he can see all of the ports –
- There will also be range officers walking the floor in the port area
- Discussed some of the different types of classes that will be held in the classroom areas
- There will be classroom and simulator training
- Retail - there will be firearms and firearm accessories for sale
- Discussed some of the different accessories that would be offered
- Discussed the types of weapons that they would be allowed by law to sell on this site
- State and Federal authorities will be doing inspections of this site
- Inspectors can show up at any time unannounced to inspect the site
- Discussed the security standards for displaying weapons for the retail sales
- Discussed the age restrictions for purchasing firearms and using the range
- The discretion is with the range - and there will be policies set up if the range is approved
- If the application is approved that is when they will sit down and work out the finer details
- Federal and State agencies will be inspecting the range as needed before it is opened and after it would be up and running
- Local law enforcement will be using this range

Member Olsen - Questioned security and what security measures would this facility have when the range is not in use and the site is closed

Eric Rebels - New Jersey state police have rules and regulations in place that must be abided by

Member Linfante - Questioned the environmental standards,

Eric Rebels -

- Addressed the different standards for environmental aspects of this site
- Everything that they can legally sell they will offer for sale
- The type of ammunition will be to the facilities standards and will be inspected by the range to see if it is eligible to be used on the site
- This site will not allow tracer rounds or armor piercing ammunition
- This site will use a snail deceleration system
- Firearms will only be rented to those holding a NJ Firearms ID card - The Firearms ID card is essential to this facility
- Applicant is willing to agree to the requirement of a NJ Firearms ID cards to rent weapons as condition if this application was approved
- 9 - 25 yard ports and 2 - 75 yard ports are proposed

Member Linfante and James Pryor – Applicants Attorney - Discussed the retail aspect of this application

Blais Brancheau – Township Planner - Addressed the different types of retail uses proposed for this site - Retail sales and retail services

The board took a short break from 9:36pm to 9:50pm

Member Neidhardt - Questioned the types of badges and how they would regulate people and their access within the facility

- Questioned the red yellow green system and if it is standard for this type of facility
- Questioned if those that frequent ranges are more respectful of handling of the weapons

Eric Rebels -

- Described how most people who do shoot or are interested in shooting take the safety classes
- Described the different types of weapons – Automatic- Semi-automatic
- Described his business at Firearms Support and Storage
- Sells, handguns, semi-automatic, long guns and rifles
- Described how they came to be located in Pine Plaza
- Showed his personal Fire Arms Purchasers ID card to the board to show them what it looks like and described the process for obtaining a firearm ID card

Daniel Bernstein - Questioned the operation of the business of Firearms Support and Storage

- Questioned the types of retail sales that would be at the new range
- Asked several questions regarding the current business at the Pine Plaza facility

Eric Rebels - Expert witness in firearms - co-owner of Firearms Support & Storage LLC

- Described how he became involved in the site and becoming the one who would like to run the range and retail

James Pryor – Applicants Attorney - Granted an extension of time for the board to make to decision until the end of August

Case carried to August 21, 2014

Meeting Adjourned at 10:29 P.M.

KIMBERLY A. BONGIORNO, LUA.
BOARD SECRETARY
BOARD OF ADJUSTMENT
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY