

Minutes of the Board of Adjustment of the
Township Of Hanover
April 5, 2022

PUBLIC MEETING 6:00 P.M. VIA ZOOM WEBINAR ONLY

PUBLIC BUSINESS

I. STATEMENT BY PRESIDING OFFICER

Chairman Stanziale called the Public Meeting to order at 6:00 PM and read the Open Public Meetings Act into the record.

II. ROLL CALL

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Alwell, Bartell, Caruso, Corona, Fomchenko, Giorgio, Chairman Stanziale.

Absent were Members: Donaldson, Hingos.

Members of the Public were: Henry Ostendorf, Fred Meola, John Sheridan

Also present were Attorney for the Board Joe Tauriello, Esq.
Board Secretary, Kimberly A. Bongiorno, LUA
Township Engineer, Gerardo Maceira, P.E.
Township Planner, Blais Brancheau, P.P.

III. RESOLUTION TO BE MEMORIALIZED

1) **CASE NO.** 1872
APPLICANT/OWNER JOSEPH & JILLIAN HUNCKEN
LOCATION: 8 BRIARWOOD COURT, WHIPPANY
BLOCK: 3101 **LOT:** 8.4 **ZONE:** R-25

Applicant sought seeking residential "C" variances to permit an inground pool with patio. Application approved with conditions, March 1, 2022.

There were no comments, questions or corrections offered by Board members.

A motion to approve the resolution as written was moved by Member Fomchenko and seconded by Member Corona.

Members Corona, Caruso, Fomchenko, Giorgio, Alwell, and Chairman Stanziale voted in favor of approving the resolution as written.

IV. MINUTES MARCH 1, 2022

There were no comments, questions or corrections offered by Board members.

A motion to approve the Minutes as written from March 1, 2022, was moved by Member Fomchenko, and seconded by Member Bartell.

In voice all present voted in favor of approving the Minutes as written from March 1, 2022.

V. PUBLIC HEARINGS

1)	CASE NO.	1871
	APPLICANT/OWNER	MICHAEL STORNILO
	LOCATION:	96 MOUNTAIN AVE., CEDAR KNOLLS
	BLOCK: 908	LOT: 9 ZONE: R-10

Applicant is seeking residential “C” variances to permit a proposed second story addition with a covered porch to an existing single-family dwelling, located at the above-mentioned premises.

Documents for this application can be viewed at the following link:

<https://drive.google.com/drive/folders/1v1La-Lvj0oCfCn847qMYxrlDTblAMjHW?usp=sharing>

Board decision due by: JUNE 2, 2022

Attorney for the Board, Joe Tauriello, Esq., sworn in the Applicant – Michael Storniolo and the Applicant’s Architect – Jeff McEntee.

Applicant – Michael Storniolo

- 96 Mountain Avenue, Cedar Knolls.
- Gave his reasons for the proposed improvements.

Applicant’s Architect – Jeff McEntee

- Went over his professional and educational background.
- His license is current and in good standing.
- Accepted by the Board.
- Gave a brief background of the property and what is surrounding the property.
- Went over the proposed improvements, setbacks, variances side yard setbacks, variances.
- Went over the Township Planner’s report dated February 25, 2022, report.

- The report points out an additional variance due to maximum height setback ratio and further explained it.
- Went over the Township Engineer's report dated February 28, 2022, report.
- The township engineer is stating that a grading permit is requested from the engineer's department prior to the issuance of a building permit and for the installation of dry wells to account for the increase of the impervious coverage for which I am requesting additional clarification.
- Went over the proposed improvements and its dimensions.
- Addressed Member Fomchenko's question regarding the applicant has decided to go with the new regulations or the old regulations.
- Addressed Chairman Stanziale's question regarding the square footage of the home.
- Addressed Chairman Stanziale's question regarding how the proposed square footage of the house compares to the house next door and if either home to the left or right are two stories.
- Addressed Member Fomchenko's question regarding his letter stating referring to a detach garage is an error.

Township Engineer, Gerardo Maceira. P.E.

- Made the clarifications requested by Mr. McEntee.

Applicant's Architect – Jeff McEntee

- Went over the variances they are seeking relief from.
- Gave his reasons to believe that the proposed improvements will not have a negative impact, nor it will be a detriment.

Applicant – Michael Storniolo

- Addressed Chairman Stanziale's question regarding other houses on the street that have been expanded with a second floor.

Applicant's Architect – Jeff McEntee

- Addressed Member Fomchenko's question regarding the stones encroaching.
- Addressed Chairman Stanziale's question regarding Mr. Brancheau's second recommendation.

The Township Engineer, Gerardo Maceira, P.E., and the Township Planner Blais Brancheau were sworn in by the Attorney for the Board Joe Tauriello, Esq.

Township Planner Blais Brancheau

- We are looking at four violations of the ordinance, the front yard setback, the side yard setback, height in relationship to the setback and the patio setback.
- I would recommend working with the new set of regulations because they are the ones that are currently in effect, they are also more favorable to the applicant, which is what I will work with as far as my testimony goes.

- Went over the violations and explained what a type “C1” variance and the type “C2” variance, he also explained the intent of the setback regulations and the height regulations.
- I noted in my report that the house is small for a modern home, the applicant is requesting a reasonable size home.

Applicant – Michael Storniolo

- We added the patio after we purchased the property.
- The patio is 10 ft. by 15 ft.

Open to the Public for comments and or questions

Henry Ostendorf

- Good evening, my mother owns the house directly to the right from Mike’s property, I will be representing her and her interests.
- The plan as it is, it is fine to us, the height increase does not bother her, does not bother the family, they are planning to keep it small.
- Regarding the setback, having it so close to the street, I think it is a benefit when there is a school located so close by, anyone who is at the porch certainly has a great view of what is going on the street or other homes, when you are set back you do not really know who is watching so I have no problems with any kind of variance to a setback for Mike’s construction.

Closed to the Public

Member Fomchenko

- My house was built in 1939 so I can absolutely relate to the hardship in a house that was built so many years ago and this addition is going to benefit this family.

Attorney for the Board, Joe Tauriello

- The applicant has to comply and satisfy the conditions contained in the Township Planner’s report dated February 25, 2022, and the conditions contained in the Township Engineer’s report dated February 28, 2022.

A motion to approve the application with conditions was moved by Member Fomchenko and seconded by Member Alwell.

Members Corona, Caruso, Fomchenko, Giorgio, Bartell, Alwell, and Chairman Stanziale voted in favor of approving the application with conditions.

2)	CASE NO.	1842-R1
	APPLICANT/OWNER	26 PARSIPPANY ROAD LLC
	LOCATION:	26 PARSIPPANY ROAD, WHIPPANY
	BLOCK: 4204	LOT: 1 ZONE: BP-2

Applicant is seeking Amended Approval and “C” variance relief for minor revisions to its site plan that was approved October 17, 2019, and resolution memorialized on November 5, 2019. The applicant has made minor revisions to its site plans in order to provide for accessible garages to the townhouse buildings and minor modifications to the footprint of the clubhouse. In addition, there are minor adjustments to the drainage, grading, landscaping, and lighting in order to accommodate the aforementioned building adjustments. Further, several parking spaces adjacent to the clubhouse have been shifted to improve ADA accessibility to the apartment buildings.

Documents for this application can be viewed at the following link:

<https://tinyurl.com/26parsippanyrd>

Board decision due by: JULY 7, 2022

Derek Orth – Attorney for the Applicant

- Went over the prior approvals and gave a brief overview of this project.
- This project consists of nine buildings, a clubhouse, swimming pools, garages, interior parking, and related site improvements.
- The Township construction official determined that the applicant garages for the townhouse units had to be handicap accessible, to meet this requirement, the applicant had to revise its plans by enlarging the garages by approximately four feet.
- The applicant had to tweak its site plan and infringe upon a few previously approved setbacks by the board requiring of the applicant to return to this board to modify them.
- The applicant is seeking amended, preliminary, and final site plan approval with amended bulk variance relief and as you noted in your intro, we have some other minor site plan revisions.
- Introduced the witnesses for the evening, Eric Keller – Civil Engineer & Planner for the Applicant, and Jeffrey Rawding – Project Architect.

Eric Keller – Civil Engineer & Planner for the Applicant, and Jeffrey Rawding – Project Architect were sworn in by the Attorney for the Board, Joe Tauriello.

Eric Keller – Civil Engineer & Planner for the Applicant

- Gave a brief overview of his professional and educational background, had testified before this board, all his licenses are current and in good standing.
- Accepted by the Board.
- Reference sheet “4” of “20” titled “Site Preparation Plan” dated October 5, 2021, last revised January 31, 2022.
- Went over what is surrounding the site, then moved on the sheet “5” that shows the layout of the site and pointed out the modifications made.
- Reference Mr. Brancheau’s report dated April 4, 2022, and Mr. Maceira’s report dated April 4, 2022, and continued with his review.

Township Engineer, Gerardo Maceira, P.E

- I wanted to clarify two items in my report that were recommendations, one related to the sidewalk around building “C,” the reasons for recommending that was because anyone parked in that 13-bay parking space does not have a clear path to the front doors which face Parsippany Road.
- Providing a sidewalk I see as a convenience for them, it might impact the ability to fit that sidewalk around and further elaborated on it.
- Mr. Keller, do you think that you can provide that sidewalk without impacting the number of parking spaces?
- The other comment was related to the proposed grading at the future trail.

Eric Keller – Civil Engineer & Planner for the Applicant

- I had an opportunity to speak with Mr. Brancheau earlier today, we have work with the township many times and I am sure we will come up with a solution to this.
- We will take care of it and referenced sheet “6”.
- Addressed Chairman Stanziale’s question regarding the other comments contained in Mr. Brancheau and Mr. Maceira’s report and stated, “there is no issue Mr. Chairman in working those out.”

Jeffrey Rawding – Project Architect

- Gave a brief overview of his professional and educational background, has testified before many boards and all his licensing are in good standing and current.
- Accepted by the Board.
- Referenced drawing “A-101B” dated October 4, 2021, explaining all the proposed changes for the “ADA” garages, and addressed Chairman Stanziale’s questions regarding the bump out for the “ADA” garages.
- Continued with his review.
- Addressed member Giorgio’s question regarding ramp or other access for the person to access the unit from the “ADA” space and or unit.

Township Planner, Blais Brancheau

- I wanted to confirm that the finished floor will not change the heights from what was reported.
- If the engineering plan is correct, it should not.

Jeffrey Rawding – Project Architect

- I can confirm the fact that if the engineering plan is correct that will not change and further elaborated on it.

Eric Keller – Civil Engineer & Planner for the Applicant

- There was extensive testimony at the original hearing about the bulk variances that were required.
- The minor changes do not have any material impact on the visual environment, I would conclude that there is no adverse impact on the adjacent properties to this and that there is no substantial detriment to public good with these minor changes from the approved plan.

Open to the Public for questions and or comments

Fred Meola

- Eric, if you remember when this project first came in, there was an issue of a drainage problem with the property adjacent because of a pipe that was put in high out of the ground, and you were supposed to resolve that, I do not see in the plans where it is being resolved unless I am missing it, I apologize.

Eric Keller – Civil Engineer & Planner for the Applicant

- If you go to sheet “12” there is a note about resetting the grade by the river to eliminate ponding in that area.

Fred Meola

- I know you are a good engineer Eric, if you look at that pipe it was sticking out of the ground at least 12 to 15 inches and then they mounted dirt over it.
- The ground on the other side it is still 12 to 18 inches lower, so lowering the grade unless you are going to cut the pipe in half and lower it to the middle of the pipe you are not going to get it by just adjusting the grade.
- You have to put some kind of structure to allow the water from the low side get into that pipe and out into the river the way it always run.
- Because there used to be a pipe going under the railroad to the river and further explained.
- This is not going to work I am going to tell you outright.
- I have had this discussion with Gerry also.

Eric Keller – Civil Engineer & Planner for the Applicant

- The storm pipe was replaced as part of the “QuickChek” application.
- We have an as built survey from the “QuickChek” engineer, and it indicated that the inverts of this pipe are well below grade.

Fred Meola

- Eric I am telling you, if you look at it you can go out there and see it. Gerry had asked me to give him a drawing, I gave him a concept sketch of what I think would work.
- Proceeded to explained what he thinks would work, my property has become a lake and I would like to see this thing addressed in the resolution somehow so that we do not have this problem again.

- This is the second time I have had to come to a meeting to argue about it and I do not like being a problem.
- I am an engineer also and I do not like to cause these issues, but I do not like being the owner of a lake.

Township Engineer, Gerardo Maceira, P.E.

- I think what we are looking at is probably just adding a stub section of pipe, a kind of backflow preventor so that the river does not back flow back into this property, which is all that is required, and resetting the grade would also provide a benefit. I think we can all work for a solution.
- What I would recommend instead of the note saying, “reset grade,” is modify the structure to eliminate the ponding, and I think we can work out the detail solutions as to what that modification would be and possibly that could be included in the site plan.
- I do not think it is a major issue there, the structure is there, it is just really providing a way that the water that is ponding on that property to be able to access and discharge into the river.

Eric Keller – Civil Engineer & Planner for the Applicant

- I just want to caution everyone that I can not one hundred percent stipulate that we are going to eliminate the ponding, you know there is a wet land there, the topography on that area in certain locations is lower than the adjoining property, and you have the old railroad embankment there that somewhat blocks the flow of water into the river.
- What I will stipulate to is that we will work with the township to come up with the best solution that we can to eliminate or to reduce this issue and further elaborated on it.

Fred Meola

- This issue started when “QuickChek” came in and I brought it up at that meeting and further explained it.
- I just want to have it resolved, I have lived with this problem for six years and I have had trees died back there.
- Mr. Keller is correct; it was designated as a wetland.
- It is not wetlands anymore, we can call it lake Meola, it is constantly under water.

Chairman Stanziale

- Does the “DEP” have a problem with touching the wetlands area that is too wet? Or is that acceptable? Does anybody know that answer?

Eric Keller – Civil Engineer & Planner for the Applicant

- It is not within the wetlands itself and depending on where that activity is, without knowing what sketches Mr. Meola prepared I cannot answer that.

- We have all our permits, and it was not our intent to go back and get any permits associated with this and I am going to stop there because anything else becomes a legal matter and I am only an engineer.

Derek Orth – Attorney for the Applicant

- Mr. Chairman the applicant is not willing to go and seek outside agency permits for these improvements that we are talking about but if it can be accomplished as Mr. Maceira or Mr. Keller suggested with what seemed to be minor modifications as discussed, the applicant is willing to stipulate to do that.

Fred Meola

- This was exactly why the board made the original approval based on this getting straighten out if you had talked to me and if we had straighten it out we would not have to go back for permits so you put yourself under this position and now you are trying to say well we cannot do it anymore because we are not going to go back for more permits, this is what we have been hearing for six years on this project.

Chairman Stanziale

- We need a resolution that is going to cure this problem regardless since it has now become a mosquito problem and what ever other issues that is going to cause, unless somebody can show that it was caused previously it sounds like Fred is telling us that “QuickChek” started this on your property so let us get it fixed.

John Sheridan

- I have a public safety issue that I want to discuss, my concern would be that north side of Parsippany Road which would be the applicant’s frontage.
- I would request that the applicant create a sidewalk or a safety zone between the “QuickChek” and the radius where it leads down to the Whippany River. I appreciate that it would be exceedingly difficult to put a concrete sidewalk there but what I am requesting is a stripe out safety zone representing the sidewalk.
- I asked this in a content that of approximately a mile and a half from the applicant’s property is the Memorial Junior School and further explained.
- I would like the road stripe out in a definition of a pathway so that the children would be in the confines of that area, and it would signal the drivers to slow down that there is pedestrian traffic.
- I am looking for it to be temporary during construction time and I think that there would be a permanent sidewalk put on Parsippany Road on the frontage.

Eric Keller – Civil Engineer & Planner for the Applicant

- Parsippany Road is a county road; they are not going to look favorable upon something that encourages “pedestrian within the shoulder of the roadway” but as you indicated there is a

sidewalk on the other side of the road and it goes up to Whippany Road, they can walk up and cross at the signalized intersection.

- The county requirement for our project is that we have to provide a sidewalk from the bridge of Whippany River, across our entire side frontage until we get to that first single-family home.
- As a professional engineer I am extremely uncomfortable to inviting someone to be there, and further explained.
- I understand Mr. Meola and Mr. Sheridan but when we removed the pavement within our property to build our project it was not a designated sidewalk area, again there is a sidewalk on the other side of the street.
- We did not remove any pedestrian area.
- We have to be careful as to what the message of the sign is.

Attorney for the Board, Joe Tauriello, Esq.

- I think from a Township standpoint for liability that is the proper way to go, the township is exposed otherwise.

Chairman Stanziale

- I have a suggestion for Mr. Sheridan, as to the sidewalk continuing to QuickChek, my suggestion is that you try to work with the county to try and get them to build the remaining part of the sidewalk if possible.

John Sheridan

- I thank you for your time, I was hoping for a more successful outcome.

Fred Meola

- I was going to suggest, the sign should probably go up at the intersection of Mount Pleasant Avenue and Parsippany Road where the signal is, because that is the safest place to cross the kids not by the bridge.

After hearing none, after seeing none

Closed to the Public

A motion to approve the application with conditions was moved by Member Bartell and seconded by Member Fomchenko.

Member Corona, Caruso, Fomchenko, Giorgio, Bartell, Alwell, and Chairman Stanziale voted in favor of approving this application with conditions.

VI. OTHER BUSINESS:

Board Secretary, Kimbely A. Bongiorno, LUA

- Gave an update on the next meeting date and what is on the agenda going forward.

VII. ADJOURNMENT

A motion to adjourn the meeting was made by Member Fomchenko and seconded by Member Bartell. All members present were in favor of adjourning the meeting

Meeting Adjourned at 8:14 PM

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