

Minutes of the Board of Adjustment of the  
Township of Hanover  
April 15, 2021

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

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HANOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY WILL HOLD A REGULARLY SCHEDULED PUBLIC MEETING **BY WAY OF ZOOM WEBINAR ONLY**

**PUBLIC BUSINESS**

**I. STATEMENT BY PRESIDING OFFICER**

Chairman Benjamin Stanziale called the Public Meeting to order at 6:03 PM By Way of Zoom Webinar Only and The Open Public Meetings Act Statement was read into the record.

**II. ROLL CALL**

The Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members: Alwell, Caruso, Corona, Fomchenko, Giorgio, Hingos, Neidhardt and Chairman Stanziale.

Absent were Members: Donaldson.

Also present were: Attorney for the Board Michael Sullivan  
Board Secretary Kimberly A. Bongiorno, LUA  
Township Engineer Gerardo Maceira, P.E.  
Township Planner Blais Brancheau

**III. RESOLUTION TO BE MEMORIALIZED** NONE

**IV. MINUTES** JANUARY 21, 2021

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

A motion to approve the Minutes of January 21, 2021 as written was moved by Member Fomchenko and it was seconded by Member Alwell.

In voice all present voted in favor of approving minutes as written from January 21, 2021.

**V. PUBLIC HEARINGS**

<b>1) CASE NO.</b>	1859
<b>APPLICANT/OWNER</b>	ALEX ASTASHKEVICH
<b>LOCATION:</b>	15 CRESTVIEW TERR.

**BLOCK:** 5407      **LOT:** 20      **WHIPPANY**  
**ZONE:** R-15

Applicant is seeking “C” Variance relief for rear and front yard setbacks to construct a porch and a two-story addition over the existing driveway at the above-mentioned property.

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

<https://www.amazon.com/clouddrive/share/ffuH2TWSD8saNMHA4bEmH9KYRKqUuGy9JJj1VaTdwYF>  
**Board decision due by: APRIL 18, 2021**

Alex Astachkevich – Applicant was sworn in by the Attorney for the Board Michael Sullivan

**Alex Astachkevich – Applicant**

- Gave an overview of the ‘D’ variance and what he is proposing.
- Addressed Chairman Stanziale questions regarding the new proposed addition, setbacks, side yard and explained his reasons to request an addition of such size.
- Addressed Member Giorgio’s question regarding the garage.

Township Engineer Gerardo Maceira P.E. and the Township Planner Blais Brancheau were sworn in by the Attorney for the Board Michael Sullivan.

**Township Engineer Gerardo Maceira P.E.**

- Explained the minimum size of a 2-car garage and further elaborated.

**Alex Astachkevich – Applicant**

- Continued with his testimony.
- Stated he does not have a shed on the property nor intends on having one addressing Member Giorgio’s question.
- Addressed Member Alwell’s question regarding the use of the existing garage.
- Addressed Member Neidhardt’s question and gave his reasons for requesting a garage that size.
- Addressed Member Giorgio’s question and Chairman Stanziale’s question.

Open to the Public for Questions and Comments

After hearing and seeing none

Closed to the Public.

**Township Engineer Gerardo Maceira P.E.**

- Referenced his report dated April 12, 2021 and stated needed further explanation with regards to drainage, conditions '1 & 2' on his report to minimize the water storm impacts for the neighborhood.
- I would consider they are conditions if these were to be approved.

**Alex Astachkevich – Applicant**

- Stated does not have any problems complying with the Township Engineer's report.

**Township Planner Blais Brancheau**

- For the record as my report indicated there is also an addition in the front of the building that was briefly mentioned that also required set back relief and further explained what the violations are and what is being proposed.
- Went over the setbacks that are required.
- Addressed Member Neidhardt's question and reminded them what the 'Flexible C' criteria is.
- Went over the required setbacks and explained this is not a self-created hardship.

Open to the Public for questions and or comments

After hearing and seeing none

Closed to the Public.

**Attorney for the Board Michael Sullivan**

- Summarized as follows; if it is a motion to approve it should include as a condition that they must comply with items '1 & 2' of Mr. Maceira's April 12, 2021 report.

**Chairman Stanziale**

- In addition to that, it should not have any light glare into the neighbors.

**Member Neidhardt**

- Also, that the materials should match that existing structure.

**Township Planner Blais Brancheau**

- Basically, what they are saying is that any light must be shielded so that it does not cause a glare to anyone on the street or to an adjacent property.

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

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

**Board Secretary Kimberly A. Bongiorno, LUA**

- Explained to the Applicant what the next steps are and what he needs to submit.

2)	<b>CASE NO.</b>	1858
	<b>APPLICANT/OWNER</b>	JORGE AND DOLORES PEREIRA
	<b>LOCATION:</b>	92 MOUNTAIN AVE. CEDAR KNOLLS
	<b>BLOCK: 0908</b>	<b>LOT: 7</b>
		<b>ZONE: R-10</b>

Applicant is seeking “C” & “D” Variance approval to construct a new single-family home with related improvements on the above-mentioned property. The existing home is to be razed.

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

[https://drive.google.com/drive/folders/10ETz4D46\\_civXr6zT04xVMfXl\\_jbiu9a](https://drive.google.com/drive/folders/10ETz4D46_civXr6zT04xVMfXl_jbiu9a)

***Board decision due by: MAY 18, 2021***

Jorge and Dolores Pereira – Applicants were sworn in by the Attorney for the Board Michael Sullivan.

**Jorge and Dolores Pereira – Applicants**

- 26 Linda Terrace, Randolph, New Jersey.

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

Rui Armalar – Architect for the Applicant was sworn in by the Attorney for the Board Michael Sullivan.

**Rui Armalar – Architect for the Applicant**

- Registered Architect in the State of New Jersey
- 27 B Nob Hill Drive, Roseland New Jersey.
- Gave his professional and educational background, license is in good standing.
- Accepted by the Board.
- Explained a demolition is being proposed to construct a 1 ½ dwelling with a basement and gave further details.
- The proposed home will fit in well with the type of homes in the neighborhood, and further explained.
- Gave the setbacks, we are proposing a rear deck and patio, so we are requesting an impervious coverage variance and further explained.

- We are working with an undersized lot.
- Went over the second variance and what is being proposed.
- Went over the location of the retention basin and further explained.

**Attorney for the Board Michael Sullivan**

- Clarified as follows; Mr. Maceira issued a memo dated April 12, 2021 there are 8 comments on that list.
- Is there any comment in there that if the application were approved and made subject to, that would be an issue for you?

**Rui Armalar – Architect for the Applicant**

- No

**Attorney for the Board Michael Sullivan**

- You need a waiver because utilities are required under the residential site improvements that all utilities must be under ground and elaborated further.
- Gerry is it all ‘3.’

**Township Engineer Gerardo Maceira, P.E.**

- Yes, it is all ‘3’.

**Attorney for the Board Michael Sullivan**

- Let us go to Mr. Brancheau’s report.
- You did not talk about the minimum driveway setback from the side lot line and further explained.
- Mr. Brancheau comments that ‘this could be easily eliminated by shortening the turnout by ‘2 ft’ are you willing to do that to eliminate the need of a variance?’

**Rui Armalar – Architect for the Applicant**

- Yes.

**Attorney for the Board Michael Sullivan**

- We talked about the waiver that you need for the utilities’ connections.
- Mr. Brancheau talks about possible additional variances relating to replacement trees and further elaborated, I gather, and I want you to tell me; that you are going to comply with all these sections of the ordinances, is that correct?
- Mr. Brancheau also has 4 comments under subheading ‘B’ and I assume that you are going to comply with those too, is that correct?

**Rui Armaral – Architect for the Applicant**

- Yes – I will address the possible variances relating to trees
- Yes – We will comply

**Attorney for the Board Michael Sullivan**

- If there is an approval they would have to comply with paragraphs ‘5,6 &7’ under heading ‘A’ in Mr. Brancheau’s memo.
- You also indicated that they are going to comply with the driveway setback form the side lot line.
- They need ‘2’ variances; they need a variance to permit building coverage and further explained and they also need a variance relating to improvement coverage and further explained.
- They also need an exception form ‘NJAC5:21-3.1’ to prevent over head electric cable, utility lines rather than underground and I think Mr. Maceira indicated that seems consistent with the neighborhood and that he did not have an issue with it.

**Rui Armaral – Architect for the Applicant**

- Addressed Chairman Stanziale’s question.

**Township Planner Blais Brancheau**

- My report was suggesting that if relief were to be granted, not really a ‘C1’ criteria relief hardship.
- If there is a justification it would be more a ‘C2’ and that is the benefit of fitting in with the neighboring homes which are also a ‘1’ story homes.
- Addressed Mr. Sullivan’s question, for purposes of zoning this is ‘1’ story building.

**Rui Armaral – Architect for the Applicant**

- Addressed Member Alwell’s question.

Open to the Public for questions

**Henry Ostendorf**

- My mother owns the property directly west from the project, I think the house looks like a wonderful addition to the neighborhood, very modest in the front, I think it will fit in quite well.
- Is there any variance needed for reconstructing ...?
- I live at 81 Frank Norris street, unit 703, San Francisco, 94109.

**Attorney for the Board Michael Sullivan**

- There is no variance required for the setbacks.

**Closed to the Public.**

**Open to the Public for comments**

Mrs. Wilson was sworn in by the Attorney for the Board Michael Sullivan

**Mrs. Wilson**

- 91 Mountain Avenue
- My only concern is that Mrs. Ostendorf's telephone line runs over the property maybe Henry can assist her to have the telephone line moved so that it is not affected by the construction.
- So, Henry if you are still on maybe you can assist mom with that.
- Welcomed the applicants.

Closed to the Public.

**Open to the Board**

**Township Planner Blais Brancheau**

- Addressed Member Neidhardt's question.

**Board**

- Held an open discussion.

**Township Planner Blais Brancheau**

- Addressed Chairman Stanziale's question.
- Addressed Member Neidhardt's question.

Closed to the Board.

Open to the Public for comments and or questions

After hearing none and seeing none

Closed to the Public.

**Attorney for the Board Michael Sullivan**

- Summarized the conditions of approval as follows; the Applicant stipulated that they would comply with the driveway minimum setbacks from the side lot line that would reduce the improvement coverage by a minimum of 21 sq. ft. so that would be a condition.
- Mr. Brancheau's April 14, 2021 memo, specifically comments 'B1 through B4' would be a condition of approval.

- Mr. Maceira's April 12, 2021 memo comments '1 through 8' would also be a condition of approval.
- Jumping back to Mr. Brancheau's memo where he sites items '5, 6 & 7' as possible variances, the applicant stipulated that they would also comply with those provisions so that would also be a condition of approval.

### **Chairman Stanziale**

- We need to also add the lighting issues we brought up earlier.

A motion to approve the application with conditions under the variance 'C2' was moved by Member Giorgio and it was seconded by Member Hingos.

Members Alwell, Caruso, Fomchenko, Giorgio, Hingos, Neidhardt and Chairman Stanziale voted in favor of approving the application with conditions under the variance 'C2.'

### **VI. OTHER BUSINESS:**

None

### **Board Secretary Kimberly A. Bongiorno, LUA**

- Gave the dates of future meetings.

### **Board**

- Held an open discussion relating to the way in which meetings will be held in the future and everyone's well-being.

### **VII. ADJOURNMENT**

A motion to adjourn was made by Member Hingos and it was seconded by Member Fomchenko.

Meeting Adjourned at 7:38 PM

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