

Minutes of the Board of Adjustment of the
Township Of Hanover
July 20, 2017

Chairman Stanziale called the Meeting to order at 7:40PM 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, Donaldson, Fomchenko, Neidhardt, Stanziale and Walsh

Absent were Members: Hingos, Iradi (unexcused) and Linfante

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

Public Business Presented

I. RESOLUTION TO BE MEMORIALIZED

1)	CASE NO.	1749-R1 (formerly Dutcher)
	APPLICANT/OWNER	NICOLA & NICOLE MARUCCI
	LOCATION:	54 OAK BOULEVARD
		CEDAR KNOLLS
	BLOCK: 1311	LOT: 6
		ZONE: R-10

Applicant sought amended approvals/variances for approvals granted August 21, 2014 and resolution memorialized September 18, 2014 for the variances granted for the addition to the home, pool, patio and deck. Approved June 15, 2017

A motion to approve the resolution as written was moved by Member Neidhardt and seconded by Member Walsh.

Members Caruso, Fomchenko, Neidhardt, Walsh and Chairman Stanziale were all in favor.

II. MINUTES JUNE 15, 2017

A motion to approve the minutes for June 15, 2017 was moved by Member Walsh and seconded by Member Fomchenko.

Voice vote, all present Members were in favor.

III. ADOPTION OF THE 2016 ANNUAL REPORT

Blais Brancheau – Township Planner

- Sworn in by Board Attorney.
- Gave an explanation of the reason why this report is done.
- This is a feedback mechanism to tell the Planning Board and Township Committee the issues that the Board is seeing and what they believe needs to be updated, clarified and corrected.

Mr. Walsh

- Had some questions regarding the recommendations that were made and have not been acted upon.

Mr. Brancheau

- Explained that the Planning Board is aware and he will mention some issues in next year's report.

Mr. Neidhardt

- Praised Blais that he did an outstanding job analyzing the setbacks and driveway issues that the board has been seeing.

A motion to approve and adopt the 2016 Annual Report as written and to be submitted to the Planning Board and Township Committee was moved by Member Walsh and seconded by Member Fomchenko.

Members Caruso, Fomchenko, Neidhardt, Donaldson, Walsh and Chairman Stanziale were all in favor.

IV. PUBLIC HEARINGS

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|----|------------------------|--|
| 1) | CASE NO. | 1803 |
| | APPLICANT/OWNER | DONALD C. GODFREY |
| | LOCATION: | 120 AND 122 RIDGEDALE AVENUE
CEDAR KNOLLS |
| | BLOCK: 1404 | LOT: 21 |
| | | ZONE: R-10 |

Applicant is seeking a preliminary and final site plan, "C" & "D" variances and a certification of a nonconforming use/structure. Case partially heard and carried from June 6, 2017

Board decision due by: AUGUST 31, 2017

Matthew Posada – Attorney for the Applicant

- Gave an overview of the application and reminded the Board what was presented at the previous meeting on June 6, 2017.
- The applicant has trimmed the bushes, removed one shed, added mulch and submitted the demolition permits to the construction department.

Fred Meola – Engineer for the Applicant

- Sworn in by Board Attorney
- Discussed the changes to the plans.
- Applicant removed one shed and took permits out to take down the remaining two sheds.
- Described the revisions on the plans per the Board's request.
- Discussed the paving on the side of the house and the amount proposed would reduce the coverage by 1%.
- If the Board wants the blacktop removed they can remove a little more blacktop which would reduce the coverage by another 1%.

Mr. Brancheau

- Questioned the upper right corner of the property and putting landscaping over the manholes.

Mr. Meola

- Applicant will reserve two spots and mark them reserved for tenants.

Mr. Brancheau

- Sworn in by Board Attorney.
- He would like to see a small sign at the top of the parking spots to show reserved for tenants.
- Suggested that they have signs since the paint markings wear off and are not visible when snow covered and to mark the wheel stops residential only

The Board discussed where the wheel stops should go and which spots would be residential or commercial.

Opened to the public
Seeing and hearing none
Closed to the public

Mike Pessolano – Planner for the Applicant

- Sworn in by Board Attorney
- Gave an overview of his educational and professional background.
- Accepted by the Board.
- Gave an overview of his review for the plans.

- Exhibit A-1 which is a two page photographic aerial photo and the street view of the applicant's property.
- Gave an overview of the history of the property and the variety of uses even before zoning came into play.
- The variances being bulk relief, sign in residential use and coverage.
- Discussed the history of uses on the property and there was never an intention to abandon the mixed uses on this property.
- Negligible public impact to the public due to the low impact uses.
- Warranty for D1 variance and also the bulk relief.
- Positive repurposing of the site with a low impact use of the property.

Opened to the public
Seeing and hearing none
Closed to the public

Chairman Stanziale

- He wants them to paint the chimney, take care of the railroad ties and to upgrade the mailbox.
- He also wants 5 ft. of pavement in the back for an oil tank.

Mr. Brancheau

- Wants clear guidance and guidelines from the Board on what they are approving so that the zoning officer has a clear picture of what was approved.
- He believes there should be a time deadline for compliance with the resolution and conditions.
- He suggests four months as a time deadline.

Mr. Posada

- Agreed to the four months on behalf of his client.

Mr. Brancheau

- Cautioned the Board on granting variances that run with the property rather than giving a prior non-conforming structure a use.
- The *Use* clearly needs a variance approval.

Mr. Maceira

- Sworn in by Board Attorney.
- Discussed the conditions that need to be met with regard to the outside agencies and clarification on property boundaries.

Mr. Posada

- Asked if they could approve it as office use if the small appliance repair place is vacated.

Board

- If there is any change in type of *use* the applicant must come back to the Board for approval.

Opened to the public
Seeing and hearing none
Closed to the public

A motion to approve with conditions was made by Member Walsh and seconded by Member Neidhardt.

Members Caruso, Fomchenko, Neidhardt, Donaldson, Walsh and Chairman Stanziale were all in favor to approve with conditions.

The Board took a ten minute break.

2)	CASE NO.	1809
	APPLICANT	AIR LIQUIDE ADVANCED TECHNOLOGIES, LLC
	OWNER	MELILLO REALTY GROUP LP
	LOCATION:	715 ROUTE 10 EAST WHIPPANY
	BLOCK: 8803	LOT: 7.01 ZONE: B-1

Applicant is seeking preliminary and final site plan and “C” & “D” variances in order to construct a hydrogen gas fueling facility and dispenser at the above captioned property.

Board decision due by: July 31, 2017

Judith Fairweather – Attorney for Applicant

- Proposing a hydrogen fueling station.
- Gave an overview of the witness list for tonight.

Christopher Santucci – Mechanical Engineer for Toyota

- Sworn in by Board Attorney.
- Gave an overview of his work history.
- Only one other state in the United States has a hydrogen fueling station and it's in California.
- California has twenty- eight fueling stations and four to five more are being constructed next year.
- Gave an overview of the Toyota Hydrogen car.
- It needs electricity to power the vehicle.
- It is now developing in Massachusetts, New York, Rhode Island and Hartford, Connecticut.
- The plan for the hydrogen car is to be sold during the first quarter of next year in the Boston area throughout 2018 and expanding the eastern corridor.
- They are building service stations prior to the release of the cars due to the fact that they need stations to fuel cars. You can't sell the cars if there is nowhere to refuel.
- The car can travel over 300 miles on the highest charge and the owner of the car would get free fuel for up to 15k for the first three years of ownership.

Mr. Walsh questioned the adoption of common standards.

Mr. Santucci

- It will be an automotive standard fit for filling port.
- There would be two tanks with about 60 liters and it would take three to five minutes to fill.
- The station will be unmanned and 24 hour service.
- He discussed the sales process of the hydrogen cars.
- The purchasers are interviewed by Toyota and have to be approved to purchase a hydrogen vehicle and then will work with their own representative from Toyota.
- He anticipates maybe two dealerships to start and it will increase over time.

Opened to the public

Seeing and hearing none

Closed to the public

Dr. JoAnn Milliken – Independent Subject Witness

- Sworn in by Board Attorney.
- Here as an independent subject matter witness.
- Gave educational and professional background.
- US Department of Energy has spent several billion on hydrogen fuel research to eliminate our dependence on other countries.
- Explained briefly how hydrogen is made.

Opened to the public

Seeing and hearing none

Closed to the public

Aaron Harris – Director of Hydrogen Technology

- Sworn in by Board Attorney
- Gave an overview of his educational and professional background.
- Discussed how the hydrogen is transferred to the vehicle.
- The customer would swipe their credit card and then onscreen instructions will come up on how to fuel. Then they would push the button to start fueling.
- While you are fueling the station needs to cool the gas which is the heat of compression.
- The gas is precooled before it is pumped into the car.
- The biggest issue is the point of sale or card reader not working.
- The roll out of stations here in the northeast will be at a measured pace.
- This station will have one fueling point and will have a driver deliver every day.
- Described what comes out of the black charged heater exchange.
- It is a salt solution so that it can handle cold temperature of negative 40 degrees.
- If the nozzle is not locked properly on the vehicle it will not pump fuel.
- Fueling trucks are a lower profile and it's the size of a beer truck but there may be a tube trailer type truck for deliveries.
- The station produces a fan and a refrigerator noise at very low volumes.
- Tube trailers meet the DOT standards.
- There is no access into the equipment area unless you have the proper clearance.
- If a station vacates a site there is not an environmental cleanup like a regular gas station.
- There have been zero hydrogen station fires and the hours of operation is twenty-four hours a day, seven days a week.
- They work with the dealers so the opening of the station and getting cars on the road are done simultaneously.
- There would be security cameras on the site.
- The system would be grounded and bonded.

Joseph Hampson - Engineer for the Applicant

- Sworn in by Board Attorney
 - Gave an overview of his educational and professional background.
 - Exhibit A-1 Page z2 with colored markup of site.
 - Described the driving flow of the site.
 - We can do a driveway going in on the west driveway and out on the east.
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- If any trees are removed it will be subject to the tree ordinance.
 - Reusing the existing sign structure on the site and which would need a variance for the externally illuminated signs.
 - There would be no bathroom facilities on site, but the site would have two parking spaces and a handicap space as well.

Mr. Brancheau

- The code allows for directional signs.

Mr. Hampson

- Accepts all conditions in the Township Engineer's report dated July 20, 2017.

Mr. Harris

- Each station has a meter and posts the price of the hydrogen on the sign at the pump.

Mr. Santucci

- Explained how the fueling card works.
- There is a fueling card that operates as a credit card and you can only buy hydrogen on it.

Ms. Fairweather

- It needs a variance for the distance to the residential property.

Mr. Hampson

- Described the area between the residential zones.
- Exhibit A-2 Aerial photo of PQ.
- The aerial shows heavy trees, shrubs and a stream which is between the proposed building and nearest residential property.

Opened to the public

Fred Meola – 28 Whippany Road

- Questioned, if pumping your own gas is legal?
- There is a daycare across the highway; what if something happens?

Mr. Harris

- It is equivalent of 200 gallons. A regular gas station has around 40,000 gallons underground.
- Discussed how they work with first responders and how they train the emergency personal.
- When the station goes live is when the first responders get trained.

Board let Ms. Fairweather know that the professionals who testified this evening will not be required to return for the remaining hearings due to the fact they were from out of state and the board was able to ask all of the questions that they felt they needed to this evening.

Case was partially heard and carried to September 5, 2017.

V. ADJOURNMENT

Meeting Adjourned at 11:12P.M.

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