

Minutes of the Board of Adjustment of the  
Township Of Hanover  
May 1, 2018

Chairman Stanziale called the Meeting to order at 7:45 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: Alwell, Caruso, Donaldson, Fomchenko, Hingos, and Chairman Stanziale.

Absent were Members: Neidhardt and Walsh

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

**Public Business Presented**

**I. RESOLUTIONS TO BE MEMORIALIZED**

The following resolutions are being deferred to a later date.

- 1) **CASE NO.** 1819  
**APPLICANT/OWNER** DEBORAH CHIMENTO  
**LOCATION:** 94 REYNOLDS AVE.  
WHIPPANY  
**BLOCK: 7701** **LOT: 1** **ZONE: R-15**
  
- 2) **CASE NO.** 1813  
**APPLICANT/OWNER LOT 25** SADDLELAKE REAL ESTATE LLC  
**OWNER LOT 26.02** EUGENE AND CHRISTINE FRAZIER  
**LOCATION:** 41 & 39 RIDGEDALE AVE.  
CEDAR KNOLLS  
**BLOCK: 2701** **LOTS: 25 & 26.02** **ZONE: R-25**
  
- 3) **CASE NO.** 1783  
**APPLICANT/OWNER** JEFFERSON PROPERTIES MANAGEMENT  
& DEVELOPMENT LLC  
**LOCATION:** 40 SOUTH JEFFERSON ROAD  
WHIPPANY  
**BLOCK: 2904** **LOT: 4** **ZONE: I**

Mr. Brancheau gave an update on the difficulties of getting this resolution ready for adoption and the Board had an open discussion regarding this resolution and the issues the Board Professionals are having with the applicant in getting this resolution. The Chairman said that at the next meeting, June 5<sup>th</sup>, this resolution will be adopted.

- 4) **CASE NO.** 1660-R3  
**APPLICANT/OWNER** 101 WHIPPANY ROAD LLC  
**LOCATION:** 101 WHIPPANY RD.  
 WHIPPANY  
**BLOCK:** 5801 **LOT:** 6 **ZONE:** R-25

The following resolutions were memorialized

- 5) **CASE NO.** 1820  
**APPLICANT/OWNER** GREGORY HUBBARD  
**LOCATION:** 32 CRESCENT DR.  
 WHIPPANY  
**BLOCK:** 5604 **LOT:** 6 **ZONE:** R-15

Applicant sought “C” variance relief in order to construct a one-story addition and deck at the rear of an existing single-family dwelling. Applicant sought relief from the side yard requirements. Application approved March 15, 2018.

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

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

- 6) **CASE NO.** 1821  
**APPLICANT:** ANTHONY USAVAGE  
**OWNER:** ANTHONY & SAMANTHA USAVAGE  
**LOCATION:** 51 LOCUST DR.  
 MORRIS PLAINS (CEDAR KNOLLS)  
**BLOCK:** 501 **LOT:** 7 **ZONE:** R-15

Applicant sought “C” variance relief in order to construct a fence that is located in the second front yard on a corner lot along Poplar Drive. Application approved with modifications and conditions April 3, 2018.

A motion to approve the resolution as written was moved by Member Hingos and seconded by Member Alwell.

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

**II. MINUTES – April 3, 2018**

A motion to approve the minutes as written was moved by Member Fomchenko and seconded by Member Hingos. There was a voice vote and all those present were in favor.

**III. PUBLIC HEARINGS**

- |    |                        |  |
|----|------------------------|--|
| 1) | <b>CASE NO.</b>        | 1822   |
|    | <b>APPLICANT/OWNER</b> | JOHN AND JULIE VALES                         |
|    | <b>LOCATION:</b>       | 29 GAIL ROAD<br>CEDAR KNOLLS (MORRIS PLAINS) |
|    | <b>BLOCK: 302</b>      | <b>LOT: 19</b>                               |
|    |                        | <b>ZONE: R-25</b>                            |

Applicant is seeking “C” variance relief in order to construct a second floor above an existing one story ranch home with the expansion of an existing family room and the construction of a wood deck. Applicant failed to serve notice – case carried to June 5, 2018.

***Board decision due by: JUNE 28, 2018***

- |    |                        |                                  |
|----|------------------------|----------------------------------|
| 2) | <b>CASE NO.</b>        | 1823                             |
|    | <b>APPLICANT/OWNER</b> | VICTOR AND JOAN FEDSCHUN         |
|    | <b>LOCATION:</b>       | 19 BOULEVARD RD.<br>CEDAR KNOLLS |
|    | <b>BLOCK: 2601</b>     | <b>LOT: 11</b>                   |
|    |                        | <b>ZONE: R-25</b>                |

Applicant is seeking a “D” use variance to permit the property to continue to operate as a two family rental home.

***Board decision due by: June 9, 2018***

Alise Hubbard – Attorney for the applicant

- They are here seeking a variance for a two family dwelling.

Victor and Joan Fedschun were sworn in by the Board Attorney.

Jessica Caldwell – Planner for the applicant

- Sworn in by the Board Attorney.

Mr. Fedschun

- Has owned this property since 1954.

- Exhibit A-1: Photo board of home and the surrounding area.
- The family of Mr. Fedschun has lived in this space.
- Parents and children lived downstairs and the grandparents lived upstairs.
- The first floor used to be a store but the Fedschun's never used the downstairs as a store.
- It has been used as two separate living spaces since the 1950's.
- There has been work done on the home and permits were all issued as two separate units.
- They want to get permission to continue using the downstairs as a rental unit as the upstairs is currently being legally rented.
- Described the layout of the home.
- There is front access to the downstairs and there is another porch in the rear with access to the downstairs through that as well.
- On the side of the building there is a side entrance that goes upstairs.
- There is also a cellar entrance in the rear that goes to the basement and provides access to both the first and second floor.
- Believes the store was built in the 1930's.
- In approximately 1966 the state bought a portion of the rear of the property in order to construct route 287.
- The state took over 5 acres of the 9 acres that the Fedschun's originally owned.
- They never received any complaints from the neighbors.

Ms. Fomchenko

- Questioned the utilities on the home and how many sewer and water bills are paid.

Mr. Fedschun

- There is one water bill and one sewer bill that are currently issued for this property.

Chairman Stanziale

- They are not seeking a certification of existing non-conforming use, they are seeking a variance.

Mr. Fedschun

- When the sewers were put in in approximately 1960 the building was already being used as a two family home.

Chairman Stanziale

- Question Mr. Fedschun regarding who lived in the home.

Mr. Fedschun

- His grandfather and father both passed away in 1992.
- Gave an overview of the tenants that occupied each unit over the years.

- There are 3 bedrooms upstairs and 3 bedrooms downstairs.
- There are 2 gas meters, 2 heating units, two water heaters, and the tax roll has it listed as a two family home.
- Exhibit A-2: Tax property record card dated 9/29/2016.
- BA-1: Property record card dated 3/27/2012

Open to the public

Seeing and hearing none

Closed to the public

Jessica Caldwell – Planner for the applicant

- Gave background of educational and professional planning experience.
- Accepted by the Board as a Professional Planner.
- Gave overview of how she prepared her testimony for this evening.
- Described where the property is located within the town.
- Located in the R-25 zone which is a single family residential zone.
- Went over the permitted uses in the R-25 zone.
- The lot is slightly larger than the required minimum lot.
- Approximately 1,000 ft. from the property is a multi-family residential zone.
- Described the proofs required for the D1 variance they are requesting.
- Gave an overview of why she feels this site is particularly suited for the two family use.
- The site is oversized for this zone and she feels it has sufficient space for a two family dwelling.
- Does not feel that there is any substantial detriment to the neighborhood.

Mr. Bernstein

- Discussed how the resolution could be written so that the two family use would be only for this structure.

Mr. Brancheau – Township Planner

- Sworn in by the Board Attorney
- Described how the two family use could be approved for this structure only.
- They can limit the variance to only the existing structure.
- Hanover's first zoning ordinance was written in 1946. The structure was built in the 1930's prior to the zoning ordinance as a mixed use structure.

Opened to the public

Seeing and hearing none

Closed to the public

Mr. Brancheau

- Reviewed his report dated March 29, 2018.
- If the Board were to approve he would recommend certain conditions to guarantee a low key two family use.

Ms. Caldwell

- Exhibit A-3: Photo array of the interior of the home.

Board took a short break

Back on record after a short break at 9:26pm.

Mr. Fedschun

- Described the photos in exhibit A-3.
- Described the floor plans of each floor.
- This structure was never a conforming single family unit.
- It never functioned as one unit.
- It has always functioned as two separate units, with the store and the apartment or two apartments.
- Described how the doors that separate the apartments work.
- All of the upstairs walls are plaster.
- Downstairs only the exterior walls are plaster and the interior walls are sheetrock.
- This home is one of a kind.

The Board deliberated

- Questioned Blais regarding how to lessen the impact of the two family unit.
- They could limit the number of bedrooms.
- Limit the number of cars that would be parked onsite.
- The variance would be limited to this structure only.
- Discussed what conditions they would approve with this application.
- There can be a maximum of four cars on the property.
- They will contact the Sewerage Authority about their connection.
- There can be no boarders.

A motion to approve with conditions was moved by Member Hingos and seconded by Member Alwell.

Members Alwell, Caruso, Fomchenko, Hingos, Donaldson and Chairman Stanziale all voted in favor of approving with conditions.

<b>3)</b>	<b>CASE NO.</b>	<b>1825</b>
	<b>APPLICANT/OWNER</b>	<b>WILLIAM AND KATHRYN MCSORLEY</b>

**LOCATION:** 2 COUNTRYWOOD DR.  
CEDAR KNOLLS (MORRIS PLAINS)  
**BLOCK:** 904      **LOT:** 3      **ZONE:** R-15

Applicant is seeking “C” variance approval in order to construct a second story addition to an existing single family dwelling, enclose an existing screened porch, and install a portico over an existing stoop at the front entrance of the dwelling.

***Board decision due by: August 2, 2018***

Mr. Caruso and Mr. Hingos recused themselves from the application.

Mr. and Mrs. McSorley were sworn in by the Board Attorney.

Jeffrey McEntee – Architect for the applicant

- Sworn in by the Board Attorney.

Mrs. McSorley

- Described how they chose this home to purchase.
- Gave an overview of their family structure and their involvement within the community.
- Their goal is to modernize the house, increase space, and create a master suite to make it a four bedroom house.
- Exhibit A-1: A photo board showing a house in the neighborhood with similar additions.

Mr. Brancheau – Township Planner

- Sworn in by the Board Attorney.
- The application is for a side yard setback.
- Gave reasons as to why the side yard setback is triggered.
- While the current building complies, the code says that as the building gets taller the setback increases and the addition is about 2 ½ ft. into that setback.

Mrs. McSorley

- The neighbor is 30.5 ft. away.

Mr. McEntee – Architect for applicant

- Gave an overview of the architectural style of the existing home.
- Described what the proposed addition will consist of.
- Adding a master suite.
- The only change to the footprint is adding a roof and columns to the front porch and a roof overhang above the garage door.
- They are seeking a side yard setback.

- They are not enclosing the front porch.
- There will be a sufficient angle for the fire department to get a ladder to the second floor if need be.

Mr. Brancheau

- Questioned the stairs from the deck to the ground.

Mr. McEntee

- They can move the stairs.

Opened to the public

Diana Morgan – 4 Countrywood Drive

- No objection to this addition and they are direct neighbors.

Gian Carlo Intili – 1 Countrywood Drive

- Lives directly across the street.
- Has no objection to the addition.

Closed to the public

Conditions were summarized by the Board Attorney

- The exterior will all match.
- The lights will not glare and bother the neighbors.
- They will not enclose the front porch.
- They can change the stairs as long as they do not create a new variance.

Motion to approve with conditions was moved by Member Fomchenko and seconded by Member Alwell.

Members Alwell, Fomchenko, Donaldson, and Chairman Stanziale voted in favor of approving with conditions.

#### **IV. ADJOURNMENT**

Motion to adjourn was moved by Member Fomchenko and seconded by Member Alwell.

Meeting Adjourned at 10:27 P.M.



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