

**Minutes of the Board of Adjustment of the
Township Of Hanover
October 18, 2012**

Chairman Benjamin Stanziale called the Meeting to order at 7:36 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: Donaldson, Fomchenko, Hingos, Linfante, Olsen, Stanziale, and Vigilante

Absent were Members: Filipescu, and Lupo

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

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- 1) **CASE NO.** 1723
APPLICANT/OWNER JAMES AND ROBIN PECK
LOCATION: 41 MCNAB AVENUE CEDAR KNOLLS
BLOCK: 609 **LOT:** 13 **ZONE:** R-25
Applicant sought approval to complete construction of a 10'X 9'6" shed which was partially constructed. The applicant sought relief from section 166-114B (4). Application approved October 2, 2012

Motion to approve resolution as written.

Moved by Member Vigilante, Seconded by Member Hingos

Members Voting "AYE" Vigilante, Fomchenko, Hingos, Olsen, Donaldson, and Stanziale

Members Voting "NO" None

- 2) **CASE NO.** 1725
APPLICANT/OWNER JOSEPH A. & DOROTHY PRIMAVERA
LOCATION: 202 CAMBRIDGE STREET WHIPPANY
BLOCK: 8303 **LOT:** 2 **ZONE:** R-40

Applicant sought permission to construct a second story addition to the existing residence, enlarge the front porch and revise the walkway.

Member Stanziale – Recused from the resolution and discussion Member Linfante took over chairing the meeting

Daniel Bernstein – Board Attorney – Revised parking plan

- Landscaping in front - landscape buffer should be submitted to Board and considered on public notice
- Clarified the amendment

Alice Juliano – 35 Heritage Lane – Addressed some points discussed in meeting are not in resolution

- Lighting time should be added
- Parking questioned if it could be stated that parking cannot be in rear of the building
- Questioned occupancy and not renting out to third party being added
- Limited to owner occupancy
- Questioned fencing and maintaining - and permanently maintaining

Daniel Bernstein - Board Attorney – Will reword that the fence is to be permanently maintained

Alice Juliano - Read statement into the record stating how disappointed she was with the board's decision for allowing this use

Motion to approve with amendments per Daniel Bernstein Board Attorney

Moved by Member Olsen, Seconded by Member Vigilante

Members Voting “AYE” Vigilante, Fomchenko, Olsen, and Linfante

Members Voting “NO” None

Member Stanziale – Resumed chairing the meeting

II. MINUTES - September 20 and October 2, 2012

Motion to approve as written.

Moved by Member Olsen, Seconded by Member Fomchenko

Voice Vote All Present in Favor

III. PUBLIC HEARINGS

- | | |
|--------------------|-----------------------|
| 1) CASE NO. | 1724 |
| APPLICANT | Whippany Lodging, LLC |
| OWNER | Hanover Associates |

LOCATION: 1255 Route 10 East Whippany
BLOCK: 1102 **LOT:** 2 **ZONE:** I-B

Applicant is seeking Preliminary and Major Site Plan approval as well as relief from sections 166-147B, 166-147D, 166-147D(5), 166-147C(1), 166-147C(3), 166-147E(1), 166-147E(1)(c), 166-147E(1)(d), 166-147E(1)(e), 166-147E(1)(f), 166-141E(1), 166-141E(2), 166-141E(3). As well as per the Township Planners report dated October 11, 2012 five additional variances may be required for additional violations but clarification is needed prior to making this determination.

Board decision due by: January 13, 2013

Joseph O'Neil - Attorney for the applicant

Adnan Khan - Engineer for the applicant sworn by board attorney - Gave overview of education and professional qualifications

Exhibit A-1 site plan prepared dated November 7, 2000 part of application for Prime Hospitality - Reviewed the approved site plan from 2001

- Reviewed survey dated January 3, 2011
- Discussed parking spaces existing and proposed
- Current proposed are 167
- Addressed signage and deviation of setback - foyer

Blais Brancheau - Township Planner - Sworn by board attorney - Spoke with construction official regarding status of diner regarding seating and signage

- Seating plan submitted as site plan exemption but as seating is currently configured
- Will need parking variance
- Explained how site plan exemption process works and what would require the diner currently proposed at the front of the site to come before the Board
-

Joseph O'Neil – Attorney for the applicant - Diner would have 140 seats

Blais Brancheau – Township Planner and Daniel Bernstein – Board Attorney - Discussed public notice regarding diner application as part of this application and the notice that should be required

Joseph O'Neil – Attorney for the applicant - Ready to proceed without including the restaurant

- Would have difficult time going forward tonight including the diner because they were not aware of the diner going forward

Board – Joseph O'Neil - Applicant attorney and Blais Brancheau – Township Planner

- Discussed the diner
- Existing signage - new signage - and how this application should proceed

Board Decision - Diner will come in under new separate application

Adnan Kahn – Engineer for the applicant - Signs were just recently resurfaced
- Pylon sign

Blais Brancheau – Township Planner - Referred to plans that were submitted to the building department for a sign permit from 2009

Member Linfante - Sign wasn't refaced - it was a new sign and is 20 feet high and should be treated as a new sign

Joseph O'Neil – Attorney - would like to amend application and make the application for the Pylon sign 20 feet high

Adnan Kahn - Engineer for the applicant - Speaks to signage regarding the Econo Lodge

Blais Brancheau - Township Planner - Discussed the old signage sizes

Adnan Kahn – Engineer for the applicant - Addressed the Pylon sign and the size of the Econo Lodge sign and the Restaurant sign on the pylon and the Econo Lodge sign on the building and the reasons for needing the size of the sign and the size of the lettering needed for safety

- Discussed the signage on the front of the building
- Site plan the front of the building is Econo Lodge and rear is Americas Best Suites
- Building signs are needed to identify the reception for the Econo Lodge and the large canopy in the rear identifies the Americas Best Value Inn
- Discussed the size of the canopy signs referred to sheet C-03 in the plan set dated August 13, 2012
- Pending Department of Transportation approval will be making the driveway a two way driveway at the Eastern side
- Directional signs will be lit 24 hours
- Gave the locations of the directional signs
- Directional signs are 4 feet by 2 feet and require a variance height is 3 ft. 8 inches - size needed for visibility from the public

10 minute break

Back on record

Reviewed the Township Engineers – Gerardo Maceira - review dated October 12, 2012 and will comply with all recommendations and outside agencies reports

Member Linfante - 3 sea containers on site should be removed from the site and the site is in deplorable condition especially the site of the pool

- There should not be 3 forty foot storage containers - should be removed from the site

Joseph O'Neil – Attorney for the applicant - The trailers will be removed by the end of the year

- After consulting with clients - Trailers will be removed within 30 days - by November 15th the containers and trailer will be removed

Blais Brancheau – Township Planner - Questioned the testimony regarding the height of the pylon sign - The thickness of the Econo Lodge sign on the building

- Discussed the sign dimensions with Adnan Kahn - Engineer for the applicant
- Discussed the lighting of the signs on the site
- Reviewed planners report dated October 11, 2012
- Discussed hours of sign illumination

Adnan Kahn – Engineer for the applicant - Signs will only be illuminated at night

Daniel Bernstein - questioned Adnan Kahn Engineer for the applicant - Regarding the discrepancies in the dimensions of the signs on the plans and what is actually on the site

Blais Brancheau – Township Planner - clarified the difference between DIRECTORY and DIRECTIONAL signs

Case Carried to January 17, 2013

Joseph O'Neil – Attorney for the applicant - Gave consent until the end of January 2013 for board decision

Mehul Niak is the lease holder for the property - containers will be empty by November 15 and will request the container company pick them up as soon as possible

Applicant and attorney agree to have all Sea Container and trailers removed by November 15, 2012

Will send certified letter to the container company with copy to Board Secretary Kimberly Bongiorno

Meeting Adjourned at 10:27 P.M.

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