

**Minutes of the Board of Adjustment of the
Township Of Hanover
February 16, 2012**

Chairman Benjamin Stanziale called the Meeting to order at 7:34 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: Fomchenko, Hingos, Linfante, Stanziale, and Vigilante

Absent were Members: Filipescu, Lupo, and Olsen

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

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- 1) **CASE NO.** 1600
 APPLICANT/OWNER Mike & Ivana Thierwechter
 LOCATION: 114 Whippany Road Whippany
 BLOCK: 4402 **LOT:** 7 **ZONE:** R-25
 Applicant proposed to construct a deck at the subject premises. Applicant is acquiring an easement from the adjacent property owner, Mar-Kids Properties, Inc. to accommodate the existing driveway encroachment. Applicant sought relief from sections 166-170C, 166-170B AND 166-154. Application approved January 19, 2012

Motion to approve
Moved by Member Linfante, Seconded by Member Fomchenko
Members Voting "AYE" Fomchenko, Hingos, Linfante and Stanziale
Members Voting "NO" None

- 2) **CASE NO.** 1711
 APPLICANT/OWNER Robert & Kathleen Sircovitch
 LOCATION: 268 Malapardis Rd. Morris Plains
 BLOCK: 301 **LOT:** 24.01 **ZONE:** R-25
 Applicant sought to convert an existing garage into a shed. No improvements are proposed. Applicant sought relief from section 166-114B (8) (d). Application approved January 19, 2012

Motion to approve
Moved by Member Linfante, Seconded by Member Hingos

Members Voting "AYE" Fomchenko, Hingos, Linfante and Stanziale
Members Voting "NO" None

- 3) **CASE NO.** 1696
APPLICANT Whippany Lodging, LLC
OWNER Hanover Associates
LOCATION: 1255 Route 10 Whippany
BLOCK: 1102 **LOT:** 2 **ZONE:** IB

Applicant has submitted an "A" appeal of the Building Officials Determination of the violation of Section 166-150(F) (6). Applicant has submitted a "b" appeal requesting the board to interpret Section 166-150 (F) (6). Applicant is requesting a conditional Use variance pursuant to N.J.S.A40:55D-70 (d) (3). Applicant is also requesting amended site plan approval to include the changes of Conversion of one motel unit to an office for the motel and the previously installed canopy. On January 19, 2011 the decision of the Zoning Officer is reversed and the Board interprets the current operation of the EconoLodge and America's Best Value Inn at 1255 Route 10, Whippany to be in conformance with Hanover Township Zoning Ordinance Section 166-150F(6), and to not increase or alter the existing violation of 166-115B.

Board discussed and added a condition that the applicant must apply within 45 days for site plan and variances to bring site up to compliance with conditions

Motion to approve reversal of zoning officers' decision with conditions and amendments added 45 days to have deemed complete site plan application
Moved by Member Linfante, Seconded by Member Hingos
Members Voting "AYE" Fomchenko, Hingos, Linfante and Stanziale
Members Voting "NO" None

II. MINUTES - December 15, 2011 & January 19, 2012

Moved by Member Fomchenko, Seconded by Member Linfante
All present in favor

III. OLD BUSINESS

- 1) **CASE NO.** 1697
APPLICANT Waseem Enterprises, LLC
OWNER Didit Once Again, LLC
LOCATION: 730 Route 10 West Whippany
BLOCK: 8801 **LOT:** 11 **ZONE:** B

This is a continuation of the hearings commenced by the Board on April 21, 2011 and continued on May 19, 2011 and November 3, 2011. The Applicant has filed revised plans with the Zoning Board that reflect certain changes discussed at the November 3, 2011 hearing, including, but not necessarily limited to, (i) a change in signage to reflect the branding of the proposed gas service facility to 7-Eleven

(i.e., the same as the convenience store) (eliminating a previously requested variance); (ii) the single two-way driveway access which was centered along Route 10 has been revised so that the exit driveway is located further west; (iii) the proposed canopy signs have been reduced from 13.44 sq. ft. to 9 sq. ft. each; (iv) the pump signage has been reduced from 14.90 sq. ft. to 2.71 sq. ft. per filling location (eliminating a previously requested variance); (v) the freestanding sign has been reduced from 78 sq. ft. to 60 sq. ft.; (vi) the sign clearance has been increased from 7 ft. to 10 ft. (eliminating a previously requested variance); (vii) the width of the proposed driveway has been reduced from 40 ft. to 25 ft. (eliminating a previously requested variance); (viii) the gas station logo sign has been reduced from 36 sq. ft. to 35 sq. ft. (eliminating a previously requested variance).

In connection with the foregoing, the Applicant seeks all variances, waivers, exceptions and other relief necessitated by the plans it has currently filed with the Board, together with any additional variances, waivers, exceptions and other relief that may be necessitated by changes to the plans requested by the Board, and any and all other relief that the Board may determine to be appropriate or necessary. This relief includes but may not necessarily be limited to: (i) a variance to permit more than one principal building on a lot (gas station canopy / kiosks and convenience store) where the Ordinance may prohibit same; (ii) a variance to permit two principal signs for retail (one sign is proposed for the convenience store and one sign is proposed for the ATM) where the maximum number of principal signs for retail uses permitted by Ordinance is one per tenant; (iii) a variance for a freestanding 7-Eleven sign which is proposed to be illuminated 24/7 where the Ordinance does not permit same; (iv) a variance for a building mounted 7-Eleven logo sign and illuminated stripes with horizontal and vertical dimensions exceeding 2 ft. where the Ordinance only permits one dimension to exceed 2 ft.; (v) a variance for the freestanding fuel price sign area of 24 sq. ft. where the maximum permitted by Ordinance is 9 sq. ft.; (vi) a variance for LED type gasoline price signs where the Ordinance may not permit same; (vii) a variance for canopy signage where same is prohibited; (viii) a variance for a setback of 0 ft. from a public or private school or a playground where the Ordinance requires a minimum of 500 ft.; (ix) a variance for a setback of approximately 1,300 ft. from another service station where the Ordinance requires a minimum of 2,500 ft. (measured along the street right-of way); (x) a variance to allow the illumination of the freestanding sign; and (xi) a variance that allows two signs of non-uniform size, color and style (7-Eleven and ATM sign). **CASE CARRIED BY LETTER TO MARCH 15, 2012** Board *decision due by: MARCH 15, 2012*

IV: NEW BUSINESS

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|----|------------------------|-----------------------------|
| 1) | CASE NO. | 1708 |
| | APPLICANT/OWNER | Peter Gethins |
| | LOCATION: | 54 Woodland Avenue Whippany |

BLOCK: 9202

LOT: 12

ZONE: R-40

Applicant is seeking to construct a second floor addition over the existing first floor of a one story residence. Applicant is seeking relief from sections 166-167B (1) and 166-167D. *Board decision due by: March 10, 2012*

Member Hingos - Recused himself from the case

Peter and Jennifer Gethins – Applicants - sworn by board attorney

Doug Asral - Architect for applicant - sworn by board attorney

- Gave overview of education and professional experience
- Gave an over view of the application, the hardships due to the shape of the property

Exhibit BA-1 copy of tax map sheet 92 showing surrounding properties

- Said addition and materials will all match and be compatible

Peter Gethins – Applicant - Gave overview of the issues that they have with the church and the noise caused by the parties at the church

Opened and closed to public

Motion to approve with conditions

Moved by Member Linfante, Seconded by Member Vigilante

Members Voting “AYE” Vigilante, Fomchenko, Linfante, Stanziale

Members Voting “NO” None

Meeting Adjourned at 8:11 P.M.

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