

**Minutes of the Board of Adjustment of the
Township Of Hanover
April 19, 2012**

Chairman Benjamin Stanziale called the Meeting to order at 7:00 PM and The Open Public Meetings Act statement was read into the record:

Acting Board Secretary, Dave Leo, Assistant Township Engineer, took the Roll Call.

In attendance were Members: Fomchenko, Linfante, Lupo, Olsen, Stanziale, and Vigilante

Absent were Members: Filipescu and Hingos

Also present were Board Attorney, Daniel Bernstein and Township Planner, Blais Brancheau

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- 1) **CASE NO.** 1713
APPLICANT/OWNER Mike and Kathy Dimmick
LOCATION: 6 Appletree Lane
Cedar Knolls
BLOCK: 0401 **LOT:** 11 **ZONE** R-15
Applicant sought permission to construct a 308 sq. ft. addition on the above mentioned premises. Applicant sought relief from section 166-173A (2). Application approved March 15, 2012

Moved by Member Fomchenko, Seconded by Member Lupo
Members Voting "AYE" Vigilante, Fomchenko, Lupo, Olsen, and Stanziale
Members Voting "NO" None

- 2) **CASE NO.** 1697
APPLICANT OWNER Waseem Enterprises, LLC
Didit Once Again, LLC
LOCATION: 730 Route 10 West
Whippany
BLOCK: 8801 **LOT:** 11 **ZONE** B
Applicant sought Preliminary and Final Site Plan approval as well as waivers and "C" & "D" variance approval to construct a 7-11 Convenience store and gas station.
Application was denied on March 15, 2012.

CARRIED TO MAY 17, 2012

II. MINUTES - MARCH 15, 2012

Moved by Member Fomchenko, Seconded by Member Olsen
Members Voting "AYE" Vigilante, Fomchenko, Lupo, Olsen, Linfante, and Stanziale
Member Voting "NO" None

III. PUBLIC HEARINGS

1) **CASE NO.** 1712
APPLICANT/OWNER Mike and Ivana Thierwechter
LOCATION: 23 Forest Way
Cedar Knolls
BLOCK: 604 **LOT:** 57 **ZONE** R-25

Applicant is proposing to construct a single family residence. Applicant is seeking a "D" Variance for floor area ratio. Maximum percentage allowed is 21% but not above 4,750 square feet. Applicant is proposing 25.9% for a total of 5,440 square feet.

Board decision due by: JULY 31, 2012

DUE TO DEFECTIVE NOTICE CASE CARRIED TO MAY 12, 2012 - LETTER RECEIVED FROM APPLICANTS ATTORNEY CARMINE CAMPANILE - WITHOUT FURTHER NOTICE EXCEPT TO THREE DEFECTIVE NOTICES

2) **CASE NO.** 1714
APPLICANT LEXUS OF ROUTE 10, LLC
OWNER V FEE AUTOMOBILE REALTY INVESTMENTS, LLC
LOCATION: 130 ROUTE 10
WHIPPANY
BLOCK: 6601 **LOT:** 13.01 **ZONE** I-B & I

Applicant is proposing four (4) separate building mounted signs. The applicant is seeking relief from section 166-147B, 166-147C3 and 166-147C4.

Board decision due by: JULY 11, 2012

Steve Schepis – Attorney for the applicant – Formerly Warnock Lexus now Lexus of Route 10

- Owner change requires sign change
- 64,000 square feet of auto dealership
- 15.5 acre site on Route 10
- Prior Planning Board approval – Three signs on building
- Want to replace Warnock Lexus sign with Lexus of Route 10 logo
- Letter getting smaller
- Relief: Logo Dimensions – Lexus of Route 10 width
- Overall sign area is decreasing

Blais Brancheau – Township Planner – Report summarized relief in his report

Dave Goldstein – Acquired December 2010

- Lexus requires sign name to say "Lexus of ..."
- Lexus rejected other names
- Lexus dictated sign dimensions
- Freestanding sign to be unchanged per Lexus requirement
- Other wall signs remain unchanged
- New sign in same location as old sign
- Lexus directed that letter height be reduced
- Building setback 130 feet from street curb
- 135-140 employees
- 45-50 vehicles serviced per day
- 35-40 sales customers per day

Board – Questions sign lighting – Backlight – What if signs denied – How can Lexus dictate sign dimensions numbering – sign already built and paid for

Mia Petrou – Planner for the applicant – Credentials – Professional Planner – HICP- 14 years – Other hearings in other municipalities

- Exhibits
- Described property
- Described Variance relief "C"
- C (1) versus C(2)
- C (2) present in this case
- Change from 32' to 39'
- Height of letters change from 2'10" to 1'6"
- Building signs identifying three separate functions
- Logo helps to identify brand
- If logo were smaller would be less visible
- Zone requires 75' front yard building is setback further affects visibility
- Overall sign area being reduced
- Signage appropriate to building
- Complies with 10% wall area and one linear foot requirements
- Increased safety and convenience – purposes of zoning C(2)
- Negative criteria – Commercial neighborhood – compatible appropriate to building area no glare

Daniel Bernstein – Board Attorney – Lighting to comply with ordinance

Steve Schepis – Summarizes – Concludes application presentation

Moved by Member Linfante, Seconded by member Olsen

Members Voting "AYE" Vigilante, Fomchenko, Lupo, Olsen, Linfante and Stanziale

Members Voting "NO" None

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|--------------------|-----------------------|
| 3) CASE NO. | 1696 |
| APPLICANT | Whippany Lodging, LLC |
| OWNER | Hanover Associates |

LOCATION: 1255 Route 10
Whippany
BLOCK: 1102 **LOT:** 2 **ZONE** IB

DISMISSAL WITHOUT PREJUDICE. Applicant had submitted an “a” appeal of the Building Officials Determination of the violation of Section 166-150(F) (6). Applicant had 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-70d (3). Applicant is also requesting amended site plan approval to include the site changes related to the 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 was reversed and the Board interpreted 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. Per the Board’s resolution Condition #4, the applicant was required to submit an application for the remaining variances and site plan and to have the same deemed complete within 45 days of the adoption of the resolution.

The resolution was adopted on February 16, 2012. 45 days from date of adoption was April 1, 2012. The applicant has failed to submit required documents and to have the same determined complete and has therefore failed to meet the Condition #4 of resolution.

Member Stanziale – Reads subject background of application – failure to meet condition of resolution

Joseph O’Neill Attorney for applicant – Wants Board to table this matter
- Took longer to prepare plans

Discussion regarding history of application – repeated incompleteness

Board – Discusses possible extension

Deliberation

Application dismissed without prejudice

Moved by Member Linfante, Seconded by member Olsen

Members Voting “AYE” Fomchenko, Lupo, Olsen, Linfante, and Stanziale

Members Voting “NO” None

Meeting Adjourned at 9:10 P.M.

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