

Mrs. & Mr. Farrell – Applicants - Will be removing the shed that is closest to the property line once the addition is completed and before they move into the home - using it as storage throughout the renovation process and then will remove

Opened to the public

Closed to the public

Motion to approve with conditions

Approved with conditions as outlined by board attorney

Moved by Member Linfante Seconded by Member Filipescu

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

- 2) **CASE NO.** 1726
APPLICANT/OWNER JAMES AND SUSAN KERWIN
LOCATION: 8 MANGER ROAD
CEDAR KNOLLS
BLOCK: 1408 **LOT:** 41 **ZONE:** R-15
Applicant is proposing to construct a one story addition to the rear of an existing two-story, single family residence. The applicant is seeking relief from section 166-173A (4) and 166-114B (6).

Board decision due by: NOVEMBER 24, 2012

James Kerwin - Applicants attorney - Sworn by board attorney

- Gave overview of the property and the existing home and the reasons for requesting the variances

- Rear setback proposed is 35' where 40' is required

Exhibit A-1 - Photo depicting showing a front of the home in question

Exhibit A-2 - Photo Depicting back of the home

Exhibit A-3 - Photo depicting side view of home

Exhibit A-4 - Photo depicting side view showing barrier between property in question and home at 10 Manger

Exhibit A-5 - Home on the street showing similar addition that applicant is requesting

Exhibit A-6 - Showing existing shed on property

Exhibit A-7 - Other views of shed

- Shed is 4' from the rear line - side lines meet requirements

Gerardo Maceira – Township Engineer - Shed is in drainage easement that does not have any infrastructure

Board - Does not have a problem with the location of the shed

Opened to public

Closed to public

Motion to approve with conditions
Moved by Member Lupo Seconded by Member Linfante
Members Voting "AYE" Vigilante, Fomchenko, Filipescu, Lupo, Olsen, Linfante, and Stanziale
Members voting "NO" None

- 3) **CASE NO.** 1722
APPLICANT/OWNER DR. MARK A. & NANCY B. BRZOWSKI
LOCATION: 133 WHIPPANY ROAD
WHIPPANY
BLOCK: 5701 **LOT:** 46 **ZONE:** R-25

The above mentioned property was previously used as a single family home. The premise consists of a single family structure which is presently being used as a chiropractor office by the applicant. Applicants require a use variance to continue to operate the chiropractor office at the subject premises. The present use consists of three (3) persons operating the subject office, Dr. Brzozowski and two (2) staff personnel. The applicant is also proposing paving, striping and construction of a ramp to make the building ADA-compliant. Applicant is seeking relief from sections 166-168, 166-165H (2), 166-165H (8), 166-165H as well as sign and front yard parking variances.

Board decision due by: DECEMBER 21, 2012

Chairman Stanziale - Recused himself due to a conflict of interest

Vice Chairman Linfante - took over chairing the meeting

Carmine Campanile - Attorney for applicant

Dr. Mark Brzozowski- Applicant - Sworn by board attorney

Carmine Campanile – Attorney for the applicant - Gave overview of the application and the "D" variance

- The residential portion will remain unused and the rest of the home will be used as the office

Dr. Mark Brzozowski – Applicant - Gave overview of his profession

- Purchased property end of December 2011
- Gave overview of not knowing that he needed use variance to use property - thought by surrounding uses that he could purchase this home
- Gave overview of the practice and the hours of operations
- Discussed parking

Opened to the board

Daniel Bernstein - Board attorney - Questioned Dr. Mark Brozozowski
Exhibit B-1 - Entered by Board attorney

- Read portion of the letter written to Kimberly Bongiorno-Howard on December 2, 2007
- Questioned Dr. Brzowski about his knowledge of the zone and the requirements and why did he know in 2007 he needed to come before the board and didn't feel he needed to come before the board because his real estate agent told him he could have his practice

Opened to board for questions

Dr. Mark Brzowski – Applicant - Does not plan on renting this home out to a tenant

Opened and close to the public for questions

Frederick Meola - Engineer for the applicant

- Gave an overview of the application and the zoning requirements and the existing conditions
- Reviewed the site plan and the existing conditions and the proposed changes
- Discussed the handicapped ramp and the possibility of using a lift rather than the ramp - lift is less intrusive
- Parking is stripping on the existing pavement - Garage could be used as parking
- Discussed the engineering concerns raised in the planners report dated September 20, 2012
- Trying to keep this as residential looking as possible
- Discussed the sign and the location and look of the sign that is proposed - wooden sign
- Sign will be similar to the sign on 116 Whippany Rd - at Marucci Engineering
- Gave overview of surrounding properties and the homes that surround this location
- Gave overview of how this property came to be - created by the Heritage Woods Sub-division created in 1973/4 gave history of the property

Daniel Bernstein – Board Attorney

- Questioned Mr. Meola regarding his testimony
- Discussed layout and dimensions of parking spaces
- Discussed the proposed sign location, addressed the lighting on the sign

Member Linfante - Discussed the recommendations contained in the engineers review dated September 18, 2012

Fred Meola – Engineer for the applicant - Will use the lift rather than the ramp -installing lift also takes care of many of the issues in the arborists report

- Will comply with all of the recommendations contained in the engineers report dated September 18, 2012

Fred Meola – Engineer for the applicant and Blais Brancheau – Township Planner - Addressed what homes in the area are still residential

- Discussed lighting - Lighting should be kept residential in character

Board - Questioned Engineer Fred Meola - Regarding lighting - There will be a timer on the light pointing at the sign

Opened to public for questions

Alice Juliano - 35 Heritage Lane - Discussed the 1994 subdivision and how the property in question got access from Whippany Road

- Gave an overview of how the sub-division and the two lots from the original one was created

Bert Palk - 16 Heritage Lane - Will return later - has statements not questions

David Karlbach - Planner for the applicant

- Gave overview of his education and professional background
- Gave overview of his review of the application packets, plans, zoning ordinance and neighborhood visit

Exhibit A-1 - prepared by John McDounough - Presented by David Karlbach – Planner for the applicant

3 Sheets

- 1st sheet - aerial of site
- 2nd sheet - photos of site
- 3rd sheet - off site uses in the area
- Reviewed the exhibit and provided descriptions
- Described the property in question and the structure
- Described the surrounding area- single family homes- home occupations- described the uniqueness of the property and its location
- 1/2 of the floor area in the home will remain residential so it can easily revert back to a residential use
- Examined the zoning in the area
- Gave overview of the positive criteria
- Described challenges of keeping this site a residential use due to its location - there is a uniqueness to the property
- Gave the reasons that the stand alone use is suitable for this site
- Gave the overview of the negative criteria

Board - Questioned David Karlbach – Planner for the applicant - Regarding signage

- Dr. Mark Brzozowski - not living on site

Blais Brancheau – Township Planner – Questioned David Karlbach- Planner for the applicant - Regarding the Maddichie test

- Questioned the fact that no one will be living here - how does that meet the zoning
- Does not feel the plan meets the 50% residential requirement

Opened to the public

Closed to public

Blais Brancheau - Township Planner - Gave overview of professional credentials

Break

Back on record

Blais Brancheau – Township Planner - Reviewed his report - mostly addressed the use variance issue - the home occupancy use -what the intent of that use is - gave the overview intent of the home occupancy use

- Does not see that this property is any more particularly suited for a home/office use
- Gave the overview of the intent of the home occupancy zoning
- Discussed screening between the parking and the street - low in heights as not to effect site lines
- Addressed parking on the site - 3 employees and 4-5 patients and not enough parking space
- Two concerns - Avoid president to grant relief - Dr. Mark Brzozowski - Not living on site

Opened to the public

Closed to the public

Opened to public for comments

Alice Juliano and Mark Juliano – 35 Heritage Lane -Sworn by board attorney

Exhibit J-1 - Shows boat trailer in rear yard of property in question from the Juliano's property - photo taken in the spring

Exhibit J-2 - Shows the amount of cars parked in the parking lot

Exhibit J-3 - Shows the amount of cars parked in the lot

Exhibit J-4 - Shows the amount of cars parked in the driveway

Exhibit J-5 - Shows the amount of cars parked in the driveway

Exhibit J-6 - No Exhibit 6 entered - Number skipped

Exhibit J-7 - Shows the amount of cars parked in the driveway

Exhibit J-8 - Shows people and cars in the parking lot

Exhibit J-9 - Parking lot - Shows car turning into lot from center median -

Exhibit J-10- Shows photo of accident - June 26, 2012 - Dr. Marks Brzozowski - Patient turned into an oncoming car and cause accident - photo of accident

- Alice Juliano - Gave the reasons for her concerns and some of the issues that have occurred since Dr. Mark Brzozowski - Opened his practice on March 5, 2012

Bert Palk - 16 Heritage Lane - Sworn by Board Attorney

- Spoke on behalf of Dr. Mark Brzozowski - Feels he cleaned up the property and would like to see him stay and concede

Bernadette Dennis - 3501 Appleton Way - Patient of Dr. Mark Brzozowski - Spoke on behalf of Dr. Mark Brzozowski - Cars depicted when work was going on to prepare business - Not patients - Work men

Meg Bartholomew - 16 Hubert Street - Sworn by board attorney - Spoke on behalf of Dr. Mark Brzozowski

Christine Frazier - 39 Ridgedale Avenue Cedar Knolls - Employee of Dr. Mark Brzozowski - Spoke on behalf of Dr. Mark Broszowski

Rocco Sinno - Countrywood Drive - Sworn by Board Attorney - Spoke on behalf of Dr. Mark Brzozowski

Tom Dente - 112 Whippany Road - Sworn by Board attorney - Lives on Whippany Road and spoke to the busyness of Whippany Road no matter if you are a business or resident you are taking your life into your hands trying to get in and out of any driveway

Sena Stein - 3 Cottage Place Morristown - Patient of Dr. Mark Brzozowski - Sworn by board attorney - spoke on behalf of Dr. Mark Brzozowski

Closed to public

Carmine Campanile – Attorney for the applicant - Summarized the application

Board - Discussed and gave their views on the application

Daniel Bernstein – Board Attorney - Summarized the conditions

Motion to approve with conditions

Moved by Member Lupo, Seconded by Member Olsen

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

Members Voting “NO” None

Meeting Adjourned at 11:07 P.M.

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