

**Minutes of the Board of Adjustment of the  
Township Of Hanover  
April 18, 2013**

Chairman Benjamin Stanziale called the Meeting to order at 7:37 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: Breen, Fomchenko, Gallagher, Hingos, Linfante, Neidhardt, Olsen, Stanziale, and Vigilante

Absent were Members: None

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

**Cases Presented**

**I. MINUTES –**

March 21, 2013

Motion to approve as written

Moved by Member Fomchenko, Seconded by Member Hingos  
Voice vote - all present in favor

**II. PUBLIC HEARINGS**

<b>1) CASE NO.</b>	1724
<b>APPLICANT</b>	Whippany Lodging, LLC
<b>OWNER</b>	Hanover Associates
<b>LOCATION:</b>	1255 Route 10 East Whippany
<b>BLOCK: 1102</b>	<b>LOT: 2      ZONE: I-B</b>

Applicant is seeking Preliminary and Major Site Plan approval as well as relief for several variances. *Case partially heard and carried from October 18, 2012.*  
***Board decision due by: APRIL 30, 2013***

Joseph O'Neil - Attorney for applicant - will start testimony from the beginning

Mehul Naik - 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging  
- Sworn by board attorney  
- One hotel operation but two hotel flags/brands on the site

- Proposing additional signage because guests are complaining that they cannot see hotel due to the poor signage that is currently on the site
- Since his tenancy he has not removed any parking spaces

Daniel Bernstein – Board Attorney - Questioned what signs that Mr.Naik installed

Mehul Naik - 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging

- Installed canopies without permits - Stated that all other signs had permits
- People are staying from Office of Temporary Assistance of Morris County
- They stay 2-3 weeks
- Average 8-10 rooms are used by Temporary Housing at any one time
- Since October 2009 estimating occupancy at 90%

Member Neidhart - Questioned why one operator had two brands on one site

Mehul Naik - 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging

- Additional business comes from marketing two brands rather than one

Blais Brancheau – Township Planner - Dated March 31, 2010 order of penalty for erecting signs without permits - Described sign violations

Joseph O'Neil – Applicant Attorney - Freely admits signs were done incorrectly and installed without permits - Applicant admitted to doing things without permits Exhibit BA-1-Photos of Signs, Violation notice, Notice and order of penalty

Mehul Naik - 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging

- Mostly 4 day stays - Technology and Construction works are typical customers
- Does not provide patio furniture for guests
- Do not provide grills for guests
- Does not provide toddler pools for guests
- Stated that the guests have these items when they arrive for their stay and use them while they are guests of the hotel

Member Linfante - Questioned length of stays and permanent residency

Mehul Naik - 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging

- Does not have long term tenants
- Hurricane Sandy tenants stayed for approximately 3 months
- The guests staying more than 5 months are the Office of Temporary assistance of Morris County tenants
- Office of Temporary Housing Uses facility for extended term from disasters, such as Hurricane Irene and Sandy as well as home fires

Member Linfante - Questioned how Office of Tempory Assistance knows they can send tenants to them

- Mehul Naik – 30 Mitchell Road Parsippany NJ - Manager/operator of Whippany Lodging
- Office of Temporary Assistance calls and sees if they have vacancy and send voucher for signature of manager for process of payment to the hotel
  - Check comes from County to pay for Office of Temporary Assistance tenants
  - Red Cross also will send people to this site
  - Can refuse or ask Office of Temporary Assistance tenants to leave if he does not like their criminal record
  - Has school buses coming to pick up children at the hotel and they attend the school system

Opened to Public

Carol Reed - Agent for Block 1102 Lot 3 -7 Ridgedale Avenue - Office Building - Asked if hotel could erect fence to prevent hotel patrons from damaging their property - they have had repeated problems with tenants from this site

Adnan Kahn – Sworn by board attorney - 8 Brookstone Drive Boonton Township - Applicants Civil engineer

- Referred to plans dated March 28, 2013
- Walked the board through the particulars of the signage
- Referred to C-04 - Addressed the Pylon signs
- Addressed the dimensions of the signs
- Pylon sign is currently 19.02 feet high
- 18 feet is permitted in the zone and was previously approved
- 1 1/3 feet higher that it should be - will lower the sign to the 18 feet that was previously approved
- If lowered will still have 7 feet from the bottom of the sign to the ground

Joseph O'Neil – Applicants Attorney- Seeking variances for things that do not conform - to try and obtain history would be overly complex - easier to get the variances

Adnan Kahn - 8 Brookstone Drive Boonton Township - Applicants Civil Engineer

- Sign is internally lite - lit dawn to dusk - constant illumination
- Building mounted sign for EconoLodge is 2.9 X 4 .1 - this sign is has a depth of 14.5 inches and a overall dimension of the sign is 8.48
- Cruising Diner sign - total dimension of sign 28 square feet
- Building in the Rear is Americas Best Sites
- Described Canopy Signs on building

Exhibit BA-2-Photo Showing Americas Best Value Inn

Exhibit BA-3-Banner Sign over Asian Restaurant Sign

Exhibit A-2-Color Photo Board showing signage

10 Minute Break

Back on record

- Joseph O'Neil – Applicants Attorney - Will not add a third sign to the pylon sign
- Proposing two monument signs one at each driveway

Gerardo Maceira – Township Engineer - They will need Department of Transportation access approval for the driveways

Blais Brancheau – Township Planner - Sworn by board attorney- Boards Professional Attorney

- Adnan Kahn - 8 Brookstone Drive Boonton Township - Applicants Civil Engineer
- Monument signs are positioned to get the patrons into the correct driveways for the establishments on this site
  - Referred to Exhibit A-1-dated November 7, 2000
  - Discussed parking - what is required and what is actually on the site
  - Existing parking 167 is spaces - Required 191 spaces - trying to maximize the parking spaces to 182

Blais Brancheau – Township Planner - Diner has 117 seats associated with a Hotel is 1 space for every two seats in the diner - Hotel/Diner parking required 167

- Adnan Kahn - 8 Brookstone Drive Boonton Township - Applicants Civil Engineer
- Pool is in the process of being filled in and replaced with a grass area
  - Additional plantings will be installed per arborist's recommendations

Joseph O'Neil – Applicants Attorney - Monument signs are contingent on Department of Transportation approval

- Adnan Kahn - 8 Brookstone Drive Boonton Township - Applicants Civil Engineer
- Can comply with the technical requirements of the Planners report dated April 15, 2103 and the Engineers April 17, 2013 report

Blais Brancheau – Township Planner - Reviewed his report and questioned the Applicants Engineer regarding Department of Transportation access - Turning Radius and proposed driveways on this site

Joseph O'Neil – Applicants Attorney - Do not have any issues with items in the Planners report - Addressed engineers report concerning Driveways, Dumpsters, and re-paving of the driveway

- Carol Reed - 80 Main Street West Orange - The applicants light poles are on the property at 7 Ridgedale Avenue
- Tenants of 7 Ridgedale are frightened by the patrons of the hotel that come and hang out on their property

Joseph O'Neil – Applicants Attorney - Will work with the Owners of 7 Ridgedale regarding the fence

Dulce DiGrado - owner of the diner - the Dumpster for the hotel and the diner that contain food and waste are enclosed - the cardboard dumpsters are outside the enclosure - wants to know how the current hotel applicant can affect their parking and seating

Member Stanziale - Told Ms. DiGrado that they were told the last time that they would need to meet with the Hotel and the Owner of the property to address their issues with parking, signage and seating and as of yet have not done so

Dulce DiGrado – Owner of the diner - Stated they are a new business and cannot afford to pay Mr. O’Neil, The planner, and the engineer

- Pointed out her dumpster and the enclosure

Blais Brancheau – Township Planner - Stated the one dumpster outside an enclosure is a cardboard dumpster and one is for garbage and they are not enclosed

Nelson Sanchez - Sworn by board attorney - Manager of the restaurant

- Addressed the two dumpsters that are not enclosed

Member Stanziale - The dumpsters that are not enclosed either need to be enclosed or removed

Blais Brancheau – Township Planner - Will meet with Applicant and Township Engineer Gerardo Maceira

Joseph O’Neil – Applicants Attorney - Carried the case to June 20, 2013 granted an extension of time until the end of June with no further proof of notice

Meeting Adjourned at 10:39 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