

Minutes of the Board of Adjustment of the
Township Of Hanover
MAY 21, 2015

Chairman Stanziale called the Meeting to order at 7:35PM 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: Caruso, Donaldson, Fomchenko, Hingos, Iradi, Linfante, Neidhardt, Stanziale, and Walsh.

Absent were Members: None.

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

Public Business Presented

I. MINUTES - November 20, 2014 and April 16, 2015

Motion to approve the November 20, 2014 and April 16, 2015 Minutes.

Moved by Member Fomchenko, and Seconded by Member Hingos.

Voice Vote – All present in favor.

II. PUBLIC HEARINGS

1) CASE NO.	1767	
APPLICANT/OWNER	MARK AND ELIZABETH DI LAURI	
LOCATION:	12 SYCAMORE TERR. CEDAR KNOLLS	
BLOCK: 609	LOT: 24	ZONE: R-25

Applicant is seeking permission to replace and enlarge the existing deck and to add a shed. Applicant is seeking relief from sections 166-113.1, 166-114B, 166-167B, and 166-154C, as well as any and all other variances that may be required.

Board decision due by: AUGUST 14, 2015

Mark Di Lauri was sworn in by the Board Attorney.

Geoffrey Gogan, Architect for the applicant, gave an overview of his qualifications. He was accepted as an expert witness by the Board.

Mark Di Lauri

- Gave an overview of the home and the existing driveway.
- He explained he was here to get an approval for a deck and shed.
- The shed was installed without a permit.

Mr. Gogan

- Exhibit A-1 – A colored plan of page C2.
- Exhibit A-2
- Gave an overview of the proposed variances.
- U-shaped driveway may have been a field change by the contractor when the house was built.
- The driveway is less than 5 feet from the side yard line.
- The shed is only 8.9 feet off the property line and needs to be 10 feet off the property line.
- There are retaining walls all along the back of the property. It's a very steep slope.
- There is a curve radius on Sycamore Street.
- The steep slope has created an area up high that is not usable.
- The only usable part of the lot is the lower portion of the rear yard.
- He gave the reasons why he feels the shed is in an appropriate location due to the topography of the lot.
- Exhibit A-3 – Color relevant photos showing the yard and property.
- The deck will be constructed out of the product TREX.
- Exhibit A-4 Colored Sheet of page A-3.
- Exhibit A-5 Colored enlarged version of the back of the house.
- Exhibit A-6 Colored enlarged version of the shed.

Mr. Bernstein

- Summarized the conditions.

7:57PM Opened to the public.

Seeing none.

7:57PM Closed to the public

Motion to approve the above application.

Moved by Member Neidhardt, and Seconded by Member Linfante.

Members voting in favor were Caruso, Walsh, Hingos, Linfante, Neidhardt, Fomchenko, and Stanziale.

Members Voting "NO" - None

2)	CASE NO. APPLICANT OWNER LOCATION: BLOCK: 7301 LOT: 9.01, 13 & 14 ZONE: I-B	1763 BRIGHTSTAR HOSPITALITY, LLC EPCO SERVICES, INC. 262 ROUTE 10 WEST WHIPPANY
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Applicant is seeking “C” & “D” Variances only to allow for a four story Marriot branded hotel and related improvements. Applicant is seeking relief from sections 166-150E (2), 166-150E (6), 166-202J, and 166-157K (1) (a), 166-153K (2). Case partially heard and carried from March 19 and April 16, 2015.

Board decision due by: MAY 26, 2015

Member Caruso and Chairman Stanziale needed to recuse themselves from this hearing due to a conflict of interest.

Vice Chairwoman Fomchenko took over chairing the meeting.

Jay Patel, President and Managing Partner of Brightstar Hospitality, was sworn in by the Board Attorney.

- He has been in the hotel industry for 15 years.
- He is currently building a Hilton Hotel at exit 8A on the NJ Turnpike.
- This site would be over a 10 million dollar investment.
- Mr. Patel does analysis of what hotel brand would work on this site.
- The development must be profitable.
- He picked a Marriott for this particular site.
- His company’s philosophy is only development.
- The company has high end clientele.
- He would only accept a condition of building a Marriott brand hotel. (Springhill Suites)
- If they cannot get Marriott to commit, they would have to come back before the Board.
- There will be no major amenities, such as a restaurant.
- He gave a recap of how the Hotel intends to operate.
- All suites.
- Business oriented.
- Small meeting rooms will be provided.
- There will be a breakfast area for the hotel guests only.
- The meeting room is focused on the business clientele.
- If a group wanted to use the room on the weekend, there would be a charge for the room.
- If there was a block of rooms reserved, they would be eligible to use the rooms.

- Food and alcohol would not be allowed in the meeting room.

Mr. Linfante

- Questioned what happens if the hotel brand gets sold, would they be in violation of the approval.
- Hotel must stay high-end.

Mr. Patel

- Applicant will not build until they have a franchise agreement.

Ms. Iradi

- Questioned if for some reason the current owner doesn't build, what protects us from having a low quality hotel come in and want to take over the building site?

Mr. Bernstein

- Explained how the Board could deny an application for a lower end brand hotel.

Mr. Patel

- Picked this site to attract the high end corporate clients from the area.

Mr. Neidhardt

- Concerned with what happened when the demand for this type of hotel goes down or if there is a down cycle turn in the market.

Mr. Bernstein

- Explained the conditional use.

Mr. Patel

- Has a conditional option to purchase this site.

Mr. Linfante

- Explained the trends in the market and how they have been handled in the past.

Mr. Walsh

- Questioned the amount of proposed meeting rooms.

Mr. Campanile

- Any contract entered into with Marriott, is a 20 year contract.

Mr. Patel

- There are two meeting rooms proposed.
- If you do not meet the Marriott standards, they can pull the brand.
- Has already applied for the franchise.
- He will not sign on unless he gets approvals tonight.
- When they come back for the site plan, they will already have the franchise agreement in place.

Mr. Bernstein

- Questioned the Continental breakfast.

Mr. Patel

- Two meeting rooms under 700 SF.
- Indoor swimming pool.
- No gift shops.
- No space for parties.
- The hotel will have a sundry shop.

8:45PM - Break.

9:00Pm - Back on record.

Mr. Brancheau, Township Planner, was sworn in by the Board Attorney.

Mr. Maceira, Township Engineer, was sworn in by the Board Attorney.

Mr. Brancheau

- Gave a verbal presentation of his report dated March 18, 2015.
- Reviewed setbacks.
- Parking
- Reviewed criteria for conditional use relief.
- The "D" variance issue focuses on the violations.
- Addressed the issues that the Board should be looking at when considering this application.
- Discussed the lot size and the impact on the setbacks.
- Addressed the Floor Area Ratio violation. It is almost 50% greater than what is permitted.
- Feels the sign variances can be dealt with if and when we get to the site plan.

Mr. Walsh

- Questioned the Rail Line and the definition of a Hotel.

Mr. Brancheau

- It is a siding and there is no through rail traffic.
- Gave the overview of the definition of a Hotel and how it is distinguished from Boarding and Lodging Rooms.

Ms. Fomchenko

- Questioned variances and running with the land.

Mr. Brancheau

- Explained how the violations worked.

Ms. Iradi

- Questioned if the 10 acres in the master plan are to promote a higher end hotel.

Mr. Brancheau

- Gave the reasoning behind the zoning for the higher required acreage.
- Recently we have seen the higher end brands going into smaller hotels.

9:21PM Opened to the public.

Seeing none.

9:22PM Closed to the public.

Mr. Campanile

- Summarized the application.
- This is a D3 Variance. The use has allowed you to meet several conditions. This particular site does not meet the required conditions.
- If the use variance is approved, they must come back to the Board for the site plan approval.

9:27PM - The Board Deliberated.

Ms. Iradi

- Feels that the 10 acre requirement is on the books for a reason. It is not the most aesthetically pleasing site. She has a problem with granting so many variances.

Mr. Linfante

- Is in favor of the application. The 10 acre minimum was put in place for different reasons. Hotels like this are now being built. Not the larger hotels. This type of hotel is being built on smaller sites and feels it is much needed to help the Rt. 10 Corridor move forward. He feels the 10 acre minimum is antiquated.

Mr. Walsh

- Conditions discussed have indicated restrictions upon the proposed use. This application could be granted subject to the conditions the members discussed throughout the testimony.

Mr. Donaldson

- Feels this is an excellent use of the land and would be a major step in improving the Route 10 Corridor.

Mr. Neidhart

- The applicant is asking a lot, but feels that they have addressed all of the issues. He feels it is an excellent use for this particular piece of property.

Mr. Hingos

- Is in favor of the application. A lot of good points were raised by other members and feels this would be a good use for this particular site.

Ms. Fomchenko

- Is not in favor of the multiple variances. She feels it would be overcrowding of the land.

Mr. Bernstein

- Summarized the conditions.

Motion to approve the above application with conditions.

Moved by Member Linfante, and Seconded by Member Neidhardt.

Members voting in favor were Walsh, Hingos, Linfante, Neidhardt, and Donaldson.

Members voting "NO" were Iradi and Fomchenko.

9:45PM – Mr. Linfante had to leave the meeting due to a prior engagement.

9:46PM - Mr. Stanziale and Mr. Caruso are back on record.

3)	CASE NO.	1724-R1
	APPLICANT	WHIPPANY LODGING, LLC
	OWNER	HANOVER ASSOCIATES
	LOCATION:	1255 ROUTE 10 EAST WHIPPANY
	BLOCK: 1102	LOT: 2
		ZONE: I-B

Applicant is seeking amended final site plan approval to modify requirements relating to filing of complete plans. Case partially heard and carried from March 19, 2015

Board decision due by: May 21, 2015

Joseph O'Neil – Attorney for the applicant.

- Received letters from the Bureau of Fire Prevention and the Hanover Sewerage Authority today.
- Due to the incomplete letter from the HSA received today they are requesting to come back in a month.
- Also awaiting response from the DOT.

Mr. Brancheau, sworn by the Board Attorney.

- Spoke with Mr. Wynne today.
- Mr. Wynne believes there are three uses for this site, two hotels and a restaurant.
- Would like to know the status of the DOT Application.

Mr. Kahn, professional engineer, was sworn by the Board Attorney.

- There is some progress with the DOT permit application.
- Have heard from several individual departments, but still waiting on responses from 6 or 7 more departments.
- An application was submitted to the HSA on May 16, 2014.

The Board

- Wants to know why it took one year and 5 days to get a response from the Sewer Authority.

Chairman

- Applicant will need until at least October 15, 2015.

Mr. O'Neil

- The Board was granted an extension. It has until October 31, 2015 to act.

III. ADJOURNMENT

Meeting Adjourned at 10:04P.M.

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