

Minutes of the Board of Adjustment of the
Township Of Hanover
OCTOBER 20, 2016

Chairman Stanziale called the Meeting to order at 7:41PM 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: No members were absent

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

Public Business Presented

I. RESOLUTION TO BE MEMORIALIZED

1) **CASE NO.** 1660R-2
APPLICANT 101 Whippany Road, LLC
OWNER 101 Whippany Real Estate Company, LLC
LOCATION: 101 Whippany Road
Whippany
BLOCK: 5801 **LOT:** 6 **ZONE** R-25

Applicant filed an application for Amended Final Site Plan for Phase 1 and Amended Preliminary and Final Site Plan approval and variance approval for Phase II additions to its existing health care facility. Applicant sought relief from sections 166-113.1, 166-153M, 166-153D(4) as well as any and all other variances that may have been required. Application approved October 20, 2011. **Applicant sought an Extension of Approval. Extension granted until October 1, 2017. Application approved September 15, 2016.**

Resolution for the above case was approved as written and a motion was made to adopt.

Moved by Member Walsh and seconded by Member Fomchenko.

Voting in favor were Members Caruso, Fomchenko, Hingos, Linfante, Iradi, Neidhardt, Walsh and Chairman Stanziale. No members voted against adopting the above resolution.

John DiMuzio- Owner/Applicant

- Sworn in by Board Attorney

Mr. Meola

- Gave overview of the proposed addition, the unusual shape of the property and the location of the existing home of the property.
- Described the variance requested

Mr. DiMuzio

- Stated that it is only going cosmetically fix the whole home, new roof and changing the roof.

Mr. Meola

- Exhibit A-1 colored drawing of the house

Mr. Linfante questioned the number of bathrooms the home will have.

Mr. DiMuzio

- There will be 3.5 bathrooms

Stanziale questioned the shed.

Mr. Meola

- The shed will be removed

Blais Brancheau – Township Planner

- Questioned the proposed covered porch on architect plans and not on the engineers plans

Mr. DiMuzio

- It's a portico.

Opened to public
Seeing and hearing none
Closed to Public
Mr. Brancheau

- Sworn in by Board Attorney

Mr. Linfante questioned front yard setback.

Mr. Meola

- New home is setback further than existing home and is in alignment with the other homes in the neighborhood.

Mr. Brancheau

- The lots are non-conforming lots. Research determined lot shows on 1953 master plan and existing home is on that 1953 map showing it was built before the R-40 zoning in this area.
- The proposal fits in with the neighborhood patter that exists there.
- Questioned the sliding door showing on the plan, but not showing patio or deck. Feels it should be able to be built without a variance being required.
- Tree removal permit must be obtained from the town and should be made condition of approval.

Mr. Bernstein

- Summarized the conditions, if any deck is built it must comply with setback requirements and coverage requirements. If not they will have to come back to the board for variance relief.

Opened to public

Len Panek- 228 Parsippany Rd

- Sworn in by Board Attorney
- No objections as a neighbor

Closed to Public

Motion to approve with the summarized conditions.

Moved by Member Walsh and seconded by Member Linfante.

Members Fomchenko, Hingos, Linfante, Neidhardt, Donaldson, Walsh and Stanziale were all in favor to approve with the summarized conditions.

Break was taken.

Back on record.

- Body shop in Parsippany is not opened on Saturdays and Sundays.
- Cars for DWI's must be held 12 hours.
- 95% of towing happens during the day.
- Twenty one security cameras on site with motion alarm system. Sometimes the deer will activate the motion alarm.
- Impounded vehicles are blocked in by tow trucks at night.
- There is a 4ft fence around the property and by code a 6ft fence is required.
- Does not really see any issues of trespassing.

Blais Brancheau

- Still under oath
- Use itself is not permitted use in this zone.
- Outdoor storage of certain vehicles is not permitted where others are permitted.
- Reviewed what he believes are the illegal uses on this site that pertain to Eagle Towing.
- Could not find anything in record approving impounded vehicles.

Mr. Newell

- Been at this site since 1997 and the Certificate of Occupancy from 1997 only allowed to store impounded vehicles.

Mr. Brancheau

- Refereed to Ms. DiSimone's property maintenance office and assistant zoning office letter of violation May 26, 2015.

Mr. Newell

- Could store the three impounded vehicles and three tow trucks inside which is 4,000 square foot space.
- A-12 Certificate of Occupancy from March 27, 1998
- BA-1 Email between Board Secretary and Captain Sean Waldron
- BA-2 Tow Company Rotation
- BA-3 Towing and Road Service Ordinance

Mr. Brancheau

- The resolution for Realin Trucking noted Eagle Towing on site, but was irrelevant to the Realin Trucking application. Eagle Towing was only mentioned as there are other tenants and Eagle was listed.
- Violation is for outdoor parking on the site.

Mr. Newell

- It is not a problem to store the vehicles inside.

Mr. Linfante

- Not enthusiastic about letting impounded cars to be stored as outdoor storage at this site.
- Outdoor storage is against the intent of the zoning ordinance.

Mr. Brancheau

- Read listing of prohibited uses from 166-195 into the record.

Mr. Linfante

- Concerned about the storage on this site.

Mr. Newmark

- Submitted letter dated December 3, 1997 from Mr. Newell to zoning office.

Mr. Brancheau

- Read exhibit A-13 into the record, letter dated December 3, 1997 addressed to "Whom it may concern" from Robert Newell, President of Eagle Towing.

Mr. Linfante

- Concerned with the variance running with the land and not concerned so much with Eagle Towing.
- Doesn't want cars that are wrecked stored on this property.

Ms. Iradi

- Has an issue with the fact that at this time this is not an allowable use, that it should have been dealt with first.
- Wants a cap on the amount of vehicles that could be stored on the site.

Mr. Newell

- Four tow trucks inside the building, two tractor trailers, seven flatbed tow trucks and one travel trailer.
- Pays for fourteen spaces and wants to use all of the spaces he pays for.
- Whatever the board decides he is ok with, just want to be able to keep his business in town.

Mr. Linfante is concerned with the intent of the ordinance and feels that having impounded vehicles is against the intent of the zone.

Break for 10 minutes

Back on the record

Mr. Newmark

- The request to store impounded vehicles is withdrawn.
- Hours Monday- Friday 7 to 7 and Saturday and Sunday from 9 to 5 with eleven employees.

Board and Mr. Brancheau had an open discussion regarding parking. Mr. Brancheau wants a resolution to clearly state any change of use in future and must comply with ordinance parking or come in for a variance.

Mr. Bernstein reviewed the condition that Mr. Brancheau wants in the resolution regarding new tenant and parking.

Mr. Brancheau feels the application and site plan should be dealt with in totality.

Mr. Newmark will come back with a parking study.

Case carried to December 15, 2016- extension granted until December 31, 2016

IV. ADJOURNMENT

Meeting Adjourned at 10:40 P.M.

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