

Minutes of the Board of Adjustment of the  
Township Of Hanover  
JANUARY 21, 2016

Chairman Stanziale called the Meeting to order at 7:33PM 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, Fomchenko, Hingos, Iradi, Linfante, Neidhardt, Stanziale, and Walsh.

Absent was Member: Donaldson.

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

Public Business Presented

**I. CORRESPONDENCE**

1. Letters of Re-Appointment/Appointments

Richard Hingos  
James Neidhardt

Four (4) Year Tern Ending 12/31/19  
Four (4) Year Term Ending 12/31/19

**II. REORGANIZATION**

1. ELECTION OF CHAIRPERSON

Motion to Nominate Member Benjamin Stanziale as Chairperson.  
Seeing and hearing no other nominations for Chairman.

Moved by Member Linfante.

Seconded by Member Fomchenko.

Members Voting "AYE" - Caruso, Walsh, Hingos, Linfante, Neidhardt,  
Fomchenko, and Stanziale.

Members Voting "NO" – None.

2. ELECTION OF VICE-CHAIRPERSON

Motion to nominate Member Edward Walsh as Vice-Chairman.  
Seeing and hearing no other nominations for Vice-Chairman.

Moved by Member Fomchenko.

Seconded by Member Linfante.

Members Voting "AYE" - Caruso, Walsh, Hingos, Linfante, Neidhardt, Fomchenko, and Stanziale.

Members Voting "NO" - None

3. RESOLUTIONS

- a. Designation of Official Newspaper
- b. Designation of Board Attorney
- c. Appointment of Board Secretary
- d. Adoption of Schedule of Meeting Dates for the Year 2016
- e. Membership in the NJ Federation of Planning Officials for the Year 2016
- f. Designation of Completeness Official

Motion to adopt all resolutions by consensus.

Moved by Member Walsh.

Seconded by Member Linfante.

Members Voting "AYE" – Caruso, Walsh, Hingos, Linfante, Neidhardt, Fomchenko, and Stanziale.

Members Voting "NO" – None.

**III. REGULAR MEETING OF THE BOARD OF ADJUSTMENT CALLED TO ORDER**

**IV. MINUTES FOR APPROVAL**

December 17, 2015

Motion to approve the Minutes for December 17, 2015 as written with one correction.

Moved by Member Walsh.

Seconded by Member Fomchenko.

Voice Vote – All present in favor.

**V. RESOLUTIONS TO BE MEMORIALIZED**

- 1) **CASE NO.** 1765  
**APPLICANT** LESLIE SKURLA  
**OWNER** SKURLA PROPERTY COMPANY, INC.  
**LOCATION:** 12 TROY HILLS ROAD  
WHIPPANY  
**BLOCK:** 7301 **LOT:** 2 **ZONE:** I

Applicant sought “C” & “D” Variances. Applicant proposed to renovate the garage so that the second floor becomes a one bedroom apartment of about 860 square feet. The first floor will contain the utilities/mechanicals for the apartment and the three bay garages. APPLICATION DENIED DECEMBER 17, 2015

Motion to memorialize the above resolution of denial as written.

Moved by Member Fomchenko.

Seconded By Member Walsh.

Members Voting “AYE” – Walsh, Linfante, Neidhardt, Iradi, and Fomchenko.

Members Voting “NO” – None.

**VI. PUBLIC HEARINGS**

- 1) **CASE NO.** 1781  
**APPLICANT** NEW YORK SMSA LIMITED  
PARTNERSHIP d/b/a VERIZON  
WIRELESS  
**OWNER** MORRISTOWN & ERIE RAILWAY, INC.  
**LOCATION:** 66 SOUTH JEFFERSON RD.  
CEDAR KNOLLS  
**BLOCK:** 2602 **LOT:** 2 **ZONE:** I

Applicant is seeking Preliminary and Final Site Plan, “C” & “D” Variances and Interpretation of Zoning Regulations to install an antenna array consisting of 12 antennas at a height of  $\pm 113$  feet on the existing  $\pm 160$  foot communication tower. The proposed facility will also include supporting equipment cabinets and related appurtenances, including a natural gas generator.

***Board decision due by: FEBRUARY 2, 2016***

David Soloway, Attorney for applicant.

- Summarized the Middle Class Tax Relief and Job Creator Act of 2012 (“TRA”)
- Complies with all six of the requirements under this act.
- A letter from Mr. Soloway to the Board, dated January 8, 2016, summarized the six requirements.

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

Gerardo Maceira, Township Engineer, was sworn by the Board Attorney.

Peter Ledus, Site Engineer, gave an overview of his educational and professional background, which was accepted by the Board.

- Confirmed that the six requirements outlined by the attorney are accurate.
- Explained the need for the three equipment cabinets and the generator.
- The December 16, 2015 Township Engineers report was reviewed.
- The Generator will be tested every two weeks, usually in the morning. The noise level will be 64.5 decibels.
- The generator will only be tested between 8:30am and 4:30pm, Monday – Friday.
- The Generator is only to be used in emergency situations.
- The safety bollards have been added to the revised plans dated 1/7/16.

Ms. Fomchenko

- Questions the decibel levels on the site.

Mr. Neidhardt

- Questioned as to how many more potential antennas could be added to this site.

Mr. Ledus

- Stated with this addition, the pole will be at its maximum load and any other additions would need a structural change.
- Reviewed the January 21, 2016 Township Planners Report.

Mr. Soloway

- The landscaping in the area will be to the Township Planners satisfaction.

Mr. Brancheau

- Does not see an issue with the requested variances as long as the applicant adheres to the Boards conditions and the Planner and Engineer's report.

Chairman Stanziale and Mr. Soloway discussed the amount of cabinets that are going to be installed.

Susan Schnaars, RF Engineer, employed by Verizon Wireless gave an overview of her educational and professional background and was accepted by the board.

- Exhibit A-1 – Verizon Wireless Whippany Map with overlay.
- The current service was discussed.
- The coverage needed in the area was discussed. The areas in need of new coverage were outlined.
- Discussed the new area of coverage and how they fine tune the coverage once the site goes live.

8:27PM - Opened to the Public for questions.  
Hearing and seeing none.

8:27PM - Closed to the Public.

Mr. Masters, Professional Planner was sworn by the Board Attorney.

- Applicant is seeking a use variance.
- Gave an overview of the reasons that this site is suited for this particular use.
- The four step balancing test for the variance relief criteria was reviewed.

8:35PM - Opened to the Public for questions.  
Hearing and seeing none.

8:35PM Closed to the Public.

Mr. Soloway

- Gave a brief summation.

Mr. Bernstein

- Summarized conditions.
- Approving both on basis of federal legislation and the variances subject to conditions.

Motion to approve the above application with conditions.

Moved by Member Linfante.

Seconded by Member Walsh.

Members Voting "AYE" – Caruso, Walsh, Hingos, Linfante, Neidhardt, Fomchenko, and Stanziale.

Members Voting "NO" – None.

<b>2)</b>	<b>CASE NO.</b>	1724-R1
	<b>APPLICANT</b>	WHIPPANY LODGING, LLC
	<b>OWNER</b>	HANOVER ASSOCIATES
	<b>LOCATION:</b>	1255 ROUTE 10 EAST
		WHIPPANY
	<b>BLOCK:</b> 1102	<b>LOT:</b> 2
		<b>ZONE:</b> 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: JANUARY 31, 2016***

Whippany Lodging carried to February 18, 2016 and will reserve notice.

## **VII. ADJOURNMENT**

Meeting Adjourned at 8:41 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