

Minutes of the Board of Adjustment of the  
Township Of Hanover  
AUGUST 18, 2016

Vice-Chairman Walsh called the Meeting to order at 7:30PM 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 and Vice-Chairman Walsh

Absent were Members: Chairman Stanziale

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**

<b>1) CASE NO.</b>	1793
<b>APPLICANT/OWNER</b>	PERPARIM & LEONORA LLANAJ
<b>LOCATION</b>	7 TOWNSEND AVE. CEDAR KNOLLS
<b>BLOCK: 2102</b>	<b>LOT: 4</b>
	<b>ZONE: R-15</b>

Applicant sought permission to construct a second story addition over the existing home. The applicant sought "C" variance relief from sections 166-173A(3), 166-173A(1), 166-173A(2), 166-113.1, 166-154C, 166-167B and "D" variance relief from sections 166-113.1 as well as any and all other variances that may have been required. Application approved July 21, 2016.

The resolution for the above case was approved as written and a motion was made to memorialize the resolution as written.

Moved by Member Linfante and seconded by Member Fomchenko

Voting in favor were members Linfante, Fomchenko, Iradi and Vice Chairman Walsh and no member were against adopting the resolution.

**II. MINUTES JULY 21, 2016**

Voice vote, all present members in favor of adopting the minutes as written except Member Neidhardt who abstained from the vote.

**III. PUBLIC HEARINGS**

<b>1) CASE NO.</b>	1798	
<b>APPLICANT/OWNER</b>	DAVID AND CHUN-YI SAVASTANO	
<b>LOCATION</b>	23 FIELDSTONE DRIVE WHIPPANY	
<b>BLOCK: 4508</b>	<b>LOT: 17</b>	<b>ZONE: R-15</b>

Applicant is seeking permission to construct a second story addition including three bedrooms, two bathrooms and laundry space along with modifications of the first floor layout including expanding the kitchen and living space and removal of two bedrooms. The new front porch would be covered by the second story. A third garage is also being proposed along with the installation of the partial new foundation. Applicant is seeking relief of section 166-173A(2) front yard setback as well as any and all other variances that may be deemed necessary.

**Board decision due by: OCTOBER 29, 2016**

David Savastano was sworn in by Board Attorney Daniel Bernstein

Julian Cesere- Architect for Applicant

- Sworn in by Board Attorney
- Existing non-conforming setback
- Adding a second story over the first floor of the house
- A vertical extension of non-conforming condition
- 40 feet is required and 29.1 feet is existing
- The home is already non- conforming on the lot and it is a corner lot with 2 front yards
- Could not conform with the second front yard
- The house is on the corner of Fieldstone and Shamrock Place
- Not encroaching any further than what is existing
- Exhibit A-1 colored view
- Exhibit A-2 Color photos added
- Applicant is trying to bring the home up to today's standard of living
- The first floor will be made into more living space and all bedrooms will be upstairs
- Exhibit A-3 Colored rendering of the proposed home
- Proposing a proper garage where the existing sun room is currently located
- Requesting variance because the variance is an existing condition and the addition is strictly vertical

Ms. Iradi questioned why they want to build up and not out.

Mr. Savastano- Applicant

- Has a nice property and would like to keep the green space

Mr. Neidhardt questioned the amount of windows upstairs.

Ms. Cesere explained the homeowner would like a lot of light in their bedroom and will look into putting a roof line over the garages.

Opened to the public

Thomas Gallagher

- Sworn in by Board Attorney
- Lives behind this home
- It is consistent with the neighborhood and personally supports this project
- Believes it is a very good idea and the more people that invest in their town the better the town will be

Mr. Berstein summarized the conditions

A motion was made by member Linfante to approve with conditions as outlined by the board attorney and seconded by Member Iradi

Voting in favor to approve with conditions were members Caruso, Fomchenko, Hingos, Linfante, Neidhardt, Iradi and Vice Chairman Walsh

<b>2)</b>	<b>CASE NO.</b>	1724-R-2
	<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 Preliminary and Final Site Plan, modifications of conditions for final approval concerning filing of finalized plans and such other Variance approvals and waivers from the requirements of the Zoning Ordinance as may be deemed necessary or required.

***Board decision due by: AUGUST 31, 2016***

Joseph O'Neil- Attorney for Applicant

- Gave overview of the history of this application and how they came to be present this evening.

Adnan Kahn- Engineer for Applicant

- Sworn in by Board Attorney
- Introduced board to the changes
- Referred to plan set dated May 6, 2016
- Explained the driveway and the access to the site

Blais Brancheau- Board Planner

- Sworn in by Board Attorney
- Double oval on plans showing sign that is no longer proposed should be removed from the plan to avoid confusion

Mr. Khan

- Will modify the plans to include missing sheets 8 and 9
- Not proposing any modifications to their easterly driveway, it will be an exit only driveway
- Will put back the do not enter sign

Mr. Maceira the Township Engineer is in favor of the do not enter sign.

Mr. O'Neil

- The only changes will be additional plantings at the sign

Mr. Bernstein summarized the conditions

Mr. Brancheau feels that all of the prior approval conditions should be carried forward to this approval

A motion was made by member Linfante to approve with conditions as outlined by the board attorney and seconded by Member Neidhardt

Voting in favor to approve with conditions were members Caruso, Fomchenko, Hingos, Linfante, Neidhardt, Iradi and Vice Chairman Walsh

<b>3)</b>	<b>CASE NO.</b>	1797
	<b>APPLICANT</b>	SALAAM SHRINERS
	<b>OWNER</b>	INSYNC REALTY, LLC
	<b>LOCATION</b>	114 ALGONQUIN PARKWAY

WHIPPANY  
**BLOCK: 6701      LOT: 4      ZONE: I**

Applicant is a charitable fraternal organization intending to utilize the subject property for both administrative office use and organizational meetings and activities. The proposed use as a fraternal organization is not listed as specifically permitted use in the I-Zone or any other zone within the municipality therefore a Use Variance is required. Applicant is also seeking relief from sections 166-124, 166-124A(3), 166-124A(5), 166-141.L(1), 166-141L(3), 166-141L(4) as well as any and all other variances that may be required.

***Board decision due by: NOVEMBER 15, 2016***

John Wyciskala- Attorney for Applicant

- Overview of Shriners International
- A local chapter and a 501 (c) 3 Charitable Organization
- Have Stringband, Motorcase and Shriner clowns
- Supports Shriners Hospital for Children with 22 hospitals total
- This chapter provides free transportation to the local hospitals in Philadelphia, Boston and Springfield
- They are the contract purchasers for the 13,300 sq. foot building at 114 Algonquin Parkway in Whippany
- This will be for administrative office use with 2-4 employees
- Fraternal organizations are not listed as permitted uses in the ordinance
- Application for site plan with variance relief
- Not changing the existing building
- Two vehicles would be kept onsite overnight, these are the vans they use to transport the children to the hospitals
- No longer need a parking variance because they exceed the required parking

Charles Thomas- Planner and Engineer for the Applicant

- Sworn in by Board Attorney
- Overview of educational and professional credentials
- Accepted by the board
- A-1 Aerial photograph of the site taken in 2012- 71 parking spaces
- Reviewed the overview of the site
- A-2 Colored rendering of the site to show proposed improvements
- 2 cars are standard minivans
- Will bring in ADA parking spaces which are up to code
- Reviewed where 3 24 '2" high flag poles will be placed
- A 9 foot monument/statue of a Shriner carrying a child to be installed-"D" variance is for this use
- The proposed use is inherently beneficial

- Reviewed the negative criteria and ran through the four prong test-this use does not have any detrimental effects
- Reviewed Mr. Brancheau's report dated August 18, 2016
- Issue at hand is the mixed uses in the building
- Current uses are both office uses
- Shriners will also be an office use and the tenant NJ201 call center will stay in their current space
- Any other uses that may move in if NJ201 leaves would have to be approved by the township

Mr. Brancheau

- Sworn in by Board Attorney
- Overview of some of the other allowable uses that may not be compatible with current uses
- There will be a review by the Site Plan Exemption Committee, if there is a change in tenancy for compatibility of uses

Mr. Thomas

- Reviewed the overview of the nature of the Shriners
- Musicians, clowns and motorized unit
- Up to 12 annual meetings and 5 business meetings
- New member inductions and business events
- General membership meetings may have up to 60 members attending with most meetings in the evening
- 5 membership meetings per year and 2 member induction meetings per year on Saturdays during the day
- Various social events on Saturday evenings with up to 60 attendees
- The ladies group also meets up to 20 attendees
- This hall will not be rented to other groups for their uses
- The band will meet during evening hours-the band is a string band
- Does not envision this being difficult for a permitted use to occupy the building

Ms. Iradi questioned if the kitchen proposed is a commercial kitchen and if all special events are catered

Mr. Wyciskala

- They have a license for liquor from Livingston
- The largest number of people on the site will be during membership meetings

Mr. Wyciskala, Mr. Brancheau and Mr. Thomas reviewed the parking required for the tenant that is remaining

Mr. Linfante questioned if allowing the bar and game rooms would set precedent

Mr. Bernstein explained this is an inherently beneficial use and would not be allowed by just any organization

Mr. Bernstein and Mr. Linfante discussed the parking and Mr. Brancheau said because this is not a permitted use in any zone we do not have a parking standard

Mr. Linfante is concerned with the bars and game room

Mr. Bernstein

- If the board chose to approve there would be a series of conditions

Mr. Brancheau

- You can put constraints on the use so that is restricted to a use that the effect is equivalent or can propose a condition to limit the amount of occupants at one time

Mr. Wyciskala

- This is an inherently beneficial use and every service organization may not be considered inherently beneficial

Andrew Zagoren- CEO of Salaam Shriners

- Sworn in by Board Attorney
- During the day very few people would be there, 2 to 3 cars
- During the evening there would be the parallel meetings that break out into smaller groups
- Induction meetings about 40-50 regular members and 5-10 new inductees held two times a year on Saturdays
- 5 general membership meetings at night with approximately 45-65 members on average at December election meeting may go to 75
- Dances are catered and about 45-50 attendees with 4-5 dances per year
- Proposed kitchen is used by caterer to warm food
- No other organizations would use the site, just the Shriners
- No other entity permitted to use the site
- In total 630 members, most are in Florida or out of state
- In state membership there are two Shrines, the Raritan River is the boundary line
- Maximum members in NJ at this time is approximately 180
- The Livingston property was sold to support the site and they no longer had the membership
- The plans are conceptual at this time and they are not necessarily how the interior will be laid out
- They will be perfectly fine with one bar
- The type of liquor license is a club license
- There are no events on the site for children that they are helping or may have helped in the past

- Only may have a child they have helped healed come to one of the meetings at their request to be a keynote speaker
- Reviewed the fundraisers-they aren't done on site
- Chief fundraiser is the circus and it takes place at the Mennan Arena for the past 40 years
- Parent Fraternity is the Free Masons-all Shriners must be members of the Free Masons
- Shriners have their hospital system which is a fortune 300 company and their fraternity-helps local and also international
- Separate standalone legal entity- Salaam Shriners
- Subordinate to international Shriners which is associated with the Free Masons
- At the international level they have a bi-lateral relationship with the Masons
- The cause for their existence is the order to keep their hospitals going
- The office use would be for the local chapter only
- 3-4 people during the day working in the office, 20% of their work is answering calls for rides to the hospital
- 20% might be getting ready for the annual circus which is in May at the Mennan Arena
- 60% answering questions from members and talking to members for planning events
- The reason for being is for charity centered around children and the social accept is secondary in order to help retain membership
- Originally in Newark then moved to Livingston and now moving further west to Hanover
- Will do their best to support their community
- Will only have one bar on the premise
- Feels it is important to know when they raise money for charity that it must go to the hospital system
- When they have the circus that is money raised to support the local chapter

Mr. Thomas discussed the outdoor storage and minivans

Mr. Brancheau does not feel that the screening of the vehicles is required

Board and Mr. Brancheau had a discussion regarding the parking of the two vans and is its outside storage

Board took a ten minute break

Mr. Thomas

- Discussed the flagpoles and the three variances being requested
- Can never comply with a 300 foot setback for the pole
- The monument is 13 feet high, 9 foot statue on a 4 foot pedestal
- The poles are 24 ft. high, this was done for proportion
- 3 flags around the monument would be the American, State of NJ and Shriners logo flag
- Flagpoles are proposed within the building envelope
- This is a monument and memorial
- We are looking for a stoic respectful memorial to their organization
- The flagpoles are very important to the organization
- Flags bring a higher level to the site



- Three flags bring love of country, love of state and love of people which is the message of the three flagpoles

Mr. Wyciskala

- The flagpoles will be at the 20.3 height and will eliminate the height variance

Mr. Brancheau discussed how the intent of the ordinance regulating flagpoles came to be. The intent was to reduce signage or using the flags as an attention getting device.

Mr. Thomas

- This is not attention getting or to recruit people, it is to simply show patriotism

Mr. Wyciscala

- Discussed inherently the beneficial use and the variances running with the property and how anyone coming in after the Shriners may vacate the property would have to be inherently beneficial use whose primary service is benefiting the community and any other use may have to go before the SPEC committee or come back to the board

Mr. Berstein

- The everyday operation of the Shriners is unique, the daily function is actually performing the inherently beneficial use

Board and Applicant's Attorney had an open discussion regarding the flag poles

Mr. Wyciskala

- Will withdraw the three poles and will go with one conforming flag pole for the American Flag

Mr. Thomas

- Reviewed the Engineers review dated August 17, 2016
- Requested leaving the dumpster at the loading dock location
- Parking lot will provide hairpin striping when they repave parking lot in the future-will not be repaved at this time

Mr. Maceira

- Sworn in by Board Attorney
- Discussed dumpster location requirements for all new site developments
- The dumpster is required to be enclosed
- Historically on this site it has been at the loading dock

Mr. Thomas

- The dumpster is partially screened by the loading dock

Mr. Maceira

- Visually it is a screen from Melanie Lane and Algonquin Parkway
- Clarified the monument pedestal be 3'4"

Mr. Berstein summarized the conditions

Board and their professionals discussed adding a limit to occupancy

Mr. Berstein continued listing the conditions

Motion to approve with conditions outlined by board attorney moved by Member Iradi and seconded by member Neidhardt

Members Caruso, Fomchenko, Hingos, Linfante, Neidhardt, Iradi and Vice-Chair Walsh were all in favor of the motion to approve with conditions

#### **IV. ADJOURNMENT**

Meeting Adjourned at 10:46P.M.

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