

Minutes of the Board of Adjustment of the
Township Of Hanover
MAY 19, 2016

Chairman Stanziale called the Meeting to order at 7:39PM 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, Neidhardt, Stanziale, and Walsh.

Absent was Member: Linfante

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

Public Business Presented

I. RESOLUTION TO BE MEMORIALIZED

- | | | |
|----|------------------------|---|
| 1) | CASE NO. | 1791 |
| | APPLICANT/OWNER | HANOVER AND HORSEHILL
DEVELOPMENT, LLC |
| | LOCATION: | 178 E. HANOVER AVE
CEDAR KNOLLS |
| | BLOCK: 701 | LOT: 1.01 ZONE: I-B3 |

The appeal of HANOVER & HORSEHILL DEVELOPMENT, LLC has been granted and the Board interprets the leasing by C2 Educational Systems, Inc. of 1,800 square feet in Building B of the ShopRite Shopping Center to be considered a conforming use as long as the seven conditions are complied with. Application approved April 21, 2016.

Motion to memorialize the above resolution as written.

Moved by Member Neidhardt.

Seconded by Member Hingos.

Members Caruso, Fomchenko, Hingos, Neidhardt, and Chairman Stanziale all voted in favor of memorializing the above resolution as written and no members voted against this resolution.

Board decision due by: AUGUST 16, 2016

Katerini and Steven Cornine were both sworn by the Board Attorney.

Mr. Cornine

- Explained that they would like to construct an addition to the right side of their home. They were previously approved for an addition but have determined that a new layout would suit their needs better.
- The new addition will be 25x35.
- The deck now violates the side yard setback and the dormers are in violation.
- Our neighbor on the right hand side is very close to the property line.
- The deck was built where the existing doors were and we are requesting to expand the deck.

Mr. Leo, Township Engineer.

- They will need a road opening permit also.

7:56PM Opened to the Public for questions and concerns.

James Ambrose, 10 Parker Ave.

- Questioned the driveway and how close it will be to his property.

Mr. Cornine

- The driveway will be 9 feet from the property line.

Mr. Ambrose

- Questioned the deck and asked if it will stay where it is.

Mr. Cornine

- The current slider will be closed off and the deck will be accessed through the new addition.
- Dormers will be added to the front and rear of the home.

Mr. Ambrose

- Reviewed the plans.
- He questioned the width of the driveway.

Mr. Cornine

- The driveway would be a two car width.
- The glass porch on the left side of the home will be removed and will become a grass area.
- The front of the new addition will be in line with the existing home.

Carol Ambrose, 10 Parker Ave., was sworn in by the Board Attorney.

- She is concerned with the location of the sewer lines and the new driveway's location.

Chairman

- Had advised Mrs. Ambrose to contact HSA to make sure that the new driveway would not interfere with her sewer.

Mr. Bernstein

- Outlined the conditions of approval

Motion to approve the above application with conditions.

Moved by Member Walsh.

Seconded by Member Hingos.

Members Caruso, Fomchenko, Hingos, Neidhardt, Donaldson, Walsh, and Chairman Stanziale all voted in favor of the application and no members voted against the application.

2)	CASE NO.	1788
	APPLICANT/OWNER	VINCENT & MARINA BARISCIANO
	LOCATION:	24 EMERSON DR. WHIPPANY
	BLOCK: 3704	LOT: 11
		ZONE: R-15

Applicant is seeking variance relief in order to construct and addition of a two car garage with a Master Bedroom above, a new family room at the rear of the home, relocation of a deck and a circular driveway. Applicant is seeking relief from sections 166-173A(2), 166-173A(4), 166-136D, 166-167B as well as any and all other variances that may be required.

Board decision due by: AUGUST 17, 2016

Mr. and Mrs. Barisciano were sworn in by the Board Attorney.

Mr. Barisciano

- Would like to build a two car garage with a master bedroom and bathroom above it. The addition will be parallel to Fairchild Place.
- In the back rear side of the home we would like to build a family room with a cathedral ceiling.
- We would also like to install a circular driveway.
- There will be 2 variances needed for the project. The 2 story garage encroaches on the 40 foot setback. The footings will be 37.41 feet.
- We are trying to align with the existing home which has the same setback.
- The driveway is wider than 12 feet.
- The existing shed was there when we moved in.

- There are no other structures on the property.

Mr. Brancheau

- The application was submitted correctly and the variances requested are correct.
- The driveway variance was addressed.
- Mr. Brancheau does not believe the variance for the driveway is going to be necessary.

Mr. Leo

- The 25ft. driveway is conforming.

8:29PM Opened to the Public for questions and concerns.
Seeing and hearing none.
Closed to the Public for questions and concerns.

Mr. Bernstein

- Outlined the conditions of approval.

Motion to approve the above application with conditions.

Moved by Member Walsh.

Seconded by Member Neidhardt.

Members Caruso, Fomchenko, Hingos, Neidhardt, Donaldson, Walsh, and Chairman Stanziale all voted in favor of the application and no members voted against the application.

3)	CASE NO.	1789
	APPLICANT/OWNER	MICHELLE MARTIN
	LOCATION:	14 APPLETREE LANE, MORRIS PLAINS (CEDAR KNOLLS)
	BLOCK: 403	LOT: 1
		ZONE: R-15

Applicant is seeking variance relief in order to construct a two story addition to the existing dwelling, a deck, wood ramp addition, a driveway and paved walkway. Applicant is seeking relief from sections 166-173A(2), 166-173A(4) and 166-113.1 as well as any and all other variances that may be required.

Board decision due by: AUGUST 16, 2016

Owen Hughes, Attorney for the applicant.

Michelle Martin was sworn by the Board Attorney.

Margiorie Roller was sworn by the Board Attorney. Ms. Roller is the Architect for the applicant. She gave an overview of her credentials and she was accepted by the Board.

Mr. Hughes

- Gave an overview of the reasonings for needing the addition.
- There is a need to bring 2 elderly parents into the home. One parent is wheelchair bound due to a stroke.
- The height of the shed will be reduced.
-

Ms. Roller

- The shed is 10x10. The height will be no more than 10 feet high and will be placed 10 feet off the property line.

Exhibit A-1 Photos of existing homes.

Exhibit A-2 is a 3 page document showing existing and the proposed floor plan.

Ms. Roller

- Described how she determined the floor area calculations.
- She gave the reasons why she does not feel that they need the FAR variance.

Ms. Roller and Mr. Brancheau discussed the existing and proposed living areas and calculations.

Mr. Brancheau

- FAR 3,657 permitted. Calculated 3, 961.
- Agrees with the applicants witness that there is not a FAR variance needed.

Mr. Hughes

- This is a corner lot, so they are dealing with a front and rear yard setback.

Ms. Roller

- Gave the reasons for the hardship due to the particular shape of the property and the location of the home on the property.
- If this home were not a corner lot, they may not have needed these variances.

Exhibit A-3 Bing Map of property in question

Exhibit A-4 Photos of homes in area that have had additions.

- Variances are needed for the front yard on Cherry St. The required footage is 40. The existing is 38.6, but the proposed is 26.5.
- 40 Ft. is required in the rear yard, they are asking 31.1ft.
- We are proposing a new driveway on the Appletree side to accommodate the wheelchair access to the home.

Ms. Iradi

- Questioned the slope of the property and the existing driveway.

Mr. Brancheau

- As the ordinance stands today, there are no regulations on having two driveways.

Mr. Donaldson

- Thinks there is enough grade to the backyard to widen the driveway.

Ms. Roller

- The grade is too steep.

-

Mr. Neidhardt

- The back seems to be very long.
- He feels they should have ramps run next to each other.
- Its best if the ramp can be removed easily if the house is ever sold.

Ms. Roller

- Explained why they need to keep the ramp as close to elevation as possible.

Ms. Iradi

- There are 34 corner lots in this neighborhood. Many of these homes have additions. Did they research the setbacks of these homes?

Ms. Roller

- We did not pull the surveys for the other corner lots.

Ms. Fomchenko

- Questioned the potential for two kitchens. She is concerned with 6 bedrooms and 5.5 bathrooms. This has potential for becoming a two family home. How many people will be living in this home.

Mr. Brancheau

- The land makes the hardship, not the occupants.
- There will be a separate entrance and driveway.
- The home cannot be converted into a 2 family home.
- There will be a single kitchen and no heating of food capabilities in the parent facilities.
- There will be no heating of food in the kitchen in the parent's facility. The kitchen will be converted into a dining room.

9:18PM - Open to the Public.
Seeing and hearing none.

8:19PM - Closed to the Public.

Mr. Bernstein

- Outlined the conditions.

Ms. Iradi

- Is concerned that this will set a precedent for a 25 ft. setback in the neighborhood.

Motion to approve the above application with conditions.

Moved by Member Walsh.

Seconded by Member Caruso.

Members Caruso, Hingos, Donaldson, Walsh, and Chairman Stanziale all voted in favor of this application, and Members Fomchenko and Neidhardt voted against the application.

4)	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 is now seeking an Extension of Approval.**

Donna Erem, Attorney for the applicant.

- Requesting a one year extension.
- The site building is not performing and there are too many empty beds.
- We are looking for a better design and layout.
- Phase II cannot be built as of yet.
- Mr. Maceira's report dated May 19, 2016 was reviewed.
- Asphalt pavement – We have received bids to patch the area and driveway. We are asking permission to patch the lot rather than pave the whole lot since it will be ripped apart once the construction of phase II begins.
- Items 2, 3, & 4 will be corrected.

Angelo Caputo, Architect for Care One, was sworn by the Board Attorney and accepted by the Board.

Donna Erem

- Would like a one year extension. Care One is redesigning the site.

- Will move the sea container but does not want to move the concrete structures – feels this is a property maintenance issue

Mr. Bernstein

- Disagrees. The Board has leverage while this is an open case.

Mr. Brancheau

- This has been sitting for years. Mr. Maceira's concern is this site is not under construction and nothing has been done or addressed for years.

Mr. Caputo

- This facility has 80 beds and only 30 residents.
- The rooms need to be redesigned. People want private rooms with private showers.

Mr. Leo

- The construction staging area will be coming in off of Eden Lane. They will not be going around to the other side of the property. Construction vehicles going into the staging area are not going around to the front of the building. Mr. Leo does not see why the entire parking lot cannot be completed.
- The area is 160 X 130.
- Only a very small area will be accessed by the construction.
- The current parking lot is failing.
- We cannot bring concrete trucks onto a failing lot.

Chairman

- Does not feel the Board should condone this situation.

Mr. Leo

- There are major areas of distress, rutting, base course is starting to ravel, and the base coat is starting to come up.

Mr. Neidhardt

- Feels that the applicant does not want to put any money into this site because they are failing.

Mr. Leo

- If this site is patched, it will not last a year.
- The temporary parking area is where the buffer was to go and cannot be installed with the temporary parking.
- If this was done to the satisfaction of the Engineer, this would mean the whole lot should be paved.
- The castings, ramps, and manholes are not ramped.
-

Board briefly stopped this case to allow the next case on the docet to be carried.

Martin Newmark, Attorney for Jefferson Properties, the next case, requested that this case be carried to June 16th with an extension of time until the last day of June. (June 31)

Resumed hearing case in progress.

Ms. Erem

- Item 8 – Cannot be moved now because it is in the middle of the dumpster area.
- Item 9 – They can pave around the generator and will curb.
- Item 10 – We will repair the broken sidewalk
- Item 11 – We will top soil the seed the bare spots.
- We are willing to do items 2 and 3 and part of 4. We will remove the sea container.

Mr. Walsh

- Is there a way to shield the precast concrete underground storm drains that are being stored on the property?
- The Board asked about putting a slatted chain link fence around the concrete.

Mr. Brancheau

- The cure may be worse than the issue and does not agree with the installation of a chain link fence

Board

- Come back in September with full compliance. You must have a plan of where you are going.
- Will grant a four month extension to get the property maintenance done and then will revisit the extension for phase II in September – paving will be patched or repaired to the satisfaction of the Township Engineers

Ms. Erem

- Will look into why we are still under a temporary CO.

Mr. Walsh

- The improvements must be done by August 1st, so our professionals have a chance to inspect prior to the applicant coming back on September 15, 2016.

Motion to grant the first extension of time request until September 15, 2016.

Moved by Member Walsh.

Seconded by Member Neidhardt.

Member Caruso, Fomchenko, Hingos, Neidhardt, Donaldson, Walsh, and Chairman Stanziale all voted in favor of the extension of time request and no members voted no.

APPLICANT/OWNER

JEFFERSON PROPERTIES MANAGEMENT
& DEVELOPMENT LLC

LOCATION:

40 SOUTH JEFFERSON ROAD
WHIPPANY

BLOCK: 2904

LOT: 4

ZONE: I

Applicant is requesting permission to use this site to park "Eagle" tow trucks as well as impounded vehicles, to park "Realin" trucks, to park "Cow" storage containers, to park limousines, to provide dead storage for Stephen Gould and to park Dimensional Dynamics vehicles. Applicant is seeking relief from sections 166-124 A 1-7, 166-15.3K(2), 166-15.3K(3), 166-155, 166-120.4A(5), 166-124A(3).

Board decision due by: MAY 19, 2016

Case carried to June 16, 2016 with an extension of time until June 30.

IV. ADJOURNMENT

Meeting Adjourned at 10:57P.M.

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