

Minutes of the Board of Adjustment of the
Township Of Hanover
JUNE 16, 2016

Chairman Stanziale called the Meeting to order at 7:40 PM 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, Linfante, Neidhardt, and Chairman Stanziale

Absent were Members: Iradi, Neidhardt and Walsh

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. | 1787 |
| APPLICANT | KATERINI & STEVEN CORNINE |
| OWNER | KATERINI CORNINE (ZERIS) |
| LOCATION: | 8 PARKER AVE.
CEDAR KNOLLS |
| BLOCK: 1407 | LOT: 3 |
| | ZONE: R-15 |

Applicant sought variance relief to construct an additional 300 sq. ft. of decking, a 679 sq. ft. addition to the right side of the home and addition of front and rear dormers on the existing home. Applicant also sought relief from sections 166-173A(2), 166-173A(3). Application approved May 19, 2016

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

Moved by Member Fomchenko and seconded by Member Hingos.

Voting in favor were Members Caruso, Fomchenko, Hingos, Donaldson, and Chairman Stanziale and no member voted against adopting the resolution.

- | | |
|------------------------|-----------------------------|
| 2) CASE NO. | 1788 |
| APPLICANT/OWNER | VINCENT & MARINA BARISCIANO |
| LOCATION: | 24 EMERSON DR.
WHIPPANY |

Application approved October 20, 2011. **Applicant sought an Extension of Approval. Extension granted until September 15, 2016 with conditions**

Adoption of resolution deferred to a later date to be determined.

II. ADOPTION OF THE 2015 ANNUAL REPORT

Report approved as written and a motion was made to adopt the 2015 Annual Report

Moved by Member Linfante and seconded by Member Donaldson

Members Caruso, Fomchenko, Hingos, Linfante, Donaldson and Chairman Stanziale voted in favor of adopting the Annual report as written and no members voted against adoption.

III. PUBLIC HEARINGS

- | | | |
|----|------------------------|-----------------------------------|
| 1) | CASE NO. | 1794 |
| | APPLICANT/OWNER | ETHEL M. SWALA |
| | LOCATION | 15 PROSPECT PLACE
CEDAR KNOLLS |
| | BLOCK: 2502 | LOT: 5 |
| | | ZONE: R-10 |

Applicant is seeking a certification of a nonconforming use for an existing two family.

Member Caruso

- Recused himself from the hearing due to a working relationship with the applicants attorney and Planner

Carmine Campanile - Attorney for the applicant

- Asking for certification of non-conforming use
- Existing house and existing apartment over the garage
- Structure was used for this purpose prior to 1956 when two families were no longer allowed

Ethel Swala

- Sworn by board attorney she is the owner of the property
- Lived at this property 66 years
- Married in 1949 and moved into the residence

- In 1949 there was a residence above the garage and has always been occupied by a tenant and has always been rented
- The first tenant moved in in 1947
- Separate sewer and water and separate meters for both

Opened to the public
Seeing and hearing none
Closed to the public

Theresa Swala- Sworn by board attorney

- Her parents were the first tenants in the house.
- Showed her birth certificate showing her address as 15 Prospect place Dated October 31st 1947
- Her parents rented the apartment - The owner's husband and her father were brothers
- The owner is her aunt

Frederick C. Meola - Planner for the applicant

- Sworn by board attorney
- A-1 Map # 2 of Hillsdale park showing original subdivision dated 1918
- A-2 Group of three pages 1923 zoning ordinance, 1946 zoning ordinance,
- In 1946 the zone was a tow family zone
- This house was built in 1942
- Property is serviced by two sewer and water connections one for the main house and one for the apartment over the garage
- House is known as #15 and the apartment tis known on tax record as 15 1/2 Prospect place
- There are separate electric meters for the property
- A-3 Photo taken May 19, 2016 by Mr. Meola - shows the house as it exists today picture of the garage with the apartment
- A-4 Photo taken May 19, 2016 by Mr. Meola showing the side of the building with the apartment and rear of main home
- A-5 Photo showing #15 the home & 151/2 the apartment
- A-6 Front and left side of home #15

Opened to public
Seeing none
Closed to public

Blais Brancheau Board Planner - sworn by Board attorney

- Did some research -

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).

Martin Newmark Attorney for the applicant

- Will be entering three exhibits
- A-1 Pages 22-109 of transcripts
- A-2 Pages 88-109 of transcripts
- A-3 Pages 74-82 of transcripts
- A-4 Cover Letter & supporting documents

Mr. Newmark

- Reviewed the attached transcripts with regards to the allowable number of Realin trucking parking spaces

William Hamilton Professional Planner for the applicant

- Is familiar with the application and Mr. Brancheau’s report
- Identified what they are seeking permission to do
- Gave overview of the application and variances requested
- Proposing some minor improvements
- Existing 20,740 sq. feet single story building
- Access is from South Jefferson Rd, to the property
- A-5 Colorized version of sheet 3 of 3
- Currently have 88 parking spaces now and will have 88 in the future
- Reviewed the colorized parking areas on the exhibit
- Proposing to stripe an area in the side yard to store Realin trucks

Mr. Brancheau

- Asked that Mr. Hamilton show the board the approved 2004 plan

Mr. Hamilton

- Showed the 2004 approved plan sheet 3 of 10
- A-6 2004 Approved site plan
- There is now a limousine service and a cow container service on the site

- A-7 Photos of storage of cow containers
- Containers are rented are taken to a site dropped off utilized by customers and when customer is finished with them they are returned empty to this site
- Described the Eagle towing and impound operations works
- Wants to take a 56 foot storage space and use for temporary impound use
- Vehicle storage of dimensional dynamics - storage of vehicles - applicant did not believe he needed approval for parking of Dimensional Dynamic Vehicles
- Steven Gould has dead storage of records on the site
- The prior surveyor and the current surveyor show a discrepancy in the lot size
- Described the reasons for the discrepancy

Mr. Brancheau

- Sworn by Board attorney
- Questioned the applicant being before this board if they are testifying that the uses are permitted

Mr. Brancheau and Mr. Newmark

- Had an open discussion regarding boards jurisdiction

Mr. Bernstein

- Suggests the board complete the case rather than Ping Pong back and forth between Board of Adjustment and Planning Board

Mr. Brancheau

- Applicant was originally before Planning Board - Determined in completeness there were "D" variances -
- Towing and storage of impounded and wrecked vehicles are not permitted on the site
- Zoning officer also determined not a permitted use

Board

- Determined that they are not permitted uses and this board retains jurisdiction

The board took a break from testimony to allow the next applicant to carry their case and give an extension of time on the record

Case # 1724 R-1
Whippany Lodging

Joe O'Neil Attorney for applicant

- Carried the case to July 21, 2016 with no further notice required and granted and extension of time for the board to act until July 31, 2016

Testimony in Jefferson Properties case resumed

Mr. Hamilton

- Reviewed the 7 conditions of outdoor storage
- A-8 Photo array of the site showing storage of the different vehicles on the site
- Described all of the photos in the packet and how the vehicles are laid out on the property
- Entire area on lot 5 is all wooded and has wetlands
- Described the wetland line on the applicants site
- Discussed the provided buffering and if it is adequate
- To have to buffer this lot and install a 20 foot fence would be a hardship for this site
- Does not comply with all parking storage in the rear lot
- Does not feel there is a requirement for a D1 use variance but does feel that there is a D3 variance
- D3 does not comply with certain conditions of a conditional use do not exist
- Described the reasons why this site is particularly suited for these uses on this site
- Feels this site is particularly suited for these uses
- Referred to two case studies
- Property has been utilized for storage for many years
- A-9 Aerial photos of the site
- Using aerials to show that this site has been used for outdoor storage for many years' photos going back as far as 1970
- Is not saying outdoor storage is a prohibited use
- Used aerials to show that the site is well buffered and protected from the neighbors
- A-10 List of users types, sq. footage and number of employees
- 3,354 sq. feet expanding impervious coverage to allow for cow storage and the adjustment of the lot size
- Does not believe the new paving triggers any storm water management issues
- The small vehicle that the Ome Caterers has fits into the south end of center isle parking spot - will remove if the board requires but there is a vehicle that fits into the spot
- A-11 As built survey
- Reviewed discrepancies between as built plan and approved plan
- The dumpster location has changed
- Curb line was moved closer to property line than what was on approved plan
- Two loading zones on approved plan,
- Change the parking lot stripping at front of building
- Addressed isle widths

- Looked at Four proposed parking spaces that require 35 foot isle width -
- Trucks have been utilizing these spots for 10 years with no issues

Due to the late hour this case was carried to July 21st and the applicant was told that they would be second on the agenda

Mr. Newmark

- Granted and extension of time until the end of July

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

Joe O'Neil Attorney for applicant

- Carried this case to July 21, 2016 with no further notice required and granted an extension to July 31, 2016

IV. ADJOURNMENT

Meeting Adjourned at 10:31 P.M.

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