

Minutes of the Board of Adjustment of the
Township Of Hanover
February 16, 2017

Chairman Stanziale called the Meeting to order at 7:37 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, 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. RESOLUTION TO BE MEMORIALIZED

1)	CASE NO.	1795
	APPLICANT	COBRA AUTO PARTS
	OWNER	JOE LASORSA & SONS, INC.
	LOCATION:	156 PARSIPPANY ROAD
		WHIPPANY
	BLOCK: 8503	LOT: 4
		ZONE: R-40

Applicant's site is currently developed with an auto salvage business. Applicant sought Preliminary and Final Site Plan as well as "C" & "D" variances in order to construct an open steel frame structure, install an office trailer, fencing and a gate, reconfigure portions of the parking area and remove trees as necessary to accommodate the improvements. Applicant sought relief from sections 166-67B (1) and 166-167 et seq. Application approved January 19, 2017.

The above resolution has been deferred to a later date.

II. MINUTES JANUARY 19, 2017

The January 19, 2017 minutes were approved as written.

Moved by Member Walsh and seconded by Member Fomchenko.

Voice vote, all present in favor.

III. PUBLIC HEARINGS

- | | | |
|----|--------------------|--|
| 1) | CASE NO. | 1801 |
| | APPLICANT | BRIGHTSTAR HOSPITALITY, LLC |
| | OWNER | EPCO SERVICES, INC. |
| | LOCATION: | 262 ROUTE 10 WEST
WHIPPANY |
| | BLOCK: 7201 | LOT: 9.01, 13 & 14 ZONE: I-B |

Applicant is seeking preliminary and final site plan to construct a four-story hotel encompassing 127 guest rooms, parking lot area for a total of 148 spaces, 127 to be constructed and 21 to be banked, parking islands, landscaping, associated utilities, signs and lighting. Applicant is also seeking “C” variance relief for signage, front yard parking as well as a design exception for the height of the light poles. Applicant is also requesting and extension of the “D” variance approval that was granted on May 21, 2015

Board decision due by: APRIL 7, 2017

Carmine Campanile – Attorney for the Applicant

- Requested that the Board hold a special meeting for this case.

Chairman explained the board will not hold special meetings and gave the reasons why such as, conflict with others holding meetings in courtroom, being able get the township professionals as well as the board members together on a special night, by the time a special meeting could be arranged it would be the same time frame as when the next available meeting date would be.

Jay Patel – Applicant

Mr. Campanile, Mr. Patel, Board Attorney, Chairman Stanziale and LUA had an open discussion regarding scheduling of hearing and notice. The Board and professionals determined that March 16, 2017 would be the first date that this application could be heard.

Case carried due to defective notice to March 16, 2017.

2)	CASE NO.	1783
	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). **PARTIALLY HEARD AND CARRIED FROM JUNE 16, SEPTEMBER 15, AND OCTOBER 20, 2016**

Board decision due by: FEBRUARY 16, 2017

Mr. Walsh recused himself from this case due to a conflict of interest.

Martin Newmark – Attorney for Applicant

Mr. Bernstein, Board Attorney, requested clarification of the office use and existing tenants and how the parking and uses will work together and how the zoning works.

Explained there are two sets of numbers to consider, what the zoning requires and practically speaking what current users on the site need

Mr. Bernstein and Mr. Newmark had a discussion regarding how the case will be presented this evening.

Philip Fornaro – Operator of the Limousine service from this site.

- Sworn in by Board Attorney
- Exhibit A-5 which was previously entered.
- Operator of limousine service since 2007 which currently has four vehicles.
- Company owns two Chrysler 300’s, one Ford E350 and a ten passenger van.
- Tends to all the needs of the company along with one full time and one part time employee.
- Showed where he plans on parking the limos.
- The hours of operation are 4:30 to midnight with Monday and Thursday being the busiest days.
- The office is staffed by Philip and Carmine Fornaro and the only employees in the office.
- This location is very convenient right near the highway. We aren’t traveling on any local roads unless the client is in Hanover Township.
- Inside the building there is an office which we answer the phone and do the billing.

- The cars are cleaned at the Morristown Car Wash and not at this location.
- The office space is two office cubicles and the whole office is approximately 10x20.
- Uber and Lift have really damaged their business and do not see it growing any bigger than it is.

Ms. Iradi

- Questioned the approval to park the ten passenger van and if it would carry to the next tenant.

Mr. Bernstein

- If it is not a limousine business they cannot park a ten passenger van on the site without it coming to the board for approval.

Mr. Neidhardt wanted clarification of the ride time.

Philip Fornaro

- The bulk of the business is during off peak hours.

Mr. Linfante questioned if there was an area that the parking could be expanded that would not require variances and the COWS are currently stored in the wetland buffer illegally.

Philip Fornaro

- There is currently 2800 sq. feet of unoccupied space in the building.

Opened to public
Seeing and hearing none
Closed to public

Mr. Hamilton – Planner for the Applicant

- Still under oath from previous meetings.

Mr. Linfante questioned the existing parking lot.

Mr. Hamilton

- Referred to exhibit A-6.

- Intended to do some averaging to allow the pad that was built.
- We would have to average some of the buffer by the building.
- We didn't look to reduce the buffer at the rear of the site because they feel they have enough parking on the site.

Mr. Linfante

- There is obviously isn't enough parking on the site where it is supposed to be; otherwise you would not be in front of the board.
- Questioned if it would make sense to get DEP permission to expand into the buffer.

Mr. Hamilton

- We are asking for permission to park on areas that are already paved rather than asking for more paving.
- He feels this was the better alternative rather than reconfiguring spaces in the back that would not be convenient to the current user which is Realin Trucking.

Mr. Linfante

- The intent of the zone is to not have parking in the side yard.

Mr. Hamilton

- Some of the existing paving was done at the time of construction per Mr. Berman who retired as Township Engineer. It was paved before the CO's were issued.

Mr. Stanziale

- Has a problem with parking the trucks on the side of the building and does not want the neighboring property to have to look at trucks when they leave their building.

Mr. Linfante

- Has an issue with other options not being explored to eliminate the variances.
- There is room to move things around on the site and have buffer areas you may be able to take advantage of.
- Not addressing an issue that no one went to DEP to try and get approval for a wetlands averaging plan.
- There was no study done and the wetlands averaging plan was never explored.

Mr. Hamilton

- We did not go to the DEP. Once and if we receive approval from the board we will go to the DEP and consult with a wetlands expert.

Ms. Iradi

- Questioned if there could be some room for buffering between this site and the neighbor such as arborvitae.

Mr. Hamilton

- Yes, there is 12 feet where they could plant an arborvitae buffer between applicant's property and Johnston Supply on the South West property.

Mr. Newmark

- The client has advised him to withdraw the variance for the two parking spots on the Southside of the building and will post no parking.

Carmine Fornaro Sr. – Co- Operator

- Sworn in by board attorney
- Admitted they should have not paved the wetlands areas and takes full responsibility.
- Has been in town for thirty plus years.
- The two spaces on the side were for the future spaces.
- Is here tonight to make things right.
- He has been hauling the mail for the Postal Service since 1958.

Carmine Fornaro Jr.

- Sworn in by Board attorney.
- Has been running the COW storage container operation since September of 2012.
- Exhibit A-14 Chart of current and past uses.
- Sixteen of the containers are just like PODS.
- They are on wheels moved on a 16 ft. trailer with winch.
- The storage trailer is totally enclosed.
- Described where the COW containers are currently stored.
- The COWS are not visible from any direction off the site.
- He and his brother are the only employees with him doing most of the financials and Philip working the operational side.
- COWS are not in the parking areas.
- Tows the COWS with his personal vehicle and the trailer stays onsite at night.
- There are spaces for seventeen containers with spring to fall being the most active.
- Typically 12- 14 COWS would be offsite and onsite 2-4 from spring to fall.
- Fall to spring would be the opposite 2-4 offsite and 12-14 onsite.
- We have been operating from this location for 4.5 years. We are particularly well situated for this business with the easy highway access.
- Gave an overview of the other tenants on the site.
- Steven Gould only stores their files on this site.

- Eagle Towing has fourteen spaces for trucks and trailers and eight spaces for employees.
- OME Caterers has one small box truck, one Chevy van and one transit van,
- We need six total spaces for business.
- Darcore is the office operation for OME Caterers which has four vehicles.

Mr. Brancheau

- Storage of containers is not permitted and this is where the “D” variance comes in.
- In his opinion the leasing of containers is the principle use for this office.
- The office is the accessory use in this particular case.

Mr. Linfante and Mr. Brancheau had an open discussion regarding paved areas and relief that is required.

Ms. Iradi

- Outdoor storage is not allowed unless it is an accessory to the use not being the use.

The Board took a short break.

Mr. Newmark reviewed the Industrial Zone and the ordinance does not define industrial uses.

Mr. Brancheau, Mr. Linfante and Ms. Iradi had a discussion regarding what defines an industrial use and discussed what the intent of the ordinance is.

Mr. Linfante questioned what an industrial use is.

Mr. Brancheau

- He must look at the history of zoning and the history of industrial use in the town.
- He doesn't see the COW storage as an Industrial Use.

Mr. Newmark

- Reviewed 166-194 Industrial Uses 166-195 Prohibited Uses
- Doesn't feel that the COWS are covered under the prohibited uses.

Open lengthy discussion regarding Industrial Uses, Accessory versus Principal Uses.

Mr. Stanziale

- He does not feel that the proposed uses are for industrial use.
- Industrial uses are more in line with the manufacturing of products.

Opened to public
Seeing and hearing none
Closed to public

Carmine Fornaro Jr.

- 4-8 ft. units and 12-16 ft. units for the COWS.

Carmine Fornaro Sr.

- Reviewed the businesses that were present when he purchased the building.
- Reviewed the Realin operations which haul mail for the US postal service.
- Twelve 32ft. trucks for Realin and twelve employees with one standby.
- He is mostly retired and his children run the business.
- Employees pull trucks out and put their personal cars in the place of the truck.
- Delivers to 36 offices in New Jersey.
- The present site is a good location due to the location of the post offices they service.
- They were cited by zoning officer for having heavy equipment on the property which was a truck with a plow, fork lift and a backhoe cited for having tires stored on the site.
- Tires are stored both indoor and outdoor. The fork lift and backhoe must be stored outside.

Mr. Bernstein

- He suggested not ruling on the Towing business.
- The construction equipment storage is a "D" variance.
- In past approvals the board determined that for Realin Trucking the principal use was the office and the accessory was the trucking.

Ms. Fomchenko

- Realin Trucking and Eagle Towing are allowed and OME has been there forever.
- Questioned if Limo and COWS got CO's.

Mr. Brancheau

- Any change of the use requires a variance, if variance is not required then it would go through SPEC.

Mr. Newmark

- They did not get CO's for the new businesses on the site.

Ms. Fomchenko

- Would like Eagle Towing bifurcated from the rest of the site.
- Made motion to vote on Eagle Towing by bifurcation and then vote on continuing use.

Robert Newell broke down the operations of Eagle Towing for the motion:

- 14 tow trucks, 2 tractor trailers, 7 30 ft. flatbeds and 1 service trailer and 4 regular tow trucks are inside.
- 8 employees
- Will not store impounded cars onsite and all impounded cars go to Parsippany.
- Reviewed the size of interior space and hours of operation

Moved by Member Fomchenko and seconded by Member Iradi.

Members Caruso, Fomchenko, Hingos, Linfante, Neidhardt, Iradi and Stanziale were all in favor. No member voting against.

Eagle Towing is approved with conditions

The remainder of the case is carried to April 20, 2017

Mr. Newmark granted extension of time for the board to act until April 30, 2017

VI. ADJOURNMENT

Meeting Adjourned at 10:59P.M.

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