

Minutes of the Board of Adjustment of the
Township Of Hanover
January 19, 2017

Chairman Stanziale called the Meeting to order at 7:42PM 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, Neidhardt, Stanziale and Walsh

Absent were Members: Donaldson, Iradi and Linfante

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

I. CORRESPONDENCE

1. Letters of Re-Appointment/Appointments

John Caruso	Four (4) Year Tern Ending 12/31/20
Edward Walsh	Four (4) Year Term Ending 12/31/20
Judy Iradi	Alt. 1 Two (2) Year Term Ending 12/31/18
John Donaldson	Alt. 2 Two (2) Year Term Ending 12/31/18

II. REORGANIZATION

1. ELECTION OF CHAIRPERSON

Motion to nominate Member Benjamin Stanziale as Chairperson.

Moved by Member Walsh and seconded by Member Fomchenko.

Seeing and hearing no others the nominations were closed

Members Caruso, Fomchenko, Hingos, Neidhardt and Walsh were all in favor of Mr. Stanziale for Chairman for the 2017 term. Mr. Stanziale recused himself from the vote.

2. ELECTION OF VICE-CHAIRPERSON

Motion to nominate Member Walsh as Vice-Chairman.

Moved by Member Stanziale and seconded by Member Fomchenko.

Hearing no others the nominations were closed.

Members Caruso, Fomchenko, Hingos, Neidhardt and Stanziale were all in favor of Mr. Walsh for Vice Chairman for the 2017 term. Mr. Walsh recused himself from the vote.

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 2017
- e. Membership in the NJ Federation of Planning Officials for the Year 2017
- f. Designation of Completeness Official

The 2017 Reorganization Resolutions stated above were adopted as written. Moved by Member Walsh and seconded by Member Fomchenko.

Members Caruso, Fomchenko, Hingos, Neidhardt, Walsh and Chairman Stanziale were all in favor to adopt the above 2017 Reorganization Resolution as written.

REGULAR MEETING OF BOARD OF ADJUSTMENT CALLED TO ORDER

II. MINUTES FOR APPROVAL November 1, 2016

The Minutes from November 1, 2016 were adopted as written.

Moved by Member Walsh and seconded by Member Fomchenko.

Members Caruso, Fomchenko, Hingos, Neidhardt, Walsh and Stanziale were all in favor.

III. RESOLUTIONS TO BE MEMORIALIZED

- 1) **CASE NO.** 1749 (formerly Dutcher)
APPLICANT/OWNER NICOLA MARUCCI & NICOLE SPAGNOLI
LOCATION: 54 OAK BOULEVARD
CEDAR KNOLLS
BLOCK: 1311 **LOT:** 6 **ZONE:** R-10

Applicant sought an extension of the approvals granted August 21, 2014 and resolution memorialized September 18, 2014 for the addition to the home, pool, patio and deck.
EXTENSION GRANTED NOVEMBER 1, 2016

Motion was made to adopt the above resolution as written.

Moved by Member Walsh and seconded by Member Fomchenko.

Members Fomchenko, Hingos, Neidhardt, Walsh and Stanziale were all in favor.

- 2) **CASE NO.** 1649
 APPLICANT/OWNER 299 WHIPPANY ROAD LLC
 LOCATION: 299 WHIPPANY RD.
 WHIPPANY
 BLOCK: 4701 **LOTS:** 28&30 **ZONE:** R-15

Applicant sought an extension of preliminary and final major subdivision approvals with bulk variances and design waivers, including a density variance that was granted by the board on April 15, 2010. The resolution memorializing the action taken was adopted on June 17, 2010. **EXTENSION GRANTED NOVEMBER 1, 2016**

Motion was made to adopt the above resolution as written.

Moved by Member Walsh and seconded by Member Fomchenko.

Members Caruso, Fomchenko, Hingos, Neidhardt, Walsh and Stanziale were all in favor.

IV. PUBLIC HEARINGS

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

Applicant's site is currently developed with an auto salvage business. Applicant is seeking 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 is seeking relief from sections 166-167B(1) and 166-167 et seq.

Board decision due by: FEBRUARY 2, 2016

Lawrence Calli- Appearing as attorney for applicant

- Knows we are one member short of a super majority vote, but has chosen to go forward.
- Gave an overview of the existing business on the site.
- Autos salvage business that predates the code in a residential zone.
- Discussed the violation issues on the site.
- Violation is for an open air structure that was being constructed per the DEP request and did not know they needed to get site plan approval.
- Site plan for 400 plus open air structure, relocate office trailer, something that is a little more business productive, fencing and reconfigure the parking area.
- Discussed the variances that they are requesting.
- Three witnesses will be presented this evening.

Carlo Lasorsa – Owner Operator

- Sworn in by Board Attorney
- Owns the business with his brothers.
- Has been in the auto salvage business for 22 years.
- On October 23, 2014 he took ownership.
- Was an existing auto salvage yard which had fencing signage and trailers on the site when they purchased.
- Open from 8:00AM to 5:00PM
- 9 -10 employees
- Five vehicles, flatbed, pickup truck and three vans.
- Gave overview of the daily operations of the site.
- On average there is fifteen to twenty walk in customers.
- The average in-person customer visit is twenty minutes.
- Weekends are 8:00AM to 2:00PM and closed on Sunday.
- Has not received any operation violations and hasn't had any complaints from the neighbors.
- Meets with the DEP annually.
- During the spring months DEP Brian Schrock inspects the yard.
- Concerned there was no roof over the car dismantling area and is concerned with the auto fluids being washed into the ground if they were not working over a roof.
- Did not know they needed permits and thought because the DEP wanted it that it must be done ASAP and began building it.
- They built the structure using steel and invested good money to try and put together a strong structure to be safe and stand for a long time.
- When they purchased the property the property was extremely dated and wanted to make it look right.
- The office is currently set back on the property and visitors have to walk the site to get to the office.
- Wants to move the office closer to the street to give a better appearance and be safer due to the fact that visitors do not access the site before getting to the office.
- Wants better curb appeal.
- Provides cars for the Fire Department to practice on and also provides the accident cars for the Don't Drink and Drive Program.
- Visible from the front now is parking lot, fence and then a yard.

- Can currently see parts from the road and currently there is a six foot fence.

Lawerence Calli

- Will have the trailers that are over the lot line pulled onto the site and the fence will also be pulled onto the site within the applicants property line.

Mr. Lasorsa

- There is no contamination on the site that they are aware of.
- All work is done on the slab and as far as he knows the ground has not been contaminated.
- The roof structure is partially built.
- There is slab currently there and it just needed a roof over it per DEP requirement.
- If facing yard there are two sections. There is a right section and a left section and they do not stack cars.
- Once 70% of valuable items are removed from cars they remove the remaining items and shelve them then crush and stack the cars and wait for the recycler to come and get them. Those are the only cars that are stacked.
- Described where they get their cars from. Wrecks, auto auctions and owner turn-ins.
- They do not fully crush the cars and they do what is called soft crushing which basically just collapses the roof and noise does not go beyond the site.

Blais Brancheau, Township Planner and Gerardo Maceira, Township Engineer were sworn in by the Board Attorney.

Blais Brancheau questioned how many employees are present at the site at one time.

Mr. Lasorsa

- Six to seven employees on site at one time.
- They do not sell entire vehicles and they do not sell whole cars from this site.
- Did not have an environmental testing done on the site prior to the purchase of the purchase of this site or since they owned it.
- Will have the tow truck drivers now drop the cars inside the yard.

Blais Brancheau

- Acknowledges this is a non-conforming use.
- Requested that the landscaping be improved and would like to see more fencing replaced that what is proposed.
- More landscaping and buffering between the home to the South.
- Parking needs to be updated and improved with pavement and stripping.
- Estimated pavement needed would be approximately 8,000 to 10,000 sq. ft.

Mr. Calli

- The Client will provide the paving s requested by the board.

Mr. Lasorsa

- Will enclose the dumpster area.
- Vinyl fencing is not practical for this type of use.

Opened to the public

Ronald Terreri – Resident of 150 Parsippany Road

- Concerned about the fence along the south side of the property.

Mr. Lasorsa

- The fence will run along the whole length of the front and Southside.

Terri Baird – 180 Parsippany Road

- Sworn in by Board Attorney
- The property looks so much nicer since this owner has taken over the site. Never hears any noise coming from this site.
- All for a wooden fence and not a vinyl. They have been really great neighbors and appreciate everything they are doing.

Closed to Public

Break was taken for 15 minutes

William Lane – Civil Engineer for the Applicant

- Sworn in by Board Attorney
- Gave overview of professional and educational background.
- Described existing conditions of the property.
- Exhibit A-1 Aerial photo
- Described where the 8 foot fence will be constructed and where the new office trailer will be located.
- Described where the open air structure is.
- Office trailer is 12.5 feet high and will be a neutral color.
- Showed where the trailers are that are currently over the property line and those trailers will be pulled onto the applicants property.
- The current office will be left on the property and will be used as storage for paperwork.

Mr. Calli

- All of the structures on the site currently will remain and new office trailer will be installed.

Mr. Lane

- The open air building is 16.4 high.
- The trailers along the property line are used as storage of auto parts.

Mr. Brancheau

- Those trailers started appearing on the site in approximately 2000.
- Reviewed ordinance section 166-114c-
- Side yards subject to 20 ft. setback, rear yard are 20 ft. as well.

Chairman Stanziale asked that the trailers be pulled at least five feet from the property line.

Mr. Calli will consent to moving storage trailers five feet from line as condition of approval.

Mr. Brancheau

- The site requires eight trees on site and the preference would be to plant as many as possible.

Opened to public

Seeing and hearing none

Closed to public

John McDonough – Professional Planner for Applicant

- Sworn in by Board Attorney
- Exhibit A-2 Planning Exhibit photos
- Agrees with Mr. Brancheau's report dated January 19, 2017
- There is a varied land use mix in this area.
- Described the surrounding area uses.
- Although zoned a residential neighborhood there are many other uses in this area of the zone.
- Reviewed all of the photos and described what they depict.
- Described the permitted uses in the R-40 zone.
- Exhibit A-3 Zoning Certificate
- Exhibit A-4 Annual certificate issued from the town.
- Exhibit A-5 1967 minutes

Mr. Brancheau

- An eight foot fence can be approved by the board without a variance if the board deems it is necessary for the use.

Mr. McDonough

- Applicant will need relief for the nine foot gate.

- Reviewed all of the variances being requested and gave testimony as well as the balancing test for granting the variances.
- The applicant agrees to an eight foot gate rather than a nine foot, therefore a variance will not be required.

Opened to public

Fred Brunner

- Sworn in by Board Attorney
- Owns Brunner's Garage, family owned since the 60's.
- The site has had three owners since he has been working at his family's garage since 1977. The current owners are really cleaning up the site.
- There was always a storage trailers on the site.
- The applicant is very good with the fire department.
- Very much in favor of the application before the board.

Closed to public

Mr. Brancheau

- Discussed the zoning.
- Described the difference per a shrub and a tree per the Chairman's request.

Mr. Neidhardt

- Wants the aesthetics of the trailer to be addressed.

Carlo Lasorsa

- Earth toned, clean cut, 12.5 ft. trailer, vinyl siding with wood steps entering the trailer.

The Board wants Blais to have final say on aesthetics of the trailer.

Board Attorney, Daniel Bernstein summarized the conditions.

Motion to approve with conditions made by Member Walsh and seconded by Member Neidhardt.

Members Caruso, Fomchenko, Hingos, Neidhardt, Walsh and Stanziale were all in favor to approve with conditions.

Mr. Brancheau questioned a time frame for this to be done.

Board, Mr. Calli and Mr. Brancheau

- Had an open discussion regarding the time frames that work needs to be started.
- Steel structure shall be covered within six months of the date of resolution.
- Other work must be done within two years

Meeting Adjourned at 10:46P.M.

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