

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).

Resolution for approval of bifurcated Eagle Tow Truck parking.

This resolution was deferred to a later date.

II. MINUTES FEBRUARY 16, 2017

The February 16, 2017 minutes were approved as written.

III. PUBLIC HEARINGS

- | | | |
|----|---|--|
| 1) | CASE NO.
APPLICANT
OWNER
LOCATION:

BLOCK: 3504 LOT: 8 | 1807
Tom & Kathleen Monahan
Thomas Monahan
46 Perry Street
Whippany
ZONE: R-15 |
|----|---|--|

Applicant is requesting permission to construct a covered front porch and alter the front walk. Applicant is seeking relief from section 166-173A(2)

Board decision due by: APRIL 12, 2017

Member Fomchenko recused herself due to conflict of interest.

Kathleen Monahan – Applicant

- Sworn in by Board Attorney

David Delle Donne – Architect

- Sworn in by Board Attorney

Tom Monahan – Applicant

- Sworn in by Board Attorney

Mr. Delle Donne

- Gave an overview of the proposed front porch.
- It needs a front yard setback, 34.7feet front right corner.
- Exhibit A-1 shows a packet of six photos.
- Exhibit A-2 is a Google Map aerial of the site showing the home and surrounding area.
- Showed six photographs
 - a. four are direct views of the home.
 - b. one facing left view of the home.
 - c. one that shows the right views of the home.
- We are seeking a 31.7 foot setback after an 8ft. addition of the front porch.

Mr. Brancheau – Township Planner

- Sworn in by Board Attorney
- This case may not need a variance but without the neighborhood setback pattern calculations we cannot tell what the pattern is.
- Gave an overview of the ordinance regarding allowable front yard encroachment.
- He looked at the four foot encroachment.

Mr. Delle Donne

- Asking for an additional four feet beyond the allowable four feet.

Ms. Iradi

- Questioned the allowable setback encroachment and what types of structures are allowed to encroach.

Mr. Neidhardt

- Questioned if the addition of the applicant's porch would be closer to the curb than the neighbors.

Mr. Monahan

- No, the neighbors porch is forward of the proposed porch.

Mr. Walsh

- Questioned Mr. Delle Donne about how he estimated the front yard average setback from the aerial google map.

Opened to public
Seeing and hearing none
Closed to the public

Mr. Brancheau

- Clarified that the steps are included in the setback encroachments.
- The Board may want to indicate that the 31.7 is to the floor corner of the porch and to include a 6" overhang and two steps to the grade.
- Also to allow for a foot of overhang and twelve inches in rise per step and eight inches with eleven inch treads.

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

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

No member voted against approval

Member Fomchenko returned to the dais.

2)	CASE NO.	1808
	APPLICANT/OWNER	Melissa Meggiolaro
	LOCATION:	15 Prospect Place Cedar Knolls
	BLOCK: 2502	LOT: 5
		ZONE: R-10

Applicant is requesting permission to raise the dormer above the bathroom in order to allow for the installation of a shower above the tub. Applicant is also seeking relief for future replacement of the air conditioning unit. Applicant is seeking relief from sections 166-176C and 166-176B.

Board decision due by: May 20, 2017

Melissa Meggiolaro – Applicant

- Sworn in by Board Attorney

Michael Meggiolaro – Father of the Applicant

- Sworn in by Board Attorney

Fred Meola – Engineer for the Applicant

- Sworn in by Board Attorney

- Gave an overview of the existing property and the prior certification of the non-conforming use for a two family.
- Applicant wants to raise roof of dormer so that a shower can be installed so the applicant doesn't have to duck down under the slope to get into the tub.
- They do not have a 10ft side yard.

Ms. Meggiolaro

- My current AC unit is currently two feet over the property line onto the neighbor's property.
- When the unit gets replaced it will need to be moved back and it may be on the property line.

Mr. Meola

- There is no way to get the 10 foot side yard setback for the AC unit to where the house is located.

Mr. Brancheau

- The required setback for the AC unit is 5ft. as per ordinance 166-133.

Ms. Meggiolaro

- Described the current upstairs bathroom and the slant.
- The contractor told her that raising the roof would be easier and more cost effective than repiping the bathroom since there is really no way to redesign the bathroom.

Mr. Walsh

- Questioned if the chimney would need to be raised and if a variance is required.
- Exhibit A-1 shows photos of the interior.
- Chimneys that are up to 20 ft. high are exempt from needing a variance.

Mr. Brancheau

- Asked for clarification of the variances being requested.
- The building height is not a violation and the building height to setback is only thirty feet.
- Feels that only a side yard violation for the building setback is required.

Mr. Maceira – Township Engineer

- Sworn in by Board Attorney
- Required side yard for height expansion and felt that raising the roof may encroach into the required front yard.

- The dormer is a front and side yard variance because the dormer is within the required front yard setback.

Mr. Brancheau

- Discussed the front yard averaging and how it is used to determine if a variance is required.
- They will need a variance for the AC unit and a side yard variance for extension of the roof.
- Since vertical extension is within the required front yard a variance may be required.

Chairman Stanziale

- The AC unit must be at least a foot off of the property line.

Mr. Meola

- The current unit is approximately 15 feet from the front of the house.

Chairman Stanziale

- The AC unit must be one foot off the sideline and 5 feet from the front of the house.

Open to public

Seeing and hearing none

Closed to public

Motion to approve with conditions on the required front yard setback, side yard setback and that the front yard violation is triggered by the raising of the roof.

The Board is approving the roof being raised even if it does violate the front yard setback.

2 variances for AC unit and 2 variances for roof front yard and side yard for both.

Moved by Member Walsh and seconded by Member Linfante to approve with conditions.

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

No member voted against the application

The Board took a short break.

- Many of the cars are not street legal and not designed to be outside.
- They are trailered to the site to be worked on.
- If they built a customer a car from the ground up; then they would do the oil change for that customer.
- We will not have any large canisters of oil on the site and we do not buy any oil in bulk.
- We just keep a small drum for waste oil and then have a DEP licensed oil recycler take away the oil.
- There are no floor drains proposed.
- The current site has tile on the floors.
- We must keep a clean environment.
- These cars are valued at \$200K and they must keep a shop that is in line with that type of cliental.
- There is a milling, machine shop and welding onsite.
- There are seven hydraulic lifts that are proposed.
- They aren't the typical hydraulic lifts, they are bolted to the floor and each has its own individual canister with all self-contained canisters and self-contained.
- We currently have six people working and seven will be the capacity.
- The hours of operation would be 8:30AM to 5:00PM Monday through Friday. If a customer is waiting then possibly till 6:00PM.
- The majority of vehicles are trailered in.
- They discussed the refuse and recycle.
- Once they have twenty to twenty-five tires they would call the tire recycler.
- Scrap metal would get picked up for recycling and tires will not end up outside the lease hold.
- The garbage would be kept inside and then taken to the dumpster,
- The HAS questioned the wastewater- Vehicles will not be washed there, only bathroom and handwashing use.
- Feels that the amount of parking is sufficient for their needs with only six to seven employees.
- The customers are by appointment only.
- The typical number of cars onsite could be between five to ten cars that would be stored inside.
- We use a *dry wash* or *show room shine* and do not do much car washing in our current location.
- If a customer buys a used Porsche, we take the car to bare chassis and then building it to the new owners design.
- The ground up cars is for older cars. We put new brake system and new engine.
- The engines are built from the ground up. We hand make the exhaust system from scratch.
- We get the car ready for paint and then send it to the paint shop and then it is returned to Protosport and assembled on our site.
- 80% of Protosport's work is done in house.
- They discussed how a prospective buyer could come and look at a car if it is for sale. Usually no one comes to the site and it's mostly questions as to what has been done to the car. We do not sell the cars; we just connect the buyer with the seller.

- The average is three to six months for work to be done on a car.
- We possibly work on about 150-200 cars a year.
- The wintertime is very slow until the weather starts to get nice.
- We do not do restoration work to the original, it isn't cost effective.
- The work is mostly custom work and troubleshooting.
- We only rebuild and install engines and do not sell them.
- We only sell parts to order and we don't keep an inventory.
- All of the finishing goes to another site unless they are doing a bare finishing.
- The sandblaster they use is self-contained and the millings go to the scrap guys.
- The cars are tested at offsite location tracks and not on local roads.
- We do not do MVC inspections at Protosport's.
- Tires are bought specifically to each custom car order. No new tires are stored onsite.
- We keep a few car batteries onsite.

Mr. Linfante

- He recapped what the board has heard so far.

Mr. Fiaeta

- The signage will only be what is allowed by ordinance.
- We aren't looking for heavy signage and we do not want to draw the general public's attention that they are there.
- We do not store or winterize cars for the winter.

Mr. Linfante

- Questioned with concern that if the board approves the *use*, how it could be crafted in the resolution so that the next user does not have permission to use as a general automotive facility.

Mr. Schwartz and Mr. Wyciskala had a discussion on how to word the resolution.

Ms. Iradi questioned if the *use* was allowed anywhere else in the township.

Mr. Brancheau

- Stated that yes this *use* permitted in other zones in town such as B, B1 and DS. The following also allow manufacturing such as IB and IB-3.

Ms. Fomchenko questioned if there was plating done on the site.

Mr. Fiaeta

- It is farmed out to a facility in Paterson and described the parts that may be plated.

Opened to public
Hearing and seeing none
Closed to public

Peter Korzen – Professional Engineer for Applicant

- Sworn in by Board Attorney
- There are no site plan changes proposed.
- Architectural plans will be modified to remove the man door which is actually a window.
- Proposed a 10,500 square feet.
- Gave an overview of sheet 3 of 3 dated November 30, 2016.
- Described the layout of the site location.
- Reviewed the Township Engineer's report dated March 6, 2017.
- They are willing to attempt to use the existing dumpster. If more dumpsters are required we will add a 2 yard dumpster inside the existing enclosure.
- The applicant will plant the required shrubs as well.
- Will record the deed of dedication that was required in the previous E&S approval in 2011.
- The ADA parking will have to be stripped accordingly.

Chairman Stanziale

- Questioned what the plans from 2009 weren't signed and why haven't the requirements of the 2011 plans been signed.

The Board wants the conditions of 2009 and 2011 conditions addressed before the CO is to be granted.

Ms. Iradi questioned the current businesses onsite.

Mr. Korzen

- There are currently two on site which are E &S Foods and Aquarius. Currently there are no other uses on this site.
- If Protosport is approved then all of the parking spaces will be occupied.
- Referred to Mr. Brancheau's report dated March 3, 2017.

Mr. Brancheau questioned the uses and storage on the site that was not approved.

Mr. Wyciskala answered that these are questions for the owner.

Mr. Korzen and Mr. Brancheau discussed the prior approvals and what has not been done per the approvals and what will get done in the future.

Mr. Neidhardt

- The parking needs to be brought up to sixty-nine and they need to stripe the parking lot accordingly.

The Board discussed that the prior plans must be addressed, signed and straightened out.

Opened to public
Seeing and hearing none
Closed to public

Chairman Stanziale

- Case Carried to April 20, 2017
- Wants the site cleaned up and all the issues addressed before the April 20, 2017 meeting.

IV. ADJOURNMENT

Meeting Adjourned at 10:36P.M.

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