

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

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

Absent were Members: Donaldson and Iradi

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

Applicant sought permission to construct a covered front porch and alter the front walk.
Applicant sought relief from section 166-173A(2)
Application approved March 7, 2017

Motion to memorialize the above resolution as written.

Moved by Member Walsh and seconded by Member Hingos.

Members Caruso, Hingos, Linfante, Neidhardt, Walsh and Stanziale all voted in favor of the application and no members were opposed.

- | | | |
|-----------|------------------------|-----------------------------------|
| 2) | CASE NO. | 1808 |
| | APPLICANT/OWNER | Melissa Meggiolaro |
| | LOCATION: | 15 Prospect Place
Cedar Knolls |

Applicant is seeking “D” Variance approval to expand a non-conforming use. The existing structure is to remain and an addition of a one (1) story partial structure to existing residential portion and attached two (2) car garage at rear of existing structure.

Board decision due by: MARCH 16, 2017

Rosemary Stone- Dougherty – Attorney for Applicant

Anthony Marucci – Planner, Engineer and Sole entity of Mar- Kids

- Sworn in by Board Attorney
- Gave an overview of the history of the property and the mixed uses.
- Purchased in 2008 and came to have the mixed use changed from a real estate office to the engineering office.
- Exhibit A-1 is a set of three photographs which are dated December 13, 2016.
 - a. Photo 1 is the front face of the property.
 - b. Photo 2 shows the rear of the property and the neighbor’s deck.
 - c. Photo 3 is the basement and rear wall.
- Referred to the plans dated January 21, 2016 and the revised plans dated July 11, 2016.
- Discussed the perpetual easement that the neighbors have for their driveway on Mar-Kids property.
- The existing building is 1,200 sq. ft.
 - a. The apartment is 600 sq. ft.
 - b. The office is 600 sq. ft.
- Part of the addition is to take out a bedroom closet and make the bedroom a little larger and a two car garage.
- The height will not be any higher than the existing ridgeline.
- The addition will not be visible from the street.
- In the existing house the entire office area is over a crawl space. The basement is only currently under the apartment area.
- Not going to expand any of the bulk setback dimensions.
- A “D” variance would be needed.
- The way the addition is designed it will provide privacy to the neighbors.
- The addition will be one story in height.
- The commercial use is not being expanded; just the apartment is being expanded.
- The current property currently does not have a garage.
- The outside dimensions of the addition are 10x20 sq. ft.
- The proposed basement area is to provide storage for the engineering firm.
- Gave his personal reasons for wanting to expand the apartment for his own future personal use once he downsizes in the future.
- The future apartment would be 720 sq. ft. and the engineering office would stay 600 sq. ft.
- The garage would be 24x27 sq. ft.

Blais Brancheau the Township Planner was sworn in by Board Attorney.

Gerardo Maceira the Township Engineer was sworn in by Board Attorney.

Mr. Linfante questioned Mr. Brancheau regarding the allowable home office use and home occupations percentages allowable.

Mr. Brancheau

- For an Engineer to have a home office is limited to 200 sq. ft.

Mr. Marucci

- At this time the second bay in the garage will not be used for the tenant.
- It may be used for storage of surveying and engineering equipment.

Mr. Brancheau and Mr. Stanziale discussed the expansion of the non-conforming use.

Mr. Walsh

- In 2008 there were conditions placed on the business as long as the applicant confirms that the 2008 conditions are met and not expanded does that mitigate the conceived expansion of the business?

Mr. Neidhardt questioned how many customers come and go in an average week.

Mr. Marucci

- Its 50% Municipal and 50% private business and the only time we see traffic are on the weekends
- My four sons are part time employees.
- He doesn't see a traffic pattern changing with this addition and the business will not expand.
- Will comply with all of Mr. Maceira's report dated October 20, 2016 including all of the attached reviews.

Mr. Walsh

- Need to confirm part of the resolution to confirm employment of employees and the limits of employee's onsite at one time.

Mr. Brancheau

- Referred to the 2008 resolution.
- Reviewed fact finding from the 2008 resolution and the clarification of employees working onsite.

Hussain Ibrahim – Engineer for the Applicant

Mr. Brancheau and Mr. Maceira were sworn in by Board Attorney.

Mr. Ibrahim

- Gave an overview of educational and professional background.

Mr. Brancheau questioned roll in plan preparation due to the fact Sharif Aly is the engineer on the plans.

Mr. Ibrahim

- Has been a part of this application from the beginning of the development stage.
- This site is very unique and it took quite some time to get approvals from the DEP.
- It took over one year to get the approvals from the DEP.
- Position that in accordance with Cox since DEP approvals did not come in until June 30, 2016 and would not expire until June 30, 2017 feels still a protected application and variance approval.

Mr. Bernstein

- Questioned if this was a new applications since the building placement has changed.
- He advised the board what tolling is.
- If applicant acted diligently in obtaining DEP approvals and did not get DEP within a year the variance approvals should be tolled.
- The legal position is must get one issue out of the way if D3 and D4 are expired. We need to know if the original variances have expired.
- Not going to wave original approvals.
- The DEP is driving the redesign on the new application.
- Wants to hear the differences between the new building and the old building.
- Does not feel the applicant can build what was originally approved.
- The Board approved a location for the building and saw a building in a certain location and now it is proposed in a new location.
- After hearing all testimony it will determine if they can grant the extensions or if it is a totally new application.

Ms. Stone- Dougherty

- The original approval has certain rights and benefits to it and if it is tolled until June 30, 2017 those rights are protected until that date
- Gave outline of the rights that they feel are preserved are.
- D3 is for conditional use to be in the zone.
- D4 approval for Floor Area Ratio is based on size of the hotel and the size of the hotel has not changed which makes it still a perfected approval.

- Described D1 and D6 the two new D variances that are required due to the building being turned and now partially in the I zone.
- Gave an overview of how the application will be presented.
- Exhibit A-1 Spring Hill Suites rendering dated 2/15/17 for newly proposed location of building.
- Exhibit A-2 Plan that was used for the original approval dated 6/11/14 and revised 10/10/14 showing the original location of the building.
- Discussed the flood hazard area- after meeting with DEP and submitted applications- The hazard flood limit is at elevation 187 and would bring half way onto the site and halfway through the proposed building.
- Had to go back to the drawing board and redesign the location of the building to be outside the flood hazard area because DEP will allow building in the flood hazard area.
- The DEP approved this new location.
- The size and number of rooms have not been changed and will still be a Marriott property.
- Did not create any new “C” variances and did not eliminate any “C” variances.

Mr. Neidhardt questioned of Marriott has approved this new location.

Ms. Stone- Dougherty believes that the Marriott has been involved and is still on board with the new design.

Mr. Ibrahim

- Will comply with all of the comments in Mr. Maceira’s review dated February 15, 2017.

Mr. Linfante

- Believes the loop around the Porte ‘archer is very tight.
- Wants to know from Mr. Maceira if the circulation works.

Ms. Stone- Dougherty

- Exhibit A-3 is Spring Hill Suite rendering dated 2/15/17
- It addresses some of the concerns raised in the Township Engineer’s review dated 2/15/17.

Mr. Neidhardt feels that our professionals should have time to review the new plans.

Mr. Brancheau

- He would like the opportunity to do a more complete review.
- Recommendations for the board are not ready and cannot make their comments and recommendations at this time.

Mr. Ibrahim

- Bulk variances, size of the building and number of rooms at Springhill Suites are still all the same.
- The only thing that changed is the orientation of the building.
- The design of the building has been flipped and turned 90 degrees.

Mr. Brancheau feels the footprint of the building has changed slightly in the area of the pool.

Mr. Ibrahim

- There may be a slight change in the footprint but the square footage has not changed.

Opened to public
Seeing and hearing none
Closed to public

Mr. Neidhardt questioned how much of this building is now in the I zone and where it is as a prohibited use.

Mr. Ibrahim

- The area of the building in I zone is approximately 105 x 50.
- 21, 000sq. ft. of the total 75, 000 sq. ft.

Mr. Linfante questioned of the building could be put on piers and maintain the original orientation.

Mr. Brancheau

- The governing body and Planning Board put the lot line where is currently is more than 40 to 50 years ago and does not know why the lot is in the I zone.
- Reviewed the adopted amendment to the Master Plan which was adopted June 2016.
- Also reviewed the adopted amendment to the Master Plan adopted June 2016.
- Reviewed the Rt. 10 Corridor study for the B-10 Zone.

Mr. Linfante

- Questioned if this shows they want to see unified lots along the Rt. 10 zone and the front and back portion should be unified, not to split the zone?
- Questioned what is allowed now in the front lot should carry through to the rear lot as a consistent use?

The Board had an open discussion regarding the Rte. 10 Corridor study. The Planning Board recommends against split lot zoning.

Mr. Bernstein

- He must get the revised plans to the board before the next hearing.

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

John Chadwick – Planner for the Applicant

- Sworn in by Board Attorney.
- Accepted by the Board.
- The zoning hasn't changed and the surrounding uses have not changed.
- The proposed use has not changed, only the orientation of the building has changed.
- The only way the rear part of this lot can be used is in conjunction with the front part of the lot because it is landlocked.

Ms. Stone- Dougherty

- Gave extension of time until April 30, 2017

Case carried to April 20, 2017 and will be the first on the agenda.

IV. ADJOURNMENT

Meeting Adjourned at 10:31P.M.

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