

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

Vice-Chairman Walsh called the Meeting to order at 7:30 PM and The Open Public Meetings Act statement was read into the record:

Acting Board Secretary Gerardo, PE, took the Roll Call.

In attendance were Members: Caruso, Donaldson, Fomchenko, Hingos, Iradi, Neidhardt, and Walsh.

Absent were Members: Linfante and Chairman Stanziale

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

**Public Business Presented**

**I. RESOLUTION TO BE MEMORIALIZED**

1)	<b>CASE NO.</b>	1814
	<b>APPLICANT/OWNER</b>	ROBERT & KATHRYN KRIMMEL
	<b>LOCATION:</b>	37 LOCUST DRIVE CEDAR KNOLLS
	<b>BLOCK:</b> 102	<b>LOT:</b> 1
		<b>ZONE:</b> R-15

Applicant is seeking Residential “C” variances in order to construct a formal dining room, master bedroom, front porch and deck. **Application was approved November 7, 2017.**

Motion to adopt resolution as written.

Roll Call Vote

Moved By: Member Iradi

Seconded By: Member Hingos

Voting in Favor: Members Caruso, Fomchenko, Hingos, Neidhardt, Iradi, Donaldson, and Walsh.

Voting Against: None



- They need relieve because the addition could leave the side yard with a 10 ft. setback at worst.
- There are others like this in the neighborhood.
- The addition to the applicant's home would be beneficial to the neighborhood.

Mr. McDonough

- Exhibit A-1: Photo array of the area.
- This will fill a void on the property.
- They will not need to take down any trees.
- In context of the zone, this property is an oversized lot, almost 20,000 sq. ft. in a 15,000 sq. ft. zone.
- The house has been there since the 1950's and the neighborhood was built out around then as well.
- Similar additions have been done to other homes in this area.
- The addition would add an additional eating space for the family.
- They do not need a use variance.
- This will have very little negative impact.
- No other relief is needed for the property, just the side-yard setback.

Dr. Molinare

- Opened his practice on Ridgedale in 1990.
- He and his wife purchased a house in town in 1995.
- His daughters go to school in town.
- They would like to have a larger kitchen and would need to bump out the side in order to make room for the dining room.
- This would make it easier for them to host family gatherings and holidays.

Ms. Fomchenko

- Is this the only eating area that you have in the house?

Dr. Molinare

- There is a dining room but that has always been where they eat, they do not have a dine-in kitchen.

Ms. Fomchenko

- What will become of the dining room if the dining room is moved into the addition?

Dr. Molinare

- The existing dining room will become a part of the kitchen. They are planning on expanding the kitchen to where the dining room is now.

Ms. Fomchenko

- Do you know how big your kitchen is now?

Dr. Molinare

- Maybe 12 ft. by 12 ft.

Ms. Iradi questioned the exhibit and received clarification.

Mr. Walsh

- Have you considered building straight back rather than going to the side?
- Have you considered in the plan the ability you would have to get materials or service vehicles to the rear of your property?

Dr. Molinare

- Yes, they have thought about going to the side and then back. If they built back there would be some major trees that would need to come down. It would also impact the roofline and it would increase the cost. There would be a lot of issues if they were to build the addition straight back and because of that they never considered just building straight back. They feel that there should still be enough room on the side of the property to be able to reach the rear of the property if need be.

Ms. Iradi

- What is the easement?

Dr. Molinare

- It is a drainpipe.

Mr. McDonough went over the Planners Report and made some comments that he agreed with and discussed the property setbacks.

Mr. Walsh

- There is also a need for a zoning permit for the shed.

Dr. Molinare

- The shed was put there by the previous owner and he did not know it did not know it did not have a permit.
- The shed is 10x14 or 10x12

Ms. Iradi

- How far is the shed from the property line?

Dr. Molinare

- The shed is maybe 6-10 feet from the property line.

The Board discussed the location of the shed and its distance from the property line.

Mr. Bernstein raised the standard conditions so the applicant could be sure he was complying with them.

Mr. Neidhardt

- Can you explain why this is an exceptional hardship and show/explain that it was not self-imposed by the applicant?

Mr. McDonough

- The applicant is not going down the hardship path; they are going through the newer one, the C2 option instead of the C1.

Mr. Neidhardt

- Questioned how the positives of this addition outweighs the detriment it causes.

Mr. McDonough

- This is the much simpler way to do this project because of all of the structures in the back of the house. The public benefit looks at the neighborhood at large and it will help to improve the neighborhood harmony as many of the homes in the neighborhood also have additions.

Mr. Neidhardt

- Can you show me similar houses on that street that encroach on the side-yard setback the same way the applicant is proposing to do?

Mr. McDonough

- We do not have the capability to measure all of the neighbor's setbacks but we do have photos and it is important to remember that the addition will still be 10 feet away from the property line; it will not be right up against it.

Erik Woodruff – Neighbor to applicant

- Sworn in by Board Attorney.
- 29 Ertman Drive.
- Lives in the home directly next to Dr. Molinare
- His house is slightly slanted on the property so it actually sits a bit further away from Dr. Molinare's home.
- He does not believe that it will create any visual disturbance to his home because of how the property is setup.
- Has noticed that there are quite a few properties around them that have gone through major renovations and feels that it is welcoming to increasing property values and Dr. Molinare's addition is a benefit to the neighborhood in that respect.
- He thinks that it is a great addition for Dr. Molinare's family and it will greatly improve their house.

Ms. Iradi

- So you never plan to build out on that side of your house?

Mr. Woodruff

- I do plan on putting an addition on but I plan on going straight back.

Mr. Donaldson

- Is that the garage side of your home?

Mr. Woodruff

- It is. It is the garage and bedroom side.

Mr. Donaldson

- So in the future you could make a second garage?

Mr. Woodruff

- Plans to actually drive back and then turn left and have a garage back there and he would like to close off the garage and make a small den or family room or make a larger den or family room.

Mr. Luger

- Please tell the Board what your occupation is.

Mr. Woodruff

- I am a police officer in Hanover Township and have been for 2 years.

Open to the public

Seeing and hearing none

Closed to the public

Motion to approve the application based upon the conditions.

Roll Call Vote

Moved By: Member Iradi

Seconded By: Member Fomchenko

Voting in Favor: Members Caruso, Fomchenko, Hingos, Neidhardt, Iradi, Donaldson, and Vice-Chairman Walsh

Voting Against: None

Chairman Stanziale recused himself.

2) **CASE NO.** 1819  
**APPLICANT/OWNER** DEBORAH CHIMENTO  
**LOCATION:** 94 REYNOLDS AVE  
WHIPPANY  
**BLOCK:** 7701 **LOT:** 1 **ZONE:** R-15

Applicant is seeking "C" and "D" variances to construct a 521 sq. ft. addition on the south end of the existing dwelling for a two car garage and a 1,593 sq. ft. addition on the second floor above the existing dwelling and the proposed garage addition as well as the other onsite improvements. Applicant is seeking relief from section 116-173A(2) Minimum Front Yard 40 ft. is required, between 25.8 and 13.3 is being requested. 116-173A(3) Minimum side yard 18 ft. is required, between 6.7 ft. and 5.3 ft. is being requested, 166-173A(4) Minimum rear yard required is 40 ft. and 3 ft. is being requested, 166-113.1 Maximum building coverage is not to exceed 20% and 38.6% is being requested, 166-113.1 Maximum improvement coverage is not to exceed 40% and 53.7% is being requested, 166-113.1 Maximum floor area ratio allowed is 30% and 63.6% is being requested. The existing one-story frame shed in the southeast corner of the property is proposed to remain.

***Board decision due by: February 28, 2018***

Robert Rudy – Attorney for Applicant

Deborah and Carmine Chimento were sworn in by the Board Attorney.

Douglas Asral – Architect for Applicant

- Sworn in by Board Attorney
- Accepted by the Board

Deborah Chimento

- Is looking to put an addition and upgrade on her mother's house that she inherited.
- It is located on a corner lot.
- She wants to add an addition because she and her family would like to move in.
- The house is currently not big enough for her and her family.
- It currently is only big enough for two people.
- They are looking to go out the back and open up the front enclosed porch.
- They want a two car garage and three bedrooms upstairs.
- The property would not currently accommodate that.

Mr. Donaldson

- Since you do not currently live in the house are there any occupants living there at the moment?

Mrs. Chimento

- Yes, her brother is currently living there.

Ms. Fomchenko

- Were you deeded the property yourself or were your husband or brother included on it?

Mrs. Chimento

- She was deeded it by herself.
- The intention is to sell the 11 Woodfield Drive property.

Open to public

Joseph Jasinski – 5 Hillcrest Road

- How big is the house on 11 Woodfield Drive?

Mrs. Chimento

- It is a 3 Bedroom home.

Mr. Jasinski

- And currently it is in a situation where the structure is in conformance with zoning and it does not need variances to do additions?

Mrs. Chimento

- No.

Mr. Jasinski

- Is the house on 11 Woodfield Drive in foreclosure?

Mr. Bernstein

- Does not think the financial information is pertinent to this application.

Ms. Iradi

- On the plans it shows a shed but in the application it mentions a detached garage. What is that structure?

Mrs. Chimento

- It is a shed.

Ms. Iradi

- Was there no other way to come up with another plan that did not have so many violations because this proposed addition is really big?

Mr. Asral

- The homeowners considered that option.

Ms. Iradi

- They should consider making it smaller because there are so many violations and variances needed; it is extremely ambitious for this size lot.

Mr. Chimento

- They are open to recommendations.
- It's a small piece of property but they are open to recommendations.

Mr. Caruso

- Would you consider removing the shed off the property?

Mr. Chimento

- Yes we would consider it.

Mr. Asral

- The lot is a 5,090 sq. ft. lot. It is a corner property and it is one of the smallest lots in the neighborhood.
- There are many challenges due to the small size.
- The expansion is primarily due to the attached garage that would bring it into conformity with the town requirements for residents to have a one car attached garage.
- Most of the impact on the property is constructing the garage on the first floor.
- The shape of the lot is narrow and flag shaped at best.
- The 40 ft. setback requirement for front yards leaves very little room to build legally as the property has two front yards.
- The house would be 3,363 sq. ft.
- That includes the approximately 500 sq. ft. garage.
- The property has a width of 47 ft. which leaves only 7 feet to build.
- The depth of the property is only about 90 ft. which leaves very little room to build and conform with town requirements.
- With the floor ratio of lot leaves them with very little options.
- The area behind the house is quite open so they are not encroaching closely to someone's home.
- The shed is currently about 3 ft. from the property line.

Mr. Walsh

- Who owns the property to the west of the property?

Mrs. Chimento

- It belongs to the neighbors.
- The house that is on Reynolds, the neighbors at 92 Reynolds.

Mr. Walsh

- So the property directly behind the shed is owned by the neighbors on Nemeč?

Mrs. Chimento

- Correct.

Mr. Asral

- The addition he designed does not encroach at all towards the property on Reynolds.
- The bulk of the addition will be build towards the west of the property.

Ms. Iradi

- What is the current square footage of the house?

Mr. Asral

- 1,200 sq. ft.

Mr. Neidhardt

- Have you approached or considered approaching the neighbors of the property adjacent to you on Nemec about possibly purchasing the area that is behind the proposed addition but next to your shed?

Mrs. Chimento

- No we have not.

Mr. Walsh

- How will they be able to maintain the side of their house if there is only 3 feet available to do whatever improvements need to be done?

Mr. Chimento

- Would use tilted windows.
- It would be a maintenance free siding.
- The gutters will not be on that side.

Mr. Walsh

- What do you mean by maintenance free siding, how would you power wash it?

Mr. Chimento

- Does not necessarily agree it needs to be power washed.
- Would use scaffolding for maintenance.
- Or he would ask permission to use his neighbor's property to use a ladder.

Ms. Fomchenko

- Believes they need to go over the Planners Report more carefully because the comments about the walkway should be discussed.
- What are the special reasons for this “D” variance?

Mr. Asral

- They followed the CICA test and they weighed the negative and positive criteria.
- Because the property is so small and irregularly shaped the variance is necessary.

Ms. Fomchenko

- To quote Mr. Brancheau “how would the relief promote the purposes of the zoning resulting in a public benefit that greatly outweighs the negative aspects?”

Mr. Asral

- In the end it will look nicer and it will be in conformity with other homes in the area in regards to aesthetics.

Statements from the public

Joseph Nally – 92 Reynolds Ave.

- It will be an improvement to the neighborhood and the way it looks.
- He is in favor of the addition.
- It is currently less than 5 ft. from his property line so 3 ft. is not much different.
- He has no objection.

Mr. Walsh

- Would you be inclined to discuss selling a piece of your property back by the shed?

Mr. Nally

- Would not like to sell any of his property.

Ms. Iradi

- Do you plan on staying in your house?

Mr. Nally

- We have been there for over 40 years and will be there for a while.

The Board discussed with Mr. Chimento the possibility of making the garage smaller.

Mr. Jasinski

- Opposition statement.
- Building what the applicant is proposing on the property is a huge structure on a small yard that already does not meet many requirements.
- Does not believe that granting a variance that allows the applicant to overbuild is a good idea.
- Building this huge structure will have a negative impact on the neighborhood.
- Does not see where there is hardship because it just seems that the applicants want a bigger house.
- The addition they are proposing does not just increase the violations a little bit, it makes them much worse.
- The garage will be extremely visible from his home.
- Believes the house should stay the size it is and the applicant could build a full second floor instead.
- Even if they put in a one car garage instead of a two car garage it would be better.
- What is being proposed is out of character for the neighborhood and will lower property values.
- Has lived at his address for 24 years.
- Has a view of the Bee Meadow Pond which adds to the openness of his property. This addition would block the view.
- Would not have an issue if the view was blocked with something that had a simple building permit but this proposal is huge he would lose the view and openness forever.
- Would enjoy the use of his backyard much less if this is added.
- Please consider in your decision the denial letter from the Zoning Officer and the 4 page letter to the board from the Township Planner about how this application violates the land use ordinance.

Mr. Neidhardt

- Asked the witness to identify his house on the map.

The witness pointed on Page 3 on Mr. Brancheau's November 9<sup>th</sup> report is effectively dead center on the bottom of the picture.

Mr. Neidhardt

- Did you measure the distance from your property to the applicants?

Mr. Jasinski

- I got the numbers off of the plans.
- Exhibit O-1: View from the side fence through the shed and existing structure showing the openness.

- Exhibit O-2: Picture of back of the existing house showing how the addition would come out towards his house.
- Exhibit O-3: Picture of view of the pond from the patio they often sit at.
- Exhibit O-4: Picture of the back of the house of greenery that will be lost.

Mr. Luger

- Felt that some of the pictures were zoomed in and does not give an accurate portrayal of the property.

Mr. Maceira

- BA 1: A copy of the tax map to clarify the distance between the two properties.

Mr. Walsh

- Do you know whose property the tree in your photo is on?

Mr. Jasinski

- Does not know.

Mr. Walsh

- Will direct the question to Mr. Asral since the tree is also in his plans but he does not show any greenery being removed.

Mr. Asral

- That is the locust tree on Mr. Nally's property.

Ms. Fomchenko

- Noticed that this application did not have a 200 ft. property list which would have helped.

Mr. Luger

- Gave summation.

The Board deliberated and felt that the applicant was overbuilding on the property.

The Case was partially heard and carried to February 6, 2018. No now notice needed.

The Board discussed with the Applicant what they could possibly do to get the proposal to a place where it will be more likely to be up to the requirements of the Board.

**I. ADJOURNMENT**

Meeting Adjourned at 9:56 P.M.

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