

Minutes of the Board of Adjustment of the  
Township Of Hanover  
December 21, 2017

Chairman Stanziale called the Meeting to order at 7:36 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, Neidhardt, and Chairman Stanziale

Absent were Members: Donaldson, Linfante, and Walsh

Also present were Board Attorney, Daniel Bernstein and Township Planner Blais Brancheau.

**Public Business Presented**

**I. RESOLUTION TO BE MEMORIALIZED**

- 1) **CASE NO.** 1783  
**APPLICANT/OWNER** JEFFERSON PROPERTIES MANAGEMENT & DEVELOPMENT LLC  
**LOCATION:** 40 SOUTH JEFFERSON ROAD  
WHIPPANY  
**BLOCK:** 2904 **LOT:** 4 **ZONE:** I

Applicant requested 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’s and to park Dimensional Dynamics vehicles. Applicant sought 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). **Application was approved with amendments and conditions October 19, 2017.**

The resolution for this property was deferred to a later date.

- 2) **CASE NO.** 1817  
**APPLICANT/OWNER** JON AND APRIL MOLINARE  
**LOCATION:** 31 ERTMAN DRIVE  
WHIPPANY  
**BLOCK:** 4502 **LOT:** 4 **ZONE:** R-15

Applicant sought residential “C” variance relief from section 166-173A(3) for a side yard setback. The required side yard setback is 15 feet. As proposed the left front corner of the addition will encroach into the side yard setback by 5 ft. leaving a new side yard setback of 10 ft. and the left rear corner of the addition will encroach into the side yard setback by 2 ft. leaving a new side yard setback of 13 ft. **Application approved November 16, 2017.**

Motion to adopt resolution as written

Roll Call Vote

Moved By: Member Fomchenko

Seconded By: Member Caruso

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

Voting Against: None

**II. MINUTES**

A motion to approve the October 19, 2017, November 7 & 16, 2017 minutes as written was made by Member Fomchenko and seconded by Member Hingos.

Voice vote, all present members were in favor.

**III. PUBLIC HEARINGS**

1) **CASE NO.** 1816  
**APPLICANT/OWNER** DID IT ONCE AGAIN LLC  
**LOCATION:** 730 ROUTE 10 WEST  
WHIPPANY  
**BLOCK:** 8801 **LOT:** 11 **ZONE:** B

Letter of withdrawal read into record by the secretary.

2) **CASE NO.** 1813  
**APPLICANT/OWNER LOT 25** SADDLELAKE REAL ESTATE LLC  
**OWNER LOT 26.02** EUGENE AND CHRISTINE FRAZIER  
**LOCATION:** 41 & 39 RIDGEDALE AVE.  
CEDAR KNOLLS  
**BLOCK:** 2701 **LOT:** 25 & 26.02 **ZONE:** R-25

Applicant is seeking preliminary and final site plan approval and “C” & “D” variance relief to install additional parking on property located at 41 Ridgedale Ave. and 39 Ridgedale Ave. Currently lot 25 contains H2Ocean restaurant and associated improvements. Lot 26.02 which was created by a subdivision granted by the Planning Board in 2012 is covered primarily by grass with trees and contains part of a paved and gravel driveway for an adjacent residence on lot 26.01. The applicant is proposing to install a new parking lot on lot 26.02 containing an additional 60 parking spaces to expand the available on-site parking capacity for the restaurant located on lot 25. **CASE CARRIED BY LETTER TO JANUARY 18, 2018.**

***Board decision due by: January 31, 2018***

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|----|---|--|
| 3) | <b>CASE NO.</b><br><b>APPLICANT/OWNER</b><br><b>LOCATION:</b><br><br><b>BLOCK: 5801      LOT: 6</b> | 1660-R3<br>101 WHIPPANY ROAD LLC<br>101 WHIPPANY ROAD<br>WHIPPANY<br><b>ZONE: R-25</b> |
|----|---|--|

Applicant is seeking preliminary and final site plan approval “C” & “D” variances to expand previously approved Phase II building from 50,972 sq. ft. to 54,025 sq. ft. to convert 88 existing skilled nursing beds to assisted living/Alzheimer beds and to add another 43 beds for a total of 131 beds to be determined as 38 assisted living beds and 93 Alzheimer beds. **CASE CARRIED BY LETTER.**

***Board decision due by: December 21, 2017***

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| 4) | <b>CASE NO.</b><br><b>APPLICANT/OWNER</b><br><b>LOCATION:</b><br><br><b>BLOCK: 8501      LOT: 19</b> | 1815<br>WOJCIECH & EMILIA MATULA<br>34 WASHINGTON AVE.<br>WHIPPANY<br><b>ZONE: R-15</b> |
|----|--|---|

Applicant is seeking variance relief to construct a two story addition at the rear and right side of the existing structure, relocation of the existing front entry stairs and roof structure, new patio and driveway extension at rear. Applicant is seeking relief from sections 166-173A(1)(2), 166-113, and 166-136C.

***Board decision due by: February 27, 2018***

Wojciech and Emilia Matula were sworn in by the Board Attorney.

John Bryjak – Architect and Planner for the Applicant

- Sworn in by the Board Attorney.

- Gave an overview of educational and professional background.
- Gave an overview of the topography.
- Described the existing home.
- Reviewed the current setbacks on the property.
- Reviewed the proposed work to be done on the home.
- Described the new portico and entry.
- Proposing a paver patio as well as a driveway extension.
- Described the new setbacks.
- Discussed the elevations.
- Reviewed the floor plan layouts for the home.
- Reviewed the four variances being requested.
- They need a variance for the front yard at Washington Avenue.
- They need a variance for the side yard for the patio.
- The height to setback ratio also needs a variance.
- Does not perceive any negative impacts or detriment to the neighborhood or neighbors.

Chairman Stanziale

- Questioned if they are getting closer to Lionel Place.

Mr. Bryjak

- Only a small bump out, the addition will be in alignment with the existing wall.

The Township Planner Mr. Brancheau was sworn in by the Board Attorney.

Mr. Brancheau

- Discussed the possible tree replacement requirement and removal of a tree that is in the right of way.

Chairman Stanziale

- Feels that they will need to plant a new tree.

Mr. Brancheau

- Gave the Matula's direction on how to deal with the tree being removed from the right of way.
- Must work with the governing body regarding this issue.
- This will become a condition of approval.

Mr. Bryjak

- The Applicant is willing to go to the town and get approval to take down the tree but is concerned if the Township committee denies them to remove the tree.

- They are concerned they will have to come back to the Board and re-notice.

Mr. Brancheau

- If the plans have to be changed and the variances do not change or increase then they do not have to come back.
- If the violations are increased they may have to come back.

Mr. Bryjak

- Plants in front of the home will be removed and new plantings will be installed.

Mr. Brancheau

- Reviewed the tree regulations and the required amount of trees for this property.
- Revise the plans to show the number of trees and if it does not meet the requirements they may have to plant a tree.

Mr. Bryjak

- There are 10 trees on the property along the property line behind the garage.
- Fencing and arborvitae are located on the neighbor's property.

Mr. Neidhardt

- Questioned going west with the patio to make it more rectangular.

Mr. Bryjak

- Moving towards the west will take the patio out of view of the kitchen, the patio currently aligns with the kitchen.

Mrs. Matula

- The garage and home will have the same siding.

Mr. Matula

- The area above the garage is for storage and can only stand in the middle and is not livable space.

Opened to the public

Seeing and hearing none

Closed to the public

The Board Attorney reviewed the conditions of approval.

Motion to approve with the conditions

Roll Call Vote

Moved By: Member Fomchenko

Seconded By: Member Hingos

Voting in Favor: Members Caruso, Fomchenko, Hingos, Neidhardt, Iradi, and Chairman Stanziale

Voting Against: None

**IV. ADJOURNMENT**

Meeting Adjourned at 8:35 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