

Minutes of the Board of Adjustment of the  
Township Of Hanover  
June 15, 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, Donaldson, Fomchenko, Iradi, Linfante, Neidhardt, Chairman Stanziale and Walsh

Absent were Members: Hingos

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**

<b>1) CASE NO.</b>	1811
<b>APPLICANT/OWNER</b>	PARSIPPANY HANOVER REALTY II, LLC
<b>LOCATION:</b>	1402 ROUTE 10 CEDAR KNOLLS
<b>BLOCK: 3401</b>	<b>LOT: 2      ZONE: OB-DS</b>

Applicant sought an interpretation that certain uses are customarily a part of, inferential to and accessory uses within a health club as the term is used in Chapter 166 – land use and development of the Township of Hanover Code, or otherwise are permitted uses in the OB-DS zoning district.

A motion to approve the above resolution as written was made by Member Walsh and seconded by Member Neidhardt.

Members Linfante, Neidhardt, Donaldson, Walsh and Chairman Stanziale were all in favor

**II. MINUTES          JUNE 6, 2017**

A motion to adopt the Minutes for June 6, 2017 as written was moved by Member Neidhardt and seconded by Member Walsh.

Voice vote, all present Members were in favor.

### III. PUBLIC HEARINGS

- |                        |                            |                   |
|------------------------|----------------------------|-------------------|
| <b>1) CASE NO.</b>     | 1749-R1 (formerly Dutcher) |                   |
| <b>APPLICANT/OWNER</b> | NICOLA & NICOLE MARUCCI    |                   |
| <b>LOCATION:</b>       | 54 OAK BOULEVARD           |                   |
|                        | CEDAR KNOLLS               |                   |
| <b>BLOCK: 1311</b>     | <b>LOT: 6</b>              | <b>ZONE: R-10</b> |

Applicant is seeking amended approvals/variances for approvals granted August 21, 2014 and resolution memorialized September 18, 2014 for the variances granted for the addition to the home, pool, patio and deck.

Carmine Campanile – Attorney for Applicant

- This application already received prior approvals.
- The client is ready to start construction and wants to build differently than what the original approval was for.
- The client meets the average setbacks and they aren't exceeding anything that was previously granted.
- There are major issues such as the center of the house being shifted.
- They are no longer encroaching on rear yard setbacks.

Nicola Marucci – Applicant

- Sworn in by Board Attorney.
- He purchased the house in 2015 and was aware of the prior approval.
- He hired the original architect to modify the plan to lessen the variances that were needed.
- The house is currently a cape and they are proposing a full second story on already existing home.
- The middle part of the house is a breezeway which will be removed and an addition will be built over the crawlspace.
- Reviewed Mr. Brancheau's report dated June 15, 2017.
- The pool is being eliminated and the proposed basement will now be a crawlspace.
- Stated that he himself is a licensed Engineer and Surveyor.
- Reviewed the prevailing setback for neighborhood.
- The driveway remains as previously approved.
- He is asking the Board to approve the amended plan and the pool is to be removed.

Mr. Brancheau – Township Planner

- Sworn in by Board Attorney.
- Highlighted for the Board that there are a number of things that were removed from the plan but there are several that were added.
- Discussed the crawlspace.

Mr. Marucci

- The existing home has a basement and we are completely removing the breezeway and building new addition over the crawlspace.

Mr. Brancheau

- The enclosed front porch was originally not included in the FAR approval; it is now included in the FAR which is less than the original approval.
- Discussed the setbacks and the neighborhood pattern.
- The applicant's proposed bay window encroaches into the neighborhood pattern setback.
- Also discussed the area of patio in the rear yard.

Mr. Bernstein – Board of Adjustment Attorney

- If this application is approved the prior application must be vacated and the new application approved and new plans signed.

Opened to public  
Seeing and hearing none  
Closed to public

Mr. Brancheau

- He feels that the amended variances are required.
- The variances needed FAR "D"
  - a. Improvement coverage
  - b. Height setback ratio
  - c. Front yard setback
  - d. Side yard setback
  - e. Shed setback

Open to public  
Seeing and hearing none  
Closed to public

A motion to vacate prior approval and approve present application with conditions was made by Member Walsh and seconded by Member Linfante.

Members Caruso, Fomchenko, Linfante, Neidhardt, Iradi, Walsh and Chairman Stanziale were all in favor.

2)	<b>CASE NO.</b>	1806
	<b>APPLICANT/OWNER</b>	26 PARSIPPANY ROAD LLC

**LOCATION:** 26 PARSIPPANY ROAD  
WHIPPANY  
**BLOCK:** 4204      **LOT:** 1      **ZONE:** BP-2

Applicant is seeking “D” variance relief for zone use, density and height. Case partially heard and carried from May 18, 2017.

***Board decision due by: JUNE 15, 2017***

Mr. Linfante and Ms. Iradi both recused themselves from this hearing.

Mr. Calli – Attorney for the Applicant

- Discussed the motion made at the last hearing where there was a lot of gray in the voting.
- Questioned if a “no” vote in jurisdiction was a reason for a board member to recuse themselves

Mr. Bernstein vetted Ms. Fomchenko.

Ms. Fomchenko will listen to the case and will vote on the merits of the case.

Caroline Record – Attorney representing Oak Ridge at Hanover Association introduced herself.

Mr. Calli

- Reoriented the Board with the application.
- This site is 11.7 acres.
- Currently there is significant impervious coverage on the site and blighted industrial use.
- The proposal is a bifurcated “D” variance because of the issues for density and height.
- The goal remains to improve this site.
- Witnesses this evening
  - a. Chuck Thomas- Civil Engineer
  - b. Erik Keller- Traffic Engineer
  - c. Dave Minno- Architect for Applicant
  - d. Michael Tobia- Professional Planner
- The proposal is for multi-family residential use as well as a proposed Riverwalk.
- The developer is New Jersey based.
- The developer will clean up the contaminated site which comes at a tremendous cost.
- It would be of minimal impact and a great ratable for the town.

Mr. Bernstein

- Explained the procedure to the public present and what is being considered tonight.  
Charles Thomas – Licensed Professional Engineer for Applicant
- Sworn in by Board Attorney.

- Principal with Bowman Consulting.
- Accepted by the Board.
- Exhibit A-3 Parsippany Road Multifamily existing conditions
- Gave an overview of the existing conditions at the proposed site and the surrounding area.
- There is 11.7 acres and 140,000 sq. ft. existing building with 26% coverage.
- There is 36 feet frontage and 54% impervious coverage.
- Flood plain associated with property and subject to state DEP regulations.
- Over 2 million dollars in asbestos removal will be required and site cleaned and the building taking down.
- Referred to exhibit A-1.
- Oakridge has 13.1 per acre and 11 units per acre are proposed on this site.
- The current zoning ordinance allows for 8 per acre.
- Proposed are three apartment buildings with thirty-nine units and twelve townhome stacked units in two buildings totaling twenty –four.
- There would be over seventy feet of frontage to the apartments and fifty feet to the townhomes.
- Reduced present coverage to 11% building coverage.
- Reduced 54% impervious coverage to 45% impervious.
- It would change the traffic pattern from truck traffic to car traffic and it would also reduce the roof coverage and heat.
- It would be designed with two entrances and a two way through the site which would allow for fire truck access.
- Discussed lightning.
- The Applicant would put in sidewalk, a pedestrian sidewalk and a river walk.
- There will not be any access onto to Whippany Road, only onto Parsippany Road
- The site will have a clubhouse and a pool.
- Does not feel that they are overcrowding the site as they would be saving and creating a lot of green space.

Mr. Neidhardt

- Questioned how far from the river the proposed Riverwalk is.

Mr. Thomas

- Approximately thirty feet from the river and subject to final design ,

Mr. Maceira

- Questioned the regulatory lines and the differences from the report dated April 3, 2017 and if it can be approved by the DEP.

Mr. Thomas

- Discussed the powerline and drainage easements.
- The project has wetlands, transition areas and a floodplain on his property.

- One building is touching the flood plain but the existing building is in the flood plane.
- They are currently investigating the onsite contamination which must be capped with a deed restriction so it can be brought to residential standard.
- There is an ongoing investigation and clean up on this property.

Mr. Brancheau

- Questioned the open space requirement and if it complies with the open space ordinance.
- Also questioned the correct lot area.

Mr. Thomas

- The correct lot area is 509,652.
- The townhomes setback is 50 ft. from right of way.
- The setback at Oakridge is approximately 35 feet to the curb.

Mr. Bernstein

- Questioned when Mr. Thomas was contracted by the Applicant.

Mr. Thomas

- He was contracted prior to the closing of the property purchase in early 2016.
- The letter of interpretation was prior to the closing.
- The current zoning was in place when the client bought the property.
- The client was aware of the environmental constraints and the contamination on the property prior to the purchase.
- He doesn't know who worked out the proposed density for this project.

The Board took a short break.

Opened to the public for questions

Caroline Record – Attorney for the Oakridge Homeowner's Association

- Questioned the entrances, exits and access.

Frank Pizzini – 1705 Rosemount Lane

- Questioned if the height of the proposed development and if Oakridge is compliant and why the proposed is not
- Questioned the required parking for the proposed development

Odarka Vincent –

- Questioned assessments for what would fit on this site and the transiently of rentals.

Linda Fritschy – 39 Cortright

- Questioned the acreage being built and if the density is higher on just the building acreage.

Philip Ponte- 15 Valley Forge Drive

- Questioned why there would be no access to Parsippany Road.

Terry Baird- 180 Parsippany Road

- What is the size of the footprint in the green area?

Mr. Thomas

- Answered that they will have this calculated for the next meeting.

Terry Baird

- How do you calculate the fire department accessibility?

Mr. Thomas

- Described how the fire department accesses the site.

Terry Baird

- Questioned if the fire department has equipment to access the 60 ft. building.

Ms. Chen- 101 Alpine Lane

- Questioned if the property is all rental and who is the targeted market.

Tony Coek-

- Questioned the width of the drive isles and if parking is allowed on the street within the proposed development.
- Also questioned the current property and the property maintenance which has become eyesore.
- The current property is looking a little unmaintained.

Matthew Nilsen-Remendios – 17 Parsippany Road

- Questioned the resource value of the wetlands that have been delineated and the flood hazard area.

Nancy Owens- 1406 Norwood Way

- Questioned the type of contamination on the site and should the neighbors be contained.

Lauren Fry- 78 Crossroads

- Questioned if the Riverwalk would be open to the public and who would be in charge of maintaining the property such as snow removal.

Dipen Desai

- Questioned the tree removal on the property.

Patricia McMahon – 76 Mt. Pleasant Ave

- Questioned why all of the residents of the town weren't notified and if they can submit a petition.

Ms. Lieto – 135 Park Ave

- Questioned the maintenance of the Riverwalk and the parking on the site.

Mr. Thomas

- A total of 291 parking spaces are proposed.

Ms. Lieto

- Also questioned the flooding in the area and the parking.

Closed to public

Erik Keller – VP with Bowman Consulting

- Sworn in by Board Attorney.
- VP with Bowman Consulting.
- Gave an overview of educational and professional background.
- He is testifying as a traffic engineer and was accepted by the Board.
- He reviewed the March 9, 2017 traffic report.
- They used the traffic study for MetLife as the basis for their traffic plan.
- Whippany road and Parsippany Road was one of the intersections that they looked at, along with Parsippany Road and Mount Pleasant Avenue.
- Gave an overview of how he calculated and based the trip generation.
- Described peak hour trip generations.
- The peak hour is a 60 minute period.
- If this facility was an active warehouse there would be 35-50 trucks per day to this site.
- Described how he calculated the traffic growth rate.



- They analyzed the intersection for their performance and gave peak hour performance grade for intersections.
- Reviewed how the calculations are generated for proposed development.
- Traffic for the proposed is 405 less than what would be generated by the existing use.
- Discussed the site distances and how the new development would help improve site distances.

Chairman Stanziale

- Questioned the difference between the proposed units per acre and the allowable of 8 units per acre.

Mr. Keller

- Gave number differences in trip generation from 11.7 units per acre and 8 units per acre.

Mr. Neidhardt

- Questioned the site distance when exiting the site.

Mr. Maceira

- Referred to the April 17, 2017 county report regarding turn prohibitions.

Chairman Stanziale

- The next available meeting is September 21, 2017.

Mr. Calli

- Case carried to September 21, 2017 with extension to September 22, 2017.

## **VI. ADJOURNMENT**

Meeting Adjourned at 10:40P.M.

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