

Minutes of the Board of Adjustment of the
Township Of Hanover
June 6, 2017

Chairman Stanziale called the Meeting to order at 7:37PM 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: Donaldson, Hingos, Linfante, Neidhardt, Chairman Stanziale and Walsh

Absent were Members: Caruso, Fomchenko and Iradi

Also present were Board Attorney, Brian Schwartz, Township Planner Blais Brancheau and Township Engineer, Gerardo Maceira, PE.

Public Business Presented

I. RESOLUTION TO BE MEMORIALIZED

1) **CASE NO.** 1801
APPLICANT BRIGHTSTAR HOSPITALITY, LLC
OWNER EPCO SERVICES, INC.
LOCATION: 262 ROUTE 10 WEST
WHIPPANY
BLOCK: 7301 **LOT:** 9.01, 13 & 14 **ZONE:** I-B

Applicant sought preliminary and final site plan approval to construct a four-story hotel encompassing 127 guest rooms, parking lot area for a total of 148 spaces, 127 to be constructed and 21 to be banked, parking islands, landscaping, associated utilities, signs and lighting. Applicant is also sought "C" variance relief for signage, front yard parking as well as a design exception for the height of the light poles. Applicant also requested and extension of the "D" variance approval that was granted on May 21, 2015.

APPLICATION APPROVED WITH CONDITIONS APRIL 20, 2017

Carmine Campanile – Attorney for Applicant

- He asked for one addition in the resolution on page 11 paragraph 5.

The Board had an open discussion regarding how they want the condition to be stated in the resolution.

Mr. Campanile discussed how his client would like the condition to read.

Mr. Schwartz – Board Attorney

- The wording that the applicant is requesting is inconsistent with condition four that states that the hotel will not have a restaurant, bar, wine bar, ballroom or banquet facility.
- He suggested that the applicant either reopen this application to clarify or they would need to come back and amend the application down the road if they want a bar inside the hotel.
- Revert back to the simple language of no third party which refers to an outside caterer and not restricting residents from bringing alcohol to their rooms.

Mr. Walsh clarified what he sees as the issues before the Board.

The Board feels that room occupants should be able to bring food and wine to their rooms, but the hotel is not able to sell or provide any alcohol to any patrons or guests.

Mr. Walsh feels that the current language in paragraph five as it has been circulated is the way the language should stand. He does not feel the hotel operator is allowed or should be allowed to sell alcohol.

Mr. Linfante

- If the hotel wants to serve alcohol then they need to get a license and come back to modify this application.

Member Linfante made a motion to approve the resolution as distributed and seconded by member Walsh.

Board continued with their deliberations with the motion on the floor.

Mr. Brancheau

- Sworn in by Board Attorney.
- Read the original adopted resolution condition 5.

Jay Patel the applicant was sworn in by Board Attorney, Brian Schwartz.

The Board, applicant and the applicant's attorney had an open discussion regarding the language in the resolution.

A motion to adopt the resolution with original language and modification on page 11 paragraph 5 was made by Member Linfante and seconded by Member Walsh.

Members Hingos, Linfante, Neidhardt, Walsh and Stanziale were all in favor and no members opposed.

Applicant is seeking a preliminary and final site plan, “C” & “D” variances and a certification of a nonconforming use/structure.

Board decision due by: JULY 19, 2017

John Wyciskala – Attorney for Applicant

- Gave overview of the proposed application before the Board this evening.
- Gave overview of the history of the property.
- Seeking certificate of non-conforming use and variances.

Donald Godfrey- Owner and Applicant

- Sworn in by Board Attorney.
- Current owner of 10-122 Ridgedale Avenue which he acquired in 1985.
- Discussed that the old zoning officer allowed his small engine shop to create without going before the Board for approval.
- Described the sheds that are currently on the property.
- Described the house renovations that were done around 1990 which were the exterior and interior renovations.
- Cedar Knolls Power operated between the years 2000 and 2001.
- The 2001 application to the Board of Adjustment for a satellite dry cleaner. The application was withdrawn after the fourth hearing.
- It was withdrawn because the Allegro School needed a storage facility for their maintenance department and they wanted to lease the space for the school.
- The Allegro School officials called the building inspector from the hearing for the dry cleaners and asked Steve Kaplan if the use for the school using as storage would be approved. They were told yes and a lease was signed and Allegro school became tenants until 2011.
- Over the years used he used it for his personal use to restore a car.
- In 2015 his friend, Joe Cannon approached him to rent the property to use it as a small appliance repair business.
- He has one truck and a trailer and customers do not come to the site and he picks up and delivers all the appliances to be repaired.
- The trailer would be parked overnight behind the commercial building.
- He did not get approvals for Mr. Cannon to take occupancy of the building because he thought it was a comparable use and that he did not need approvals.
- He hasn't had any issues with the surrounding neighbors.
- The house is a one family dwelling.
- He will trim the bush in front of the residential property but the tenants do not want it cut down because it blocks the headlights from Cedar Knolls Rd. from shining into their window.

Mr. Brancheau

- Discussed Exhibit B-1 which is a photo array showing the property conditions on the site.
- Described what each of the photos depicts.

Mr. Wyciskala

- The brown shed, metal shed and the dog house will be removed.
- The light colored shed is attached to the house and you can get access to the shed through the house.

Mr. Godfrey

- Described how the one shed is attached to the house and only has blocked off so the tenant cannot gain access to the shed.

Mr. Brancheau

- Exhibit B-2 Tax record does not show the shed being attached to the house.

Mr. Wyciskala

- Reviewed the plans to show the Board what sheds will be removed and which one is attached to the house.

Mr. Godfrey

- He will remove all the garbage from the site.
- The shed that is attached to the house will have siding installed that will match the house.
- Discussed the driveway on the left hand side of the commercial building and how they used it to get the trailer to back of the building.
- The new tenant wants to store the trailer back there.

Mr. Brancheau

- That would require a variance to store the trailer in the rear of the commercial building.
- There is an improvement coverage violation on the site.

Mr. Godfrey

- The driveway on the right is for the residential home.

Chairman Stanziale

- Can the trailer be stored on the left side behind the gate and remove pavement behind the commercial building?
- Remove the pavement in between commercial and residential site as discussed and install a fence around the home heating oil tank.

Gerardo Maceira

- New construction ADA is required and if it is a rehab it is up to the zoning officer.

Chairman Stanziale

- The chimney in front of the house is to be painted and the garbage is to be removed.

Mr. Brancheau questioned the amount of cars in the driveway.

Mr. Godfrey also wants to know whose cars are parked in the driveway and is concerned with the amount of cars showing in the picture.

Chairman Stanziale reviewed which sheds are to be removed with Mr. Godfrey and Mr. Wyciskala.

This case has been carried to July 20, 2017 and extension granted until August 31, 2017.

IV. ADJOURNMENT

Meeting Adjourned at 10:40P.M.

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