

Minutes of the Board of Adjustment of the  
Township Of Hanover  
September 5, 2017

Chairman Stanziale called the Meeting to order at 7:33PM 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, Hingos, Iradi, Neidhardt, Chairman Stanziale and Walsh

Absent were Members: Linfante

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) | <b>CASE NO.</b>        | 1803   |
|    | <b>APPLICANT/OWNER</b> | DONALD C. GODFREY                            |
|    | <b>LOCATION:</b>       | 120 AND 122 RIDGEDALE AVENUE<br>CEDAR KNOLLS |
|    | <b>BLOCK:</b> 1404     | <b>LOT:</b> 21                               |
|    |                        | <b>ZONE:</b> R-10                            |

Applicant sought preliminary and final site plan, "C" & "D" variances and a certification of a nonconforming use/structure. APPLICATION APPROVED WITH CONDITIONS JULY 20, 2017.

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

Members Caruso, Fomchenko, Hingos, Neidhardt, Donaldson, Walsh and Stanziale were all in favor of adopting the resolution as written. No members were against the adoption of the resolution.

- |    |                        |                                |
|----|------------------------|--------------------------------|
| 2) | <b>CASE NO.</b>        | 1810                           |
|    | <b>APPLICANT/OWNER</b> | CARMINE ZAMMIELLO              |
|    | <b>LOCATION:</b>       | 16 FAIRCHILD PLACE<br>WHIPPANY |

**BLOCK:** 4502      **LOT:** 24      **ZONE:** R-15

Applicant sought seeking “C” variance relief for approval to construct a second story addition, covered portico, interior and exterior renovations to the home, together with new walkway and removal of the existing blacktop. Application approved August 1, 2017.

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

Members Caruso, Fomchenko, Hingos, Neidhardt, Donaldson, Walsh and Stanziale were all in favor of adopting the resolution as written. No members were against the adoption of the resolution.

## **II. MINUTES      AUGUST 1, 2017**

A motion was made to approve the Minutes from August 1, 2017 as written by Member Walsh and seconded by Member Fomchenko.

Voice vote, all present Members were in favor.

## **III. PUBLIC HEARINGS**

<b>2)</b>	<b>CASE NO.</b>	1809
	<b>APPLICANT</b>	AIR LIQUIDE ADVANCED TECHNOLOGIES, LLC
	<b>OWNER</b>	MELILLO REALTY GROUP LP
	<b>LOCATION:</b>	715 ROUTE 10 EAST WHIPPANY
	<b>BLOCK:</b> 8803	<b>LOT:</b> 7.01 <b>ZONE:</b> B-1

Applicant is seeking preliminary and final site plan and “C” & “D” variances in order to construct a hydrogen gas fueling facility and dispenser at the above captioned property. Case partially heard and carried from July 20, 2017.

***Board decision due by: September 5, 2017***

Judith Fairweather – Attorney for Applicant

- Reviewed the case that was partially heard and was carried from the July 2, 2017 meeting.

Mr. Schwartz – Board Attorney

- The Board Secretary reviewed the eligible voting members for this case.

Jim Dowling – Planner for the Applicant

- Sworn in by Board Attorney.
- Gave an overview of his educational and professional background.
- Gave an overview of the site location and the surrounding area and uses.
- The site is rather deep and they would be utilizing the front portion of the site.
- He reviewed the setbacks to the nearest homes.
- Gave an overview of the use and daily activities for the site which is a destination and not a pass by type use.
- There will not be any ancillary uses on this site and it will be a clean technology use.
- Gave an overview of the conditional uses that are associated with proposed use on this site.
- Gave the minimum property requirements for the proposed use on the site.
- Applicant is requesting a D3 variance due to the fact the proposed hydrogen station is not at an intersection and does not meet 40k sq ft. requirement and doesn't meet the lot width requirement and does not meet the 200 ft. from a residential zone ordinance.
- He feels that this is inherently a beneficial use and it is particularly suited for this site.
- Gave reasons for why this site is particularly suited for this use.
- Reviewed the negative criteria.
- It promotes utilization of renewable energy and does not create detriment.
- The sign will be illuminated by down lighting and will not be internally illuminated.
- Referred to exhibit A-2.
- The back lot currently does not have the storage for the cars.

Mr. Brancheau –Township Planner

- Sworn in by Board Attorney
- Referred to the approval from 1977 which there were eleven spaces on the proposed site that were allowed to be used by the auto body facility for automobile storage.

Ms. Fairweather

- There will not be any additional storage for new vehicles on this site.

Mr. Schwartz

- Discussed with Mr. Brancheau regarding the approval and if the car storage is a second use on the property and if that use should be allowed to be continued on this site.

Mr. Brancheau

- Reviewed the 1977 approval and both lots were part of the approval and the principal use was a service station with two pumps and small parking area.
- He also reviewed the prior uses on the property.

Ms. Iradi

- Questioned the application before the Planning Board for the Ice Cream Parlor.

Board and Applicant's Attorney had an open discussion regarding the two uses on this property.

Chairman Stanziale

- Wants white vinyl fencing to separate the hydrogen station from the auto storage for Terry's Auto Body and the Brookside Diner.

Ms. Fairweather and Mr. Brancheau had a discussion about the area for the 11 cars that will be fenced in with white vinyl and from the back of the building to the top of the bank of the river at the rear of the property.

Mr. Brancheau

- They will have to meet the DEP floodway regulations.

Mr. Donaldson

- Reviewed the equipment that would be onsite and asked for feedback on the criticalness of coolers on the site.

Roy Bant – Business Development Manager for Air Liquide

- Sworn in by Board Attorney
- The cooling system at the site is there for the purpose of cooling the hydrogen gas for faster filling of the vehicle.
- If the cooling system does not work then the filling time will be longer but, it can safely fill without refrigeration and is not critical to the safety.

Ms. Iradi

- Questioned, when you fill the storage tanks on the site, if the tanks are cooled?
- If they were to heat up wouldn't the gas try to expand?

Mr. Bant

- There are safety release valves on each storage tube.
- Along with the Township Planner, Blais Brancheau together they reviewed the Planner's Report dated July 20, 2017.

Mr. Brancheau reviewed his report dated July 20, 2017.

Ms. Fairweather

- The resolution to state this only for a hydrogen station and could not be converted to a regular gas station.

Mr. Brancheau

- Continued to review his report with the Applicant and the Board.

Mr. Bant

- Described the meetings and training that they had with the Fire Department.
- There will be continued and updated trainings and they will be sending the Fire Department personal as well as surrounding Fire Departments that might be responding to this site in case of emergencies.

The Board took a short break.

Mr. Brancheau

- Discussed the sign illumination.

Ms. Fairweather

- The proposed sign will use the existing structure.

Mr. Brancheau

- Questioned if a new sign is going to be installed within the frame.

Ms. Fairweather

- They will internally light the sign so the sign variance is eliminated.

Mr. Brancheau

- Reviewed the variances that are still required for the conditional use standards,
- It is a minimum developable area and the station is not at an intersection or corner.
- Reviewed the required lot frontage
- Minimum distance to residential zone.

Ms. Iradi

- Questioned Mr. Brancheau that if this meets what the Planning Board is looking to do along Rt. 10 per the Planning Board's Route 10 Corridor Study.

Mr. Brancheau

- The intent of the Corridor Study is to see what can be done to the Rt. 10 Corridor.

Chairman Stanziale

- Questioned, what will be done with the two light poles out on the front of the property?

Mr. Maceira

- They are old JCP&L flood lights and are to be removed.

Opened to the public  
Hearing and seeing none  
Closed to the public

Ms. Fairweather gave a brief summation of the case that was presented tonight,

Opened to public for comments  
Seeing and hearing none  
Closed to public

Mr. Schwartz summarized the conditions and the Board deliberated.

A motion to approve with conditions was made by Member Walsh and seconded by Member Neidhardt.

Members Caruso, Fomchenko, Hingos, Neidhardt, Iradi, Donaldson, Walsh and Stanziale were all in favor.

#### **IV. ADJOURNMENT**

Meeting Adjourned at 9:53P.M.

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