

Minutes of the Board of Adjustment of the
Township Of Hanover
February 15, 2018

Chairman Stanziale called the Meeting to order at 7:30 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: Alwell, Caruso, Fomchenko, Hingos, Iradi, Neidhardt, Chairman Stanziale, and Walsh

Absent were Members: Donaldson

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

Public Business Presented

I. MINUTES – February 6, 2018 minutes were deferred to a later date.

II. PUBLIC HEARINGS

1)	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 other onsite improvements. Applicant is seeking relief from section 166-173A(2) minimum front yard 40 ft. required, between 25.8 and 13.3 is being requested. 166-173A(3) minimum side yard 18 ft. is required, between 6.7 ft. and 5.3 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 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 from the property is proposed to remain. **CASE PARTIALLY HEARD AND CARRIED FROM NOVEMBER 16, 2017. CASE CARRIED BY LETTER TO MARCH 15, 2018.**

Board decision due by: MARCH 31, 2018

- It is common to angle the corner of the fence and he is familiar with this neighborhood.
- There are cars that are not driving the required 25 mph and he believes that the angling of the fence will help with the safety.

Mr. Brancheau

- Explained reasons for setbacks for fences.

Mr. Hingos

- Give yourself a foot to a foot and a half buffer and do not put shrubs on the backside of the property because neighbors start to encroach. Mr. Hingos feels that their interior fence should be as close to the property line as possible.

Ms. Iradi

- Has anybody else in your neighborhood put up a 6 ft. fence in their front yard?

Mr. Palmeiri

- Not that they have noticed.

Ms. Iradi

- Have you considered putting up a chain-link fence?

Mrs. Palmeiri

- We have not.

Board discussion on what the future implications are regarding differentiating this front yard on Griffith versus the front yard on Beaumont.

Ms. Fomchenko

- The ordinance states that the fence should be 50% open.
- Ordinances are written for specific purposes.

Mr. Neidhardt

- Asked to hear from the Township Planner as to the intent of the ordinance.
- A variance is granted for the property, not to specific situations such as geese, children, and dogs.
- It must be taken into account that this variance is forever and runs with the property.

Mr. Bernstein

- Explained to the applicants how the variance process works.

Ms. Fomchenko

- Applicant has told the Board personal hardships.
- Exhibit A-1: Photo showing sidewalk covered in goose poop.
- Exhibit A-2: Photo showing 90+ geese all over the yard.
- Exhibit A3: Photo at a different angle showing geese all over the yard.

Ms. Iradi

- Why can't you have a chain link fence or a 50% open fence and enhance it with shrubbery?

Mrs. Palmeiri

- Wants a solid fence because of their children and dog.

Opened to the public

Donna Santoro – 23 South Beaumont Place, neighbor immediately to the left.

- Questioned if there would be shrubs on that side of the fence. Feels she would not be able to comfortably maneuver around her pool if this fence is installed.

Chairman – Explained to Ms. Santoro that the fence that is on your side of the applicants property does not require a variance and is legal and conforming and could be installed whether or not the variance is granted for the opposite side of the home. Questioned Ms. Santoro if the fence around her pool required a variance.

Ms. Santoro - was not sure since it is her parents' home and they had the pool installed

Mr. Palmeiri

- They would not be planting shrubs on the side of the fence that faces Ms. Santoro's home.

Ms. Santoro

- How far from the side of the fence will the side property line be?

Mr. Palmeiri

- 2 ft. from the property line.

Ms. Santoro

- Will future buyers have an issue with facing with a six-foot fence?

Terri Baird – 180 Parsippany Rd., Whippany

- Questioned if the applicants are trying to create a back yard living space so that they can enjoy the yard.

Mr. Palmeiri

- Yes that is the only reason we are here.

Ms. Iradi

- Questioned if the Planning Board just reviewed the fence ordinance.

Mr. Brancheau

- It was last amended in 2014.

Mr. Walsh

- Questioned if solid fences on corner lots was raised when the ordinance was amended in 2014.
- Questioned Mr. Maceira if the fence would impact the water flow.

Mr. Maceira

- No, the fence would not impact the water flow.

Mr. Neidhardt

- What type of fences, excluding solid fences, could keep children and pets in, and unwanted animals out?

Mr. Brancheau

- Hanover is a suburban community with generally open front yards.
- It is more of an aesthetic thing and trying to avoid the closed in corridor feel.

Opened to the public for statements

Terry Baird – 180 Parsippany Rd.

- Sworn in by the Board Attorney.
- Feels this fence is a wonderful idea, it allows the applicant to be able to use their backyard as any other resident who did not live on a corner lot would be able to – and if this were an interior lot this fence would not require a variance and could just be installed with a permit.

Dominic Decicco – 116 Griffith Dr.

- Sworn in by the Board Attorney
- Agrees that the geese are a problem.
- However, the fence is going to be an eyesore in the neighborhood.
- It will ruin the continuity and the aesthetics of the neighborhood.
- Understands their concern but is concerned the fence will be an eyesore.

Lorain Lolatte – 112 Griffith Dr.

- Sworn in by the Board Attorney.
- Agrees with Mr. Decicco.
- Feels that the fence is enormous.
- This fence will ruin the aesthetic of the neighborhood.
- Has a chain-link fence and raised her children safely.
- It is too high and too big to be solid.
- It is just a little too much fence, feels that this fence is over the top for the neighborhood.

Donna Santoro – 23 Beaumont Place.

- Sworn in by the Board Attorney.
- A chain-link fence with some shrubbery would be more of the town's aesthetic and would make it nice.

Closed to the public

Mr. Brancheau

- Clarified what sections of the fence would be conforming and does not need a variance.

Mr. Palmieri

- The fence is going to be a nice fence and they plan on planting shrubbery around the side of the fence that faces Griffith Dr. in order to lessen the visual effects of the fence to the neighbors along Griffith.

Ms. Iradi

- Her concern is they want to build the fence and plant shrubs but the shrubs could encroach on the sidewalk.
- If it is further back from the sidewalk it may not be as imposing.
- Is concerned about the precedent approving this could set.

Mrs. Palmeiri

- If the shrubs are an issue than they will not plant them.
- Willing to move the fence so it has a 15 ft. setback from the sidewalk.

Mr. Neidhardt

- Does not see anything unique about this property that justifies this solid fence.
- There are other options of fence that would overcome this detriment.
- The Board should uphold the intent of the ordinance.
- There is a detriment of a solid 6 ft. fence.

Motion was moved to deny the variance by Member Fomchenko and seconded by Member Neidhardt.

Members Alwell, Fomchenko, and Neidhardt voted in favor of denying the application.

Members Caruso, Hingos, Walsh, and Chairman Stanziale voted against denial.

Motion to deny was defeated.

A second motion to approve the fence with modifications and conditions was made by Member Walsh and seconded by Member Hingos.

Motion to approve with a setback of 15 ft. rather than 10 ft., the fence is angled on the corner near the driveway, and landscaping is installed and maintained along Griffith Drive

Members Alwell, Caruso, Hingos, Neidhardt, Walsh, and Chairman Stanziale voted in favor.

Member Fomchenko voted against.

Motion to approve with conditions and modifications was passed.

Chairman Stanziale reminded the Board about the December 2017 Planner article regarding Guidelines for Quasi-Judicial Bodies and how board members should conduct themselves while serving as members.

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” and “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 26.02 containing an additional 60 parking spaces to expand the available on-site parking capacity for the restaurant located on lot 25.

Board decision due by: March 30, 2018

Member Fomchenko recused herself from this case.

Craig Gianetti – Attorney for the Applicant

- Gave an overview of the requested variances.
- Seeing to modify existing conditions from prior approvals.
- Add parking on an adjacent residential lot.

Michael Frodella – Owner operator

- Sworn in by the Board Attorney.
- Owns the restaurant with his wife Sylvia
- Purchased in March 15, 2014.
- They do not have theater nights.
- Opened in August 2014.
- Have a private dining room, lower banquet room, and main raw bar restaurant.
- The banquet room is only used about 30-35 times a year.
- Has valet parking at the site.
- If reservations reach 90-100 mark they will call in to have the valet services come in.
- They currently have 77 parking spots.
- Will be adding approximately 60 spaces to the adjoining lot.
- Not looking to intensify the use of the property or the restaurant.
- This is being done as a courtesy for their customers because most do not like to valet park.
- Looking to be able to serve food at the bar area.
- Does not want to have a restriction of the number of employees for the banquet room.
- Current conditions in the dining room can hold 102 patrons, the banquet room can hold 100 patrons, the private dining upstairs can hold 30 patrons, and the waiting area can hold 10 patrons.
- They can have a total of 242 patrons.
- Looking to not have a limit breakdown per room.

- Looking to keep cars contained to the site and not having to use the off-site valet service that is parking on the property at Employment Horizons.
- Hours are 11am to 11pm Monday through Fridays.
- Currently they are not open on Sundays unless for a party.
- Seeking to open on Sundays with an option to for brunch and family dinner.

Mr. Brancheau

- Interior modifications were all done with permits and did not require Board approvals because they were not adding tables and were adhering to hours of operations.

Mr. Gianetti

- The numbers they were basing they total of 242 on was the main dining room staying at 102, the banquet room would be 84, the submarine room would be 30, and there would be 26 in the waiting/bar area.

Mr. Brancheau

- In a residential zone they want to keep the hours of operation so as not to disturb the surrounding residences.

Mr. Gianetti

- Monday through Friday the hours would be 11am to 11pm.
- Saturday they are open from 5pm to 11pm.
- Sundays the hours would be 11am to 9pm for brunch and early family style dinner.

Mr. Brancheau

- The occupancy limits must be complied with.

Mr. Frodella

- The occupancy is 242.
- Outlined the types of crowds and peak numbers for the restaurant.
- Valet service is used approximately 160 days out of the year.
- They spent \$42K in valet expenses in 2017.
- On a given shift there are approximately 20 employees onsite.

Mr. Walsh

- Clarified testimony regarding the numbers and usages of the rooms.

Opened to the public

Steven Piatti – 13 Gristmill Rd.

- Has no objection to modifying the restaurants operations.
- Is concerned with the lights, noise, and traffic.

Closed to the public

Mr. Brancheau

- Questioned if there is outdoor dining proposed.

Mr. Frodella

- There are currently 4 outdoor tables that they do use for approximately 22 people.

Chairman Stanziale

- Questioned if the liquor license covered the outdoor dining.

Mr. Frodella

- Does not know.

Mr. Brancheau

- Reviewed outdoor dining regulations in a commercial zone.
- There are no outdoor dining regulations for a residential zone because restaurants are not a permitted use.

Paul Winters – Engineer for the Applicant

- Gave Board credentials as well as educational and professional backgrounds.
- Accepted as an expert witness.
- Exhibit A-1: colored rendering of proposed conditions.
- Reviewed existing conditions on both lots as well as the surrounding area.
- New parking lot will not have a separate entrance and will be accessed through the existing parking lot.
- The parking count is currently 77 spaces where 142 are required.
- With valet parking they will have 182 spaces.
- Proposing 137 new spots.
- With outdoor seating it would bring the total required parking spots to 199.
- Exhibit A-2: Valet parking plan.
- Reviewed the Board Professionals letters.
- Reviewed Engineers Review letter dated January 17, 2018.
- Will install shrubbery along Ridgedale Ave. to mitigate headlight glare.
- There is a fence along the north and east side, it is a 6ft high solid fence.

- The neighbor to the north is requesting an 8ft. high fence along the property line.
- The fence would start out at 6 ft. and gradually go to 8 ft.

Chairman Stanziale

- Asked for a fence between Ridgedale and the parking lot so that it is not obvious that it is a parking lot.

Mr. Winters

- Has no problem with installing a fence along Ridgedale.

Mr. Brancheau

- Non-residential use permits a fence to be up to 6 ft. but must be 80% open.

Mr. Winters

- The fence along the north side will be a continuous 8 ft. per the Boards request.
- The fence will be 6 ft. high in the front yard; will request a variance for the violation of the openness.
- Referred to sheet 4 of the set, there is a small utility easement at the northern front corner of the property.
- The fence will be 6 ft. in the front, 8 ft. along the north side of the property, and 6 ft. along the back.
- Reviewed the driveway access.
- Agreeable to changing the striping by the trash enclosure.
- Reviewed the Planners Review dated January 17, 2018.
- Will comply with the lighting requirements.
- Will not be altering the current lighting.
- Discussed the lighting plan and what is proposed.

Chairman Stanziale

- Asked for lighting that is a little less commercial.

Mr. Brancheau

- Questioned if the variance for tree replacement could be eliminated by adding 13 trees.

Mr. Winters

- Would be happy to meet the requirement and eliminate the tree variance.

Opened to the public

Steven Piatti – 13 Gristmill Drive

- How many lights are proposed?

Mr. Winters

- 10 lights are proposed on the new parking lots.

Mr. Piatti

- Is concerned the lighting will impact his home.
- Has some concerns with the light spilling into his home and property.

Mr. Winters

- Explained how there are measures in place to shield the lighting.

Mr. Brancheau

- Will comply with the light levels in the parking lot.

Mr. Piatti

- Is concerned it will look like a baseball field across from his house.

Mr. Frodella

- The lights will be off by midnight Monday through Saturday and by 10pm on Sunday.

Mr. Winters

- The new lot will be asphalt.

Open discussion regarding the lighting effects on Mr. Piatti's property.

Mr. Gianetti

- For the next meeting they will be prepared to address lighting effects on Mr. Piatti's property.

Mr. Caruso

- Put higher landscaping in front of the fence on Ridgedale.

Closed to the public

Case carried to March 15, 2018 with no further proof of notice required.

Meeting Adjourned at 11:25 P.M.

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