

Minutes of the Board of Adjustment of the
Township Of Hanover
February 6, 2018

Chairman Stanziale called the Meeting to order at 7:42 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, and Chairman Stanziale

Absent were Members: Donaldson and Walsh

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

Public Business Presented

I. CORRESPONDENCE

1. Letters of Re-Appointment/Appointments

Michael Alwell Four (4) Year Term Ending 12/31/21

II. REORGANIZATION

1. ELECTION OF CHAIRPERSON

Motion to nominate Member Benjamin Stanziale as Chairperson.

Moved by Member Fomchenko and seconded by Member Hingos.

Seeing and hearing no others the nominations were closed

Members Alwell, Caruso, Fomchenko, Hingos, Neidhardt, and Iradi were all in favor of Mr. Stanziale for Chairman for the 2018 term. Mr. Stanziale recused himself from the vote.

2. ELECTION OF VICE-CHAIRPERSON

Motion to nominate Member Walsh as Vice-Chairman.

- Gave an overview of the approved application and the status of the application timelines.
- The trailers that were over the property line have been moved.
- They are asking that the planting timeline be moved.
- Asking the Board to look at the aesthetics of the trailer.

Chairman Stanziale

- Wants to know what the projected dates are.

William Lane

- Engineer for the applicant.
- Sworn in by the Board Attorney.
- They are waiting on the final sign off from the Hanover Sewerage Authority; it should be done within the next couple weeks.
- It is down to the aesthetics of the trailer and the planting schedule.
- They are looking to bring plantings in at the end of the project so that the landscaping is not trampled and destroyed during the installation of the trailer.

Mr. Calli

- The trailer is not being abandoned and it is on the site plan to be installed.
- Same deadline as pavement and fencing for the trailer and planting – to be completed by January 2019.

Mr. Brancheau

- Reviewed the last review of the site plans that were submitted and what items are still outstanding.
- The review is dated January 2018.

Chairman Stanziale

- Questioned why the plan wasn't completed sooner if the applicant was in a rush.

Mr. Calli

- The plans were not approved by the town and that was what was holding them up.

Mr. Brancheau

- Reviewed the conditions per the adopted resolution.
- Exhibit A-1: 5 pages of photos of the proposed trailer.
- Feels that the trailer should have a more residential appearance with a pitched roof and shutters.
- Would consider a higher height with the pitched roof.

Mr. Calli

- Pitching the roof may be cost prohibitive.

Board Secretary

- Showed the applicant and the Board photos online of trailers with a small pitched roof.

Board

- Wants the trailer to look more like a residential trailer.

Mr. Neidhardt

- Does not think the proposed trailer looks residential at all.
- Does not feel it fits in with the residential zone and does not look residential.
- Maybe it does not need the pitched roof but it must look like a residence.

Ms. Fomchenko

- Do the research, look into what the cost difference may be, and you may be pleasantly surprised that the cost is not much different.

Mr. Calli

- Questioned how they get past the 12.5 foot requirement.

Mr. Bernstein

- Should consider this a principal building, a practical solution with a maximum height.

Mr. Maceira

- The height should not exceed 20 ft.

Mr. Brancheau

- The deadline for landscaping is extended to January 1, 2019 but that is not a deadline for the trailer, the trailer is optional.

Opened to the public

Seeing and hearing none

Closed to the public

Motion to approve with conditions.

Moved by Member Neidhardt and seconded by Member Fomchenko.

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

5)	CASE NO.	1660-R3
	APPLICANT/OWNER	101 WHIPPANY ROAD LLC
	LOCATION:	101 WHIPPANY RD. WHIPPANY
	BLOCK: 5801	LOT: 6
		ZONE: R-25

Applicant is seeking preliminary and final site plan approval and “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.

Board decision due by: February 28, 2018

Donna Erem – Attorney for the Applicant

Board Member Alwell has a conflict of interest and has recused himself from the case.

- Care One decided not to convert the 88 beds.
- Phase II will be reducing the number of assisted living from 85 to 78 – 39 straight assisted living and 39 Alzheimer’s beds.
- There will be a 3,072 sq. ft. addition.
- Seeking a variance to expand and seeking a “C” height variance.
- Also seeking a variance for generators to allow for 3,000 gallons where 2,500 is allowed.
- All of the paving has been completed and the site has been cleaned up per the Boards prior requests.
- The generator has to comply with DEP regulations.

Michael Fowler

- Engineer for applicant.
- Will be installing a second emergency generator.
- Presently the generator for Phase I will install another approximately the same size for phase II.
- Proposed generator will hold 2,000 gallons and Phase I generator holds 1,000 gallons.
- New regulations require 48 hours of fuel.
- Ordinance allows for 2,500 gallons stored, requesting 3,000.
- Discrepancy of sq. footage of existing building actual sq. footage is 43,500.

- The generator also has double walled tanks and spill protection alarms.
- They meet NFPA 110 requirements.
- They are run on diesel fuel.

Ms. Erem

- Natural gas generators are not permitted for healthcare.

Reviewed Engineers Report dated December 19, 2017. They will comply with the Township Engineers requirements and all of the outside agency reports.

Mr. Neidhardt

- Questioned the screening of the generators and the noise decibels.

Ms. Erem

- It will all be compliant with regulations regarding the noise.

Mr. Brancheau

- Who is going to be testifying on the number of beds?

Ms. Erem

- 162 beds are proposed.
- It will be addressed by the architect.

Open to the public

Seeing and hearing none

Closed to the public

Break

Back on record

Michael Pomarico

- Architect for applicant.
- Gave overview of educational and professional background.
- Accepted by the Board as an expert witness.
- Exhibit A-1: colored elevations.
- Only changes made were on the interior of the building.
- The total number of beds changed from 170 to 162.

- The beds were reduced but common areas; the library, the fitness center, the support space, the dining room, and common spaces were all increased.
- The building height has been revised and lowered to 37.67 feet as it was previously in the plans at 38.25 feet.
- It was previously approved at 36.8 feet.

Opened to the public

Seeing and hearing none

Closed to the public

Ms. Erem

- They will meet DEP requirements at the property line for the DEP requirements for the generator.
- They will submit a screening plan to Mr. Maceira.

Matthew Murello

- Acoustical Engineer for the applicant.
- Sworn in by the Board Attorney.
- Accepted by the Board as an expert witness.
- Explained the analysis and findings in the report Acoustical Evaluation of the Proposed Care One Emergency Generator dated December 11, 2017.
- Hours of testing the generators would be once a month for 30 minutes.

The Board suggested that the hours of testing be between 11am and 4pm on weekdays.

Ms. Erem

- The generator is required by the state to provide power for at least 48 hours for all services for the facility.

Mr. Murello

- Speech interference happens at about 70 DBA.

Open to the public

Seeing and hearing none

Closed to the public

Paul Phillips

- Professional Planner for the Applicant.
- Sworn in by the Board Attorney.
- The total bed count is 162 which is 8 beds less than the prior approval.
- Parking will remain at 94 spaces.
- The property is in an R-25 zone.
- They are requesting a variance for the building height to be 37.67 feet where 35 feet is allowed.
- They are also requesting a variance for above ground fuel storage of a 3,000 gallon tank where a 2,500 gallon tank is allowed.
- They are requesting a "D" variance for use because it is not allowed in a residential zone.

Mr. Neidhardt

- Questioned the floor area for Phase II.

Mr. Pomarico

- It is due to the terrace overhang inside the courtyard.

Ms. Erem

- Requesting an extension of time, they are seeking 2 years.
- Agreed to pay the \$200 fee for the extension.

Ms. Bongiorno

- Will check the remaining escrow to see if the \$800 escrow can be waived.

Ms. Erem

- They are serious about building this and even though it has taken so long they are still determined to continue with this project.

Opened to the public

Seeing and hearing none

Closed to the public

Mr. Bernstein

- Reviewed the conditions of approval.

Motion to approve with conditions and give an extension until March 1, 2020.

Moved by Member Hingos and seconded by Member Neidhardt.

Members Caruso, Fomchenko, Hingos, Neidhardt, Iradi, and Chairman Stanziale all voted in favor.

Meeting Adjourned at 9:41 P.M.

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