

**Minutes of the Planning Board of the
Township Of Hanover
JUNE 9, 2015**

Chairman Robert Nardone called the Work Session Meeting to order at 7:06 PM in Conference Room "A" and The Open Public Meetings Act statement was read into the record:

Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members: Bryne, Critchley, Deehan, De Nigris, Dobson, Ferramosca, Mayor Francioli, Nardone, Mihalko, and Pinadella.

Absent was Member: None

Also present was Township Engineer, Gerardo Maceira, and Township Planner, Blais Brancheau.

1. STATEMENT BY THE PRESIDING OFFICER

2. ADOPTION OF RESOLUTION

CASE NO.	15-4-4
APPLICANT	QUICK CHEK CORPORATION
OWNER	2 PARSIPPANY RD. LLC/MICHAEL SESERA
LOCATION:	2 PARSIPPANY ROAD WHIPPANY
BLOCK: 4204	LOTS: 6.01 ZONE: B-P2

Applicant sought to install a permanent generator and an 11' X 19' concrete pad. Application approved May 26, 2015.

A motion was made to adopt the resolution as written for Quick Check case # 15-4-4.

Moved by Member Byrne, and seconded by Member Critchley.

Members voting in favor were Deehan, Critchley, Pinadella, Dobson, Mihalko, Byrne, Ferramosca, Francioli, and Nardone.

Members voting "NO" – None.

3. MINUTES FOR APPROVAL – MAY 19 & 26, 2015

A motion was made to approve the Minutes of May 19 and May 26, 2015.

Moved by Member Byrne, and seconded by Member Deehan.
To Adopt the Minutes as written

Voice Vote – All present in favor.

4. DRAFT ORDINANCE DISCUSSION – SPECIAL NEEDS FACILITIES IN NONRESIDENTIAL ZONES – BLAIS BRANCHEAU

Mr. Brancheau

- Gave an overview of the ordinance and the similar uses that would be covered by this ordinance.
- He reviewed the definition of social assistance establishments.
- Discussed softening the “mixed use” prohibitions. Applicants must show that mixed uses can be on the same site and not interfere with each other.
- Allows the permission of different uses on the same site, if they can co-exist with the health, safety, and welfare protected for each use and user.
- Discussed the checks and balances of how the coexisting uses will be determined.
- Applicants must demonstrate that the uses work well together.

Chairman Nardone

- Wants non- industrial services included within the change of uses that would need to appear before the Planning Board to demonstrate compliance with mixed-use requirements.
- Make it clear so that a Landlord is aware that allowing certain uses may restrict the other uses that would be allowed in the building.

Mr. Brancheau

- Will revise the language to reflect the concerns of the board in section 2 of the ordinance to clarify that the regulations applies to all uses not just too charitable uses.
- Permitting nonresidential social assistance establishments in zones that allow state institutions and hospitals.
- Not allowing in I-B and I-B-2 Zones will get worked out when they do the re-zoning for the Rt. 10 Corridor.
- Blais’ next step is to amend the one section and bring to the attention of the Township Committee this coming Thursday.

Mr. Inglesino

- Commended Blais on the construction of the ordinance and how he turned it around so quickly. He appreciates the Boards consideration on such short notice.

5. DRAFT ORDINANCE DISCUSSION – LIMITED ENCROACHMENTS BY PORCHES, PATIOS, DECKS AND FENCES INTO REQUIRED FRONT YARDS – BLAIS BRANCHEAU

Mr. Ferramosca

- Gave an overview of the site plan exemption committee and how it came to be.
- There are a lot of homes that are approaching 30 plus years of age.
- This ordinance will allow residents to add a porch to the front of their homes.
- Many times this is a simple matter and they are trying to make life easier for those looking to add a front porch. Patio and deck as well affected by existing ordinance language.

Mr. Brancheau

- Described how the current ordinance restricts adding front porches to homes.
- Discussed how this affects homes on corner lots that have two front yards – and how adding a deck to the rear of your home is affected by the front yard setback.

The Board had an open discussion regarding the porch in the front yard setback.

Blais discussed how grandfathering works.

Mr. Pinadella

- Feels if they already have a porch and they need to replace it they should be able to.
- If they are adding or going larger in the front yard setback they should have to go to the Board of Adjustment for the variance.

Mr. Brancheau

- Discussed Section One and the proposed changes to the definition of front yards.
- Section One
 - o An open, unoccupied space, unless occupied by a use or structure specifically permitted by this chapter, extending across the full width of any lot and lying between the street right-of-way and the nearest building on such lot. On corner lots, and yard facing any abutting streets shall be deemed to be front yards for the purposes of this chapter. Notwithstanding the foregoing, the space lying between the principal building and the right-of-way line of Interstate 24, Route I78 and Route 287 shall not be considered a front yard unless such right-of-way is permitted to be used for access to the property by motor vehicles.
- Section 2 amends the section dealing with yards. Would allow encroachment of 10 Feet in the front yard and five feet in the side yard.
 - o A. – General. Every lot shall contain front, rear and side yards as required by this chapter.
 - o B (1) – Yard encroachments permitted by other provisions of this chapter, expressly or implied, shall be as set forth in the sections regulating such uses and structures.
 - o B (2) (a.) – The encroachment shall only be permitted for such structures that provide direct access to only the ground floor and/or basement, but not to the upper floors.
 - o B (2) – Porches, steps and ramps attached to the principal building, including any roof covering the same, may encroach into required yards as set forth.
 - o B (3) – Fire escapes may encroach up to 4 feet into any required side or rear yard.

- B (4) – Awnings and canopies over doors and windows may encroach up to 4 feet into any required yard.
- B (5) Cornices and eaves may encroach up to 3 feet into any required yard.
- B (6) Sills, leaders, belt courses and similar ornamental structural features may encroach up to 6 inches into any required yard.
- B(7) – Heating, ventilating and air conditioning equipment, pool pumps and filters, basement window wells, “Bilco” – style basement doors, and similar equipment and structures may encroach into any required side or rear yard, provided that the same shall be required to be located at least 5 feet from side lot lines and 10 feet from rear lot lines.
- Section 3 – Notwithstanding any other provisions of this chapter, a patio or deck is permitted to encroach into the required front and rear yard setback in any residential zone, provided that each of the following requirements is complied with for said patio or deck.
- Section 4 – Paragraph B(1)(a) {1} and B(1)(a){2} in Section 166-138.2, Fences and walls, in Article XIX, General Provisions, is hereby amended to read as follows:
- Section 5 – Paragraph D(3) in 166-138.2, Fences and walls, in Article XIX, General Provisions, is hereby amended to read as follows:

Mr. Pinadella

- Concerned with the encroachment into the front yards.

Mr. Byrne

- Feels that if you are replacing something that exists you should not have to go to the Board of Adjustment but, if you are building something that is new construction they should have to go before the Board of Adjustment.

Mr. Brancheau

- Discussed what the courts view as “total destruction” in the case of nonconforming structures.
- Discussed how he developed the 10 foot allowable encroachment in the ordinance.

Mr. Nardone

- The amount of protection of the porch should be determined by the height of the level of the front door.
- Would leave it that if you are looking to build a new structure and it encroaches into the front yard should have to come for the variances.

The Board Secretary

- Explained to the board about the fees and escrows that are charged to homeowners.
- She also explained what an applicant may spend in total.
- Explained how long it may take a homeowner to get on the calendar and how the process works.

Mr. Brancheau

- Outlined the amendments that he will make to the proposed ordinance.
- Reviewed with the board what amendments they would like to keep and what amendments they would like to remove or modify.

The Board reviewed the ordinance line by line and determined what would stay in the ordinance, what would be amended, and what would be eliminated.

6. REVIEW OF THE 2006 RE-EXAM REPORT – BLAIS BRANCHEAU

Review of the 2006 re-exam report will be moved to the July 14th Work Session.

7. OTHER BUSINESS

There will be no meeting on June 16, 2015.

8. ADJOURNMENT

Meeting Adjourned at 8:47P.M.

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