

**Minutes of the Board of Adjustment of the
Township Of Hanover
February 4, 2014**

Chairman Benjamin Stanziale called the Meeting to order at 7:36 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: Fomchenko, Neidhardt, Olsen, Stanziale, and Vigilante

Absent were Members: Donaldson, Hingos, and Linfante,

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

Cases Presented

I. MINUTES - JANUARY 7, 2014

Moved by Member Neidhardt, Seconded by Member Olsen
Voice Vote All present in favor

II. PUBLIC HEARINGS

- 1) **CASE NO.** 1743
APPLICANT/OWNER Gail McKenna
LOCATION: 6 Nye Avenue, Whippany
BLOCK: 9303 **LOT:** 19 **ZONE:** R-40
Applicant is seeking permission **to construct** a swimming pool and new patio on the property named above. The applicant is seeking relief from sections 166-136 and 166-113.1. **Board decision due by: March 13, 2014**

James Foerst - Attorney for applicant - Gave overview of the application

Gregg Spadaro - Licensed Landscape Architect for the applicant - Sworn in by board attorney

- Reviewed credentials educational and professional and licenses
- Reviewed the contact of this site - location and surrounding areas
- Gave history of the property

Exhibit A-1 - Colored proposed conditions board

- 10,588 square feet proposed coverage
- Fencing will be brought up to code for pool compliance safety
- Addressed the side yard setback that is required
- Referred to the grading plan and discussed the drainage
- Reviewed the storm-water calculations

- Feels they have addressed some of the issues of additional coverage with the drywell
- Discussed the side entry garage on the site
- If they had a front facing garage the driveway would be perpendicular and would have reduced the coverage on this site

Exhibit A-2 - Aerial showing the surrounding home on the north side of the property

- 40 feet from the neighbor's house to the property line
- Existing patio is concrete patio

Member Olsen - Asked if the pool could be moved to eliminate the side yard variance

Gerardo Maceira – Township Engineer - Questioned converting the shed to a cabana - did not notice for the variance for the shed conversion

Gregg Spadaro – Licensed Landscape Architect - Not sure if the shed is legal and received a permit - oversized for shed and cabana - is a variance no matter what

Opened to the public

Closed to public

Break

Back on the record

James Foerst – Attorney for the applicant- Will remove the shed/cabana from the site plan and will address the issue with the shed with the building department

Member Neidhardt - Suggested include lighting in approval

Opened to the public - seeing non closed to public

Daniel Bernstein – Board Attorney - Summarized the conditions

Motion to approve with conditions

Moved by Member Olsen, Seconded by Member Neidhardt

Members Voting “AYE” Vigilante, Fomchenko, Olsen, Neidhardt, Stanziale

Members Voting “NO” None

- 2) **CASE NO.** 1737
APPLICANT/OWNER Ugo and Sherri Bellomo
LOCATION: 33 Windemere Court, Whippany
BLOCK: 3002 **LOT:** 7.24 **ZONE:** R-40

Applicant is seeking required variances as to permit applicant **to maintain currently constructed** fence and shed on the above mentioned property. The applicant is seeking relief from sections 166-138.2A, 166-138.2B, 166-114B (3), 166-114B (5), 166-114B (8), 166-113.1, as well as any and all other variances that may be required.

Board decision due by: February 22, 2014

William Rush - Attorney for applicant - Gave overview of the application

- Shed and fence were installed without permits
- Reviewed the requested variances

Ugo Bellomo – Applicant - Sworn by board attorney - Described where the fence is located on the site

- The original fence was there 14 years - Replaced it with new fence approximately 1 year ago
- Explained why he put shed where he did - he did not know that he needed a permit for the shed
- Growing out of the house and need more storage
- Put it in the front yard because if he did he would not have any room in his back yard

Exhibit A-1 - Photo of side yard showing shed and picture

Exhibit A-2 - Additional photo of side yard fence and shed

Exhibit A-3 - Additional photo of side yard fence and shed

Exhibit A-4 - Additional photo of side yard fence and shed

Ugo Bellomo – Applicant - Installed the fence illegally twice - once 14 years ago and one year ago

- Green Giant trees - in front of fence are currently 9 feet tall and will reach approximately 13 feet
- Installed to help shield fence

Member Stanziale - Questioned moving the shed to the rear yard

Board had opened discussion

Opened to the public for questioned

Closed for questions

Opened for statements from public

Fareed Shaikh - 35 Windemere Court - Sworn by board attorney

Noreen Shaikh - 35 Windemere Court - Sworn by board attorney

Exhibit O-1 - From Google showing prior to shed and fence

Exhibit O-2 - From Google showing prior to fence and shed

Exhibit O-3 - Photo showing objectors home is blocked by the neighbors shed and fence

Exhibit O-4 - Showing structure in front of their house

Exhibit O-5 - Showing view from their path and the view from their front path

Exhibit O-6 - Showing view from front steps

Exhibit O-7 - View from dining room showing view

Exhibit O-8 - View from living room

Exhibit O-9 - Showing the fence and shed and how fence does not hide fence from view
Exhibit O-10 - Photo showing how shed and fence look from neighbor's driveway

Member Stanziale - Questioned Mr. & Mrs. Shaikh where they would like the shed

Mr. & Mrs. Shaikh - Would like it in the back yard the further back it is the better

William Rush – Attorney for the applicant- Applicant is willing to move shed 8 feet off side line and 8 feet off rear
- Fence will be moved on an angle to conform with the front yard setback requirement

Member Stanziale - Does not want the fence to be jogged - must be on the angle

Board - Giving the applicant to July 1, 2014 to have the work completed
- The Green giant trees will be staying

Daniel Bernstein - Board Attorney - Summarized the conditions

Motion to approve as amended

Moved by Member Fomchenko, Seconded by Member Olsen

Members Voting "AYE" Vigilante, Fomchenko, Olsen, Neidhardt, and Stanziale

Members Voting "NO" None

Meeting Adjourned at 9:18 P.M.

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