

**Minutes of the Board of Adjustment of the  
Township Of Hanover  
March 20, 2014**

Chairman Benjamin Stanziale called the Meeting to order at 7:45 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: Donaldson, Caruso, Fomchenko, Hingos, Neidhardt, Olsen, Stanziale, and Vigilante

Absent was Member: Linfante

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

**Cases Presented**

**I. RESOLUTION TO BE MEMORIALIZED**

- |    |                        |                                     |
|----|------------------------|-------------------------------------|
| 1) | <b>CASE NO.</b>        | 1743                                |
|    | <b>APPLICANT/OWNER</b> | Gail McKenna                        |
|    | <b>LOCATION:</b>       | 6 Nye Avenue Whippany               |
|    | <b>BLOCK: 9303</b>     | <b>LOT: 19      ZONE:      R-40</b> |

Applicant sought permission to construct a swimming pool and new patio on the property named above. The applicant sought relief from sections 166-136 and 166-113.1  
Application approved with conditions February 4, 2014.

Approved as written

Moved by Member Neidhardt, Seconded by Member Fomchenko

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

Members Voting "NO" None

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

Applicant sought required variances as to permit applicant to maintain currently constructed fence and shed on the above mentioned property. The applicant sought 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 have been required. Application was approved with amendments and conditions February 4, 2014.

Approved as written

Moved by Member Vigilante, Seconded by Member Olsen

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

Members Voting "NO" None

## II. MINUTES - February 4, 2014 –

Approved as written

Moved by Member Fomchenko, Seconded by Member Olsen

Voice vote all present in favor

## III. PUBLIC HEARINGS

- |                        |                                      |
|------------------------|--------------------------------------|
| 1) <b>CASE NO.</b>     | 1735                                 |
| <b>APPLICANT/OWNER</b> | Michael and Elissa True              |
| <b>LOCATION:</b>       | 144 Cedar Knolls Avenue Cedar Knolls |
| <b>BLOCK:</b> 3501     | <b>LOT:</b> 9 <b>ZONE:</b> R-25      |

Applicant is seeking to rebuild existing attached garage so it is structurally sound and aesthetically pleasing. Applicant is seeking to rebuild structure exactly as is except the peak of the roof will be 2'4" higher and floor brought up to existing living room. Applicant is seeking relief from sections 166-170B and 166-170C

***Board decision due by: May 29, 2014***

Michael True – Applicant - Sworn by Board attorney

Elissa True – Applicant - Sworn by board attorney

- Would like to make attached garage into another room in the house and use as a music room to hold their two pianos
- Need to make the addition structurally sound to hold the two pianos
- New structure will be built in the same foot print area as the old structure
- The new room will just be an extension of the living room and will not have a bathroom or kitchen



- First Question is of Jurisdiction

Mary Holt - 1412 Gulf Street Scotch Plains NJ – Owner of Johnstone Supply - Sworn by Board Attorney - Gave overview of history of Johnston Supply

- Explained the operation - Wholesale only
- 25% of customers come into the store - the rest is shipped out - wholesale only - no sales to general public

Opened to public

Pastor Mark Segal - Abundant Life Worship Center - Questioned impact on school

Chairman Explained that is a question for a later time - need to establish board jurisdiction at this time

John McDonough - Planner for Applicant – Sworn by Board Attorney

- Determining if this use is a permitted use or a prohibited use

Exhibit A-1 - 3 part Planning Exhibit

- No definition in our ordinance as to what constitutes an industrial use
- Gave overview of exhibit photos
- Proposed building is just over 24,000 square feet
- Referred to page 439 in the 2004 Moskowitz book of definitions Read Definition of warehouse into the record

Blais Brancheau – Township Planner - Sworn by Board attorney

Gerardo Maceria – Township Engineer - Sworn by Board attorney

Blais Brancheau – Township Planner - Believes warehousing in this zone is permitted

- Addresses the issue of does the wholesale sales operation make this a prohibited use?
- Onsite sales is only 25% of operation
- Opinion is that the wholesale is ancillary
- Wholesale is an accessory use and is permitted in the zone
- Opinion feels that this is a permitted use

Opened to public Seeing and hearing no comments or questions

Closed to public

Professionals agree that this is a permitted use in the zone

Daniel Bernstein – Board Attorney - Gave overview of Case Law of Michellotti Realty v  
- Zoning Board of Adjustment of the Township of Saddle Brook

- Mr. Bernstein’s opinion is that this Board can maintain jurisdiction

Brian Shiller - Attorney for the applicant - Will maintain jurisdiction with this board and  
proceed with case.

Vote taken by Board to retain jurisdiction of this application

Motion Interpretation is that this is a permitted use and the Board of Adjustment will  
retain jurisdiction.

Moved by Member Olsen, Seconded by Member Neidhardt

Members Voting “AYE” Vigilante, Fomchenko, Olsen, Hingos, Neidhardt, Donaldson,  
and Chairman Stanziale

Members Voting “NO” None

Applicant proceeded with its development application hearing.

John Minilio – Professional Engineer for the applicant - Sworn by Board attorney –  
Exhibit A-2 - Johnstone Supply Redcom Packet

- Gave overview of existing conditions in the area
- LOI issued with previous application on this site which is still valid per Permit  
Extension Act
- Reviews site plan and dimension plan - colored site plan
- 24,757 square foot warehouse distribution center
- Gave testimony regarding proposed development
- This lot is 188 feet wide where 200 is required
- Discussed side yard requirements and relief requested
- Described proposed parking
- Addressed two loading docks in the back and the drive in door
- Proposing two detention basins
- Well below the Floor Area Ratio for this site
- 40% impervious coverage proposed
- Described lighting and output
- Discussed signage
- Discussed Alternate Parking use
- Discussed what the building will look like - mix of block and metal panel’s earth-  
tone colors to be used

Exhibit A-3 - Photo of Building in Tinton Fall that was built two years ago that is very  
similar to what the proposed building would look like

- No Illumination on building or freestanding sign is proposed

Board and Blais Brancheau – Township Planner - Feels that the free standing sign could be perpendicular so that is visible to the traveling public

Blais Brancheau – Township Planner - Free standing perpendicular sign could be approved based on the approval of the township engineer and planner based upon site lines

- Front yard parking is allowed in the zone as long as it meets all of the setbacks

John Minilio – Professional Engineer for the applicant - All conditions in the Engineers review dated March 19, 2014 as well as outside agencies contained in the report - will meet conditions in all of the reports

- All conditions in Planners report dated March 19, 2014 will be met
- Equipment is on the ground rather than the roof to help alleviate leak and maintenance issues

Board and Blais Brancheau – Township Planner - Discussed the design and look of the building

Chairman Stanziale - Clarified the conditions on the freestanding sign

Blais Brancheau – Township Planner - Will work with applicant and their professionals on colors and breaking up

Opened to public

Pastor Mark Segal – Abundant Life Worship Center - Impact of traffic on the area

John Minilio – Professional Engineer for the applicant - Addressed the Contractor and truck traffic that will be visiting this site

Brian Shiller - Attorney for the applicant - The current location and this location will produce the same amount of traffic in the area

Pastor Mark Segal – Abundant Life Worship Center - Questioned if they could have two signs

Daniel Bernstein – Board Attorney - Explained an applicant can ask for what they want - does not necessarily mean they will get what they request

John McDonough – Planner for applicant - Still under oath - Reviewed the Five Requested variances

- Reviewed the C-1 and C-2 criteria for granting the variances
- Addressed the requested sign variance by making the sign perpendicular
- Addressed lot width



- Must be by reservation
- Themed events and parties around the holidays and certain times of the year
- Must call ahead or register online
- Space is limited and participants must have a reservation
- Described the general layout of the proposed space
- Reception area - 2 multipurpose rooms – bathrooms - 2 large arenas
- Anticipates 6-8 inflatables
- All inflatables are under jurisdiction of New Jersey Department of Amusements
- There will be no cooking on the premises but food will be allowed - customers can bring cake - snacks and drinks - all other food will go through facility
- Hours are 8:00 AM to 10:00 PM Seven days a week with limited hours Monday through Thursday
- 2 full time employees
- 11 part time employees
- Schedule for employees depends on schedule of events
- All employees will be certified in CPR, AED and first aid
- Opened bounces will be for 15 participants private parties will be from 15-25 participants
- Will be able to accommodate up to 3 events at one time
- Attendants will be monitoring inflatables at all times
- There are 158 parking spaces on this site
- Parking is currently underutilized - made staggered visits to the site to see what available parking was like - there was never more than 17 cars on site at any given time
- Anticipates community involvement
- Discussed the sign and size
- They are an end unit and wants the public to know where they are located
- Addressed the arborists report of the two trees that will block the sign
- They are not proposing removing or pruning the trees that would be in front of the sign
- 65% of parties are drop off parties
- Parents will physically have to walk children in to check them in
- There are 5 facilities in the area closest to this area is Pump It Up in Randolph
- There is a minimum weight and height requirement
- Addressed security and how children will be protected
- There will be a wristband security process
- The maximum weight limit is approximately 250lbs per person and will market 2-12 year olds
- Parents must sign a waiver and provide contact information

Blais Brancheau – Township Planner - Questioned the size of the sign

- Questioned why they want such a large sign when the other tenants signs are conforming to the ordinance

John McDonough - Planner for the applicant

Exhibit A-2 - Series of planning photos

- Provided proofs for variance relief
- Described the location of the proposed

Blais Brancheau – Township Planner - Sworn by Board attorney - All existing signs on site are 2 feet by 8 feet long

John Wychiskala – Attorney for the applicant - The doors to the rear will be made emergency exit only exits

Blais Brancheau – Township Planner - Questioned truck traffic around the building

- Questioned designated parking on the site
- Discussed signage and requirements
- Uniformed design - color and background

Exhibit BA-1 - Unit 21 sign

Exhibit BA-2 - Unit 23 Extra Innings sign

Exhibit BA-3 - Unit Micromax Sign

John McDonough – Planner for the applicant - Sign will be light blue - dark blue and orange

- Material will be exact as to what is out there

Blais Brancheau- Township Planner - Reviewed variances needed for the signs

Opened to the public Seeing none

Closed to the public

Chairman Stanziale - Concerned with the proposed sign and not being conforming

John Wychiskala – Attorney for the applicant - Applicant is willing to do a 3X5 sign

Mitchell Roman - Broker representing landlord and Management Company

- There is no pharmaceutical packaging on this site - it is dead storage

John Wychiskala – Attorney for the applicant - Planners report dated March 20, 2014 - will meet all conditions

- Engineers report dated March 20, 2014 - Landlord will comply with all issues in Township Engineers review
- The trees in front of the sign will not be removed or trimmed

Daniel Bernstein – Board Attorney - Reviewed conditions of approval

Motion to approve with conditions

Moved by Member Donaldson, Seconded by Member Hingos

Members Voting “AYE” Vigilante, Fomchenko, Olsen, Hingos, Neidhardt, Donaldson,  
and Chairman Stanziale

Members Voting “NO” None

Meeting Adjourned at 11:09 P.M.

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