

**Minutes of the Board of Adjustment of the
Township Of Hanover
June 19, 2014**

Acting Chairwoman Carol Fomchenko called the Meeting to order at 7:35 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: Caruso, Donaldson, Fomchenko, Hingos, Neidhardt, Olsen, and Vigilante

Absent were Members: Linfante and Stanziale

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

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- | | | |
|----|------------------------|-------------------------------|
| 1) | CASE NO. | 1744 |
| | APPLICANT/OWNER | Nelson and Christine Cantor |
| | LOCATION: | 9 Boulevard Road Cedar Knolls |
| | BLOCK: 2905 | LOT: 2 ZONE: R-25 |

Applicant is proposing to construct a second story addition to an existing single family structure. Applicant sought relief from sections 166-170B, 166-170C, 166-114 (B)(6), 166-154(c). Application approved June 3, 2014.

Approved as written

Moved by Member Olsen, Seconded by Member Hingos

Members Voting "AYE" Vigilante, Olsen, Hingos, Neidhardt, and Caruso

Members Voting "NO" None

- | | | |
|----|----------------------------|---|
| 2) | CASE NO. | 1745 |
| | APPLICANT
OWNER | Lazaros Tsilsoulas & Parthena Kontis
Parthena Kontis |
| | LOCATION: | 160 Parsippany Road Whippany |
| | BLOCK: 8305 | LOT: 1 ZONE: R-40 |

Applicant is proposing to construct an addition to an existing garage to include a storage area above the garage floor. Applicant sought "C" & "D" Variances and relief from sections 166-114B(1), 166-114B(2), 166-114B(9), 166-114B(10), and 166-136A. Application approved June 3, 2014.

Approved as written

Moved by Member Olsen, Seconded by Member Neidhardt

Members Voting "AYE" Vigilante, Olsen, Hingos, and Neidhardt

Members Voting "NO" None

II. MINUTES - JUNE 3, 2014

Approved as written

Moved by Member Olsen, Seconded by Member Hingos

Voice Vote all present in Favor

III. PUBLIC HEARINGS

- | | | |
|----|------------------------|--------------------------------------|
| 1) | CASE NO. | 1733 |
| | APPLICANT/OWNER | Caldwell Investors, Inc. |
| | LOCATION: | 36 South Jefferson Road Cedar Knolls |
| | BLOCK: 2904 | LOT: 5 ZONE: I |

Applicant is seeking Preliminary and Final Site Plan "C" and "D" variances to construct an indoor firing range with an area also for instruction/sales/mechanicals. Case partially heard on October 17, 2013 and May 15, 2014. **THIS CASE HAS BEEN CARRIED BY LETTER TO JULY 17, 2014** *Board decision due by: July 31, .2014*

Case carried by letter to July 17, 2014 by letter read into the record by the secretary

- | | | |
|----|--------------------|-----------------------------------|
| 2) | CASE NO. | 1750 |
| | APPLICANT | Donald Riemer & Ilizabeth Cabrera |
| | OWNER | Donald Riemer |
| | LOCATION: | 26 Hilltop Circle Whippany |
| | BLOCK: 5408 | LOT: 8 ZONE: R-15 |

Applicant is proposing to remove and reconstruct roof structure with a new higher pitched roof as a result of storm damage and structural modifications to correct improper framing conditions, remove a portion of damaged chimney and rebuild to height required for new roof structure. Applicant is seeking relief from sections 166-173A(3).

Board decision due by September 10, 2014

Donald Riemer and Ilizabeth Cabrera - Applicants - Sworn by board attorney

Salvatore Corvino - Architect and Professional Planner - Sworn by board attorney

Donald Riemer – Applicant - Explained roof damaged by excessive snow loads this past winter

- Weight pushed down side walls of the home

Salvatore Corvino – Architect and Professional Planner - Gave overview of professional qualifications –

- Gave an overview of the project
- One family one story plus one basement - built in 1951

Exhibit - A-1 - Architect C-1 Drawing showing non-conforming area of home

Exhibit - A-2 - Architect A-1 drawing floor plan for attic and framing plan

Exhibit - A-3 - Architect A-2 Building Elevations

Salvatore Corvino – Architect and Professional Planner - Described the Exhibits

- Met and discussed with the builder to find the best way to help correct the damage to the roof and the chimney
- Not adding floor area or increasing the footprint of the home in any way
- The whole roof will be replaced
- Will be putting a roof vent in the attic and providing soffit vents - providing three foot ice shield
- The new structure will be newly insulated
- New gutters and leaders will be installed
- Roof drain locations will not change
- The neighbor on the violation side is approximately 20 feet off of the property line
- The attic exhaust fan will be replaced

Opened to the public - seeing none

Closed to public

Daniel Bernstein – Board Attorney - Summarized

Motion to approve with conditions

Moved by Member Neidhardt, Seconded by Member Olsen

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

Members Voting “NO” None

Exhibit - A-2 - 33 Oak Boulevard
Exhibit - A-3 - 13 Oak Boulevard
Exhibit - A-4 - 21 Oak Boulevard
Exhibit - A-5 - 25 Oak Boulevard
Exhibit - A-6 - 40-42 Oak Boulevard
Exhibit - A-7 - 56 Oak Boulevard
Exhibit - A-8 - 58 Oak Boulevard

Member Olsen- Were the patio and fence preexisting?

David Dutcher – Applicant - The keystone retaining wall and shed were installed without permits or variances by applicant David Dutcher
- The wall and patio were existing when the house was purchased

David Delle Donna – Architect - The pool to the rear property line would be 16 feet

David Dutcher - Applicant - Not opposed to moving the pool closer to the home if necessary
- Discussed the lighting for the pool in and around
- Will install a fiberglass pool with a crane

David Delle Donna – Architect - Reviewed the variances in Blais Brancheaus' –
Township Planner - report dated 6/19/14

Member Vigilante - Questioned if with all of these additions and pools how would a fire truck get to the back of the house.

Applicant explained a fire truck would not get behind the house now – it would park in the street and pull the hoses to the fire.

Member Fomchenko - Questioned the size of the pool they are installing and could they get a smaller pool

David Delle Donna – Architect - Continued reviewing the variances and the township planners comments

David Dutcher – Applicant - Addressed the location of the shed and how he prepared the spot where it was installed

Member Neidhardt - Questioned the cape styled house with a breezeway and garage

- Questioned if the footprint will be expanded and by how much

Applicant explained that:

- Existing house is staying the same

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- 16x16 breezeway structure being expanded

David Della Donna – Architect - 249 square feet is being added

Exhibit - A-9 - 31-35 Pine Boulevard

Exhibit - A-10 - 13 Oak Boulevard

Exhibit - A-11 - 17 Oak Boulevard

- Exhibits shows homes in the neighborhood that are similar to what applicant wants to do but does not know what the lot sizes these homes are built on
- This is a second floor addition over an existing footprint

Member Hingos - Questioned lot coverage and the patio around the pool

Blais Brancheau – Township Planner - The town wants there to be green areas

Opened to the public - seeing none

Closed to the public

Blais Brancheau – Township Planner - Testified regarding his report - regarding variances

- Went over the intent of the regulations to protect the public except when there are extenuating circumstances
- Addressed the "D" variances
- Main variance is the Floor Area Ratio variance
- Addressed how he prepared the analysis
- Gave the history of how the town adopted its Floor Area Ratio ordinances
- Reviewed the properties within 200 feet
- Reviewed the tax records for all of the homes analyzed
- 18-21 lots are conforming when it came to Floor Area Ratio
- Discussed improvement coverage and trying to maintain green area in residential area
- Addressed height setback ratio
- Discussed visual impact
- Addressed all of the remaining variances
- Driveway and Shed were constructed illegally and should not be considered preexisting

Opened to public Seeing and hearing none

Closed to public

David Della Donna – Architect - Gave Closing comments

David Dutcher – Applicant - Addressed the illegal shed and driveway work that was done

Opened and closed to public for statements

Daniel Bernstein – Board Attorney - Addressed the multiplicity of the variances

Board Deliberated

Member Vigilante - Feels there are too many variances

Member Caruso - Main issue is shed and the pool

- Coverage is too intense
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- Variances on the house is what it is

Member Neidhardt - Pool should be placed closer to the home

- Biggest issue is "D" variance and the coverage
-
- There is a 20% overbuild being proposed on this property for the house

Member Hingos - Not so much of a problem with the house

- The overall lot coverage is too intense

Member Olsen - The project needs to be condensed

- The project is too intense and needs to be reduced

Member Donaldson - The property is very small

- The size of the new dwelling is too intense for the property

Member Fomchenko - This is a very ambitious plan

- Need to reduce Plan
-
- Pool and deck - As proposed is not a good plan.
-
- Coming back with a plan that is changed is not a guarantee that it would be approved

Daniel Bernstein – Board Attorney - Explained the scale of the project is too ambitious

- Cannot look at the family issues - Must look at the property issues

Case Carried to July 17, 2014

Meeting Adjourned at 10:13 P.M.

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