

**Minutes of the Board of Adjustment of the
Township Of Hanover
Thursday, October 16, 2014**

Chairman Benjamin Stanziale called the Meeting to order at 7:34PM 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, Stanziale,

Absent were Members: Linfante, Neidhardt, Olsen, and Vigilante

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

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- | | | |
|-----------|--------------------|------------------------------|
| 1) | CASE NO. | 1755 |
| | APPLICANT | Brian Griffin |
| | OWNER | Brian and Jacqueline Griffin |
| | LOCATION: | 119 Wilson Place Whippany |
| | BLOCK: 8502 | LOT: 13 |
| | | ZONE: R-15 |

Applicant is requesting to build a one story two car detached garage. Applicant sought relief from sections 166-114B(1), 166-114B(2), 166-114B(6), 166-114B(9). Application approved September 18, 2014.

Approved as written

Moved by Member Fomchenko, Seconded by Member Hingos

Members Voting "AYE" Fomchenko, Hingos, Stanziale

Members Voting "NO" None

- | | | |
|-----------|------------------|-----------------------|
| 2) | CASE NO. | 1748 |
| | APPLICANT | 230 Ridgedale Ave LLC |
| | OWNER | Robert S. Cook |
| | LOCATION: | 230 Ridgedale Ave. |

BLOCK: 1702 **LOT:** 6 Cedar Knolls
ZONE: I-B3

Applicant sought approval to use the property for residential and business purposes. The applicant is an affiliate of Pacific Lawn Sprinkler a commercial/residential lawn sprinkler firm. The manager will reside on the premises, operate a local office, park vehicles and operate the business during normal business hours which are Monday through Friday 8:00 Am to 4:00 PM. No nighttime business operations are contemplated. The applicant is proposing no new structures. An outdoor storage area for the storage of plastic irrigation pipe coils and a freestanding pylon sign are proposed. The applicant sought relief from sections 166-203(A)(8), 166124(A)(3), 166-147(B), 166-147(D)(1), 166-147(D)(3), 166-147(D)(4), 166-203.9(D). Application approved September 18, 2014.

Approved as written

Moved by Member Hingos, Seconded by Member Fomchenko

Members Voting "AYE" Fomchenko, Hingos, Stanziale

Members Voting "NO" None

II. MINUTES - August 21 and September 18, 2014

Approved as written

Moved by Member Fomchenko, Seconded by Member Hingos

Members Voting "AYE" Fomchenko, Hingos,

Members Voting "NO" None

III. PUBLIC HEARINGS

| | | |
|------------------------|-----------------------|-------------------|
| 1) CASE NO. | 1752 | |
| APPLICANT/OWNER | JEFF & CHERYL LEONARD | |
| LOCATION: | 8 WALNUT ROAD | |
| | WHIPPANY | |
| BLOCK: 4702 | LOT: 6 | ZONE: R-15 |

Applicant is requesting permission to build a second story addition over the existing footprint. Applicant is seeking relief from sections 166-173A, 166-154C, and 166-173(A)(1)(b).

7:41PM Court Reporter, Renee Russo, swore in the witnesses
Jeff Leonard – Applicant
Julianne Cecere – Architect for applicant

- Julianne Cecere – Architect for applicant gave an overview of her educational and professional background
- Applicant is seeking relief for side yard variance.

Exhibit A-1 – Site Plan – Drawing T1 with colored markings.

Exhibit A-2 – Colored Rendering of elevations and floor plans.

Exhibit A-3 – Photo board and drawings of the existing home.

7:45PM Member Vigilante Arrived

Hardship is an existing non-conforming condition of the left of the house sitting to close to the side yard.

Goal is to make an existing ranch home a stone faced colonial.

Bedrooms will be on the second floor – Master bedroom with bath and two bedrooms with a shared hall bathroom.

Described the future layout of the home and the reasons for designing the home the way that they did.

Bedrooms are a nice size but are not large. Then gave dimensions for the two additional bedrooms.

Described the photo board.

Photographs of the street showing how the street curves.

Described the homes that are on either side of the PQ home.

Variances requested are side yard setback and height requirement.

Described the existing shed and its setbacks.

Opened to the Public – Seeing None
Closed to the Public

Mr. Brancheau – Described the violation of height to set back ratio.

Mr. Leonard – Stated he spoke to the neighbors prior to this hearing and they are all in favor.

Opened to the Public – Seeing None
Closed to the Public

Mr. Bernstein – Summarized the conditions of approval.

Approved with conditions.

Moved by Member Fomchenko, Seconded by Member Donaldson

Members Voting “AYE” Fomchenko, Hingos, Donaldson, Caruso, Stanziale

Members Voting “NO” None

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|-----------|------------------------|--------------------|
| 2) | CASE NO. | 1754 |
| | APPLICANT/OWNER | RICHARD GIANGRANDE |
| | LOCATION: | 191 MALAPARDIS RD. |
| | | CEDAR KNOLLS |
| | BLOCK: 1201 | LOT: 23 |
| | | ZONE: R-25 |

Applicant is requesting permission to construct a deck. The applicant is seeking relief from section 166-170c, 166-170A2, 166-114B5, 166-114B6, 166-167B, 166-154C as well any and all other violations of the Land Use Ordinance.

Richard and Mary Giangrande – Sworn in by Court Reporter Renee Russo

Mr. Giangrande – Gave an overview of the requested additions.

Exhibit A-1 – Photo board

Mr. and Mrs. Giangrande described the requested addition. They also described the side yard violation and the height violation.

Blais Brancheau – Township Planner – Described how the height to setback violation is determined.

Mr. Giangrande – Removed one of the sheds that was on the property and described the remaining shed. Described the driveway width and the reasons for needing the driveway variance.

Exhibit A-2 – Showing existing homes in the neighborhood.

Blais Brancheau, Township Planner and Gerardo Maceira, Township Engineer – Sworn in by Renee Russo, Court Reporter.

Mr. Brancheau – Described the possibility of not needing height variance.

Mr. Bernstein – Described how he would word the resolution to address the height issue so applicants would not need to come back.

Mr. and Mrs. Giangrande – Addressed the lighting and how it will not interfere with their neighbors.

Mr. Brancheau – Discussed the shed and the Board required them to get the building permit for the existing shed.

8:23PM Opened to Public – Seeing None

8:23PM Closed to Public

Mr. Brancheau – Applicant Needs a width and setback variance for the driveway.

Mr. Bernstein – Summarized Conditions.

Motion to approve with conditions.

Moved by Member Vigilante, Seconded by Member Hingos

Members Voting “AYE” Vigilante, Fomchenko, Hingos, Donaldson, Caruso, Stanziale

Members Voting “NO”

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|-----------|------------------------|-------------------|
| 3) | CASE NO. | 1757 |
| | APPLICANT/OWNER | SILVIO ESPOSITO |
| | LOCATION: | 42 PINE BOULEVARD |
| | | CEDAR KNOLLS |
| | BLOCK: 1204 | LOT: 9 |
| | | ZONE: R-10 |

Applicant is requesting permission to install a 12’X24’ in ground swimming pool with a surrounding patio. Applicant is seeking relief from sections 166-136 as well as any and all other variances that may be required.

Silvio and Linda Esposito – Sworn in by Court Reporter, Renee Russo.

Mr. Esposito is requesting setback for the pool and patio from the rear yard.

Described the fencing around the property.

Described the shed and they did get a permit for the shed.

The patio will more than likely be pavers, depending on the cost.

There will be one light in the pool, there is no lighting proposed outside of the pool.

Described where the pool equipment will be located.

8:31PM Opened to the Public – Seeing None

8:31PM Closed to the Public

Mr. Bernstein – Summarized Conditions.

Motion to approve with conditions.

Moved by Member Fomchenko, Seconded by Member Hingos.

Members Voting “AYE” Vigilante, Fomchenko, Hingos, Donaldson, Caruso, Stanziale

Members Voting “NO” None

| | | |
|-----------|------------------------|---------------------|
| 4) | CASE NO. | 1738 |
| | APPLICANT/OWNER | GKD PROPERTIES, LLC |
| | LOCATION: | 46-48 KEARNEY AVE. |
| | | WHIPPANY |
| | BLOCK: 8701 | LOT: 17 |
| | | ZONE: R-15 |

Applicant is requesting Certification of a nonconforming use/structure 166-151H.

Richard Oller – Attorney for the applicant

Described the request for Certification of pre-existing non-conforming home.

Described the 5 issues that they are before the board for.

Principal use of the property.

Driveway setback.

Detached garage.

Front yard and side yard setback.

Kim Dwyer, Joseph Sanchelli, Jr., P. David Zommerman, Robert Cobane, Blais Brancheau, Township Planner, and Gerardo Maceira, Township Engineer – All sworn in by the Court Reporter.

Mrs. Dwyer – GKD Properties is an LLC she and her husband created.
The property in question was purchased in January 2013. Her daughter and son-in-law live on the property. She gave reasons believed it is a two family.

Exhibit A-1 – Tax Assessors Card.

Described the layout of the house.

The 2 apartments are completely separated.

Exhibit A-2 – Photograph of home and garage that sits behind the PQ as well as showing the garage on the PQ.

Exhibit A-3 – Survey of PQ Property shown on 2 sheets from 1950.

Exhibit A-4 – Reduced copy of Survey shown on one sheet.

Exhibit A-5 – Hanover Sewerage Easement Agreement

Exhibit A-6 – Appraisal Systems Inc. Form Dated 8/27/97

Exhibit A-7 – List of Legal Two Family Homes.

Mr. Stanziale – Questioned the location of the second kitchen and the possibility of the lower level kitchen being a summer kitchen and not a two family.

Mrs. Dwyer – The heat and electric are separated. She is not sure if there is gas in the house.

Mr. Bernstein – questioned when the two family use started.

Mrs. Dwyer purchased the home as a two family.

Mr. Bernstein – Questioned the list that was compiled by the building department.

Ms. Bongiorno – Gave an overview of how the list was compiled for exhibit A-7.

Ms. Fomchenko – questioned how the sewer service is billed.

9:09PM Opened to the Public – Seeing None

9:09PM Closed to the Public

9:10PM BREAK

9:21PM Back on Record

Robert Cobane – Previously sworn – Was born in 1946 and raised at 58 Kearney Road and then built a home on 54 Kearney Avenue when he got married. Mr. Cobane is familiar with the house at 46-48 and they always had an additional family living downstairs. The way the house and property are set up now is how he remembers it always being.

The Sanchelli's that lived in the house in the 1950's had 10 kids and they lived in the upper two floors of the home and the tenants always lived in the basement apartment.

Mrs. Fomchenko – Questioned the listing and the contract of sale showing one or two family.

9:29PM Opened to the Public – Seeing None

9:29PM – Closed to the Public

Joe Sanchelli – Previously sworn. Joe's mom and dad built the house and moved in in the spring of 1951. The house was built with the apartment in it. Tenants he remembered were the Ellises, the Cupports, Joe Boland, and several other tenants that lived in the rental over the years.

Remembers having to be quiet to not bother the tenants.

There were times when the basement apartment was used by the family members and not outside tenants. Even the Sanchelli children who did live in the apartment had to pay rent when living in the apartment.

They always intended to use this home as a two family home and never intended on abandoning the use.

The garage was always in the rear of the property.

Two electric meters.

Heated by gas.

9:36PM Opened to Public - Seeing None

9:36PM Closed to Public

P. David Zimmerman – Professional Planner for the applicants gave overview of professional and educational background.

Dave described the Archived documents he reviewed through the Morris County Planning Board.

Exhibit A-8 – Photographs showing the existing home

9:45PM – Opened to Public – Seeing None

9:45PM – Closed to Public

Exhibit A-9

Mr. Brancheau – questioned the classification shown on the Title Agency Abstract 1/4/13. He feels that the two family use has not been continuous.

Exhibit BA-1 – Appraisal Systems Inc. Data Collection form dated 8/27/97.

Exhibit BA -2 – Property record card dated 4/20/11.

Mr. Brancheau addressed the differences with the property records cards.

Exhibit BA-3 – Older property record card dated 2/10/98 described the data contained on the card.

Exhibit BA-4 – Appraisers record card signed by Ruth Sanchelli. Described the data contained on the card.

Exhibit BA-5 – HSA letter addressed to Mr. Oiler and the Board Secretary stated this house has only been billed as a single family residence.

In 1956 two family homes were no longer allowed.

It is difficult to determine when this home was used as a single family and a two family home.

10:09PM Opened to Public – Seeing None

10:09PM Closed to Public.

Exhibit A-10 – March 14, 1951 Deed.

Exhibit A-11 – Affidavit of Title

Mr. Oller – Gave Summarization

Mr. Bernstein – Summarized what the board needs to take action on.

Gene Adamsky – 143 Reynolds Avenue – Sworn by the Court Reporter

Certification of Non-conforming use is granted.

Moved by Member Fomchenko, Seconded by Member Vigilante

Members Voting “AYE” Vigilante, Fomchenko, Hingos, Donaldson, Caruso, Chairman Stanziale

Members Voting “NO” None

Charles Applebaum – Questioned what activities will take place on the lot that contains the cell lot? Are there any cross access easements?

Fred Brunner – President of the Whippany Fire Company – Sworn in by the Court Reporter

Mr. Brunner described how the properties are being brokered.

10:57PM – Open Discussion on the wording of how property will be addressed if the communication use goes away.

10:58PM Opened to the Public – Seeing None

10:58PM Closed to the Public

Mr. Bernstein – Gave summarization.

Motion to approve with conditions.

Moved by Member Hingos, Seconded by Member Fomchenko

Members Voting “AYE” Vigilante, Fomchenko, Hingos, Donaldson, Caruso, Stanziale

Members Voting “NO” None

IV. ADJOURNMENT

Meeting Adjourned at 11:00P.M.

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