

**Minutes of the Board of Adjustment of the
Township Of Hanover
AUGUST 21, 2014**

Chairman Benjamin Stanziale called the Meeting to order at 7:36PM 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, Stanziale, Vigilante

Absent were Members: Linfante

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

Cases Presented

I. RESOLUTION TO BE MEMORIALIZED

- 1) **CASE NO.** 1751
APPLICANT/OWNER Michael and Gloria Lateiner
LOCATION: 38 Highland Avenue
Whippany
BLOCK: 7601 **LOT:** 42.03 **ZONE:** R-15

Applicant is proposing to construct an in-ground swimming pool with surrounding patio with decorative boulder waterfall area. Lighting and additional landscaping is also being proposed. Applicant sought relief from sections 166-113.1. for Improvement Coverage. Application approved July 17, 2014.

Motion to approve as written

Moved by Member Fomchenko, Seconded by Chairman Stanziale

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

Members Voting "NO" None

II. MINUTES - JULY 17, 2014

Applicant is seeking an amended application and resolution in order to be granted relief from section 166-167A Building Height Setback. Original application approved April 1, 2014 and resolution memorialized May 6, 2014.

Mr. Miller – Sworn in by the Board Attorney

- Gave the reason for his need to return and request the height to setback ratio. It was mistakenly omitted from the variances requested on their original application.

Mr. Maceira and Mr. Brancheau – Sworn in by the Board Attorney

Mr. Maceira

- Gave the height to setback ratio for this application. The requirement is 2.0. Mr. Miller is requesting 2.21.

Mr. Brancheau

- Gave the calculations for the height to setback ratio and described how the height to setback is calculated.
- Gave a visual of how the height to setback affects the neighbors.

Opened to Public – Seeing None

Closed to Public

Linda Correll – Builder for the applicant

- Gave overview of Professional Expertise.
- Described that they cannot reduce the roofline because it would ruin the look of the Cape Style Home.

Opened and Closed to Public

Mr. Bernstein

- Described how all of the original conditions would still be in effect and carried over to this modified application.

Board approved both plans and resolution for the applicant.

Motion to Approve Application for variance.

Moved by Member Fomchenko, Seconded by Member Neidhardt

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

Members Voting “NO” None

Motion to approve Resolution as written

Moved by Member Fomchenko, Seconded by Member Hingos

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

Members Voting “NO” None

4)	CASE NO.	1753
	APPLICANT/OWNER	Stephen Meier
	LOCATION:	40 Woodland Ave. Whippany
	BLOCK: 9202	LOT: 9
		ZONE: R-40

Applicant is proposing to construct a second story addition above the existing first floor and perform interior alterations on existing first floor. Applicant is seeking relief from sections 166-167B, 166-114B6, 166-114B10 as well as any and all other variances that may be required.

Mr. Meier – Sworn by Board Attorney

- Described the second story addition that he is proposing and the reasons why they are requesting relief to build the second story addition.
- Described the variances that are required, side yard, shed, and number of accessory structures.

Exhibit A-1 Photo packet of 8 photos taken by Mr. Meier are unmodified.

- Described all of the photos within the packet showing PQ and surrounding area.
- Mr. Meier stated that to the best of his knowledge the garage was built with the house in approximately 1959 and the garage was built close to the property line.
- The greenhouse is used for plantings.

Mr. Brancheau

- Described when the accessory buildings ordinance went into effect. These structures should be grandfathered and not require variances. Loses no rights by not granting the variance.

Open to Public – Seeing None

Closed to Public

Mr. Stanziale

- Discussed with the applicant possible granting the variance for the shed and not the greenhouse.

Mr. Meier

- Asked for the variances for both the greenhouse and the shed.

Mr. Bernstein

- Discussed with Mr. Brancheau the 2ft. cantilever on the second floor.

Ms. Fomchenko

- Clarified the variances that are being granted. (the setback, the shed, and the greenhouse)

Motion to approve and grant all three variances for house, shed, and greenhouse.

Motioned by Member Fomchenko, Seconded by Member Hingos

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

Members Voting "NO" Vigilante

5)	CASE NO.	1749
	APPLICANT	David Dutcher
	OWNER	David B. Dutcher & Lisa M. Corsi
	LOCATION:	54 Oak Boulevard Cedar Knolls
	BLOCK: 1311	LOT: 6
		ZONE: R-10

Applicant is proposing to construct a second story addition. Applicant is also proposing to replace the existing patio with a deck and install a new patio and pool. Applicant is seeking "C" & "D" Variance relief from sections 166-176A, 166-176B, 166-176C, 166-167B AND 166-154C. Case partially heard and carried from June 19, 2014

Partially heard and carried from June 19, 2014.

Chairman Stanziale – Recused himself from the case.
Ms. Fomchenko took over chairing the meeting.

Mr. Della Donne – Architect for applicant.

- Described the changes to the plan and gave a summary of what has changed.
- Reduced the porch to an existing footprint.
- Was seeking 205 Sq. Ft. of the first floor addition. Only asking 52 sq. ft. now.
- Still seeking FAR but took 66% away from the original application.
- Believes the building coverage variance has gone away.
- Coverage and setbacks have all been reduced.
- The front yard setback is being maintained and in alignment with the rest of the neighborhood.
- Gave overall measurements and improvement numbers.

Mr. Branchaeu and Mr. Maceira – Sworn by the Board Attorney

Mr. Branchaeu

- Reviewed his report from July 17, 2014
-

Mr. Brancheau's list of violations differs from Mr. Della Donne's list.

Mr. Brancheau reviewed his report and the list of variances that he has noted.

Mr. Della Donne

- Responded to Mr. Brancheau's report.
- Discussed the differences in his calculations and Mr. Brancheau's.
- Only building over the existing structure.
- Not increasing anything forward in front of the house.
- Discussed the pool equipment and drywell

Mr. Dutcher

- Discussed the ordinance and the average setback for the homes within 200ft.

Mr. Brancheau

- Discussed the calculations, as well as rebutted some of Mr. Della Donne's testimony.
- Discussed with Board how the FAR variance is being caused strictly by the addition.
- Had an open discussion with the Board regarding the variances that were requested.
- The biggest issue with this application is the FAR.

Mr. Della Donne

- Discussed how a previous sub-division has affected the size of this property.

Mr. Bernstein

- Addressed that the applicant bought the house as is and the sub-division created a conforming lot and did not create the FAR issue. The applicant's addition would create the FAR variance.

Mr. Neidhardt

- Questioned why they did not try to reduce the FAR

Opened to Public – Seeing none

Closed to Public

Mr. Bernstein

- Summarized the conditions if this application was approved.

Mr. Brancheau

- Requested that if the plans are revised to be dimensional.
- Requested cut sheet from the pool pump manufacturer to make sure it meets the sound ordinance.
- Reviewed the variances for the shed and the driveway.

Closed the Public Hearing

Three separate motions taken.

Motion to approve driveway in current location.

Moved by Member Neidhardt, Seconded by Member Hingos

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

Members Voting “NO” Fomchenko, Olsen

Motion to allow shed in current location

Moved by Member Vigilante, Seconded by Member Donaldson

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

Members Voting “NO” None

Motion to approve application for the addition to the home

Moved by Member Hingos, Seconded by Member Neidhardt

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

Members Voting “NO” None

9:20 Break

9:31 Back on Record

6)	CASE NO.	1748
	APPLICANT	230 Ridgedale Ave LLC
	OWNER	Robert S. Cook
	LOCATION:	230 Ridgedale Ave. Cedar Knolls
	BLOCK: 1702	LOT: 6
		ZONE: I-B3

Applicant seeks 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 is seeking relief from sections 166-203(A)(8), 166-124(A)(3), 166-147(B), 166-147(D)(1), 166-147(D)(3), 166-147(D)(4), 166-203.9(D)

John Wychiskala – Attorney for applicant

- Gave overview of the application and the proposed use. Also gave the history of the property.
- Use and bulk variances requested.

Tung-To Lam – Engineer for the applicant – Sworn by the Board Attorney

- Gave brief summary of educational and professional background.

Exhibit A-1 – Plan dated 2/28/14 Corrode version of the Site Plan. Photographic Exhibit of site.

- Gave overview of the required and existing conditions
- Applicant is seeking to remove the dumpster area, add two parking spaces for two work vehicles, an area for plastic coil storage, a free standing sign, and an area for parking a trailer.
- Proposing a row of arborvitaes on one side of the property.
- There are no deliveries expected at this site.
- Owner does not expect to have refuse for the commercial use, only for the residential use.
- Described the proposed paving that will create four parking spaces and two parking spaces within the garage.
- Only 87 sq. ft. of the structure will be used for the business. The remainder will be residential.

Chairman Stanziale

- Questioned why the whole property is not being utilized and everything is being jammed into one section of the property.

Mr. Wychiskala

- Concerned as to what that will trigger.
- To the south is an office building that is currently for sale.
- To the left is a sheet metal business and Allstate Insurance.
- There will be no deliveries to the site. The technicians will pick up from the warehouse.

Mr. Lam

- The storage trailer will be approximately the size of a landscape trailer.

Mr. Wychiskala

- There is no resale on this site.

Mr. Hingos

- Questioned the width of the driveway and the trailer. Also questioned the existing retaining wall.

Mr. Lam

- It is 10 ft. wide. The driver will need to be dead on when maneuvering the trailer onto the site.

Mr. Brancheau

- There is an ordinance in town that you cannot have your phone number on the sign.

Chairman Stanziale

- Questioned expanding the parking area further back to allow for expansion.

Mr. Lam

- Trying to minimize the storm water by not expanding the parking area. Trying to minimize the paved area.
- Going to relocate the two proposed spaces to be adjacent with the trailer.

Mr. Brancheau and Mr. Maceira – Sworn by the Board Attorney

Mr. Maceira

- ADA required route is required.

Mr. Lam

- Reached out to Mr. Donlon, construction code official, today to discuss the ADA requirements.

John Dellafiora

- Explained the outdoor storage.
- Outdoor storage would be for round rolls of pipe.
- The sprinkler business is basically shut down at the beginning of December.
- They will not have heavy inventory in the winter months.

Chairman Stanziale

- Suggested fencing in the outdoor stored equipment.

Mr. Dellafiora

- Agreed to fencing in the equipment.
- There are no Holiday displays for residential customers in December and January.
- Not advertised to the public. It is mostly done for their sprinkler customers.
- The vehicles used for the business are regular vans.

Mr. Brancheau

- Explained the allowable heights for fencing.
- Discussed with Mr. Bernstein how to control the expanding use beyond what is approved.

Mr. Dellafiora

- There is not much need for office space. Everything is handled through a call center in College Point.

Mr. Olsen

- Questioned how the town gets protected from the back area becoming a parking lot for landscaping and other commercial vehicles and illegal storage of vehicles.

Chairman Stanziale

- Suggested modifying the plans and proceeding once the plans are re-designed.

Mr. Brancheau

- Addressed issues with the sign. This is not a sight identification sign. It would be an advertising sign since there are no customers coming to this site. Suggested putting the sign on the building.

Mr. Dellafiora

- Needs the sign in order to establish customer recognition in New Jersey.

Case carried to September 18, 2014

IV. ADJOURNMENT

Meeting Adjourned at 10:37P.M.

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