

**Minutes of the Planning Board of the  
Township Of Hanover  
January 22, 2019**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:00 PM in Conference Room "A" and The Open Public Meetings Act Statement was read into the record.

Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members:           Byrne, Deehan, De Nigris, Dobson, Ferramosca, Francioli, Nardone, Olsen, and Chairman Pinadella

Absent were Members:                    Critchley and Glawe

Also present were:                        Attorney for the Board Michael Sullivan, Township Engineer Gerardo Maceira, and Township Planner Blais Brancheau

Chairman Pinadella reviewed the agenda for the evening.

Mr. Ferramosca

- Discussed Pine Plaza and River Park working with them regarding affordable housing.
- Wants ordinances on sidewalks tightened up.

The Board had an open discussion with Planner Blais Brancheau regarding the ordinance for required sidewalks.

**PUBLIC BUSINESS**

Chairman Pinadella called the Public Meeting to order at 7:31 PM and read the Open Public Meetings Act into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members:           Byrne, Deehan, De Nigris, Dobson, Ferramosca, Francioli, Nardone, Olsen, and Chairman Pinadella

Absent were Members:                    Critchley and Glawe

Also present were:                        Attorney for the Board Michael Sullivan, Township Engineer Gerardo Maceira, and Township Planner Blais Brancheau

- I. RESOLUTIONS – None**
- II.**
- III. MINUTES – January 15, 2019 – Deferred to a later date**
- IV.**
- V. PUBLIC HEARINGS**

- 1) **CASE NO.** 18-7-16  
**APPLICANT/OWNER:** CLARA REALTY INC.  
**LOCATION:** 633 NJ STATE HIGHWAY ROUTE 10 EAST  
WHIPPANY  
**BLOCK:** 4201      **LOT:** 4      **ZONE:** R-10

Applicant is seeking preliminary and final site plan approval and “C” variance relief in order to enclose an existing outdoor dining courtyard making into an area for the interior seating of restaurant customers. Seeking to add a 171 sq. ft. storage area, add a new 252 sq. ft. refuse and recycling area consisting of a concrete pad and a solid fence enclosure, as well as other onsite improvements.

***Board Action Date – MARCH 7, 2019***

John Suminski – Attorney for the Applicant

- Gave an overview of the history of the restaurant and the property.
- The restaurant is not being expanded; it will still have the same number of occupants.
- Some improvements have started even though they should not have been started without permits or approvals.
- Have two witnesses tonight, the owner and licensed engineer/planner.
- Reviewed the Planners review dated January 22, 2019 regarding the work being done without permits.
- Reviewed the relief that is being requested.
- The second floor office use is currently 596 sq. ft. and has been expanded to 885 sq. ft. and they are asking for permission for use of the completed expansion.
- There is an existing vestibule with steps in the southwest corner of the building and they are asking for approval for that.
- There is a partially completed storage addition.
- Seeking a 183 sq. ft. storage unit.
- The applicant is asking for approval to enclose the outdoor area and put a roof on it, it already has walls around it, to make it part of the restaurant.
- The refuse and recycle area has been relocated and they are seeking permission for that.
- Modifications of parking areas on the northwest corner of the site.
- It deals with angle changes not the number of spots.
- Various other improvements such as porch steps, drains, and walkways.
- The improvements are proposed to be done in two phases.
- First phase would be the small storage area.
- All other improvements would follow.
- Reviewed the requested variances.

- They are requesting a front yard setback variance because the town requires a front yard setback of 60 ft., the existing wall is 14.1 ft. from route 10.
- While they are in that setback area, this is an existing wall, not a new wall being built.
- The other variance they need is in regards to parking spaces required by the ordinance.
- They are required 121 spaces.
- The restaurant has 68 onsite parking spaces and an agreement with a neighbor that gives them 10 offsite parking spaces.
- The parking at the restaurant is done primarily through valet.
- This situation of parking has been at the restaurant for many years without any issue.
- The applicant is also seeing 3 waivers.
- A waiver from providing floor plans, it is a small building and they do not believe the floor plans add anything to this application.
- The second waiver is for identification of all structures within 100 ft. of the property.
- The third waiver deals with the trash enclosure.

Mr. Brancheau and Mr. Maceira were sworn in by the Board Attorney.

Mr. Brancheau clarified that the waivers requested were completeness waivers and he and Mr. Maceira already granted them in the completeness review.

Antonio Grande – Restaurant Owner

- Sworn in by the Board Attorney.
- Gave a brief history of the restaurant.
- The restaurant is reservation and valet parking only.
- Explained how reservations and valet parking work.
- Has 10 offsite parking spaces on the Pinkin site.
- They hardly ever use those spaces.
- Had 3 dining rooms but turned the middle dining area into a wine room.
- Outdoor dining is very rarely used and is hoping to be able to close it in to recuperate some of the seats lost when the wine room was created.
- Does not serve parties because they do not have the room.

Mr. Brancheau

- The parking variance is triggered because the floor area is increasing even though the seating is not increasing.
- There are currently 101 seats and that is not changing.

Chairman Pinadella

- Questioned the garbage pickup.

Mr. Grande

- Garbage is only allowed to be picked up between 5 – 8 AM.

- They open for lunch at 11:30 AM.
- They already built the new refuse area because in the spot where it was it kept hitting the building so one day they just moved it.

Chairman Pinadella

- Requested if the current refuse fence is damaged would he consider enclosing it in a decorative block wall.

Mr. Grande

- Agreed.

Mr. De Nigris

- Asked if the 101 seats included the bar area and the dining area.

Mr. Grande

- That includes everything together.

Opened to the public

Seeing and hearing none

Closed to the public

Richard Schommer – Engineer and Planner for the Applicant

- Sworn in by the Board Attorney.
- Gave an overview of educational and professional background.
- Accepted by the Board.
- Exhibit A-1 – colored site plan equivalent to sheet 2 of the site plan packet – site plan exhibit sheet 1 of 1.
- Gave an overview of the overall site.
- They are not changing any accesses to the site.
- Addressed the enlarged courtyard that exists today and how the size expanded from the approved site plan.
- Seeking to enclose by putting a roof the existing courtyard.
- Addressed the storage area for dry storage.
- Intended to provide dry storage for the restaurants use.
- Described the location of the relocated refuse container and enclosure.
- It is enclosed with a chain-link fence and slats.
- Also surrounding it are evergreens which do a good job at screening it.
- The building does have a second floor that is only over part of the building.
- They are requesting 885 sq. ft. on the second floor for office use only.

- The restaurant was approved for 101 seats.
- Internal modifications reduced the seating.
- They are looking to gain back seating by enclosing the courtyard.
- Discussed the parking modifications but will remain with 68 parking spaces on site.
- There is parking spot on the south side of the building that is awkwardly placed so they are going to eliminate that and reconfigure the parking on the west side of the building so the number of parking remains at 68 spots on site.
- The vestibule is fully enclosed for deliveries near the kitchen area.
- 2 variances are triggered.
- One deals with parking.
- The 68 spaces onsite and the 10 offsite for a total of 78 spaces has worked for years.
- As the variance was triggered by the storage area, vestibule, and office space and not an increase in seating he believes it will continue to be adequate.
- A front yard setback variance is also required.
- Where the enclosure of the courtyard is a 14.1 ft. setback from the property line where it exists today.
- The area will just be enclosed; the existing setback is not changing.
- Reviewed the previous findings of the Planning Board from past resolutions dated 2/26/1990 and 6/25/2002.
- The property is irregularly shaped which created a hardship with regards to parking on the property.
- Based on the shape of the site when you apply the setbacks you are left with a very small building envelope.
- 1984 resolution – reviewed findings.
- Determined that the irregular shape was a hardship and granted parking in the front yard.
- 1990 resolution – reviewed findings.
- This site has no adverse effect to the surrounding properties.

Mr. Olsen

- Asked if there would be walls surrounding the courtyard such as glass or wood.

Mr. Schommer

- Walls already exist there today.
- Referred to the architectural plans describing the proposed enclosed courtyard.

Mr. Olsen

- Questioned pylons or bollards for safety outside of the courtyard.

Mr. Ferramosca

- Would like to see some more safety measures.

Mr. Maceira

- There is room to fit some type of safety measure.
- Should be right approximate to the building.
- Does not feel it should be industrial looking as they would want to create something attractive.
- Route 10 curves away from the building.

Majority of the Board decided that they do not want to require bollards.

Mr. Schommer

- Reviewed the Planners report dated 1/22/2019.
- Item B4 refers to a drain that comes up to the ground and he is suggesting that it be connected to the drainage system so they can do that.
- Is willing to add item B5 as well.
- Reviewed the Engineers report dated 1/22/2019.
- Agrees that parking should remain single striped.
- Phase I is the storage unit and any of the work that is already completed.
- Phase II is the enclosure of the courtyard and the parking.
- The time table is a couple of years.

Opened to the public

Seeing and hearing none

Closed to the public

Mr. Sullivan

- Summarized conditions.
- Items 1 & 3 of the Engineers report dated 1/22/2019.
- Items B1, B4, & B5 of the Planners report dated 1/22/2019.
- Any conditions in the 2002 resolution that are not inconsistent with this approval would remain in full force and effect.
- If the chain-link fence surrounding the refuse and recycling area were to be substantially damaged they would replace it with a decorative block wall on three sides with a fence.

A motion to approve the application with conditions was moved by Mayor Francioli and seconded by Member Byrne.

Members Deehan, Dobson, Nardone, Olsen, Byrne, De Nigris, Ferramosca, Mayor Francioli, and Chairman Pinadella all voted in favor of approving the application with conditions.

A motion to adjourn was moved by Mayor Francioli and seconded by Member Ferramosca.

Meeting Adjourned at 8:35 PM

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