

Minutes of the Board of Adjustment of the
Township Of Hanover
March 21, 2019

PUBLIC BUSINESS

Chairman Stanziale called the Public Meeting to order at 7:31 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: Alwell, Caruso, Fomchenko, Giorgio, Stanziale and Walsh

Absent were Members: Donaldson, Hingos and Neidhardt

Also present were: Board Attorney Michael Sullivan,
Board Secretary, Kimberly A. Bongiorno, LUA
Township Planner Blais Brancheau and
Township Engineer Gerardo Maceira, PE.

RESOLUTION TO BE MEMORIALIZED

1)	CASE NO.	1792
	APPLICANT/OWNER	Mar-Kids Properties Inc.
	LOCATION:	116 Whippany Road Whippany
	BLOCK: 4402	LOT: 6
		ZONE: R-25

Applicant sought an extension of approvals for the following.

Applicant sought "D" Variance approval to expand a non-conforming use. The existing structure is to remain and an addition of a one (1) story partial structure to existing residential portion and attached two (2) car garage at rear of existing structure. Applicant sought relief from sections 166-168 and 166-169. Application approved March 16, 2017.

EXTENSION OF TIME GRANTED UNTIL APRIL 20, 2020 ON FEBRUARY 21, 2019

A motion to approve the resolution as written was moved by Member Walsh and seconded by Member Alwell.

Members Alwell, Caruso, Fomchenko, Walsh and Chairman Stanziale voted in favor of approving the resolution as written.

2)	CASE NO.	1803
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APPLICANT/OWNER DONALD C. GODFREY
LOCATION: 120 AND 122 RIDGEDALE AVENUE
CEDAR KNOLLS
BLOCK: 1404 **LOT:** 21 **ZONE:** R-10

Applicant sought preliminary and final site plan, "C" & "D" variances and a certification of a nonconforming use/structure. Application approved with conditions July 20, 2017. Applicant sought to amend approvals to expand the scope of allowable uses.
**AMENDED USE VARIANCE AND SITE PLAN APPROVAL GRANTED
FEBRUARY 21, 2019**

A motion to approve the resolution as written was moved my Member Walsh and seconded by Member Fomchenko.

Members Alwell, Caruso, Fomchenko, Walsh and Chairman Stanziale voted in favor of approving the resolution as written.

3) **CASE NO.** 1827
APPLICANT GAMAR, LLC
OWNER LOT 28 GAMAR, LLC
OWNER LOT 30 ANTHONY AND LOIS DECARO
LOCATION: 299 WHIPPANY RD
WHIPPANY
BLOCK: 4701 **LOT:** 28&30 **ZONE:** R-15

Applicant sought to amend a previously approved Final Major Subdivision, together with approved bulk variances. Said approval is to be extended and amended to reflect a shortening of the constructed road development, resulting in a slight reconfiguration of the five (5), one (1) family residential lots established by the Major Subdivision.
**APPLICATION FOR PRELIMINARY AND FINAL MAJOR SUBDIVISION AND
VARIANCES GRANTED FEBRUARY 21, 2019.**

A motion to approve the resolution as written was moved by member Walsh and seconded by Member Fomchenko.

Members Alwell, Caruso, Fomchenko, Giorgio and Walsh voted in favor of approving the resolution as written.

MINUTES FEBRUARY 21, 2019

A motion to approve the minutes from February 21, 2019 was moved by member Walsh and seconded by Member Fomchenko.

In voice all present voted in favor of approving the resolution as written of the minutes from February 21, 2019.

PUBLIC HEARINGS

- | | | |
|-----------|------------------------|------------------------------|
| 1) | CASE NO. | 1837 |
| | APPLICANT/OWNER | JASON & LAUREN KAY |
| | LOCATION: | 36 FORD HILL RD.
WHIPPANY |
| | BLOCK: 4704 | LOT: 19 |
| | | ZONE: R-15 |

Applicant is seeking variance relief in order to replace the existing 3'x3' deck with a larger composite deck.

Board decision due by: MAY 23, 2019

Member Caruso recused from the meeting.

Attorney for the Board, Michael Sullivan, ESQ swore in Jason and Lauren Kay.

Lauren and Jason Kay

- 36 Ford Hill Road, Whippany, NJ, 07981

Lauren Kay – Described the project

- Sure, we are going for a variance in the hopes to build a deck on our property.
- We are going for a variance for additional three feet of space for the deck.
- I believe is the “C” variance that we are going for.
- We’ve provided a lot of pictures in our packets for you to view.
- In addition we have tonight written statements from our three closest neighbors stating that they are okay with us building the deck as well as two additional pictures of our back yard showing what our back yard currently looks like.

Jason kay – Exhibit A-1 and Exhibit A – 2

- Photos of the property in question and surrounding homes

Mr. & Mrs. Kay gave testimony

- Other facts about the deck, we’re not going for a huge deck, somewhere we can put a table and some chairs and have a loveable space out back.
- Some other facts about the house; the house kind of seats back on the corner of our lot and the way the township use it, our front guard is actually facing Park Ave., but the front of our house actually faces Ford Hill.

- Our current backyard is technically our side yard, and our back yard is our driveway according to the town.
- So I don't think, we didn't build the house so I don't necessarily think that when they built they thought of a space and a variance.

- No livable outdoor space right now and that is what we are just hopping to gain with building a deck.

Attorney for the Board, Michael Sullivan, ESQ., swore in the Township Planner, Blais Brancheau and the Township Engineer Gerardo (Gerry) Maceira, PE.

Attorney for the Board, Michael Sullivan,

- Questioned Township Planner Mr. Brancheau your memo is that that the deck is as close a 9.75 ft. to the side line and that's a 15 ft. requirement, correct?

Township Planner, Blais Brancheau

- Correct.
- For the record the plan gives it a dimension of 24 ft.; from the property line to the garage.

Lauren Kay

- Correct.

Chairman Stanziale

- I just have a question about the drawing you have in your package there.
- Is that the gray line that you're saying
-

Kays continued to provide testimony

- Correct that gray line, that's the variance.
- So that line equals what the variance would be.
- On that picture towards the house would not need a variance outside of that, so if we build a deck without that variance it would be a super small and angled.
- An additional average of 3 ft. which would give us space to put patio furniture and a grill on the deck.
- Without that additional 3 ft. it becomes near impossible to have a living space; it's just such an odd shape the way that the angle is and the way that the property line is considering that the house is technically twisted with the driveway being our backyard.

Attorney for the Board, Michael Sullivan, ESQ.

- Let me just draw your attention to page 3 comment number 2; where Mr. Brancheau notes that the fence is located in the Ford Hill Road right away.
- Did you see that comment/
- That's actually in the right of way which is not permitted.
- The structure located within the Ford Hill Road right away, and I think what Mr. Brancheau is doing is putting you on notice that probably if you want to leave the fence in that location; because it's not permitted where is currently located you may want to talk to the town to see if they would vacay a portion of the right away which would then give you the right to locate it either there or at least closer to there.

Township Planner, Blais Brancheau

- The public right away includes not only the pavement of the street but adjacent areas like the sidewalk, the grass, typically.
- It's a little unusual in this situation in that the right away is much wider than the typically is much wider than the pavement, very much wider; strictly on your side of the street and it created the impression that is private property but it's actually Public property.
- So what we have is; your fence is in public property.
- This is your property line and this is all public property down here.
- But the street, the pavement of the street is way on here.
- So it may be possible; for example if the town was willing that they would vacate that it would become your property alright.
- That way this would not be in public property so it would be allowable.
- I am indicating that while it's not part of this application, this board can't approve that condition, so I am suggesting that either being moved or that you ask town if they would vacay the property of the right away portion that it's not needed and the town would have to look at it and see what the long range plans are for Ford Hills road.
- If they plan to realign the road closer to your house; they might say no as far as I know that is not intended.

Township Engineer, Gerardo Maceira, PE

- No, there's no plan that I am aware of widening or relocating Ford Hill road.

Township Planner, Blais Brancheau

- And that is a town road not a county road, correct?

Township Engineer, Gerardo Maceira, PE

- That is correct.
- Ford Hill road is a municipal road.
- Park Avenue is a county jurisdiction.

Township Planner, Blais Brancheau

- So it may be possible for that to be address by the occasion of the new portion of the right away leaving enough for a sidewalk but other than that the town may vacay that and that wouldn't be town property.
- Well ultimately it would be the town to reinforce that.
- And again I am just bringing in it to everyone's attention and partly because I don't want it to be imply or otherwise that if the board were to approve this application that is approving that fence in that location because it is showing on the plan.
- And you have something to show on a plan, sometime later you would say board saw it; it was on the plan before they approved it.
- We can't approve it; it is not our jurisdiction to approve that. We don't own the right away. The governing body has jurisdiction so only they can do so.
- I think that was it, basically that variance and the fence encroachment issue; that's all I have to say.

Member Walsh

- And then from reading your report correctly Mr. Brancheau basically most of the need for this is kind of due to the location of the home, the way the home was built on the property where it used to be the property line.

Township Planner, Blais Brancheau

- Yes and there's this gray area of where the original builder knew about it when it built that; because it would be a self-created hardship if that was the case.
- I was not ill to resolve that question; it was kind of close because the house was built in 84 according to the tax records and the actual ordinance requirements for the deck were also adopted in 84.
- If they hadn't adopted before, then the hardship recognizes a hardship there; wouldn't be self-created it and basically that is not without a basis for relive.
- I was not able to resolve that issue because it happened so long ago that you know how knows.

Member Fomchenko

- So then Blais a self-created hardship even if it's from the original builder runs with the land?

Township Planer, Blais Brancheau

- Runs with the land.
- When you buy somebody's land and the responsibilities and the liabilities that go with it.
- So even if somebody did it before you, when I sold my house I had to sign something saying that it is compliant with all and I had done nothing to create an enforcement issue that the future owner would be responsible to address.
- So yes it runs with the land.

Member Fomchenko

- I just wanted to make a comment.
- The next property, you have about 24 ft.; and then a garage and not a house. So even though they don't have enough of the area there, they're almost compensated by the fact that the neighbor's garage is such a distance away.
- So I see where there is a hardship by the way the house is located it.

Chairman Stanziale

- Opened to the Public seeing and hearing none – closed to the public

Member Walsh

- I express my concurrence with Ms. Fomchenko's assessment about the unique nature of this property, the situation of the home from the property line, the neighbor's property it does create somewhat of a unique situation that blends itself to the granting of this application.

Chairman Stanziale

- Called for a motion

A motion to approve to approve the application with conditions to be granted was moved by member Walsh and was seconded by member Alwell.

Members Alwell, Fomchenko, Giorgio, Walsh and Chairman Stanziale voted in favor of approving the resolution with conditions.

2)	CASE NO.	1835
	APPLICANT/OWNER	IAN & PAMELA PROCTER
	LOCATION:	54 PARK AVE. WHIPPANY (MORRISTOWN)
	BLOCK: 5003	LOT: 2
		ZONE: R-15

Applicant is seeking variance relief in order to construct an addition above the existing garage and den.

Board decision due by: JUNE 13, 2019

Member Caruso returned to dais.

Attorney for the Board, Michael Sullivan, ESQ., swore in Pamela and Ian Procter; the applicants, as well as Alessandra Polito, Architect for the applicant.

Architect for the Applicant, Alessandra Polito

- Alessandra Polito
- 280 Rutgers Ln., Parsippany.

Architect for the Applicant, Alessandra Polito described the project and relief being sought

- Clients are seeking variances for a number of items off their property.
- The main item that brought us to this point; is they want to construct a partial second floor over their existing family room and garage.
- Which would extend a little bit; about 80 sq. ft. over uninhabited area on the first floor.
- There will be some columns to support that.
- The side yard in that area is currently 8 ft.; which would not be decreased at all by the new addition.
- Let's see; so the minimum combined side yard is also deficient; based upon the location of the house when it was built.
- There is a combined side yard of 21.9 ft.
- While that doesn't meet the 30 ft. that is required; it is 29.13 % which is the other requirement. I know that it is the greater of the two; but it is very close to being in line with the 30% requirement.
- The maximum height setback ratio is approximately 3; while the required is 2.2.
- I'm not sure if I am reading this right but in section 166-171E11C; it says "no building should be require to have a height of less than 30 ft. above the lowest finished grade within the lot line of 25 ft."
- The height of the building is 23 ½ ft.
- The minimum driveway setback, currently the drive way is I believe 2.1 ft. over the property line onto the neighbor's property; which is office building zone and research facility for data, it is not a residential property, and there's also a fence that is over the property line.
- The proposal is to bring the fence and the driveway to the inside of the property line; with a 0 ft. setback.
- The driveway, it is sort of... it goes up the hill and parking perpendicular to their side property line, so they need room to back out and get out of their driveway face forward because of the location and the visibility from their driveway.
- There is also a patio which is in line with the existing family room and their rear yard, but that also has an 8 ft. setback from the property line.
- 115 ft. is required.
- We are increasing a little bit to the front.
- If you look at this front right here, there's nothing underneath that part.
- There is a roof underneath this; it's not an enclosed space.
- So there's a dotted line and number 10.3

- Yes, this whole portion here; would be added with a roof coming down over the garage. Which is the most forward to the bottom of the plan and then on top of columns where steps back to the right.

Attorney for the Board, Michael Sullivan, ESQ

- The northerly side will accept that; which is currently 8 ft. That's close to play, any closer to the 8 ft., correct?

Architect for the Applicant, Alessandra Polito

- No, not at all.

Attorney for the Board, Michael Sullivan, ESQ sworn in The Township Planner, Blais Brancheau, PP and the Township Engineer, Gerardo Maceira, PE.

Township Planner, Blais Brancheau – Exhibit B- 1

- Aerial view of Algonquin gas company site and applicants property.
- I'm going to give the board as an exhibit to only what's on the adjacent property.
- The adjacent property is a quite large property; Algonquin gas property has a facility way at the rear but in the area adjacent to the proposed addition there is nothing.
- I indicated in my report if there were ever to be something in the future; people do develop their property I am going to make that as B- 1.
- The property to the North; which is the adjacent to the side yard where the proposed addition is.
- It's a large property showing on Air photograph here, the area in red is the subject property.
- The adjacent property is this big track of land here; way at the rear Algonquin Gas, has a Gas transmission facility, but the portion that the applicant is testifying concerning; up front here is wooded and vacant.

Attorney for the Board, Michael Sullivan, ESQ

- How far is the Algonquin gas facility from the subject property?

Township Planner, Blais Brancheau, PP

- From the subject property well; I'm going to say it; it's like 1000 ft., it's quite a distance.
- As I indicated in my report, if Algonquin gas or successor were to try to develop this portion of the property; our code requires a substantial buffer to protect the residential property from the non-residential development.
- So it is unlikely, certainly not much of an impact now even in the future it wouldn't be much of an impact because of that buffer requirement; that they'd be required to have a full planted buffer adjacent to that residential property line.

Member Walsh

- And how is that property currently zoned?

Township Planner, Blais Brancheau, PP

- The non-residential?
- The front portion is OB-RL3.
- The back portion is IP.
- OBRL means office building research Lab; that is the portion adjacent to this site; back where the gas transmission is plan industrial.

Architect for the Applicant, Alessandra Polito

- Just one thing to address; one of the negative criteria on the report.
- Okay so the driveway restrictions are intended to maintain a front yard street scape without excessive pavement and to minimize the width of the driveway curb cuts.
- The curb cut is only 23 ft. even though the driveway is larger which is plus or minus 35 ft. wide.
- Parking like at a 90 degree angle usually requires about 22 ft. to 24 ft. of back up plus the car so that's in excess of what the 35 ft. would be.
- The driveway is already widened. It already extends over the property line, so my client is planning to cut it back to the property line if they could get permission from Algonquin gas to do so, for the report.
- But they are not planning to widen further.

Member Alwell

- Looks like the first floor extension you're not expanding the garage out any, you're just putting a post there, a post there to support the upper level.

Pamela Procter

- Yes

Township Planner, Blais Brancheau, PP

- I did have other comments on my report.
- One was that if the board was to approve the application, the plan shows as it was just testified to removal of driveway and fence form the Algonquin gas property.
- Although I am sure Algonquin gas won't have any problems with it. Technically to go on that property and to demolish that; it would require their approval. The board might want to deal with the timing of that as to whether is before we sign the plans, whether before permits are issued, when would that happen.

- Yes, Algonquin Gas if they wanted to allow to remain, but again we don't know what Algonquin Gas' position is until Algonquin Gas deems it fit to respond to communications.
- Leaving it unresolved is kind of a difficult thing and so I do think whether or a permit or "C of O", or calendar date; something needs to be done.
- I mean if the applicant by a certain date produces documentation that they've attempted to reach out to the correct person at Algonquin Gas; because sometimes with these big utility companies getting the right person is the problem; not getting a response but getting a response from the correct person. Sometimes it goes to the wrong department; they'll just circulate it or file it.
- Whereas if it goes to the right person you might get a response, so I am sensitive to what the applicant is asking and what I would suggest is that; there being a dead line by which the applicant either obtains Algonquin Gas' approval to remove, approval to remain or that they demonstrate that they've contacted in writing with copies of who it was sent to and what was sent, that they've made their best effort to contact Algonquin Gas or Algonquin Gas didn't give them the time of day, at that point I would say that at that point they would absolved... you know they can only do what they can do.

Attorney for the Board, Michael Sullivan, ESQ.

- Would you have any idea of what you're thinking as far as a time period?

Township Planner, Blais Brancheau, PP

- Well I would hope that within 90 days; you could get a response from Algonquin.

Attorney for the Board, Michael Sullivan, ESQ.

- 90 days attached to the resolution?

Attorney for the Board, Michael Sullivan, ESQ.

- Okay, so you understand that if that becomes a condition, within 90 days attached to the resolution; you either need to obtain approval from Algonquin Gas to do the work that you are contemplating or Algonquin is going to say that you can leave it that way, or you're going to say within that 90 day period we made our best efforts and we contacted this person and here is our certified mail, here is everything and we wouldn't get any answer; then the planning department is going to have to determine whether that's good enough.

Township Planner, Blais Brancheau, PP

- And if you get an approval; there will be a second dead line to actually do the work.

Opened to the Public

After hearing none

After seeing none

Closed to the Public

Pamela Procter

- I just have one question, so if in 90 days Algonquin doesn't get back to us then we are okay? We could start? Is that what it means?

Township Planner, Blais Brancheau, PP

- Basically what the board is saying is; you've done everything you can to get a response from them.
- If they refuse to respond; you're okay as far as the board's concern, not okay as far as Algonquin Gas is concern. It doesn't give you the right and the board will not in its resolution that its approval doesn't give you the right to have on somebody else's property.
- We're just saying is that if Algonquin Gas doesn't respond we can't hold you up forever.
- We're giving you certain amount of time to try, and I would say I think it implies a diligent effort during those 90 days, during the 89th day and say I didn't get a response, that's you know...

Attorney for the Board Michael Sullivan, ESQ.

- We're going to say; good faith, diligent effort. How's that?

Attorney for the Board Michael Sullivan, ESQ.

- If there is a motion for approval, there's three conditions that all relate to Mr. Brancheau's memo.
- The first one is in regards to the adjacent property and the adjacent driveway; that's going to require the consent of the adjacent property owner. It's either going to be removed or relocated it and he'll go within and that is the Algonquin parkway property, right?

Township Planner, Blais Brancheau, PP

- Yes, but not parkway.

Attorney for the Board Michael Sullivan, ESQ.

- Adjacent facility.
- Removed relocate or make a diligent good faith effort within 90 days of the day of adoption of the resolution.

Member Walsh

- Or leave it there if they get the license from Algonquin to keep it there.

Attorney for the Board Michael Sullivan, ESQ.

- Correct.

Chairman Stanziale

- Will any member of the Public would like to make any comments?
- Any statements ?

Open to the Public

After seeing none

After hearing none

Closed to the Public

A motion to approve the application with conditions was moved by member Walsh and was seconded by member Fomchenko.

Members Alwell, Caruso, Fomchenko, Giorgio, Walsh and Chairman Stanziale voted in favor of approving the application with conditions.

3)	CASE NO.	1838
	APPLICANT	MEDEXPRESS URGENT CARE – NORTHERN NEW JERSEY, P.C.
	OWNER	HANOVER RIDGEDALE LLC
	LOCATION:	118 E. HANOVER AVENUE CEDAR KNOLLS
	BLOCK: 1702	LOT: 12.07 ZONE: I-B3

Applicant is seeking “C” variance relief in order to allow for the installation of one façade mounted building sign and the replacement of three existing façade mounted signs.

Board decision due by: JUNE 15, 2019

Attorney for the Applicant, Christopher Quinn

- Here on behalf of the Applicant Med Express Urgent Care Northern New Jersey PC.
- They are a tenant of this property.
- It’s 19 East Hanover Avenue, Cedar Knolls.
- It’s Block 1702 lot 12.07.
- It’s actually in the Hannover Crossroads Shopping Center.

- The zone is the IB-3 industrial business zoning district.
- This site currently developed with the existing Med Express Urgent Care office, it's inside the shopping center, in the south western portion of the center.
- Right now our building has 3 small wall signs, on the South East and the West faces of the building.
- They were approved of initial development back in 2016 by the Planning Board; actually 4 signs were actually permitted but there were two tenants for this building.
- So 4 signs were permitted for this building.
- Tonight the applicant has recently entered a joint venture with Atlantic Medical system and in this house, the applicant, serves more people, serves more public and it's pretty common place. I think you see it right now in medical offices where my doctor is now affiliated with Atlantic as well when 3 to 5 years ago it wasn't.
- So I think that's the way the industry is going.
- In part of that joint venture it required Med Express to include or identify the Atlantic Health Care on its signage as part of the brand.
- It landed this week to change the signs, words to fit the Atlantic, make a bigger sign to what's permitted so we're putting a request to replace the existing signs from what's there now to something that would be more appropriate, that will fit all the letters and also properly to scale to the building.
- Additionally we're also putting a sign on the rear of the building and the goal of that is it will help with traffic safety and identification for people that are coming in to the shopping center, either shoppers or people that are exiting the site from behind the auto zone.
- If you're coming from Ridgedale Avenue; coming south entering the first travel entrance, that's when you'll see the rear of the building mostly and you will be able to see it and identify it.
- So that is what we are proposing, a sign in the rear.
- So we're proposing 3 signs, 4 signs, each one approximately 53 sq. ft. in size.
- Variances we need; there are two.
- One of them is the max number of principal signs on the building. Two per wall facing a public street that's what's permitted.
- Again this is a shopping center, there's three that are there; we are proposing a fourth one.
- And second of all because the maximum area is permitted.
- Do not exceed 67.5 sq. ft. or 44.5 sq. ft. where each one is approximately ... we're proposing 53 sq. ft. each.
- In terms why we submit these variances is appropriate here.
- First of all the first signs promotes driver safety within the rear of the property, it protects circulation.
- I would say particularly with this kind of use, we don't want a sick patient or a parent driving a sick kid driving through this parking lot; struggling to find this; find where the Med Express is.
- We want them to easily identify it.
- We don't want to have any traffic concerns where someone is looking out instead of what's ahead of them.
- Or see someone coming out of the Old Navy crossing into the parking lot having any kind of traffic issues.

- And that is typically what you see with these types of sign applications. We're trying to enhance the safety on the circulation.
- Additionally in terms of the larger signs; they need to identify both parties of joint venture. While that is not necessarily a justification but the reasoning behind of why we're doing it and the idea of actually identifying Atlantic Health it's important.
- I think what it does is; it actually helps out the commuter, what I think it does; it lets people know that this is part of this network, that this facility is part of the Atlantic network.
- When I drive by there ...again I mentioned before, ... I now know that I am passing the site where I can go when I need to after hours, when I come they'll have my medical records, will take my insurance and I think that is important for the community, to be able to know which entity is affiliated with their own doctors.
- So I submit that that is a benefit to the community adding them to the sign issue.
- Second of all, I think is consistent with what's there already on the property; so a number of the other buildings here have some more signs.
- The larger retail; will be the Old Navy, if you look at the Auto Zone has a larger sign there, if you look at the pizzeria; the pizzeria itself has about 300 sq. ft. of signage there just for the pizzeria and the building with the IHop is about it's about 375 sq. ft. so the building right next door with in this shopping center has about 375 sq. ft.
- We're proposing in total about 210 sq. ft. – 215 sq. ft.
- Also just to know that; that pizzeria and the IHop also have signs in the back of the building.
- So it's appropriate here, it's appropriate in scale, there're minimal negative aspects to this application.
- The appearance of the signs; again the initial sign of the back of the property it's not going to be visible to anyone, any homes, the only people that are going to be able to see it are the people that are in the shopping center or coming into the shopping center plaza, so I think there's real minimal negative aspects.
- So we have two witnesses tonight; a representative from the sign company and I have an applicant representative here if we could swear them both in?

Attorney for the Board Michael Sullivan, ESQ., sworn Zachary Nagle, Director of Project management.

Zachary Nagle, Director of Project management

- 1100 Berkshire Blvd, suite 200, Wyomissing, PA.

Attorney for the Applicant, Christopher Quinn

- And they're the company that has been retained by the applicant to come up with the manufacture of the sign?

Zachary Nagle, Director of Project management

- Correct.
- I've been with Eagan Sign for 7 years.
- I'm the director of project management.

- I've been in the sign industry for 17 years.
- I have done thousands of jobs either done personally by myself or the company that we oversee currently off.
- Seven hundred going on right now all over the county, in Canada; so you know this is what we do all over the place for lots of Clients.
- I've been doing it since I'm 16 so.
- I know I look young to have the number of years of experience I do but so I started doing it since high school and I stuck with it so.

Attorney for the Applicant, Christopher Quinn - Exhibit A-1

- Okay we submitted ... we actually have with us a package for you to review some are actually update it or date it for this meeting.
- We're going to ask you to mark the first one as Exhibit "A-1", it's an overall sight of the property, and it's similar to what you have before you just with a different revision date. Today's revision's date.
- The design isn't changing from what you had before.
- But I know in the review letters we have some comments about you know..., this page may be a little bit off, so we have a package of plans that we are going to show tonight.
- Not changing the design at all.

Attorney for the Board Michael Sullivan, ESQ.

- Okay so that's been marked as A-1?

Zachary Nagle, Director of Project management

- It's showing the location of the property Med Express is located here.
- This is the entire shopping center.

- Okay so Ridgedale Avenue is right here, there's an entrance here; with the multi-panel sign and Med Express comes in behind the AutoZone.
- Hanover Avenue runs across the front, where there's visibility of the building signs, form here.
- The proposed sign in the rear would be visible as you enter from this area here.
- This property is the IHop and the pizzeria that was referenced earlier; that have additional signage on their building.

- So the new proposed signage 2 ft. 10.3 inches tall overall by 18 ft. 6.3 inches wide, you could see it's sized appropriately for the size of the building. It fits statically very nicely in the urgent care.

- It's much easier to read as well it's the Atlantic system.
- As was noted both are very important when identifying the medical facility.

- In terms of the sign being proposed; each sign is about 53 sq. ft., and all the signs are roughly the same size.
- The only difference is the size, lettering and pieces of what is being proposed.
- In your opinion in all the signage, the work you've done; in your 17 years of experience the sign adhere to proper scale to the size of the building.

Zachary Nagle, Director of Project management

- The size of the signs fits with many of the other surrounding building and in some cases it's actually smaller when you look at it of square footage wise.
- So it appears to fit in with the other business signage on the property.

- Yes, this is a very standard building that we worked with for "Med Express" and the sign sizes is very consistent with that in other locations throughout the country.

- No, it increases visibility that would reduce any kind of traffic hazards.
- Trying to redesign being too small while trying to locate the facility.

Attorney for the Applicant, Christopher Quinn

- Each tenant has 3 signs there.
- That is actually consistent with the Planning Board prior approval they have.
- Actually the Planning Board approval in 2017.
- Planning board approval number 17-2.3 -3, adopted in April 2017.
- So they had a couple of different options depending on number of restaurants that would be going in there; and this was one.
- Actually there were put up to 8 signs if they had 3 restaurants, 2 restaurants were permitted for 6 signs.
- But again it's consistent with what was their approval.

Chairman Stanziale

- So proportionally; are the signs up in the other building in the same proportion? Or are these signs of bigger proportion?
- When I say the other building I mean the "Old Navy" building the main building here.

Zachary Nagle, Director of Project management

- Proportionally to those, visually I think these signs are smaller. Proportionally when you are looking at it.

- I don't have the measurements but it appears that way.
- What's the total perimeter of the building in linear feet?
- Because you kind of switch between inches and feet?

Zachary Nagle, Director of Project management

- We got 87 ft.7 inches by 55 ft. 8 inches.

Member Giorgio

- So what's the overall perimeter? Because you are giving me an area.
- I don't want an area, I want a perimeter.

Attorney for the Applicant, Christopher Quinn

- About 284 ft., about 285 ft.

Member Walsh

- How does the signage on the rear of what we are referring to as the rear; which I guess is the North Side of the building, how does the signage of the rear of those buildings compare to this size of the signage on the what I'll call the road facing sides of those buildings?
- Are they all consistent with your client's proposal of having all the signs basically the same size part of the signs?
- Or the signs in the North side, the back side of the building, are a smaller size than the street facing signs?

Zachary Nagle, Director of Project management

- They're all the same size.

Attorney for the Applicant, Christopher Quinn

- And again that's why it will fit in the emblem the words "Atlantic Health" as well as "Med Express"

Opened to the Public

After hearing none

After seeing none

Closed to the Public.

Attorney for the Applicant, Christopher Quinn

- “TJ Maxx”, and this was actually proposed; the main sign is 400 sq. ft. which is about 43 ft.; 42 ft. 10 ½ inches by 9 ft. 4 inches.
- “Home Goods” 43 ½ ft. by 6 ½ ft.
- And again I am reading from the resolution for application 15-16-6, 15-11-16.
- The two other retail stores that were described as retail “C1” and “C2”; each one 25 ft. by 5 ft.
- For ours it is 53 sq. ft. but it is 2 ft. 10.3 inches by 18 ft. 6.3 inches.

Township Planner Blais Brancheau, PP

- If the board give me a few minutes, I have a table where I have all that calculated it but it’s back in my office so I have to go get it.
- But again you can deal with that when you want to ask me questions.

Attorney for the Board, Michael Sullivan ESQ., sworn in the Township Engineer, Gerardo Maceira, PE. , and the Township Planner, Blais Brancheau, PP.

Attorney for the Applicant, Christopher Quinn

- And again I think from our perspective the building that probably matches us the closest; which we’re a little bit smaller than; is the one with the “pizzeria” and the “IHop” on it and they have 375 sq. ft., 76 sq. ft. of signage.
- We have approximately 215 sq. ft... , so still substantially a lot less and I think that’s our closest in terms of size.

Attorney for the Board, Michael Sullivan ESQ., sworn in The Director of Architecture for Med Express, Erik Dietz.

Director of Architecture for Med Express, Erik Dietz

- Erik Dietz
- 1001 Console Energy Drive, Canonsburg, P.A.
- Employed with “Med Express Urgent Care”, I am the applicant’s Director or Architecture. I oversee the design and permitting of their facilities.
- I am not a registered Architect.

Attorney for the Applicant, Christopher Quinn

- But you are familiar with the site you’ve been to a number of times?

Director of Architecture for Med Express, Erik Dietz

- Yes.

Attorney for the Applicant, Christopher Quinn

- Okay, so I mentioned during my introduction why we're proposing to change the current signs on the building.
- Can you discuss the joint venture that is going on with Atlantic?

Director of Architecture for Med Express, Erik Dietz

- Yes, so "Med Express Urgent Care" and "Atlantic Health Systems" entered into a collaboration public care agreement. So we are working to improve patient access, patient care, and access to people within the "Atlantic Health Systems network".
- "Med Express" serves as an option for it.
- Urgent care, or after hour care for the primary care for the patients within the "Atlantic Health System Network"
- "Med Express" will do urgent care procedures, flu vaccines, wellness prevention, pre-employment screening, workers comp screening.
- "Med Express" is being part of the care agreement within the "Atlantic Health Care Systems" if the primary care physician isn't available, but then also has the ability if you need advance testing, advance screening, needs to see any specialty physician within the network, we have the ability to refer you to another doctor within the "Atlantic Health systems network"
- The main reason for the rear sign is visibility with in the ShopRite, if you are coming off of or entering by the "AutoZone"; that you are able to identify the "Med Express" building in there to direct you towards that location.

- The care agreement with "Atlantic Health" involves 12 centers within Northern New Jersey, that all are going through the process of having them branded with the "Med Express" and "Atlantic Health Systems" .
- The graphic lay out for the proposed clinical within Hanover Township; same graphic lay out as is at the other 11 entities and within scale to the buildings.

Member Walsh

- Just a quick question in revisiting the signage in the rear again.
- Why does the applicant feel sign "D" is necessary when both "C" and "B" would both be facing the flow of traffic from the respective driveways into the parking?
- I'm looking at what at least I have on page 411 the side with the bigger blows up with blue dots on it for
- Alright so I'm looking at sign "B" and I'm looking at sign "C" and I'm looking at the way cars would be coming into your parking lot and where cars would be looking to, if someone is coming up Hanover Avenue they're going to be looking at sign "A" and they're going to come into the driveway and they're going to see sign "C" and someone is coming on from

Ridgedale because they know you're there; they're going to see sign "B" as they pull into the parking lot; so I am still struggling with why sign "D" is needed it.

Attorney for the Applicant, Christopher Quinn

- I think the reason behind sign "D" is for people that are coming behind the "AutoZone" building; with all the other cars, with all the other buildings and then it's also for when you're immediately behind within the retail center.

Director of Architecture for Med Express, Erik Dietz

- Yes. That is correct; it's the main one that access Ridgedale Avenue that coming in by "AutoZone" even though you have the sign "B" facing that direction, you don't see it based on your angle visibility turning in behind the "AutoZone" and behind the "IHop" and "Pizzeria" you don't have the visibility.

Chairman Stanziale

- Anybody from the Public have any questions of this witness?

Opened to the Public

After hearing none
After seeing none

Closed to the Public

Member Giorgio

- I actually, I had been a little curious about the ratio of signage and linear ft. as opposed to the ratio signage and linear ft. with the other buildings but I mean it doesn't look to me like you know it's in any big thing or out of whack or anything.

Attorney for the Applicant, Christopher Quinn

- The one thing that I can tell you are that based on the plan, it looks like it's.. the other restaurant; I don't know about the linear ft. of it but it's 6300 sq. ft. vs. about 5000 sq. ft. and their signs are about a totaling of almost double, maybe 80% more than what we are proposing.

Director of Architecture for Med Express, Erik Dietz

- The facilities that are rebranded with "Med Express" and "Atlantic Health Systems" is; Ridgewood, Lodi, Totowa, Bloomfield, Hackettstown, Linden, Nutley, Springfield Township, Watchung, Rockaway and East Brunswick.

Township Planner, Blais Brancheau, PP

- The township ordinances, land use, zoning and signage.
- Even though in the "IB3" zone which permits both offices industry and retail shopping areas, shopping centers not small scale but large scale shopping centers such as we have here.
- Alright so signs in the "IB3" for retail sales, banks, personal services in rental or leasing establishments, restaurants; they refer to the "B1", "B10" zone, and the "B10" zone permits attached signs on the wall; one per each wall that faces a street or parking area.
- Whereas for an office use you're allowed two signs on a wall or any wall that faces the street, so on one hand you get two on one wall instead of one on a wall as you get with retail, but you only get it on walls that face the street whereas on retail you get them on a wall or all walls that face the street or parking area.
- So in some cases is more generous to offices and I should clarify the regulations that they're applying under are for developments that have at least a hundred thousand square feet of area written for the office zone, written for an industrial zone.
- I don't think that having written the ordinance and knowing the background to it, certainly what we have here was not what was intended.
- It was intended to apply a large scale office building but technically is what was written; developments with a hundred thousand square feet or regulations even for the offices there, alright so anyway as to number of signs, the location of signs; two on a wall that faces the street is what's permitted for offices, one per wall that faces the street per parking area for retail; that's one difference.
- Overall content, I'll tell you this; the overall content was to allow more signage for retail than for an office use.
- You understand that retail marketing is different than most office or other type of... usually when you're doing retail shopping there is more of an impulse purchase or more of a you go to one retail store; or you see another retail store where it kind of leads you along; like an anchor that attracts you to that but there is actually a roll over to the side stores.
- Whereas an office or medical care facility you know you're going there; you're not driving by and say "stop and get some urgent care", you've made an appointment, you know why you're going there.
- So the ordinance theory on office visiting and the need for signage is less so than for retail and the overall intent was that office signage not to as prominent as retail signage. That's the overall intent of the code.
- Okay but your understanding is the inherently beneficial criteria is really relevant only to a "D" variance.
- We're not looking for a "D" variance here; we're looking at a "C" variance so the fact that it is or it isn't; it's not really relating to the issue is what I am saying.
- My point was to compare the sign that's here with the retail size from an ordinance perspective is not really a fair comparison because the ordinance intent was to allow larger signs for retail.
- This is right or wrong and what the ordinance is looking at the moment in revising the sign regulation; it recognizes some issues.
- I don't know where that's ultimately going to end up; but we are looking at that.

- The Planning board granted actually a number of variances for the retail uses on this site, although the signs that are permitted there today for the retail were done many of them by variance.
- When you look at it from a regulatory stand point, I'm trying to explain the intent; I'm not trying to make point one way or the other or the board's decision, I'm only trying to give you some understanding as to the difference between this and the rest of the site.
- I agree that the "Urgent care" is more than going to your dentist to have your teeth clean, alright.
- But I think there's more to an inherently benefit use than the fact that it meets a healthcare need.
- I can say the same about going to my doctor but usually inferential beneficial uses are of a nature that are either singular or fulling nature, that is not a highly competitive... like a hospital clearly is an inherently beneficial use.
- Whereas because it is a quasi-retail type of use; there is a lot of competition we have one on Route 10.
- The Planning Board just heard an application for a neighborhood urgent care on Route 10 that's already there. So this is sort of like a commercial thing, no question that provides benefit but I can say that about many uses that are not inherently beneficial.
- It may be beneficial because it's particularly suited but we are not talking about a "D" variance so all I'm trying to tell you is that the regulations for a... this is not covered by the retail sign regulations.
- If it were, we'd be looking at a different set of variances.
- What we're looking at are; all uses other than retail and it says retail sales, it doesn't say retail services.
- Well retail sales you're selling goods.
- Retail services you're selling services; alright and a doctor's office would be a retail service but it doesn't give "a that"
- A repair shop is a retail service because when you're repairing someone's television is a retail service. It doesn't give..., again because of the whole marketing emphasis for retail sales is different than it is for services.
- Services generally you don't go out shopping and get a service. You typically would go to a "sales" if you see something, but a "service" you usually go because you know you're going there; you take your TV to get serviced.
- You don't say oh! A "TV repair shop" oh; I just left my TV at home; let me go home and get it, you usually know where you are going so you don't need signage as much.
- That is the theory behind the ordinance regulations being different for those types of uses than it is for retail.
- The discussion was that the signage for retail ... the town is trying to ... I've heard it, I can't in the 30 years that I've worked for Hanover I can't tell you how many times the town has said we don't want to look like "East Hanover" and by that; they mean; they feel that "East Hanover" is over developed with uncontrolled signage, and "Hanover's vision" if you will for the Town is signage.
- Now the town has loosen the sign regulations in recent years and they are probably going to continue to loosen them, but as recently as a week ago, the planning board where we were discussing and revising sign regulations; I was cautioned once again, we don't want to be like "East Hanover"

- The town is trying to strike a balance between being reasonable with this signage and not being ridiculous and at the same time not giving the farm away by allowing too much and I think this board should be keeping that in mind as well as in its decision making on signage.
- Again not speaking specifically on this application but in all signs applications that seek a variance; that keeping that tension in place of yes we need to be reasonable and at the same time not excessive; both the number of signs and the size of signs.
- So I just wanted to give the board a little bit of the planning background behind the sign regulations so you understand what the thinking was by the Township committee and the Planning Board in not saying that office uses in a shopping center could have the same signs as retail.
- The Board granted more for retail as a concession recognizing the marketing needs of retail uses, but to give that to everybody; to say if you had a doctor's office, I have the same signs as Home Goods; the board felt that would be a little over kill.

Member Walsh

- But Blais, doesn't this applicant already have 3 signs under bill that was approved by the Planning Board?

Township Planner, Blais Brancheau, PP

- Well this is when this gets muddy, when this was approved, and it did 15 or 11 whatever it was case; the resolution specifically says; they didn't know what the tenant was going to be.
- In the resolution says; "restaurant/ commercial" poor choice of words commercial but that was probably the words that the applicant used because they didn't know the specific tenant alright.
- But restaurant; that's covered under the retail regulations and the board approved variances, in that case because it was a double frontage, back and front that were going on and as it already testified to, there was two tenancies planned for this building; so there were two per tenant four signs total for this building.
- I spoke to the zoning officer because I asked; how did it get to be three signs here when the board only approved two and the use was retail which was different signs regulations than office and zoning officer admitted he made a mistake alright. He granted three based upon approval he didn't make that distinction. So it's problematic but that's how three got there.
- Under today's regulations; what would be allowed are two signs facing a street for a non-retail use.
- It's not grandfathered because it wasn't legal when it was done. It may be an estoppel issue where having issued the permit it would be unreasonable for the township to now say "you have to rip the signs down" alright.
- But we're not talking about the estoppel in this case because the applicant is removing the signs of its own volition and seeking approval to put up new signs.

Township Planner, Blais Brancheau, PP

- No, well like I said, there is... built into the office regulations there's a little leeway, alright because the center has over a hundred thousand square feet.
- If it didn't the sign regulation would be a little more restrictive than what the applicant is operating on here.
- So because there's more than a hundred thousand square feet... otherwise they would only be allowed one sign no two so there is a little leeway but to the extent that it was suggested that all signs in the shopping center be the same, be allow to have the same signs.
- That we can ... Planning board is discussing, recommending new regulations and that will be one thing that is discussed. But it is speculative to say where it would end up, but I can suggest that because of the township's philosophy to keep signage to be reasonable, be minimal; not to become like "East Hanover", that to allow an office use to have a sign like it was permitted before or "Home Goods" is not likely to be permitted, alright.
- There may be certainly some loosening; how much that's something that the town..., anyone can try to guess right now and it's not really relevant to the application that we're looking at.
- I was only trying to give the board some background as to admittedly complex and confusing, treatment of signage in shopping centers where which are design primarily for retail for whatever reason have an office use and then you have an office use that's sort of quasi retail because of the urgent care aspects of it. It's not simple to deal with and I just wanted you to have a little background and the thinking behind the sign regulations which are like I said under review.

Township Planner, Blais Brancheau, PP

- It would help the board to quickly tell you what relieve it would require if this were treated as a retail use.
- Because that seems to be kind of what the comparison was involved in and the suggestion that going to urgent care is not like going to your family doctor to have your annual physical, it's got more of a retail character.
- So if this were a retail use what would the signs regulations permit?
- You would be allowed... it allows 1 sign that faces a street or parking area; so you would not need a variance for the 4 signs.
- 4 signs would be allowed because all signs face a parking area or a street, or both alright.
- The horizontal width complies, the vertical dimension I believe would be a variance; I am just checking the elevations. Yes the vertical dimension of the sign would be limited to 2 feet because the way the retail sign regulations are, the bigger the building, the taller the building; the taller the sign.
- There is a proportionality built into the sign regulations for retail. Actually the curious thing is that this doesn't violate the vertical dimension limitation for office development which is 3 feet, okay.
- Again that was... I'm not going to bore you with that. It's a problem with the code and I know how it happened, alright and when it happened. It really wasn't looking at this scenario and that's why it happened that way and I am not going get into it.
- If you want to know a retail sign you need a 21 foot high building to get a 3 foot sign; because this is only 15 feet high, you're limited to a 2 foot sign.

- I don't want to get off but we can explore why ... You know if we were to allow for example vertical dimensions versus the number of rows or text or graphics I can see sign people deliberately put in more rows to get a bigger sign you know. That's the difficulty in drafting these kinds of regulations.
- The Board is looking at it, in fact that table that I talked about. I didn't do for this case; I did it to help the board understand what exists out in the field so that they can revisit their regulations, alright.
- But I don't want to get into what might be; board has to deal with what's on the books today in the merits of this case.
- So I've already told you this for retail one variance goes away but a new variance comes in; that is the vertical dimension of a sign.
- What was the other one that we have here? Is it area? Square feet is the area.
- The retail sign regulation allows a vertical dimension of 2 to 5 feet depending upon the height of the building. There's a proportionality built in.
- Ending up to 18 feet is... gets a 2 foot sign.
- Anything over 18 feet gets a proportionally taller sign, alright.
- And then if we look at the area, it's 1 1/2 square feet for each horizontal foot of width.
- Now the narrowest façade they have is 55 feet so 1 1/2 times that would be 78 ft., 8 1/2 ft. are roughly 80 ft. so they would comply with the area if this was a retail sign; because their signs are 53 ft. alright.
- There are other regulations that I'm not going to get into but basically ... and there's theme requirement also for retail signs.
- It used to be that it was required every sign to be identical in the shopping center. The regulations were amended to say; no we don't want everything to be ... if you go to "Pine Plaza" you'll see what we are talking about, alright.
- But the board said the original idea on that was; too much diversity can be kind of like a 3 ring circus, I guess it gets distracting. So I said lets require a theme where there're 2 or 3 elements that the shopping center signage will follow and that's either in type of illumination, box signs versus channel letter signs.
- Basically the board gives the applicant the options to say we have 2 of these potential character signage that are repeated through the center so there is sort of a harmonious look to it but allowing enough variation so that would apply to... you know we could chase that route and go pretty far; I don't want to go there now.
- So really what I 'm saying to you is if this were retail we'd be looking at at one variance for the vertical dimension of the signage.
- The other variance relating to the number of signs would go away and the area would go away; just for background.

Open to the Public

After hearing none

After seeing none

Closed to the Public

Member Fomchenko

- I would like to know; are we treating this as an office or are we treating this as retail use?

Attorney for the Board, Michael Sullivan, ESQ.

- You're treating it as what it is but they're seeking variances under the sections from Mr. Brancheau's memo.
- They're here seeking of variances for maximum numbers of signs permitted in signs locations as set forth in "A 1" and it is also seeking variances with respect of "A 2" maximum area of the wall signs.

Township Planner, Blais Brancheau, PP

- Technically what's in my report and what's in the application of what you're considering to relay is; the number of signs and actually, technically signs being on the wall that don't face the street and then secondly the areas.

Member Walsh

- So I guess to answer the question; we're proceeding with the presumption that this is being treated as... from a based standard and a service office location because if we have to worry about all four signs sides of the premises that would indicate that it is of an office usage .
- But it is an office usage except we have an estoppel problem with the three signs that currently exists.

Township Planner, Blais Brancheau, PP

- The way the code reads it says; signs, there's two categories; signs for retail services; we already know what that is, banks, personal services which are barbers, beauticians and things like that, rental and leasing the establishments, eating and drinking establishments. That is one category regulation.
- The other category is everything else.

Member Walsh

- Wouldn't this be a personal service for medical care?

Township Planner, Blais Brancheau, PP

- Because a personal service is again like a barber, beautician, a tailor... that type of thing, it's not defined. We have a definition for personal services.

Member Fomchenko

- I think this is more of an emergency service because people are not seeing their primary physicians. I meant they are going there because they are suddenly ill and can't get to their own doctor on a weekend.

Township Planner, Blais Brancheau, PP

- Yes you're going to wait 3 months to see your doctor the point I am trying to make is; it's and other than, again the technical thing as to technically what applies and what relieve is required.

Member Giorgio

- But even if you want to consider it an office, professional office space it is located in a shopping center; which is retail.
- I mean they were given permission to go into that location.

Township Planner, Blais Brancheau, PP

- Of course they were, but it doesn't say that if you are an office in a shopping area center you get the same signs as their retail use would get.

Township Planner, Blais Brancheau, PP

- Yes, I agree with what Mr. Quinn is saying and that is that this discussion is not technically about interpreting the ordinance and whether we agree with the ordinance or not that is not the board's roll.
- The board's roll is to determine whether relief is merited based upon the ordinance that exists. What we are saying is the ordinance that exists is what exists and that is what it was needed the testimony about comparison's and so forth relates more to the second negative criteria of whether this is going to create visual problems and in a context of a shopping center versus some isolated medical facility you might take that into consideration alright.
- It's not to say that they don't need the relatedness merely related to the merits of it.

Member Alwell

- And that particular location on that pad is okay for office business?
- Is it a non-conforming use?

Township Planner, Blais Brancheau, PP

- It's a permitted use.

Chairman Stanziale

- So consistent with our next door business place in regard to our annual report, is that what is called?

Township Planner, Blais Brancheau, PP

- Yes

Chairman Stanziale

- I think what the board is saying here tonight in the next year's annual report is that if this situation with a new shopping center comes, it may, that we think that the signage ordinance should be consistent among all uses.

Township Planner, Blais Brancheau, PP

- We can discuss that for next year uses in the report but I suspect that there will be a revision of the report before that annual report happens we can look at the report that exists then and we decide if we still have recommendations or not; it may be moved by then.

Member Walsh

- Just one question because of the grey area. Does this fit in any other descriptions of uses within our ordinance?
- Is this kind of Urgent care, medical retail, health services kind of ... I mean because I don't think of this as an office.

Township Planner, Blais Brancheau, PP

- We do...I can give you a list of permitted uses in the zone and I think that you will find that Health service is a listed permitted use.

Member Walsh

- So I would agree this is Health services.

Township Planner, Blais Brancheau, PP

- Yes.

Member Walsh

- So what you were saying earlier then Health services falls within the concept of retail.

Township Planner, Blais Brancheau, PP

- No, it falls within the concept of ..., again the sign regulations don't regulate retail services the same as retail sales.

- It's retail sales, banks, personal services, which is not the same as a retail service which are much broader than...
- Appliance repair is a retail service, alright.
- Personal services; is services to a person or his clothing, so barber, beautician and not a health services.
- I will read you the definition of personal services; Personal and laundry care services determined, defined as; beauty and barber shop, clothing rental, dry cleaning pick up service, laundromat self-service, shoe repair and tanning salons. That is a personal service under the definition.
- Retail service establishment; now this is retail sales, is a business establishment primarily engaged in providing services as opposed to merchandise to the general public for personal or household use. Sales services establishments use but are not limited to; eating and drinking places, hotels, banks, barbers and beauticians, tailors, amusements and recreation services, health services, alright and it goes on.
- So this is a retail service it's not a personal service.
- It is a permitted use and again we are revisiting the ordinance but that's another subject for another day.

A motion to approve to approve the application with conditions to be granted was moved by member Walsh and was seconded by member Fomchenko.

Members Alwell, Caruso, Fomchenko, Giorgio, Walsh and Chairman Stanziale voted in favor of approving the application with conditions.

OTHER BUSINESS: Adoption of Annual Report for 2018.

Chairman Stanziale

- Our next order of business is the Annual Report, it was sent out I believe twice actually.
- Do we have any discussion about it? I believe it was well done.
- I agree with all the issues contained that are in, does anybody else have any thoughts?

Member Fomchenko

- I believe that the issues that Blais brought up in his Annual Report certainly hit the nail on the head with a lot of the cases that come before us with front steps and overhangs and things like that.
- I think it was very well done.

Township Planner, Blais Brancheau, PP

- Yes and I presented that to the planning board and they're on board with it as well.
- It's just a little bit of effort to do because what we are trying to do is to sample, to do every front yard in the township would be a monumental effort.

- We're doing a sample of every neighborhood to get a representative sample of what the front yards in existence actually are. Because that's really what the front yard standard is about. I mean within limits.
- Yes, the front yard is.... They're so people are not right on the street and there is room to park on the driveway and that sort of thing but we're not talking about that.
- Whether is 30 or 40 or 50; you can do all those things but what it should be is for the most part because of the neighborhood character.
- This is the suburbs; this is not "Irvington" or "Newark" where buildings are right up on the street.
- This is Hanover Township; which is a suburban municipality.
- So what is the neighborhood pattern? And what should someone have to be setback to be consistent with that pattern.
- That's what the Planning board and what this recommendation is saying, that doesn't have any relevance to what that neighborhood is.
- The solution may not be simple, so for example if we have order areas in the "R-15" zone with different front yards because of the statutory requirement that the zoning regulations be uniform for the same use in the same zone.
- The only way of dealing with that which is why we have this neighborhood pattern requirement would be to create new zones for every place that has a different front yard pattern, for every neighborhood not every lot.
- Every neighborhood that has a different front yard would have to be a different zone. I think we'd end up with an "R15 A" and an "R 15 D" and an "R15 C"; whether we want to do that will depend I think on we'll cross that bridge when we get to it. But that is kind of what we are looking at.
- That's why they did the neighborhood pattern, it was because they realized we can't have 15 residential zones, each different and to keep it somewhat simple; I have a saying when it comes to regulations "you can either be simple, or you can be fair but you can't be both".
- So they chose "simple", by using the neighborhood standards and the problem has been the administration of it is a nightmare for both; applicants and for staff and that is because how do we know the applicant measure it right that's the reason why we now have to go out and check it, alright.
- And not only that but now the standard is constantly changing, every time someone does an addition, their front back changes so it is very problematic to solve today but the solution is also problematic so there is no ideal solution.
- We're trying to explore what the solution can and should be and more once we get there, as well to keep you posted as to where that's going that I agree at least we worked on it, dealt with.

Member Walsh

- That is the motion that we adopt the resolution before it circulated to approve of the submission of the annual report.

A motion to approve to approve the Annual Report for 2018 was moved by member Walsh and was seconded by member Fomchenko.

Members Alwell, Caruso, Fomchenko, Giorgio, Walsh and Chairman Stanziale voted in favor of approving the Annual Report and resolution.

ADJOURNMENT

A motion to adjourn was called by Member Walsh and seconded by Member Fomchenko.

All present in favor.

Meeting Adjourned at 10:21 P.M.

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