

Minutes of the Board of Adjustment of the
Township Of Hanover
April 2, 2019

Chairman Benjamin Stanziale, Jr. called the Work Session Meeting to order at 7:23 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: Alwell, Caruso, Fomchenko, Giorgio, Neidhardt, Chairman Stanziale and Walsh.

Absent were Members: Donaldson and Hingos.

Also present were: Attorney for the Board Michael Sullivan, Esq.
Board Secretary Kimberly A. Bongiorno, LUA
Township Engineer Gerardo Maceira, P.E.
Township Planner Blais Brancheau

Attorney for the Board Michael Sullivan, Esq.

- Stated that the Attorney for CLC has one witness; the Planner but if the Board wants the Builder is also present.

PUBLIC BUSINESS

Chairman Stanziale called the Public Meeting to order at 7:33 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, Neidhardt,

Absent were Members: Donaldson and Hingos.

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

Applicant sought “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.
APPLICATION APPROVED WITH CONDITIONS MARCH 21, 2019

There were no questions, comments or corrections offered by Board members.

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

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

MINUTES NONE

PUBLIC HEARINGS

1)	CASE NO.	1839
	APPLICANT/OWNER	CLC BUILDERS
	LOCATION:	38 NYE AVENUE CEDAR KNOLLS
	BLOCK: 3103	LOT: 1
		ZONE: R-40

The applicant proposes one new single family dwelling with related driveway, utilities, landscaping and stormwater management infrastructure. The applicant requests a variance for front yard setback, 75’ is required, 7.7’ is existing and 59’ is proposed.

Board decision due by: JUNE 6, 2019

Attorney for the Applicant, Steven Schepis

- Gave an overview of the application for front yard setback variance.
- The photo shows that the house is 8 ft. from the pavement and the garage being closer.
- The applicant’s purpose when purchasing the property was to demolish it and build one new single dwelling.
- We are looking for a front yard setback variance, proposing a new setback of 59 ft. where 75 ft. are required.

Architect for the Applicant Jonathan Babula was sworn in by the Attorney for the Board Michael Sullivan, Esq.

Architect for the Applicant Jonathan Babula

- 32 Hillside Ave, Stockholm, NJ.

Township Engineer Gerardo Maceira, P.E. and the Township Planner Blais Brancheau were sworn in by the Attorney for the Board Michael Sullivan, Esq.

Architect for the Applicant Jonathan Babula

- Licenses are still active and have been practicing for 18 years.
- The Board accepted him as a licenses architect.
- Currently the property has a detached garage, both the house and garage are about 8 ½ ft. away from the road.
- All submitted photos accurately depict what is currently in the property today.
- The applicant is seeking to build a 2 story home with a 2 car garage, 5 bedrooms, 3 ½ baths and a front porch.
- The architectural plans start with page 'B2'.
- Reviewed the layout of the proposed Home typical colonial looking house.
- Reviewed the floor plan of the proposed home with an open concept plan.
- It will have a 20 ft. by 16 ft. deck in the back.
- There is one violation for a portion of this house; the front yard setback.
- About 10 ft. of this house and the front porch.
- If the house was to be moved back then it would create a rear yard setback issue.
- All properties across the street are maybe 30 ft. to 40 ft. from their property line, form the road.
- On the South side of Nye Avenue the houses are about 40 ft. from the pavement.
- This proposed house will be about 65 ft. from the pavement.
- Discussed the proposed utilities with public, sewer, water, electric and natural gas.
- Reviewed memos from the Township Planner Mr. Brancheau and the Township Engineer Mr. Maceira and will meet all terms and conditions.
- H.S.A. terms and conditions will be met as well.

Attorney for the Applicant, Steven Schepis

- Requested further explanation for what the applicant needs to do regarding the utility easement that is already there based on the Township Engineer's review.

Architect for the Applicant Jonathan Babula

- The lot is in the R-40 zone and one of the issues with the lay out is that the lot is ½ the minimum lot area that is required, and also the shallowness of the lot.

Open to the Public

There were no questions and or comments offered by members of the public.

Closed to the Public

Member Walsh

- I want on record the authentication of the photos that are in the application; who took them, when were they taken, because they will be part of the evidence.

Attorney for the Applicant, Steven Schepis

- I took the pictures on November 27th 2019.

Architect for the Applicant Jonathan Babula

- The photographs accurately depict what is currently on the site.
- The 2 sheds on the back will be removed.

Celal Andican a member of CLC Builders was sworn in by the Board Attorney Michael Sullivan, Esq.

Celal Andican a member of CLC Builders

- 1 Quail Boonton Township.
- I am one of the members of CLC Builders, My brothers and I; are CLC builders.
- The information provided by the architect and in testimony is accurate.
- We will comply with the Engineer and Planner's report as well as the HAS review.

Member Giorgio

- Questioned how far is the property line to the house behind the property?

Celal Andican a member of CLC Builders

- It's my brother's house where he lives and it's about 100 ft. from the backyard setback.

Member Fomchenko

- Questioned the large parking lot behind the property in the opposite side from the swimming pool.

Celal Andican a member of CLC Builders

- It's Birchwood Manor.

Open to the Public

There were no questions and or comments offered by members of the Public.

Closed to the Public

Township Planner Blais Brancheau

- Addressed and clarified what is being looked for as the easements for the utilities.
- We know there are a sewer main and a man hole in the property line.
- It's to the applicants benefit to find the lines of those easements.
- There is also an electric pole and we aren't sure who maintains it. This electric pole doesn't go to the house.
- The sewer authority wants an easement.

Township Engineer Gerardo Maceira P.E.

- Need a perimeter deed because I don't think that the last deed encompass the half of the vacated road run.

Attorney for the Board Michael Sullivan, Esq.

- Questioned if there is a 'JCP&L' easement requirement with in that area.

Township Planner Blais Brancheau

- We're not sure since the pole that is there with lines goes to a meter service panel that goes to the Birchwood.
- Referenced picture to show the location of the pole and where the lines go to.
- Discussed the sewer pipe and the size of the easement that needs to be obtained.
- The vacated portion is 25 ft.
- The sewer authority typically needs 10 ft. to 15 ft. on each side of the pipe and the pipe is right on the property line.

Attorney for the Board Michael Sullivan, Esq.

- Questioned if the applicant is willing to comply with the Planner's Engineer's and H.S.A requests; will it be sufficient to go forward with this?

Township Planner Blais Brancheau

- The town already reserved the easement but the language didn't define the limits of it.
- The way it reads today the easement is 25 ft. over the length of the property.
- Having that easement recorded will help identify the exact location of that easement and to clarify what your rights are, what you can or cannot do on the property.
- No one has an easement on this property.
- The utility company will determine what you can or cannot do and will also prepare a document with this information.

Attorney for the Applicant, Steven Schepis

- The Sewer authority will prepare the paperwork.
- I may be able to find an easement by doing a record search.
- The only other request I have is if this could be a condition of a 'C of O' rather than a building condition and it doesn't hold off construction.

Township Planner Blais Brancheau

- Would like to avoid the applicant having to remove the driveway once built as proposed because of its location in relation to the easement; so we would need something in writing from JCP&L and the Sewer Authority letting us know that it is ok for the driveway to be built as proposed.

Attorney for the Applicant, Steven Schepis

- I ask the Board if we do it as per the application that you give Mr. Maceira the latitude to work with us in order to address this practical components.

Attorney for the Board Michael Sullivan, Esq.

- That's been the past practice.
- Reviewed the conditions if this application is approved.
- Mr. Brancheau's memo of April 1st 2019 items 'B.1 through B.9'
- Mr. Maceira's memo items '1 through 9' same date.
- The H.S.A has 3 paragraphs with the same date.
- You will have to identify where you are going with that to our Town Professionals.
- All this will be included in the resolution.

Member Walsh

- Asked the Board Attorney; are there any recommendations to whether or not we need to specify if we have other outdoor lighting complying with the ordinances or that the construction will be no ambient effective?

Attorney for the Board Michael Sullivan, Esq.

- The only variance we are granting is with regards to the front yard setback.

Open to the Public

There were no questions or comments offered by the Public.

Closed to the Public

Attorney for the Applicant, Steven Schepis

- Gave closing statement. Thank everyone present.
- Front yard setback “C-1’ hardship, flexible ‘C’ variance.
- We don’t see any negative criteria.

A motion to approve the resolution with conditions was moved by Member Walsh and seconded by Member Fomchenko

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

OTHER BUSINESS:

No other business

No meeting the third Thursday of April.

ADJOURNMENT

A motion to adjourn was made by Member Walsh and seconded by Member Fomchencko.

Meeting Adjourned at 8:27 P.M.

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