

Minutes of the Board of Adjustment of the
Township Of Hanover
June 7, 2022

PUBLIC MEETING 6:00 P.M. VIA ZOOM WEBINAR ONLY

PUBLIC BUSINESS

I. STATEMENT BY PRESIDING OFFICER

Chairman Stanziale called the Public Meeting to order at 6:04 PM and read the Open Public Meetings Act into the record.

II. ROLL CALL

The Board Secretary, Kimberly Bongiorno, called the roll

Chairman Benjamin Stanziale called the Public Meeting to order at 6:04PM and The Open Public Meetings Act Statement was read into the record.

The Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members: Alwell, Bartell, Caruso, Corona, Donaldson, Fomchenko, Giorgio and Chairman Stanziale

Absent were Members: Hingos

Members from the Public were: Steve Martin, Melissa Van Wingerden

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

III. RESOLUTION TO BE MEMORIALIZED NONE

IV. MINUTES APRIL 21, 2022

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

A motion to approve the Minutes from April 21, 2022, as written was moved by Member Fomchenko and seconded by Member Giorgio.

In voice all present voted in favor of approving the Minutes from April 21, 2022, as written.

V. PUBLIC HEARINGS

1)	CASE NO.	1810-E1
	APPLICANT/OWNER	CARMINE ZAMMIELLO
	LOCATION:	16 FAIRCHILD PLACE, WHIPPANY
	BLOCK: 4502	LOT: 24 ZONE: R-15

The applicant is requesting an extension of the approvals that were granted on August 1, 2017, with a resolution memorialized on September 1, 2017. The applicant is requesting the approvals and variances be extended through August 1, 2023.

Documents for this application can be viewed at the following link:

 [Application pck w attachments 5 19 2022.pdf](#)

Steven Schepis, Esq. – Attorney for the Applicant

- Gave a brief introduction of this application, the reasons for the delays associated with the construction.

Carmine Zammiello – Applicant was sworn in by the Attorney for the Board, Michael Sullivan, Esq.

Carmine Zammiello – Applicant

- 8 Druetzler Court, Whippany, New Jersey.

Steven Schepis, Esq. – Attorney for the Applicant

- We reviewed Blais's memo, and we modified our request for an extension until September 4, 2022.
- Carmine had some problems and his application for building permits was rejected by the construction official due to the expiration of the variance.

Attorney for the Board Michael Sullivan, Esq.

- Mr. Zammiello is our understanding that you are ready to go in the immediate future to begin construction is that correct?

Carmine Zammiello – Applicant

- Absolutely.

Attorney for the Board Michael Sullivan, Esq.

- That September 5, 2022, will not cause you any issues.

Carmine Zammiello – Applicant

- None whatsoever, once I get Sean to approve my permits we are starting.
- In 2017 I went through a divorce, and I have been physically, emotionally, and financially drained, then the pandemic hit and now I am back on my feet. I apologize but things happen.
- It should take me five months to get the project finished.

Township Planner – Blais Brancheau was sworn in by the attorney for the Board, Michael Sullivan, Esq

Township Planner – Blais Brancheau

- I agree with Steve’s statement and the status of the application is better not worse than it was at the time of the original approval.
- I did not find any significant changes that would lead the Board to a different conclusion.

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

Open to the Public for questions and or comments

After hearing none, after seeing none closed to the Public.

Attorney for the Board, Michael Sullivan, Esq.

- If there is a motion to grant the extension it would be through September 5, 2022.
- The applicant shall comply with all prior conditions of approvals imposed by the Board.
- The applicant is responsible for the payment of all escrow charges incurred in reviewing this matter.

A motion to approve the extension of approval through September 5, 2021, with conditions was moved by Member Alwell and seconded by Member Fomchenko.

Members Corona, Caruso, Fomchenko, Giorgio, Bartell, Alwell, and Chairman Stanziale voted in favor of approving the extension of approval through September 5, 2021, with conditions.

2)	CASE NO.	1875
	APPLICANT/OWNER	DARYN MOUNT
	LOCATION:	22 SALEM DRIVE NORTH, WHIPPANY
	BLOCK: 4605	LOT: 22 ZONE: R-15

Applicant is seeking residential “C” variances in order to permit a proposed second floor addition to an existing single-story home and first floor renovation.

Documents for this application can be viewed at the following link:

<https://drive.google.com/drive/folders/1sHfyfyInM0hSeq9e1aWuSqDy1SyFXxGL>

Board decision due by: August 19, 2022

Daryn and Nicole Mount – Applicants were sworn in by the Attorney for the Board, Michael Sullivan, Esq.

Daryn and Nicole Mount – Applicants

- 22 Salem Drive North.

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

David Delle Donne – Architect for the Applicant, was sworn in by the Attorney for the Board, Michael Sullivan, Esq.

David Delle Donne – Architect for the Applicant

- Licensed in the State of New Jersey, and all licensing are current and in good standing.
- Accepted by the Board.

Daryn and Nicole Mount – Applicants

- We would like to thank everyone that have been so patient with us.
- We have been long term residents of Whippany; we would really like to stay here and make our home larger to accommodate our two sons and eventually take in her mother.

David Delle Donne – Architect for the Applicant

- This project is essentially a one-story ranch, with a recess porch.
- The homeowners are looking to catch some additional floor area of the first floor and add a second floor with four bedrooms and two bathrooms.
- Referenced his shared screen and went over the floor plan indicated the proposed changes for the first and second floor addition.
- Went over the current and proposed setbacks, maximum height, the lot size, and the floor area ratio.
- That survey is current and accurate as to what is shows right now.
- Went over the front, side, and rear elevations, as well as the roof plan.
- The lot itself is undersized, in terms of the hardships that creates the uniqueness of this property it certainly comes from the lot itself and the existing conditions of the house.
- The character of the house will blend with the neighborhood, so the benefit of adding the second floor and giving the family the number of rooms that they need.
- The siding and the materials will blend to the entire house and will be part of the character of the neighborhood.
- Went over the variances requested.

- Addressed Mr. Sullivan's question regarding the left side setback identified in the chart showing incorrectly and made corrections accordingly.
- Addressed Mr. Brancheau's question regarding no needing a variance for the left side but only on the right side.
- Addressed Mr. Brancheau's question regarding the house and the porch being a violation and agreed with Mr. Brancheau that he only needs a variance for the addition.

Attorney for the Board, Michael Sullivan, Esq.

- Blais, you issued a report dated June 3, 2022, and comment "B1", I assume if this application were approved you would want this as a condition of approval.
- Mr. Maceira, my understanding is based on your May 27, 2022, report that you have no engineering issues with the proposed application, is that correct?

Township Planner, Blais Brancheau

- That is correct.

Township Engineer, Gerardo Maceira, P.E.

- That is correct.

David Delle Donne – Architect for the Applicant

- Just to clarify that "B1" comment Blais, the reason we have four sheets is initially that one of those sheets was the Marucci Engineering setback calculation and further explained it.

Daryn and Nicole Mount – Applicants

- Addressed Member Fomchenko's question regarding other homes in the neighborhood having done second floor additions.
- Addressed Chairman Stanziale's question regarding the shed being there before he bought the house or not.
- Addressed Member Fomchenko's question regarding the landscape wall and what purpose it serves.
- Addressed Member Giorgio's question regarding the right side of property having any fence, or shrubs.

Open to the Public for comments and or questions

Steve Martin was sworn in by the Attorney for the Board, Michael Sullivan, Esq.

Steve Martin

- 21 Salem Drive North.

- They did not ask me to speak on their behalf but knowing this meeting was happening I wanted to make sure that it is known that they are an important part of this neighborhood, there are a lot of growing families, I think somewhere in the neighborhood of fifteen children under the age of eighteen so this is a nice young neighborhood and the Mounts are in important part of it and we would like to keep them here in the neighborhood.
- As the cross the street neighbors from a height visual site line it is not a concern of us.

Melisa Van Wingerden was sworn in by the Attorney for the Board Michael Sullivan, Esq.

Melisa Van Wingerden

- 23 Salem Drive North.
- First, I would like to apologize I have a baby that is not happy right now so if you hear crying in the background I apologize.
- We live right across from the Mount's they are phenomenal neighbors; they are people that we would like to keep on the street with us, they are always there to lend a helping hand, or watch a child if you need them and I would be devastated if they left.
- I know if they were not granted the variances, they needed I would worry that they are going to leave the neighborhood and that would be sad.
- Also, I live right across the street from them, and height does not bother me, and I am one of the neighbors who is using them as a guinea pig we would eventually like to go up.
- We really hope that you really let this go so that we can keep them and keep the neighborhood as good as it is.

Closed to the Public

Attorney for the Board, Michael Sullivan, Esq.

- If the application is approved, I think we should add some conditions, that would be that the applicant would comply with and satisfy with comment "B1" in Mr. Brancheau's June 3, 2022, memo.
- That the applicant would correct the zoning information table to accurately reflect the left and side yards setback designations.
- The applicant would be bound by all representations made during the course of hearing and the applicant would be responsible for the payment of all escrow charges.

David Delle Donne – Architect for the Applicant

- I think that between the owner and myself we can manage those changes and meet those requirements.

Member Alwell

- From conversation and observation, it appears that the yard setback is just a verification of existing or preexisting condition and if the lot size were of the width it is supposed to be we would not be talking about side variances either.

- The lot size is contributing a lot to the variance about which we are talking.

A motion to approve the application with conditions was made by Member Fomchenko and seconded by Member Alwell.

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

Daryn and Nicole Mount – Applicants

- How long within you granting the variance does the construction have to start or be finished?

Board Secretary, Kimberly A. Bongiorno, LUA

- The way the ordinance is written is, construction has to begin within one year but as long as your construction has begun it does not have to be completed.

Attorney for the Board, Michael Sullivan, Esq.

- That is one year from the adoption of the resolution, which will be next month or the following meeting, Kim when is our next meeting?

Board Secretary, Kimberly A. Bongiorno, LUA

- It is the third Thursday but we do not have anything right now so it may just be a quick meeting to adopt this resolution.
- Addressed Chairman Stanziale's question regarding the early July meeting.
- We will try to do it in the June 16th even if it is a meeting just to do that.

VI. OTHER BUSINESS:

2021 ANNUAL REPORT

Township Planner, Blais Brancheau

- By law the Board is required to adopt annually a report on variances from the prior year, which variances were approved, which were denied and with that to make any recommendations based on those applications for ordinance and plan amendments.
- I have prepared a draft report and lists what I thought were items that should be considered in the ordinance that were brought to light or reinforced by the applications the board heard last year and the decision made concerning those applications.
- I will go through the recommendations that I put in the report, the first item is the limitation on the number of principle buildings currently in the ordinance, this produced the "Settimo and the Three Musketeers" application and further elaborated on it.
- My report asked the Governing Body to consider why the recommendation is there, if there is no good reason for it to get rid of it and if there is a good reason for it, may be the way to address

the will intent of that regulation, and further elaborated on it, it is something that needs be looked at it again.

- The second recommendation that is in the report is regarding directional or safety signs, again this came up in the “Settimo and the Three Musketeers” application, where they were proposing directional signs on the building.
- The wording of our code says, free standing signs necessary for directional purposes and it is silent concerning building mounted signs directional signs and to me that is probably a mistake in the drafting of that language and further explained it.
- The second recommendation is to permit both free standing and building mounted directional signs, also the height of those signs should be allowed to be mounted higher if they are on the building.
- The third recommendation in the report is regarding the floor area ratio for single family dwellings, either to amend them or to eliminate them, and gave his arguments to eliminate them, and his reasons to amend them.
- If volume and mass is the key issue in the floor area ratio and if you do not want to eliminate it entirely then I would amend the regulation to fully reflect volume and mass and further explained it and gave his recommendations.
- Item number four it related to floor area ratio and building coverage also for single family dwellings.
- The way those regulations read is they say it is a percentage of the lot but not to exceed an absolute figure.
- What happens with that as your lot size goes up, your home can get bigger but reach a point where even if I have a bigger lot because you have hit a cap, now you cannot get a bigger home.

Member Alwell

- Over the past year we have had several cases regarding pool decks patios and one portion of a driveway where all those areas went into improvement coverage.
- Do we want any consideration of taking those kinds of things that are impervious or not impervious and reduce them when calculating improvement coverage ratios?
- I though professionals said that other townships looked at paver patios at eighty percent instead of one hundred percent when doing these types of calculations.

Township Planner, Blais Brancheau

- It depends on the intent of the regulation, as the author of the original improvement coverage restrictions I know my intent was not storm water runoff.
- The intent of the improvement coverage regulation is to try and maintain in a suburban community green space and further elaborated on it.
- If anything, I would change the terminology to say instead of “Maximum Improvement Coverage” to say “Minimum Landscaped Area” or “Minimum Vegetated Area” in case there are woods or anything like that because that is really the intent.
- Addressed Member Alwell’s question regarding the gravel mulch and stated since the last amendment gravel mulch for landscaping beds are no longer counted for improvement coverage area.

- Addressed member Giorgio's question regarding river stones counting as improvement coverage and clarified that under the old ordinance it did but not under the new ordinance.
- Addressed Member Giorgio's question regarding the Giangrande's case and the approvals granted and agreed to change the language as per Member Giorgio's request after listening to her reasons and or concerns.
- Addressed Member Caruso's question regarding the garage floor and the sheds not being included in the floor ratio calculations and if that would ever go back to being the way it was, and stated it is not his recommendation and gave his reasons for it and advised him that it could be recommended.
- Held an open discussion with Member Caruso about volume and floor area ratio and the differences between them.
- I would amend the code to say the volume is the volume, what you do inside the building it is up to you, but as far as zoning goes volume is volume that is what we are looking at not how you use the volume.
- Addressed Chairman Stanziale's question regarding getting rid of both volume and or floor area ratio or keeping one.
- Addressed Member Giorgio's question regarding if the calculation of volume includes the basement and the attic.
- Clarified what his recommendations are as per Chairman Stanziale's request and explained how the process takes place once the board decides on how they would like to proceed.

Attorney for the Board, Michael Sullivan, Esq

- Just so we know, there was a resolution, and the statute talks about the board adopting a resolution for the annual report and that was circulated.
- The motion would be to adopt the resolution of the annual report and I assume the move would then include Carol Giorgio's amendment.

Township Planner, Blais Brancheau

- I would amend the language on middle of page one, where it currently says, "All of the applications were approved," I would amend that to say that "All of the applications were approved in part, in some cases some variances were denied," language to that effect.

A motion to approve the resolution of the Adoption of the Board of Adjustment 2021 Annual Report with amendments as stated was moved by Member Fomchenko and seconded by Member Bartell.

Members Corona, Caruso, Fomchenko, Giorgio, Bartell, Alwell, and Chairman Stanziale voted in favor of approving the resolution of the Adoption of the Board of Adjustment 2021 Annual Report with amendments and stated.

VII. ADJOURNMENT

A motion to adjourn the meeting was made by Member Fomchenko and seconded by Member Corona.

All members present in favor of adjourning the meeting.

Meeting Adjourned at 7:43 PM

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