

Minutes of the Board of Adjustment of the  
Township Of Hanover  
September 19, 2019

Chairman Benjamin Stanziale, Jr. called the Work Session Meeting to order at 7:11 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: Caruso, Donaldson, Fomchenko, Giorgio, Hingos, Neidhardt, Walsh and Chairman Stanziale.

Absent were Members: Alwell

Also present were: Board Attorney Michael Sullivan  
Township Planner Blais Brancheau  
Township Engineer Gerardo Maceira, P.E.

**Township Planner Blais Brancheau**

- Explained to the Board how an extension of time, variance and site Plans time deadlines work.

**Board Attorney Michael Sullivan**

- Explained the difference in Public Sessions from Land Use meetings and Township Committee meetings.

**PUBLIC BUSINESS**

Chairman Stanziale called the Public Meeting to order at 7:45 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: Caruso, Donaldson, Fomchenko, Giorgio, Hingos, Neidhardt, Chairman Stanziale and Walsh

Absent were Members: Alwell

Also present were: Board Attorney Michael Sullivan  
Township Planner Blais Brancheau

Township Engineer Gerardo Maceira, P.E.

**MINUTES**            MARCH 21, 2019  
                              APRIL 2, 2019  
                              MAY 7, 2019  
                              MAY 16, 2019

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

A motion to approve the Minutes of the year 2019 dated March 21, April 2, May 7 and May 16 as written was moved by Member Fomchenko and seconded by Member Neidhardt.

Voice vote; all present voted in favor to approve the Minutes of the year 2019 dated March 21, April 2, May 7 and May 16 as written.

**PUBLIC HEARINGS**

|    |                        |                                     |
|----|------------------------|-------------------------------------|
| 1) | <b>CASE NO.</b>        | 1836                                |
|    | <b>APPLICANT/OWNER</b> | 8 EAST FREDERICK PL., LLC           |
|    | <b>LOCATION:</b>       | 8 EAST FREDERICK PL<br>CEDAR KNOLLS |
|    | <b>BLOCK: 2104</b>     | <b>LOT: 7</b>                       |
|    |                        | <b>ZONE: I</b>                      |

Application to restripe parking area, approve existing outdoor storage, including variances for improvement coverage, loading space locations, screening of outdoor storage, parking setbacks, aisle widths, storage of prohibited vehicles. **Case carried by letter to December 3, 2019**

*Board decision due by: JANUARY 16, 2020*

**Board Secretary Kimberly A. Bongiorno LUA**

- Read the letter into the record.

A motion was made to carry the case by letter to 12,03,2019 by Member Walsh and seconded by Member Neidhardt.

Voice vote all present voted in favor to carry the case by letter to 12,03,2019.

|    |                        |                      |
|----|------------------------|----------------------|
| 2) | <b>CASE NO.</b>        | 1824                 |
|    | <b>APPLICANT/OWNER</b> | JOHN & YVETTE VIEIRA |



Board Attorney Michael Sullivan swore in the applicants Cesar and Pasqua Garcia.

- 83 Black Brook Drive

Board Attorney Michael Sullivan swore in the Township Planner Blais Brancheau and the Township Engineer Gerardo Maceira, P.E.

### **The applicants Cesar and Pasqua Garcia**

- Received the Planners review memo dated 9, 18, 2019.
- Explained her personal health struggles.
- Fence proposed 15ft. from the property line.

### **Board Attorney Michael Sullivan**

- Reviewed the variances that the applicant seeks.
- Variance 1; section 166-1332B1.8.1 only allows for 3.5 ft. vs the requested 6 ft.
- Cornor property with both side yards.
- Fence on Katherine Drive is a front yard.
- Explained reasons to grant a variance.
- Ordinance 166-138.2B1A1 stated must be 50% opening.
- Being a corner lot doesn't grant you a variance.
- Explained the difference between a personal hardship which is not reviewed by the Board and an exceptional circumstance that causes hardship with the property.
- Reviewed photos submitted to the board; that were taken by the applicant.

### **Exhibit A-1**

- Photo of the Dog

### **Exhibit A-2**

- Photo of the Turkey

### **Exhibit A-3**

- Photo of Fox

### **Exhibit A-4**

- Corner lot fence located on Griffith and Beaumont.

### **Exhibit A-5**

- Sunset and 26 Runnymede Ct.

**Exhibit A-6**

- Sunset and 2 Runnymede Ct.

**Exhibit A-7**

- Sunset and Troy Hills Rd.

**Exhibit A-8**

- Blackbrook Drive and Seamount Drive.

**Township Planner Blais Brancheau**

- The fence is not allowed due to its height and because it's solid.
- Went over the types of fences allowed and the requirements.

**Chairman Stanziale**

- Explained there were recent amendments to the ordinance that address fences on corner lots.
- New ordinance must be followed

**Township Planner Blais Brancheau**

- Reviewed requirements to be able to put a solid fence.
- Reviewed requirements to put a fence at the property line.

**Board Attorney Michael Sullivan**

- Provided the applicants with options for the evening.

**Chairman Stanziale**

- Questioned what the fence requirements are for a berm.

**Township Planner Blais Brancheau**

- Read the definition of a structure as a fence is considered a structure.
- Suggested that the topography could be an exceptional circumstance.
- Must have plans showing the slope, how much of the area is affected by it and it must be deep enough so a determination can be made if it is a hardship or not.

**Board Attorney Michael Sullivan**

- Explain the positive and negative criteria that must be met.

**Township Planner Blais Brancheau**

- Explained location where ordinance meeting criteria fence could be put up.

**The applicants Cesar and Pasqua Garcia**

- Withdrew the application.

**Back to Case # 1824 – John and Yvette Viera**

**Applicant Yvette Viera**

- Requested to carry to a later date to work on calculations.

**Board Attorney Michael Sullivan**

- Case carried to October 17, 2019, no further notice required.

A motion to carry the case to the October 17, 2019 meeting with no further notice required was made by Member Walsh and seconded by Member Neidhardt.

Voice Vote ; all present voted in favor to carry the case to the October 17, 2019 meeting with no further notice required.

The board took a short break.

Back on the record.

|           |                    |                          |
|-----------|--------------------|--------------------------|
| <b>4)</b> | <b>CASE NO.</b>    | 1795-R1                  |
|           | <b>APPLICANT</b>   | COBRA AUTO PARTS         |
|           | <b>OWNER</b>       | JOE LASORSA & SONS, INC. |
|           | <b>LOCATION:</b>   | 156 PARSIPPANY ROAD      |
|           |                    | WHIPPANY                 |
|           | <b>BLOCK: 8503</b> | <b>LOT: 4</b>            |
|           |                    | <b>ZONE: R-40</b>        |

Applicant is requesting an extension of prior approval while applicant considers viability of modifying the approved office structure to have a more residential structure appearance. Applicant is also seeking to amend the rems of the prior approval condition # 15 regarding the date by which site landscaping, fencing and parking area improvements are to be implements. “D” variance relief is sought to increase the size of the office structure and location in front yard.

***Board decision due by: OCTOBER 24, 2019***

### **Larry Calli Attorney for the Applicant**

- Explained all the work that has been done.
- Provided history of the property.
- DEP required the applicants to build an open air structure.
- Discussed the proposed improvements and the proposed phasing plans.
- Reviewed the trailer condition approved previously granted.
- No changes projected for the uses of this business.
- Here seeking to Amend prior approval, to close open permits and then hoping to move into phase 3 if the applicant builds the office and seeking the extension for paving to September next year.

### **Township Planner Blais Brancheau**

- Reviewed the prior resolution and timing, enlisted what has or has not occurred.
- Explained the reasons to have a 2 year limit on site plan approvals.
- Explained reasoning of the rules and deadlines that are there to allow the municipality to change its mind based upon change of circumstances.
- Explained that the applicant is seeking an extension with new deadlines for improvements.

### **Chairman Stanziale**

- Questioned why the fence was not installed after a 2 year time limit, ignoring the mandate of this board.

### **Member Neidhardt**

- The construction of the office doesn't affect the installation of the fence.
- Installing the fence would have been a good faith effort to meet the applicants obligations tied to the approval.
- There is no clear explanation why the applicant failed to install the fence.
- The office structure was an optional phase.

Board Attorney Michael Sullivan swore in William Lane Engineer for the Applicant.

### **William Lane Engineer for the Applicant**

- 261 Cleveland Avenue, Highland Park, NJ.

Board Attorney Michael Sullivan swore in the township Planner Blais Brancheau and the Township Engineer Gerardo Maceira P.E.

### **William Lane Engineer for the Applicant**

- Provided his qualifications and experience.

- Phase I; has been completed.
- Phase II; site improvements and described what has been completed it and what's being proposed to be completed.
- Phase III; it shows the office structure.
- Describe the elevations for the office floor plans.
- Describe the first and second floor plans lay out for the Office.
- The applicant will be able to comply with the tree requirement.

**Larry Calli Attorney for the Applicant**

- Combined side yard is short but the setback relief can be eliminated by sliding the building if the Board desires.

**William Lane Engineer for the Applicant**

- Anything above the 8ft. fence will be visible.
- The building is about 25 ft.
- The residential feel is basically the front of the office that gives it a curb appeal.

**Board**

- Requested that the fence be graduated.

**Township Planner Blais Brancheau**

- Reviewed the variances that would still be required if the extension of time was granted.

**Larry Calli Attorney for the Applicant**

- Agreed to graduate the fence past the parking.
- Seeking changes only to allow the office building to be larger.
- Asking for a one year extension to October 1, 2020 for all of phase II to be completed.

**Open to the Public**

There were no questions offered by members of the public.

**Close to the Public**

Carlo Lasorsa one of the owners of Cobra Auto Parts was sworn in by the Board Attorney Michael Sullivan

**Carlo Lasorsa one of the owners of Cobra Auto Parts**

- 80 Algonquin trail, Oakwood, NJ.



- Describe the business operations at this site and advised no change for his business operations.
- Explained the kinds of customers they have on site.
- For deliveries made by trucks these take place inside behind the gate.

Open to the public

There were no questions offered by members of the public.

Close to the public

**Township Engineer Gerardo Maceira P.E.**

- Explained the concerns over the drainage for storm water runoff.

**Larry Calli Attorney for the Applicant**

- Review the Engineer's report, expressed no concerns are with report from 9/19/19 and that all comments are acceptable.

Open to the Public

Terri Baird was sworn in by the Board Attorney Michael Sullivan.

**Terri Baird**

- 180 Parsippany Rd, Whippany, NJ
- Questioned the River Stone drainage in the parking lot and the amount of water.
- Believes most of the water coming into people's yards from across the street from Nye Avenue.
- After several complaints to the county they put a berm in front of my property.
- The owners have been wonderful neighbors and have made a wonderful improvement on looks of the property, it's clean, and no noise comes from the site.

Close to the Public

**Township Planner Blais Brancheau**

- Questioned the location of the free parking barrier depending to whether or not the building is built.
- Requested the barrier free space to be closer to the existing building to avoid exposing the handicap to vehicular failure.

**William Lane Engineer for the Applicant**

- Parking lot is too steep in that location and would not be able to meet the grading.

**Board Attorney Michael Sullivan**

- Summarized the conditions of approval if the board approves the application.

A motion to approve the application with conditions was made by Member Walsh and seconded by member Hingos.

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

**OTHER BUSINESS:**

**None**

**ADJOURNMENT**

A motion to adjourn the meeting was moved by Member Walsh and seconded by Member Neidhardt.

In voice all present voted in favor of adjourning the meeting.

Meeting Adjourned at 10:18 P.M.

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