

**Minutes of the Planning Board of the
Township of Hanover
February 9, 2021**

THE FOLLOWING IS AN AGENDA FOR SAID MEETINGS AND FORMAL ACTION MAY OR MAY NOT BE TAKEN ON A PORTION OF THIS AGENDA. THE PUBLIC IS INVITED AND MAY ATTEND SAID MEETINGS SUBJECT TO THOSE AREAS OF CONSIDERATION DESIGNATED, IF ANY, FROM WHICH THE PUBLIC MAY BE EXCLUDED PURSUANT TO SECTION 7B & 8 OF THE LAWS OF 1975.

PUBLIC MEETING 7:00 P.M. VIA ZOOM WEBINAR ONLY

PUBLIC BUSINESS

1. Statement by Presiding Officer

Chairman Peter De Nigris called the Public Meeting to order at 7:02 PM and read the Open Public Meetings Act into the record.

2. Roll Call

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Byrne, Critchley, Deehan, De Nigris, Dobson, Mayor Ferramosca, Gallagher, Glawe, Monzo, and Olsen

Absent were Members: Mian.

Members of the Public were: Terri Baird, John Sheridan

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

3. Resolutions

1)	CASE NO.	20-1-2
	APPLICANT	224 RIDGEDALE LLC
	OWNER	LOTS 8&9 224 RIDGEDALE LLC
		REMAINING LOTS HANOVER RIDGEDALE LLC
	LOCATION:	224, 226, 248 & 250 RIDGEDALE AVE. &

110 HANOVER AVE., CEDAR KNOLLS
BLOCK: 1702 **LOTS:** 8,9,12.03,12.04,12.05,12.06,12.07 **ZONE:** IB-3

Applicant sought Preliminary and Final Site Plan, Minor Subdivision, and “C” variance relief to construct a 3-story plus basement level approximately 106,222 sf., climate-controlled self-storage facility on the subject property. Associated improvements include an underground storm water management system, driveways, parking areas, site lighting, building and freestanding signage. A rooftop solar array is also proposed.
APPLICATION APPROVED WITH CONDITIONS JANUARY 26, 2021

Attorney for the Board Michael Sullivan

- Addressed Chairman De Nigris question.

A motion to approve the resolution with conditions as written was moved by Member Gallagher and seconded by Member Deehan.

Members Deehan, Dobson, Glawe, Olsen, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the resolution with conditions as written.

Member Byrne lost zoom connection, reconnected after voting section had ended.

4. **Minutes -** JANUARY 19, 2021
JANUARY 26, 2021

A motion to approve the Minutes of January 19, 2021 and to defer the Minutes of January 26, 2021 to a later date was moved by Member Olsen and seconded by Member Critchley.

In voice all present voted in favor of approving the Minutes of January 19, 2021 and to defer the Minutes of January 26, 2021 to a later date.

5. **Public Hearing**

- 1) Hearing and public comment on the adoption of the Township’s Housing Element and Fair Share Plan

Edward J. Snieckus – Burgis and Associates, Inc., was sworn in by the Attorney for the Board Michael Sullivan

Edward J. Snieckus – Burgis and Associates, Inc.

- 25 Westwood Avenue, Westwood, New Jersey. – Burgis Associates.

- Shared his screen and further explained started by giving a brief background of the settlement agreement.
- Briefly went over the '2021 Amended - HE & FSP'.
- Gave a brief background on 'JMF/PINE PLAZA'.
- Explained the 'JMF/ PINE PLAZA: Affordable Unit Off – Site Location'.
- Went over '190 PARK AVE: JMF Affordable Off – Site Units'.
- Went over the 'JMF/Pine Plaza Units: Plan to Address RDP= Unchanged'.
- Explained the '30N. Jefferson Rd: Future 4th Round Site'.
- Explained what the 'Next Steps' are.
- Addressed Chairman De Nigris question regarding the timetable for it to be build.

Open to the Public

After hearing none

After seeing none

Closed to the Public.

Attorney for the Board Michael Sullivan

- I prepared a resolution of the Planning Board of the Township of Hanover, adopting 'The Housing Fair Share Plan' referenced by Mr. Snieckus.
- The motion would be if the Board so incline to adopt that resolution approving that '2021 Housing Element Fair Share Plan'.

A motion to approve the adoption of the 'Township's Housing Element and Fair Share Plan' and memorialize resolution was moved by Member Deehan and seconded by Member Dobson.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the adoption of the 'Township's Housing Element and Fair Share Plan' and memorialized resolution.

2) Hearing and public comment on the on the adoption of the Land Use Plan Amendment.

The Township Planner Blais Brancheau was sworn in by the Attorney for the Board Michael Sullivan.

Township Planner Blais Brancheau

- Gave a brief overview.
- Further explained the amendments starting on page '6' of the 'Land Use Plan'.
- Went over other minor changes listed on page '7' and further explained.

Open to the Public for questions

Terri Baird

- 180 Parsippany Road, Whippany.
- I see in both plans there are references to “R-M7 Zone” and I am looking at the ordinance that is going in front of the Township Committee, that gives greater detail as to what goes into the ‘R-M7 Zone’.
- I see that it includes an exemption for ‘The Town’s Tree Ordinance.’
- Expressed her concern with the exemption with the ‘The Town’s Tree Ordinance’.

Township Planner Blais Brancheau

- Addressed Mrs. Baird’s concern.

Terri Baird

- So, they do not have to plan any trees there at all?

Township Planner Blais Brancheau

- Addressed Mrs. Baird’s concern.

Terri Baird

- The building footprint is going to be larger than the ‘Marriot Hotel’ would be?

Township Planner Blais Brancheau

- Yes, it would.

John Sheridan

- Whippany Road, Whippany.
- My question is to Blais, there are 30 units set aside that are furnished, that are rental units; not short term, not long term but intermediate term?

Township Planner Blais Brancheau

- A typical rental unit has a 1-year lease term, and further explained.

John Sheridan

- Will these units generate revenue as Hotel rental would?
- Can we get that information it seems critical to ingratiate someone with this type of building use and then not be able to generate some revenue?

Township Planner Blais Brancheau

- I cannot speak to that; I do not know for certain on that one.

Attorney for the Board Michael Sullivan

- Mr. Sheridan when we are talking about revenue, are you talking about if the property is going to be taxed?

John Sheridan

- No, I am talking about some more of a Hotel tax that you would have on any.

Attorney for the Board Michael Sullivan

- The Hotel tax would not be applicable to this.

John Sheridan

- If there is going to be some form of short-term use rental, why would it not apply?

Township Planner Blais Brancheau

- If the law requires that it to apply it would if it does not, then it would not.
- I do not think that we can waive the law but again that is not something that I focus on or that I am familiar with.

Attorney for the Board Michael Sullivan

- Mr. Sheridan that is accurate I do not think that the Board focused on that.
- I do not know to what extend the Governing Body explored that.
- When is the Public hearing on the ordinance Blais?

Township Planner Blais Brancheau

- I believe it is Thursday night.

Attorney for the Board Michael Sullivan

- That is an opportunity to ask that Mr. Sheridan if you chose to do so.

Chairman De Nigris

- My understanding is that it is going to be treated the same as the Place on Ridgedale, ... right across the highway; there is a place you stay for longer periods a night a week may be 2 to 3 months. It is the same principle.

John Sheridan

- What I am asking specifically for and I appreciate your answer Mr. De Nigris and Mr. Sullivan, if that is not clearly no allowed, then it seems to me that it should be allowed under the definition of the 'Hotel tax' because basically that is what we are doing here.
- It is a short-term round, and you are calling it by another name.

Attorney for the Board Michael Sullivan

- Mr. Sheridan you may be correct, but I do not think that we are going to resolve that here tonight.

John Sheridan

- Mr. Sullivan with all the respect to you, the Board attorney, you are here to vote on this ordinance ...

Attorney for the Board Michael Sullivan

- No, we are not here voting on an ordinance.

John Sheridan

- I am sorry the application.

Attorney for the Board Michael Sullivan

- It is not an application either, let me explain.
- As Mr. Brancheau explained we are considering right now an 'Amendment to the Land Use Plan', we are adopting a 'Land Use Element' and Mr. Brancheau went through what the changes were with respect to this element.
- So, what is going to happen is that if the 'Board' approves this and the 'Governing Body', the next step would be that they would have a public hearing on their ordinance and they would either adopt it or not adopt it.
- My understanding is based on what Mr. Brancheau just said and Mr. Snieckus said before; is that is Thursday night.

John Sheridan

- Understood. Would it not be wise to have the Planning Board make this recommendation?
- In the meantime, it gives you time and the Township's attorney time to research the validity of adding the hotel tax to this number of rooms.

Attorney for the Board Michael Sullivan

- Mr. Brancheau hit the nail on the head, it is either going to apply or not apply based upon wording on the legislation.

John Sheridan

- But I understand you do not know exactly.

Sullivan

- Correct.

John Sheridan

- Okay, so that is what I am looking for. I am looking for some guidance to give to the Township Committee through the Planning Board as to how this would affect the ordinance amendment.

Attorney for the Board Michael Sullivan

- For purposes of us adopting the 'Land Use Plan Element' I do not think we need to know that tonight.

Township Planner Blais Brancheau

- Addressed Chairman De Nigris question.
- I do not think that this Board can modify the terms of a 'settlement agreement', or the terms of a 'hotel tax law'.
- I think that is what Mr. Sullivan is saying, we may want a 'hotel tax' to be paid but the law would control that and the 'settlement agreement'. Neither of which this Board has control over.

Chairman De Nigris

- Mr. Sheridan may be the answer is to check with the Governing Body, maybe they have the right answer for you.

John Sheridan

- Thank you, Mr. De Nigris.
- Through Mr. De Nigris to Mayor Ferramosca, is that something that you can get involved in determining? You are a member in the Township committee as Ace Gallagher.

Mayor Ferramosca

- This issue belongs with the Township Committee, this is not domain to the Planning Board.

John Sheridan

- But you as the Mayor can bring it to the Township Committee, correct?

Mayor Ferramosca

- This has been already discussed with the Township Committee and the question if you want to address it on Thursday night Mr. Sheridan the Township Committee's attorney will address that specific question, but it is not domain of this Board.
- This Board is not a taxing authority.

John Sheridan

- I do not recognize it as a 'taxing authority' but what I do recognize is that you apparently created a hyped situation here regarding the way you are finding this and correct me if I am wrong Mr. De Nigris; the ...
- With that being said, Mayor if you are telling me that the Township Committee already spoke about this and addressed it, perhaps you have the answer.

Member Critchley

- To my understanding this Board was not involved in revenue decisions, so I do not know why we are discussing this.

Chairman De Nigris

- Mr. Sheridan can I suggest that the 'Governing Body' can probably answer your question on Thursday's meeting.
- We do not get involve with it and we do not have an answer for you.

Township Planner Blais Brancheau

- I do believe this was address in the 'Settlement Agreement', but I cannot tell you what it said.

Terri Baird

- 180 Parsippany Road, Whippany.
- A slight piggyback on what was previously said, will these rental units be inspected between each rental? Like other must be in town.
- Is not there an ordinance in town where rental units must be inspected in between new residents coming in?

Township Planner Blais Brancheau

- That is correct Terri, and further explained.

Terri Baird

- Okay, will bring it up again at the Town's meeting again, Thank you.

Closed to the Public.

Attorney for the Board Michael Sullivan

- Summarized.
- Yes, we have a resolution that adopts the ‘Land Use Plan’ that was prepared by Mr. Brancheau 1/27/202.
- The resolution adopts it if that is what the Board is inclined to do so.

A motion to approve the ‘Adoption of the Township’s Land Use Plan Amendment February 2021’ and memorialized resolution was moved by Member Byrne and seconded by Member Critchley.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the ‘Adoption of the Township’s Land Use Plan Amendment February 2021’ and memorialized resolution.

6. Referral and authorization for Chairman to sign Letter of Referral – Ordinance 1-2021 Deleting Article XIXA Entitled “Transfer of Development Credits

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

A motion to approve the ‘**Referral and authorization for Chairman to sign Letter of Referral – Ordinance 1-2021 Deleting Article XIXA Entitled “Transfer of Development Credits**’ was moved by member Dobson and seconded by Member Gallagher.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the ‘**Referral and authorization for Chairman to sign Letter of Referral – Ordinance 1-2021 Deleting Article XIXA Entitled “Transfer of Development Credits**’

7. Referral and authorization for Chairman to sign Letter of Referral – Ordinance 2-2021 Amending Section 141-7 Entitled “Basis for Establishing Areas of Special Flood Hazard”

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

A motion to approve the **Referral and authorization for Chairman to sign Letter of Referral – Ordinance 2-2021 Amending Section 141-7 Entitled “Basis for Establishing Areas of Special Flood Hazard”** was moved by Member Deehan and seconded by Member Byrne.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the **Referral and authorization for Chairman to sign Letter of Referral – Ordinance 2-2021 Amending Section 141-7 Entitled “Basis for Establishing Areas of Special Flood Hazard”**.

8. Referral and authorization for Chairman to sign Letter of Referral – Ordinance 3-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and

Development Legislation” to revise the Stormwater Management Requirements for Major Developments to comply with State Regulations.

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

A motion to approve the ‘**Referral and authorization for Chairman to sign Letter of Referral – Ordinance 3-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and Development Legislation”**’ to revise the Stormwater Management Requirements for Major Developments to comply with State Regulations’ was moved by Member Byrne and seconded by Member Olsen.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the ‘**Referral and authorization for Chairman to sign Letter of Referral – Ordinance 3-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and Development Legislation”**’ to revise the Stormwater Management Requirements for Major Developments to comply with State Regulations.’

9. **Referral and authorization for Chairman to sign Letter of Referral – Ordinance 4-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and Development Legislation”** with the establishment of a new Article XXIXD3 entitled “RM-7 Residence District”

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

A motion to approve the **Referral and authorization for Chairman to sign Letter of Referral – Ordinance 4-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and Development Legislation”** with the establishment of a new Article XXIXD3 entitled “RM-7 Residence District” was moved by Member Byrne and seconded by Member Dobson.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the **Referral and authorization for Chairman to sign Letter of Referral – Ordinance 4-2021 Amending and Supplementing Chapter 166 of the Code of the Township Entitled “Land Use and Development Legislation”** with the establishment of a new Article XXIXD3 entitled “RM-7 Residence District.”

10. Other Business

None.

11. Adjournment

A motion to Adjourn was moved by Member Olsen and it was seconded by Member Byrne. All members were in favor of adjourning the meeting.

Meeting Adjourned at 7:47 PM

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