

**Minutes of the Planning Board of the
Township Of Hanover
March 26, 2019**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:00 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: Byrne, Deehan, De Nigris, Ferramosca, Mayor
Francioli, Glawe, Nardone, Olsen, and Chairman Pinadella.

Absent were Members: Critchley and Dobson

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

Chairman Pinadella

- Chairman Pinadella called the meeting and read OPMA (Open Public Meetings Act)
- Secretary took roll call.
- Chairman Pinadella reviewed agenda for the evening.
- Chairman Pinadella reviewed last week's meeting and reasons for not pulling Board regarding foot candles if you got an appeal for something build that way.
- Board's procedures going back to the old rule of "don't shout out questions" go back to "being recognized by Chairman Pinadella."
- Charles Applebaum, Attorney for Whippany Village; explained the future of Whippany Village.
- Retail development showed to be coming into Land Use office sometime this week.
- There is a contract purchaser for the site.
- Township planner Blais Brancheau, reviewed concept plan for Hotel on Park Avenue.
- Reviewed the area running the proposed zone amendment change on Park Avenue.
- Zone I - P no Industrial on Planner development within the zone.
- Wants to change and make a new zone to be more in line with what is in the area currently.
- Looked at Building Heights and other standards for the zone.
- Board agrees with changing zone.
- Mayor Francioli brought up flight flyovers in this area from Morristown airport.
- Board consensus is to go ahead and create a new zone.
- Board does not want retail in this zone.

PUBLIC BUSINESS

Chairman Pinadella called the Public Meeting to order at 7:30 PM and read the Open Public Meetings Act into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Byrne, Deehan, De Nigris, Ferramosca, Mayor Francioli, Glawe, Nardone, Olsen, and Chairman Pinadella.

Absent were Members: Critchley, Dobson.

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

RESOLUTIONS

- 1) **CASE NO.** 18-11-19
APPLICANT/OWNER Novartis Pharmaceuticals Corporation
LOCATION: 220 East Hanover Ave.
Cedar Knolls
BLOCK: 601 **LOTS:** 1.01 **ZONE:** IB-3

Applicant sought Preliminary and Final Site Plan and Variance relief for the installation of an above ground 19-foot-tall CO₂ tank and associated improvements. The proposed improvements will allow the applicant to continue its operations while increasing its production capabilities to meet the standards and needs of the industry. APPLICATION APPROVED MARCH 19, 2019

A motion to memorialize the resolution as written was moved by Member Ferramosca and seconded Mayor Francioli.

Members Deehan, Olsen, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor of memorializing the resolution.

- 2) **CASE NO.** 17-7-9-R1
APPLICANT/OWNER HANOVER & HORSEHILL DEVELOPMENT LLC
LOCATION: 178 E. HANOVER AVENUE

CEDAR KNOLLS

BLOCK: 701 LOTS: 1.01 ZONE: IB-3

Applicant sought amended preliminary and final site plan approval and “C” variances in order to amend the previous approval for a 3,010 square foot bank with drive through. The improvements associated with this application include a 2,736 square foot bank with drive up ATM, 12 additional parking spaces, landscaping and other ancillary site improvements. APPLICATION APPROVED MARCH 19, 2019

A motion to memorialize the resolution as written was moved by Member De Nigris and seconded Ferramosca.

Members Deehan, Olsen, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor of memorializing the resolution.

MINUTES – NONE

PUBLIC HEARINGS

- | | |
|-----------------------|--|
| 1) CASE NO. | 13-12-21 |
| APPLICANT | ANDREW A. & THERESA A. BELUSKO |
| OWNER | ANDREW & THERESA BELUSKO LOT 36
CHRIS BAGLEY AND ELIZABETH MINIERO LOT 27 |
| LOCATION: | 61 BRANFORD ROAD
WHIPPANY |
| BLOCK: 7602 | LOTS: 27 & 36 ZONE: R-15 |

Applicant sought approval for a lot line adjustment to relocate the shared rear lot line between two lots. Application approved April 17, 2018. Applicant is now seeking an extension of time to perfect the minor subdivision.

Attorney for the Applicant – David Burton-Brady

- Has no witness.
- We received approval on April of last year, we have some plan revisions and had to get the Deed descriptions approved and we had to get a release of that small piece property from the Mortgage that the seller had on it; after it all had occurred the 190 days had passed.
- Due to last minute complications maybe 2 to 3 weeks ago the seller told me they’ve refinanced other than that we are ready to go.
- My reading of the statute is the board can extend it for 1 year from the time it would’ve normally have which will bring it to this fall to give me time to get that clear and see if I can get the mortgage release.
- The applicant is requesting an extension of time of 1 year which will bring it to the fall to November 14, 2019.

Attorney for the Board - Michael Sullivan ESQ.

- The Applicant has 190 days from adoption of the resolution to perfect everything.
- I don't recall us going over that time period on a minor subdivision in the past but it is going to be up to you.

Blais Brancheau & Gerardo Maceira. PE., - Sworn by the Attorney for the Board Michael Sullivan ESQ.

Blais Brancheau

- The reason why application expire unless extended is to allow the Municipality to amend its zoning and planning policies for particular areas, so you don't have old applications that has never moved forward; holding up your ability to rezone.
- In this case there has been no rezoning since the application was adopted and there are none planned in the Master plan or in the Land use ordinance.
- The zoning today and the zoning tomorrow is the same as the zoning that was in place at the time the application was approved just so you know because that is relevant to the extension.

Mayor Francioli

- What is the implication if his time has run out? In other words what is the impact of the zone change?

Blais Brancheau

- There is no zoning change; but if for example you were to deny the extension. He would have to file all over again for the same application it would be the same zoning as it was at the time.
- All I am saying is that the zoning hasn't changed.
- There are no new policies that would be in play if the same application was filed today; it would be the same as the one filed before.

Open to the Public

After hearing or seeing none

Closed to the Public

A motion to approve the extension of this application for one year to November 14, 2019; was moved by Member Ferramosca and seconded by Mayor Francioli.

Members Deehan, Nardone, Olsen, Glawe, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor of extending this application for one year.

2) **CASE NO.** 18-2-4
 APPLICANT/OWNER 2H LLC
 LOCATION: 500 ROUTE 10
 WHIPPANY
 BLOCK: 7501 **LOT(S):** 7 & 8 **ZONE:** B-10

Applicant is seeking preliminary and final site plan and “C” variance relief for exterior improvements to the building such as terraces, aesthetic designs and new signage and to provide additional ingress/egress access, add and elevator vestibule for handicap access and restriping and parking lot improvements.

Board Action Date – APRIL 1, 2019

Attorney for the Applicant, Rosemary Stone-Dougherty

- 57 Main Street, Chatham, NJ
- We are here tonight on an application for preliminary and final site plan; on what is my client is proposing to basically renovate and reconfigure the interior of what most people in this building would refer as the old PNC bank building.
- Located on 550 Rt. 10, Block 7501 and Lots 7 & 8.
- To provide with a retail component on the first floor and an office space on the second floor; which is consistent with the rezoning in B-10 district, under the town ship’s ordinance.
- Would like to provide a brief overview; I am aware of letter received by the Board from attorney Thomas Malman, earlier today in regards some concerns on the application regarding one of the issues that my client has been addressing with all of our neighbors since this application went in to the queue and some of the commentary that the planner had mentioned in his last planning memo.
- There was also an exhibit that my client had submitted for the board planner and engineer to have a pre-look at.
- We have various counselman in the room right now representing the various parties; M&E Rail Road, Whippany Village, we have; the current owner and the perspective purchaser as well as the church counsel.
- I can say that up until right before the start of this hearing; we are still trying to come up with a more global solution as how to ingress and egress and how the site would work.
- We have a concept that we generally are on agreement on, however we would still be some things that need to be done.
- My client plans on proceeding tonight, with the plans that were provided to the board Mr. Meola will indicate some of the revisions and discussions as we go forward, with the idea that we would like to propose to face the development of the PNC bank building to allow for the 1st floor to be able to proceed and move forward as we hear in the testimony we have more than adequate parking to be able to do that, so that the client can begin the reconstruction and redevelopment of the site and have as a condition of the resolution of approval that once getting 5 attorneys in the room to agree on things and put those agreements in place that we would provide to the board as a condition of approval whatever alternate agreement comes out before we pull the permits for the second floor.
- That is our proposal that we plan on proceeding with this evening.

Chairman Pinadella

- You said that you have more than adequate parking?

Attorney for the Applicant, Rosemary Stone-Dougherty

- For the 1st floor yes.
- We need a total parking variance space based on the calculations for the first and second floor. That is why we are proposing to phase it to allow us to proceed with the first floor development; so that we can start making the necessary improvements to the site; and to be able to start bringing the site back into futility and getting the improvements in place.
- While counsels for all five different entities workout iron out the details.
- Also subsequently; it is to my understanding that Whippany Village has their own application and plan on submitting it to this board where they need to work with us to finalize those agreements as well as how it would impact their plan coming in front of this board.
- In fairness; because we've had a couple of conversations we've requested several postponements to try and iron out all these details.
- The applicant does need to proceed in some fashion.
- Counsels can speak for their respective parties that are here, but I don't believe unless something has changed since we spoke outside a few moments ago, any counsel in the room object of our client being able to start moving forward and start on those first floor revisions, renovations and significant improvements that are needed at the location.

Chairman Pinadella

- You wouldn't expect us to grant overall approval for this at this point.

Attorney for the Applicant, Rosemary Stone-Dougherty

- We would expect that hopefully a preliminary and a final that would be condition on the second floor having this agreement work out.
- If the board was not willing to do that then we will request preliminary approval to allow the first floor to proceed and then we would come back for final. Either way works for the applicant.

Chairman Pinadella

- Are you aware of Mr. Brancheau's memo?

Attorney for the Applicant, Rosemary Stone-Dougherty

- I have the memo from Mr. Brancheau dated 12 18, 2018.

Attorney for the Board, Michael Sullivan, ESQ.

- That is the correct one
- You also have Mr. Maceira's memo.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Mr. Maceira's memo is dated it 12 17, 2018. I have it.

Chairman Pinadella

- The reason why I bring this up; it is because there are a number of variances and waivers being requested with this application.

Attorney for the Applicant, Rosemary Stone-Dougherty

- That is correct, there are a total of 12 being requested, and many of them as you are aware have to do with the preexisting location of the building.
- There are some strings on the property that exist there today; and the effort of the applicant to preserve the character of the building which was one of the things that was a theme through the technical review process.

Chairman Pinadella

- I find it hard to believe that we can proceed with this application without getting the answers to some of the violations, especially with the overall parking violation.
- It doesn't make sense that if you don't have the total of number of parking spaces required and the answer to some of the violations existing here, also the necessary agreements in place for shared parking and shared access.

Attorney for the Applicant, Rosemary Stone-Dougherty

- In fairness, as you hear the testimony of the architect and the engineer going through the variances; some of the variances are more deminimis in nature.
- We have 3 of the variances coming from the technical reading of the ordinance regarding the freestanding sign. Those are 3 out of the 12
- The parking situation we've improved the parking that is on the site existing today. If you go out there right now; there is not striping.
- We are trying to put together an actual striped parking plan and you will hear the engineer testify today; that it is going to provide some uniformity, direction on the site; that is going to work with the neighbors; the church, with Whippany Village and also adjust the issue that the railroad has for not having any of their own parking at their location.
- We have a general conceptual plan that we are all in agreement to, but there are certain tweaks that still need to be done.
- Our application under the ordinance, we have to deal with our site.
- My client is trying to deal with our site; move forward, provide for the opportunity to fix all these other sites.
- In fairness Mr. Chairman we're the piece of the puzzle here.

Chairman Pinadella

- In fairness it is your decision to move forward and that is fine
- I would only tell you that in fairness this board is going to act on exactly what you said; and that is your site.

Attorney for the Board; Michael Sullivan, ESQ.

- How many witnesses you plan on calling?

Attorney for the Applicant, Rosemary Stone-Dougherty

- Mr. Frederick C. Meola; who is the license Engineer.
- The licensed Architect
- My Client, I have the representative of the applicant who is here tonight.

Attorney for the Board; Michael Sullivan, ESQ.

- When you say tonight; you contemplate carrying this to a subsequent meeting, because you need additional testimony and additional witnesses.

Attorney for the Applicant, Rosemary Stone-Dougherty

- I will see how much time we get through, where the questioning and testimony goes; to see if I might need to have a planner that we have prepared to testify and be able to come as he wasn't able to be here with us tonight. But we will see if it needs to go there tonight.

Sworn by the board Attorney Michael Sullivan, ESQ.; The Township Engineer Gerardo Maceira, P.E. and the Township Planner Blais Brancheau.

Sworn by the Board Attorney Michael Sullivan, ESQ.; the applicant's Engineer Frederick C. Meola.

- He is a license Engineer in the State of NJ and land surveyor
- His licenses are all current.
- The plans that the board has with them with the denied are dated September 29, 2018.
- Reviewed existing conditions on the site today.
- Sheet 105; on the left side is the existing conditions as they are today.
- You have the Whippany road jug handle on the West to the site; we have the Presbyterian Church on the East of the site.
- The access for the site comes in the East loops around comes out to the jug handle.
- This is the old PNC building or the old First Iron bank of Whippany.
- There used to be a drive up on the East side, which is not needed and it will be removed.
- The parking was in the rear area of the site and it is all black top back there, except for the most westerly finger of the site.
- This property was originally two lots that came out of the jug handle.

- The jug handle basically ate up most of the one lot, except for this portion in the rear which was acquired by the predecessor to PNC bank.
- It's got the jug handle on one side, Route 10 on the South and it boards the Rail Road property to the north.
- I will highlight some of the little changes that have occurred since the board with the meetings we've had.
- We have the dumpster in the westerly side.
- In discussions with the Church and the Rail Road; the railroad is willing to allow us to do it.
- The dumpster will be moved onto the railroad property about where the high tension tower is. So it would be enclosed over there.
- We gain one more parking spot.
- The parking on the rear shows as 15, I believe we are at 14 now.
- The other request was to make the other driveway a two way, between Church and the Rail Road property and then they would either go to the west, come out to the jug handle.
- They would come in either from the jug handle or from the Easterly side of our site where our driveway is presently and that is what will continue using.
- The other requests based on the meetings with the other property owners were to eliminate the loading space.
- The loading spot is not going to have any large size trucks.
- Deliveries on the site are on UPS size trucks and everyone would like us to eliminate the loading spot to help widen the driveway to a two way.
- The loading spot is not showing on hand out given to the board; this one shows the dumpster in that corner that is going to be moved to the back.

The board's Attorney, Michael Sullivan, ESQ.

- To Frederick C Meola, you have been referring to sheet 1 of the plan; which the board has.
- It has a revision date I think that you indicated of September 29, 2018, you have made a submission to the board that counsel discussed in her opening.
- Since then board secretary has now passed that submission out. That is one sheet that has a revision date of March 8, 2019; so let's mark that as Exhibit A – 1.

Exhibit A – 1, Sheet 1 of 1 dated 3/08/2019

The applicant's Engineer Frederick C. Meola

- The loading space was in the North East corner where the dumpster was in the last one and now the dumpster is being moved to the back to provide for the two way.

The board's Attorney, Michael Sullivan, ESQ.

- Question which plan is the one that the applicant proceeding with the one that is marked as Exhibit A – 1 or the one that was initially submitted to the board for review and approval.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Realistically the one that is the closest to the one that would match the discussions that we are at now, would be exhibit A – 1 with exception of the dumpster location.
- It's the closest to having the access point, it is still going to shift over but it has better detail of what the overall plan is.

The applicant's Engineer Frederick C. Meola

- The building, the landscaping to the building, everything around the site has always been the same.
- The changes have always been in along the northerly side of the property and that is what it's still being tweaked.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred let's now talk about some positive of the plan first.
- Right now we are at how much impervious coverage on the site.

The applicant's Engineer Frederick C. Meola

- The existing site has 69.06 % impervious coverage.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And with the landscaping improvements proposed in the Applicants plan, what does that number drop down to?

The applicant's Engineer Frederick C. Meola

- I am just looking at something; I have a number here that doesn't make sense.
- I know there was a reduction.
- The total improved coverage on the site; it is actually up which I have to check because that doesn't sound right.
- It doesn't sound right because the circular driveway was all eliminated, the island in the middle was installed, and I apologized.
- I show that number as 79% and it doesn't look correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Ok Fred, your previous testimony that the site right now at 100% of impervious coverage correct?

The applicant's Engineer Frederick C. Meola

- Pretty much except for the little finger.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And where we are now with the additional landscaping done in the front and to the rear of the building, we will drop the impervious percentage significantly down, correct?

The applicant's Engineer Frederick C. Meola

- Yes, yes.
- We've moved, if you looked at the existing site, everything from where we show parking spot 14 and this little pavement including all the way around the building because there was a circular movement to get to the drive up window; that is all being removed.
- The whole front was paved.
- We are going to put landscaping in the front.
- We are going to have a little terrace.
- In the rear the same thing we are going to have a terrace.
- We have sidewalks, mainly to lead over to the second floor into the elevator because of handicap.
- We put a landscape island in the center of that because that is all new additional landscaping.

Attorney for the Applicant, Rosemary Stone-Dougherty

- One of the other issues you dealt with when you were out surveying on the site, is that there is not striping visible for what would be parking spaces at the location today correct?

The applicant's Engineer Frederick C. Meola

- No, it's just solid blacktop and you park where you wanted to.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So one of the challenges that you had as an engineer was trying to figure out a way to striping to bring into the site in some type of compliance and have defined parking areas, correct?

The applicant's Engineer Frederick C. Meola

- Yes.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Right now how many parking spots were you able to come up with?

The applicant's Engineer Frederick C. Meola

- This plan presently shows ...

The board's Attorney, Michael Sullivan, ESQ.

- And again this plan that you are talking about; is A-1?

The applicant's Engineer Frederick C. Meola

- The one that the board had.

The board's Attorney, Michael Sullivan, ESQ.

- Ok you have to be clear what we are talking about.

The applicant's Engineer Frederick C. Meola

- Thank you, I appreciate it.
- The plan dated September 29th, was 28 parking spots.

Attorney for the Applicant, Rosemary Stone-Dougherty

- In the Exhibit A – 1 that the board has shows how many parking spaces are on there.

The applicant's Engineer Frederick C. Meola

- 29

Attorney for the Applicant, Rosemary Stone-Dougherty

- So right now you were able to net 28-29 parking spaces, correct?

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- As you testified previously, one of the things we would be asking to eliminate off the plan is the loading zone spot.

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- So that it is clear to the board, you indicated what kind of deliveries would be expected?

The applicant's Engineer Frederick C. Meola

- These are all small UPS trucks deliveries.
- You will not get tractor trailer deliveries.
- The units aren't that large.
- Downstairs I believe that architect shows 3 potential tenants, so you are only talking about 1,500 – 1,600 sq. ft. per space.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So these would be more very small boutique spaces?

The applicant's Engineer Frederick C. Meola

- Yes, boutique type stores.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So as you heard Mr. Chairman say; there are a number of variances that are associated with the application, correct?

The applicant's Engineer Frederick C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- So if we go through the variances, the first variance that we find in this Fred is the minimum front yard setback.

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- Can you just clarify for the record what the proposed setback is?

The applicant's Engineer Frederick C. Meola

- Existing presently is 40.7 ft. front yard setback

Attorney for the Applicant, Rosemary Stone-Dougherty

- The variance that we are seeking is based off the jug handle side, correct?

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- And that variance is the result of the elevator power?

The applicant's Engineer Frederick C. Meola

- It's the result of the elevator tower.
- It's shown of the west side of the building.

Attorney for the Applicant, Rosemary Stone-Dougherty

- What is that measurement so the board knows just for clarity?

The applicant's Engineer Frederick C. Meola

- The elevator tower would be 20 ft. off the jug handle.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And that is a variance correct?

The applicant's Engineer Frederick C. Meola

- That would be an additional variance.

Attorney for the Applicant, Rosemary Stone-Dougherty

- The next variance that you show on your list Fred is the minimum front yard setback, for the front porch, Terrace and steps area correct?

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- Under the ordinance you are only allowed what a 4 ft. of encroachment into the front yard

The applicant's Engineer Frederick C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- What are we proposing?
- I think you have to break it down Fred; because we have the Whippany road jug handle which is the south front yard, and then we have the west side yard, which is the Route 10 side Correct?

Attorney for the Board, Michael Sullivan ESQ.

- Mr. Meola, I want to make a suggestion; look at Mr. Brancheau's report dated December 18, 2018.
- If you go to page 3, I think that you are following along with that.
- He has already done the measurements and I think that you can confirm that they are accurate.

The applicant's Engineer Frederick C. Meola

- Ok, the terrace along Route 10, which Mr. Brancheau is referring as to the south terrace is 18 ft. from Route 10 and 25 ft. from the jug handle.
- The West terrace, which is the terrace along the jug handle its 22ft. from route 10 and 11 ft. from the jug handle.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So that is part of what the existing building is today and how the site was configured, correct?

The applicant's Engineer Frederick C. Meola

- A lot of these are because we have an existing building that we are working with and then we have conditions that have changed over the years.
- The main one being the jug handle, which didn't exist when the bank was originally built.

Attorney for the Applicant, Rosemary Stone-Dougherty

- The next variance has to do with the minimum lot width correct Fred?

The applicant's Engineer Frederick C. Meola

- Well there is one more on the yard.
- The one in the north rear yard terrace, we have 41 ft. from the jug handle, so that is fine.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Ok so that is not a variance. Correct?
- So right now what are the other preexisting not conforming conditions that we know is for the lot correct?

The applicant's Engineer Frederick C. Meola

- Correct
- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- And the minimum lot with required is 100 and we have?

The applicant's Engineer Frederick C. Meola

- We have 99.45

Attorney for the Applicant, Rosemary Stone-Dougherty

- The big concern that you heard Mr. Chairman indicate at the beginning is under the ordinance; is the parking calculation.
- Right now the ordinance, to have the 1st floor retail and the 2nd floor office, what are the total numbers of parking spaces required?

Member Byrne

- Mr. Meola, you said that the lot width is 99.5

The applicant's Engineer Frederick C. Meola

- 99.45

Member Byrne

- On the Schedule A- 1, unless I am reading wrong it says the lot width is 80ft.

The applicant's Engineer Frederick C. Meola

- Thank you.
- It is an unusual lot because if you look at the existing conditions there was an 80ft. lot.
- And here was a 19.54 which is the remanence of the lot that was purchases form the west of us, so you add the two up.
- I apologized they should have put the total not just the one lot width

Member Byrne

- You said on the side yard 20ft.
- On your schedule here says 19.5 ft.

- It looks like the drawing says 20.5 ft.

Attorney for the Applicant, Rosemary Stone-Dougherty

- He is talking about the West side Fred, where the elevator original proposed
- That should be the 20.5 ft. correct Fred?

The applicant's Engineer Frederick C. Meola

- Yes that should be a 20.5 ft. correct

The Attorney for the Board Michael Sullivan ESQ.

- And that should be a front yard also.

The applicant's Engineer Frederick C. Meola

- Yes that should be a front yard because that is public right away.

Member De Nigris

- It sounds like this (A-1) is still being tweaked and that means this is not the final product, is that right?

The applicant's Engineer Frederick C. Meola

- We don't have a totally final product we are trying to be good neighbors and trying to come up with something that would work for everyone

Attorney for the Applicant, Rosemary Stone-Dougherty

- Just to clarify the A – 1 as far as we are concern, as far as how it impacts our site is fairly accurate the number of parking spaces.
- If I may what I was going to say is that the material item such as the number of parking spaces we are not going to lose parking spaces if any we may net some.
- That is because the A – 1 exhibit as Mr. Meola testified shows that parking enclosure on our site, so that we comply with the ordinance that obviously requires that we have garbage and recycling.
- One of the discussions with one of the neighbors is to remove that offsite, and if we remove that offsite we actually pick up parking.
- From the applicant's position is what we're trying to do for the request of the town, through your planner and engineer is that we're showing that we are providing the spot for future ingress and egress access for all the other adjoining property owners.
- We are showing that the material terms, the number of parking spaces we have, that we are able to function on our own site.
- The building location is not going to change.

- The variances for the front yard, all of these things that we are going through now are not going to change.
- The tweaking that would occur is more a technical tweaking as far as things like ; is there going to be a depressed curb here, is the entrance going to shift a little bit over
- But these are not material terms that would change or bring us to the board for an additional variance.

Chairman Pinadella

- In your opinion on Exhibit A – 1, do parking spots 29 and 15 seem reasonable?
- It seems to me that you probably will lose one, probably 29.

The applicant's Engineer Frederick C. Meola

- I would think it is reasonable there is plenty of back up space for both of them.
- If there are two cars parked they cannot back up at the same time.
- We had thought of angling one of them but we just thought straight out is the best way because it brings you right out into the isle.

Chairman Pinadella

- It looks problematic to me and so does 16 but go ahead.
- Please continue we were on lot width

Attorney for the Applicant, Rosemary Stone-Dougherty

- So to clarify, the reason why lot width it shows 80 ft. is because there is two different lots; Lots 7 and 8.

The applicant's Engineer Frederick C. Meola

- Correct, it should be 99.45 ft. both total

Attorney for the Applicant, Rosemary Stone-Dougherty

- Just for clarity so that it is very clear if obviously the application was to be approved, lot 7 and lot 8 would be merged together.

The applicant's Engineer Frederick C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred, we were then talking about parking spaces, you did the calculation based off the retail on the first floor and the office on the second floor which are both committee uses in the deep end zone, correct?

The applicant's Engineer Frederick C. Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- What is the parking calculation that you came up with?

The applicant's Engineer Frederick C. Meola

- There are 44 spots required.

Attorney for the Applicant, Rosemary Stone-Dougherty

- The exhibit A – 1 is showing 29 spaces, you heard Mr. Chairman indicate his concern about 1 or 2 of those spaces and the plan that you have up in the board the September 29, 2018 plan is showing 28, correct?

The applicant's Engineer Frederick C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So there is a deficiency on the parking, Correct?

The applicant's Engineer Frederick C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Did you do the calculation to show on what the number of parking spaces that would be required for the first floor to function?

The applicant's Engineer Frederick C. Meola

- The 2 floors of the building are right on top of each other, so the first floor is half of the 8,769 sq. ft. so the approximately 4380sq. ft. on the first floor

Attorney for the Applicant, Rosemary Stone-Dougherty

- What about in what would equate to the number of parking spots that would require.

The applicant's Engineer Frederick C. Meola

- 22

Attorney for the Applicant, Rosemary Stone-Dougherty

- And right now you are showing 28 possibly 29.

The applicant's Engineer Frederick C. Meola

- Yes, that is correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Keep going through the variance, the memo there, that he is showing regarding the rear parking setbacks correct?
- Are you looking at his memo Fred, you somehow switch Fred.

Attorney for the Board, Michael Sullivan ESQ.

- So of Mr. Brancheau's memo what number are you going to discuss next?

The applicant's Engineer Frederick C. Meola

- We are going to discuss number 3, minimum front yard for canopies.
- The proposed canopies on the west side that are over the entrances would be violating the ordinance because the building today is violating set back.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So these are aesthetic improvements being proposed onto the building correct?

The applicant's Engineer Frederick C. Meola

- Yes.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And we are already in a violation of that are so we are just a continuation of that correct?

The applicant's Engineer Frederick C. Meola

- Yes, I think if you look at the architectural renderings, you can see what they did and they are trying to improve the whole looks of this building.
- It's a brick building, nice building, it's in a good shape but they are trying to pretty it up.
- Its architectural features to it. One of those canopies over the door on the side but they trigger some variances, not doubt about it.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Ok number 4 Fred.

The applicant's Engineer Frederick C. Meola

- The freestanding sign. The request of the freestanding sign that is shown on page 1; labeled monument sign refer to the detail.
- We don't know who the tenants are yet so that is why we say tenant 1, 2 and 3; those are the tenants on the first floor.
- We gave you the size and square footage of it, but it is violating the ordinance we can't make it comply.
- Now the problem is that we have an existing building that is in violation with most of the setbacks so it doesn't fit with the ordinance.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So the free standing sign right now variance number 1 doesn't have enough frontage, correct?

The applicant's Engineer Frederick C. Meola

- It doesn't have enough frontage, it doesn't have enough square footage the building.
- As you heard me say the building is only 8,769 sq. ft.
- The ordinance says you are only allowed a monument sign if the building is 25,000 sq. ft.
- We are a third of that approximately.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And then the other issue with the freestanding sign is a setback form Route 10, correct?

The applicant's Engineer Frederick C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Though the freestanding sign is proposed is 3 variances on the list, Correct?

The applicant's Engineer Frederick C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- Let's skip down, what is the next variance?

The applicant's Engineer Frederick C. Meola

- The curbing for the parking areas.
- On the exhibit I believe it already shows.
- We had originally in discussions with Mr. Maceira; because he had asked for a way to stopping the cars put curbing in.
- We put in little 2 foot stoppers in every single parking spot so we didn't block the flow of water coming from the railroad property throughout the jug handle.
- In discussions with the rail road they don't want the curbing in.
- Though they allowed us to do a two foot stripping cross hatched area to show where that parking stop and eliminate the parking and that is what shows on exhibit A, is that exhibit A Rosemary?.
- So exhibit A – 1, the March drawing shows the modification based on our meetings

Attorney for the Applicant, Rosemary Stone-Dougherty

- So the curbing is one that the applicant could comply with but in the interest of negotiations with the neighbors is requesting the variance, correct Fred?

The applicant's Engineer Frederick C. Meola

- Correct.
- The next variance on the list is the parking along the jug handle is supposed to be 15ft. from the right away.
- If you look in the exhibit a few spots I believe 16 and 19 are closer than the 15ft. from the right away.
- I am sorry, I apologized yes 16 and 29.
- This is a setback for the 2 parking spots.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Again on the site today you it' 100% of impervious coverage and parking it's wherever people are parking today, correct?

The applicant's Engineer Frederick C. Meola

- Yes
- The rear parking is right along the railroad property and that is based on discussions.
- The ordinance would require a 5 ft. setback

- I am on page 4 number 10, no we already address that. That's the 44 parking spots required and we have 28 or 29.
- In request for no loading space it eliminates number 11

Attorney for the Applicant, Rosemary Stone-Dougherty

- Well it doesn't eliminate it

The applicant's Engineer Frederick C. Meola

- It makes it mute.
- No loading space.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Are there any design waivers or anything associate it with the development Fred?

The applicant's Engineer Frederick C. Meola

- I mean the illumination plan, on page 4.
- We show the isolux and we show the foot candles.
- There is some spillage into the jug handle mostly because of the orientation and there is a little bit of spillage into the parking lot for the church approximately 10 ft.
- Then there is minimal light coming in, but that doesn't take into account the existing lighting that is in Route 10 already. Which is why I believe it's adequate.
- There are a couple of deviations on the lighting.

Attorney for the Applicant, Rosemary Stone-Dougherty

- What about isle width.
- Are there any design waivers in connection with isle width that have been corrected?

The applicant's Engineer Frederick C. Meola

- The isle width has been corrected to 24 ft.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Again, in summary Fred while there may be a long list of variances as an Engineer when you summarize them is it your opinion that most of them are factor on how the site is one design and two how the building is located it on the site.

The applicant's Engineer Frederick C. Meola

- Yes, and also in trying to keep everybody's concerns in keeping and satisfying not only us but also the surrounding neighbors

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred before you get too comfortable; I just want to go through some of the planners comments and recommendations that were listed on his letter of December 18, 2018.
- No you can seat.
- I know that you addressed some of it; I just want the record to be clear, ok.
- So in regards to comments 1 and 2.
- Your exhibit A – 1 it's a proposal to allow for that ingress / egress to happen across the site, correct?

The applicant's Engineer Frederick C. Meola

- That is correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Number 3 ok.
- This is something that we are asking not to do. Correct?

The applicant's Engineer Frederick C. Meola

- Along the rear of the property line we are asking not to have the curbing, in that space, which is the DME Railroad.
- On the balance of the site the landscaping around the rear that is all going to have a full face-curb except for where we have the depressed curb because that's where we have the handicap

Chairman Pinadella

- What would happen if you put a full curb back on that park lot? What if we require you to put a curbing what does that do to the rail road, how do they handle the sheet flow?

The applicant's Engineer Frederick C. Meola

- You couldn't put a curbing all the way across because of the water that comes off the railroad, the sheet flow towards the jug handle.
- Which is why originally when we had curb we put in a little depressed 2 ft. section then another 8 ft. of curbing then another 2 ft. depressed curb to keep the water flow going.
- It's the Rail Road wishes that we just leave it the way it is and just leave it black top.
- We have to leave the openings in the curb.
- I have to do something to provide that sheet flow to get through so I couldn't put full face curb form one end of the parking to the other.
- I couldn't do it across the whole 14 to 15 parking spots

Chairman Pinadella

- So you are saying that they have no way to capture, to contain the sheet flow on their own property, it has to come through and get through the jug handle, it has to hit the jug handle in order to be conducted?

The applicant's Engineer Frederick C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- Item number 4, the applicant is willing to do correct?
- Item number 5, regarding the dumpster enclosure.

The applicant's Engineer Frederick C. Meola

- Yes(item #4)
- We will do what we have to do for the dumpster enclosure.
- Require that the dumpster enclosure is moving onto the rail road property based on the last discussion.

Member Deehan

- Fred can you point out in the map where the new dumpster enclosure is going to go?

The applicant's Engineer Frederik C. Meola.

- Best way is if you look into the first page, on the left side, it says transformers wires stand; it's going to be right in front of that.

Member Deehan

- I am looking at this plan and wouldn't that create more parking spaces? If the old dumpster is going to go here what are going to do with the space?

The applicant's Engineer Frederik C. Meola

- That is going to be the two way driveway.
- The railroad said we can put the dumpster in their property so that we could open it up for a two way driveway.
- It seems that no matters what happens, every time I try to twist it or turn it we get something drag a few more spots.
- Then one of the other people wants something different so I keep flocking around 28 and 29 spots.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred in regards to items number 6, as you already testified to; you're planning on eliminating the dump loading space all together which would require variance, correct?

The applicant's Engineer Frederik C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Number 7, the barrier free ramp

The applicant's Engineer Frederik C. Meola

- That is provided. I thought it was in the first one.

Attorney for the Applicant, Rosemary Stone-Dougherty

- That is something that can be stipulated to regarding that.

The applicant's Engineer Frederik C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- Number 8, again this has to do with the loading zone and how the operations would be.
- Can you just enhance your testimony a little bit about what the applicant would be realistically, what the property would be entailing in regards to the deliveries?

The applicant's Engineer Frederik C. Meola

- As I said, the deliveries for this kind of facility were going to be just vans, small UPS trucks.
- They're just going to take a parking spot going drop it off and back out again.
- I will be honest, is my building on Whippany Road which is a small building; most of you guys know it. I will tell you on most honesty for most of the deliveries, the guys just park right there at the door they can walk in and walk out and leave, they don't even take a parking spot.
- This is just the nature of what they do, because it's real quick and it's not a lot of delivery.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So we are talking about may be UPS, FEDEX type delivery trucks, correct?

The applicant's Engineer Frederik C. Meola

- Yes, absolutely.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Number 9, they're concern about ...
- All these comments 9, 10, 11 and 12 have to do with the grading of the drainage.
- Can you just please testify a little bit over it. You kind of skipped over the grading and drainage plan.

The applicant's Engineer Frederik C. Meola

- Just flip to sheet 2 of the September 29 plan that catches all the grading and you can see very clearly hopefully on that plan that the counter lines are basically almost running parallel to the back of the sheet flow out towards the jug handle and throughout to Route 10 that is going to continue.
- Honestly I have visited this site in the last 6 months probably 20 times, there is not rain or anything, there is not icing conditions occurring
- There is not enough pitch on the pavement to allow it to get out there without freezing.
- The only thing that is going to be enhanced is dressing up the parking spots and probably leveling and resurfacing it, just makes it better.

Chairman Pinadella

- So you are saying 9, 10, 11 and 12 there is no issue?
- In your opinion; is that right?

The applicant's Engineer Frederik C. Meola

- Yes
- Well 12 is, 12 is, I apologize hopefully I didn't hit anybody accidentally with this.
- The 100 yard flood elevation is approximately (SIC) but let me make sure
- The 100 yard flood elevation is approximately 196 and the building is at 196.9.
- The front of it is below it.
- The back of it is above it.
- So we're right at the cost of the flood zone.
- Not to confuse the matter more but the difference of the 197 that Blais is saying I am sure that he took that off of the FEMA maps.
- FEMA maps are in 1929 datum.
- Today everything is done in the 1988 datum in this area.
- That means that there is a difference of about 11 ½ inches in the data.
- It doesn't change the volumes or anything, just a different data.
- My understanding is that 2029 they are going to change the datum again just to confuse us even more.

Member De Nigris

- Just going back to the loading dock area, you said UPS.
- The first floor is going to be a restaurant, correct?

The applicant's Engineer Frederik C. Meola

- I don't know if there is going to be a restaurant.
- I think we are thinking more boutiques.

Member De Nigris

- So we don't know they type of store is it going to be.

The Township's Planner, Blais Brancheau.

- Beware the 44 spaces that are required, does not assume restaurant use, it assumes retail use.
- If a restaurant would to go on the first floor the parking requirement would be higher.

Member De Nigris

- So can we make determinations on what they need?
- I am confused that is why.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred, just to clarify the testimony.
- You heard the board planner that the calculations are based on retail correct?
- They are not based on restaurant, correct?

The applicant's Engineer Frederik C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So the number of parking spaces if the board were to approve this application, was obviously tied to that retail component, correct?

The applicant's Engineer Frederik C. Meola

- That is correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Because if a restaurant was proposed under the ordinance the restaurants have numbers of seats, to generate parking as well and that would change the parking schematic significantly, correct?

The applicant's Engineer Frederik C. Meola

- Yes and it would require the submission at least to the site plan subcommittee and they would pick up the fact that we were never approved for parking for restaurants.

Attorney for the Applicant, Rosemary Stone-Dougherty

- That leaves us at 44, which is the requirement that is there.
- Based on that, that is why you are providing testimony about more small size UPS, FEDEX deliveries based off the characterization that these would be more retail I believe to use your words boutique uses, correct?

The applicant's Engineer Frederik C. Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- The entire first floor again you said is a total gross area of 8,769 sq. ft. correct?

The applicant's Engineer Frederik C. Meola

- The total gross floor of the building is 8,000.
- The first floor which is half of that, approximately 42 and change.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Right and if you divide that up, I believe your testimony was about 1,500 sq. ft. of retail usage, correct?

The applicant's Engineer Frederik C. Meola

- Yes

Member De Nigris

- So how do the terraces that you used would be utilized?

The applicant's Engineer Frederick C Meola

- It's really just to dress up the look of the building.
- It was just to enhance the look of the building so it doesn't look like a brick box.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So to answer the question there is really no use proposed to the terrace, besides that aesthetic improvement, correct?

-

The applicant's Engineer Frederick C. Meola

- Yes.
- I am sure periodically one of the employees will go outside to smoke because they cannot smoke inside.
- But that isn't the intention.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred next to the tree removing landscaping lighting; comment 13 all the way through to 16, can you touch base on Mr. Brancheau's letter regarding that?

The applicant's Engineer Frederick C. Meola.

- 14 it's addressed because into discussions with the Rail Road the dumpster is going to be moved much further back right near the Rail Road impartment and the tower.

Chairman Pinadella

- Whose responsibility is it to design that?

The applicant's Engineer Frederick C Meola.

- We'll do the design on it.
- My client is going to be responsible for the trash, the recycling, and maintaining the dumpster.

Chairman Pinadella

- It would be more than just a fence on 3 sides?

The applicant's Engineer Frederick C Meola.

- I believe my plan shows a block building but I may not be correct.
- I have no problems meeting with Mr. Brancheau and working out the landscaping and see what his suggestions are.

Chairman Pinadella

- So you are saying 13,15 and 16 would be ok

The applicant's Engineer Frederick C Meola

- Yes

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred, now regarding the next comments which follow under the category of signs.
- Just highlight to the board I know that the architect will speak in a little bit of more detail, about the signage that is proposed again.

The applicant's Engineer Frederick C Meola.

- First of all we don't have any problems with 19, which are the hours of illumination; we are not anticipating keeping these lights on all night.
- As far as the signs, we have the monument sign.
- Then we have kind of an informational, directional signs in the rear and that is mainly for the people parking know where to go to get to the second floor offices versus the entrance first floor.
- We show both a little sign that says second floor entrance so that people can follow the path to get to the elevator and then a little sign that shows what is on the second floor.

Chairman Pinadella

- That's in addition to the free standing sign.

The applicant's Engineer Frederick C. Meola

- Those two are in the rear, somewhere in this area here, around that rear landscape area.
- Just the one freestanding that is around on Route 10 is basically for the first floor tenants.

Chairman Pinadella

- Blais, if we did allow a freestanding sign near the entrance; would we allow the tenants names on the entrance or whatever?
- I didn't think so.

The Town's Planner Blais Brancheau

- We don't allow it at all, but if we did allow it I would have to look it up.
- I can look it up.

Attorney for the Applicant, Rosemary Stone-Dougherty

- I just want to make sure that I understand the Planner correctly.
- Under ordinance 166 – 144 B 1 D 5, are we allow to have the freestanding sign or is it just the issue that we are not 18.75 ft. from Route 10 we are only 12.9 ft.?

The Town's Planner Blais Brancheau

- You don't have the floor area for freestanding signs for the front end.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So it is not that free standing signs are not permitted, it is the overall floor area of the building.

The Town's Planner Blais Brancheau

- Freestanding signs are only permitted for larger scale developments.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Fred moving forwards here, the comment number 20.
- So that is 20, 21 and 22 are all the architect correct?

The applicant's Engineer Frederick C Meola.

- For the wall signs, my suggestion is to wait for the architect because he has it in his drawings and can explain them much better.
- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- 23 you discussed a little bit about directory sign.

The applicant's Engineer, Frederic C Meola.

- Correct, that was the directional sign in the rear for knowing where to go for the various tenants.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Under miscellaneous housekeeping; the concern regarding the surveying and the existing conditions?

The applicant's Engineer, Frederic C Meola.

- Correct.
- The tenant, I apologize the client had already had a survey done when they bought the property before they came to me.
- That survey is based on the deeds and one of the lots still going out to the line of the Mount Pleasant Turnpike.
- I checked the survey like I always do; I run my own control to verify.

- The Route 10 maps are clear, that the was given up years ago so I adjusted it in my proposed conditions so that if we have the proper right away width, which I believe is 10 ft. right away in this area.

Chairman Pinadella.

- So you are saying you can meet the required right away?

The applicant's Engineer, Frederic C Meola.

- Yes, not, Yes.

Attorney for the Applicant, Rosemary Stone-Dougherty

- We'll skip number 26 for just a minute because you'll go through the engineer's letter.
- On number 27.

The applicant's Engineer, Frederick C Meola.

- Where the trash and recycling area is going to be in that one all enclosed area.
- But yes there is going to be recycling as well.

Attorney for the Applicant, Rosemary Stone-Dougherty

- On number 28, regarding the symbol on your parking space number 7

The applicant's Engineer, Frederick C Meola

- We will correct it.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Then number 29 at this point and time, we're not requiring the Rail Road to remove the encroachment in the back of the property, correct?

The applicant's Engineer, Frederick C. Meola

- No, there is an encroachment in the North West corner of a Pad that the Rail Road uses when they put that big tent up for some of their Rail Road functions; you know the Polar express and things.
- It's on our property; it's at the far rear end of it. We don't have any problems and we're leaving it there and the client is willing to allow it to continue.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So Mr. Meola you also had the opportunity to review the board's engineer letter of December 17, 2018, correct?
- Can you just highlight through if there's any items in that you want to point out to the board.

The applicant's Engineer, Frederick C. Meola

- Correct.
- 1 and 2 are fine.
- 3, is the discussions that have been going on between us, the church, the Rail Road, the two entities; Whippany Village you know lets arrange that.
- The orientation of the driveway will be adjusted so that when we enter the jug handle, it'll be at 90 degrees and we will provide the stop sign.
- Then 6; is the discussion we've already had about curbing.
- We have the curbing, we've taking it off because the Rail Road would like to see it free flow.
- The loading space and bollards will be eliminated it.
- We'll provide a side walk to Route 10 for any pedestrians that may be walking along Route 10 to get to the facility, it's not a problem.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So let's be clear that was item number 8.
- Now item number 9

The applicant's Engineer, Frederick C. Meola

- Item number 9 there is an existing driveway opening that we are not planning on using, it's just going to be a loan.
- I am going to ask the board instead of replacing it just let us put the loan there, will fill it in.
- I have the same issue on something in Madison and asked them; the town said well you're better off to have it changed.
- It has now been 11 months and still trying to get the DOT permission so that we can have a truck there for half a day pull out the curbing and put in a new one.
- It's going to be a nightmare just to have the DOT to just take it out.
- We're going to remove the pavement we're going to put landscaping in there.
- I don't want to put bushes in there because of the proximity.
- You know, we're not going to be using it, but we'd like to leave the depressed curb because of what we have to deal with the DOT.
- The granite plank curbing along the right side of the building is fine, that's number 11.
- Number 12 I'll work with Mr. Maceira on that, on these minor adjustments to the grading.
- Number 13 we will make that revision or Mr. Maceira and myself will come up with a solution to the slight grade difference.
- The stop signs and do not enter signs we will comply with whatever Mr. Maceira would like.
- There's a lighting fixture within the right away we haven't move it we will move it outside of the right away. I believe that's already been taken care of.
- So I think that we are fine with Mr. Maceira's reports.
- I don't think that there isn't anything in there that we can't agree with.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Ok Fred in conclusion; you've been working with the applicant for a little bit over 2 years now.

The applicant's Engineer Frederick C Meola

- Yes.

Attorney for the Applicant, Rosemary Stone-Dougherty

- As an engineer who has been in front of this board many, many times, this site has been a little bit of a challenge, correct?

The applicant's Engineer, Frederick C Meola

- Yes it has.

Attorney for the Applicant, Rosemary Stone-Dougherty

- The goal here was to take the old PNC bank building and basically refurbished it, renovate it.
- So the applicant's plan why it has a significant amount of variances I believe your testimony was more than half of those are a result of the existing conditions that are there, correct?

The applicant's Engineer, Frederick C Meola

- Correct
- That is correct. More than half of it, is based on the fact that we are not dealing with blank sheet of paper, it's an existing site, with a building, with driveways in certain locations.
- Plus things that we're trying to accommodate the adjacent owners.
- So all those trigger many of these variances that we have.

Attorney for the Applicant, Rosemary Stone-Dougherty

- And three of them are a result of the accommodating request of the freestanding sign for the visibility of Route 10, correct?

The applicant's Engineer, Frederick C. Meola

- Correct.

Attorney for the Applicant, Rosemary Stone-Dougherty

- So in your opinion as an engineer, do the benefits here outweigh the detriments as to these different zoning variances being sought?

The applicant's Engineer, Frederic C Meola

- I think it does.
- I think that this is an older building that is being totally rehabbed.
- Much nicer appearance when you look at the plans.
- I think it is a win, win situation for both my client and the town.
- If you remember how long this building has been on the market, for at least 3 or 4 years.
- Once PNC moved out, they couldn't find a tenant.
- Then they tried to sell it. I know there was a realtor that finally lost the listing and then the second realtor came in and finally got it sold.
- So it's a difficult site, difficult conditions and I think that this is good fit considering everything that is there.
- It's just going to enhance Route 10 in this area.

Attorney for the Applicant, Rosemary Stone-Dougherty

- During the process the zoning improvements recommended by the board for the B 10 zone also came into effect, correct?

The applicant's Engineer, Frederick C Meola

- Correct

Attorney for the Applicant, Rosemary Stone-Dougherty

- This plan has really followed along with a lot of those improvements and goals of that, correct?

The applicant's Engineer, Frederick C Meola

- Yes it does.

Chairman Pinadella

- Mr. Meola, Could you make a comment on, the church has a parking on the side of their building which backs up into the drive on the property we are talking about, How is that going to work?

The applicant's Engineer Frederick C Meola

- That has adequate back up space if you look at it and this is exactly why our parking spots are off set past the line of our building to provide enough space in there

Attorney for the Applicant, Rosemary Stone-Dougherty

- The point is those are all pre-existing basis of the church, right.
- This is a pre-existing condition and these are of the spots that we have been discussing with the church that would possibly be utilized by the applicant.
- With the plan that is presented tonight with the 28 spaces that are shown we are not counting on obviously those spaces because those are not ours to count.

Chairman Pinadella

- Is there an agreement in existence by the previous owner of this property on those parking spaces?

Attorney for the Applicant, Rosemary Stone-Dougherty

- No longer Mr. Chairman.
- We did a full circle back going 100 years and there had been at various times, leases between the PNC with the church and the predecessor of the church that had been recorded.
- Whether there had been gaps in time that have expired and have been re-recorded and there is a long tradition there between the church and the predecessor of having an agreement regarding parking spaces and that has been conversation that we've had, the church's counsel is here and will speak when he gets up but that is part of this more global concept that has been transpiring.

Chairman Pinadella

- So if they are going to be useful, you are going to have some kind of an agreement with the church to allow them to exist and use your property in order to number 1; get into the parking spaces, and out of parking spaces, is that correct?

Attorney for the Applicant, Rosemary Stone-Dougherty

- Correct.

Chairman Pinadella

- Do any members of the board have questions of this witness that haven't been asked yet?

After seeing none

After hearing none

Opened to the Public

The Town's Planner, Blais Brancheau

- First, I had great difficulty following the testimony on the variances and so the record is clear, I would like to ask Mr. Meola so that we can confirm what variances are being requested and the extend of those variances.

- But I think that we'd agree on the front yard addition; that you are seeking a set back up of 20.5 ft. to the proposed elevator addition.

The applicant's Engineer, Frederic C. Meola

- Correct

The Town's Planner, Blais Brancheau

- As to the front yard setback to the porch, terrace, and steps do you agree with all of those, there's 5 violations there.

The applicant's Engineer, Frederick C. Meola

- Yes

The Town's Planner, Blais Brancheau

- The canopy you agree with that one right?

Chairman Pinadella

- Can we go back for a minute?
- Go back to number 1
- What is the existing set back of the current building that's there?

The Town's Planner, Blais Brancheau

- There's no dimension in that location.
- The front of the building is 25.6 from the jug handle and the back of the building is 40.8; these are coming from the survey.
- The addition that is proposed is in between those two points so you would have to scale it to figure it out what it is, but it is in between those ranges.
- The addition obviously brings the building closer to the jug handle than it currently is in that location.

Chairman Pinadella

- So the minimum front yard is less with the additions.

The Town's Planner, Blais Brancheau

- Yes

The applicant's Engineer, Frederick C. Meola

- Right, we have, that's the elevator that we were talking about and we're showing it with a minimum of 20.5

The Town's Planner, Blais Brancheau

- On the sign you agree with those violations, correct?

Attorney for the Applicant, Rosemary Stone-Dougherty

- Yes

The Town's Planner, Blais Brancheau

- On the curbing for the parking area, you're asking for relive from that along the rear of the property line only?

The applicant's Engineer, Frederick C. Meola

- Correct

The Town's Planner, Blais Brancheau

- You show on the plan a 2 ft. cross patching on the Rail Road property, is that actually a painted line or how is that?

The applicant's Engineer, Frederick C. Meola

- That is going to be a painted line that was so that when somebody pulling into the parking spot has an idea of where to stop.
- Since we are not going to have curbing there I thought we needed something more than just a single line to enhance where they should be stopping.

The Town's Planner, Blais Brancheau

- As far as I know the area in the Rail Road property from about a space, the middle of space 8 to the end of space 15 it is not paved currently on the Rail Road property and therefore painting that line it's not going to be feasible on existing grass area. So what is that going to be?
- I'm assuming that it will just end on the grass?

The applicant's Engineer, Frederick C. Meola

- I will take a look at that and if there is a portion that it's still loan or grass if that little section could be curbed.

The Town's Planner, Blais Brancheau

- Would you agree that on page 2 of my report your photo that shows grass of the area accurately represents current conditions?

The applicant's Engineer, Frederic C Meola

- It depends on Google Earth image because I can tell you that all those trees are now gone.
- That's where they have the rest facilities and the little snack bar so that's not representing what's there today.
- But I 'm not disputing you Mr. Brancheau that there could be some dirt there and not curbing.
- The intention was to keep their sheets flow on their pavement come across

The Town's Planner, Blais Brancheau

- Ok but if there is grass today, how is the grading that is proposed with the grading on the...

The applicant's Engineer, Frederic C Meola

- It was intended to blend with the grades that were there but I will have my crew go back out and shoot it again.
- I know there have been changes since my plan was done, not from us but from some of the surrounding entities.

The Town's Planner, Blais Brancheau

- If you look at the air photo, it actually it even shows in your site plan; there's a fence on the Rail Road property at parking space number 6 at the rear.
- Is that fence going to remain, is that going to remove?

The applicant's Engineer, Frederic C Meola

- The rear fence across our property is going to be removed because we need the access for the parking.
- On the Rail Road property it's up to the Rail Road, I mean if they will like removed I am sure that my client will have it done while he is doing the work but it is not our fence.
- I am trying to remember because I was there two weeks ago whether the fence is still there.

The Town's Planner, Blais Brancheau

- Does the agreement that's anticipated with the Rail Road, they anticipate of allowing vehicles over hang into his property or not?

The applicant's Engineer, Frederic C Meola

- I don't know
- I know what you're asking, that was the purpose of putting the bold stripping with cross hatching.

- That's something that has to be work at.

The Town's Planner, Blais Brancheau

- There's really two issues.
- One is the dimensional requirement of our ordinance.
- It requires either a 20 ft. space or an 18 ft. space with a 2 ft. overhang.
- If you are not allowed the overhang; then you have a new design standard violation in the dimension of the parking spaces.
- If you are allowed then you don't need it that is one reason for the question.
- The other one is trespass.
- If you cannot do it, then without any barrier or curb or anything what prevents that from happening, for somebody who pulls too far ahead, is that going to be problem?

The applicant's Engineer, Frederic C Meola

- Hopefully not. That was the purpose of putting that extra wide striping in there.
- Yes is somebody is going to maybe pull 6 inches too far and the nose of the car is hanging over, yes; but that is why it has that cross hatching that would try to eliminate as much as possible.
- But you are right without curbing, without some kind of solid barrier there is a potential that some of the cars may over hang a little bit.

The Town's Planner, Blais Brancheau

- Again I am just trying to prevent an issue in the future of something that this board was to approve but the other property owner then has a problem with.
- The first one is relating to whether the relive is needed.
- It seems to me that relive would be needed; unless that permission is granted to allow that overhang.

Attorney for the Applicant, Rosemary Stone-Dougherty

- Again, I would have to speak to the Rail Road counsel.
- The Rail Road counsel is here and that could certainly be a question raised with the Rail Roads since it is their request to eliminate the curbing which the applicant is prepared to do.

Chairman Pinadella

- Before you ask your next question, spaces 16 to 23, there's a curb between that and the sidewalk?

The applicant's Engineer, Frederic C Meola

- Yes, there's a curb between that and the sidewalk.
- Except in two locations.

- We've switched the isle one spot towards 23
- There's two handicap parking spots
- There's depressed curb at that spot and at the far end there's depressed curb, It's enough to allow the water sheet flow out. It's not wide enough so a car can't get through it.

Chairman Pinadella

- What is the size of those parking spaces?

The applicant's Engineer, Frederic C Meola

- It's 9 x18 I believe.

Chairman Pinadella

- Are they going to hang over the side walk?

The applicant's Engineer, Frederic C Meola

- Yes, that is why we made a 6 ft. paver instead, so it's extra wide so if there's an overhang of 2 ft. there is enough space for the side walk

Chairman Pinadella

- Is that acceptable?

The Town's Planner, Blais Brancheau

- It's typical 6 ft. with an overhang.

Chairman Pinadella

- Where are the handicap signs for this?

The applicant's Engineer, Frederic C Meola

- The handicap sign is in the nose of the island, because that is as close as we can get it. It is almost right in line with parking spots 22 and 23.

Chairman Pinadella

- So it's not going to hamper the overhang?

The applicant's Engineer, Frederic C Meola

- No, that is why we put it where we did. I didn't want to put it inside and somebody passing and walking into if not paying attention. That is why I put it as close as I could but just off the sidewalks.

The Town's Planner, Blais Brancheau

- Fred it's my understanding that bare piece of coat would require 2 parking spaces in a parking lot that has more than 25 spaces; do you agree with that and if so where the second parking space would be?

The applicant's Engineer, Frederic C Meola

- Yes, and I believe it shows in the exhibit if I am correct.
- If you look at the exhibit that was done in March, we now have a few spots with the isle between them.

The Town's Planner, Blais Brancheau

- Yes, part of my problem is that between the plans I don't necessarily know what the final design is, or know which one we're talking about.
- That relies to the next question about the setback for parking for the front lot line.
- Which plan are we referring to, when we talk about the set back because they've changed between the plans.
- Are these possibly going to change again?
- The numbers I had; where from the plan set submitted to the board not from exhibit.
- What are the number we're using for the record again?

The board took a 7 minute break.

The board came back on record.

Chairman Pinadella

- Counsel, I've had a discussion with the members of the board and to say the least we are confused to where this is going.
- There are number of open items, there are number of agreements that are required to make this work.
- We agree with you that there are some deminimis issues here based on what exists.
- Our recommendation would be; put a stop to the meeting tonight let you go back, fix the items that have been agreed to already and comeback hopefully when you have agreement with what's going to happen with the other parties surrounding.
- We're just totally confused to where this is going and what's going to be gained by completing it.

Attorney for the Board, Michael Sullivan, ESQ.

- I think also as a courtesy you did submit to the board of professionals what is marked as exhibit A- 1, but they didn't have an opportunity to do a review on that.
- Frankly it was very difficult for me to go through, listen to the testimony and followed what's being changed, from the plan that was submitted to the board and reviewed by the professionals as opposed to exhibit A – 1 that is what you are going for except for the dumpster being moved.
- That's been subject to whatever items are being change in the report.
- I think what the chair mam is saying is; it's getting too unwieldy on how we can move forward with this thing.
- I think what the chairman is suggesting is that it is in everyone's interest right now to carry this in the interim make the revisions you stipulated to, make whatever other changes you need to, and tweaking your meeting with other representatives and come up with a plan that the board can move forward and not have 29 comments on the planners memo.
- I think that is what the suggestion is.

Attorney for the Applicant, Rosemary Stone-Dougherty

- I hear the suggestion and what I can say to Mr. Chairman and to board counsel and all the other counsel that is present in the room.
- At this point and time we request to be carry.
- We'll update and show what my client through conversations in willing to do and then we're going to proceed with that plan because under Municipal land use law there's no requirements that my client fixes the ills of neighbors, of Whippany village and all of the other ones.
- We will do the best we can to solve that global issue because that's what we've been trying to do in good faith.
- We are trying to come up with a plan the addresses the planners concerns and what I think would be beneficial with all the property owners on the site.
- But at some point in time out of fairness this application its site and the conditions it can control; has to be able to proceed forward down the path weather we comeback with the planner, expert or we comeback with a variance or we used other modifications.
- I understand the issues and concerns but in fairness the 12 variances requested, none of them were going to change as a result of any global agreement that happens because of the site conditions.
- I am just being straight forward with the board.

Chairman Pinadella

- Counsel, We don't disagree with you.
- You're either going to come with an agreement with the parties around and provide us a plan that we can look at and agreed to or you're not.
- If you don't then you are going to come back with a plan that is in your own property and we will then take that up in its matter as an individual plan without worrying about what the other surrounding areas.
- All I am saying is; we're all confused with how this can go forward because of what's been going on and it's difficult.

- I considered possibly giving since there is so many people here that are interested in the opportunity to speak tonight, I don't think that is going to serve any purpose at this point.
- I apologized to all the people that came with counsel and so forth but I think that we need to get your version of what you want as a final plan to handle this application.

Attorney for the Board, Michael Sullivan, ESQ.

- And cleaning up the comments to the extent possible in both reports.

Attorney for the Applicant, Rosemary Stone-Dougherty

- With that then I would request that we'll be carry without notice to next available meeting and we'll get those plans submitted.

Attorney for the Board, Michael Sullivan, ESQ.

- So as I understand that the applicant is requesting adjournment to the May 21, 2019 meeting 7:30 pm with no further notice, and as counsel for the applicant you are granting the board an extension for time to act on that day, is that correct?

Attorney for the Applicant, Rosemary Stone-Dougherty

- That is correct.
- I can send a follow up email if that is fine.

Attorney for the Board, Michael Sullivan, ESQ.

- Why don't we do it formally someone do a motion.

A motion moved by Member Byrne and seconded by Member De Nigris to carry the case to May 21, 2019 with no further notice required.

Members Deehan, Nardone, Olsen, Glawe, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella voted in favor of carrying the application to May 21 2019 with no further notice required.

The Town's Planner, Blais Brancheau

- In this case because of some of the issues and some of the testimony that I heard, I would actually suggest that Fred at least meets with us to go over some of the issues and make sure there is not miss understanding going back but it is up to him
- If he doesn't then I would ask that we have the plans at least 2 weeks ahead of that meeting.
- Possibly if we have to refer to other departments.

ADJOURNMENT

A motion to adjourn was moved by Member Ferramosca and was seconded by Mayor Francioli.

Members Deehan, Nardone, Olsen, Glawe, Byrne, De Nigris, and Chairman Pinadella voted in favor of adjourning the meeting.

Meeting Adjourned at 9:19 PM

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