

**Minutes of the Planning Board of the
Township Of Hanover
May 21, 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: Critchley, Deehan, De Nigris, Ferramosca, Mayor Francioli Glawe, Nardone, Olsen, Chairman Pinadella.

Absent were Members: Byrne, Dobson.

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

Chairman Pinadella

- Reviewed the agenda for the evening.

Attorney for the Board, Michael Sullivan, ESQ.

- Reviewed the Hartz Mountain and explained why the applicant needs the relief from imposition of filing resolution.

Member Ferramosca

- Gave update on the meeting with new ownership of Whippany Village.

Township Planner, Blais Brancheau

- Gave update with Whippany Village meeting.
- Gave update on what the phasing plan Whippany village is looking for.

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.

- I would ask the board to decide whether new notice would be required if in fact the plans are not revised to eliminate those violations.

Attorney for the Board, Michael Sullivan, ESQ.

- The deviation if I remember correctly will be extremely minor, is that correct?

Township Planner, Blais Brancheau

- About 15 ft.
- 150 ft. is required and 135 ft. is proposed.

Attorney for the Board, Michael Sullivan, ESQ

- I think that I would make them re-notice just to be safe.
- But it is up to the board.
- If they think that is minor enough that would not cause anybody of the public to come out and be alarmed or concerned or comment on it.
- Then we could say as long as Kim confirms that they did it right the first time.

Township Planner, Blais Brancheau

- My suggestion with revision would reduce it to a minor deviation of .45 instead of 150 ft.
- Again if they follow that it is a minor deviation, so I don't know what they are going to do.

Attorney for the Board, Michael Sullivan, ESQ

- I think that if it goes down to 145 ft.; I feel much more comfortable with that.

Chairman Pinadella

- What's the pleasure of the board?

Board

- We are inclined to follow your lead.

Attorney for the Board, Michael Sullivan, ESQ

- My suggestion is that if they do follow Blais' recommendations; if they don't then we do have to re-notice and put some incentive in the formula.
- If for some reason other variances materialize in they are going to have to re-notice also.
- The third part of this is also Kim you also have to confirm that was done correctly the first time, correct?

Board Secretary, Kimberly A. Bongiorno, LUA.

Andrew Bruke

- 9 Fairview Avenue, Cedar Knolls, NJ.

Attorney for the Applicant, Steven Schepis

- One thing that always perplexed me about the Municipal Land Use Law was the limitation of 190 days to perfect the minor subdivision and also you have so many different conditions.
- It's almost like be the clock.
- I must tell you in the last 20 years; I think that I've actually had 3 clients that have been able to meet the 190 day clock.
- I never really understood it maybe one day the legislature will modify that but I don't have high expectations.
- With that being said I have a very detailed letter to outline what happened here since the time we were here and the board had approved.
- Mr. Bruke you've read that letter, is it fair to say that the information retained in the letter is what you've provided me and it is accurately reflective of what transpire since time we were here and the board had approved the application?

Andrew Bruke

- Yes

Attorney for the Applicant, Steven Schepis

- And since that time you've secured the necessary plan approvals from the board professionals, the descriptions were approved the deeds I prepared were approved and most importantly the house that was on the property that was on the middle of the lot has been demolished.

Andrew Bruke

- Yes

Attorney for the Applicant, Steven Schepis

- Is it fair to say that primarily the reason for the delay was getting the necessary utility shutoff from the various utility companies?
- Being able to have the place vacant and then turn off the utilities get the permits and then demolish the structure.

Andrew Bruke

- Yes.

Attorney for the Applicant, Steven Schepis

- Now that's done you get to move forward, is that fair to say?

Andrew Bruke

- Yes

Attorney for the Applicant, Steven Schepis

- Now I will point out that Blais properly points out that your ordinance has a limitation of the variance that would expire one day from the date of the approval which would carry us to September 25th 2019.
- While I would anticipate that we will be able to wrap this up within the next 30 days; sometimes my highest hopes fall by the way side, so I would ask the board to graciously grant us and extension for the perfection of the minor subdivision approval until September 25th 2019 which would mirror the date of expiration of the variance just in case something happens between now and then.
- Everything is done we anticipate final sign offs from the construction department.
- I'd hate to have to comeback.

Chairman Pinadella

- You are changing your request form June 30th to September 25th?

Attorney for the Applicant, Steven Schepis

- Yes I am.
- I also understand that; form now to sometime in June the board is going to adopt the resolution memorializing this determination which is going to take a couple of weeks.
- With that being said, it would be cutting it close.

Attorney for the Board, Michael Sullivan, ESQ.

- That is the first thing I was going to ask you that looked too tight.
- You are too much of an optimist.

Attorney for the Board, Michael Sullivan, ESQ., sworn in the Township Planner, Blais Brancheau.

Attorney for the Board, Michael Sullivan, ESQ.

- Some of this extensions we've put findings in the resolution regarding for example whether since that 2018 approval the zone classification of the property remained unchanged; I think I've seen it,

Township Planner, Blais Brancheau

- Yes, I was going to prepare that analysis but statutory criteria are laying off in the subdivision.
- I agree with Mr. Schepis in that; the statue seems a little incongruous, when you're obtaining an extension of the site plan approval of the subdivision, what's relevant is whether the zoning has changed and whether the existing development in the area has changed and whether the other factors that supported the approval have changed so that as if now we've received it today would you have acted differently.
- If nothing has changes presumably you would have acted the same way and therefore would you have granted extensions.
- But if things have changed then you might not or you may modify the decision instead of granting the extension of the approval.
- The reason for the expiration for this kind of decisions is that conditions do change, Land Use policies do change and therefore the town should not be held to the same decision to the new set of facts.
- In the case of a minor subdivision oddly enough the statue criteria is simply this that if the developer was late in his efforts to obtain other governmental approvals and that he diligently pursued those approvals but despite his best efforts delays ensued.
- Examples are DEP which typically take 6 months or more to get an approval from, if you had to get county approval or utility approval, etc and he was delayed in that then he gets an extension beyond the 190 day.
- So I didn't do an analysis of revise the zoning, or revise the development conditions.
- I am not aware of any changes that have occurred in the interim that would stand the statutory criteria but I did not include them in my report.
- I will say concerning the statue conditions, I did speak to the construction official earlier today, I asked him about the status of the demolition.
- I will concur with what Mr. Schepis said, that this was somewhat delayed partly by the fact that the board required prior filing of the subdivision demolition of the existing dwelling which is a little unusual case of the minor subdivision that alone makes the 190 days difficult to meet.
- But during the demolition process it was discovered that there was a well on site and state regulations required that a well has to be capped or made otherwise closed or sealed off and that wasn't learned in the processed until the construction official went to do a site inspection and he observed it.
- If it still has not been capped, the construction official has not issued a sign off on the demolition which was a condition precedent to filing the subdivision so I asked the construction official today what is going to go on. He informed me that the applicant wants to use the well during the construction of the new dwellings as a water source at that time.
- So the construction official informed me that what he would like to do is allow the subdivision to be filed notwithstanding the well issues but to indicate that no CO will be issued for the new dwellings until the well is properly capped and in recordance with regulations.
- If the applicant is willing to agree to that, I would request that any resolution can be modified to say essentially what I've said; that the condition of demolition shall be considered satisfied at the time of issuance of CO's from dwellings, because the dwelling have been demolished. It's just the well that is withstanding issue at this point and time

Attorney for the Board, Michael Sullivan, ESQ.

- We need to make a finding that the dealing with the well could be subsequent to the perfecting of the subdivision and then with the CO's
- I only ask you about the other finding because we've seen those before and for some reason.

Township Planner, Blais Brancheau

- Yes, and they are statutorily irrelevant in other cases.
- The statute in this case, bases the extensions solely on the issues of the governmental approvals.

Chairman Pinadella

- We don't have to go any further than that.

Board Secretary, Kimberly A Bongiorno, LUA.

- Announces the late arrival of Member Byrne at 7:48 PM.

Chairman Pinadella

- What we've said is that basically, what we are looking at is an extension to September 25th 2019
- All the original conditions of the approval still apply, that the demolition while it's done the capping of the well will be done by CO time and at that time the demolition will be considered complete.

Opened to the Public

After hearing none
After seeing none

Closed to the Public

Opened to the Board for questions

After hearing none
After seeing none

Closed and moved for motion

A motion to grant the extension to September 25th 2019 was moved by member Nardone and seconded by Mayor Francioli.

- Nearly 10 in the state of New Jersey.

**The Board moved to accept the Architect for the Applicant Greg Strickland.
Attorney for the Applicant, Lawrence Cutalo**

- Mr. Strickland would you mind walking in front of these as the site applications and walking the Board members through the proposed sign and other improvements?

Architect for the Applicant, Greg Strickland

- Sure
- The entrance to the site is off through South Jefferson Rd.
- As you turned out South Jefferson Rd. and come down the driveway there is an existing principle and identification sign, which identifies the address for the building.
- The issue is identifying what tenants are occupying the building.
- We are proposing; we install the sign which in directly in line with that entry drive.
- In front of the building the sign is 4 ft. wide and it extends approximately 6 ft. Our maximum 6 ft. above the grade which is visible as you're entering the driveway.
- That sign is colored to match the building and then has a luminal panel on the face; which is cut metal.
- These signs can be swapped out at the tenants change without having to change the resto of the sign.
- The section of how we are going to construct it, so we're taking down below the frost line a solid concrete footing coming up with reinforce block with a cap plate to allow the signage vendor to construct the sign that seats on top of that.
- In front of the sign, approximately 3 feet in front of the sign; we're proposing to install 2 LED lights which will illuminate the sign. They're self-shading; they're flood lights to minimized spillage beyond the sign itself.
- The intent is not to illuminate anything except that sign.

Chairman Pinadella

- Are they fixed or movable?

Architect for the Applicant, Greg Strickland

- They'll be fixed.
- They can be adjusted.
- There will be a set of screws on them so that once they are tighten down they can't be moved by someone who happen to be walking by.
- The area in between the lights and the design itself can be landscaped with low round cover and then we can do additional landscaping around that sign.

Chairman Pinadella

- Council, where you here before when this proposal came in to put that same type of sign as the front sign.

Attorney for the Applicant, Lawrence Cutalo

- No we were not, we were not council for the applicant at the time.

Chairman Pinadella

- I think at the time there was a request that this type sign replace the monument sign that has just the address and as a result we did not approve that.
- We suggested that they find another location to meet the ordinance; which was at the back at the cross roads where you are putting this so we appreciate the fact that you're following some direction that we have anticipated that you would at some point and time.

Attorney for the Applicant, Lawrence Cutalo

- Yes we have, we've worked very closely.
- We've looked at your code very closely and determined the type of sign that would be permitted in that space in addition to the sign that simply states the address.
- With that being said we do know that there are a few comments in the Planner's review letter.

Chairman Pinadella

- Regarding the plantings that were previously approved.

Attorney for the Applicant, Lawrence Cutalo

- Yes regarding that plantings and we will revise the site plan as a condition of approval if that is the board's pleasure to reflect that in.

Chairman Pinadella

- We'd like you to put the plantings in

Attorney for the Applicant, Lawrence Cutalo

- Yes we will put I believe a tree, remove the other plantings and trees and we will replace those.

Chairman Pinadella

- And you'll correct the plan for the structures.

Attorney for the Applicant, Lawrence Cutalo

- Yes the structures.
- The rear of the building had been removed and will also reflect the site plan to show that those structures had been removed.

Chairman Pinadella

- Any member of the board has any questions?

Member Deehan

- The monument signs, we've enhanced in any way or is it still going to be the number?

Attorney for the Applicant, Lawrence Cutalo

- The sign is going to remain the same.
- You're code is fairly strict on what the monument sign can say.
- We can only provide the number of identification up the address

Member Deehan

- So it's going to remain the same.

Attorney for the Applicant, Lawrence Cutalo

- Correct.

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

Township Planner, Blais Brancheau

- When you look at the sing detail, it contains the name of the tenant and the unit number that the tenant is in.
- If I'm a visitor to the site how am I going to know where that unit is because as you know when you come in; the driveway splits into half right or left, one way around.

Architect for the Applicant, Greg Strickland

- It's a one way loop.

Township Planner, Blais Brancheau

- Alright then never mind.
- I thought that you had a choice of going right or left.

- If that was the case I was going to suggest adding arrows to tell someone where to go but they can only go right.

Architect for the Applicant, Greg Strickland

- The hatched area in the front of the building has stripping on the pavements so if you do pass by the unit you can loop around the building without having to go back out.

Township Planner, Blais Brancheau

- And the building has labels on the walls to indicate the unit?

Architect for the Applicant, Greg Strickland

- They're just on the doors.
- Typically they have a sign identifying the name of.

Township Planner, Blais Brancheau

- Just on the doors.
- Because if they're going on by the name of the tenant on the wall of the building when they close to that identifying them, got it.

Architect for the Applicant, Greg Strickland

- Correct

Attorney for the Board, Michael Sullivan, ESQ.

- Blais; if in the future the new tenant comes in and they want to one of these panels out, do we need to put that in the resolution that they don't have to come back to us or is it a matter of court to be allow to do that?

Township Planner, Blais Brancheau

- We would normally allow that anyway, but it doesn't hurt to say it just to avoid any confusions.

Attorney for the Board, Michael Sullivan, ESQ.

- In the event of approval I think that we would make this as a condition that they could swap out a tenant panel without having to obtain site approval.

Township Planner, Blais Brancheau

- As long as they continue to comply with the ordinance.

- There are regulations as to how large the lettering is going to be, the content of the lettering, etc.

Attorney for the Board, Michael Sullivan, ESQ.

- As long as the swapping panel conforms the ordinance.

Township Planner, Blais Brancheau

- Yes

Chairman Pinadella

- Do they have to go before the site plan committee with new tenants?

Township Planner, Blais Brancheau

- No if they come here.
- It's one stop shop

Chairman Pinadella

- No I mean for new tenants.

Township Planner, Blais Brancheau

- For new tenants would have to get back approval.
- Which would look at things like; parking needs, we would look at things like we have a regulation that says in an industrial building you put a child care center next to a fabricating shop you are going to have problem.

Chairman Pinadella

- So they are not relieved from having to go to the site plan.

Township Planner, Blais Brancheau

- They are not relieved when there's a change of a new tenant but they don't have to come back to us.

Chairman Pinadella

- So they are not relieve from having to go for the site plan approval when there is a new tenant but don't have to worry about the sign ordinance.

Township Planner, Blais Brancheau

- Yes

Member Nardone

- I have a question for Blais regarding that question.
- There are ten units and eight tenants and you said Blais that as long as the lettering stays the same and the slots stay the same but you could have more tenants and then that would change all that so we try up for an approval we would have to recognize that right?

Township Planner, Blais Brancheau

- Yes.
- What I meant was not that they maintain the same number of tenant signs but because the directory's sign regulations requires the deck to be uniform.
- If they are going to add tenants they may have to change all of the tenant signs to be uniform because of that.
- But if they could do that they wouldn't have to come back.

Chairman Pinadella

- They just have to follow the ordinance as you said.

Township Planner, Blais Brancheau

- Yes.
- Obviously if we are talking about moving the sign itself or changing the dimensions of the sign itself it's different.
- But as long this existing structure is there; the tenants' names can be change in accordance to the ordinance.

Chairman Pinadella

- Any other questions form the Board.
- After seeing none I will open it up to the public.

Opened to the Public

After seeing none

After hearing none

Closed to the Public.

Attorney for the Applicant, Lawrence Cutalo

- We have not further witnesses.
- We would ask that if the revised site plan could be reviewed by the Township Engineer and signed off on with those revisions.

Chairman Pinadella

- Any other comments from the board?

Mayor Francioli

- This is on the directory sign.
- Part of the ordinance that we created it, you're allow a principal name in the building units and then the directory sign further behind that in other words you are allowed to call the facility something.

Township Planner, Blais Brancheau

- Yes

Mayor Francioli

- Are you intending to name this building or this office complex?

Chairman Pinadella

- If I heard correctly; they said that one monuments sign would only contain the address and that the sign that they are not proposing would only contain the names of the tenants.
- The eight names, Am I correct?

Attorney for the Applicant, Lawrence Cutalo

- That is correct.
- As is our understanding at the time when we made the application finding that the main sign could only contain the address of the property or some type of name.
- So we've added the directory sign.

Architect for the Applicant, Greg Strickland

- The ownership has not expressed any desire to name the building.

Township Planner, Blais Brancheau

- The ordinance doesn't allow both free standing and wall mounted.
- If they were to change to a wall mounted sign they would have to eliminate the monument sign.

Attorney for the Board, Michael Sullivan, ESQ.

- And so that it's clear; TFJ 60 South Jefferson Road Associates LLC
- Because somewhere else I saw it without the 60 in there.

Attorney for the Applicant, Lawrence Cutalo

- Yes that is correct; TFJ 60 South Jefferson Road Associates LLC.

Attorney for the Board, Michael Sullivan, ESQ.

- Okay this is an application for preliminary and final site plan approval.
- If it's approved it'd be subject to be in compliance with paragraphs 2A and 2B containing the township planner's review memorandum dated May 17, 2019.
- I would also contain a condition that the applicant could swap out the tenant panel as long as the sign otherwise conforms to the ordinance that it is not enlarged or relocated it.
- Does that cover Blais?

Township Planner, Blais Brancheau

- Yes.

A motion to approve with conditions was moved by Member De Nigris and seconded by Member Nardone.

Members Critchley, Deehan, De Nigris, Nardone, Olsen, Byrne, Ferramosca, Mayor Francioli and Chairman Pinadella voted in favor of approving the application with conditions.

Member Olsen

- I have to ask this question; we just passed this here and what we put into the record was if he changes tenants he has to change the signs correct?

Attorney for the Board, Michael Sullivan, ESQ.

- If he chooses to change a tenant panel he doesn't have to come back to us as long as he otherwise conforms to the ordinance and doesn't enlarge or relocate the sign.

Member Olsen

- Okay.

| | | |
|----|------------------|-----------------------------|
| 5) | CASE NO. | 19-4-4 |
| | APPLICANT | JMF ACQUISITIONS GROUP, LLC |
| | OWNER | PINE PLAZA ASSOCIATES |

| | | | | | |
|------------------|------|--------------------------|---------|--------------|------|
| LOCATION: | | 92 MOUNT PLEASANT AVENUE | | | |
| | | 831 ROUTE 10 EAST | | | |
| | | WHIPPANY | | | |
| BLOCK: | 8803 | LOT(S): | 17 | ZONE: | R-15 |
| | 4001 | | 12 & 14 | | B-10 |

Applicant is seeking a minor subdivision for future development purposes, pursuant to a settlement agreement executed on March 22, 2019 and for environmental NJDEP approvals requiring the residential portion of the property to be on a separate parcel which will allow for and Unrestricted Use RAO.

Board Action Date – JUNE 8, 2019

Attorney for the Applicant, Craig Alexander

- RAO is a Response Action Outcome.
- It's what we used to call the NFA for that matter.

Chairman Pinadella

- How many witnesses do you have tonight Councilor?

Attorney for the Applicant, Craig Alexander

- I have maybe two.
- The first witness is Joe Forgione, Principal for the application.

Attorney for the Board, Michael Sullivan ESQ.

- Mr. Alexander; while I have you here the correct applicant is JMF Acquisitions LLC, is that correct?

Attorney for the Applicant, Craig Alexander

- Correct.

Attorney for the Board, Michael Sullivan ESQ.

- Because it is incorrectly designated in the application.

Township Planner, Blais Brancheau

- Is it Acquisitions or Acquisitions Group?

Attorney for the Board, Michael Sullivan ESQ.

- It is Acquisitions not Acquisitions Group.

Attorney for the Applicant, Craig Alexander

- JMF Acquisitions.

Attorney for the Board, Michael Sullivan, ESQ., sworn in the Principal of the application Joe Forgione.

Principal of the Application, Joe Forgione

- 80 South Jefferson Road.

Attorney for the Board, Michael Sullivan, ESQ.

- I am going to ask you to be seated.

Attorney for the Board, Michael Sullivan, ESQ., sworn in the Township Planner, Blais Brancheau, the Township Engineer, Gerardo Maceira, P.E., and The Engineer for the Applicant, Anthony Facchino.

The Engineer for the Applicant, Anthony Facchino

- 54 Horse Hill Road, Cedar Knolls, 07927.
- All licenses are current
- I will be testifying as a professional Engineer or a Professional Land Surveyor.

Principal for the Application, Joe Forgione

- Good evening everyone.
- So the idea is that the project that is being developed is a mixed used residential and retail commercial.
- In order to get clearance for the residential, we need to have the LSRP issued unrestricted RAO.
- Unlike years ago when they allow you to do a No Further Action letter for portions of the property, the state will not allow it.
- So now we have to do a site wide RAO.
- So because there's a former dry cleaning in this area and there's contamination in this corner of the property and the contamination can't be addressed really until the building gets demolished and all the soil has been removed from this area in order to get an Unrestricted RAO we need to create two separate lots.
- This lot line that is drawn is the center line of the proposed roadway which corresponds to the concept plan that we attached to a settlement agreement that was before the court two weeks ago.
- So it's a simple application, it's something that I did exactly the same thing that the Colgate property, when I acquired that.

- We needed to subdivide the front portion from the rear in order to get an unrestricted RAO and basically that's the just of the application.

Chairman Pinadella

- Do you know what caused the contamination?

Principal of the Application, Joe Forgione

- I believe it's the solvents dumped by flushing down the toilet and the sink.

Chairman Pinadella

- I don't recall anything being there.

Principal of the Application, Joe Forgione

- A small dry cleaner
- A 2000 sq. ft. dry cleaner created all that trouble.

Attorney for the Board, Michael Sullivan, ESQ.

- Question, the application Mr. Forgione references a March 22, 2019 settlement.
- I talked to Mr. Alexander earlier today also could you give us specifics on that so that we can reference it in the resolution.
- I just need the parties and if there is an ID number, that kind of thing.

The Engineer for the Applicant, Anthony Facchino

- Yes I have that.

Attorney for the Board, Michael Sullivan, ESQ.

- Okay, why don't we just do this; Mr. Forgione the settlement in fact with the dated March 22, 2019 correct?

Principal of the Application, Joe Forgione

- The settlement with the Township of Hanover.

Attorney for the Applicant, Craig Alexander

- There's a settlement agreement dated March 22, 2019 abide between Hanover Township and JMF Acquisitions.

Attorney for the Board, Michael Sullivan, ESQ.

- That settlement is what led out to the RAO being issued?

Attorney for the Applicant, Craig Alexander

- The intention is by creating the separate parcel for the residential parcel, would enable Joe to obtain an unrestricted RAO for the residential parcel while it continues to remediate the retail parcel.
- But under the way DP operates you have to separate out the retail from the residential.

Attorney for the Board, Michael Sullivan, ESQ.

- Okay, thank you.

Attorney for the Applicant, Craig Alexander

- And Joe just to clarify comments made by Blais in his report.
- They are going to share access, parking, share easements.

Principal of the Application, Joe Forgione

- Yes.

Attorney for the Board, Michael Sullivan, ESQ.

- The conditions suggested in Mr. Broncheau's May 20th memo, specifically items Two and I guess the end of one also.
- I think that Mr. Broncheau's is looking for conditions that this subdivision will not be construed to connect any development's rights other than the current Pine Plaza Shopping Center, unless it supplies with rules and regulations that was one of his comments.

Attorney for the Applicant, Craig Alexander

- That is correct.

Principal of the Application, Joe Forgione

- Correct.

Attorney for the Board, Michael Sullivan, ESQ.

- Number two of his reports basically looks for a condition that's a portion of proposed lot 14.02 and all that's proposed by lot 14.01 by locating the R15 single family residential zone district.

- That's describing any changes in the use of development of this area from existing conditions simplify with all regulation applicable to the R-15 zone district unless Land Use regulations change, I figure that's all okay with you?

Attorney for the Applicant, Craig Alexander

- Correct

Principal of the Application, Joe Forgione

- Sir would that include also what the settlement agreement is adhere to?
- I mean I don't know the settlement agreement actually rezones the property?

Township Planner, Blais Brancheau

- The settlement agreement does not rezone,
- That is anticipated to occur in the future either as part of a redevelopment plan and or as a zoning amendment
- But all this is saying is that when all that happens then the zoning remains in place.
- So everyone is clear the zoning controls at this point and time.

Chairman Pinadella

- We anticipate that's going to change.

Township Planner, Blais Brancheau

- Of course that's what the settlement is calling for but ultimately it's up to the court to approve that.

Chairman Pinadella

- I mean just to make a comment; if all this goes forward and everything continues along the line then we anticipate that the zoning will change in order to be able to handle what has to be developed here.
- There's going to be no change immediately to the Mida's stride way and in the future that will be considered since develops plans.

Principal of the Application, Joe Forgione

- Yes and we continue to try would it work with the owners of the Mida's.

Chairman Pinadella

- We'd like to see that become part of the overall development.

- It would be nice to see that as one single unit but if it all possible obviously it's a different owner.
- Last but not least Mr. Forgione, there easements across this property now, our trails from the town.
- We anticipate that consideration will continue in the development of the new plans for this property?

Principal of the Application, Joe Forgione

- I think that in the settlement agreement talks about connectivity with the grand across the street.
- Providing sidewalk access along the Roadway and through the development connecting to the place down, that would be on the Southern side of the property

Chairman Pinadella

- There was an initial small bridge across some wet lands over I think it's on lot 17, off Mount Pleasant.
- Go all the way up to Mount Pleasant, there was a bridge put in by the county as a matter of fact which also was related to the trails.
- I don't know if that's going to continue we have to go back at the time in looking at the development, I just want you to keep in mind that the trails affect not only the parts of the property you talk about of that area up front.
- That small area allows the bridge that is a matter of whether we can deal with Midas Muffler or whether or not you can get that property in the future.

Principal of the Application, Joe Forgione

- In all the cases part of the settlement in that we do have the connectivity with the trail.
- One exit that the plan doesn't show is that we also purchase lot 11.
- We have new money in house and lot 10 which is from the JCC property.
- So we bought those parcels as well so it'll expand.

Chairman Pinadella

- That's great.

Township Planner, Blais Brancheau

- To clarify Mr. Pinadella, none of the existing pages that have easements will be affected by the subdivision. Is that incorrect?

Principal of the Application, Joe Forgione

- No Sir.

Township Planner, Blais Brancheau

- Both Town Engineer and I asked about the purpose of the two accesses easements that are proposed as part of the subdivision.
- They're at the rear of the property next to the Metro Last property; could you address what those are?

Principal of the Application, Joe Forgione

- Sure, currently JCC has access in frontage along Route 10. We're acquiring their property so taking away their frontage and part of our deal is that we provide access through our development to Route 10.
- Earlier on when we were working with the town trying to develop or pushing to the back property, one thing that was important to the Town is that they have also access to the signal.
- That was a request from the town from day one.
- When we acquire lot 10 we agreed to provide the access.

Chairman Pinadella

- Jerry (Gerardo) Do you have questions?

Township Engineer, Gerardo Maceira, P.E.

- I have a report dated May 20, 2019, there are a number of recommendations, I am sure if the applicant is going to apply them.

Principal of the Application, Joe Forgione

- We can go through them.

Attorney for the Board, Michael Sullivan, ESQ.

- I think that if you take a look at it Mr. Forgione; you probably will be able to just say that you don't find any objection.
- Take a look at it and Mr. Alexander take look at it also.

Principal of the Application, Joe Forgione

- We can address all the items.

Chairman Pinadella

- Any other questions form the Board.
- After seeing none I will open it up to the public

Open to the Public for comments and questions.

After seeing none

After seeing none

Closed to the Public.

Attorney for the Board, Michael Sullivan, ESQ.

- This is an application for subdivision condition composed would be the two items referenced earlier with respect to Mr. Brancheau's report.
- But it must be also subject to comply to satisfy items 1 through 5 contained to the attached engineer's memorandum dated May 20, 2019 and they have to perfect the minor subdivision within the 190 days as we know from the earlier application.

Chairman Pinadella

- And the various paths access will remain.

Attorney for the Board, Michael Sullivan, ESQ.

- There will be a finding stating that none of the existing paths easements are affected by this application.

A motion to approve the application with conditions was moved by Member Byrne and seconded by Member Nardone.

Members Critchley, Deehan, Nardone, Olsen, Byrne, De Nigris, Ferramosca, and Mayor Francioli all voted in favor to approving the resolution with conditions.

| | | |
|-----------|--------------------|-----------------------------------|
| 6) | CASE NO. | 18-10-18 |
| | APPLICANT | HARTZ MOUNTAIN INDUSTRIES, INC. |
| | OWNER | 118 ALGONQUIN PARKWAY LLC |
| | LOCATION: | 118 ALGONQUIN PARKWAY WHIPPANY |
| | BLOCK: 6801 | LOTS: 2 & 5 |
| | | ZONE: I |

Applicant sought preliminary and final site plan approval in order to install a solar panel array consisting of 954 PV modules. Entire array will be enclosed via a fence. Current area is an open field with no above ground utilities.. Application was variance free. Application approved February 19, 2019. Applicant is now seeking Amended Preliminary and Final Site Plan Approval for relief from a condition of the recent approval, namely the requirement to consolidate two tax lots. The applicant does not see to change any uses or improvements with this application. The two lots are owned by distinct entities and are financed separately.

Board Action Date – AUGUST 11, 2019

Member Critchley

- Requested to be recused from this portion of the meeting.

Chairman Pinadella

- Member Critchley has recused.

Attorney for the Board, Michael Sullivan, ESQ.

- Mr. Leonard I think the board has the application indicated that there was a rationale for relieving that condition from the February 26 resolution which require the consolidation indicating in the letter that the ownership is in separate entities and that; that would have financings implications.
- Is there anything else that the board needs to know or want to make sound really grave so they granted?

Chairman Pinadella

- We have approvals from both owners is that correct?

Attorney for the Applicant, Jim Leonard

- Yes.

Chairman Pinadella

- There was a need to have access easements across the property.
- Both properties in other to provide maintenance.
- Would both owners agree to consent to an access easement to ensure that all of can be maintained?

Attorney for the Applicant, Jim Leonard

- I'm sure if that's necessary.

Attorney for the Board, Michael Sullivan, ESQ.

- I think if the lot was consolidated to a single ownership is not an issue.
- But if they are going to stay in a separate ownership; if you cross that access easement Jerry (Gerardo) for security for what purpose.

Chairman Pinadella

- Maintenance and installation.

Township Engineer, Gerardo Maceira, P.E.

- Yes I guess maintenance and Installation.
- I think it would require a vehicle access.

Attorney for the Applicant, Jim Leonard

- Let me just say; I'm not 100% familiar with the requirements for that crossing easement and whether the financing would be impaired because of the crossings that much I don't know.
- This is the situation if lot two is leased to this company, have nothing to do with lot five and the financing is all with respect to lot two as well and to open up the financing to involve the other lots.

Attorney for the Board, Michael Sullivan, ESQ.

- And Jerry (Gerardo) they have to maintain the thing anyway, and if there is a problem with maintenance there could be an enforcement issue they're going to have to figure it out so I don't know sometimes these financing documents are ridiculous as to what you cannot do going forward.

Township Engineer, Gerardo Maceira, P.E.

- They do.
- Yes I think we could just leave it. I think if there is a maintenance violation that's what that's there for.

Chairman Pinadella

- Well let's move the motion that as long as

Attorney for the Board, Michael Sullivan, ESQ.

- Okay we don't need that then.

Township Planner, Blais Brancheau

- Could the board include a condition of the approval that doesn't require the formal filing of an easement but does require the effective grant of permission without it being a falling file.
- In other words, if there were to be a problem with one of the property owners or a problem with one of the properties being sold or there was a dispute between property owners such that the access was being blocked then they would be violating the terms of the approval without necessarily requiring a formal easement

Attorney for the Board, Michael Sullivan, ESQ.

- So we can say that as a condition of approval the property owners grant access for maintenance over the properties.

Township Planner, Blais Brancheau

- I wouldn't say "grant" because it implies a formal, I would say; allows access for purposes of installation and maintenance of the solar facility and pertinent structures.

Chairman Pinadella

- That sounds good.
- With that any questions of the members of the board? Seeing and hearing none I will open it up to the Public.

Open to the Public

**After seeing none
After hearing none**

Closed to the Public.

Chairman Pinadella

- Any comments from the board?

Attorney for the Board, Michael Sullivan, ESQ.

- Again this is an application for relive from that condition, other than the condition I just read about the property owners allowing access there would be a condition of approval that all prior conditions of approval not inconsistent here shall remain in full force and effect.

A motion to approve with conditions was moved by Member Byrne and seconded by Member De Nigris.

Members Deehan, Nardone, Olsen, Glawe, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor of approving the resolution with conditions.

Member Critchley returned to the dias.

OTHER BUSINESS

Public hearing on the adoption of an amendment to the Land Use Plan element of the Master Plan of the Township of Hanover

Attorney for the Board, Michael Sullivan, ESQ swore in Township Planner, Blais Brancheau

Township Planner, Blais Brancheau

- I'd like to give a brief summary of the amendment to the Master Plan that is before you.
- What I have here and will show it to the Public and to the board, this is the existing master plan Land Use map and on that map you'll notice two areas that are leveled OS.
- One is top West to the airport one is in the area of Birchwood Manor.
- That is the existing Master Plan and that office services a zone and the Master plan was moving away from the existing IP zone that is plane and industrial zoning to a more services type permitted uses and away from industrial.
- So it's recognizing that although Hanover used to be a major industrial community overtime so we've seen the decline on industry not only in Hanover township but in New Jersey and in fact in the North America as a whole as it's gone to the south or it's gone overseas in many cases.
- What you're seeing in that in here and other areas is a decline in industrial zoning as well and this is part of that.
- So what the OS zone currently recommends in the master plan mix of uses ranging from offices, to conference centers, to banquet facilities obviously The Birchwood Manor is one to Hotels.
- We have a hotel already on Colombia Turnpike and Park Avenue.
- We have offices already in the zone in several locations so it's largely mirroring what's already in the zone.
- A more of a move away from industrial zoning and recognizing what's there and trying to that.
- Recognizing that Hotels in an industrial area or offices always mixes well together.
- This areas are also adjacent or across the street from residential areas.
- There is the feeling in the Master Plan currently and in the proposal is that offices and services uses would be more compatible with those residential uses than the industrial use for example.
- The proposed map is changing very slightly from the existing map and that we are adding a small amount to the OS zone recommendation in the master plan.
- That change is on North Jefferson Road and is to recognize that there's an existing parking area and driveway used by Birchwood Manor.
- It was already developed for that purpose. It was not develop for residential use.
- So this is again merely recognizing what it already exists at the Birchwood Manor property.
- So that is the map change that is being decided this evening.
- In addition there are some changes in the text of the Master Plan.
- I'd like to briefly summarize what those are.
- They evolve some other zones besides the OS zone.
- For example, in the B-10; zone permitted used recommended in the zone are proposed to be modified to allow for small scale storage buildings associated offices or retail development.
- The township committee adopted ordinance 19-2019 couple of weeks ago and to permit that use in that zone.
- So all this is doing is bringing the master plan in alignment with the existing zoning in that location in that zone district.

- In addition we deleted language in the DS zone, to which strike the recommendation or the statement that is planned as an A restricted multifamily development or of approximately of under one hundred units.
- It already is developed with about one hundred seventy five A restricted units.
- There has been discussion about additional affordable housing being developed on that site, the problem is that, that proposal has hit road back because it was depending upon government funding and is in a state of flux.
- So the proposal to strike the about one hundred eighty units is done because I did not want, the board did not want to construe more than one hundred eighty units.
- The fact of the matter is we don't know ultimately is still in flux what the number of units will be on that site and so rather than getting a definitive number proposals just to strike it, it's not changing use it's just saying we don't know the number of units yet so let's not act as if we do.
- In addition proposing language in the statements about the BP-2 zone where we are mending.
- The BP-2 zone is located at the intersection of Whippany Road and Parsippany Road, you'll know that, that is by the corporate mailing site is, the QuickChek is, there is a bank there, there is a kinder care child care center and a funeral home there, and a number of other type commercial uses.
- So many years ago the zoning was changed to allow retail and Multifamily there but the Master plan never caught up to the current zoning, so this change will bring the master plan in alignment with the current zoning for that zone district.
- In addition we are proposing for this office services zone; in addition to changing the boundary of that zone there is change in the standards for the zone and that is the whole schedule for bulk standards in the Master Plan that are being changed or proposed changed from what is in the current Master Plan.
- In the redevelopment plan overlay for the BP park industrial district, it has this area here to the West of the Jug handle adjacent to Parsippany.
- For this I am talking about the small triangular area and that is in the existing Master Plan, it's called as a redevelopment overlay or over the industrial zone that exists.
- And that is in fact the case, a redevelopment plan that has been adopted by the governing body for that area.
- It's a simple change here. The way the current Master Plan reads, it says dissipated that it will be adopted we're merely changing it to; it has been adopted just to bring it up to date while we're making these other changes.
- And that it is in sum the changes proposed to be adopted tonight, so if you have any questions I'll be happy to try to answer.

Chairman Pinadella

- Does anybody have questions of Mr. Brancheau's memo?
- Seeing none I will open it up to the Public.

Open to the Public.

After seeing none

After hearing none

Closed to the Public.

Chairman Pinadella

- Thank you Mr. Brancheau for your presentation.

A motion to approve the amendment to the Land Use Plan Element of the Master Plan was moved by Member Nardone and seconded by member Byrne.

Members Critchley, Deehan, Nardone, Olsen, Byrne, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor to approve the resolution for the amendments to the Land Use Plan Element of the Master Plan.

ADJOURNMENT

A motion to adjourn was made by Member Ferramosca and seconded by Member Byrne, all members present in favor of adjourning.

Meeting Adjourned at 8:40 PM

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