

**Minutes of the Planning Board of the
Township Of Hanover
January 13, 2015**

Chairman Robert Nardone called the Meeting to order at 7:03PM 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, DeNigris, Ferramosca, Mayor Francioli, Nardone, Mihalko and Pinadella

Absent were Members: Critchley and Dobson

Also present was Board Attorney, Michael Sullivan, Township Engineer, Gerardo Maceira, and Township Planner, Blais Brancheau

I. APPOINTMENTS/REAPPOINTMENTS

Secretary read the following Appointments/Reappointments into the record

Ronald Francioli Class I Mayor One (1) Year Term Ending 12/31/15

John Ferramosca Class III Deputy Mayor & Director of Planning One (1) Year Term Ending 12/31/15

Peter De Nigris Class IV Member Four (4) Year Term Ending 12/31/18

Michael Mihalko Class IV Alt. 2 Member Two (2) Year Term Ending 12/31/16

II. REORGANIZATION

1) **ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

Nomination of Member Nardone for Chairperson and Member Byrne as Vice Chairperson made by Member DeNigris

Seeing no other nominations the nominations were closed and a vote of the Board was taken to elect Member Nardone as Chairman and Member Byrne as Vice Chairman

Moved by Member DeNigris, Seconded by Member Pinadella

Members Voting "AYE" DeNigris, Deehan, Byrne, Nardone, Pinadella, Mihalko, Ferramosca, Mayor Francioli

Members Voting "NO" none

2) RESOLUTIONS

- a. Designation of Official Newspaper
- b. Designation of Board Attorney
- c. Appointment of Board Secretary
- d. Adoption of Schedule of Meeting Dates for the Year 2015
- e. NJ Federation of Planning Officials Membership

Motion to approve all resolutions by consensus moved by Member Pinadella, Seconded by Member DeNigris.

Voice Vote all present members in favor.

REGULAR MEETING OF THE PLANNING BOARD CALLED TO ORDER

III. MINUTES FOR APPROVAL December 9, 2014

Motion to approve the minutes as written.

Moved by Member Byrne, Seconded by Member Deehan

Voice Vote all present members in favor.

IV. PUBLIC HEARINGS

- 1) **CASE NO.** 14-12-15
APPLICANT/OWNER 67 WHIPPANY INVESTORS, LLC
LOCATION: 67 WHIPPANY ROAD
WHIPPANY
BLOCK: 5801 **LOTS:** 1.02 **ZONE:** OB-RL3

Applicant is seeking Preliminary and Final Site Plan, Minor Subdivision and Variance approval to construct a four story office building, parking garage and related improvements.

Secretary read the letter or request to carry from Tom Malman, Attorney for the applicant into the record requesting the case be carried to January 20, 2015 without further notice required.

Motion to grant request to carry by Member Pinadella, Seconded by Mayor Francioli.

Voice Vote all members present in favor.

Board Action Date – NO ACTION DATE DETERMINED, COMPLETENESS PENDING

V. CONCEPT REVIEW

CON-029
WHIPPANY ROAD DEVELOPERS, LLC
325 WHIPPANY ROAD
MULTIFAMILY AGE RESTRICTED TOWNHOMES

Stan Omland - Engineer for the applicant.

JMF Properties under contract to purchase property if a successful rezone is achieved.

There will be no school age children living on this property per the deed restrictions that will be placed on the property. This property will be a 55 and older community.

The current Zoning is R-15.

JMF Properties is hoping for a successful rezoning.

An overview was given of how the rezoning process will take place.

41 Units were shown in November.

An overview was given of what was presented in November.

The Board requested changes in the number of Units.

36 Units were considered.

Omland took that information and revised the plans.

The Board requested an increase in the setback on the Northside of the property.

Omland increased the setback.

The Board requested side to side setbacks as recently approved in the Laurel Estate Site.

The Board questioned the entrance and exit.

The new plan shows two access units.

The date on the plans for Park Lane is 1-13-2015.

Mayor Francioli – requested the chairman clarify to the general public what a concept review is for.

Chairman Nardone – This is not a formal site plan.

- Nothing discussed tonight is binding and is solely for guidance to find out if the town would be amenable to changing the zone.
- The Board will have the discussion with the developer.
- If there is time this evening, the Board may open discussion to the Public for comments, but usually concepts are not open to the public for commenting.

Mr. Omland – Explained the deed restrictions and how they would affect his project.

- This project would be age restricted.
- Willing to provide appropriate measures to ensure this property is always 55 and older.
- This project will be the same as the project that was built in Veria.
- The deed restricted intent to ensure this will always stay a 55 and older community and no children will be allowed.

Mr. Byrne – Wants to know what a compelling reason would be to change the zone. All of the surrounding areas are single family homes. He wants to make sure that changing to multifamily would be in the best interest of Hanover Township.

Mr. Omland – The property is surrounded by major roads.

- The property is odd shaped. (Triangular)
- An R-15 use is not best suited for this property.
- Sketched an R-15 concept prior to this evening's meeting.
- They could build 14 conforming single family homes. Eight of the lots would be direct access to either Whippany Road or Park Avenue, which would create eight new driveways onto the major roadways.
- The current church is no-profit and generates no rateables.
- The proposed development would provide rateables for 36 units for the town.
- The R-15 zone, if developed under the standard, could generate several school age children. Fiscal impact is of a general concern.
- Compelling reasons: traffic safety, land planning, busy roads, transitional use and lower traffic generation versus single family.
- Would you want single family homes at the intersection of two busy roads?
- At the December 9th meeting, an aerial view of the property was introduced.
- The property is approximately 6 acres.
- The proposal is to build townhomes with vertical living. A condo association with no more than three bedrooms, no school children, banned upon rental property.
- Some models may have a master bedroom upstairs, but many would be downstairs.
- If this ultimately gets approved, it will be built exactly as approved.

Mr. Byrne – Questioned the old Gulik Property.

Mr. Omland – There have been discussions with the owners of the property. The property is currently approved for a 5 lot sub-division.

- There have been no talks to combine the developments.

Mr. Sullivan – Addressed Mr. Pinadella’s questions regarding the deed restrictions and if they could be overturned at some point.

- The Governing body will be the ultimate decision maker if the zone will change.
- Questioned if there is enough here to keep the ball rolling to go forward with the proposed concept.

Mr. Omland – This property would be heavily buffered from Whippany Road and Park Avenue.

- Discussed the orientation of the buildings on the lot and what the visual impact from Whippany Road and Park Avenue would be.
- Discussed the comparison of this project to the Viera Project.
- This project would not have a club house or a pool.
- This project will be of the same caliber and character of the Viera project.
- Discussed the RM3 zoning criteria.
- The rear yard will be 40 feet. If adding a 10 foot deck, the setback would be 30 feet.
- The building separation will be 16 feet.
- Added two driveway accesses.
- There is ample street parking if there are large events.
- There is ample parking for normal visitors.
- We are now proposing 36 units from the originally proposed 40 units.
- This opened the project up more and offers more buffering and parking.
- Density per acre at Viera is 4.2 , but they had large areas of open space due to steep slopes and wetland buffers.
- At this time another church could come in and continue the existing use.
- Hoping the proposed development is attractive to the town.

Mr. Nardone – Questioned the amount of curb cuts, if the project was built as a single family development.

Mr. Omland – Described the way the homes would need to be laid out if set up as a single family design.

Mr. Ferramosca – Questioned why two level senior housing. One unit above the other could not be built on this site.

Mr. Omland – The concept of a senior project is 62 and older and is strictly senior living.

- The proposed project is proposed as a 55 and older active adult community.

Mayor Francioli – Questioned how the rents are subsidized in the communities in town that are strictly senior rentals and subsidized.

Mr. DeNigris – What would happen to the parking if a multi-level project was designed?

Mr. Omland – The project would need to go to three stories to meet the density and parking would be expanded on the site.

Mr. Brancheau – Questioned if they have looked at traffic generations.

- Active adult trip generation rate is less than 5, which is half of a single rate of 10.
- Architecture design is attractive to the single family in the surrounding area.

Mr. Deehan – Questioned who can stay in the units.

Mr. Omland – No school age child can stay in the units, but adult children can. There are no guest restrictions except for school age children.

Mr. Mihalko – Questioned how are the school age children regulated in the proposed development.

Mr. Omland – The State Department of Community Affairs oversees condo documents.

- Documents are given to you when buying into a development that has restrictions on allowing school aged children to stay in the units.

Mr. Mihalko – Questioned the parking spaces per unit. 2 car garage and 2 parking spaces in front of the garage.

Mr. Omland – Addressed how RSIS calculated parking spaces.

Mr. Nardone – Questioned if these units could be rented out.

Mr. Omland – There could be restrictions within the condo documents to refrain from renting out the units.

Mr. Byrne – Needs a better reason than what was presented today to change from an R-15 zone to a Multifamily.

Mr. Mihalko – Does not feel that a compelling reason has been presented for the zone change.

Mr. Nardone – I will allow the General Public to speak for a few moments.

Lois and Tony De Caro – 114 Park Avenue.

- Their whole property borders the proposed project.
- Concerned about the curb cuts if they keep the R-15 property.
- They met with Mr. Forgione since this project will directly impact their property. They felt very confident and comfortable after their meeting.
- Researched the Viera Project and these new units will sell.
- They looked at all of the alternatives as well as the possibility of a mega church.
- This seems like this is the best use for this property with the least amount of impact. It will be a nice project and will impact their property in a positive way.

Judy Iradi – Locust Drive.

- Questioned the number of bedrooms and square footage.

Mr. Omland – There will be a maximum of three bedrooms and the square footage has not been determined yet.

Ms. Iradi – Questioned as to why Spot Zoning was not being considered.

Mr. Omland – Spot zoning would be addressed with reasons in the Master Plan.

Ms. Iradi – Questioned deed restrictions between Sterling Park and this Project.

Mr. Omland – Sterling Park is Rentals and the proposed project is strictly sales.

- This project would be mirrored to the Viera Project.

Mr. Forgione – Explained why the age restricted units are on a separate lot. DCA Law does not allow age restricted rentals in market rental units.

Mr. Brancheau – Explained how the Mount Laurel litigation effected the Sterling development and the age restricted units and the low and moderate units.

Mr. Sullivan – Summarized what the board is considering and the re-zoning.

Ms. Iradi – Questioned the Condo Documents.

Mr. Omland – They are established before the first unit is sold and is set and reviewed by DCA.

- There are certain rules that can change but they cannot violate the site plan approval or deed restrictions.
- A DCA document will be prepared and reviewed as a condition of approval as part of the zoning requirement.

Ms. Iradi – Feels that both the R-15 and Townhome zones have merit and it is a difficult decision.

Peter Zaph – 28 Harriet St.

Mr. Omland – Questioned the distance between the two driveway cuts and the intersection.

- 600 feet to Whippany Road Driveway and 700 feet to the Park Avenue Driveway.

Mr. Zaph – Concerned with the seniors making a left turn onto Whippany Road but was overall in favor of the concept.

Mr. Ferramosca – From a safety stand point, left hand turn restrictions should be considered.

Howard Curry – 120 Park Avenue – Minister of the church selling the property.

- Believes the best use of property is to develop a project similar to the nature of this one
- Feels that the best use would be to sell to a developer and is very happy with Mr. Forgione's plan. He feels the suggested use is the best use.

James Pfarrer – 2 Mount Vernon Way

- Concerned this will become a thoroughfare because now the church is currently such.
- He does not care for rentals, but hopes that this site is developed properly.

- R-15 or Townhomes are Ok, however no rentals.

Anthony Mineol – Mount Vernon Way

- Mr. Mineol is looking forward to this development. Feels townhomes are a good opportunity for the seniors in the area based on real-estate values. He suggested maybe putting up pass gates to limit the access to the site and reduce cut throughs.

Mr. DeNigris – Encourages moving forward with this project.

Mayor Francioli – Questioned senior housing or age restricted. What would the developer do if rezoned, senior housing or age restricted?

Mr. Pinadella – is not in favor of suggested use, age restricted or senior housing. He feels it should stay an R-15 zone and single family homes should be built.

- Seems it would be out of context to allow the proposed age restricted housing.

Mr. Brancheau – A 3,600 square foot home could be sustained on a lot in this development.

Mr. Mihalko – Agrees with Mr. Pinadella and would like to see a cul-de-sac with a high end gated development.

Mr. Ferramosca – Questioned what yield would be if single family development would be proposed.

Mr. Omland – All back yards would be fronting on Whippany Road and Park Avenue.

Mr. Byrne – Does not want to be driving down Whippany and Park Avenue looking at the rear yards of homes. It is not an attractive look.

Mr. Omland – Backyards on main roads would not yield the caliber of homes.

- We could get visual buffering from a condo development with a landscaping screening.
- We would provide whatever buffering would be necessary to enhance the screening from the main roads.
- We would also provide very good buffering between the proposed site and the DeCaro property.

Chairman – Gave different options to the board as to what path they would like to take at this point.

- Would be in favor of leaving this property an R-15 lot or ask Blais what a zoning change would look like for this site.

A straw poll was taken to see if the board would like the Township Planner, Blais Brancheau start reviewing and working on a zone change.

Members voting yes De Nigris, Byrne, Nardone,

Member Deehan voted yes but with conditions

Members Ferramosca and Mayor Francioli, if the Township Committee will accept then they are conditionally a yes.

Members voting NO Pinadella and Mihalko

Straw Poll Results are that the general feeling is that this could possibly work.

Chairman – Asked that the Mayor and Mr. Ferramosca to take this to the Township Committee and then they will decide if they will have Blais work on an ordinance for a zone change.

- If the Township Committee ends up being dead set against this proposal, he does not want to waste Blais's time.

Mayor Francioli – Asked for some definitions of senior housing for the Township Committee meeting.

Mr. Pinadella – Suggested that the Township Committee look into the Mack Cali Property for senior housing. Proximity to the new food store and retail would be favorable for senior housing.

VI. OTHER BUSINESS

VII. ADJOURNMENT

Motion to adjourn meeting.

Motioned by Member Ferramosca, Seconded by Member Byrne.

Meeting Adjourned at 8:54P.M.

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