

**Minutes of the Planning Board of the
Township Of Hanover
SEPTEMBER 15, 2015**

Chairman Robert Nardone called the Work Session Meeting to order at 7:07 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, Critchley, Deehan, De Nigris, Dobson, Ferramosca, Francioli, Nardone, Mihalko, and Pinadella.

Absent was Member: None

Also present were Board Attorney, Michael Sullivan and Township Engineer, Gerardo Maceira.

Chairman Robert Nardone reviewed the agenda for the evening.

7:09PM

Motion to adopt a resolution go into a closed session to discuss MARIA ESPOSITO -v- HANOVER 3201 REALTY LLC, TOWNSHIP OF HANOVER AND THE PLANNING BOARD OF THE TOWNSHIP OF HANOVER. DOCKET NO: MRS-L-1320-15 being heard in the Superior Court of Morris County, State of New Jersey, and The matter OF THE ISSUANCE OF ACCESS STREET INTERSECTION PERMIT NO. S-10-N-0002-2013 BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION DOCKET NO. A-004339-14

Moved by Member Ferramosca and Seconded Member Byrne.

Members De Nigris, Deehan, Critchley, Dobson, Byrne, Pinadella, Ferramosca, Francioli, and Nardone were all in favor of the closed session.

7:20PM

Motion to return to the public session.

Moved by Ferramosca and Seconded by Byrne.

Members De Nigris, Deehan, Critchley, Dobson, Byrne, Pinadella, Ferramosca, Francioli, and Nardone were all in favor of returning to the open public session.

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

The Board Secretary called the roll.

In attendance were Members: Byrne, Critchley, Deehan, De Nigris, Dobson, Ferramosca, Francioli, Nardone, Mihalko, and Pinadella

Absent was Member: None

Also present were Board Attorney, Michael Sullivan were Township Engineer, Gerardo Maceira.

Cases Presented

I. RESOLUTIONS TO BE MEMORIALIZED

- 1) **CASE NO.** 15-6-7
APPLICANT WHIPPANY ROAD DEVELOPERS
OWNER EMMANUEL ORTHODOX PRESBYTERIAN CHURCH
LOCATION: 325 WHIPPANY ROAD
WHIPPANY
BLOCK: 4701 **LOTS:** 29 **ZONE:** R-10A

Applicant sought Preliminary and Final Site Plan approval to construct 25 single family homes and all related site improvements. Application approved August 18, 2015

Motion to memorialize the above resolution as written.

Moved by Member Byrne, and Seconded by Member De Nigris.

Members De Nigris, Deehan, Dobson, Byrne, Pinadella, Francioli, and Nardone voted in favor of the above resolution being memorialized and no members voted against the resolution.

- 2) **CASE NO.** 15-7-10
APPLICANT JEWISH COMMUNITY HOUSING CORPORATION OF METROPOLITAN NJ
OWNER JEWISH COMMUNITY FOUNDATION OF GREATER METROWEST, INC.
LOCATION: 903-905 ROUTE 10 EAST
WHIPPANY
BLOCK: 4001 **LOTS:** 9 **ZONE:** DS/R-15

Applicant sought Preliminary and Final Site Plan approval to install three natural gas generators and associated improvements. Application approved August 18, 2015.

Motion to memorialize the above resolution as written.

Moved by Member Byrne, and Seconded by Member Francioli.

Board Action Date – SEPTEMBER 25, 2015

Gary Platt, Attorney for Net Access.

Alex Rubenstein, chief operating officer, was sworn by the Board Attorney.

- Gave an overview of position with Net Access.
- Gave an overview of the reasons for the need of the emergency generators.
- Operations are data access service and storage.
- It is important to be able to provide services in any event of a power failure.
- Three 300KW Generators will be installed as needed.
- These generators will be diesel powered.
- The manufacture will be Generac.
- An overview was given on other sites that have these generators which have been perfect and flawless.
- An overview was given on how they will address sound attenuation and compliance.
- Exhibits
 - o A-1 – Resume of Benjamin C. Mueller
 - o A-2 – Report by Osterguard Acoustical Associates

Mr. Rubenstein

- Gave reasons for this choice of location for the generators.
- Gave an overview of the containment devices.
- Gave an overview of the fill system.

7:46PM

Opened to the Public for questioning and comments. Seeing none

7:47PM

Closed to the Public.

Robert Walsh, EI Associates Chief Environment Engineer, was sworn by the Board Attorney.

Robert Walsh was accepted by the Board.

- Reviewed the plan that was presented to the Board.
- Reviewed sheet T1 and gave an overview of the property.
- Discussed the green space that is set aside for future expansion of the building.
- We will be losing 6 parking spaces with the installation of this generator pad.
- Reviewed Sheet C1 showing demolition plan

Mr. Sullivan

- Discussed the phased approval with Mr. Rubenstein.

The Board was not concerned with the phasing aspect of the project and did not see an issue with allowing it to be phased.

Mr. Walsh

- There will be masonry on all four sides of the enclosures for the generators.

Exhibit –A-3 showing proposed stop bars and signs by the enclosure (partial vehicle circulation plan)

Exhibit – A-4 Traditional Anchore L-O Rock Sample (enclosure material)

Mr. Walsh

- Discussed fuel containment.

Exhibit – A-5 Cut sheet for absorbent sock.

Mr. Maceira, Township Engineer, was sworn by the Board Attorney.

- Does not feel additional sound attenuation is required. But does feel when built, a sound test should be conducted.

Mr. Walsh

- Will comply with paragraphs 1-8 of Mr. Maceira’s report.

Mr. Maceira

- Would like to know what the construction of the doors for the containment area would be.

8:04PM Opened to the Public for questioning and comments.

8:04PM Hearing and Seeing None. Closed to the Public.

Motion to approve to allow the installation of three outdoor diesel operated emergency/standby generators with conditions..

Moved by Member Pinadella, and Seconded by Member Ferramosca.

Members De Nigris, Deehan, Critchley, Dobson, Byrne, Pinadella, Ferramosca, Francioli, and Nardone all voted in favor of the above application.

- 2) **CASE NO.** 15-8-12
APPLICANT ANTHONY FRANK TASSO PhD. & TONYA TASSO
OWNER MICHAEL AND VIVIAN COHEN
LOCATION: 205 BEE MEADOW PARKWAY
WHIPPANY
BLOCK: 8002 **LOTS:** 3 **ZONE:** R-40

Applicant is seeking Preliminary and Final Site Plan and Variance approval to allow for a home office use for a Psychologist Office. The applicants are proposing to convert the existing first floor family room into an office with a waiting room. An ADA compliant bathroom is also proposed. No structural changes or signage is proposed.

Board Action Date – DECEMBER 29, 2015

John Wyciskala, attorney for the applicant.

- Clients are contract purchasers for 208 Bee Meadow Parkway.
- They need a home where Dr. Tasso can have a home office.
- They want to convert an existing first floor family room into an office and waiting room.
- The doctor will see approximately 10-15 patients per week.
- There will be no employees. Patient appointments will be scheduled so that there is never two patients onsite at the same time.
- There will be no signage.
- Violates minimum lot area and parking requirements.

Dr. Anthony Frank Tasso, was sworn by the Board Attorney.

- Explained how this will be his primary residence for him and his family.
- He is a full time employee with Fairleigh Dickenson.
- This home office will be a part-time office.
- Absolutely no employees.
- He will see 10-15 patients per week. This is an estimated high number.
- The patients will not overlap.
- This part of the home is on a slab.
- The bathroom for the home office will be ADA compliant.
- The doctor will see patients on Mondays, Tuesdays, and Thursday. It will usually be in the afternoon.
- He is a Professor of Psychology at Fairleigh Dickenson.
- The home office will never be a full time office.
- No appointments will be scheduled after 7:00PM.
- There will be adult and adolescent patients. Some may have special needs.
- He will not require any special medical services for the home office use.

8:19PM

Opened to the Public for questioning and comments.

Hillary Blum, 209 Bee Meadow Parkway

- Questioned if Dr. Tasso would be looking to expand the home office use after leaving Fairleigh Dickenson?

Dr. Tasso

- Is tenured at Fairleigh Dickenson and does not plan on leaving the school.

Mrs. Blum

- Questioned if the Board will be setting a precedent in the neighborhood.

Mr. Sullivan

- Explained that Home Office uses are allowed within the zone.

Maria Caruso, 148 Reynolds Avenue.

- Why did you select this area for the home?

Dr. Tasso

- Loves the area and plans to raise his family in Whippany.

Louis Caruso, 148 Reynolds Avenue.

Stated the Tasso's were welcome but his business is not.

8:27PM

Closed to the Public

Bill Hamilton, Professional Planner Bowman Engineering, was accepted by the Board.

- Gave an overview of the plans submitted to the Board.
- The existing walkway located on the eastern side of the property will be reconstructed to be ADA Compliant.
- They will be taking down a wooden fence and replacing it with a 6ft. vinyl fence.
- Gave an overview of the requirements for the home office use.
- The office will be approximately 265 square feet.
- No patients will remain overnight.
- Asking for a variance relief from the parking and minimum lot requirement.
- There will be no employees.
- A variance for the parking was discussed. This will be a very low intensity use.
- There is a five parking space requirement.
- The driveway is over 75 feet long and 15 feet wide.
- The driveway can adequately accommodate the parking and a turn around.
- Requesting a C2 variance for parking.
- If you are looking at this site from Bee Meadow Parkway, you would not know that this is a doctor's office.
- The physical improvements are very minimal and are only to make the outside ADA Compliant.
- The fence will be reconfigured so no patient can have access to the pool or the pool area.
- An ADA Parking Space Sign will be posted on the fence.

Mr. Pinadella

- This area was developed under cluster zoning.
- The reduced lot area should be taken into consideration in this area due to the cluster zoning.

Mr. Wyciskala

- Lighting will be worked out with the Township Engineer.

8:44PM

Opened to the Public for questioning and comments.

Mr. Caruso, 148 Reynolds Avenue, was sworn in by the Board Attorney.

- Stated again does not want the office. The Tasso's are welcome, but not the home office.

Mr. Sullivan

- Explained that the home office use is permitted.

Mr. Caruso

- Is opposed to this application.

8:46PM

Closed to the Public

Mr. Byrne

- Most of us back out of our driveways. does not see an issue if someone has to back out of the driveway.
- There are several home office uses within the town.
- We should welcome professionals who want to raise their families in our town.

Chairman

- This is a very low impact use for this site. If conditions change, then a revised application would need to be filed and the case would need to be presented before the appropriate board.

Mr. Pinadella

- Feels the hours of operation should be Monday – Friday 9:00AM – 7:00PM and Saturdays 9:00AM – 3:00PM.

Mr. Byrne

- Is opposed to restricting hours of operation.

Mr. De Nigris

- Is opposed to restricting hours of operation.

Mr. Mihalko

- Questioned if Dr. Tasso sells this house, what mechanism we have to restrict to say a dentist does not come in.

Mr. Sullivan

- The conditions imposed can limit the use.
- Outlined the conditions requested by the board.

Motion to approve application with conditions.

Moved by Member Byrne, and Seconded by Member Deehan.

Member De Nigris, Deehan, Critchley, Dobson, Byrne, Pinadella, Ferramosca, Francioli, and Nardone all voted in favor of this application with conditions, and no members voted against.

Mr. Wyciscala

- There are no outside events or seminars proposed at this site.
- Soundproofing for this facility has been addressed and due diligence had been done.

Mr. Keller

- There will be 4 Econoline Vans with no markings.
- Vans would be parked on site overnight.
- Spaces would be marked with standard signs.

Mr. Pinadella

- Feels that a variance should be granted so that the screening and buffering is not required.
- Feels that where the parking spots are proposed makes a lot of sense.

Mr. Nardone

- Feels the overnight rear yard parking should be required.

Mr. Ferramosca

- Feels the parking should be in the rear.

Mr. Francioli

- Feels if the vans are parked in their designated spaces, they will not be seen from the street. The building is set back 225 Feet.

The Board

- Feels that they should grant the variance and let them park in the requested spaces and not in the rear.

9:40PM Opened to the Public for questioning and comments.

9:40PM Seeing and hearing none, closed to the public.

Mr. Sullivan

- Summarized the conditions

Motion to approve the application with conditions.

Moved by Member Byrne, and Seconded by Member De Nigris.

Members De Nigris, Deehan, Critchley, Dobson, Byrne, Pinadella, Ferramosca, Francioli, and Nardone all voted in favor of the above application and no members voted against.

VI. ADJOURNMENT

Meeting Adjourned at 9:43P.M.

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