

**Minutes of the Planning Board of the
Township Of Hanover
NOVEMBER 17, 2015**

Chairman Robert Nardone called the Work Session Meeting to order at 7:05 PM in Conference Room "A" and The Open Public Meetings Act statement was read into the record.

Chairman Nardone took the Roll Call.

In attendance were Members: Byrne, Critchley, Deehan, Dobson, Nardone, Mihalko and Pinadella.

Absent were Member Ferramosca and Mayor Francioli.

Also present was Michael Sullivan, Planning Board Attorney.

Chairman Nardone listed the matters for public hearing on tonight's agenda.

Board Attorney Sullivan discussed the procedural history of the prior application of Jean Moroz for minor subdivision and variances which was denied by the Board by resolution adopted on July 8, 2014. Subsequent to the denial, Ms. Moroz filed a Complaint in Lieu of Prerogative Writs against the Township of Hanover Planning Board and/or Hanover Township. Subsequent to the filing of the Complaint, it was discovered through no fault of the Township, the recorder malfunctioned at the time of the April 15, 2014 public hearing and a record could not be provided. As a result, a Final Judgment by Consent was entered on February 13, 2015 remanding the matter to the Planning Board for a new hearing.

Board Attorney Sullivan advised the Board that earlier today the oral argument was heard by the Appellate Division in Village Supermarkets v. Hanover 3201 Realty, LLC and Hanover Planning Board which involved the Board's approval of the Wegmans Supermarket. Mr. Sullivan advised that a written opinion from the Appellate Division is expected within the next two to four months. Mr. Sullivan also advised the Board that in the matter of Esposito v. Hanover 3201 Realty, LLC, Township of Hanover and Planning Board Township of Hanover we are still awaiting a date for oral argument for the various motions and cross-motions.

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

Chairman Nardone took the Roll Call.

In attendance were Members: Byrne, Critchley, Deehan, Dobson, Milhalko, Nardone, and Pinadella.

Absent was Member: DeNegris, Francioli, and Ferramosca.

Cases Presented

PUBLIC HEARINGS

- 1) **CASE NO.** 11-5-2-R1
 APPLICANT/OWNER Jean M. Moroz
 LOCATION: 41 & 43 Malapardis Rd.
 Whippany
 BLOCK: 2903 **LOTS:** 17 & 18 **ZONE:** R-25

Applicant is seeking minor subdivision approval and variance relief from sections 166-154C, and 166-170F, 166-114B(1), 166-114B(6), 166-144B(8)(d), 166-114B(9), 166-114C(1) as well as any and all other variances that may be required.

Board Action Date – NOVEMBER 30, 2015

Richard Stein, Attorney for the applicant.

- This application has been before the board before. This is the 2nd time. There is no audio recording of the previous meeting.
- There are 2 lots in question that sit side by side on Malapardis Road.
- The lots are family owned for over 100 years.
- The applicant does not want to sell either lot.
- They would like to keep the garage straddling the property line.
- The garage will be relocated.
- The garage has front and side loading features.
- The township engineer submitted his approved report.
- The town planner's report made several suggestions. (lot width & size)

P. David Zimmerman, Licensed Professional Planner – Sworn in by the Board Attorney

- Reviewed the plans and zoning ordinance.
- There are several variances before the board.
- Applicant wants to subdivide the property, actually cut it in half.
- Exhibit A 1 Aerial photo – Malapardis Road.
- Lot 17 is the vacant lot.
- Lot 18 has a garage, garden, and single family home.
- There are some detached garages in this area.
- Exhibit A2
- The first 2 variances deal with the zoning.
- The township planner provided a key map – Exhibit A3
- There are 8 lots on the block which are smaller in this area.
- There are 4 lots that are larger.
- By subdividing this lot, we are making it very desirable.
- Exhibit A4 – other newer houses in the area.
- The applicant would like the detached garage to remain on property.
- They do not want the garage in the center of the property.

- Applicant exceeds floor area for the garage.
- They feel they have satisfied reasonings for all variances.
- This property is very unique.
- Section B – Planner’s Report would provide additional pavement.
- The applicant will comply with setbacks.

Michael Sullivan, Planning Board Attorney

- The Certificate of Occupancy will not be issued until the garage is moved.
- The applicant is asking for 9 months to move garage.

Board

- The Board agrees that the c/o should not be given to the applicants before the garage is moved.
- The Board agrees that 9 months is too liberal.
- If one of the two lots is transferred to a new owner, the new owner would have a time frame to move the garage.
- If the garage falls apart during the move, does the owner have the right to rebuild it?

Motion to approve the above application subject to conditions as outlined by the Board Attorney..

Moved by Member Deehan.

Seconded by Member Mihalko.

Members Deehan, Critchley, Dobson, Mihalko, Byrne, Pinadella, and Nardone are all in favor of the above application and no Members voted against the application.

- 2) **CASE NO.** 15-6-8
 APPLICANT/OWNER CRG7, LLC, c/o Commercial Property Managers, Inc.
 LOCATION: 7 Eastmans Road
 Cedar Knolls
BLOCK: 3101 **LOTS:** 12.01 **ZONE:** I-P2

Applicant is seeking preliminary and final site plan and variance approval to demolish 75,620 square feet of the low ceiling portion of the building to provide for space for 84 empty UPS trailers being staged out of its Jefferson Road packing facility. The southern 67,000 + square feet high ceiling portion of the building will be converted into a Class A, light industrial/flex buildings that can accommodate three tenants. The parking lot will be restriped with an expansion along the frontage for a total of one parking space as well as other site improvements. Applicant is seeking relief from sections 166-155, 166-207.12, 166-104(1), 166-104I(1), and 166-153.

Board Action Date – DECEMBER 15, 2015

Paul Newman, architect, was sworn in by the Board Attorney. Paul gave his credentials and was approved by the Board.

- The condition of the building is in despair.
- The building sat vacant for a very long time.
- The masonry was permanently damaged.
- We want to change the whole façade of building.

Exhibit 1 – Is the new picture.

Exhibit 2 - Is a color rendering of the floor plan.

- The building's borders run on an angle.
- Everything will appear to be the same but upgraded.
- The building will look like an office building.
- Canopy entries will upgrade the appearance.
- The building will be gray and white with a silver canopy. Very modern.
- There will be tenant and warehouse space.
- There is a 75 ft. setback in Parsippany.

Board

- Discussed the drawing of the sunken roof.
- Anything off the roof will be set back as well.
- The sign will be relocated.
- The sign is large. About 120 sq. ft.
- The sign will be located in Parsippany.

Engineer, Mario Ianelli was sworn in by the Board Attorney. Mr. Ianelli gave his credentials and was approved by the board.

- Exhibit 3- Is an aerial photo of the sight.
- The building in question is located on Eastmans Rd. It is 142,000 sq. ft.
- Parking is in the front yard.
- The property is 9.5 acres in total.
- The sight is currently undeveloped.
- The building was redeveloped considering the existing floor plan.
- There will be restriping of the parking area.
- We tried to manage the storm water as best as possible.
- We are proposing 197 parking spaces.
- The entrances are very pronounced.
- The parking is more than adequate.

Exhibit A5 –Parking requirements for the entire building.

- The building is 60% in Parsippany and 40% in Hanover.
- The green space between the building and UPS is 45 feet.
- Managing the storm water was the driving force for the proposed parking.
- All lighting will be 15 ft. high.

- The Applicant will comply with the planners report.
- Eastmans Rd. is a dead end.
- Only industrial traffic is expected on this road.
- Some locations have no overhang.

- The loading dock could not be moved.
- There is 103 ft. from the loading dock to the curb. There is a requirement of 110 sf.
- The survey is correct.
- The parking is a little less than perfect. They are 18 ft. wide, with a 24 ft. aisle.
- The rear part of this site does not have landscaping.
- The tenants will be mostly warehouse clients, no retail clients.
- The garbage will be in a restricted area.

Engineers Report

- There was a discussion about the refuse.
- The applicant has met with the Cedar Knolls and Parsippany Fire Dept.

Open to the public for questions and concerns.

Seeing none.

Closed to the public.

John McDonough – Planner, was sworn in by the Board Attorney. Mr. McDonough gave his credentials and was accepted by the Board.

- Will be submitting a series of photographs.
- The applicant did a good job dividing the property.
- They have provided adequate parking.
- The front landscaping will be very colorful.
- We are moving towards 16% deficiency.
- They have taken an existing condition and made it better.
- There will be no curbing along the perimeter. It is not necessary.
- This is a good application and meets most of the land use regulations.

Board

The Board has no questions and there is no public present at this time.

Board Attorney, Michael Sullivan

- Summarized the application and outlined conditions.
- There will be a cap of office space at 20,000 SF.
- If there is recycling, it will be taken indoors.

A Motion was made to approve the above application subject to conditions as outlined by Board Attorney Michael Sullivan.

Moved by Member Byrne.

Seconded by Member Critchley.

Members Deehan, Critchley, Dobson, Mihalko, Byrne, Pinadella, and Nardone all voted in favor of the application with conditions. No Members voted against the application.

Meeting Adjourned at 9:55P.M.

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