

**Minutes of the Planning Board of the
Township Of Hanover
November 22, 2016**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:03PM 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, DeNigris, Ferramosca, Mayor Francioli, Nardone, Milhako and Pinadella

Absent was Member: Dobson

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

Chairman Pinadella called meeting to order.

Chairman asked Board Attorney Sullivan and Blais Brancheau to summarize the settlement agreements conditions for the Whippany paperboard site.

Board discussed if they did not conclude with River Park by 9:00PM then they will let the RJ Parent Attorney know they will not be reached and will be rescheduled for another evening in January.

Mayor Francioli gave update of meeting he had with the Landmark Commission.

Chairman Pinadella called the Public Meeting to order at 7:32PM and read the Open Public Meetings Act into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Byrne, Critchley, Deehan, DeNigris, Ferramosca, Mayor Francioli, Nardone, Milhako and Pinadella

Absent was Member: Dobson

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

PUBLIC BUSINESS

I. MINUTES – OCTOBER 11 & 25, 2016

The minutes for October 11 and October 25 were approved as written.

Moved by Mayor Francioli and seconded by Member Ferramosca.

Voice vote all members present in favor of adopting the minutes as written.

II. RESOLUTIONS

- 1) **CASE NO.** 16-7-8
APPLICANT HARMS SOFTWARE, INC/d/b/a MILLENNIUM SYSTEMS INC.
OWNER HARMS REALTY, LLC.
LOCATION: 28 EASTMANS ROAD, CEDAR KNOLLS

BLOCK: 3002 **LOT:** 7.41 **ZONE:** I-P2

Applicant sought preliminary and final site plan approval to install a freestanding monument type 66"x90" sign in front of the subject building. Application approved October 25, 2016

The above resolution was approved as written.

Moved by Member DeNigris and seconded by Mayor Francioli.

Members Deehan, Critchley, Milhako, Byrne, DeNigris, Ferramosca, and Mayor Francioli were all in favor for the above resolution.

- 2) **CASE NO.** 16-1-1
APPLICANT/OWNER BAYER HEALTHCARE, LLC/COOPER LAND COMPANY OF NEW JERSEY, INC.
LOCATION: 100 BAYER BOULEVARD,
WHIPPANY
BLOCK: 5801 **LOT:** 1.03, 1.04, 1.06, 2 & 5 **ZONE:** OB-RL3

Applicant sought preliminary and final site plan and "C" variance relief to construct a relocated driveway and other site improvements on the property. Application approved October 25, 2016.

The above resolution was approved as written.

- Exhibit shows access from South Jefferson Road
- We would need to get general permit #10 in order to cross the wetlands.
- Feels the permit is attainable but if they do not get the GP #10 from the DEP then they cannot get access to South Jefferson Road.
- Designed access to Eden such that large trucks cannot maneuver onto the site or out to Eden Lane,
- Not asking for any variance relief to Eden Lane because it is currently permitted.
- Looked at access onto Jefferson Road, studied the traffic and it would not provide sage access.
- The nighttime level of service is an F onto Jefferson Road.
- Referred back to exhibit A-2 to show the road access to Jefferson Road.
- Had an open discussion with the board regarding the access to the site.
- They want the traffic distributed to allow for easier access.
- Trying to provide options for the employees and visitors coming to and leaving this site.
- The intersection at Eden Lane and Jefferson Road works at acceptable levels.

Mayor Francioli questioned the efforts to gain access from Apollo Dr.

John Inglessino

- Will provide copies of the transcripts for all of the prior meetings to the board and the board attorney,
- Owners on Rosin and Appollo will not give access to River Park for access to their site.
- Told Board to refer to the transcripts, that there has been substantial testimony that they cannot get access from Rosin Road and Appollo.
- Discussed how large tractor trailers will access the site from Jefferson Road.

Gerardo Maceira- Township Engineer

- Sworn in by Board Attorney
- They have only done a general conceptual plan and calculation.
- Discussed the different possible access sites and how much of each site would be affected by accessing the site through Apollo Drive.

Mr. Inglessino

- They have made effort after effort to try and gain access from Apollo.

Mr. Sullivan- Township Planning Board Attorney

- Reminded the board that on April 19, 2016 they indicated to the applicant they would work with the township to obtain necessary land in order to gain access to the site from South Jefferson Rd.

Mr. Inglessino

- Stated that he and his client have heard nothing from the Township.
- They have now spent thousands and thousands of dollars to get another access to the site.
- They have heard nothing from the township after many pleas to work together to satisfy the access issue.

Blais Branheau – Township Planner

- Did receive an email from Mr. Inglessino and he forwarded it to the Township Attorney due to the fact that it would require governing body involvement to help gain access from Eden Lane.

Mr. Inglessino

- Read a section from the April 19, 2016 transcripts reiterating they had asked the town for assistance in acquired properties.

Mr. Keller

- Exhibit A-16 is replacing the A-13 access design

Mr. Nardone

- Questioned if trucks would be able to stay within the North bound travel lanes.

Mr. Keller

- Trucks will not cross into the southbound lanes.
- There will be mixed traffic going to Jefferson Road and car only traffic will be going to Eden Lane.
- The roads within the mixed use development are not subject to RSIS. They are subject to the Townships standards and they meet the townships standards for driveways, not for streets.

Mr. Maceira

- Providing some pull off areas would be a good compromise because the road is so narrow.
- The settlement agreement between the Township and the property owner calls for the area along Jefferson Road to be dedicated as open space and the road would run through that open space.

Blais Brancheau

- Questioned the grading required on the site for the driveway access to Jefferson Road and why does the access road swing out so close to Eden Lane.

Mr. Keller

- Wanted to try and provide the greatest amount of contiguous land area.

Mr. Inglessino

- The settlement agreement will be upheld or it will not, so it may or may not have the rights to come before the board with this application.

Mr. Sullivan

- Addressed the stipulation of the settlement
- The stipulation agreements are still in effect

Mr. Pinadella asked how long the act of condemnation takes to happen.

Mr. Inglessino

- The issue that takes them is valuation and challenges the usual “come when it comes” to the value of the property.
Board took a break from the River Park testimony to address the Attorney for the RJ Parent application

James L. Lott Jr – Attorney for RJ PARENT

- On behalf of RJ Parent the case will be carried with no further proof of notice to January 17, 2017.

Moved by Member Ferramosca and seconded by Member DeNigris.

Voice vote all present members in favor to carry case to January 17, 2017. No further notice required.

10 minute break at 8:49PM

Back on Record at 8:59PM

Mr. Keller

- Impervious coverage without ultimate parking built 836,729 sq. feet and with the ultimate parking 838,274 sq. feet

- Discussed how he calculated the impervious coverage and they are under the maximum impervious coverage of 65%

Mr. Brancheau

- Questioned Mr. Keller about the impervious coverage and future development on this site and can the impervious coverage still be met with the settlement agreement.

Planner, Applicant's Attorney and Chairman had an open discussion regarding the settlement agreement and proceeding under the current zoning.

Mr. Sullivan explained that this development cannot be developed until the settlement agreement is addressed

Opened to Public

Anthony Lauro- 18 Appleton Way

- Why don't they do a right hand turn only turn out to Jefferson Road?

John Kovaiana-2604 Courtland Lane

- What happens if a truck becomes stuck on Eden Lane and tries to access the site from Eden Lane?

Mary Joe Senkeir questioned if there will be lane changes to accommodate the left hand turns onto Jefferson Road.

JoAnne McKenna- Boxwood Court

- Questioned if they could do a dedicated left turn on traffic lights on Jefferson Road.

Stephan Tasin- Boxwood Court

- Questioned the need for two access points for the site.

JoAnne McKenna questioned when they can make statements.

Closed to Public

Mr. Brancheau questioned dedicated turn lanes and signage at Jefferson Rd access.

Mr. Keller

- They are OK with a truck only sign at Jefferson Rd.

Mr. Deehan questioned if dumpsters and generators were accounted for

Mayor Francioli questioned the current proposed amount of parking spaces.

Mr. Keller

- 633 parking spaces proposed under the base plan
- They would require an ultimate parking waiver.

Mr. Maceira agrees with Mr. Keller in the fact that they should have more than one access point for the site.

Mr. Ferramosca questioned generators on the site.

Mr. Sullivan addressed Mr. Maciera's report dated 11/22/16

Mr. Maceira summarized the points in his memo dated 11/22/16

Mr. Sullivan referred to the Township Committee to find out if they are going to undertake the condemnation. The issue needs to be taken to the next Township Committee Meeting which is Thursday December 8, 2016.

Mr. Inglessino will get Ms. Bongiorno 14 copies of the transcripts as well as electronic copies.

William Hamilton- Planner for the Applicant

- Accepted by the Board
- Seeking one variance for access and five variances for retaining walls within the project and the truck sign.
- 166-2073(D)8 – Addressed the access to the site.
- Rosin Road is not in the running for access to the site
- C1 hardship variance and C2 flexible variance are being requested for access.
- Gave reasoning why relief should be granted for access to the site.
- Referred to exhibit A-2 for the five retaining wall variances that are being requested.
- Wall 1 Southside of entrance road to property to protect wetland area requesting 15.3 foot height variance.
- Wall 2 Northside of site is between pond and railroad right of way maximum height of 9 feet average height is 7 ft.
- Wall 3 access road and northern property line of the site average height is 8.5 feet.
- Wall 4 Western side of building 5 wall to accommodate existing slope on the site maximum height is 16 feet and the average is 7.5 feet.
- Wall 5 within the detention basin walls on three sides top height of wall is 15.45 feet
- Only asking for height variances on these five walls.
- Secondary sign on North Jefferson Road would comply with setback and size requirements.

Mr. Brancheau gave overview off of allowable signs 166-141 E3 and E2 166-147B1.

Opened to Public
Seeing and Hearing none
Closed to Public

Mr. Inglessino granted extension of time until January 31, 2017

Case carried to January 24, 2017

Moved by Member Ferramosca and seconded by Member Byrne.

Voice vote all present members in favor to carry case to January 24, 2017 with no with no further proof of notice required.

2)	CASE NO.	16-7-9
	APPLICANT	RJ PARENT INVESTORS, LLC
	OWNER	TBD
	LOCATION:	230 HANOVER AVE.
		CEDAR KNOLLS
	BLOCK: 601	LOTS: 1 ZONE: IB-3

Applicant is seeking Preliminary and Final Site Plan approval for the development of an 89,770± square foot BJ's Warehouse Club and gasoline station along with 20,100± square foot retail/commercial/restaurant space as well as an additional 7,750± square foot freestanding retail/commercial/restaurant building along with related sight plan improvements. The applicant is seeking relief from sections 166-104F(1), 166-104F(2) and 166-104Q(1) as well as any and all other relief that may be deemed necessary.

Board Action Date – FEBRUARY 5, 2017

Voice Vote all present in favor to carry case to January 17, 2017. No further notice required.

Moved my Member Ferramosca and seconded by Member De Nigris.

IV. ADJOURNMENT

Meeting Adjourned at 10:37PM

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