

**Minutes of the Planning Board of the
Township Of Hanover
February 21, 2017**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:05PM 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, Dobson, Ferramosca, Francioli, Mihalko and Pinadella

Absent was Members: Byrne and Nardone

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

Chairman Pinadella reviewed the agenda for this evenings meeting.

Director of Planning, John L. Ferramosca provided updates for meetings that have been held regarding access to River Park from Apollo Drive.

Mr. Maceira showed a concept to the River Park site which showed how access could be gained to the River Park site from Apollo Drive.

The Board also discussed the possible interest in Whippany Center and Pine Plaza which has eighteen acres.

PUBLIC BUSINESS

Chairman Pinadella called the Public Meeting to order at 7:31PM and read the Open Public Meetings Act into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

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

Absent was Members: Byrne and Nardone

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

I. MINUTES – DECEMBER 13, 2016, JANUARY 17, JANUARY 24, 2017

The above minutes were approved as written.

Moved by Mayor Francioli and seconded by Member De Nigris.

Voice vote, all present were in favor.

III. PUBLIC HEARINGS

- 1) **CASE NO.** 16-2-2
APPLICANT/ OWNER TFJ 60 SOUTH JEFFERSON ROAD ASSOCIATES LLC
LOCATION: 60 SOUTH JEFFERSON ROAD
CEDAR KNOLLS
BLOCK: 2602 **LOT:** 7 & 8 **ZONE:** I

Applicant is seeking Preliminary and Final Site Plan approval for a new externally illuminated free standing directory sign. Applicant is seeking relief from Sections 166-147 C(3)(4)(5)(6)(8) as well as any and all other variances that may be required. CASE PARTIALLY HEARD AND CARRIED FROM OCTOBER 18, 2016

Board Action Date – February 28, 2017

The application for this case has been withdrawn by letter from applicants attorney Corey Klein dated February 21, 2017

- 2) **CASE NO.** 16-6-7
APPLICANT/OWNER BLANCHARD SECURITIES CO., LLC/FREDERICK HOLDING CO., LLC
LOCATION: 170 E. HANOVER AVENUE/91-93 HORSEHILL RD.
CEDAR KNOLLS
BLOCK: 1601 **LOTS:** 2 & 3 **ZONE:** I-B3

Applicant is seeking preliminary and final site plan and “C” variance relief in order to construct a retail development that will contain three retail buildings. The buildings will be approximately 10,400 sq. ft., 6,500 sq. ft., and 7,280 sq. ft. The applicant is also proposing to install associated improvements including but not limited to parking, drainage improvements, signage and landscaping. CASE PARTIALLY HEARD AND CARRIED FROM DECEMBER 20, 2016.

Board Action Date – February 28, 2017

Tom Malman- Attorney for Applicant

- Gave overview of previous application and plans were revised per boards comments.

William Hamilton

- Still under oath from previous meeting.

Mr. Brancheau and Mr. Maceira were both sworn in by board attorney.

William Hamilton

- Exhibit A-7 Rendering revised site plan for 91-93 Horsehill Rd.
- Highlighted the major changes made to the site plan per the board and the board professionals comments.
- The sidewalks added are to provide connectivity.
- Proposed two signs that are freestanding at both entrance driveways.
- Introduced landscaping along the easterly sideline to reduce impact.
- He does not have any objections to the reports issued by Mr. Brancheau and Mr. Maceira dated February 21, 2017.

Mr. Pinadella questioned the wall on the easterly side of the property.

Mr. Hamilton described where the guiderail is along the fence.

Mr. Pinadella

- Questioned if the fence can be brought above grade.
- A wall would not be as efficient or safe as a guiderail because to bring the wall up would be difficult.

Mr. Hamilton

- Described where the guiderail would be on this site.
- There would be three parallel parking spaces on the easterly side because they are required for parking requirements.

Mr. Pinadella

- Questioned if they would be amenable if the board gave a waiver for these parking spots and use them in a future parking plan.
- The present members agreed that three parallel parking spaces should not be built at this time and would grant a waiver.

Mayor Francioli is concerned with the lighting.

Mr. Hamilton

- Described the lighting and will put in half side shields on any of the perimeter lights.

Mr. Ferramosca questioned the buffering along the county easement.

Mr. Malman will buffer if the county gives permission and would be installed per the board's professional's discretion.

Mr. Brancheau questioned if the tree replacement calculations have been updated for the tree and were they removed from the parking islands.

Mr. Hamilton

- Will comply with the tree removal requirement per township.
- Described the buffering along the easterly side of the property.

Opened to public

James Kuchera – 160 Hanover Ave

- Concerned with the property being built up by many feet and a 20 foot high wall.
- Wants to know the safety measures that are being taken due to the many people walking through the property.

Mr. Hamilton

- The fencing and guiderail are per code requirement and they meet code requirements.

Mayor Francioli questioned raising the height of fencing to 5' and to step up after the wall gains height over 8 feet.

Board

- Install the wall and step it down as per the Townships Engineers discretion.

Mr. Ferramosca suggested building the fence so it is not climbable.

Mr. Hamilton will come up with a design so that the fence cannot be climbed and will work with Mr. Maceira on fence materials such as black chain link with small 2" mesh.

Mr. Kuchera questioned when the landscaping that is installed dies, what kind of insurance is there that the buffer will be maintained.

Mr. Maceira

- Performance bond is required and then a two year maintenance bond to make sure all landscaping is alive and thriving and after that it becomes a property maintenance issue and site plan approval is being violated and must be restored.

Opened to public
Seeing and hearing none
Closed to public

Charles P. Dietz – Architect for Applicant

- Under oath from previous meeting
- Gave an overview of previously requested sign.
- It would be reduced in size and provide two with one at each entrance.
- The signs are identical in size.
- Two signs each at 40 sq. ft. and two combined at 80 sq. ft. It would be less square footage than previously submitted sign.
- Will provide 2 foot high pedestal and each tenant will have two wall mounted signs.
- The square footage of the facade signs is unknown at this time.
- We are asking for two signs for each tenant and the size of the sign will depend on the tenant and area of façade frontage.
- It would be 2 ft. tall by whatever lease premises are and internally illuminated channel letters in the signage.

Mr. Brancheau

- The Zoning Officer needs clear direction on what has been approved by the board if it does not comply with the zoning and must be clear when it comes time to issue permits.
- Asking the board to be very specific with the zoning officer with the conditions approved.
- Another suggestion might be to wait for certain things until we know what the tenancies are.
- The township professionals need to know how to administer these signs.

Mr. Dietz will comply what was asked by Mr. Brancheau.

Mr. Brancheau

- The board must decide if they want to let the tenants' logo be used or if there will be limitations with some flexibility.

Mr. Dietz

- It will be two feet tall, with no box signs and the channel letters will be internally illuminated with only color and font can be different, 2 ft. tall max, no box signs- will meet ordinance in total area.

Chairman Pinadella

- The signs can be looked at in a concept review if the zoning officer is not sure what is being presented is in line with what the board wants and board will direct.

Mr. Dietz

- The signage will be along the same lines as the Shoppes at Union Hill in Denville.

Chairman Pinadella clarified that the color and font is up to the tenant.

Mr. Ferramosca questioned where the monument sign on Horsehill Road is going.

Mr. Hamilton

- The monument sign will go on the south side of the entrance.

Mr. Maceira

- He agrees that the proposed location is the best location for the line of site and presents less of an obstruction than if it were on the opposite side of the driveway.

Mr. Dietz

- The name of the site is Hanover Commons.

Board

- The Board wants Hanover Commons in the oval at the bottom of the freestanding signs rather than the address.

Opened to public

Mr. James Kuchera

- Sworn in by Board Attorney
- Questioned the window signs facing the street.

Mr. Sullivan – Board Attorney

- There will be no signage in the windows on the street side per the December meeting.

Mr. Sullivan summarized the conditions.

Motion to approve with conditions by Member Ferramosca and seconded by Mayor Francioli.

Members Deehan, Critchley, Dobson, De Nigris, Ferramosca, Francioli and Pinadella were all in favor and no member voting against approval.

- 3) **CASE NO.** 16-11-14
APPLICANT/OWNER CCMA NOMINEE, L.L.C.
LOCATION: 1400 ROUTE 10
CEDAR KOLLS
BLOCK: 3401 **LOTS:** 1 **ZONE:** OB-DS

Applicant is seeking preliminary and final site plan approval for a free standing sign. This application is variance free.

Board Action Date – March 4, 2017

Glenn Kientz – Attorney for Applicant

- We reviewed the plans for the freestanding sign in compliance with the ordinance.
- Exhibit A-1 Revised Plans
- Referred to the Township Engineers report dated February 17, 2017 and will comply with all comments and Township Planners review dated February 21, 2017.

Mr. Brancheau and Mr. Maceira were both sworn in by Board Attorney.

Thomas Golden – Vice President of Development for Mack Cali Realty Corporation

- Sworn in by Board Attorney
- Described how the electric will be brought to the sign through the flood plain.
- The sign is not in a flood hazard area.
- The electric will need a permit by rule.
- We did receive the approval from NJDOT for the sign.
- Gave an overview of the lot and the subdivision.
- The sign is going outside the conservation easement on the property.
- The conservation is in place before the lots were merged by tax assessor.
- The rest of the property is in the conservation easement.
- The signs on the approved plans do not have anything to do with the sign that is being proposed at this time as this is a separate site plan.

Opened to public

Rey Lambert – Attorney from Lowenstein Sandler for Village Supermarket Inc.

- Village Supermarket feels that the board does not have jurisdiction because there is a variance that there wasn't notice for.
- They feel that the sign exceeds the size.

Mr. Golden

- Described how they calculated the sign requirements of 250 sq. ft.

Mr. Kientz

- He feels that this sign complies and if the Township professional feels it does not comply then we will have to address it at that time.

Mr. Sullivan gave an overview of how the board will proceed and the most effective way is to have Mr. Lambert present as a witness.

Mr. Lambert asked Mr. Golden how the new signs were calculated.

Mr. Golden

- The sign was revised per Mr. Brancheau's review.

Mr. Sullivan asked Mr. Golden to just answer the question instead of being evasive.

Mr. Golden gave an overview of how the sign dimensions were calculated.

Mr. Lambert presented Enzo Pavese.

Enzo Pavese – Author of letter written February 20, 2017

- Sworn in by Board Attorney
- Gave his presentation on he calculated the sign to be 459 square feet per his interpretation of the ordinance.
- 459 square feet is almost double what is allowed by the ordinance and should be a variance.

Chairman Pinadella

- The applicant has agreed to the sign only being illuminates between the hours of 7 am to 11pm.

Enzo Pavese

- The plan show that the sign is in a conservation easement and in a flood plain.

Mr. Lambert

- The sign is not the right of way and there is a deed that was submitted with the application showing this.

Mr. Brancheau

- Calculates the sign area to be 249 square feet that complies with the area that complies with the ordinance.
- Described how 166-140A reads and he interpreted it.
- Gave an overview of his interpretation of the ordinance of how the sign was calculated.
 1. The total square foot where the lettering and the illustration or display are. Explained how he calculated the sign calculation.
 2. The base support and frame with the supporting members of this sign are just supporting the member and not part of the sign.
- Referred to 166-147F1B

Mr. Lambert

- Questioned Mr. Brancheau regarding the code and sign calculation and why he would not include brick as part of his sign calculation.

Mr. Brancheau

- Gave his reasons as for his calculations and how he calculated the sign area per differential between color and material.
- Also another reason is how the sign reads visually and how the lettering is displayed in the background.
- Gave an overview of how he defines the frame for this sign.

Mr. Lambert concluded their case and has reiterated their objection to the sign and size.

Opened to public
Seeing and hearing none
Closed to the public

Mr. Sullivan summarized the conditions.

Motion to approve made by Member Deehan and seconded by Member Critchley.

Member Deehan, Critchley, Dobson, Mihalko, De Nigris, Ferramosca and Pinadella were all in favor to approve with conditions.

Mayor Francioli abstained from the vote.

The Board discussed to keep driveways one, three and four and eliminate driveway number two and landscape it.

Mr. Rhatican

- That would be an obstacle for the tenant Breeze Eastern. Each tenant has their own entrance and the lease may require that the tenant have their own driveway.

Mr. Oman

- The existing parking spots are 9 x18.
 - Will comply with all the comments from the Township Planner and Township Engineer.
 - The truck turning radius movement plan dated February 3, 2017 is Exhibit A-5
- Opened to public
Seeing and hearing none
Closed to public

Keenan Hughes – Professional Planner for the Applicant

- Sworn in by Board Attorney
- Gave an overview of professional and educational background.
- Accepted by the board.
- Gave his testimony regarding parking counts that they did on this site and the date counts done.
- Discussed the sign variance which is for the maximum principal number of signs on the site and the content which is justified under the C2 criteria.
- This is about a safe and orderly circulation on this site and a variance can be granted without detriment to the site or surrounding area.
- It will be non-illuminated monument sign below the maximum of a permitted sign. The benefits outweigh the detriments in this situation.

Mr. Ferramosca questioned the purpose of driveway number three.

Mr. Rhatican answered that it is the Breeze Eastern exit.

Mr. Brancheau questioned why a directional sign was not used rather than requesting a free standing sign.

Mr. Hughes

- It would not be large enough or visible enough for this site. We would need a maximum 3 sq. ft. for this sign.

Mr. Brancheau

- Is concerned with the third principal sign on the property setting precedent.

Mr. Hughes

- This is a very unique site and does not think a directional sign is an appropriate for this particular site.

Mr. Maceira questioned the lighting of the sign that is proposed.

Mr. Oman

- The sign has ground lighting and is not internally illuminated.

Mr. Rhatican reiterated that they will comply with all items in both the planners and engineers reviews.

Mr. Sullivan summarized the conditions.

Motion to approve with conditions made by Member De Nigris and seconded by Deehan.

Members Deehan, Dobson, Mihalko, De Nigris, Ferramosca, Francioli and Pinadella were all in favor to approve with conditions.

IV. ADJOURNMENT

Meeting Adjourned at 10:23PM

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