

**Minutes of the Planning Board of the
Township Of Hanover
March 28, 2017**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:00PM 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, Francioli, Nardone, Mihalko and Pinadella

Absent was Members: Dobson and Ferramosca

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

Chair stated that Rt. 10 corridor study should be to board prior to the April 11, 2017 meeting so that the board has time to review prior to meeting.

Chair reviewed the agenda for this meeting.

Board Attorney summarized how the meeting will progress for River Park.

PUBLIC BUSINESS

Chairman Pinadella called the Public Meeting to order at 7:30PM 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, De Nigris, Francioli, Nardone, Mihalko and Pinadella

Absent was Member: Dobson and Ferramosca

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

I. RESOLUTIONS

- Exhibit A-17 Letter from Mr. Inglessino dated March 28, 2017 regarding access from Apollo Drive and supplementing exhibit A-10 with a letter that was originally missing from Exhibit A-10.

Mr. Sullivan

- Exhibit B-8 Letter from Township Attorney Fred Semrau regarding access to the River Park Business Center.

Mr. Inglessino

- Exhibit A-18 Read email into the record from Steris Corporation opposing the easement as it will disrupt the Isomedix business dated March 28, 2017.

Opened to public comments

Chairman Pinadella gave overview of rules regarding public comment.

Gerardo Maceira and Blais Brancheau were sworn in by Board Attorney.

Deloris Bocian – Resident at 3508 Appleton Way and current member of the Eden Lane Condo Board

- Sworn in by Board Attorney
- Concerned that the complex is in the middle of a residential and school zone.
- Noise, pollution from trucks, wildlife and traffic safety are also concerns.
- Concerned with LSRP being onsite.
- There is a lot of contaminated material on the site and is worried about when it gets trucked off the site.
- Concerned with the lost traffic going through their condo development, the impact of quality of life and the infrastructure of their private roads.
- Requesting that the parking be held off until the tenants are known rather than being granted in perpetuity.
- Exhibit O-1 Packet of photos showing the ride down Eden Lane.
- 28 photos taken by James Neidhardt entered by Ms. Bocian and she can testify that they accurately depict the current conditions.

Janice Drake – Resident at 201 Appleton Way, Whippany

- Sworn in by Board Attorney
- Concerned that Eden Lane has become a raceway and is very dangerous.
- Frightened to go out at certain times of the day due to speeders on the road.

Laurie Segal- Resident 2904 Appleton Way, Whippany

- Sworn in by Board Attorney
- Lives in one of the buildings close to Eden Lane.
- Since Bayer and Metlife have moved in they cannot exit their site safely.
- Concerned with the potential noise and feels that the value of her home will be impacted.
- Truck traffic, wildlife and their property being used for U-turns are also concerns.

Mary Senkier – Resident at 3803 Boxwood Ct.

- Questioned the fact that there will not be access via Apollo Drive.

Mr. Sullivan explained that the Planning Board has not yet made a decision on the case.

Chairman Pinadella

- Explained that the Townships have been working with the property owners and tenants.
- The Board has received conflicting information from the applicant and the Township.
- The Board will have to discuss in its deliberations.

Ms. Senkier

- Having done this route for many years as a school bus driver she can attest to the increase in the traffic and foresees traffic issues.
- Concerned that many will use Eden Lane to turn around.
- Truck pollution and trucks operating 24 hours are also concerns.

Chris Christianson – Resident at 1903 Appleton Way

- Sworn in by Board Attorney
- Has seen drivers do stupid things over time
- Worried about noise pollution and use of brake retarders which will cause a reduction of quality of life.

John Kovian (through his interpreter Steven Toth) – Resident at 2604 Courtland Lane

- Sworn in by Board Attorney
- Lived here for 23 years.
- Concerned with ingress and egress onto Eden Lane.
- Eden Lane should be closed to truck traffic and feels that Parsippany Road should be used for access.
- Feels that tax payers should be able to vote on this site.

Mr. Sullivan

- In New Jersey, a development application such as this comes before the Planning Board and does not go to public vote.

Julian Crawford – Resident at 404 Appleton Way, Whippany

- Sworn in by Board Attorney
- Concerned with the 18 Wheelers that would be going down Eden Lane.
- It needs to be addressed now by the Township Traffic Manager.
- There used to be a dedicated lane to get into Eden Lane and it is no longer there.
- There area will be destroyed by putting this use in the area and the people's quality of life is important.
- Does not feel warehousing is the answer for this area and questioned if they could do a petition.

Mr. Sullivan stated that a petition is not admissible.

Mr. Crawford

- Wants to know how they become protesters and how to start a legal protest.
- Wants to get community up and arms.

Mary Gregory – Resident at 304 Appleton Way

- Sworn in by Board Attorney
- Has lived there for the last 10 years and loves the area because it is very quiet and peaceful.
- Can hear traffic from Rt. 10.
- People use Eden Lane as a way to get from Whippany Road to Jefferson Road.
- Getting out of this residential site since Bayer and MetLife have come to town is very difficult.
- Traffic is heavier and concerned about traffic and impact to people walking the trails and kids playing soccer at the field and park.
- Concerned with the quality of life.

Jaclyn Noll – Resident at 2802 Cortland Lane, Whippany

- Concerned with traffic and current speeding on Eden lane.
- The turn lane has been removed and has become more dangerous for access to the residential site.
- If a soccer game is going on at the park, the traffic is parked all along Eden Lane and cannot safely maneuver on the road.

Mr. Maceira

- Two years ago the turn lane was removed due to there not being a traffic demand for the lane and to accommodate a future bike lane and connectivity plan.

Thomas Miller – Resident at 1902 Appleton Way, Whippany

- Sworn in by Board Attorney
- Concerned for bicyclists and their safety

Glen Siegel – 2904 Appleton Way, Whippany

- Sworn in by Board Attorney
- Told the story of his best friend riding his bike and being hit by a tractor trailer in 1961.
- Questioned, is that what you want to turn this area into.
- An area that is not safe for children.

Mayor Francioli

- Wants Mr. Maceira to re-examine the left hand turn lane.
- Looking to providing that lane.

Mr. Maceira

- We will look into re- adding the left turn lane.

Vicky Sciuk – Resident at 3311 Appleton Way, Whippany

- Sworn in by Board Attorney.
- Couple of concerns with the safety, noise and quality of life.
- The width of the road is also a safety concern.

Open to the public

Seeing and hearing none

Closed to public

Mr. Inglessino

- Gave a summation on this case.
- Thanked the Planning Board.
- Gave timeline of hearing progression.
- Gave overview of the projected project.
- Use is expressly permitted per the towns zoning- reviewed the two areas of the ordinance seeking relief from.
- Ordinance 166-207.3d8 regarding truck access is where we are seeking relief from.
- Gave history of trying to get access from Apollo Drive.
- Reviewed exhibits A-9 and A-10
- Reviewed exhibit A-16 regarding large truck traffic getting access via South Jefferson Road.

- Township has not submitted anything from the property owners and at this time they are not willing to grant access through Apollo.
- This use is permitted under the zoning laws
- Completed summation.

The Board took a short break.

Opened to the Board for comments

Mr. Nardone

- The thing that is still bothering him is the access of large trucks.
- Not comfortable with the alternate plant to get to Jefferson and feels that Apollo Drive is still a critical piece of this application.

Mayor Francioli

- It was very clear in the court stipulated settlement that access be through Apollo.
- Feels letters from the tenants on Apollo specifically Steris found value in allowing access through their property.
- They gave us no other arguments regarding their not approving access past their site.
- The Township is of opinion that Steris is open to access and the Township is prepared to have documentation of M & E Railroad.
- The Township holds document to allow access across tracks.
- There were three meetings held with the JCC.
- They have plans for their site and they feel that access through the site might impact their plans for development.
- JCC is concerned with the noise, walls would be created in this manner and we are still in the throws of having the JCC give their ultimate approval to a concept that we had submitted.
- It is not a definite no from the JCC, as they are the only open question at this point.
- The Township understands that Rosin Road is not accessible and will not
- As far as Eden Lane is concerned, there's absolutely no question on the part of the Township that the use of Eden Lane for truck traffic is not acceptable at all.

Mr. De Nigris

- Just to clarify something, the letter that's dated March 27, 2017 from the Jewish Community, they say at this time we're not in a position to make any decision. I interpret that to mean yes.
- It doesn't imply its yes, but it doesn't say they are not willing to negotiate.
- They are not in a position at this time to make a decision.

Mr. Byrne

- This has been an industrial site for a hundred and fifty years or more.
- It is owned by an entity that is paying taxes on it and is entitled to develop their land.
- The Township or any Township cannot take their land without properly compensating it, which would mean tens of millions of dollars which would break this Township, so I think we all have to acknowledge that sooner or later something is going to be built on this land.
- My second point is to support the comments of my fellow Board members in that the entrance and exit to this property for trucks should be Apollo Drive.
- Thinks he would support a motion to approve this application based on that caveat but putting a very specific time frame on what that should be, how long should there be, how long the Township should and the Applicant working together with the property owners have to make this happen. It just can't be open-ended.

Mr. Critchley

- Agrees with Member Byrne's comments that there needs to be a time frame.

Mr. Mihalko

- This has been an industrial zone for over a hundred years; keep in mind sooner or later something will be built there.
- Agrees with Member Byrne that there needs to be a time frame on it.

Mr. Sullivan

- Addressed putting a time limit on approval and within a certain amount of time access it cannot be gained through Apollo Drive they would have to come back.
- If Apollo is the approved access there needs to be a time limit and if it can't be reached the applicant will have to come back with an alternate access.

Mr. Brancheau

- Suggested three to six months from resolution adoption to gain access through Apollo Drive

Chairman Pinadella

- This has been a commercial zone since he moved here in 1969.
- Reviewed the history of applications on this site.
- The Board has seen many concept plans for this site as well.

- Reviewed the concept applications and uses this board has seen for this site.
- Discussed the Blanchard easement that the Township acquired through open space.
- Apollo Drive as stated by the courts is necessary for access to this site and believes the access should be through Apollo Drive.
- Doesn't feel convinced that the applicant has made a true effort to meet with the township and feels the application can be approved with time limit to gain access through Apollo Drive.

Mr. Mihalko

- Questioned, how do we insure there is an active effort by the applicant to gain access through Apollo Drive?

Mr. Sullivan

- The applicant must come back with evidence showing good faith effort.

Mr. Deehan

- It has been the Boards effort to not allow any access of trucks onto Eden Lane.

Mr. Sullivan

- Summarized and reviewed the conditions

Mayor Francioli

- The concept when this application began was for flex buildings as it is, 5, as such it is.
- What we've heard in the course of testimony too that the project could support 30, 40, 50, 60 industrial businesses not one key principal or major tenant for each of the five buildings.
- Now, your 22 percent to office applies to the maximum amount of uses in there as well.
- Each of the smaller tenants, 22 percent of their space would be office.

Mr. Brancheau

- 22 percent of the two total in the aggregate, not per building.

A motion was made to deny the variance for large trucks to access south Jefferson road without prejudice and to approve preliminary and finale site plan variances and ultimate parking waiver subject to conditions.

Moved by Member Byrne and seconded by Member Nardone.

Members Nardone, Deehan, Critchley, Mihalko, Byrne, De Nigris and Chairman Pinadella were all in favor.

Mayor voted to deny the application.

VII. ADJOURNMENT

Member Nardone made a motion to adjourn.

Meeting Adjourned at 9:24PM

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