

October 10, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, October 10, 2013, at 8: o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Schleifer, Coppola and Ferramosca

ABSENT: Committeeman Brueno

STATEMENT BY PRESIDING OFFICER:

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by posting written notices and agenda of the meeting on the bulletin board in the Municipal Building, 1000 Route 10, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

**HANOVER EAGLE
MORRIS COUNTY'S DAILY RECORD
THE STAR LEDGER**

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TOTHE FLAG

OPEN TO THE PUBLIC:

Joe Mihalko, 12 Anna Terrace, Whippany. Just to set the record straight because I've been misquoted on number of occasions by a number of different people. The most recent is that I had sent an email congratulating the Members of Committee on their vote last week, about Cathy's Corner. I'd like it to go on record that I am in favor of the zoning but not in favor of the Quick Chek. I'd like to have that on record, so no one can misconstrue my intentions.

Mayor: It is on record. It was in an email Joe?

Mr. Mihalko: The other reason, the real reason I got up, I noticed that tonight we are considering introduction of Ordinance No. 32-13. I'm a little concerned because this has to do with Amending the Regulation for the WC zone. I have not been able to find what this, what this in reference to the Fire House, Vision Equities Property, I'm wondering, where I can find or found what is being introduced? I thought we had a

done deal there, and I see no reason to change what has already been a faded plea. I'm not sure I understand why we are revisiting this.

Mayor: What this does..

Mr. Mihalko: The last thing I have to say, I am so pleased that we are finally taking issue with the sidewalk from Highland Avenue to Parsippany Road to Mt. Pleasant Avenue. Thank you.

Mayor: Going back to Ordinance No. 32-13, the Township Planners recommendation, you are right, we have changed the zone in order to create the Whippany Village, and that included the Fire Company's transfer from their present Fire House to the restaurant pad, etc. That was all inclusive of that zone, that transfer, let me try and explain this, where is Blais? What we did, primarily what this did, and by the way, a copy of this was given to the Fire Company so they had a draft, the Ordinance to read, to scrutinize, but we have to do know, in order to Morreale to go forward, Sam Morreale, Vision Equities, in order for that developer to move forward, this zone had to be modified to take out of the Whippany Village, the Fire House and the Commissioners House. Why? Because while they were captured in the entire zone plan, if those two properties were sold separately to another party and not to Vision Equities, we were concerned that the integrity of the zone plan could be broken in some fashion, in other words, the zone plan for Whippany Village had certain specified requirements between sidewalks, between lighting, between the building etc., and so what this did, it took out those two properties out of the Whippany Village Zone allowing the Fire Company and the Commissioners to freely deal with their properties wholly on their own, without any variance situation as being impacting it, including the cell tower. That's all this did. Now, in turn the property, here is where it gets complicated, the Property where the Fire Company was to have taken which was the restaurant portion of above, right, now falls back into the zone under Mr. Morreale's plan for future development by him. Am I kind of explaining that corrected Mr. Planner?

Blais Brancheau: Yes, basically it is to allow the developer to move forward with not requiring that the Fire Company's property be part of the development phase. They will be developed separately, but hopefully in a compatible fashion.

Mr. Mihalko: But doesn't that change the restrictive elements that we introduced when it was inclusive of the Fire House property, in addition to which these_____ the firehouse property, why doesn't the man just buy the firehouse property and make it all inclusive? He has made a substantial wise investment gain on his Lucent property and I believe it's the same company, Vision Equities, and I think for there should be some opportunity for him to have a cohesive development inclusive of the fire department property simply by buying them out. And then we wouldn't even need to change the zone.

Mayor: It is so simple, and it was simple from the start, or so we thought, but this modification and the reason we wrestled over it, is just the reason that you mentioned.

We wanted to protect the integrity of the Whippany Village zone, we didn't want to have several prices of property developing under different standards, and this tries to avoid that. It tries to include the fire company in a way that they have to conform to the Whippany zone, but mean while frees it up so it is independent within the zone, so that the fire company and the fire commissioners can sell their properties to whom they wish including his truly Mr. Morreale. In the opinion of me, we wouldn't have to gone through this zone change had this gentleman agreed, even if he backed off his first agreement to swap if he would have just agreed to say, I will buy an acquire these two properties that it would have been a moot point. I think.

Mr. Mihalko: My other concern, since we are going this deep in that same particular venue, I am very sure that I heard at one juncture that the grade of that property was to be maintained relative to what it original was. Now, both you, I and everyone sitting here knows that property has been raised close to 5 feet. That was not in the proposal. In addition to him having raised the property to whatever degree it was, it may be 3 feet, but it's been raised, the back portion, which was of most concern to most of the opponents to this project, was definitely not going to be raised. Well, in raising the front to put the bank on they kind of evened it off to the back, which means the back was raised too.

Mayor: Gerry, all the property was graded to the rear?

Mr. Maceira: He did some grading, that was part of agreement.

Mayor: I know he modified the front where the Chase Bank is on that one side, and certainly the terrain where the CVS, but that was always elevated.

Mr. Maceira: That was always elevated.

Mayor: We understand the point that is being made here, and that is that both Fire House & Company certainly are going to be impacted by the changes in grade on each side, I think we took that into consideration too. We looked into this. Are you suggesting Joe, that this grading was part of the Engineering Approval process?

Mr. Mihalko: Yes, I am definitely suggesting that.

Mr. Maceira: No, I think the grading that was done, was done as what was approved by the Planning Board.

Mayor: It was consistent with the Planning Board Approval.

Mr. Maceira: It was.

Mayor: You want to see those documents.

Mr. Mihalko: Thank you, I think Ms. Iradi, will contest to partial to what I said.

Judy Iradi, 27 Malapardis Road, Whippany. I think the problem here is what the developer promised and what the developer was actually given. He stood here at this podium and promised and promised that he would build a fire house for the fire company, he promised to me when I was at the podium that the elevation of that property would remain the same. Promises aren't in writing and obviously it's not when a person's word was their word. I'm intimately familiar with the zone change and this piece of property on Route 10 was zoned for a single commercial usage, such as a bank, CVS, Steak House, Office Building, so therefore, if you had property you can build any of those on it. Because the builder came in and says he was going to build a fire house, we decided for the betterment of the Whippany residents...

Mayor: I have to stop you with that comment, that comment from day one I refunded, I sat on the relocation committee, I initiated the idea of the fire company getting the benefit of a property swap. Somewhere in this mix, came the fact that this developer, regardless of what I think of this developer, that he was going to build a fire house and deliver that property transfer and the fire house. That is not correct. And I am telling you....

Mrs. Iradi: So, I'm glad you reminded me, so you were the Mayor at the time of the zone change came from the planning board to the Township Committee. In my opinion, the worse zone changes I've seen, however I was persuaded to pass it with certain concessions because it was portrayed to us that something was going to be done for the Fire Company.

Mayor: What was going to be done for Fire Company in exchange for the difference in valuation between the estimated values of the frontage, which I will tell you was more than the value of the restaurant property in the back, was that they would get consideration for approximately \$100,000 worth of engineering and field work. That's what was going even out the swap. Nobody was gonna raise steel, close walls, or build, build and build a \$3,4 or 5million dollar fire house.

Mrs. Iradi: Well keep that premise until later on. Therefore, we voted for the zone change, what it meant was you had an overlay zone, where you could, if you had, and this a safeguard put into the zone change specifically by me, that all the property, it was a minimum acreage of property you needed to have an overlay zone. And the minimum acreage included the fire house. This safeguard was so that the developer, although other felt that he would honor his word, I did not. It was a safeguard put in there so that the fire company would not be left out in the cold. The safeguard was he needed all this property to develop his overlay zone which was very intense had a lot of asphalt, had so many variance I can't even count them, had 2 or 3 stories rental apartments over stores, do you know that there is 46 units of rentals going in that property, if you make that zone change?

Mayor: Sure I do. It's no surprise to me, the entire site is no surprise to me and the site wouldn't have gone nowhere had we not do this amendment. But go ahead.

Mrs. Iradi: So this developer who has made lots of money at that site, plus at Lucent, now refuses to buy the fire company's property which is on the market for \$1.2 million, but back then he was to give them a piece of property plus \$100,000. Don't you think it compensates for it? Why are you bending over backwards for this developer to give him exactly what he wants? He is stubborn, he won't buy the property, he won't build, why are you changing the Ordinance to let him off the hook?

Mayor: We are changing the Ordinance, so that the fire company can sell their properties outside the zone as well.

Mrs. Iradi: It's on the market right now, they can sell it right now. Also you are taking the fire company's property out of the zone, how does that make it consistent?

Mr. Brancheau: We are not taking it out of the zone, we are taking it out the plan development.

Mrs. Iradi: So how does it make the fire company consistent with the plan development?

Mr. Brancheau: A lot of the standards are the same, and the Ordinance says the architectural design has to reflect the overall

Mrs. Iradi: Ok so now under the current Ordinance the fire company's property for sale at this particular time doesn't have to comply with certain standards. If I come in to buy the property,

Mr. Brancheau: It actually it helps the fire company's property in that it changes some of the standards even to the fire company's property; it relaxes some of those to enhance the opportunity to develop in a manner consistent with the planned development.

Mrs. Iradi: As long as you want to do what this Ordinance now says you should do with that property. In other words, I have a piece of property that doesn't have restriction on it right now,

Mr. Brancheau: It does

Mrs. Iradi: It doesn't have the restrictions of the planned unit development then,

Mr. Brancheau: No it doesn't

Mrs. Iradi: It doesn't have the restrictions of the planned unit development?

Mr. Brancheau: No

Mrs. Iradi: But under your Ordinance now when you take the fire company property out of that and rezone they will have the restrictions of the planned unit developments?

Mr. Brancheau: No

Mrs. Iradi: If they don't have any restrictions of the planned unit development than how are they going to be consistent with that development?

Mr. Brancheau: This is _____ I don't know if they are holding a hearing on it, I don't know how much the Committee wants to discuss it. I'll be happy to answer that, but I think it should be during the context of a hearing. Judi, the short answer it, both before and now the zone consists of two sets of standards, conventional and planned development. The conventional development is what the fire company today can develop under and what tomorrow they can develop under. Some of those standard have changed but not in a way that's harmful to the fire company property. They will still have the option of becoming part of the planned development, it doesn't prevent that, it just allows the planned development to proceed without them because we can't frankly force the developer to acquire the fire company property and the planning board felt that it was better for it to proceed than to leave it sitting there not finished or to, as the Township see it is that the Town wins when the developer wins in this case, because it's better for a project to move forward than to sit there was an uncompleted project waiting for two private properties owners to consummate a sale.

Mrs. Iradi: the only way this planned unit development should have EVER move forward is for the fire house to relocate, which was the plan of creating that zone. Now that plan is still in place, if he wants to move forward he can either do that, acquire the fire company's property or he can build conventional. What's the problem with building a conventional in that site?

Mr. Brancheau: From the Township's perspective, leaving the site with the fire company wants what the developer wants, from the Township perspective if we did conventional development there wouldn't be shared access there wouldn't be shared parking they're wouldn't be uniform design, each lot would have it's driveway out to the roads, and I think that would be worse from my perspective than the planned development that we are trying to promote both by the current ordinance and by the proposed amendment to that ordinance. I think it's better for the Town, Yes, would it be better for the fire property was part of it, yes it would, but we can't force that to happen. So it's better to get 80% of what we were trying to achieve than none, so that's my simple answer. The planning board agreed that it was better to proceed and get what we could for the timing, than to sit and wait and get nothing. You might not be satisfied, but that is the answer.

Mrs. Iradi: So you think it is better, having a single unit we will say development such as like what was there, a steak house, office building, bank, cvs. Which now can be done under the conventional building, you think that's worse, or you think its better to

have all of that plus stores, three stores, rental apartments, and all the asphalt, you think that it's better than just having a commercial development there?

Mr. Brancheau: The uses are the same under either conventional or planned development, the difference is under conventional everybody has their own parking lot their own driveway, their own detention system for their storm water runoff. But planned development everyone is able to share the access, driveway, the detentions systems utilities, uniformed lighting, uniform architecture and design, you get a better result for the Town.

Mrs. Iradi: So the conventional allows for the two-story store buildings with three stories worth of apartments on top right now.

Mr. Brancheau: That doesn't

Mrs. Iradi: It doesn't allow that

Mr. Brancheau: It allows for residential use above but not at the same type, its' the same use, it just doesn't allow for

Mrs. Iradi: The conventional will allow for residential on top of stores? How many units?

Mr. Brancheau: I think two on top of the stores

Mrs. Iradi: Two on top of a store verses 46 if you change this ordinance, what about our schools, is anybody worried about overcrowding?

Mayor: It's consistent with the design since day one. Nothing's been changed

Mrs. Iradi: Except for the minimum acreage, now you want to also, I don't know, the fire company was a great part of that ordinance in that zone change now you want to you vs. the developer, now you want to cut the fire company out. Thank you.

Mayor: That was a very unfair statement Ms. Iradi, and a very political, nobody fought harder for the fire company than yours truly. Nobody wanted to see the Fire Company get off of that Route 10 stop than yours truly, and I made every effort to do so. I can't stand up for this developer, who in my opinion, absolutely

Mrs. Iradi: Reneged

Mayor: Absolutely devastated this arrangement, ok, and up until this ordinance nothing could happen, no further development on that.

Mrs. Iradi: Conventional could

Mayor: Up until this ordinance, and the only way that we could free him to go forward and the fire company to go forward is to create this zone which allowed to take those two properties, out of that area, as far as the engineering comment earlier, that we and check on with the engineers as far as raising the topo of the Chase bank, etc. if that was consistent with the approvals, Gerry, and you are saying it is than that is easily looked at, anybody that buys those properties is going to understand the need of proper engineering and drainage and so forth on that particular area, School Street, there is no question about that.

Mrs. Iradi: I agree with you, you probably tried all you could to get this developer to comply with, well pertained that he was going to do, and I believe that you did do that, so he can still build a conventional building over there, so if you tried everything you could and he wouldn't listen, the fire company is up for sale and he wouldn't listen, why are you now going to, in my opinion, cave in and give what he wants?

Mayor: If he acquired the fire company or didn't acquire the fire company, would he not build a conventional building on that site? In the swap, do you think he intended to keep the fire company building there, don't you think he intended to take it down and build a retail building consistent with the rest of the site, which is certainly the provision that the fire company to do so privately. Nothing has changed.

Mrs. Iradi: Except that the fire company is totally out of the equation, totally. They have no leverage.

Mayor: This ordinance enhances the development potential of those fire companies' properties.

John Ferramosca: Please clarify the benefits Mr. Brancheau to the fire company and in considerations the planning board amends as they evaluated to do that so that we can provide the greater option of the possibility to be part of either scenario. Where this developer could buy that property or they can sell it to someone else. Or in the event what would happen if in the event the fire company decided to sell it to a third party.

Mr. Brancheau: The floor area ratio of the property was increased from 25% to 35%. And that was based on a detail analysis of what could fit there, we changed the setbacks from School Street, so that can happen. There were number of ways in which we enhanced that, we also required that also consider in its design the overall character of the zone and try to match that as much as possible, so we haven't given up as far as getting a product, that well might be technically part of the plan development will look like it is, even if it's under separate ownership. So I believe that this is going to enhance the value of the fire company's property and it's development potential.

Mrs. Iradi: Okay, time will tell, Thank you.

Mayor: Look, the fire company, just for the record here too, lets understand something, cause we are getting a picture painted here from one side of this desk and I find it quite annoying, I'm not going to war with the Whippany Fire Company Judi, I'm trying to work with them, and they know that for years, that I have been supportive of them. We are trying to make the best possible deal for them and the sale of their land, they found more attractive property, they are going forward on their own arrangement at this point, I wish I can help them in that too, but they gone forward with something that they find even more desirable. One way or the other the sale of their property, either a swap or market sale is going to take place, one way or the other the topo passed that property whether it's that developer, Vision Equities, or anybody that buys their property is going to have to deal with modifying the topo to their property, because it's in a flood area. There is no question about it. Six of one, half dozen the other, you know, that's where we are. I don't think this ordinance in any way shape or form takes away, or depreciates from the fire companies' ability to get the best possible return on their property. In a matter of fact, it allows them to, and still get this zone to move forward. We've been a couple of years installed in this matter, for all parties, and that's hopefully the adoption of this zone will free this up, but nothing has changed with the retail uses, in the back, with the amount of apartments in use, nothing with the setbacks from the railroad, nothing has changed with the fact that he still has a deal with the railroad to acquire some additional right-of-way properties back there that he hasn't done. I don't think I am missing anything.

Mr. Ferramosca: The only thing that has changed is that we are required sidewalks now, on Troy Hills Road, that weren't required as part of, that we insisted upon that from a safety standpoint and the representation of the rights of the fire company had been held fully held at the forefront as planning went through the recommendation to ensure that they would be given total flexibility, under either conditions. We would hope that it eventually is sold, and as soon as it could be done. Mayor: Let's be sure, that whoever acquires the property is gonna build consistent with what we would have done originally with the entire Whippany Village zone. John: They will be held to that.

Mayor: Not have a change; just because you're across the property line, it's going to be consistent. That's it.

Tom "Ace" Gallagher, 20 Woodfield Drive, Whippany. I just want to take a minute, I would just like to say that on October 19 we are going to have a one day one school beautification and safety event at Salem Drive School. Many of us have been working very hard on it, and want to say thank you very much to everyone on the Township Committee, for helping. Lot of people in our school, our Board of Education, Scott Pepper, the whole town is going to come together, we have quite a day planned, including food, DJ, lot of local companies donating. We also have a quite a bit of money raised in plant material, we already started marking it out, we called for a mark out for our new plantings, everything has moved ahead, but I just wanted to take a moment out to say thank you very much, I talked to every one of you about it, I have asked for a few favors and I know everyone is supportive and it means a lot to me and means a lot to

our kids and our schools. Thank you Kenny, for coming to the meeting and we banged out a lot of details.

Mayor: We thank you, the One Day, One School Project has been outstanding, going forward with that and we are happy to support the work you are doing on that side, that's great.

Mr. Gallagher: the one thing I do want to say too, is that in the last couple of years, it has become a very popular catch phrase "Shared Services" public and private sector partnerships, and we have been doing it for years here. This is another good example of it.

Howard Olson, 93 Griffith Drive, Whippany. I got four questions, I promise not to go pass the 5 minute limit, 1) seeing that we are really working up on Route 10 and trying to clean it up, is there anything in the works right now to take care of that house next to Bogey's? That is a very very bad eye sight.

Mayor: that is an understatement, to the extent that I know, Fred you are here, so we are trying to work with the property owner, the owner is in the house is in the hands of his estate, the owner is deceased. We are trying to work through the estate on that house. The estate wants a particular use that there are other developers in the area what would like to acquire that property. I don't think the Township is wanting to go after it, we don't want to acquire it ourselves, but we do want to develop in some fashion. But I think that the driver on this ultimately is going to be the zone change, the planning board is proposing for Route 10 on both sides all the way all the way down to Algonquin, so that it will encourage development or acquisition of that house, let me put it that way, but I don't know that there is any further movement on it Howie that I can tell about.

Mr. Semrau: We have also had property maintenance issues that we have taken that on, we had a hearing and we brought this particular matter, the estate and the executor of the estate forward and we charged the estate with some costs for some of the clean up that we had to do. It's still on target to address that because although they didn't oppose the fact that we had to do this work, it's still concerning that we had to take it to that extreme and have an actual public hearing and we had the construction official write up a report. This Governing Body approved that we could do certain work can't do everything, but we are trying to address under property maintenance as well.

Mr. Olsen: Fred even if we can just get them to knock the house down.

Mr. Semrau: That's something that was discussed at one point in time, and you know down the road that could be something, that if this doesn't move in the right direction, or if there isn't any additional care that could be the result, we did speak to Sean Donlon about that, when this came up. It's a little more, a bigger step, but it's not outside of the scope of the possibility.

Mr. Olsen: 2) Trains, with all the storage that they have here, since when does Hanover Township a junkyard for old trains?

Mayor: Which side of Jefferson side of the road are you talking about?

Mr. Olsen: Both and all the way into East Hanover

Mayor: Howie, railroad stands behind their protection of the federal laws that govern them and we have asked them to move those passenger cars which we have found them to be problematic, vagrants, etc. We have asked them to move tank cars, which have been stored on sidings right within 100 yards of residential areas. We have asked for cooperation in cleaning up the yard and shielding it. I'm just trying to do a score card, how much of this has, we have been able to get done. It's been a uphill battle all the way, no cooperation, no cooperation, and I think the last answer we got on those rail cars, which I thought was pretty imaginative, was that they were saving them because there are movie companies that want to use those railcars and he is going to be using them in some up and coming movie, I hope I get a chance to see it in a theater near me, but that's where we are.

Mr. Olsen: But there is nothing we can do with that?

Mayor: We can continue to try and work with him, to congeal to cooperate and ask and see. Any specific areas, or the unsightliness of it in general.

Mr. Olsen: Well the ones that go from Ridgedale Avenue, in East Hanover down the track all the way down to Algonquin you don't see. Anything behind passed Algonquin you don't see. I think the biggest eyesores are over here on Eden Land (Jefferson Road) that is a really big eye sore, people drive pass that even the stuff that you have by the water tank, where they run them. It really is not Hanover Township, let's put it that way.

Mayor: I know where the museum is and I appreciate that he is trying to restore something's, he has some nice cabooses and an engine now. They are finally putting that back together. So I can justify some of the activity that is going on down there and so can the people that come to see it, the Museum.. (interrupted continued..) the ermine you are probably talking about is going to be on the west side of Jefferson Road and in that storage yard there, we had them put up a stockade fence some time ago they did that, it still looks like it's in fairly good condition, so I don't know if we will get any other cooperation out of them, but I am always willing to sit down with them.

Mr. Olsen: Gerry, where are we with our six year culvert?

Mr. Maceira: We have the plans, I have the plans approved and I have a stack on my desk and I am hoping to get that out to bid this month.

Mayor: What is that?

Mr. Maceira: The Culvert replacement at the Bee Meadow Pond.

Mr. Olsen: It's only been six years.

Mr. Maceira: It has been a long time; we did have DEP issues,

Mr. Olsen: Don't blame them all

Mr. Maceira: No you can't blame them for that long period, but it has been long

Mr. Olsen: Not for six years, maybe 4 but not six. Because Mr. Iradi brought up an excellent idea, way back when, when I sat on the committee, about making a track around the pond and

Mayor: A walking path?

Mr. Olsen: Right, for those people that are on that side, they don't have to go over to any other location and it would be ideal, because you have the one that goes right up along the roadway there.

Mayor: That not a bad idea, that's a good idea. I wonder

Mr. Maceira: I saw some part of it cognictivity Plan

Mayor: We have a cognictivity plan that's being worked on as we speak and matter of fact we have an outside consulting firm that's perfecting it, it's Patriot's Path, but we added to it and we've connected all the pieces and we are moving ahead into the engineering portions or it right now and we just debating a contract that we want to potentially award on that thing right now and, Gerry that is part of it?

Mr. Maceira: It is separate but it does take advantage that the path would go through that section and that would be a later phase but it's something that is there

Mayor: But those paths are specific in there?

Mr. Maceira: Yes

Mr. Olsen: My last thing, the best thing I saw in the agenda tonight was the sidewalk issue, I drive a school bus part time I go down that road after school and you see these kids walking six eight nine kids together, holding their computers, holding their phone and walking in the middle of the road and these kids here are, you know what is gonna happen.

Mayor: Yea, that's a problem.

Mr. Olsen: All I can do is say thank you for going ahead and looking at this.

Mayor: I wish it was going to be an easy fix, but we are going to get into the engineering and taking a look at it, and see what it takes, it's very difficult property, you know it, coming down that way, I feel it's part of a school zone, myself, because of the proximity it, one of the things we want to take into consideration to it, lowering the speed limit, in that area, but we are not all unified on it, is a speed bump in that area to slow it down, might be a good thing to do in the interim, ultimately sidewalks have to happen so we are going to defer to professional on that to see which side of the street, how, what, where and when. We are allocating the money to do that. We want to make sure

Mr. Olsen: It couldn't be built fast enough as far as I'm concerned. For the safety of those kids.

Mayor: Some of the development that happened, including the Quick Chek above, and Franks Pizza, below, the kids find their way, walking down to those places.

Mr. Olsen: They walk all over,

Mayor: It's the attraction.

Mr. Olsen: Thank you, thank you. We got to do something about it, we will.

Tom "Ace" Gallagher, 20 Woodfield Drive, I just also want to say, that I think it's great you are looking at that section for the sidewalks. In my trade I work on the side of a lot of roads, we know which roads are more dangerous than others, and I will be very vague about the details, but tonight I told a story about when I was much younger, one road we worked on quite a bit, I always had a policeman with me because it was so dangerous, we all knew it was so dangerous and a young girl got killed on it. And shortly she got killed they put a sidewalk up. And it still bothers me because I was young and it's not excuse and knew it was dangerous but I was in position to do anything about it, but I think it's great to look at something like that, and get a little aggressive about something, expressible with the Quick Chek with all the traffic from MJS down and we are talking about connectivity and have everyone get together as a community, the timing right now is fantastic, cause there hasn't been a tragedy. So again I'm not a cheerleader, but I want to say thank you very much for looking at that. That is a very important issue in town that we can be looking at and I'm glad you are. Thank you.

Mayor: I said it I think as some past meetings and I'll say it again, Hanover is dynamic, we are changing with everything that's going on in this town, and when we touch something, something else has to be looked at. These sidewalks are becoming more critical to us for the walking, pedestrian community, as are this connectivity in these trails as part of what's gonna be beneficial to us, not as just residents but the

corporates want it to. It's all part of a good safe community, so we are going to stay on top of it and Thank you we appreciate it.

MOTION TO CLOSE: No further comments forthcoming. Member Coppola moved the Motion to be closed. The motion was seconded by Member Ferramosca and was unanimously passed.

APPROVAL OF MINUTES:

Mayor Francioli stated that the Minutes of the Regular Meeting of July 11, 2013, and the Minutes of the Bid Committee Meeting of July 30, 2013 and September 4 and September 11, 2013 had been presented to the members of the Committee prior to this meeting by the Clerk.

Member Coppola moved that the Minutes of the Regular Meetings of July 11, 2013, and the Minutes of the Bid Committee Meeting of July 30, 2013 and September 4 and September 11, 2013 be accepted and approved as presented by the Clerk. The motion was seconded by Member Schleifer and was unanimously passed.

COMMUNICATIONS:

Notice of Resignation/Retirement of Part-Time Recording Secretary For Economic Development Advisory Committee, Open Space Advisory Committee and Landmark Commission, Anita Ahlmeyer effective October 31, 2013.

Motion to accept the Letter of Resignation by Member Coppola. The motion was seconded by Mr. Ferramosca and was unanimously passed.

Notice of Retirement from Truck Driver II/Equipment Operator John Scagliozi as of January 1, 2014.

Motion to accept the Notification of Retirement by Member Schleifer. The motion was seconded by Mr. Ferramosca and was unanimously passed.

The following communications were read and action taken as indicated:

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Police Department	S.W.Gallagher	Month Ending 9/30/13
Property Maintenance	E.DeSimoni	Month Ending 10/9/13
Parks Department	B.Foran	Month Ending 9/30/13
DPW	B.Foran	Month Ending 9/30/13
Engineering Dept.	G.Maceira	Project Status Report 9/30/13

Public Hearing

We have a Public Hearing concerning the activation of a Liquor License which is held as a "Pocket License" currently by Village Supermarket of NJ, LP. It's Plenary Retail Distribution License No. 14-12-44-009-007 wish to activate that license for the new business to open as the Village Liquor Store with premise to be located in the new Shop Rite Supermarket, at 178 East Hanover Avenue, in Cedar Knolls. We will note for the record that Village Supermarket has filed with the Township a Alcoholic Beverage Retail License Clearance Certificate issued by the Division of Taxation as of June 27, 2013 and they filed in my office and also submitted to the Division of Alcoholic Beverage Control. As required by regulation of the Division we have the Affidavit of Publication that Village Supermarket on notice of today's hearing has been posted in the Daily Record in two consecutive issues, the issues of September 28 and October 5, 2013. Before we convene this public hearing, we will also note for the record two letters which have been received by the Business Administrator/Township Clerk's Office. (Letters are not being read into record – Township Committee has copies)

A Motion to accept to convene the Public Hearing on this proposed Transfer by Member Ferramosca. The motion was seconded by Mr. Coppola and was unanimously passed.

Jim Neidhardt, 3414 Appleton Way, Whippany. I have been all in favor of the Shop Rite Supermarket from the very beginning I think it's a great opportunity for Hanover and the development plans that I have seen and heard about it looks spectacular. I was disappointed to lose the Hanover Liquor store in Pine Plaza but I am pleasantly happy to see that it is going to be reactivated. I don't know how many people know about Village Supermarket, I know a number of people that work there and also having been in the food business and I can tell you that Village Supermarket is great organizations, with great values, the people who work there absolutely love it from what I've heard. I just wanted to say that on record. I did receive a communication recently from the Hanover Chamber of Commerce and there was an article by Director Community Affairs of Village Supermarket, and they laid out the details of what is going to be in the supermarket, it sounds spectacular. There was one thing in there that I found a little disconcerting and I suspect that not a lot of thought was given to this, this decision that was made. It appears from what I read in the article that they looked to be calling that store the Shop Rite of the Greater Morristown Area, that is a term that I had in my 31 of living in this area, I never heard of that referred to that way. I did a Google search on the Greater Morristown Area, and I went 10-12 pages and I couldn't find anything referring to the Greater Morristown Area, other than a reference to the YMCA on Horsehill Road. That is the only entity or person in my 31 years that I ever heard to refer to that. I don't know why they would want to be more anchored with Morristown, it is a larger community than Hanover, but considering the majority of the traffic that the store will see will come from the Township of Hanover, Morris Plains, and Parsippany and surrounding communities, I just think that was a marketing person at their headquarter that came up with that, certainly I don't believe they did any market research on it, because if they did any research on it among the various communities that will wind up being in their stores, I don't know if it is too late for them to make a change but I would suggest maybe the Township and this is not just that It's our town

and we want it to be called the Hanover Township Shop Rite, I just think it's a decision that wasn't well thought out. In addition, it would be nice to see the Shop Rite of Cedar Knolls, or Hanover Township, I just didn't understand it. Village is a great organization and love everything about their plans I know it has little to do with the license but I just had to come up and get that on record, and I would ask the Committee to talk to the Village people, I don't know any of the headquarter, I just know what I have heard from their employees.

Mayor: I think your message is going to get directly to them.

Mr. Neidhardt: Oh ok I didn't know that. Google Greater Morristown Area.

John: Thank you Jim for bringing that up, because it could be terrible confusing to people in terms of direction, trying to places. We should make it easier for the public to get to locations and it could be very confusing. Especially those who are trying to find it, which might use a GPS unit and you are not going to find it.

Mayor: Correction, Morristown is smaller by square footage than Hanover Township, same population, so if they want to draw on a larger audience being Morristown, I think they came up a little short.

The floor is still open to the public.

Motion to close by Member Coppola and seconded by Member Ferramosca. All members for Mayor Francioli abstained. (To close a public hearing)

For the record, before we make a motion on the resolution, there are two special conditions that have been reviewed by myself and Mr. Semrau and they are as follows: Page 2 of the Resolution in will read: "In view of the fact that the Village Liquor Store will be occupying space in the new Shop Rite Supermarket currently nearing completion, no alcohol may be sold until a Temporary Certificate of Occupancy is issued by the Construction Official." Second condition is one that is included in all liquor licenses whether consumption or distribution, and that is that entertainment depicting sexual activity, and nudity, as imposed by the Township on all alcoholic beverage licenses is prohibited and shall apply to the transfer of this license to Village Supermarket of New Jersey.

Are there any questions? Fred:

Fred Semrau: Yes, if I may, with respect to those two conditions especially since the store at this point is not open, when you state conditions the applicant has a right to appeal those conditions, but in this particular case working with the administrator, I was in touch with the attorney that represents the applicant, and I believe it is my understanding that they do not oppose, or will they appeal those conditions of approval. I believe the attorney is here, if he wouldn't mind, I would prefer to put that on the record that there is no objection to those conditions.

Dean Donatelli, Inglesino, Pearlman, Wyciskala & Taylor (attorney's for the applicant Village Supermarkets) We have reviewed with Mr. Semrau the form of resolution and the conditions in which Mr. Giorgio just stated and we have no objection nor do we intend to appeal those conditions.

Mr. Semrau: Thank you.

Mr. Coppola: Is there a restriction, since it's intermingled with food, is there a restriction to who can actually sell it or cash it out on your registers?

Mr. Donatelli: 18 years of age, and they need to have a code, and they needed to be coded in order to operate the register.

Mr. Coppola: Nobody can operate it that's under the age of 18 any of that liquor.

Mr. Donatelli: When you say no one can touch it, in order to operate the register and order to make the sale the

Mr. Coppola: If a younger person has the ability to put it on shelves? Are they allowed to do that?

Mr. Donatelli: They can inventory it, but they are not allowed to make the sale.

Mr. Coppola: Just not making sales

Mr. Semrau: That would be the case in any store, and that's consistent with any practice but understanding your concern in a store such as this, it's the same rules apply.

Mr. Coppola: Ok, just lots of young folks handling it, ok. Thank you.

Mr. Semrau: Mayor, I just want to also mention for the record, Administrator Giorgio indicated that there were two letters; and they are part of the record, but the objection to this application was based on the fact that the sale of the alcoholic beverages would be essentially side by side with the sale of food or groceries, and the objection was based upon also Legislation that has not been adopted, that basically says that this type of comingling, for lack of a better word, is something that would be prohibited, it would be required that the alcoholic beverages would be separate and apart from ceiling to floor. I know that the applicant responded, and indicated that first of all, it's just proposed legislation, and second of all and this I concur with, it's not illegal, as to this application, it's all been reviewed and everything is in order, and I think to quote the objection it talks about this isn't within the spirit or intent, but I can tell you that it is perfectly legal as far as the application and the fact that there would be the sale with groceries and things of that nature. We have seen this before, and also the same controls and the same responsibilities remain in place, whether it's in a liquor store

separate and apart or whether it's in a store where there are groceries side by side. The same rules apply. I just wanted to make that clear for the record.

Mayor: I am reading from a letter that Mr. Giorgio referenced from Attorney's _____ that are the objector that you are referring to Fred. This item one, proposed place to place transfer would allow for the comingling of alcohol beverages, groceries, and food, contrary to the statutory language in spirit and intent of New Jersey Control Alcoholic Beverage Control Act.

Mr. Semrau: I think what he is saying the "spirit", but it's not illegal and it's not a violation in any way, so I think the word "spirit" is what they are saying, and that's their opinion.

Mayor: I know other large groceries that are selling wines, and spirits, etc., in conjunction to foods it is happening, so.

Mr. Semrau: And there is no other testimony offered and no other studies submitted to support their assertion that in some way it is harmful or dangerous or anything of that nature. One could argue the other way as well, that there is some actual more precautions under these circumstances as well.

Mayor: Thank you.

Mr. Giorgio: Ok, the public hearing is closed.

RESOLUTION NO. 189-2013

The resolution is RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NUMBER 1412-44-009-007 HELD BY VILLAGE SUPERMARKET OF NEW JERSEY LIMITED PARTNERSHIP, AND TRADING AS THE VILLAGE LIQUOR STORE, WITH PREMISES LOCATED AT 178 EAST HANOVER AVENUE, IN THE CEDAR KNOLLS SECTION OF HANOVER TOWNSHIP.

WHEREAS, by resolution dated March 8, 2012, the Township Committee of the Township of Hanover approved a Person-to-Person Transfer of Plenary Retail Distribution License Number 1412-44-009-006 from Glenn A. Pompei, trading as Hanover Liquors, to **Village Super Market of NJ, LP**, a Limited Partnership, which License has been held by the Township as an inactive pocket license; and

WHEREAS, **Village Super Market of NJ, LP** trading as "The Village Liquor Store" has made application to the Township Committee to activate the Pocket License, License Number 1412-44-009-007 for a Place-to-Place transfer to be utilized at

premises located at 178 East Hanover Avenue in the Cedar Knolls Section of the Township; and

WHEREAS, on September 26, 2013, **Village Super Market of NJ, LP** submitted its application to the Township for the Place-to-Place Transfer along with the applicable fees made payable to the Township and the Division of Alcoholic Beverage Control including a detailed sketch of the premises and proposed license area; and

WHEREAS, in accordance with N.J.A.C. 13:2-2.5, **Village Super Market of NJ, LP** submitted an Affidavit of Publication stating that the Notice of the Place-to-Place Transfer appeared in full in the September 28 and October 5, 2013 issues of the Daily Record; and

WHEREAS, a Tax Clearance Certificate for the renewal of Plenary Retail Distribution License Number 1412-44-009-007 held by **Village Super Market of NJ, LP** was issued by the Division of Taxation in the New Jersey Department of the Treasury on June 27, 2013 which Certificate is on file in the Business Administrator/ Township Clerk's office; and

WHEREAS, on October 10, 2013, a public hearing was convened before the governing body concerning the application of **Village Super Market of NJ, LP** for the activation of a Place-to-Place Transfer of the above referenced Plenary Retail Distribution License; and

WHEREAS, the governing body has deemed the application to be in order and complete.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The application of **Village Super Market of NJ, LP**, a Limited Partnership, trading as "The Village Liquor Store" for a Place-to-Place Transfer of Plenary Retail Distribution License Number 1412-44-009-007 for premises located at 178 East Hanover Avenue in the Cedar Knolls Section of the Township is hereby approved subject to the following special conditions:

- A. In view of the fact that "The Village Liquor Store" will be occupying space in a new Shop Rite Super Market currently nearing completion, no alcohol may be sold until a Temporary Certificate of Occupancy is issued by the Construction Official; and
- B. That entertainment depicting sexual activity and nudity as imposed by the Township on all alcoholic beverage licenses is prohibited and shall apply to the transfer of this License to **Village Super Market of NJ, LP**.

2. That certified copies of this resolution shall be transmitted to **Village Super Market of NJ, LP**, the New Jersey Division of Alcoholic Beverage

Control, the Township's Construction Official and the Hanover Township Police Department for reference and information purposes.

The motion was adopted by Member Ferramosca and seconded by Member Coppola.

Mayor Francioli abstained

I think for the record of my abstention, is an order, I have to tell you that my experience over the last several years on the Planning Board, in the grocery industry has taught me a great deal. I have to say that Hanover Township has been very supportive of Village Supermarkets and a very long involved hearing in over a year, when an objector, Stop & Shop took a position. It was that objector's intension to stop Village Supermarket so they entered into litigation, founded or unfounded in my opinion, and it cost the tax payers of Hanover Township something in excess of over \$40,000.00. I sound like Abraham Lincoln, but now we are now engaged in the same litigation where Village Supermarkets is engaging the Township Hanover as well as Mack Cali Corp., etc. in the very same legal shenanigans to slow down the development of another competitor grocer. It is an industry kind of thing, and while I appreciate it, I don't appreciate the fact that it pulls in tax payer's money from Hanover Township into their fun and games. Play it somewhere else, you won't prevail. I abstain on that basis.

Mr. Giorgio: As we continue with the agenda we have one ordinance for final hearing and final passage:

ORDINANCE 30-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RESURFACING OF MELANIE LANE FROM ITS INTERSECTION WITH ALGONQUIN PARKWAY TO THE BORDER OF EAST HANOVER TOWNSHIP WITHIN THE TOWNSHIP AND APPROPRIATING THE SUM OF \$270,000.00 FOR SAID IMPROVEMENT FROM THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND THE YEAR 2013 CURRENT FUND BUDGET

Proof of publication that the Ordinance and the Notice of Introduction appeared in full in the September 19, 2013 issue of the Daily Record as required by law. At this time I would ask a Member of the Township Committee to move on to convening a public hearing.

Joseph Mihalko, 12 Anna Terrace Whippany. The only question that I address towards this resolution, this hearing, I read in the paper that East Hanover has received monies to rebuild Melanie Lane bridge and my only concern is the timing of doing this project verses the bridge and it's construction, I hope we don't have a conflict with our brand new road being over utilized by construction equipment as they go to rebuild the bridge. As long as we can address that, it's certainly a phenomenal idea.

Mayor: Joe, I fully agree, as I said to the Administrator on this, I think this will allow us to go forward on the contract, but as far as the awarding and so forth, that the dates of start and finish are still under our control.

Mr. Giorgio: According to the grant we receiving from NJDOT which is \$145,000.00 we have until December 2014 to complete it, but I would like to ask Gerry, if you don't mind, whether or not we can get an extension of that time, is that possible?

Gerry Maceira: We would have to make that correspondence with the NJ DOT.

Mayor: We certainly don't want to tear up a new road and as far as I know a bridge has to be worked from both sides. I talked to Mayor Penulu and they are good to go, but they are waiting on the county, I guess the counties dollars have to be allocated to them, I think it's just a technicality of a budget process of the 2014, and I think they still have some remaining issues with the DEP. He forces that bridge being about a year in construction and has no idea how far away he still is from awarding it. So we could be further than a year in this whole matter. I certainly don't want to see a new street constructed if. I think it's a very reasonable information to go the grant's people on this thing. Thanks Joe.

Kim Valentino, 3413 Appleton Way, Whippany. How far does Hanover's property go down Melanie Lane, does it go all the way to the bridge or does it stop short of the bridge?

Mr. Giorgio: The Bridge is East Hanover, it stops just short of the bridge.

Ms. Valentino: So any construction that will take place at the bridge sight wouldn't affect us, it's only the equipment coming down the road to reach the bridge right.

Mr. Maceira: Yes that is correct.

Mr. Giorgio: Just a tid bit of history, up unit 1982 that road did not go through, it was in 1982 that road way was opened, I remember because I was there. That was a big thing for both Hanover and East Hanover.

Mr. Ferramosca: Our town line ends at the Red Bulls Property. There is a DPW yard that East Hanover has so that is prior to the bridge, we don't go right up to the bridge, we don't about the bridge, but it is a wise decision to delay, let's not take an investment and destroy it.

Motion to close the public hearing.

Motion to convene the public hearing made by Committeeman Ferramosca and
Seconded by Committeeman Schleifer.

BE IT RESOLVED, that an Ordinance entitled,

ORDINANCE NO. 30-13

“AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RESURFACING OF MELANIE LANE FROM ITS INTERSECTION WITH ALGONQUIN PARKWAY TO THE BORDER OF EAST HANOVER TOWNSHIP WITHIN THE TOWNSHIP AND APPROPRIATING THE SUM OF \$270,000.00 FOR SAID IMPROVEMENT FROM THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND THE YEAR 2013 CURRENT FUND BUDGET”,

be passed on final reading and That a notice of the final passage of the Ordinance be published in the October 17, 2013 issue of the Daily Record. Motion on adoption moved by Mr. Ferramosca, second by Mr. Coppola.

ORDINANCE INTRODUCTION

ORDIANCE 32-13

ORDINANCE NO. 32-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR THE WC – WHIPPANY CENTER ZONE DISTRICT

WHEREAS, the current zoning regulations of the Township of Hanover include a WC – Whippany Center zone district: and

WHEREAS, the WC zone district was originally created in order to encourage the redevelopment of the properties in the district for a mixed-use center; and

WHEREAS, the WC zone district has been partially redeveloped under the current WC zone standards; and

WHEREAS, the Planning Board of the Township has reexamined the WC district regulations and has recommended that the regulations be amended in order to further promote the completion of the redevelopment originally envisioned for the district and to adjust the regulations to reflect current conditions in the district.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter 166 of the Code of the Township of Hanover, entitled Land Use and Development Legislation, is hereby amended and supplemented as follows:

Section 1. Paragraph E. in Section 166-186.14., *Permitted accessory uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

E. Outdoor dining facilities accessory to a permitted restaurant use. Such facilities shall be subject to the provisions of §166-119.5., provided that §166-119.5.C. shall not

be construed to require setbacks and buffers between outdoor dining facilities and residential uses which are located in the WC district and further provided that the requirements of §166-119.5.H. shall not apply, but shall be superseded by the requirements in this Article.

Section 2. Section 166-186.15., *Conditional uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

§ 166-186.15. Conditional uses.

Conditional uses as set forth and regulated in §166-150. are permitted in the WC District.

Section 3. Subsection B. of Section 166-186.16., *Prohibited uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

B. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, including but not limited to drive-in or drive-through uses, except that drive-in and drive-through banks and pharmacies and outdoor dining accessory to a permitted food service establishment shall be permitted and regulated as set forth in this Article.

Section 4. Subsection A of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

A. Minimum lot area: 20,000 square feet.

Section 5. Subsection D. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

D. Maximum floor area ratio. The maximum floor area ratio shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum floor area ratio shall vary by net lot area, as follows:

(1) For lots with a net lot area under 25,000 square feet: 25% of the net lot area.

(2) For lots with a net lot area of at least 25,000 square feet: 35% of the net lot area.

Section 6. Subsection F. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

F. Maximum floor area, office uses. No office building, or portion of a building devoted to office use in a mixed-use building, shall exceed a gross floor area of 9,000 square feet.

Section 7. Subsection G. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

G. Maximum building coverage. The maximum building coverage shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum building coverage shall vary by net lot area, as follows:

(1) For lots with a net lot area under 25,000 square feet: 25% of the net lot area.

(2) For lots with a net lot area of at least 25,000 square feet: 35% of the net lot area.

Section 8. Subsection H. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

H. Maximum improvement coverage. The maximum improvement coverage shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum improvement coverage shall vary by net lot area, as follows:

- (1) For lots with a net lot area under 25,000 square feet: 65% of the net lot area.
- (2) For lots with a net lot area of at least 25,000 square feet: 70% of the net lot area.

Section 9. Paragraph (1) in Subsection J. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) Minimum front yard depth: 50 feet, except for front yards which abut School Street. A minimum front yard depth of 5 feet shall apply to yards which abut the easterly and westerly side lines of School Street. No front yard requirement shall apply to the northerly dead end line of School Street.

Section 10. Paragraph (1) in Subsection M. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) Off-street parking areas and drives in the WC Zone District shall be located at least 25 feet from any street right-of-way line, except in those locations where driveways provide direct access to the street, and except for the School Street right-of-way. Off-street parking areas and drives shall be located at least 5 feet from the School Street right-of-way. In addition, no more than one third of the area within 50 feet of any street right-of-way abutting the tract shall be covered by paved surfaces of any type; provided, however, that this requirement shall not apply to the area within 50 feet of the School Street right-of-way.

Section 11. Subsection N. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) No more than one driveway opening to any one street shall be permitted for each lot; provided, however, that this requirement shall not apply to School Street.
- (2) In the event more than one driveway is located on a single lot, such driveways shall be located at least 75 feet apart, measured from the nearest pavement edge of the respective driveways, exclusive of flared aprons or curb radii.
- (3) No drive-in use shall have direct driveway access to Route 10 or Troy Hills Road; access to drive-in uses shall only be other driveways or roadways.

Section 12. Subsection A. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

A. Minimum tract area: eight contiguous acres.

Section 13. Paragraph (2) in Subsection B. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(2) Within the planned commercial development tract, individual lots shall be permitted, and such lots may have different owners. The required floor area ratio, coverage and yard setback requirements shall not apply to such individual lots, but only to the total development tract, unless specifically indicated otherwise in this Article.

Section 14. Paragraph (5) in Subsection C. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(5) Maximum floor area ratio: 35% of the net tract area of the planned commercial development.

Section 15. Paragraph (10)(a) in Subsection C. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(a) Minimum front yard depth: 50 feet, except for front yards which abut School Street. A minimum front yard depth of 5 feet shall apply to yards which abut the easterly and westerly side lines of School Street. No front yard requirement shall apply to the northerly dead end line of School Street.

Section 16. Paragraph (1)(a) in Subsection E. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(a) At least one affordable unit for every four market-rate dwelling units in the project, but not less than nine affordable units.

Section 17. Paragraph (1)(b) in Subsection E. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby deleted and the current Paragraph (1)(c) is renumbered as Paragraph (1)(b).

Section 18. Paragraph (1) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(1) The total number of driveways to and from public streets shall be limited only to those necessary to provide safe and convenient access, without undue impacts to the safety and mobility of traffic on abutting public streets, as determined by the Planning Board. The intent of this requirement is to encourage shared access and fewer driveway openings onto public streets than would otherwise be necessary for conventional development on individual lots.

(a) When located on a state highway, the number and location of driveways shall be not be greater than permitted by the State Highway Access Management Code.

(b) On Troy Hills Road, only one driveway shall be permitted for the planned development.

(c) On other public streets, driveway locations shall be as determined by the reviewing Board at the time of site plan approval.

Section 19. Paragraph (4)(c) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(c) Off-street parking areas in the WC Zone District shall be located at least 25 feet from the street right-of-way lines for Route 10 and Troy Hills Road. In addition, no more than one third of the area within 50 feet of the street right-of-way for Route 10 and

Troy Hills Road shall be covered by paved surfaces of any type. Notwithstanding the foregoing, in order to provide design flexibility, the Board may reduce the required setback from the Troy Hills Road right-of-way without the need for a variance, provided that:

[1] The area of parking area pavement within 25 feet of the Troy Hills Road right-of-way shall not be permitted to cover more than 5% of the tract area within 25 feet of the Troy Hills Road right-of-way; and

[2] The parking setback from the Troy Hills Road right-of-way shall not be reduced to less than 15 feet in any location.

Section 20. Paragraph (4) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended by adding a Paragraph (d), to read as follows:

(d) Off street parking areas in the WC Zone District shall be located at least 5 feet from the westerly and easterly sides of the right-of-way of School Street.

Section 21. Paragraph (8) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(8) Planned commercial development shall be designed to encourage pedestrian travel into the development from areas outside the development and to encourage pedestrian travel between different areas in the development. A paver walkway or walkways shall be provided with historic-style lighting along the Route 10 and Troy Hills Road frontages of the tract.

Section 22. Paragraph (1) in Subsection I. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(1) The area, dimension and layout of such areas shall be designed to be sufficient for the number of persons anticipated to be using the area at one time. Each common area shall contain a contiguous area not less than 1,000 square feet and at least one common area, centrally located within the development, shall contain a contiguous area not less than 4,000 square feet and which shall have a horizontal dimension not less than 40 feet in any direction.

Section 23. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 24. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 25. This ordinance shall take effect in accordance with the law.

Motion for introduction made by Member Ferramosca and seconded by Member Coppola. Schleifer, Ferramosca, Coppola and Mayor Francioli

RESOLUTIONS AS A CONSENT AGENDA

RESOLUTION NO. 190-2013

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH GORDON METH, P.E.,**

P.P., AND THE FIRM OF THE RBA GROUP, INC. FOR THE PURPOSE OF PREPARING PHASE I SURVEYING AND ENGINEERING PLANS AND A STORMWATER MANAGEMENT ANALYSIS AND REPORT RELATED TO THE CONSTRUCTION OF SIDEWALK ON ONE SIDE OF REYNOLDS AVENUE FROM HIGHLAND AVENUE TO PARSIPPANY ROAD AND ON PARSIPPANY ROAD FROM REYNOLDS AVENUE TO MOUNT PLEASANT AVENUE IN AN AMOUNT NOT TO EXCEED \$25,500.00, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AND PAY-TO-PLAY LAWS AT N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND 19:44A-20.26 ET SEQ. AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH GORDON METH AND THE RBA GROUP, INC.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) and the Pay-to-Play regulations at N.J.S.A. 19:44A-20.5 and 19:44A-20.26, the Township Committee needs to retain the services of a professional engineer and planning consultant firm as a non-fair and open contract in order to prepare Phase I surveying and engineering plans for the proposed construction of sidewalk on one side of Reynolds Avenue from Highland Avenue to Parsippany Road and on Parsippany Road from Reynolds Avenue to Mount Pleasant Avenue in the Whippany Section of Hanover Township; and

WHEREAS, in accordance with the Township Engineer’s Request For Proposal for the performance of Phase I surveying and engineering services for the above referenced sidewalk scope of services, the Township Engineer received two (2) written proposals and quotations for the above referenced professional engineering services from the following vendors:

The RBA Group, Inc......\$25,500.00
 Matrix NewWorld..... \$30,850.00; and

WHEREAS, the Township Engineer has carefully reviewed the two (2) submissions in response to the Request for Proposal and believes that **Gordon Meth** and **The RBA Group**, whose members are professional engineers licensed by the State of New Jersey, have the necessary expertise to perform the surveying and engineering services in that **The RBA Group** they has extensive experience in the design of roadway improvements; and

WHEREAS, in accordance **The RBA Group’s** September 6, 2013 letter proposal and quotation, a copy of which is attached hereto and made a part of this resolution as if set forth in full, **The RBA Group** will perform Phase I services at the lump sum fees set forth below:

- 1. Topographic Survey.....\$ 5,300.00
- 2. Right-of-Way Survey..... 4,700.00
- 3. Engineering Services..... 8,700.00
- 4. Stormwater Analysis and Report..... 5,800.00
- 5. Printing and Expenses..... 1,000.00
- Total Not to Exceed:.....\$25,500.00

WHEREAS, in keeping with the requirements of the Non-Fair and Open Process of the Pay-to-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township’s Business Administrator in his capacity as the Qualified Purchasing Agent, has prepared a “Value Determination and Certification”, (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for the performance of professional planning consultant services has an estimated value in excess of \$17,500.00; and

WHEREAS, The RBA Group, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that **The RBA Group, Inc.** has not made any reportable contributions to a political candidate or candidate committee in the Township of Hanover in the previous one (1) year and that the contract with the Township will prohibit **The RBA Group, Inc.** from making any reportable contributions during the term of the professional services agreement; and

WHEREAS, in accordance with N.J.S.A. 19:44A-20.26, **The RBA Group, Inc.** has also filed a Chapter 271 Political Contribution Disclosure Form and a Stockholder Disclosure Certification; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Gordon Meth, P.E., P.P.** and the firm of **The RBA Group, Inc.** for the purpose of preparing Phase I surveying and engineering plans related to the proposed construction of new sidewalk on one side of Reynolds Avenue from Highland Avenue to Parsippany Road and on Parsippany Road from Reynolds Avenue to Mount Pleasant Avenue; and

WHEREAS, the total contract amount with **Gordon Meth, P.E., P.P.** and the firm of **The RBA Group, Inc.** shall not exceed \$25,500.00 and said compensation shall be based on the Firm's hourly rate schedule, all in accordance the September 6, 2013 proposal and quotation, a copy of which is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) et seq. requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That **Gordon Meth, P.E., P.P.**, a profession engineer and professional planner, licensed by the State of New Jersey, and the firm of **The RBA Group, Inc.** located at 7 Campus Drive, Suite 300 in Parsippany, New Jersey 07054-4495 are hereby retained for the purpose of preparing Phase I surveying and engineering plans for the proposed construction of new sidewalk on one side of Reynolds Avenue from Highland Avenue to Parsippany Road and on Parsippany Road from Reynolds Avenue to Mount Pleasant Avenue.

The scope of services shall be performed in accordance with the September 6, 2013 proposal and quotation submitted by **The RBA Group**, which proposal and quotation is attached hereto and made a part of this resolution as if set forth in full.

2. Based on the Firm's 2013 schedule of hourly rates and direct expenses, the total contract amount for the surveying and engineering services shall not exceed \$25,500.00.
3. The Mayor and Township Clerk are hereby authorized to execute a professional services agreement with **Gordon Meth, P.E., P.P.** as a principal of **The RBA Group, Inc.**

4. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) because the services to be performed are by a person authorized by law to practice a recognized profession as a professional engineer and professional planner licensed by the State of New Jersey and such services are not subject to competitive bid.
5. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 191-13
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REFUNDING A PORTION OF THE BEE MEADOW SWIMMING POOL MEMBERSHIP FEES TO POOL MEMBERS WHO HAVE MADE REFERRALS DURING THE 2013 POOL SEASON

WHEREAS, Section 3. of Ordinance No. 4-2013 states that if a current resident or non-resident pool member refers a new resident or non-resident to join the pool based on the membership categories described in Ordinance No. 4-2013, the resident or non-resident pool member making the referral shall receive a refund of 15% on the type of membership referral. The refund will be made at the conclusion of the pool season. However, the refund shall not exceed the cost of their original membership; and

WHEREAS, a total of thirty-three (33) Bee Meadow Swimming Pool members made new membership referrals during the 2013 pool season; and

WHEREAS, in accordance with Section 3. of Ordinance No. 4-2013, the pool members who are listed below are entitled to receive a refund of 15% based on their membership fee category.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with Section 3. Of Ordinance No. 4-2013, the following pool members who made referrals of new members to the pool shall receive a refund as computed below by the Department of Recreation and Park Administration:

<u>MEMBER:</u>	<u>REFERRAL REFUND:</u>
Charles Kachulis.....	\$43.50
Misty Lynes.....	48.75
Linda Lentz.....	48.75
Sean O'Grady... ..	48.75
Cheryl Leonard.....	48.75
Dave D'Addosio... ..	48.75
Alan Blum.....	48.75
Mary Lou Sheridan.....	30.00
Kathleen Sheridan.....	48.75
George Giangeruso.....	48.75 + 48.75..... 97.50

MEMBER: **REFERRAL REFUND:**

Jonathan Laplace	\$54.00
Bruce Speier.....	30.00
Enzo Comerford.....	48.75
Linda Budich.....	69.00
Valerie Conforti.....	48.75
Jessica Giordano.....79.50+79.50+79.50	238.50
Kim Brunner.....	48.75
Barbara Durantino.....	48.75
Wendy Tan.....	79.50
Kenneth Kaleta.....	48.75
Jamie Getsinger.....	48.75
Steven Yee.....48.75 +48.75	97.50
Donna Werfel.....	79.50
Christine Williams.....	48.75
Karen Shields.....79.50 + 79.50.....	159.00
Frank Rotella.....	48.75
Cathleen Shamieh.....	48.75
Thomas Young.....	79.50
Karin Walker.....	42.00
Dana Jones.....	79.50
Matt VanLoon.....	79.50
Joan Benevento.....	48.70
Maria Constanza.....	48.75

2. The Township’s Chief Municipal Finance Officer is hereby authorized and directed to issue the refunds to the individuals listed above.

3. That certified copies of this resolution shall be transmitted to the Superintendent of the Recreation and Park Administration Department and the Chief Municipal Finance Officer for reference and action purposes.

RESOLUTION NO. 192-13

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE TOWNSHIP’S CHIEF MUNICIPAL FINANCE OFFICER TO RETURN A 2013 IN LIEU OF TAX DONATION IN THE AMOUNT OF \$1,500.00 TO THE ROSE HOUSE

WHEREAS, The Rose House, a non-profit corporation for the benefit of people with disabilities operates a group home in Hanover Township for the developmentally disabled; and

WHEREAS, it is the policy of **The Rose House** to provide the municipality in which the group home is located with the equivalent of tax revenue it would normally pay if **The Rose House** were not a private not for profit tax exempt

organization; and

WHEREAS, in accordance with this policy, **The Rose House** submitted a check to the Township of Hanover dated September 20, 2013 in the amount of \$1,500.00 as an in lieu of taxes donation to the Township; and

WHEREAS, because of the important humanitarian role and community service that **The Rose House** plays in the Township and the County, it is the desire of the Township Committee to return the full amount of the in lieu of taxes donation to the Morris Unit.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That the governing body has determined to return the \$1,500.00 donation of **The Rose House**, which donation served as an in lieu of taxes contribution to the Township.

2. That the Township's Chief Municipal Finance Officer is hereby authorized to issue a check in the amount of \$1,500.00 to **The Rose House**, as reimbursement in full for its in lieu of taxes donation which was deposited with the Township on September 20, 2013.

3. That a certified copy of this Resolution along with the reimbursement check shall be transmitted to the Township's Chief Municipal Finance Officer and the Executive Director of **The Rose House** for their reference and information.

RESOLUTION NO. 193-13

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

BE IT RESOLVED, by the Township Committee, of the Township of Hanover, County of Morris and State of New Jersey, that the following tax overpayments, as certified by Silvio Esposito, Collector of Taxes, be and are hereby refunded:

BLOCK	LOT	QUAL. #	NAME	AMOUNT
4402	14	C3411	Paul A Hermes 3411 Appleton Way Whippany, NJ 07981	\$607.92
5901	16		Michael Schneck Trustee Lewis Irving Trust 301 South Livingston Ave – Suite 105 Livingston, NJ 07039 Loc: 301 Route 10 Reserve for Tax Appeal	\$4412.00
6601	6		Michael Schneck Trustee Normel Realty 301 South Livingston Ave – Suite 105 Livingston, NJ 07039 Loc: 72 Route 10 Reserve for Tax Appeals	\$5038.00
7801	1.34		NVE Bank 76 Engle Street Englewood, NJ 07631	

RE: 6 David Drive/Patel \$2769.28

8302	4	Kimberly Kawam 200 Parsippany Road Whippany, NJ 07981	\$1644.06
9202	1	Andrew & Ursula Jenkiewicz 183 Parsippany Road Whippany, NJ 07981	\$1526.80

Motion by Mr. Coppola and second by Mr. Schleifer, approval of consent agenda.

RAFFLE APPLICATIONS

The following applications for raffle licenses were presented to the Committee for their consideration:

RA/RL 2690 – St. John the Baptist Ukrainian Catholic Church

Motion by Mr. Coppola and second by Mr. Schleifer.

Payment of Bills

The governing body approved a grand total disbursement of \$4,971,057.11 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the “Bills Payment List – by Vendor” is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Schleifer and seconded by Member Ferramosca.

A copy of the bill Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of Bills which is on file in the Township Clerk’s Office.

OTHER BUSINESS:

Mr. Ferramosca: I just want to compliment the members of the public who came out Saturday morning to make certain that they are not depositing things into waste system when they can safely see it shredded. Very good, hats off to Environmental Commission who attended it and helped out with Employment Horizons. This was done with zero costs to the taxpayers of Hanover Township, and it was a very good service to them and they took full advantage of it.

Mayor: Well going along with that, I would like to also recognize all the people that cooperated and worked so hard with us from our Town and from Bayer on, on Monday, we did a significant river clean up along the Whippany River from Whippany Road down passed J & R’s almost down to PC Richards. We took ½ ton of debris out of that river and shopping carts, tires, TV’s assorted sundry and I have to thank the DPW, they did a yeoman job that day, as rainy as the dickens about 100 or so of Bayer

Employees were out in their in t-shirts working along the river, public works were there, our fire companies, both Whippany and Cedar Knolls, our first aid squad, OEM, we had all of our municipal people there to cooperate as well. It was a wonderful day of cooperation, and I further would like to say Mr. Administrator, that through the wonderful efforts of Bayer Cooperation, and through their Bayer Funds, we are going to awarded a significant amount of money to stabilize the banks of the Whippany River all the way down and to work with the Whippany River Water Shed Action Committee on those banks to clean up that area, so we thank our new neighbor Bayer very very much, the paint is just about drying on their walls and they have done so much for the Township already, they are phenomenal.

Mr. Coppola: I think we should congratulate the Ukrainian folks, great job they did with the star, the altar, it was a tremendous weekend, they did a great job with the festival, and it was a wonderful thing. Wonderful members of our community, everyone really had a great time. Last year they ran out of pierogies, they only had 7,000. This year they made 8,000. It was great as always.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. No public comment.

Motion to close by Member Coppola and seconded by Member Schleifer

No further business appearing, Member Schleifer moved the meeting be adjourned. The motion was seconded by Member Ferramosca and was unanimously passed.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio
Township Clerk