

September 26, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on September 26, 2013.

PRESENT: Ronald Francioli, John Ferramosca, Ken Schleifer, George Coppola, Robert Brueno

ABSENT: None

5 members in attendance

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 in the Municipal Building, 1000 Route 10, Whippany, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

Daily Record
The Hanover Eagle
The Star Ledger

And by filling same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

Mayor Francioli:

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor: I'm gonna open the meeting as required to the public for any items not appearing on the agenda. If anyone would like to comment on anything that they don't see on the agenda, there will be ample opportunity for you to comment on Ordinances on the agenda, but this is by law, this is a portion of the meeting which I open the meeting if you would like to comment or talk to the Committee about matters that are not on the agenda.

Mayor Francioli no comments forthcoming, Member Ferramosca moved Member Schleifer. The motion was seconded by Member Schleifer and was unanimously passed.

COMMUNICATIONS:

The following communication was read and action taken as indicated:

1. Notice of Resignation of Jacqueline Winters, Member of Landmark Commission.

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

Member Coppola: Jackie and I have served together on the Landmark Commission for over 5 years. Jackie has been a hardworking, dedicated member who has been a true asset to the Commission. Jackie's oldest son has entered into our school system which has changed her priorities toward the PTA and school related functions. Jackie will be sorely missed and we wish her luck in her new endeavors.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Construction Official	S. Donlon	July & August 2013 Report
Property Maintenance	E. DeSimoni	August, 2013 Report
Police Department	S.W. Gallagher	August, 2013 Report
DPW	B. Foran	August, 2013 Report
Bldgs & Grnds – Pk Maint	B. Foran	August, 2013 Report
Engineering Dept.	G. Maceira	August, 2103 Report
Human Resource	J. Johnston	August, 2013 Report
Finance Officers	S. Esposito	August, 2013 Report

We have a Public Hearing which is required by State Law on the transfer of a Plenary Retail Consumption License, which is currently held by Bensi of Whippany, LLC located in Pine Plaza. That liquor license, pending approval tonight by the Governing Body will transfer to a new sole member, by the name of James Kelly. He will operate Scaloppini of Whippany. We will note for the record that the notice requesting the transfer appeared in full in the Daily Record, on August 5 and August 12 in accordance with the Division of Alcoholic Beverage Control regulations. The Police Department has conducted a back ground investigation on Mr. Kelly, and finds everything in order to move ahead with the purchase. We also have the report of the Chief of the Whippany Fire Department indicating that there are no issues related to Bensi in Pine Plaza. Finally, also required by ABC is the submission of a Tax Clearance Certificate indicating that all taxes have been paid by the proposed new owner to the NJ Division of Treasury. So at this point is there anyone in chambers wishing to comment on this proposed transfer of the liquor license?

Hearing none, Motion to close by Member Ferramosca. The motion was seconded by Member Coppola and was unanimously passed.

RESOLUTION NO. 182-2013

A RESOLUTION APPROVING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-005-008 FROM BENSI OF WHIPPANY, LLC, TRADING AS "BENSI", FOR PREMISES LOCATED AT 831-6-8 ROUTE 10 EAST, TO SCALLOPINI OF WHIPPANY, LLC AT THE SAME LOCATION

WHEREAS, Scallopini of Whippany, LLC, whose sole member is James R. Kelly, Jr. residing in Parsippany, New Jersey has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a person-to-person transfer of Plenary Retail Consumption License Number 1412-33-005-008 presently held by Bensi of Whippany, LLC, trading as "Bensi", for premises located at 831-6-8 Route 10 East in the Whippany Section of Hanover Township; and

WHEREAS, the applicant has deposited along with the application, a person-to-person transfer fee of \$171.30 payable to the Township of Hanover and two (2) money orders in the amounts of \$200.00 and \$75.00 made payable to the New Jersey Division of Alcoholic Beverage Control to cover the ABC Transfer fee and the Bulk Sale Permit fee respectively; and

WHEREAS, in accordance with N.J.A.C. 13:2-2.5 and 13:2-2.8, the applicant has filed with the Township's Business Administrator/Township Clerk an Affidavit of Publication stating that **Scallopini of Whippany, LLC** has made application for a person-to-person transfer of Plenary Retail Consumption License No. 1412-33-005-008 from Bensi of Whippany, LLC to **Scallopini of Whippany, LLC**; and

WHEREAS, a Transfer Clearance Certificate dated August 8, 2013 has been issued by the Division of Taxation in the New Jersey Department of the Treasury; and

WHEREAS, no objections have been filed with the Township Clerk and whereupon a hearing has been held by the Township Committee on September 26, 2013 on the application of **Scallopini of Whippany, LLC**, which application has been deemed 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 **Scallopini of Whippany, LLC**, whose sole member is James R. Kelly, Jr. residing at 18 Arnold Drive, in Parsippany, New Jersey 07054 for a person-to-person transfer of Plenary Retail Consumption License Number 1412-33-005-008 from Bensi of Whippany, LLC, for premises located at 831-6-8 Route 10 East in the Whippany Section of Hanover Township, is hereby approved, effective September 26, 2013.

2. A certified copy of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, **Scallopini of Whippany, LLC** and the Hanover Township Police Department for their reference and information purposes

Motion by Mr. Ferramosca, seconded by Member Brueno.

Motion is approved unanimously passed.

Mr. Giorgio: We are going to by-pass Ordinance 18-13 in order to give everyone an opportunity to comment on that proposed Ordinance and we will now move to the next Ordinance which is docketed as Ordinance No. 31-13.

ORDINANCE NO. 31-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF PORTIONS OF REAL PROPERTY KNOWN AS BLOCK 5801, LOTS 1.02, 1.03, 2, 3 AND 5; BLOCK 4301, LOTS 1 AND 2.01; AND BLOCK 4204, LOTS 1 AND 6.01 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Hanover ("Township") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the intersection of Parsippany Road and Whippany Road currently experiences traffic congestion during peak travel periods and future traffic volumes are expected to increase due to general growth in traffic volumes and traffic volumes from future developments in the immediate vicinity, thus worsening the congestion; and

WHEREAS, the intersection of Whippany Road and Parsippany Road has been determined by the Township to be in need of improvement as evidenced in the study commissioned by the Township which is entitled "67 Whippany Road Redevelopment Traffic Capacity Analysis Report", prepared by the RBA Group, Inc., dated September 30, 2012; and

WHEREAS, the Township believes it is in the public interest to reduce traffic congestion and improve the existing and future flow of traffic in the vicinity of and at the intersection of Whippany Road and Parsippany Road to accommodate the current and anticipated future growth of traffic along this critical highway; and

WHEREAS, the Township Planning Board's Amendment to Land Use Plan Element and Circulation Plan Element to the Master Plan adopted October 23, 2012 included the recommendation to improve the intersection of Parsippany Road and

Whippany Road in a manner consistent with the intersection improvements the Township has deemed necessary to undertake; and

WHEREAS, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road it is necessary to acquire fee simple title to portions of the properties known as Block 5801, Lots 1.02, 1.03, 2, 3 and 5; Block 4301, Lots 1 and 2.01; and Block 4204, Lots 1 and 6.01 on the Township's Official Tax Map; and

WHEREAS, the Township Council of the Township has determined that, since the contemplated improvements to the intersection of Whippany Road and Parsippany Road will improve the traffic flow throughout the Township and the acquisition of portions of the properties known as Block 5801, Lots 1.02, 1.03, 2, 3 and 5; Block 4301, Lots 1 and 2.01; and Block 4204, Lots 1 and 6.01 on the Township's Official Tax Map will serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Hanover, County of Morris, State of New Jersey that:

SECTION 1. The Township of Hanover be and is hereby authorized to acquire, by negotiation and/or by the exercise of its power of eminent domain pursuant to N.J.S.A. 20:3-1 et seq., certain lands and/or any and all interests in portions of such lands designated as Block 5801, Lots 1.02, 1.03, 2, 3 and 5; Block 4301, Lots 1 and 2.01; and Block 4204, Lots 1 and 6.01 on the Official Tax Map of the Township of Hanover, County of Morris, State of New Jersey (collectively, the "Properties"), for the purposes described hereinabove and take such other actions necessary to take title and possession of the Properties; and

SECTION 2. A full description of the Properties is attached hereto this Ordinance and shall be on file with the Township Clerk's office; and

SECTION 3. The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to hire and employ such appraisers, consultants and experts as may be appropriate to effectuate such acquisitions, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services; and

SECTION 4. The amount to be offered by the Township of Hanover to the record owners of the Properties pursuant to N.J.S.A. 20:3-6 shall be fixed by further resolution of the Township upon receipt and approval of an appraisal reports prepared on behalf of the Township by a qualified licensed real estate appraiser; and

SECTION 5. The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to take any and all

actions necessary to acquire the Properties and/or any interests thereto, either through negotiation or the exercise of the Township's powers of eminent domain; and

SECTION 6. The Mayor and Township Business Administrator are hereby authorized to execute and witness any documents or instruments necessary to acquire the Properties and/or any interests thereto; and

SECTION 7. The Township Business Administrator is hereby authorized to take all actions necessary to coordinate the Township's road improvements to the intersection of Whippany Road and Parsippany Road with the County of Morris; and

SECTION 8. If any word, phrase, clause, section or provision of this ordinance shall be adjudged by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect; and

SECTION 9. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, such ordinances or parts thereof are hereby repealed to the extent of such conflict; and

SECTION 10. This ordinance shall take effect immediately upon final passage and publication as required by law.

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.

Mayor opened the meeting to the public for discussion of the proposed Ordinance.

Richard DeAngelis, Esq. McKirdy & Riskin, Morristown, NJ. We represent the owner of 57 Whippany Road and I just want to inquire, I wasn't aware that this Ordinance was introduced earlier in the month to see how it may impact my clients and to see and learn a little more about what the Ordinance is proposing. Partial take, total takings, so I am really hear to back finding, as you can say.

Mayor: The Ordinance by introduction is moving forward in the process, counselor as you are aware, that has the potential to lead to a condemnation proceeding under eminent domain. We fully understand at this juncture that both land owners are in negotiations in this time with our attorneys we believe that is correct; I have been advised that the process of negotiations is ongoing right now. This is a step in the event that those negotiations aren't truthful we the Township of Hanover intend to move forward for the improvement of that intersection.

Mr. DeAngelis: I understand, I guess this counsel adopted an Ordinance on Valentine's Day earlier this year authorizing the acquisition of my client's property and Dr. Garcia's property, I don't speak for Dr. Garcia, but his property was the subject of the previous Ordinance.

Mayor: The takings on the bank side and on the Quick Chek side.

Mr. DeAngelis: I haven't seen a copy, so it's just expanding it to allow for partial taking of those other properties?

Mr. Giorgio: On the opposite side of the roadway.

Mr. DeAngelis: Okay, thank you

Mayor: Have you, or your client, been approached and is in discussions in this time?

Mr. DeAngelis: I'm not going to discuss where we are at this point, you can be advised by your council, and I think that would be more appropriate as to the status.

Mayor: Thank you.

No comments forthcoming, Member Ferramosca moved the public hearing be declared closed. The motion was seconded by Member Schleifer and was unanimously passed.

Ladies and Gentleman as we continue

Motion for adoption was made by John Ferramosca and seconded by Ken Schleifer

Mr. Giorgio: Roll call for adoption was unanimous.

RESOLUTIONS AS A CONSENT AGENDA:

Motion made by George Coppola and seconded by John Ferramosca to move the approval of the Resolutions as a consent agenda.

RESOLUTION NO. 183-2013

A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER PROCLAIMING THE WEEK OF SEPTEMBER 17 THROUGH 23, 2013 AS CONSTITUTION WEEK IN THE TOWNSHIP

WHEREAS, September 17, 2013, marks the two hundred twenty-sixth anniversary (226th) of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey by virtue of the authority vested in the governing body of the Township of Hanover does hereby proclaim the week of September 17th through the 23rd as Constitution Week in Hanover Township.

BE IT FURTHER RESOLVED, the Township Committee asks our residents to reaffirm the ideals held dearly by the Framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

RESOLUTION NO. 184-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE ELEVATING MARC T. SIEKA FROM THE ALTERNATE 1 POSITION ON THE LANDMARK COMMISSION TO A REGULAR MEMBER POSITION IN FILLING THE UNEXPIRED FOUR (4) YEAR TERM OF OFFICE OF JACQUELINE WINTERS WHICH TERM OF OFFICE SHALL EXPIRE ON DECEMBER 31, 2014

WHEREAS, Ms. Jacqueline Winters was initially appointed to serve as a member of the Landmark Commission on July 9, 2009; and

WHEREAS, in a letter dated September 18, 2013, Ms. Winters announced her resignation as a member of the Commission due to family obligations; and

WHEREAS, Section 31-5. Entitled "Terms; Remuneration." and Section 31-6. Entitled "Vacancies." of Chapter 31 of the Code of the Township entitled Landmark Commission. provides that if a vacancy shall occur on the Commission other than by the expiration of a member's term, it shall be filled by appointment for the unexpired term only; and

WHEREAS, Marc T. Sieka was appointed to a two (2) year term of office as the Alternate 1 member of the Landmark Commission on January 1, 2013 with a term of expiration on December 31, 2014; and

WHEREAS, in accordance with a longstanding and established policy of the Township Committee to advance alternate members, it is the recommendation of Committeeman George F. Coppola, Liaison to the Landmark Commission, that **Marc T. Sieka** be appointed to fill the unexpired regular term of office of Jacqueline Winters which term of office shall expire on December 31, 2014 or until **Mr. Sieka's** successor shall be appointed and qualified; and

WHEREAS, the Township Committee concurs with the recommendation of Committeeman Coppola to elevate **Mr. Sieka** to a regular member position on the Landmark Commission.

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

1. In accordance with Committeeman Coppola's recommendation and the Township Committee's longstanding and established policy of elevating alternate members when a vacancy of a regular member position occurs on a Board or Commission, Alternate 1 Landmark Commission member **Marc T. Sieka** residing at 4011 Boxwood Court in the Whippany Section of the Township is hereby appointed to fill the vacant unexpired term of office of Jacqueline winters which term shall expire on December 31, 2014.
2. This appointment shall take effect immediately upon the approval of this resolution and shall expire on December 31, 2014 or until such time as **Mr. Sieka's** successor shall be appointed and qualified.
3. That a certified copy of this resolution shall be transmitted to the Chairman of the Landmark Commission, the Secretary to the Landmark Commission and **Mr. Sieka** for reference and information purposes.

INTRODUCED AND SPONSORED BY COMMITTEEMAN GEORGE F. COPPOLA

RESOLUTION NO. 185-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE APPOINTMENT OF SHONTEL MILIZIANO AS A MEMBER TO THE TOWNSHIP'S SUBSTANCE AWARENESS COUNCIL FOR A TERM OF OFFICE COMMENCING IMMEDIATELY AND ENDING ON DECEMBER 31, 2013

WHEREAS, in accordance with the provisions of Section 67-4.K. entitled "Membership" and Section 67-5. Entitled "Terms; Filling of Vacancies." Under Chapter 67 of the Code of the Township entitled Substance Awareness Council, it is the intention of the Township Committee to appoint the following named individual to serve

on the Township's Substance Awareness Council for a term of office commencing with the approval of this resolution and ending on December 31, 2013; and

WHEREAS, the Chairperson of the Substance Awareness Council has recommended the appointment of **Ms. Shontel Miliziano**, a resident of the Township of Hanover to serve as a member of the Township's Substance Awareness Council.

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. **Ms. Shontel Miliziano** residing at 8 Eden Lane in Whippany, New Jersey 07981 is hereby appointed to serve as a private citizen representative on the Substance Awareness Council commencing immediately with the approval of this resolution.
2. **Ms. Miliziano** shall serve until December 31, 2013 or until such time that his successor is duly appointed and qualified to serve.
3. A certified copy of this resolution shall be transmitted to Chairwoman Carol Giorgio and **Ms. Miliziano** for reference and information purposes.

RESOLUTION NO. 186-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-008-012 KNOWN AS WHIPPANY VILLAGE II, LLC WHICH SHALL REMAIN AS AN INACTIVE LICENSE FOR THE PERIODS COMMENCING JULY 1, 2013 THROUGH JUNE 30, 2014 AND JULY 1, 2014 THROUGH JUNE 30, 2015 AND PLACING A SPECIAL CONDITION ON THE LICENSE

WHEREAS, Plenary Retail Consumption License No. 1412-33-008-012 in the possession of **Whippany Village II, LLC** has been inactive since February 18, 2007: and

WHEREAS, **Whippany Village, LLC** applied for renewal of its license for the 2013-2014 license term, and has filed the necessary application and fees with the Township of Hanover; and

WHEREAS, the New Jersey Division of Taxation has issued the required Tax Clearance Certificate to permit renewal of the license; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.39, **Whippany Village II, LLC** petitioned the Director of the New Jersey Division of Alcoholic Beverage Control for permission to renew the license for the 2013-2014 and 2014-2015 license terms as the license has been inactive since it was purchased from Lone Star Steak House of New

Jersey, Inc. trading as Lone Star Steak House, located at 5-11 Troy Hills Road, Whippany on July 18, 2007; and

WHEREAS, a Verified Petition to renew the inactive license for the 2013-2014 and 2014-2015 license term was filed with the New Jersey Division of Alcoholic Beverage Control on June 7, 2013; and

WHEREAS, by letter dated September 12, 2013, the New Jersey Division of Alcoholic Beverage Control issued a "Special Ruling to Permit Filing of Renewal Application" of the inactive license for the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the Special Ruling authorizes the Township Committee to consider the renewal of the license because **Whippany Village II, LLC** ceased active operations on or about July 18, 2007, and **Whippany Village II, LLC** purchased the license from Lone Star Steak House of New Jersey, Inc., trading as Lone Star Steak House; and

WHEREAS, the development of the site to be known as **Whippany Village** has not been constructed on Route 10 in Whippany and therefore a special ruling was issued to permit consideration of the renewal application pursuant to N.J.S.A. 33:1-12.39 for a period of two (2) years; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control found and determined that **Whippany Village II, LLC** had established good cause in accordance with the statutory requirements to warrant an application for renewal of the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the Township Committee concurs with the findings and determinations of the New Jersey Division of Alcoholic Beverage Control and does not believe that any reason exists to deny the renewal of **Whippany Village II, LLC's** inactive Plenary Retail Consumption License for the period beginning July 1, 2013 through June 30, 2014 and July 1, 2014 through June 30, 2015.

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 the "Special Ruling to Permit Filing of Renewal Application" pursuant to N.J.S.A. 33:1-12.39 in the matter of the inactive Plenary Retail Consumption License of **Whippany Village II, LLC**, the governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-008-012 for the period commencing July 1, 2013 through June 30, 2014 and July 1, 2014 through June 30, 2015.

2. As the licensing authority, the governing body hereby imposes the following special condition on the license:

“Nothing is permitted on the licensed premises which, in any way, depicts sexual activity or shows the genitals, private parts of persons or female breasts. This includes not only live entertainment of this type, but movies and other audio or video material and printed matter depicting it.”

3. That a certified copy of this resolution shall be transmitted to **Whippany Village II, LLC**, the New Jersey Division of Alcoholic Beverage Control and the Detective Bureau of the Hanover Township Police Department.

RESOLUTION NO. 187-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A ONE (1) YEAR CONTRACT WITH RAMAS CLIMATE AND REFRIGERATION, LLC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE PERFORMANCE OF PREVENTIVE MAINTENANCE SERVICES IN THE LUMP SUM AMOUNT OF \$6,500.00 FOR THE PERIOD COMMENCING OCTOBER 1, 2013 TO SEPTEMBER 30, 2014 AND REPAIR SERVICES, ON AN HOURLY RATE BASIS, WHEN NEEDED, FOR THE AIR CONDITIONING, HEATING AND VENTILATION SYSTEMS AT THE MUNICIPAL BUILDING COMPLEX, (INCLUDING POLICE HEADQUARTERS AND THE WHIPPANONG LIBRARY), MULTI-PURPOSE COMMUNITY CENTER, MONROE HALL, AND THE PUBLIC WORKS DEPARTMENT GARAGE

WHEREAS, there exists a need for the Township to enter into a contract for preventive maintenance and repair services for the heating, ventilation and air conditioning systems located at the Municipal Building Complex (including Police Headquarters and the Whippanong Library), the Multi-Purpose Community Center, Monroe Hall and the Public Works Department Garage; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 409A:11-1 et seq., publicly advertised for bids on August 30, 2013 for preventive maintenance and repair services as set forth above, when necessary; and

WHEREAS, pursuant to public advertising, the Township’s Bid Reception Committee received and opened five (5) sealed competitive bids out of seven (7) prospective bidders on September 17, 2013; and

WHEREAS, the Township’s Bid Proposal stated that the Township reserves the right to award the contract for preventive maintenance and repair services to the lowest responsive and responsible bidder on the basis of the lowest bid for the combination of Items No. 1 and 2; and

WHEREAS, **Ramas Climate and Refrigeration, LLC**, was the apparent lowest responsive and responsible bidder; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this preventive maintenance and repair services contract; and

WHEREAS, it is the recommendation of the Township Engineer that a one (1) year contract be awarded to **Ramas Climate and Refrigeration, LLC** on the basis of the lowest bid for the combination of Items Nos. 1. and 2. as follows:

- Item No. 1. Preventive Maintenance.....\$6,500.00;
- Item No. 2. Repair Services:
 - Item No. 2A. Regular Hourly Labor Rate.....\$60.00 per man hour
Monday to Friday Between 8:30 a.m.
To 4:30 p.m.
 - Item No. 2B. Week Day Overtime Labor Rate...\$90.00 per man hour
Monday to Friday After 4:30 p.m.
And All Day Saturday
 - Item No. 2C. Overtime Labor Rate.....\$120.00 per man hour
Sunday and Holidays

WHEREAS, the bid proposal submitted by **Ramas Climate and Refrigeration, LLC** is in total conformance with the Township's Specifications and Supplementary Specifications and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder for the combination of Item Nos. 1 and 2 in providing preventive maintenance and repair services of the heating, ventilation and air conditioning systems located in various municipal building facilities; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-15 provides that any contract for the provision or performance of goods or services, the statutory length of which contract is for three (3) years or less, may include a term of no more than one two (2) year or two one (1) year extensions subject to certain limitations; and

WHEREAS, the Township's heating, air conditioning and ventilation systems' specification utilized in connection with the receipt of competitive bids on September 17, 2013 provided that the Township reserves the right, in accordance with State Statute, to extend the contract for an additional one (1) year period if it is determined that the services are being performed in an effective and efficient manner; and

WHEREAS, based upon the recommendation of the Township Engineer, it is the intention of the Township Committee, to award a twelve (12) month contract to **Ramas Climate and Refrigeration, LLC** for the period beginning October 1, 2013

through September 30, 2014, for the performance of preventive maintenance, and when necessary, repair services to the Township's HVAC systems, all in accordance with **Ramas Climate and Refrigeration LLC.'s** September 17, 2013 competitive bid; and

WHEREAS, although funding is available in the 2013 Current Fund Budget - Buildings and Grounds – Line Item Nos. 123-0012-109 and 123-0012-110 for the remainder of calendar year 2013, the award of this contract is subject to the appropriation and availability of sufficient funds in the Year 2014 temporary and final Current Fund Budgets in the Other Expense Buildings and Grounds budgets, Account No. 0012 for the purposes set forth in this resolution. Payments for any services rendered under this contract after January 1, 2014 shall be made on a partial payment basis until sufficient funds have been appropriated and are available in the 2014 temporary and final calendar year Current Fund Budgets, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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 a twelve (12) month contract beginning on October 1, 2013 through September 30, 2014 shall be awarded to:

Ramas Climate and Refrigeration, LLC

208 East Cedar Street
Livingston, New Jersey 07039

for the preventive maintenance and repair services to the heating, ventilation and air conditioning systems, located at the Municipal Building Complex (including Police Headquarters and the Whippanong Library), the Multi-Purpose Community Center, Monroe Hall and the Public Works Department Garage, within the Township, on the basis of the lowest bid for the combination of Items No. 1. and 2. as follows:

- Item No. 1. Preventive Maintenance.....\$6,500.00;
- Item No. 2. Repair Services:
 - Item No. 2A. Regular Hourly Labor Rate.....\$60.00 per man hour
Monday to Friday Between 8:30 a.m.
To 4:30 p.m.
 - Item No. 2B. Week Day Overtime Labor Rate...\$90.00 per man hour
Monday to Friday After 4:30 p.m.
And All Day Saturday
 - Item No. 2C. Overtime Labor Rate.....\$120.00 per man hour
Sunday and Holidays

2. Subject to the provisions of N.J.S.A. 40A:11-15, the governing body, upon a finding and determination by the Township Engineer that the vendor, ***Ramas Climate and Refrigeration, LLC***, has performed in an effective and efficient manner during the twelve (12) month contract period, the governing body may, by resolution, extend the contract for one (1) additional year provided that the terms and conditions of the

contract remain substantially the same. Any price change included as part of the one (1) year extension shall be based upon the price of the original contract adjusted to an amount not to exceed the Index Rate for the twelve (12) months preceding the most recent quarterly calculation available at the time the contract is renewed.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available in the 2013 Current Fund Budget – Buildings and Grounds, Line Item Nos. 123-0012-109, 123-0012-110, 123-001-590 and 123-0012-766 for the purposes set forth in the resolution. However, the continuation of the contract for the balance of the contract period in 2014, including any option to extend, shall be contingent upon the availability of sufficient funds in the temporary and final Current Fund Budgets of 2014 and 2015. Payments for any services rendered under this contract shall be made on a partial payment basis in 2014 and 2015 (if extended), depending upon the appropriation of sufficient funds in the year 2014 and 2015 temporary and final Current Fund Budgets, all in accordance with requirements of the Local Budget Law, N.J.S.A 40A:4-1 et seq.

4. The Mayor and Township Clerk are hereby authorized to execute a twelve (12) month contract on behalf of the Township.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Township's CMFO, and ***Ramas Climate and Refrigeration, LLC*** for reference and information.

RESOLUTION NO. 188-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF A PORTION OF EDEN LANE PROJECT

NOW, THEREFORE, BE IT RESOLVED, that Council of Hanover formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, THAT THE Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Hanover Township-00611 to the New Jersey Department of Transportation on behalf of Hanover Township.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hanover Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No questions we have a Motion by Committeeman Coppola, seconded by Committeeman Ferramosca on approval on the resolutions as a consent agenda.

RAFFLE APPLICATIONS:

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

RA/RL No. 2684 – Fighting Children’s Cancer Foundation

RA/RL No. 2685 – Morristown Beard School

RA/RL No. 2686 – St. John the Baptist Ukrainian Catholic Church

RA/RL No. 2687 – Whippany Rotary Club

RA/RL No. 2688 – Daughters of Israel

RA/RL No. 2688 – Daughters of Israel

Motion: Motion to approve by Member Coppola and seconded by Member Brueno

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli:

Proceed with the Public Hearing on ORDINANCE NO. 18-13

Mr. Giorgio: Note for the record, that Ordinance in accordance with the Municipal Land Use Law was filed with the Morris County Planning Board and transmitted to all contiguous municipalizes. We have a letter from the Morris County Planning and Development indicating that the letter was filed upon introduction, we have copy of proof of publication that the Ordinance, Notice of Introduction and the Proposed Zoning Map appeared in full in the September 5 issue of the Daily Record. The Ordinance was also submitted to the Hanover Township Planning Board for review and recommendation, again, in accordance to with law. And for the record, we have a letter which is dated July 23, 2013 from the Planning Board Chair Robert Nardone, and the letter reads as follows:

“Dear Mr. Giorgio: As July 23, 2013 meeting the Planning Board reviewed and discussed Ordinance No. 18-2013 which had been referred by the Township Committee as required by the Municipal Land Use Law and N.J.S.A.:40:55D-26A, which reads: Impertinent Part: ‘Prior to the adoption of the development regulation revision or amendment thereto the Planning Board shall make and transmit to the Governing Body within 35 days after referral and report including identification of any provisions in the proposed development regulation, revision, or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board appropriate.’

(The Letter Continues...) Ordinance 18-2013 would amend and supplement chapter 166 of the Township’s Code by changing the zone classification of Block 2902 Lot 4 & 5 on the Tax Map from the current R25 Residential Zone Classification to the BP Zone and would amend regulations for the BP Zone district to permit convenience stores along in complication with a motor vehicle service station, as a conditional use and would make various other amendments consistent with the above changes. In reviewing Ordinance No. 18-2013, for consistency with the master plan, the Planning

Board has determined that Ordinance No. 18-2013 is substantially consistent with the master plan. The Board has recently amended the Land Use Element of the Master Plan and recommends Adoption of the Ordinance as introduced for the following reasons:

1. The Amendment is Proposed and response to an application by the Quick Chek Corporation to amend the master plan and zoning so as to permit a convenience store/gas station at the intersection of Route 10 and South Jefferson Road. The Board has reviewed the application extensively and has termed that such development in this location is appropriate, providing certain conditions as set forth in Ordinance No. 18-2013 are complied with;
2. The Amendment would encourage removal of the existing non-conforming uses and structures at the intersection of Route 10 and South Jefferson Road; and
3. In order to promote the redevelopment of this portion of the BP Zone, with appropriate standards and in order to accommodate necessary and appropriate improvements to the road systems at the intersection of Route 10 and South Jefferson Road.

The Board believes that a larger lot area is needed then currently exists within the BP Zone in this location, for this reason the Board recommends the relocation of the zone boundary as proposed by Ordinance No. 18-2013.

Thank you for the opportunity to comment on Ordinance No. 18-2013.

Mr. Giorgio: One final item ladies and gentleman once again, in accordance with the Municipal Land Use Law, all property owners within 200 feet of the property were served by regular & Certified Mail concerning tonight's public hearing.

So at this time, Members of the Township Committee I would ask for a Motion to Convene a Public Hearing: So Moved by Member Ferramosca seconded by Mr. Schleifer.

Mr. Brueno: I do have a question, before we open the meeting I know that we did receive a letter from the current land owner and that I believe was going to be read into the record, should that be done before the public speaks?

Mayor: In conjunction with...

Mr. Giorgio: actually it's two letters Bob. Plus a letter from the Attorney.

Brueno: I think we should start it with it, it has some pertinent data, and some pertain information in this letter in particular. I thought it would be worth while, for the public to hear before we begin.

Mr. Giorgio: As we checked with Legal Counsel and that is permissible.

Mayor: Enter those into the record, early on.

Mr. Giorgio: Actually there are three letters.

Mayor: Just to go over a few things before start, you can speak at this podium for a period of 5 minutes. We would ask you to collect your comments so that once you do comment you can give other people and opportunity to have their five minutes. And we ask that not return to the podium unless everyone is satisfied that they had an opportunity to talk, so that everyone has a fair amount of time to give us their comment pro or con for that. On that note, I'll motion to open the proceedings on this portion.

Mr. Coppola: We didn't complete the vote.

Mr. Giorgio: We have to open the public hearing.

Mayor: Motion to open, Mr. Coppola and Mr. Francioli

Mayor: We will read the letters that we received into record of this juncture and it might even help you in your comments later in the evening,

Mr. Giorgio: Ok thank you Mayor, we have three letters that we received and we are going to read them into the record in the order they were received. (See Correspondences Attached To The Minutes Dated September 26).

Mr. Giorgio: We will note for the record that based on the property tax information that was provided to the Administration and sending certified and regular mail the last known address for Mr. Burns was his partnership with Mr. Barbrow in Morristown, NJ. So that notification was made in accordance with the tax list which was provided by the Finance Department.

Mayor: Proper time was granted

Mr. Giorgio: Notices were sent out on or about August 28.

Mayor: We had an extension of time with the summer months, so he had ample opportunity to review the applications.

Giorgio: This was all sent to Mr. Semrau for his review, and he will be shortly.

Mayor: For the record.

Giorgio: Thank you.

Mayor: Those letters having been read into the record, ladies and gentleman I'm going to begin the proceedings. If you would like to address the Committee on the matter of this Ordinance you can do so from the podium, giving us your name and address for the record. And again, please give us the courtesy of just 5 minutes and you will be relieving the podium to whoever else would like to be recognized. So on that note, the floor is open right now:

Irene Feldman, 10 Malapardis Road, Whippany. At the present time there are two convenience stores and at least 7 gas stations in Hanover Township, and I understand that besides the Quick Chek being considered for Route 10 and South Jefferson Road, there is another one proposed for Hanover Avenue, in Cedar Knolls. Given the relatively small size of this town in terms of both population and square miles, the question that naturally arises is this, Does Hanover Township really have a crying need for more convenience stores and another gas station? Especially when one takes into consideration that we currently have at least four gas stations that closed down and never reopened. In years gone by and I'm not talking ancient history, members of the Towns Boards and Committee's seemed to frown upon these types of businesses. The all night gasoline stations convenience stores, for reasons that were both obvious and valid. What has brought about this change? Quick Chek's offer of \$600,000? And there offer to put up a big facade on the proposed building that would somewhat match that on the Town Hall. Let's take a closer look at the intersection of Route 10 and South Jefferson Road. Where there is now a push a way to construct a convenience store and gasoline station, for starters lets state the obvious, that's one bad intersection. Then for the record, let it be noted, that when the ramp from 287 was constructed the state not closed down egress from Malapardis Road to Route 10 it compensated the then owners of properties along the stretch of road from the exit ramp to Jefferson Road for loss of their right to exit from their properties onto Route 10. And why did the state way back in 1968 take this action. They did it because they determined that with the amount of traffic that was then using Route 10 coupled with that coming onto the roadway off of 287 that it would be too dangerous to allow cars to enter into exit from Malapardis Road and the abutting properties along the particular stretch of road. Unsafe in 1968, so if way back then with the unquestionably lower volume of traffic traveling both along Route 10 and exiting from 287 was determined it was unsafe, why in the world would anyone would think that this roadway has somehow or other become safer now, especially so with something like a gasoline station and convenience store that will give rise to a lot more turning into and pulling out of maneuvers that would be the case if all that you had to be concerned about was the residents along that particular strip of road. Isn't it just common sense about where a gasoline station/convenience store should be or shouldn't be built? Let me further point out that the typical deal coming from Quick Chek you know the old, "if you do this for me, I'll do this for you thing" is nothing new. They pitched to a lot of towns in the area, with Montville, Wall and Howell among them. And these towns just like here, Quick Chek waived \$100,000 if not one million before the eyes of the town board and committees at these towns in an effort to get them to allow the construction of another gasoline station convenience store at busy intersections in those towns. Intersections by the way that were no way nor where as busy or dangerous as the one that we have here at Route 10 and South

Jefferson Road. You know what those towns did? They told Quick Chek in effect 'thanks but no thanks.' They told Quick Chek that they viewed the safety and wellbeing of their residents as well as the character of their town and the quality of life that it offered to be important then where the dollars being waved ever so temptingly before their eyes. Besides from the real difficulties if not hazards that this type of business will bring to this particular intersection, let us also not lose sight of the rather unfortunate history that companies that are open 24 hour businesses.

Being so close to Route 287 a Quick Chek located there will attract all sorts of transients and as history unfortunately tells us that they are not always fine upstanding citizens. Stores of this type are notorious for being a place for drug deals go down, where rather casual relationships are arranged and all sorts of other criminal activities occur with much of it involving violence of arms. Without having to spend a lot of time in effort in going a goggle search I have been able to come up with reports of 18 robberies, with 11 of them involving the use of fire arms at New Jersey Quick Chek stores between 2011 to the present, other crimes found for this period, 10 for drug procession, 8 assaults, 4 thefts and 5 arrests for disorderly conduct. And at least one other case a weapon was actually fired in the general direction of the clerk when apparently the robber didn't think the clerk was moving to open the register fast enough. There have been reports of store personal and customers being verbally harassed and threatened. There have been cases of customers being physically assaulted; there has been one case where robbers in their heist to leave the scene struck a store employee with their automobile. Let me know turn to the property at the corner of Route 10 and South Jefferson Road where they want to put this particular Quick Chek. It has been termed by many of as being an eye sore. I suspect a good number of folks including myself would find that term to be entirely appropriate.

I live in the immediate area and my impression is that over the past year or so, perhaps in contemplation of the right being approved for a Quick Chek, it seems that less and less effort is being made to properly maintain this site. A discussion with friends and neighbors one question that keeps coming up is this "why hasn't Hanover Township enforced existing ordinances with respect to the maintenance and appearance to the property there? Also why hasn't the property owner cleaned up the contamination caused by the old gas station? What I don't understand is why it appears the Planning Board and the Township Committee are willing to sell out the residents of our community for a pledge of some \$600,000 for what are rather loosely referred to as road improvements. Given the nature and the extent of the problems this intersection, such amount is not likely to bring about any improvements to the physical makeup of the intersection and putting a gas station there will only make an already bad situation considerably worse. As I see it, the road improvements will only benefit access to Quick Chek. One doesn't have to be an expert on traffic problems to know that one of the major causes of congestion delays and accidents are lane changes.

Nothing in the plan being proposed seems to adequately address how these sorts of maneuvers will be any less of a problem than they are now. It is extremely hard to imagine the fact that having a gas station/convenience store there will do anything but

make it worse in an already highly dangerous intersection. I'm having an extremely hard time coming to grips with the concept that of all the businesses in this area and all the business ventures in geographic region we find ourselves in that the only type of business for this corner is a gas station/convenience store. Surely we can do better than that. In conclusion, let me take pang to point out this is something I always thought was obvious to all, we the residents of Hanover Township elected all of you who are on the Township Committee to the positions you know hold. Upon taking office you took an Oath that called upon you to serve and protect the best interest of these citizens of this town. There is absolutely nothing in that oath that calls for you to have to go out of your way as a seems to be the case here to accommodate the wishes of developers who want to build in this town. If you are simply unable to envision how allowing a gas station/convenience store on this corner might earn for Hanover Township the rather derogatory name of Gasoline Alley, or worse, than its obviously that the voters just made us lose faith in those who they have elected to office. Please remember the oath you all took. Clearly, the vote for a zone change which allows a gasoline station at the Intersection of Route 10 and South Jefferson Road should be resounding No! (applause)

Mayor: Thank you.

Nancy Gallow, 303 Brookhollow Drive, Whippany. I concur 100% with you. I also think that you that this \$600,000 that Quick Chek is going to give us is going to have to be used for that Contamination that has already been mentioned in this letter. So who's gonna pay for the reconfiguration of those lanes? I mean, even if the state pays for it, we all pay for it. Our taxes just went up \$800 last year in our development and we are a little sick of that, you think of Whippany you think of low taxes, so far I haven't seen that at all. I also realize that even though the building looks terrible there are tenants who live there and it looks like low income tenants are these people going to be displaced? Do we care about nothing, but a Quick Chek. I actually clocked how far the last Quick Chek, it's slightly over 1 ½ miles. Are we gonna have one on every corner. It's ridiculous. And do we know if it's gonna be open 24 hours a day? Are they gonna be blaring lights out there for the neighbors? I used to live in Hopatcong and when I moved there two weeks after we moved there all of a sudden a baseball field appeared, with blaring lights. We lived there for nine years. Lights in the neighborhood can be very disrupted to people's sleep. Besides all the traffic, if it's gonna be open 24 hours a day, there is traffic going all the time. People are not gonna get any rest. For what people who are gonna be part time employees it's not like it's gonna bring a lot of jobs into the business of this Town. I think what they should do is that try to work with the person who owns this "Kathy's Corner" and get the place refurbished. Maybe they can get volunteers that would help paint the building or something to make it look it a little attractive. I certainly would help. I just think its ridiculous to just, I went down to Town Hall the other day, and I spoke with the Engineer's secretary, and the plans for that configuration were not available and the Engineer was supposed to call me back and he never did call me back. So we don't even know what the actual plans are. To actually see what they had planned for this area. Plus we all know that last year, when Whippany Road when that was closed, that bridge, that traffic was horrendous, when

everything went to Jefferson Road. You can imagine what it's gonna be like when they try to configure it. It's gonna be a total, total mess. So this is just my two sense. Thank you.

Mayor: Thank you very much.

Carol Fromchenko, Malapardis Road, Whippany. I literally worked on this for hours, and I'm just gonna read it because I can't remember it all. I think my statement is going to be more in tuned to the people that live on Malapardis Road. I might deviate a little more in here but I think that would be the just of it for you. We are very concerned regarding the Quick Chek proposed for the corner of Route 10 & Jefferson Road. 27 families are sandwiched between Route 10 & 287 with only one way and out through Ukraine Road. If the Quick Chek is built the residents of Malapardis Road will be just about locked out from turning left onto Jefferson Road with rush hour traffic coming from several different directions. The impact of cars this will attract will add to the congestion that we now endure. It is an issue of safety. This use is far too intense for this corner. The developer has promised many things to persuade you to make a favorable decision. On paper these improvements appear to be a solution to controlling traffic. In reality traffic will increase creating unsafe conditions and absolute bedlam at this corner. One promises to create a striped area and install a flashing sign in front of the jug handle to keep this area free of cars so that Malapardis residents can turn left. This is an unrealistic promise.

There are drivers that daily overlook the striped area painted in front of the driveway to the Police Station. If all that's needed for residents of Malapardis Road to safely turn left onto Jefferson Road is a striped area then by all means paint it now. In reality, if north bound traffic cannot legally access the striped area than neither can the residents of Malapardis Road. A Quick Chek will generate more noise and lights. This intrusion of our already limited peaceful enjoyment of our properties and quality of life would be too great a burden on the nearby residents. The perpetual noise from 287 and I hear it 24 hours a day 7 days a week, and the surrounding road ways will be increased by diesel trucks coming into the site at all hours to fill gasoline tanks receive deliveries and have trash picked up all through the day and night. They will be gasoline fumes adding to the pollution of the air. Property values will decline if the Quick Chek is built so near to residential homes. We are fearful that a Quick Chek so close to 287 would lead to more people including potential criminals laundering in the area and increasing crime rates and vandalism. We always felt safe and secure on our street living across from the Police Station and I have lived there for 46 years. But we have had several robberies over the last several years distilling that illusion. We constantly have cars speeding down our street looking for another route and speeding out twice as fast when they realize it is a dead end endangering the lives of our children and ourselves. If a Quick Chek is built we will be indicated with more cars, vans and trucks seeking an alternate route. I have seemed huge tractor trailers drive in and then back out the entire length of the road.

Even modern gasoline stations are not exempt from gasoline and oil spills that over time could potentially contaminate the buried valley aquifer system. This is highly vulnerable to contamination. Almost the entire surface area of the ground water basin can be a recharge area to some part of the aquifer system. When it rains pollutants including deicing salts and other street run offs is carried into the aquifers' degrading water quality. If a Quick Chek were built it would no doubt also attract pedestrians to the intersection. A tragedy waiting to happen. Highway intersections can never be made safe enough for pedestrians unless a pedestrian over pass is built. Montville Township denied Quick Chek's zone change despite promises of a million dollar road improvement. Howell and Wall Townships have denied Quick Chek's site plan application because of safety issues. Please do not way your decision entirely on the promises of the developer. Make your decision based on safety and the negative impact this use will have on the Hanover Township Community. This is not a slightly wider range of uses than currently permitted as written in the Ordinance. All of you on the Township Committee are the conscience of the community. We are that Community. We count on you and we are telling you that we are not in favor of Ordinance No. 18-2013. We are asking you to please vote no. Thank you. (Applause)

Ann Rosebaum, I am not a resident of Whippany, but I work across the street exactly from your place here at the Learning Experience, which is a day care center. I come from Hopatcong area down Route 10 because I consider it a safer and a little faster than Route 80. Prior to working at the Learning Experience, I worked down the street at Rainbow Academy, which is also a day care center. My main concern is the traffic and the safety of the people in the vehicles, including children. But not excluding anyone else. When I worked at Rainbow, it would take me sometimes 10 minutes to pull out onto Jefferson Road to get to Route 10 to get home. Now that I work on the opposite side of Route 10 I have to merge to the turning lane so I can turn and jug handle and cross Route 10. That sometimes takes more than 5 lights for me to get through. And I think I am going to be to work on time and I'm not. It depends on the lights and how fast people go through the orange lights and the red lights to get across. The merger from 287 to Route 10 is a disaster, because you have cars wanting to get in the middle lane which is the right lane and then you have cars who want to make the right turn and there is fender benders there is just touching it's absolutely horrendous. I think anything you can do to prevent more traffic congestion, more safety for the vehicles would be greatly appreciated if I have to get signatures or do anything from here I will certainly try my best to do it, because after talking to people, unfortunately I don't read a newspaper and I don't live in the area to see that people written letters and this is been a big problem. But now that have a friend who lives here and she's been telling me about the problems and that you had proposed to put a Quick Chek and a gas station in an already congested area is a deep concern of mine and I've been talking to my fellow employees and it certainly is a concern of theirs. I thank you. (Applause)

Judy Iradi, 27 Malapardis Road, Whippany. I see what might appear to be some folks from Quick Chek here, I was just wondering if we could see the actual plans for that, the proposed plans for that, like we did at the last meeting, so the people can actually see. I know the planning board has seen the plans a couple of times.

Mayor: Yes, this isn't a site plan review.

Ms. Iradi: Correct, but at the last meeting

Mayor: I fully understand, and those plans have been available to you and your neighbors for quite some time.

Ms. Iradi: The lady said that she went to the Engineer and he said he didn't have them.

Mayor: Mr. Maceira do you have any reference on that at all?

Mr. Maceira: I'm not sure if they were left with Kim. They were concept plans. Nothing has been submitted to me they would have been in the Planning Board. I'm not sure if Kim retained the concept plans.

Mayor: Unfortunately....

Ms. Iradi: Ok so you don't have a schematic

Mayor: the engineer is telling us is that he does not have those available for

Ms. Iradi: So that... you didn't bring anything with you tonight?

(Partially inaudible) If I may _____ On behalf of the Quick Chek Corporation, we did not bring plans or a site plan we do have some photographs of the existing site.

Mayor: You have them this evening?

Quick Chek: We have the photographs this evening we don't have the actual site plans, etc.

Mayor: Is there something that the neighbors can see or review that

Ms. Iradi: We are interested in the traffic flow in and out of that site, so do you have something in the way of that?

Quick Chek: What I have are photographs...(inaudible)

Mayor: Well the photographs...

Quick Chek: It's the existing site.

Mayor: I don't think, I think what the folks

Ms. Iradi: Arial photographs or anything? We can look out the window and see the site.
Ok

Quick Chek: (inaudible)

Ms. Iradi: Ok, so thank you. So perhaps I might try to explain some of the flow in and out of that service station and if I'm wrong just let me know. The site

_____, Mayor we do have, excuse me for a second, Ms. Iradi, but we have...

Mayor: We have the same plans that were submitted to yourself and your neighbors some time ago, but it is no different than. If there is something that we can circulate and put them on the table.

_____ why don't you put up any exhibits you have this way people who come out tonight they can take advantage whatever they would like to see. And maybe take 5 minutes to allow them to review them.

Ms. Iradi: So before people review it, what I'm concerned it

Mr. Brancheau: This is just a design, it's not finalized.

Ms. Iradi: It's a proposal.

Mr. Brancheau: I am trying to make that clear that this is not a planning board approval process. This is not a site plan, its' a concept plan.

Mayor: At the same time, the public is concerned the impact. What this looks like, what is the impact of this.

Mr. Brancheau: For example the driveways may not end up where they are shown on this plan.

Mayor: Do you want to put that out?

Ms. Iradi: And before you look at the site plan I'm not talking about driveways or distances but the main proposal to improve the access is to provide a right hand turning lane going east bound. So you will have 4 lanes on Route 10. The right most lanes will be a turning lane, but you don't have a shoulder this turning lane will be going in and out of Quick Chek. The one next to it will be a straight through that would go to the jug handle. Now you have a right hand lane is turning, you have one that is going around the jug handle and two that are going straight.

Mayor: What I would like to do. Judy stay with your comments but what I would like to do for the purposes of the public is let's get as many of our people to comment as they

like then I'd like to call for a brief intermission so you can have an opportunity and everyone in the room can have the opportunity to come around and look at the plans and you may have some further comment. But if we try and just show this exhibit everybody is going to be chaotic. So why don't you continue on.

Ms. Iradi: So along those lines can we maybe have one person like the director of planning explain the roadways. I don't want people to say are we going east or west. It's confusing.

Mayor: We have several plans and some of which you are privy to and I'm happy to say you saw from the DOT some time ago. And one of the greatest things things that we can do at that intersection is get people to make the right hand turn to go east bound before they get to the light. So some of the problem is ridiculous business of not allowing the right hand turn. I understand the safety aspect of it, but it isn't helping us. It's giving us considerable issue and back up because anybody waiting to make the right hand turn is going to back traffic up all the way. Secondly the DOT plan for the improvement of that intersection showed at least four lanes going toward North Jefferson Road. That would increase the amount of stacking we can do in a lanes. So the volume of traffic would be approved. They had a very good plan, and with conjunction with that plan there were improvements I think on the Ukraine side of the road there were improvements on the township side of the Municipal Building, they were taking extra lanes south bound on Jefferson Road. Signalization had to be changed, wholes had to be moved the complete intersection which we know for years is a failed intersection. It has the worst rating of any intersection in the Town, there is no question about it. It's got to be fixed. But in any event, I can't comment for this developer, applicant, but I can say that to my knowledge they've been told by the planning board to take their concept to the DOT and discuss this with the Engineers for the DOT, the plans that we saw from the DOT. I have been told informally that that happened and that whatever plans that they have for improvements of the intersection mirrors what the DOT have planned for the intersection. That's where I'm at. But again, no formal application has come in before the DOT lets understand and no formal application at this juncture has come in before the Township as for the site plan is concerned. So a lot of things would have to happen as they go forward.

Ms. Iradi: Well actually I agree with you.

Mayor: Laughter, wait a minute, for the record....September 26 Ms. Iradi agrees with the Mayor.

Ms. Iradi: However, (Laughter), so I agree. When the state came in with their site improvements for the intersection it wasn't the perfect plan but it was much better. And this kind of mirrors some not some, not the full long plan that the State had, so that is one drawback, but the second major drawback is when the State gave us their plan there was no entrances and no exits from that right hand turning lane going around the corner to South Jefferson, absolutely none. We are talking about how nice would go around the corner smoothly from 287 down Jefferson Road, now we are talking about

cars coming in and out of Quick Chek and in and out of South Jefferson Road, the State gave us that plan there was no entrances and no exits from there, no entrances and exits allowed from the church property and therefore it became a pretty good plan. Now, the picture has changed. With that I'll let the residents see the actually, proposed plans. In the vein of the roads circulation.

Mayor: The concepts that the Planning Board has been looking at, and by the way, whether it's type of retailer or another, I think the Planning Board as you know is pretty unified in wanting to take all of Route 10 from 287 down to Algonquin Parkway on both sides of the road and rezone for total improvement and in certain areas they are looking at redevelopment zones of upgrading and improvement all along Route 10. That process has been going on about a year. Various members of our Planning Board have been given charge of certain section of that to look and to make recommendations, and they have done that. So, my point to one of the questions is they have application, it has exits and entrances onto Jefferson Road, yes, and onto Route 10, yes, but I don't know if any other retailer, I'm going to take a shot, a Walgreens, or whatever, is not going to want the same egress, aggress onto a State Highway. Now, question to the Planning Board, with their entrances from State Highway concern is, "hey you go to the DOT because you are close to an off ramp on 287 and we know the issues there and you tell us what they say." Well they did that, again I can't speak for them and I haven't seen formal correspondences and that would have to do that during a planning board application as you know. But my understanding is that they are outside the limit that the DOT had for their entrance from Route 10 on that basis. That's what I have been told.

Ms. Iradi: Yea well that's one issue, but the main issue here is that 1968 or 1971 the property owner who could not clean up their site, was given \$20,000 for the right for the state acquired their access right in and out of Route 10, all those property owners were given money, our tax money, for the access right in and out. So it's not that it is outside a certain distance, they were given money, a legal agreement, that they gave up their rights so now I just don't see and that's a DOT issue that which we will be persuading

Mayor: Understood

Ms. Iradi: I don't see now how they are going to suddenly change their mind all these years and maybe those people over there could have had a business property and had access in and out of Route 10. But they can't but Quick Chek can. Second thing is for a convenience was put there without a gas station well it's not the best, but its acceptable it's just such an intense I can't think of any more intensive use for that site than a Quick Chek and a gasoline station and all we have to do is look down on Whippany Road to see how popular they and there is tens of thousands gas meter 40,000 cars go by there every single day. When those cars go by there, and they are going west and they need gas before get onto Route 287, they are going to take that jug handle which is inadequate when they come out of Quick Chek they have to go east and take the jug handle to go back west which is inadequate, the jug handles are inadequate. The plan the DOT had was good but they should have had a right hand turn going east around the jug handle but they didn't. This is such an intensive use for

that site given that and given them not knowing about the entrances and exits from the site when they gave you the plan it's just doesn't seem feasible that way we allow that. Another thing is when people come into town they should get a good impression of what the town is like, when they come off 287 which is our main artery they see the nice town hall even the Ukrainian Church is pretty. That is not such a nice site there, but if it was an office building or a convenience store

Mayor: It would make a nice dalmatic restaurant though I think if it was redone right

Ms. Iradi: I think it would make a good liquor store. A wine shop (laughter) It really would, to make your own wines, but I think it would be excellent for that. But so we need something similar around there to make it beautified. Like I said maybe a retail store there but that not retail plus a gas, it's just so intensive. Thank you. (applause)

Mayor: Thank you Judy. I think there are two factors again the floor is still open, so I don't want to interrupt anybody, but certainly the fact is that the Township has to focus on, your focusing on, is not only the traffic aspect of this thing, but certainly whoever takes this site on whether it's this brand, or any other retailer the responsibility to due diligence and clean up the property is going to be that particular property owners responsibility. The Township is not going to accept liability for any clean up on this site or any other privately owned site such as this. Some of the letters that we've heard some grant money has already been expended to clean up this site. I can't tell you the extent of the pollution on this site at this point. That would have to be reported to us at such time as the application comes in. There were gasoline tanks that they backed to the gasoline there, we don't know the level of travel from any pollutants in the soil and God Bless it if it traveled under the highway, and it's an extremely costly process for vacuuming the soil. Again, that liability is not going to fall on we taxpayers, that liability falls on who ever acquires that property and understands what they are acquiring. Again, I'm sorry

Paula Duer, 51 Malapardis Road, Whippany. I don't have a prepared statement; I am working on basically on emotion. I thank my neighbors for having wonderful statements that they did have. They truly covered my feelings also. I have been a teacher in Hanover Township for 25 years. I've taught at Salem Drive, I've taught 5th Grade and I've been in 5th Grade so long that I think like a 5th grader. And when the Quick Chek opened on Whippany Road it was like the new coming of Christ. (laughter) I mean my kids were so excited and I saw as I went home every day, kids walking down the street from the high school, trucking over from the Middle School. 5th Graders going parents taken them. I'm concerned with a Quick Chek going in and Vet's park being so close. A lot of children are dropped off there to play there games and it's already been stated that it's a highly dangerous intersection. It's going to be even more of a dangerous intersection with more traffic, more flow, and I really worry about the kids that are going over there. I've seen my former students running across to Route 10 to go to CVS. I've chastised them when I've seen them, but I have seen them. When you get young children boys especially, because boys will be boys, and they want to be independent.

Mayor: Be careful....

Ms. Duer: You have to be concerned with that. You have to think about that. Another concern I have for the youth. The bus stop, the High School Bus stop is on the corner of Ukraine Road and South Jefferson. I pass them every morning. They have barely any place to stand we have a lot more young children growing up on Malapardis Road. And that is really going to have to be addressed. We can't have that happen. I don't know why the high school won't come down Malapardis Road, it concerns me greatly, that these students are standing now with the traffic the way that it is, and will have a lot more kids in the near future to stand there. So those are two things, one other thing I have to say from my heart. I'm very saddened with the direction that Whippany is headed in. It's no longer the Whippany I knew and loved. And I was really excited to move to Malapardis Road, my grandfather built the house I live in, I have an awful lot of family there and it's not going to be what it was. 287 took away some of that, but we can deal with that, it's a constant hum we can deal with it. It's the traffic coming out of Ukraine Road. If I don't time it right, I can never make a left turn as it is now. I'm not an overly aggressive driver, I will not pull out into traffic, and it's only going to get worse. I've already resigned myself to the fact that I will not be able to get on Route 10 certain times, I will have to go all the way around through Morris Plains to get to Shop Rite or Stop & Shop because if I come down that at a certain time nobody lets me over into the right lane, to make my right turn onto Jefferson. So yes, traffic is a very big thing but it's also I recently said to someone who doesn't live here and never lived here in Whippany, lived in East Hanover all her life, what was happening and she said "Oh my," and "Whippany used to be such a beautiful residential town." And that's how I feel from the heart. Thank you (applause)

Mayor: Thank you

Bob Nardone: 4 Schindler Court, Whippany, Member of the Planning Board. I thought I would just come tonight and add a little perspective to the process that we've gone here, and provide some insight and clarity. Early last year we were asked, the Planning Board, was asked to take a serious look at the master plan for Route 10 because the conditions along Route 10 were unfortunately started to look like a recession. A lot of boarded up buildings a lot of areas in need of redevelopment a lot of shabby properties. The one on the intersection of Jefferson Road and Route 10 certainly fits that. So we undertook a project this is been going on for about a year, this site with the rezoning that we are looking at tonight wasn't something that happened because the Quick Chek people came along. This is something that was well underway, and we broke up into teams and basically looked at the conditions of Route 10 and started to develop some rezoning opportunities for Route 10 to try and improve it. We actually completed the work on two areas, one area is we have a potential redevelopment going on with the Wegman's shopping plaza coming in and the second one is this area here, to take a look at this area and see what we can do. In general what we've said along Route 10 we need to expand the uses along Route 10, many of which are retail and we have to do things in a way that will help foster redevelopment through assemblies of properties and to get a better development in. We have several ideas for expanded uses and

things like that to help improve development along Route 10. I think many of you drive up and down Route 10 you will see that the conditions really need to be improved. We have some very nice properties that have been redeveloped but there are also many areas that quite frankly look pretty poor. Just on a personal note I relocated away from the town several years ago and came back to Whippany after living in the Midwest, and I was quite disappointed in the conditions along Route 10. Whippany doesn't have a main street; the image of Whippany basically for a lot of people is Route 10. I think it needs to be improved. So, why did we think this site had some strong possibilities, I just want to let you know that there were several concept reviews and that's all that this is at this point, a mere concept review. We have a lot of work to do if this Ordinance was to go through, as far as site plan review, including traffic flow in and out, appearances, and a whole host of things that we do on a normal basis. So, number one this site is an eye sore. It's a nonconforming use and it's an environmental hazard. It needs to be cleaned up. Only a business that can take advantage of the traffic flow that goes along Route 10 is going to be interested in making a sizeable investment that's needed to develop a property like this. And our rationale is only a business that has a national presence would probably have the capital to make these changes. We've heard about traffic improvements we heard about environmental cleanup.

A local business is not going to be able to tackle that. And without making a change that could enable a redevelopment like that, this property could stand like this for years and years and years, and I don't think anybody would agree that that's in the best interest of the community. It detracts from the community's appearance and overall hurts property values. So, we believed that this concept plan actually was the first start to putting together an Ordinance that would enable this type of use, not approve it, and enable this type of use. And so we recommend this Ordinance for the Township Committee to vote on because we felt it would improve the conditions, we also believed with the sizeable investment that while the traffic won't be perfect it will be better than today. We felt that the traffic that's going to be along there is going to be basically traffic that goes in and out not going to attract additional traffic, it's basically going to pick up the flow that is already there. So we felt that we wouldn't necessarily be adding traffic the Route 10 traffic or Jefferson Road because of that. So we got a lot of work to do, I just want to remind the Township Committee that even with the approval of this Ordinance my fellow members of the Planning Board have voiced a number of similar concerns and basically have said "let's approve the Ordinance but we want to do a lot of homework before this site would be improved." To address these types of concerns that we have heard tonight. But we think it's a good plan, it's a good start, it's a good zoning change and I think it's one that will help the community overall. Thank you.

Mayor: I think Chairman Nardone's point just to paraphrase it is critically important to know that all the members of the Planning Board members of the community are concerned of the overall and we are not ignorant of the issues, we live with it every day on Ukraine Road on Malapardis, the upsetment that was caused by dead ending that street has been a problematic to use for countless number of years, there is no question about it. Dividing Malapardis with 287 breaking up neighborhoods, all of this presented certain unique problems to it and we are not trying to exacerbate the problems we are

trying to correct some of the problem and you just heard the Chairman said it so well, it may not be the best or ultimate or final solution with the traffic that is being designed here but we can't ignore it. We are responding, pardon me or forgive me if I'm covering some ground that I might have had a comment on at some past meetings, but we are realizing that traffic impacts that aren't Hanover's, they aren't us. We are realizing, currently we are realizing traffic impact because 287 is being repaved and redone.

So everyone who wants to get out of the peak hour of traffic at 5:00 is finding their way onto Jefferson Road and everybody that is coming out of the Florham Park, by the way, let me back up half of a second, how you doing Joe? We just received in Township, the Administrator advised me that the regional study plan from the County on the traffic situation in Morris County, particularly we eastern area towns, Florham Park, Madison, East Hanover, Hanover, etc. we just got their study in. It's about the size of a phone book, and it recognizes the fact that we are all in Hanover is being the beneficiary of the impact of a lot of the traffic that is leading out of developments everything from the New Jets Stadium area and the development in the Madison & Florham Parks I park for some time on peak hour on the end of Jefferson Road at Cedar Knolls Road, you want to see where all the traffic is coming from in our Town, watch the traffic coming up from Cedar Knolls Road from Park Avenue, watch the cut through. Watch the traffic back up down Whippany Road almost all the way to the High School and we have some resolution on at to. My concern here is that I am finding that Hanover is becoming the manager of every other town's traffic and we don't like it. We don't like it. We are working with a lot of our new neighbors; we are working with Bayer Corporation on a lot of good solutions that we will be able to bring forward. In any event we are going to study this county plan as well we are hoping that all the impute we put into the County plan is represented there; the Engineer is going to be taken a look at it. In the end implementation of this plan has got to take place before we get any relief in this town at all or we are going to wake up every single day to this transient traffic that comes through this town. That's what we are. Bear Stern has closed down, Chase has closed down, a lot of the facilities that we had have closed down. Bayer has just started operate maybe 500 employees, at one time we had 4,000 employees in there from AT&T, Lucient. So it's not all us folks but we got to come together as a region we have to deal with it, and come up solutions, we are trying real hard to the freeholders a lot more pressure has to be put on the free holders. They better find themselves a big bag of money too, but we need to start on the road of improvement. I'm done. I'm sorry I've taken your time sir. After you talk, I'm sorry, what we would like to do after this gentleman speaks I'm going to take a break we are going to have these exhibits out we invite you to come forward to take a look at this, you might have further questions after you see them so we will continue at that time.

Greg Duer, 51 Malapardis Road, Whippany. That is my wife that spoke so well before. I always worry about following her. A few observations, back in 1970's I moved to Whippany, I used to ride my bicycle to East Hanover, where I taught until 2005. I did it pretty much a regular basis. It wasn't a big deal crossing Route 10, it wasn't a big deal driving down Route 10. Sometimes I would travel all the way down and cut across where Novartis went through. Things have changed a great deal, now when people are

traveling nobody follows the speed limit. It used to be 55 miles an hour. When I come back from boating on Lake Hopatcong I'm typically running if the police are around, 75 - 80 miles an hour if I'm in the fast lane and I'm not passing anybody I'm just keeping up with it. A big surprise happened when I left the lake, going south on 15, when the Police had it dropped off in Jefferson because of a fatal accident that occurred right in front of Quick Chek. You guys can check that, that's in the Record's and the police had electric signs up asking about information about the fatal accident that occurred on 15 South. As I come back from the lake, I have a couple of boats, if I'm bringing one of my sailboats back it never fails, people are constantly blocking me from lane to lane as I try to move from place to place. I've pulled boats and camping trailers since 1962 and I never had an accident pulling a trailer.

Without a car. So here I am worrying about how to do this and here I am looking at the change and the addition of Quick Chek at the corner where I am going to come in and make a turn onto that street. People constantly pull pass the white lane that is set up to allow tractor trailers or someone pulling a trailer to come around and that happened to me again this week. At times, I drive my wife to school because she doesn't want to go out onto South Jefferson and turn down. And then when I have to come back because I have been retired, thank you, at the railroad tracks, it sometime takes me 9 minutes to get from the railroad tracks up to Ukraine Road. If I am going out on my own and as Paula said she is concerned about making the right turn there, I can tell you that people come around from 10 and make the hard right onto South Jefferson and for all intense purposes becomes a drag race. You can look up and you can think you have enough time, because you don't. People are racing in one direction and they are racing the other direction. This goes back to what I started with 75 and 80 miles an hour on the interstate. Everybody and their brother is trying to get to work because they left too late. As these speeds continue to increase this becomes a greater problem. Now I got a difficulty, I attempt to go out and bicycling. Well the other day I got a bit of a surprise by the Quick Chek that is on Whippany Road. I had to call the Police because of the gasoline smell that occurred there. I should be recorded under the 911, as I said there is an extreme odor of gasoline here and a spill has occurred and please dispatch patrolmen to see what's happened. So here is an example of what I'm looking at. I'm already seeing tables put out there in front of that Quick Chek. I thought the Township Committee said that was not supposed to be done. In terms of resturanting, that wasn't the case, but there are certainly tables there. Are they cordoned off, I don't know.

Mayor: That was a Board of Adjustment Case and I think they have given it consideration during that case.

Mr. Duer: Here is what we are going to be looking at. I was a coach in this town, I was on the Board for Soccer for a number of years, and I know which way kids think. It's real simple, a young child looks at a tree and says I can climb that tree; somebody with my gray hair looks at the tree and says I can fall out of that tree. That stops me from running across Route 10, it doesn't stop the kids. In conclusion, I'm beating a dead horse here, I sound like a lot of other people here that are around and you have heard so much about traffic traffic traffic, you have also heard about what we are able to do.

Yea, I'm concerned about the way Cathy's Corner looks I realize it was a gas station there before but we have gas stations that are out of business. I think we really need to take a hard look at this and we need to give Quick Chek a pass. That's just what I feel for your consideration and thank you for your time. (Applause)

Mayor: I'm going to call for a brief break, about 5 minutes to take an opportunity to come up forward and to take a look at the exhibits and we will continue at 10:05.

(Inaudible) They are not the latest

Mayor: When you consider concepts this is not in any way in any shape or form approved by the planning board, but if you want to see what their proposed road patterns are, I think those are relatively fixed, let's put it that way. Again, this is a concept in the full sense of the word and if it gets to planning it may or may not look this way. 5 Minutes

Motion for recess – Motion by Member Ferramosca – seconded by Member Schleifer

Mayor: Reconvened.

Mayor: Ladies and gentleman thank you for your cooperation and again I hope everyone had an opportunity to see this. Once again I want to make it very clear that this is a concept, planning board has not had formal hearings on anything, and there is no application before the planning board which process has yet to take place. So this again is to give you an idea of what the traffic patterns might be like on this particular corner. Whether it's this retailer or another retailer we would still want road improvements with whoever is going to go in there. The Township has used this process over countless years to get improvements in our road systems etc. and making it the responsibility for all improvements of the developers that come in. Having said that Motion for once again to open the floor:

Motion to open floor:

Carol Fromchenko, Malapardis road, Whippany. Mr. Mayor you are absolutely right about the developers and the road improvements. I am and many of my neighbors attended one of the first concept plans meeting with the planning board and so many came to that meeting that was held graciously, Mr. Pinnadella chaired the meeting that night, and he was gracious enough to have the meeting in this room. At that meeting, I have it written down in my notes, that the Planning Board had asked the developer if he planned on making any road improvements, and they said no not really. Then I remember subsequent to that on going to a planning board work session, where they discussed it and they agreed to send a letter to the developer telling them no deal. So you are right, if we get road improvements they get what they want. I never remember raising my kids that way; it was my way or the highway. As I indicated before on paper it looks great, but...

Mayor: I can't validate that statement; I will rephrase something that I just heard "If they make road improvements they get what they want."

Ms. Fromchenko: But that's the way it appears,

Mayor: I'm going to say to you, that any developer that comes in whether it is Bayer, or or Red Bulls or anyone else, that has, your Madam chair of our Board of Adjustment for quite some time, you know that we make it their responsibly to do whatever off track improvements are required at their expense not ours. So, having said that the site plan has to stand on its own.

Ms. Fromchenko: Well the Board of Adjustment as you are aware, we don't necessarily impose conditions about road improvements so much because it's mostly homeowners that come in for variances for decks and things like that. They were told no deal, unless they made the road improvements and I don't know if that's the best way to do business in a circumstance, it's just my humble opinion and I hope you forgive me for it. Thank you. (applause)

Gene Pinnadella, 38 Sunset Drive, Whippany I am also a member of the Planning Board and Carol was right, I did chair that meeting that night. We didn't say that at the end of that meeting if you don't put the roads in your not going to get your deal. What we said was anybody that is going to do anything in that area is basically going to have to do road improvements. We didn't make any kind of a deal at that point that said if you put the road improvements in you are going to get approved. That is not how we deal, that's not how ever dealt. And that was not the intent of what we said to them. What we basically said is if you wanted to anything at all at that property you are going to have to consider road improvements. Furthermore, let me just state that I have been a member of the Planning Board longer than I can remember. I have seen a lot of the change that goes on first hand in this Town. I will tell you now that I have been there with members coming and going on the Planning Board, and to a person the Planning Board has always been concerned with smart growth in this town. We have never ever tried to do deals, that don't mean that when we had developers coming into town we didn't do things like cluster zoning and get a park out of it and other things like that. That's the nature of how things get done in this town without costing us the taxpayers additional dollars. The property across the street, maybe the first 10 years I've been in town and I've been here over 40 years was a bar, they had decent sandwiches and good cold beer. But it's been empty for the most of 30 years or so, in that time I have to say honestly this is the first concept plan that I've ever seen for that property or any property in that area.

I have never seen a formal concept plan come forward on any other properties that are over there. Now that doesn't mean they are going to get approval, it doesn't mean anything, all it means is this is the first time we ever seen anybody interested in trying to approve that whole area and no matter who is going to improve that area, they are going to have to deal with the roadway situation. Secondly, with everything else that is going on in Town, there was a time when every resident in this Township was very

concerned. Concerned with the fact that we were losing business losing our ratable and everyone was concerned with what was going to happen to our tax rates. The Township Committee took action to develop EDAC, the Economic Development Group. That's been a boom to this town, and it's also helped us on the Planning Board and the Township Commission, I would hope, to identify what we consider to be smart growth for the right reasons to make sure that the residents of this town are gaining from what we are doing and that we are not detracting from anything that is happening in town. But I will say that there was no deal that said, fix the roads and your agreed to have your plan approved, that never happened and that was never our intent our intent was to say if you even wanted to be considered you better considering road improvements.

Gary Keyser, 16 Lynn Terrace, Hanover. I am here tonight; the floor is going back and forth here. I remember the Quick Chek that was built on Whippany Road & Parsippany Road there a lot of the same arguments coming before the board now. I remember when Whippany Diner was looking to put a parking lot across the jug handle from the where the Diner is now there was a lot of issues with safety and everything going on with that, going back and forth, the intersection does need to be changed, it really does, that whole section of the Township needs to be modernized from whoever comes in it needs to be done. I agree with the one gentleman from the Planning Board, I don't think it's going to create traffic, the traffic is already here. But no matter what goes in there, something needs to be done with that piece of property. It can't stay like that forever. Thank you.

Mayor: Thank you. From a marketing standpoint, I again, I am not a guru in this area, but the type of service stores that they are the WaWa, 7-11, Quick Chek, etc., the research that I have been doing and its not making a comment that it generates traffic, these are not destination stores that pull traffic in another words, I'm not gonna wake up in the morning and put my shopping list together I have to get to the Quick Chek and have this done. These stores are usually located in areas that service already high traffic areas, highway areas, and secondary roads of that nature. They want that customer, mostly a transient customer, although many of us know that the Quick Chek in Whippany has found itself a pretty solid market within our residents down there generally that's not the case. But having said that, does anyone else would like the podium at this time.

Judy Iradi, 27 Malapardis Road, Whippany, yes the site is an eyesore and I'll give you a little background on the site there. The bar, as they actually called it a very nice eating place, it was called Cathy's Corner and for years

Mayor: Tony's before that

Ms. Iradi: Before my time.... It was a really nice establishment she had really good food, similar to Bogey's. However she moved out because the landlord would not improve the property, it was deteriorating to the point that she felt it was health hazard so she moved out. The property next to it which was the gas station up until the 50's and then it went out of business, from that time up until about 2 years ago it was rented

out. The person who owed that property years ago and it's on Township Records was ordered to clean up that property. The DEP ordered her to do it. There was adequate money to do that, it didn't happen. That went into an estate; the inheritors had adequate money to clean up that property, the person who owns now the old Cathy's Corner has adequate money to clean up that property. If these properties were cleaned up perhaps we would attract different clientele, Mr. Pinadella says nobody has come forward, maybe it's because the site wasn't cleaned up it should have been cleaned up. The eyesore of this defunct tavern, get the people to clean it up now. I think I heard somebody say if they are painting some stripes in the road like they did with the Police entrance is going to improve the safety of the residents right now do it right now, why wait until a site plan comes in 2 years comes in they build, put the stripes up now.

Mayor: It's valid, we did strip the, I'm glad you brought this up, if some may notice where the Police entrance is out here in front of Town Hall, and to the opposite side of the street where the turning circle is to come back in, we put in a large striped box clearly indicates not to block. It seems to be working out successfully, so far. Can they do that right now, I guess we can, yes the Public Works can go out there and make some approval with Mr. Maceira some fashion we could make a striped box or double line as an early stop before the light, which I wanted to, to get you to stop there and give you the gap you need. But ultimately, as conditions aren't gonna get better you and I know that, let's be honest. Conditions are going to get worse. The cleanup of the Cowig property, multimillion dollar clean up, and what is happening down there, which by the way goes back 7 years, is going to bring more traffic. Baer Sterns is being cleaned up right now, and some of the buildings are being taken down its gonna be a higher profile data center is going to bring more traffic. So one way or the other what's the solution, we have to deal with the intersection it's got to get fixed. I've been sitting in this seat for a long long time and on this council and thank you very much. The answer is never come forward, Hanover write a check at one point with the original document, write a check for 7.2 million and we will fix the intersection. Hanover put away some money, yes we do, we have some escrow money, but it's certainly not going to scratch the surface of what has to happen here. So the option is wait for the opportunity for the retail zone to develop and with that development comes the responsibility of that new property owner to clean up and approve the area. That can't change hands without a commitment; the DEP won't allow it to change hands without a commitment to clean it up. It's got to happen, you know that to. So is Hanover gonna do it? Are we gonna but \$900,000 to clean that up? We are not gonna put that burden on the tax payer, we are putting that burden on whoever feels that property is worth improving. That's where that is gonna go.

Ms. Iradi: I think there was a sign on South Jefferson to stop here and don't block the intersection and shortly thereafter car hit and it was never put back up.

Mayor: It's a temporary fix and I don't think there is a big issue in doing that.

Ms. Iradi: Ok good, I also would appreciate the current property owners that they have to even a site plan goes through, it'll be years before it is built, do we want to have that

site ugly eye sore for year? It should be cleaned up now. Whether that site is sold or not it should be cleaned up.

Mayor: With the present property owner?

Ms. Iradi: Yes, the property owner have adequate adequate funds to do that. Both of them. Thank you very much.

Mayor: Understood.

Anna Kosonocky, 39 Malapardis Road, Whippany. Having lived on Malapardis for approximately 40 years I must tell you that having Macular Degeneration, I am unable to drive, I am at the misery of getting myself out of house and going exercise, where do I go to exercise, I have nowhere to go to walk to the park, there is no way to get to Central Park. There is no sidewalk, I tried to cross Ukraine Road during Sandy, and you cannot cross. I tried to get to the Township to the Bank there is no way you can do anything. You are a prisoner in your own home and the beauty of all that is you built a beautiful sidewalk on your side of City Hall while you cross the location of the bar there is a whole there, trucks are not made for this corner. The trucks are 18 wheelers, they come around I had to watch I wasn't going to get swiped by a truck by the electrical pole, now if the electrical pole was underground I can step on that corner and there is a whole there, so there is puddle there, so I had to avoid putting my feet into the puddle I went into the street, while the cars are beeping at me. So perhaps this is an idiots problem I shouldn't be out there, but I do pay my taxes and I would like to get out of the house and I would like to go to Central Park and I don't have a Korean Market that I can go pick up a piece of vegetable or milk when I need it. Pathmark is closed. So can I walk on Route 10 no because she is an idiot and she is working on Route 10 she must be homeless. So there is no way you can manipulate yourself where you fit in. No bus no train no car and if you wave on the street they think something wrong with you. Thank you and good night.

Mayor: The comments are very valid and I think unless we address this corner in some fashion and some of this plan and some of the DOT plan addresses it the radius have to be changed, you are absolutely right, you can't turn a tractor trailer, how many time has a tractor trailer taken out the center divider over here, I can tell you how many times we have replaced it. The polls have to be moved back, the traffic signals are out of date, they need to be taken out replaced with all digitized traffic signals, the timing has to be changed, that traffic can't keep backing up down Route 10. Along with that either designated cross walks with lighted signals that are safe where people can cross have to be installed whether we install it or someone else installs it whether it is cobblestone type of walk that designates a cross walk that goes across that street. With or without something there it should happen. How can you cross Route 10. Were are talking about this cognovits plan that Gene Pinadella is working on very closely with our Planning Board etc. and we are looking for ways to connect both sides of Route 10 with our patriots path trails, things of that nature, you can walk and bicycle. It's going to be lovely, hope I see it soon. We have people working on that right now investigating ways

to cross Route 10 other having to go over bridge by Parsippany Road. But all I'm trying to say to you that everything we are hearing tonight we are aggressively working on solutions for and we are trying to make it better for all of us. I can genuinely tell you that from sitting in this seat.

Nancy Gawel, 303 Brook Hollow Drive, Whippany. The question I have is do we really need to put anything there, can't they just fix the traffic problem with fixing the roads? Do we have to put something up there? We can still make it look very attractive, bushes up, little trees and make it park like, and what that lady said before, if these people have the money to take care of oil spills, or whatever is over there then they should be made accountable because the rest of us shouldn't have to pick up the tab and we shouldn't expect the company to come over and offer us \$600,000 which is not even gonna touch the reconfiguration of the road ways, that's gonna be done through the town or the state. That's gonna have to be done anyway, just to make it safe for us the people that already live here then why can't we just do that and forget about putting anything else there? What that man said before, about the Planning for like Wegman's there is no homes around there, that's a very commercial area, this area we are talking about right now is very residential which is totally different than Whippany Road and Parsippany Road, there is bank a Bayer, a funeral home, no homes right there. It's not the same type of neighborhood whatsoever. Plus that gas station is on that corner and the reason why Quick Chek is doing so well cause that man went out of business who had that gas station there because they took so long to fix that bridge. So that's an abandoned gas station, there is an abandoned gas station by Air Group on the other side of Route 10. How many abandoned gas stations do we need? If you think Cathy's Corner looks unsightly, if this ever becomes abandoned to we're gonna have such an ugly eye sore there it's not gonna be funny. There is no guarantee that that place is gonna be especially since they have all these plans to put so many of these. I spoke with somebody in Town Hall and they said they want to put one in Cedar Knolls near a Lowe's that is going to be coming up also. Quick Chek, they will be taking away business from one or another and if they feel that this is not a good area for them to get in and out it could become something that will not be useable. I'm just saying, why do we even have to consider it at all? Can't we just fix the road so that it's safer for everybody and useable?

Mayor: Your portion of the road fix and my portion will be about 3 tax points

Ms. Gawel: We are still gonna pay for it anyway, even if Quick Chek comes in there. That's my point. We are still gonna pay it. There are a lot of people here that I to

Mayor: How do you get to that conclusion, if you were listening all night, whether it was this retailer or another retailer, it will clearly be there responsibility to do this road improvement consistent with the DOT, what about that Don't you understand?

Ms. Gawel: Well, what I read that they were willing to pay \$600,000 towards it.

Mayor: They will pay whatever the tariff is on this, I'm not gonna pay the township a dime towards this.

Ms. Gawel: No, I'm just saying, that would have to be the contamination area, that wouldn't even be.....

Mayor: No, they are doing the contamination area because they aren't gonna get the property unless they clean it up and secondly as part of the requirement for any retailer

Ms. Gawel: Do you really think, how much are you willing to pay for this for this corner?

Mayor: You are coming out of circular here and you are getting your answers and your 5 minutes are long gone,

Ms. Gawel: One last thing, there are a lot of people here that are too bashful to get up to the podium, how many people are for this and how many people are against it.

Mayor: Everyone here is probably not for it.

Ms. Gawel: Can we see hands who are not for it.

Mayor: Madam you are doing an infantile process. Thank you for relieving the podium.

Mr. Brancheau: Just to clear the commenter's question, the way the Ordinance is written the use is not permitted unless the improvements are made.

Mayor: It's not getting that point across.

Mr. Brancheau: So if the Town or State doesn't make those improvements the applicant must or the use can't go there. It's not a dollar thing.

Gary Keiser, 16 Lynn Terrance, I just want to say something to the Mayor and the township Committee, I live in the section of town where I am getting a home improvement goods store, I will be probably getting a Quick Chek, and a Shop Rite right down the street from me, for well I'm good, between the Planning Board and Township Committee they are doing road improvements to do better traffic on Hanover Avenue. I think whoever comes into Town that the Township always works with whoever it is for the betting and safety of the traffic on the roads. I know this is going on because I've been going to meeting and how they are going to be widening the roads around the Shop Rite and the Home Improvement store and that whole area. You people are talking about traffic I'm gonna be getting a lot more traffic, I get it now but traffic is going to be traffic. I have to depend on the Planning Board and the gentlemen up here to do what's best for the town. Thank you.

Mayor: The floor is still open if anyone else would like the opportunity to speak.

Ed Moscariello, 27 Malapardis Road, Whippany. We've been hearing about road improvements, \$600,000 how much road improvements does this buy? I know there is a proposed lane going next to Quick Chek on Route 10, also the widening of the lane on Jefferson Road. What exactly will the other improvements be and how much will they be?

Mayor: My understanding, I qualify this, because estimates haven't been ascertained yet, commitments have to be made, and you know what the process is, let's take a shot at it, ok. I've heard numbers from anywhere from anywhere between that letter that said their estimate for balance and clean up was between \$6 and \$700,000 on that letter. I think the Township thinks it's probably going to be closer, privately done, closer to \$900,000 if the Township got involved with this, God Bless it, because Township have this wonderful ability to buy things for twice what they are worth, I think we would be well over \$1 million and a half to do the clean up if it was the Township side. That's the clean up. We know what we looked at with the DOT when they brought this plan in for the road improvements, I call it Ron Seta Anita Plan, because they were just adding more lanes, I said when the light changes they are all gonna come out. But what it does do, it allows a lot more volume of traffic. It gives the stage and the gap. We are trying to give you the gaps. That portion when we first looked the Plan A years ago, years ago close to \$7 million, this modified plan, this isn't the best plan, this is not the best plan, this modified plan on the Township side of the desk \$2.1 - \$2.2 million if we did it. That's why I said to this young lady's comment before, that's tax payers dollars, where am I \$200,000 – that's money out of all our pockets, yeah if that what our community wants to do that's what we do. But you have to be aware of it, so those are the costs that I feel comfortable knowing, I mean they are not finalized they didn't go out and get contracts they didn't go out and get formal estimates, etc., and for the most part, my attitude and I think those of the rest of my colleagues who sit here is that whoever goes in there whoever the retailer is, you know what, it's your problem. We are not going to make it the tax payer's problem. So that's where we are.

Mr. Moscariello: Is that part of my five minutes?

Mayor: No, it's not (laughter)

Mr. Moscariello: I've lived on Malapardis Road for 37 years, I saw traffic increase, people on Route 10 never had access to Route 10 while I was there. My understanding with the prints that I saw, they are going to add a lane inside the lane that goes that comes off of 287. At rush hour that lane is solid coming from 287 to Jefferson. Anybody coming down Route 10 will have to cut into that lane. Which means they would be holding up traffic in the second lane. So that right there is bad news. Also, over the years there has been so many accidents between 287 and Jefferson Road. One recently we lost electric for two days. You have no control over drunks and that who tends to travel Route 10 frequently. Also on Jefferson Road, they are proposing a driveway on Ukraine. It's bad enough for us to get out onto Jefferson Road and now they are gonna have cars coming in and out on Ukraine Road? It doesn't make sense.

Mayor: It may not happen.

Mr. Moscariello: I mean it's totally ridiculous.

Mayor: I understand, that's a site plan issue and may not even happen.

Mr. Moscariello: The safety involved in this, there are accidents all the time there. If you put a Quick Chek there with a driveway coming in and out on Route 10 you mind as well have an ambulance parked there, because that's what is gonna happen. Also what about the 27 houses on Malapardis road, what exactly will our houses be worth? Will we be taken off the tax rolls?

Mayor: Valid point, ok, but lets' talk about this for a second, since you raise it. This is going to be a retail zone. Route 10 is Route 10, both sides east and west, when the Planning Board is done with the work that they've done, and by the way they are ready to make modification to the master plan on this thing. It's gonna be retail. Right now it's a BP Zone, we did that, I remember we did that like 15 years ago. Business professional zone. Business profession, this is great, medical arts buildings, office building, business professionals gonna come in. Nothing, nothing has happened in all that length of time that those properties were available. So now, they are gonna go fully retail and they are going to provide the amenities for retail and by the way we are going to try and take retail up to larger size lots. In other words, not so that we have little mom and pops stores, they are trying to do designs like we did on Hanover Avenue, Hanover Avenue went up to 10 acres lots under the new zones for Hanover Avenue. Similar types of consideration will be given to Route 10. Point being, you are going to have retail along Route 10, you had it. You have Tony's you had the gas station years ago, did it affect your property values, I'm not the tax appraiser for the Township I'm gonna tell you that I don't see it. But I don't hear the argument that it will affect your property values that's what I'm saying Ed.

Mr. Moscariello: I think it will, I'm sure it will, and another point I would like to make, everybody who is making decision on this property and our street, no one lives there, no one on the Planning Board, no one on the Township Committee live there. The homeowners, the property owners, don't live there. So there is not much interest in what happens to Malapardis Road. It's gonna be a nightmare for us, if that place is built that's our only way in and out if there was a catastrophe at that gas station we are trapped. We can't go in or out. And things like that do happen. So I have a suggestion, how about you to EDAC and you mark it our street and turn it into commercial and buy us out. (Laughter) Cause you are throwing us under the bus, there is no easy solution. I'm giving you one.

Mayor: We can walk away from this proposal we can do not do anything about the zone change, we don't have to. You are absolutely correct, and we can let the situation on this intersection and everything about the traffic etc, exacerbate itself, and come to a point when you and I won't even be able to sit in this room because the people in the rest of the community are gonna be so up in arms, we are getting complaints now about traffic going through the town, we got to come up with more solutions. I said it earlier, I

don't speak for this entire body, they have their own mouths, they will tell you what they think. This is not a fix all...

Mr. Moscariello: This is not a solution, this is probably, if you had to think of a worse thing to put there it would be a Quick Chek with a gas station, and the last time Quick Chek came before this Committee and they were rejected, right there, he laughed, he knew it was a ridiculous thing and now they are back, and now it's not so ridiculous.

Mayor: This proposal was rejected earlier on your saying.. You have to help me out here

Mr. Moscariello: Yes, this is the lawyer that was there, we spoke to him afterwards, after you said that you wouldn't allow it unless significant changes were made to the intersection. And you told him to go away. This is the gentleman that we talked to. And afterwards, he kind of laughed it off, he knew it was ridiculous then it's ridiculous now. So I am asking you to vote no.

Mayor: Any other comments, hearing none, this is your third time at bat Judy.

Judy Iradi: I'm sorry to get up here a third time, I just have one simple question. Considering what happened with one other property in town when it was developed and the developer promised all kinds of things and so far will never come through with those. I just want to ask that the State plan to improve that intersection is that developer going to do all those improvements. And if not how much of the remaining improvements will the taxpayers have to pick up. The DOT has a plan,

Mayor: They can answer here themselves, but I'm going to answer. My expectation and also as a member of the Planning Board is that any retailer that takes this corner takes it with the understanding that it must comply with the DOT improvement that is requested on this corner. So that they means they pay for it on all sides of the street.

Ms. Iradi: So they will be doing the improvement plan DOT had proposed to the township?

Mayor: Yes, they will be mirroring that plan from the DOT's plan.

Ms. Iradi: So to make it clear, they can say yes or no if that on the DOT plan there was a turning lane on the North Jefferson Road onto Route 10 going west, they are going to put that in.

Mayor: From the Municipal side?

Ms. Iradi: yes

Mayor: There are improvements in the alignment from the Municipal side, I can't comment on that.

Ms. Iradi: So to get it straight, the DOT gave a plan to improve that intersection. Are you going to allow development at that site before the whole plan is developed? The DOT could perhaps that their side and that their turning lane is adequate for their site, it doesn't improve the whole intersection. So are they going to improve the whole intersection, so are they improve the whole intersection or they are going to improve the site.

Mayor: Their requirement is going to be to go before the DOT with a formal application which has not happened yet. You can't go before the DOT with a formal application until they have a site plan before the Planning Board, it's the law. And when they do, it's my expectation, and again I'm hoping I'm speaking for this body, it's my expectation that they will comply with the design from the DOT. That's the best I can tell you at this point.

Ms. Iradi: The plan that the DOT proposed to the Town was about \$3 million, the last plan.

Mayor: \$2.5 Million

Ms. Iradi: Now all I've heard, you have to answer this question, all I heard was that they are gonna take in \$600,000 towards the improvements.

Mayor: I haven't heard that, I don't know where this \$600,000 comes from.

Ms. Iradi: Are you going to do all improvement that the DOT required at the intersection? It's a yes or no question. Answer. I'm not the developer.

(Inaudible)

Ms. Iradi: I'm only asking this because we fell onto a problem last. Let's get it onto the record we will see what improvements they have planned.

Mayor: Let's get a comment here.

John Wyciskalla, Attorney for Quick Chek Corporation. I guess I will add, while I am up here, there are comments about commitments for expenditures and if this zoning goes through and we are fortunate enough to proceed with the development it will be our responsibility in accordance with the condition of use standards to undertake the improvements that are required, the roadway improvements at our clients cost. As well to deal with the site remediation. There has never been any suggestion that any of those costs would fall onto the Township's part. Especially environmental costs, it has nothing to do with the Community as a whole. The proposal and there has been

significant discussion with respect to the improvements that are proposed at this intersection, that have been discussed at length before the Committee and the Planning Board. The right of way, dedications that are necessary that will be coming from the Quick Chek property from that corner property, would all be dedicated all that roadwork that is shown will be dedicated, the traffic signal upgrades and timing requirements would be provided, the roadway widening along that frontage. We do not however as a private entity have the authority to condemn property. That would be on the other side,.

Mayor: Understood

Mr. Wyciskalla: ...the Ukrainian Church side of things But everything that is in and everything that is shown as respect to the road widening and everything that is required by the condition use standards that are set forth in the proposed ordinance that is before the Committee tonight would in fact be the responsibility of the developer, and that's whether it's us or another retailer to come in to do this type of project.

Mayor: Thank you.

(Inaudible)

Mayor: What I think you have heard, is that they are going to take responsibility consistent with the design but hypothetically, the church side, there might be another 15 foot of taken there and that's gonna happen with that property improvement. But I'm not in a position to condemn it and take the property.

(Inaudible)

Mayor: I can't hear,

Freed Shaik, 35 Windermere Court, Whippany. Hello, I'm just confused, I know we keep on talking about the traffic situation and the traffic is getting worse, and we are creating a _____ at the location I heard, for example, or somebody is moving there. I was here a few weeks ago we were talking about the new development you want to do right across from Windermere and the traffic situation there. It all seems like an uncontrolled experiment going on, because we know we traffic problem already and we have these things going on we talk about this Quick Chek most likely will create more traffic challenges. I just want us to take a step back and think about it, 3 4 weeks ago we were talking about the traffic that will be on Jefferson Road from the new development than we talk about the traffic that is going to be from this new Quick Chek, the traffic by the _____ Center. We are just doing these things randomly, seems to me, and surprises me that we are sort of doing them at the same time. Quite honestly, so I remember as you can see on the record, that lots of people were talking about what are we gonna do about the traffic on Jefferson Road? It's gonna get worse, we know the Administration team here made an unanimous decision to go ahead with that plan. But this step seems to be worsening this situation correct? So unless you folks tell me, in fact that some of the folks here said last time that the traffic situation is going to get

worse, it's not better. So I want to get a sense from you folks, is it getting worse with these steps or better? Can I get some talks about that?

John Ferramosca: Sure, I'd be happy to share and provide some background; I think you are asking a very good question. I can assure you that this board and the planning board does not make decision in isolation, meaning, let's make a decision at this intersection and then we will forget about it and go off to that intersection. We actually did an entire circulation plan for the Township by every major intersection within this township and this intersection analysis "New Jersey Route 10 and North/South Jefferson Road intersection of NJ Route 10 & Jefferson Road is an all probability to most congested intersection in the Township." From a rating, a traffic rating it's a "F" meaning that it's a failed intersection. I think anybody that tries to travel that thing in the morning between 7:30 and 8:30 and 4:00 and 5:45 will sit through 5 to 6 traffic lights. Ok, that's a problem, what else is going on here. What else is going on here is that we tried to stabilize the tax situation in Hanover Township. Hanover Township had some dark days, we laid off lots of people, we had our residents exposed to potentially massive tax increases, and as a result of it, we tried to dig ourselves out of the whole in which we were in. The good news is we had a lot of volunteers in the economic development group who went out and gave up their time every other Friday for about three years and they attracted some very very strong tenants and corporate entities. As a result of the corporate entities coming in, each proposal everything we do comes along with a traffic study, and we try to get to do an assessment, not just isolation but an aggregate, how this whole circulation within the town works.

Now if we really want to isolate what goes on Jefferson Road, we talked about the Data Center, but we also talked about there used to be post office. The Central Post Office, the GPO, that GPO has flipped from public sector, meaning US Government, which contributed zero to the taxpayers in Hanover Township, except for trucks on your road, to now something called UniFirst, which is a uniform cleaning complex. That uniform cleaning complex is going to be putting out additional traffic on Jefferson Road, things are bad on Jefferson Road today, if we fail to acknowledge and come up with a plan on how to address that intersection, if we fail to address how to look at Ridgedale Avenue & Hanover Avenue, with the work with the county, and we approached these things in all isolation we are going to create a major problem. However, I can tell you that there is tremendous interest in trying to address as best as we can to make improvements so if I can get that intersection that's out there today which is a failure, a complete failure, to operate and function closer to a "C" that would be a significant improvement in the lives of the people who live there. I see some people here who travel this road during the times which I talk about. They can tell you how hard it is. It can take literally to go from the Post Office in Cedar Knolls to Black Brook Park a half hour during rush hour, simply because the road infrastructure needs to be improved, we are trying to do that, any retailer who comes into that sight we are going to harness them with two issues, 1) pollution, we have to get the pollution fixed up, we don't want to leave the pollution in the ground, nor do we want to turn around to the tax payers and say hey, it's a million bucks why don't you deep down pick up some more money 5% tax increase should cover it, and then 2) the intersection which I am no road engineer, I can't tell you what

the cost is going to be but it's gonna be a significant \$1 million dollar + expense to fix that intersection, so I think the benefit essentially number 1 from an environmental stand point we owe it to the people that live here to preserve the quality of drinking water potentially that can be negatively impacted if not cleaned up. I can't chase people back to 1968 and make them do it. In terms of the failure of the intersections, we owe it to the people here to come up with plans whatever it is going to be if it is going to change to a retail zone to fix it. We owe it to the people in the Township to go back to what the Planning Board chair talked about, Route 10 needs a lot of help, it's been left in disarray for a long period of time, this is the tip of the iceberg of what need to get done, to begin the process. So I tried to serve it up in a way that, a manner that would demonstrate, nothing is done in isolation.

Mr. Shaik: I really appreciate that, I understand and each time I come here I learn a lot from you guys. So the three points that you made, about the water situation, something about the environment there, for example if you don't fix it something bad is happening underground, correct, so what you are saying something bad is happening right now?

Mr. Ferramosca: I don't know, the potential liability exists.

Mr. Shaik: Ok, so it's probably a good thing know, for the people who are living close by, correct? It's been there 20-30 years, what's going on. If these guys don't come with a new proposal regardless, we have to think about something there, because people live close to that place. You said this intersection is an "F" maybe because of the traffic another reason is that, is that fair to say it got an "F" for the traffic? "F" for eye sore?

Mr. Ferramosca: No "F" for traffic functions.

Mayor: This is a state rating.

Mr. Shaik: So does the new proposal does it become a "C" do we think?

Mayor: Well, I hope this improvement at least presents a "C" rating.

Mr. Shaik: Improved traffic? What does it mean, improved traffic what does that mean?

Mr. Ferramosca: It will improve the flow, it's a measuring flow.

Mr. Brancheau: Has to do with the delay at the intersection, on how long it takes you to get through the intersection. It measures how long you have to wait to get through the light.

Mr. Shaik: So with the Quick Chek there, we believe it will bump up to a "C?" Seems to me, I'm not a data person very much but intellectually that it might get worse as opposed to getting better. I haven't seen the study, I'm just thinking out loud here.

Mr. Ferramosca: We have had the benefit of evaluating the studies and it will get better if we improve it, make the design changes it will get better, or if it were not to get better why bother,

Mr. Shaik: Exactly, that's what I'm saying. Absolutely 100% right, and without the science behind it, which you guys have looked at the study, it feels that things are gonna get slowed down, things are gonna get _____ more, I'm not saying that I do want you to improve this thing and a good nice thing, but I just keep hearing the traffic problem and the Windermere traffic problem we talked about as well, it seems to me that I am not even a quarter mile away that I'm gonna put up 15 houses which will put more traffic on Jefferson and then I'm gonna put this, sounds to me like it's gonna add more traffic too, I could be totally wrong...

Mr. Ferramosca: This traffic retail operations chose their sites with one primary, the amount of eyeballs that comes through. So that is going to be, people are not gonna come from Sparta to one to come visit our Quick Chek in Whippany. If I am driving to or from work or I'm going to the Doctor or taking my kids to Black Brook Park, and I need gas, I probably would go there, but I'm not gonna make a special destination trip.

Mr. Shaik: Fully appreciated. I would think not knowing the signs of it very well it's gonna slow things down as to speed things up. Correct, because people are going to pause and stop and get something and then move on. If there wasn't something there they would just keep on moving. So that's

Mr. Ferramosca: Arguably north and south if you are going north bound on that road it's inapt it's doesn't work and it's gonna get a whole lot worse, our failure, our failure would be to do nothing.

Mr. Shaik: I fully agree, but I don't want to make it worse that's all.

Blais: The ways it will be getting better, one is the timing of the signal will change to better time the traffic so it will be more efficiently, secondly the addition of lanes and turning lanes that will be more capacity for cars to get to the intersection instead of having to queue up in a big long line further back. So it will be more capacity and get through the intersection more quickly that way. It's not significantly adding traffic to the area because the Committeeman said, kind of people that go to these types of stores are already on the road, this is what we call pass by traffic. People are on their way some place already and they see they need gas or want to get a cup of coffee, they go there, but they are not going to go there as a special trip all by itself. I'm trying to explain conceptually how we believe this is going to improve the flows of the traffic at that intersection.

Mr. Shaik: You may be fully right, but I'm sorry for sounding stupid here but it sounds to me that if I'm going to stop for something instead of passing through I'm going to cause more traffic because I'm gonna get out of the way go to Quick Chek and get my stuff and go, so intellectually it sounds it will slow down stuff, secondly the timing of the

traffic lights, is that something that we can correct today? Dumb question?

Mr. Brancheau: Of course it can be done, but the whole signal needs to be upgraded and the cost factor is involved in that, yea the Township can spring for \$1million and upgrade

Mr. Shaike: I don't know how much...

Mr. Brancheau: I'm not just saying about the traffic lights, there is a whole bunch that need to be done, that's one of them, but a new traffic signal,

Mayor: The whole signal system on the intersection has to be redone, it has to be upgraded

Mr. Shaike: If we go with this Quick Chek team, they are going to invest in that traffic lights as well, are that what we are saying?

Mayor: The investment in the upgrade of the traffic light is the responsibility of the potential developer.

Mr. Shaike: I think it is worth just checking out what investments gonna be without this, i.e. the signal the light, just making adjustment just for understanding. It's sounds to me that we should be looking at more of the solution space and this sounds to me that this may cause more problems, you guys are obviously are much smarter than me and know much better than me, I haven't seen the study but intellectually it sounds like that. And the other point, the study that you are talking about, is that available that we can review?

Mayor: I think you were given that answer already sir.

Mr. Ferramosca: I can issue a request, an OPRA request to get a copy of it I'm sure,

Mr. Shaike: I just want, I'm not doubting what you are saying,

Mr. Ferramosca: There is one other issue that you didn't bring up but I think it is very important, we have a community we have 30 residential homes who are trapped, it is very difficult for them to get out of their community. If these improvements are made, part of the design of those improvements needs to be done in a thoughtful manner so that we can provide the individuals who live there or where ever you live in within this township we take into consideration trying to improve safe passage way, right now they do not have a safe passage way, it's impossible for them to make a left turn during peak traffic because no one will let them come out.

Mr. Shaike: I appreciate that your point,

Mayor: Sir, can you please finish up you have had a least 15 minutes I understand that you are really perusing this and if you would like to meet with our engineer to pursue your questions I am happy to arrange it.

Mr. Shaik: Thank you, I really got educated with, I think it's a great point and this team will believe that this proposal will make it better, that's all I'm trying to make me understand. Correct

Mr. Ferramosca: Correct.

Anna Kosnocky, 39 Malapardis, one question, if this one gas station is creating such a problem then I think maybe one gas station probably pumped gasoline for two vehicles, now the proposal is for 8 pumps to come in, how big of an area is necessary to put a tank in the ground to have sufficient gas to pump to have 8 pumps going, number 2 having crossed where the church property is there is a drain there for water, it comes to mind that Ridgedale Avenue has a pumping station, how far away, I don't mean to be anybody engineering shoes, how far away is it important to be from the quality of water to where you have a gasoline station that is going to fill a tank of gasoline for 8 vehicles constantly being in use, I don't know if it is a valid question but it just bothers me.

Mayor: It's a valid question and as a lay person the only exposed to some of the engineering as it comes pass us I can tell you that the tanks that are put in these days are double insulated or double walled tanks and other safety measures that check the pressure of the tanks for leak, etc. But let's assume there is, and they identify the fact that they have a leak, or they have an issue, the well that you are talking about, is up off Ridgedale Avenue by Norma Gale.

Ms. Kosnocky: That's the pumping station; I'm talking about the Canal on Jefferson Road.

Mayor: The last time we looked at that, there are rings that go out, around that well that are protected by the water company, rings, they can't develop on that they can't build on that, so the water company understands that, and anything that comes within that area they are gonna have a comment on. So will they see this, if it's within their unit they are gonna take a look at it, for sure.

Ms Kosnocky: If one gas station which pumped 2 vehicles created such a problem for 30-40 years and now it's probably disintegrated, we are probably looking for scraps in the ground, so if one did that, so that a gas station that we are building for our future generation should they have a problem with that tank well the whole neighborhood will have to be cleaned up, No?

Mayor: I understand your question,

Ms. Kosnocky: It might not be valid, but

Mayor: Tanks that were in the ground when that gas station was built, were probably steel tanks metal tanks, I am very safe saying to you I'm sure that most of it eroded, corroded, etc. and whatever content in there, to what extent has leaked out and that is what our issue is. We had a similar gas station that has been abandoned for quite some time by the Marriott, Petro Chemical, about a couple of years ago we detected a petroleum in the ponds by our Recreation dept. and traced it back that they were leaking until the point that we had to bring in the DEP and they had to do a full clean up over there, these are older tanks older technology older methodology on this stuff, this is what causes a problem. Is there a potential of this happening today, I guess there is but then we have to say that about every gas station that ever gets built.

Ms. Kosnocky: It would just be interesting to know from where this canal on Jefferson Road to where that pump station is, how does that water get to there. It's would be interesting to see the route it takes, does it go towards Route 10 or does it go a little to the left, I don't know. Is that gonna effect the gas station?

Mayor: That well is pumping pretty deep, it's not pumping from what we call surface water and it's not pumping from primary water, it's pretty deep and you are getting water from the buried water aquifer which is pure water, it's a size of a lake that goes from here to the Oranges, interesting little fact. But that is what you are drawing water from.

Ms. Kosnocky: Thank you very much

Mayor: Anybody else at this time.

Motion to close vote to close

Unanimous

Mr. Semrau: Mayor may I make a comment, from the stand point of land use law, I just would like to comment that this is a municipal land use law, really no one is redevelopment, it's a redevelopment type issue and for everything that the planner has said tonight, the planning board has said, the planning process, this isn't something that just comes from nowhere, it evolves, and there really is a stigma to this area to the township and we've heard about it tonight from some of the residents, the traffic, there is property that doesn't have any utilities, there is environmental concerns, these are all concerns, and what the Township is trying to do is take the planning tools that they has available and to try to address these concerns. And it takes a redevelopment of certain type of what you might call the planning process that would encourage the remediation of things like the environmental issues and the traffic issues, even the stand point one resident mentioned about the value of the properties which is a concern, I can just tell you, when we really defended Municipal tax appeals for 20 years and you really don't hear about the type of establishment for the most part unless you have some real extreme establishments that are problems with value. What you hear about is when someone is not a good neighbor. If it is a resident, we hear about in tax appeals, if it's a

good neighbor, and it's a neighbor who does what they are supposed to do, it really should affect your property values, it should overall, with these overall objectives are achieved that have been pointed out by the Planning Board, and the Township Committee and the traffic studies and plans if they are achieved then they should have a positive outcome.

No matter how hard it may be to see that, to envision it, until it really occurs. But those issues are the very issues that this type of zone seeks to address and this process and I've mentioned this before, the zoning is step one to address these overall objectives, but step two is when the site plan application comes forward then it's very critical opportunity for residents to come and express their concerns on the record as far as what they need feel they need to help the overall character of their neighborhood, and tonight is not necessarily for that but if that Ordinance is adopted to achieve those goals when you come back and you will be noticed on site plan application that's the opportunity to come forward and say esthetically I want, we need certain buffers for our neighborhood, we want to understand more or express concerns about access for our neighborhood, we want certain type of landscaping to help preserve the value and overall character of our neighborhood, but and if those types of concerns are addressed which the township has a terrific track record that the planning board does try to address those types of development concern then it is incumbent upon whoever owns that property to adhere to those conditions, because if they don't they are in violation of the terms of their approvals. So I just want to point out that this is one step in the process and all be it, it's a critical one, but it's to help effectuate the overall policies, to address environmental to address traffic, to address infrastructure that was never really designed for what the character, not only the community but the character of the region. Now you have the opportunity to address that infrastructure and plan accordingly and hopefully make a better quality of life, not just for all the residents but the residents in the vicinity of the property, so I just want to point out it's a two-step process but it's the municipal land use law has this opportunity for the residents to be heard not only tonight, but especially if this goes forward at the site plan process. That's where the Planning Board can say, we are going to do this until we hear how you are going to address some of the residents immediate concerns that things of that nature.

There will be witnesses that will testify and they will be under oath, you will be able to cross examine them to express your concerns and fight for the things you think are really important and you will be heard. Thank you.

Mr. Ferramosca: When you look at making a zone change, essentially what you need to do is that you have to look at one hand, what's the up side, the other hand what's the down side, then you do an analysis to see whether the good outweighs the negatives. Listening to the Planning Board's Chair, this is part of the upgrade of the Route 10 this is as I said earlier the tip of an iceberg, there is a lot of work that needs to be done on Route 10 to get fixed. There is a blighted condition that we have, those of you who live near it, know of it, we have a pollution problem, it needs to be fixed, we have a failed intersection, the intersection needs to be addressed. It needs to allow for proper flow to improve it because we are trying to use the learning from the circulation plan which

identified that this was the number 1 worst intersection in our town. In addition, we need to provide a means for the people, we need to be sensitive we need to be understanding if we are to allow this zoning change, what happens to the residents of Malapardis. Can we design something that will allow them to more safely exit and enter their neighborhood, in addition to that, I listened to our residents about issues that they had that didn't really have anything to do with the Ordinance but they had to do with site plan and they were important commentaries. And there is things we can do, and we can take advantage of that, we can listen and we can capitalize on those points if this is to move forward. That could help improve safety that can help improve buffering, include surveillance cameras on the exterior of this building that would include the prohibition of the outdoor dining because that is not what we want to see at this location. These are site plan issues. I also heard ideas that would help immediately and I would encourage this committee to look into what can we do in the short run to move towards implementation of getting a strip box, put a strip box on the corner here that facilitates movement of the police perhaps there could be a similar box constructed on Jefferson Road for the short term.

Mayor: John I can't agree with you more, on that note, I don't want to stop anyone else on commenting. Mr. Maceira we control Jefferson Road

Mr. Maceira: There is a issue of jurisdiction, portion of that maybe still under DOT.

Mayor: Where does the state come in?

Mr. Maceira: They go right up to the corner of Ukraine, so we still have to contact the DOT regarding the stripping in the box.

Mayor: Can you take a look at that, and consistent with some of the comments that we heard, if it's in our preview, even if it isn't, see where the DOT is, get a public works crew or contract out to get a box put in and if anything even prior to any site plan approval, that moves forward that will give us a certain period of time to see the effectiveness before we further things.

Mr. Maceira: Yes, that was the same process in stripping the box here.

Mayor: Over here, oh, let's do that. Look into that please.

Mr. Maceira: Yes sir.

Gentleman the floor is still yours.

Mr. Brueno: It's now getting late, I've listened intently to all the people that have spoken and certainly many of them made very good points, the Planning Board, the opposition, and I've lived in town my whole life, I think Route 10 has fallen into disrepair

and many regards in this intersection and in particular and its incumbent upon us to try and improve it. It's gonna get worse, it's gotten worse. Bayer, who we are happy to have in town, has added a lot of additional employees and certainly more cars to the road. The Crossings will be coming online, intersections will just be getting worse, and if you try to get through there at rush hour to get to Veteran's Field I live on Countrywood, it should be a 5 minute ride is now a 20 minute ride. It's only gonna get worse, and we don't really have another solution. The cost of the town is something that we are not ready to shoulder. In terms of some of these other business that are coming in, we know that there has been approval for a food store, there is another food store, something has to be done. It's gonna get to the point where you can't go out at all. I understand the concern for the people on Malapardis but in response I would offer that you have to look into improving this and I think the Planning Board has done a lot of work to determine that if we do change this zoning that this company in particular has the resources to improve this intersection. I don't have a crystal ball, I can't sit here and say the day they open their doors that the traffic is gonna get better. But I know that if we don't do anything that the traffic is going to continue to get worse. I will say, and once again, I don't own any stock in Quick Chek, I don't even know if they are a public company, but they have been a good neighbor. We do have a little bit of a track record here, where they opened a new store, we made some requests of them after the fact in terms in changing lanes and things like that and they have been very agreeable. Maybe because they want to open another store in town, I get that, but having said that, they are a for profit business. So to do the right things with the first store, I would believe that they would do the right thing for the next store. So, my primary concern here is not that they get to open a new store and make money, but this intersection gets improved and this traffic situation gets improved, and I think they have come with a plan and they have the resources to execute the plan. Thank you.

Mr. Coppola: Well I guess there is no denying how I feel about this zone change. I think I have expressed my views to the Committee many, many months ago. It's a shame that before it was rezoned for a Quick Chek that the people who own the property did not clean it up. Now we have an excuse for someone to come in and say we will clean it up for you. I'm against convenience stores period. I can't say I am totally against them. Now that we have a 7-11 in Cedar Knolls and a Quick Chek in Whippany, I believe we covered both ends of town. The Quick Chek in Whippany has six islands for a total of 12 pumps and closes at midnight. The proposed Quick Chek will have eight islands with a total of 20 pumps and will be open 24 hours a day. Now, we have a 7-11 in Cedar Knolls, a Quick Chek in Whippany, a proposed Quick Chek on Route 10 by the VFW that got knocked down, now we are going to look at one on Jefferson Road and one possibly on Ridgedale and Hanover Avenue. I just have a problem with the quality of the town when all of a sudden we are going to have Quick Cheks all over the place. They definitely bring an issue as to safety especially with the ball field close by. I have a concern for the noise factor. I have a concern if it becomes a hangout and the late hour traffic going in and out.

I believe we have a Shell Station that is closed up on Route 10 going East, we have a Sunoco Station that is closed up on Route 10 West, also a Shell Station that is trying to

rent it's facility and to me, we don't need to have a convenience store and gas station on that corner. I don't care what anybody tries to tell me that is going to be a traffic nightmare. I can see what happens at the Whippany Quick Chek, how busy it is, and that one is not even quite the size of the one proposed on Jefferson Road.

I give the members of EDAC a lot of credit. Believe me those who have and continue to serve on that Committee when I got on in 2009. At that time, things were really tough due to the number of ratable losses. I understand that but Hanover Township has always been to me a beautiful place and it still is today. I personally respect my fellow Committee Members as to how they feel and how they vote. But I have a problem when we start looking at Quick Cheks popping up all over the place. As far as I am concerned, it will, for the local residents, provide a lot of transient traffic going in and out. So, it's my personal feeling that I don't care for them at all.

My vote is "no" for the zone change.

(Applause)

Mayor: Thank you George. Ken, you have any comments?

Mr. Schleifer: I think enough has been said, I do agree the pollution cleanup and the traffic congestion would be better. It's a general improvement to the area, and that's always been my feeling on it. I don't have anything against convenience stores in fact they are very useful. The one on Parsippany & Whippany Road has a lot of positive comments from. Not much more to say about it. The most important thing that we found from suggestions from people here, that there are some things that we may be able to do, like a box. Good input. So, that's about it, Thanks.

Gentleman at this time – I call a vote.

For adoption: Motion made by Schleifer second by Ferramosca

Yeas: Mr. Schleifer, Mr. Ferramosca, Mr. Brueno, Mr. Francioli

NAY: Mr. Coppola

Ordinance is adopted.

Any other business for our Township Committee at this time.

Mr. Ferramosca: I just want to alert everyone that on October 5 we have a Community Event it's called community shred day, our Hanover Township Green Team, in conjunction with Employment Horizons will be providing a free shredding opportunities for individuals who live in town, it'll be at 10 Ridgedale Avenue, Cedar Knolls, at the Employment Horizon sight. It's from 8-11am, limit is 30 lbs., so please take advantage

of it, it's the right thing to do, and it'll help you clean out your some old files that are sitting in drawers.

OPEN TO THE PUBLIC:

Motion to open public meeting: Moved by Robert Brueno and seconded by John Ferramosca.

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

Motion to close by Member John Ferramosca 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
