

November 24, 2014

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, November 24, 2014, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Gallagher, Ferramosca, Brueno and Coppola

ABSENT:

STATEMENT BY PRESIDING OFFICER:

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

HANOVER EAGLE
MORRIS COUNTY'S DAILY RECORD
THE STAR LEDGER

And by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ACKNOWLEDGEMENT OF SERVICE:

Presentation Of Plaque To Dr. John Graeber, DMD In Grateful Recognition Of Nine (9) Years Of Dedicated Service To The Residents Of Hanover Township As A Member Of The Board Of Health.

Presentation Of Plaque To John Sessock Upon His Retirement In Grateful Recognition Of Twenty-Five (25) Years Of Dedicated Service To The Residents Of Hanover Township As A Member Of The Public Works, Buildings And Grounds And Park Maintenance Department.

OPEN TO PUBLIC

Motion to open moved by Member Ferramosca and seconded by Member Coppola and unanimously passed.

Mayor: Once again the floor is still open if anyone else would like to address the Township Committee at this time.

David Barnhart, Vice Chairman with Cushman & Wakefield, Real Estate Brokerage Company, and I am here tonight on behalf of the Corporate Client of ours that is looking for a built to suit in Whippany. Our understanding is that you are looking at rezoning the property of the South Campus, 67 Whippany Road. Our corporate client is involved in negotiating a lease for a built to suit on that Campus with the expectation of it becoming a mixed use environment and part of this corporation new work force incentive really to attract young talent and maintain that type of work force, we have done extensive search and part of what's attracted the company to this location is that we have been promised a mixed use environment. In particular hotel and residential development which they feel is particularly important to be able to attract that millennium generation we all hear about and to get the type of work force and maintain that type of work force that they are looking for. So their plan is to build a "Class A" or have built for them a "Class A" environment fully ammenitized but as part of a community and part of a mixed use environment. So they ask that we come out and speak on their behalf today. My partner and I represent them. It's an eastern Morris County Corporation that is looking for a built to suit and would like to stay within the County.

Mayor: To the extent that I can comment, I would say that the Planning Board has given a great deal of time to look at a mixed use on that and examined it and I think later on, in the course of this meeting we will comment further on it. But again, we are fully aware of the concept for that area, the South Campus, and we have gone through an exhausted amount of time both on the Planning Board and Committee level to give consideration to what the proposal is. Again, the Director of Planning will have a comment on that shortly.

Peter Gethins, 54 Woodland Ave., Whippany: I am here with my wife this evening we have a major issue with the Ukrainian Church on Jefferson Road, that is adjacent to our home on Woodland Avenue. It has been going on for many, many years, we have logged approximately 90 noise complaints with the Hanover Township Police Department. And, they keep coming back and telling us the same story every time that it is out of their hands and they can't do anything about it, and, they need us to come to you because you approved it and you are allowing it to go on. I think it is bazaar to be arguing with a Police Officer at 1:45am about what is an acceptable level of noise. I don't know how the Noise Ordinance is written. Correct me if I'm wrong, but I don't know if the Birchwood is allowed to have events after 11:00 pm or the Legion or the VFW or anyone like that without special permits. Most recently, in September, we called in a noise complaint around 9:00, the Police came like they do many times, and, they tell them to turn the music down, and they come back and tell them to turn the

music down. But, nobody will issue tickets because it is a "Church." On that particular evening in September, we called and at 12:10 a.m., the Fire Department was there because somebody pulled an alarm. And, at 2:10 a.m., I called to report a fight in the parking lot at which time the Police responded and were assaulted by somebody who was attending a party. They have these loud disco parties, they have Latino parties. And, I'm actually glad Mr. Gallagher is here because he is a musician and understands how music travels and how base travels, it goes through walls and bed rooms and I have a 3 ½ year old and a 6 year old and we made some notes with my wife and this is in no particular order. They had a circus about 5 years ago, 6 or 8 campers in the parking lot, out of town travelers sleeping in the parking lot, which I know is again the Town Ordinance, and they took all the poles for the circus tent and packed the trailers with them, hollow aluminum poles..ding ding ding for three hours, Police did nothing about it.

We have had multiple trespassing issues, people wander into our backyard. They play on our swing set. We asked some children where they are from, they are from Clifton, Paterson, they are not from Whippany. Not that there is anything wrong with people from those areas, but they are not from here. We were having a fire one night in our chimaneya in the backyard and three people wandered into our backyard at 9:00 pm. There with my family, where are you from, "We are next door at an event at the church". Okay, we called the Police, the Police told me that we should have a no trespassing sign on the edge of my property to keep people from trespassing onto my property. This is Ludacris.

When the parties are over whether it's 12, 1, or 2, 2:30 2:45, they take the recycling out to the garbage. We all know what that sounds like. When we do our own at home with a wine bottle, a couple of beer bottles and you know whatever, imagine a 100 or 150 beer bottles at 2:00 in the morning. They use their car alarms to locate their vehicles in the parking lot at 1:30 in the morning. When the party is over some people carry on and have a party in the parking lot; they open up the trunk of their car and they play music. On a particular evening when the gentleman was arrested that was at 2:10 a.m. and at 2:40 a.m., we had to call the Police back because the DJ's were loading their equipment into their van and they have their music blasting out of the van, and we had to call the officers back and the dispatcher actually said, "Well what do you want me to do?" I said "its 3:00 in the morning, this is unacceptable." I'm assuming this is the first time any of you have heard of any of this?

Mayor: To this extent, yes.

Mr. Gethins: Just recently, Saturday evening I witnessed a fight, I have video of it on my phone, I have voice recording of it, and there were about 8 or 9 teenage boys full on brawl in the parking lot. It was loud enough that we heard it inside my home had

to go out had the Police there earlier around 9:00 with a noise complaint, they told me it was completely acceptable. I said "The bass is so loud that there is change rattling on my kitchen table so that is completely acceptable?" Another Officer came and he said it goes according to the decibel ratting, so I asked what is the decibel ratting, he replied he don't know. Where is the decibel meter I asked? He told me there was nobody on staff to use it.

Going back to November 1, we arrived home from dinner around 9:00 there is a patrol car in the dead end, I walk over to make sure everything is ok, he said he was there because emails were sent I believe by you and/or the Chief and he was told that he needed to make sure there was another Latino dance party and that the noise wasn't excessive, now the reason I bring this up is that was an officer on duty, to protect the Township of Hanover, and he wasn't being paid by the church. Further investigating and talking to the Office, nobody would take the Over Time on the Department. Furthermore, I ran into a Sheriff's Officer two days later at the Quick Chek and he said he was offered the over time but had a personal engagement and nobody wanted it. So we as residents of this Township paid indirectly for security for them to have a Latino Party on the taxpayer's dime and not on the dime of the Ukrainian Center. I don't think that is fair. People outside of and they should have onsite security. This is an ongoing problem. I have the Police there, and they said to me, why would you build a house next to this, why would knowingly build a house next to this, is that a reasonable thing for somebody to say to me?

Mayor: No.

Mr. Gethins: I really wish I didn't have to be here, to have to do this, but the disruption that it has caused my wife and I, my children, my son get concerned when the Police are at the house, which is very understandable. "Daddy, are you going to be arrested," we had a Cop there Saturday night, he was full on arguing with me, I mean arguing loud, on my front lawn with me that it was acceptable level of noise. My wife printed an email that we sent to them, I would like, if I can, give it to you and maybe you can make copies.

Mayor: What I am going to recommend, that is quite a tale...

Mr. Gethins: Can I approach, I have some pictures. This is June 21, Police were on the property three times and no tickets were issued. Cars are parked both directions in the fire zone, if there was ever a fire a fire truck would never get in there. Here is another one, no tickets issues. Sorry I'm doing this, but I need to do what I need to do.

Mayor: Please don't think you have to say you are going to regret I mean what we want to do, is look we have

Mr. Gethins: I just want to indemnify my complaint, so I am not just some lunatic; the Police Department said to mind your own business, really?

Mayor: Let us look into this in the following manner, the first thing we will do is check the records not only with the Police Department but with the Property Maintenance Officer to see what kind of issues have been reported and what we have on the site. Secondly, we will make a recommendation that El Desimoni and/or Sean meet with Father Roman and other persons of interest at the Church.

Mr. Gethins: Can I just excuse you for one second, when we were notified, I believe it was 2005, that they were building the Church/Community Center, we sat down and said we are not going to go to the Board of Adjustment Meeting because it's a church, we are going to leave it alone, well the Church was actually constructed and completed last year, the Community Center was done first and you know I'm not here about Church bells, complaining about their annual fare, which we don't go to, but, I understand it is a very good time. We are starting to get concerned with things, kind of escalating and you know getting worse, and, I don't think I need to elaborate on that. Furthermore, when they were erecting the Church, I came to this very room and I spoke, to just put it out in the air to the Board of Adjustment to let them know what was going on with the noise at the time, and the Priest said in a recording in the room, "If you think the noise is bad for you, you should hear from me." About a year and half later I filed charges against them, came to court and the Judge threw it out because we didn't have a decibel reading. And, at that point, the Priest was asked if he hears any noise, he said he never heard noise through any of the events. Yet he was here and recorded in a Board of Adjustment Meeting....

Mayor: I'm going to stop you, we are getting into he said she said, here say, I can't deal with that, so what the Township is going to do is we are immediately going to look into this, look into it through a property maintenance officers and through our Building Inspectors and we want to see the level of complaints, and by the way we will be looking into this George with our Police Department. He is the Director of Public Safety and what we may have to do is bring in members of their Church Counsel or whoever is the powers to be over there whether it's Father Roman or some of his members, etc. Regardless of neighbors, regardless of names, the level of complaints that I'm hearing here has to be answered by them. If we find that we can substantiate much of what you are saying, and don't for one moment think I doubt what you are saying, then the Township will take proper legal action. The Township has been known to take property owners into its own Municipal Court, so give us the opportunity to look into it.

Mr. Gethins: We did a google search on their banquet facility and it came up on a night club website as a cheap alternative to a bar. So, that's a fact.

Mayor: That doesn't make me feel good, well we are aware that they do have a banquet facility there, it is supposed to be adjunctive to the Church itself, and I don't know how we should feel about them advertising it as a commercial facility for rent. But that's beside the point.

Mr. Gethins: I guess you guys can take care of that.

Mr. Gallagher: Pete, in the beginning you said that you have if I heard you correctly 90 complaints?

Mr. Gethins: Yes.

Mr. Gallagher: Over what period of time?

Mr. Gethins: I want to say 6 years and just up to discount the fact that we were out of the house for 9 months while it was under construction. So I tried to get that information from Det. Siino today, and he was gone by the time I got back to Police.

Mayor: We just need an opportunity to collaborate what we are hearing here, through the Buildings Department and through El Desimoni through Property Maintenance, and once we can pull this all together, I think it will require probably will require bringing in church officials and sitting down and discussing this and think about what we are doing about it, because if our understanding is that the Community Center and Cultural Center was adjunctive to the Ukrainian Church and it's uses etc., if they are using it in a far more high profile commercial way, then we think we need to know that and they are going to have some regulations. That we are going to find out that they are abiding by or they are not. And, if they are not, then we will take appropriate actions. Give us an opportunity to look into it and you can stay in touch with the Administrator. And, we will let you know where we are along the way with it. Getting into a little Holiday days here, so I can't promise you I will get back to you this week. But, I do have a policy of wanting to take immediate action on any complaints like this.

Mr. Gethins: You have a reputation for getting things done.

Mayor: We will try to get some answers from our side of the desk as soon as we can for you.

Mr. Gethins: Thank you for listening and thank you in advance for all your help.

Mayor: I'm sorry you had to bring that to our attention, but thanks for coming in.

Hearing none seeing none, motion to close made by Member Ferramosca and seconded by Member Brueno.

COMMUNICATIONS:

Submission Of Letter Of Retirement From Part-Time Plumbing Sub-Code Official Edward Bucceri Effective December 31, 2014.

Motion to accept Letter of Retirement made by Member Brueno and seconded by Member Gallagher and unanimously passed.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of November 13, 2014 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of November 13, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

ORDINANCES FOR INTRODUCTION:

ORDINANCE 44-14

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION BY ADDING AN ALTERNATIVE MIXED-USE DEVELOPMENT OPTION FOR THE TC- TOWN CENTER ZONE DISTRICT

WHEREAS, the Chapter 166 of the Township of Code currently delineates certain properties along Eden Lane between Jefferson Road and Parsippany Road as a TC – Town Center District, which district was adopted by Ordinance 19-2004; and

WHEREAS, the TC zone district permits development of a mixed use planned commercial development incorporating a mixture of commercial, public and residential uses; and

WHEREAS, the TC zone district has remained undeveloped over the last ten years since its creation; and

WHEREAS, the Township Committee desires to accommodate an alternative mixed-use development option for the TC zone district, which development would be consistent with the historic use of the property and compatible with the surrounding area, while also continuing to permit the original planned commercial development;

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

Section 1. Section 166-207.1., *Purpose*, in Article XXXVIIA, *T-C Town Center District*, is hereby amended and supplemented to read as follows:

§ 166-207.1. Purpose.

The Town Center Zone District provides for a range of professional office, retail and limited residential uses to function as a mixed-use district within the geographic core of the Township of Hanover. It is further intended to create within the Town Center District vibrant open space and public access to the Whippany River. The district is intended to be designed in accordance with a comprehensive plan for the entire district with regard to the location of buildings, parking, public open space, vehicular and pedestrian circulation networks, utilities, storm water management and related site improvements, as set forth in § 166-207.2. The district is also intended to accommodate an alternative development scheme incorporating a mixture of office, warehouse and light industrial buildings and housing as set forth in § 166-207.3.

Section 2. The opening paragraph of Section 166-207.2., *Planned commercial development*, in Article XXXVIIA, *T-C Town Center District*, is hereby amended to read as follows:

§ 166-207.2. Planned commercial development - mixed-use town center.

In the T-C Town Center District, no building or premises shall be used and no building shall be erected or altered except as part of a planned commercial development for a mixed-use town center in accordance with the following standards or, in the alternative, for a mixed-use development in accordance with §166-207.3.:

Section 3. Section 166-207.3. in Article XXXVIIA, *T-C Town Center District*, is hereby amended to read as follows:

§166-207.3. Alternative development option.

As an alternative to the mixed-use planned commercial development permitted and regulated by § 166-207.2., there shall be permitted a mixed-use development in accordance with the following standards:

A. Permitted principal uses.

- (1) Industrial uses permitted in the I – Industrial zone district and meeting the performance standards of §166-197.
- (2) Storage and distribution warehouses.
- (3) Offices.
- (4) Laboratories devoted to research, design and experimentation.
- (5) Data processing centers.

- (6) Child care centers.
- (7) Buildings containing a combination of one or more of the uses in Paragraphs (1) through (6) above.
- (8) Single-family attached dwellings, also known as townhouses.
- (9) Multi-family dwellings.
- (10) Public uses and buildings owned or operated by the Township of Hanover or other governmental entity.

B. Permitted accessory uses.

- (1) Retail sales and retail services shall be permitted only if they are accessory to a permitted principal use.
- (2) Other accessory uses and accessory buildings incidental to any of the permitted principal uses.

C. Prohibited uses. Any use not specifically permitted shall be prohibited. In addition, and notwithstanding the uses permitted in Subsections A and B above, the following uses shall be specifically prohibited:

- (1) The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except as specifically permitted herein.
- (2) Storage yards, except outdoor storage accessory to a permitted principal use.
- (3) The sale or rental of motor vehicles, mobile homes, trailers and campers.
- (4) Fuel oil dealers.
- (5) The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- (6) Trucking terminals. This prohibition is not intended to exclude warehousing and manufacturing uses to which trucking is ancillary.
- (7) Buildings containing a combination of nonresidential and residential uses, except for a mixture of residential uses with nonresidential uses that are accessory to the residential use, such as recreational space, meeting rooms, etc. for residents.

- (8) Any use prohibited in all nonresidential zones or throughout the Township by other regulations.

D. Nonresidential development standards.

- (1) Maximum floor area, nonresidential uses: 455,295 square feet for the district as a whole. Exempt from the foregoing floor area limitation are any public uses, parking decks and any nonresidential facilities associated with residential development, including, but not limited, to a club house and enclosed recreational facilities.
- (2) Minimum office floor area. 22% of the total nonresidential floor area in the district.
- (3) Maximum building height: 45 feet.
- (4) Maximum improvement coverage: 65% of the tract area devoted to nonresidential use.
- (5) Minimum setbacks for principal and accessory buildings, unless buffer or other requirements impose a greater setback:
 - (a) 75 feet from any public street.
 - (b) 75 feet from any residentially developed lot within the tract, or if the residential development within the tract is not located on a separate lot, 125 feet from any residential building.
 - (c) 125 feet from any vacant or residentially developed property in a single-family residential zone district, including but not limited to the R-15 zone district.
 - (d) 50 feet for principal buildings, and 20 feet for accessory buildings, from the property of the Morristown and Erie Railroad containing railroad tracks.
 - (e) 50 feet from Whippany River (top of bank) or other open water feature.
- (6) No nonresidential development shall be permitted in that portion of the district located between the Morristown and Erie railroad tracks, Legion Place and the Saint Mary's Roman Catholic Church cemetery property on Legion Place.
- (7) Minimum buffer between nonresidential and residential development. A planted buffer having a depth of at least 50 feet shall be provided between any nonresidential development and any residential development within or adjacent to the district. The buffer shall be designed to screen the nonresidential development from the view of the residential portion of the project. The foregoing buffer requirements shall not apply in the case of

nonresidential development that is separated from the residential portion of the tract by the railroad property.

- (8) Truck access. The nonresidential development shall be designed to provide primary access to the property by large trucks from streets other than Eden Lane or Parsippany Road and to discourage use by large trucks of any access driveways from such streets. The primary route of access for large trucks shall be via Apollo Drive or Rosin Road, and the developer shall make all reasonable efforts, with the cooperation of the Township, to provide such access. For purposes of administering the foregoing requirements, "large trucks" shall be construed to mean any vehicle, other than emergency vehicles, with a wheelbase of at least 30 feet.
- (9) Parking and loading. The number and design of parking and loading spaces and driveways shall be in accordance with the provisions of Articles XV and XXIII of this chapter and any other provisions that apply generally to parking, loading and driveways, unless specifically provided otherwise by this Section. In addition, parking and loading areas shall comply with the following setback requirements, unless the buffer or other requirements impose a greater setback:
 - (a) 75 feet from any public street.
 - (b) 50 feet from any residentially developed lot within the tract, or if the residential development within the tract is not located on a separate lot, 75 feet from any residential building.
 - (c) 50 feet from any property in the a single-family residential zone district, including but not limited to the R-15 zone district.
 - (d) 10 feet from the property of the Morristown and Erie Railroad containing railroad tracks.
- (10) Signs. Signs for nonresidential development shall comply with the sign regulations applicable in the I – Industrial zone district.

E. Residential development standards.

- (1) Minimum and maximum residential area: 4 acres for any residential lot, or for any portion of the tract containing residential development not located on a separate lot, provided that the total area within the district developed for residential purposes shall be at least 8 acres and not greater than 11 acres.
- (2) Maximum number of dwelling units:
 - (a) 120 dwelling units for the entire district.

- (b) 20 dwelling units within that portion of the district located north of the Morristown and Erie railroad tracks.
 - (c) 50 units in any multifamily building.
 - (d) 8 units in any townhouse or other single-family attached building.
- (3) Maximum improvement coverage: 65% of any residential lot or portion of the tract containing residential development not located on a separate lot.
- (4) Maximum residential building height: 45 feet and three stories.
- (5) Minimum setbacks for principal and accessory buildings, unless buffer or other requirements impose a greater setback:
- (a) 75 feet from any public street, except that the minimum setback from Legion Place shall be 50 feet.
 - (b) 75 feet from any non-residentially developed lot within the tract, or if the nonresidential development within the tract is not located on a separate lot, 125 feet from any nonresidential building.
 - (c) 100 feet from the property of the Morristown and Erie Railroad containing railroad tracks.
 - (d) 35 feet from any other tract boundary.
 - (e) 50 feet from Whippany River (top of bank) or other open water feature.
- (6) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
- (a) Front wall facing front wall: 45 feet any point; provided, however, that the average distance between the front walls of any two buildings shall not be less than 55 feet.
 - (b) Front wall facing rear wall: 50 feet.
 - (c) Front wall facing end/side wall: 35 feet.
 - (d) End/side wall facing end/side wall: 25 feet.
 - (e) End/side wall facing rear wall: 30 feet.
 - (f) Rear wall facing rear wall: 40 feet.
 - (g) In the event of uncertainty as to the definition of "front," "rear" or "end/side" walls, or where the angle of the walls facing each other makes the interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.

- (7) Building design standards.
 - (a) Building dimension. The horizontal dimension of buildings shall not exceed 200 feet on any facade.
 - (b) Front wall horizontal projection. At least one story of the front wall of all principal buildings shall provide a horizontal projection or recess of at least four feet perpendicular to such front wall, at intervals of no greater than 30 feet measured parallel to such front wall. Such projections or recesses shall have a horizontal dimension of at least 12 feet, measured parallel to such front wall. The projections or recesses shall extend the full vertical height of the building story.
 - (c) Front wall material. The front wall of all principal buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each material shall comprise at least 25% of the front wall surface area.
 - (d) Windows and doors. At least 15% of the surface area of each wall of all townhouse and apartment buildings shall be comprised of windows and doors. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.
- (8) At least 100 housing units within the district shall be restricted to occupancy by persons 55 years of age or older housing so as to qualify for the "housing for older persons" within the meaning of the Fair Housing Amendments Act of 1998 and any amendments thereto, including but not limited to the Housing for Older Persons Act of 1995.
- (9) Minimum gross floor area, dwelling units:
 - (a) Efficiency: 600 square feet.
 - (b) One-bedroom: 700 square feet.
 - (c) Two-bedroom: 900 square feet.
 - (d) Three-bedroom: 1,050 square feet.
- (10) Affordable housing: At least 20 of the total housing units shall be affordable, provided that at least 15 affordable units shall have no age restriction or other occupancy restriction except as provided for family housing units by the rules of the New Jersey Council on Affordable Housing. In addition, all affordable dwelling units shall comply with all applicable rules and regulations of the N.J. Council on Affordable Housing at N.J.A.C. 5:97, of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., the N.J. Fair Housing Act

and all other applicable rules and regulations pertaining to affordable housing, all as may be amended. In case of conflict between said rules, regulations and statutes and the requirements of this article, said rules, regulations and statutes shall supersede.

- (11) Parking and access. The number and design of parking spaces and driveways shall be in accordance with the provisions of Articles XV and XXIII of this chapter and any other provisions that apply generally to parking, loading and driveways, unless specifically provided otherwise by this Section. In addition, parking areas shall comply with the following setback requirements, unless the buffer or other requirements impose a greater setback:
- (a) 75 feet from any public street, except that the minimum setback from Legion Place shall be 50 feet.
 - (b) 10 feet from any other tract boundary.
- (12) Signs. Signs for residential development shall comply with the sign regulations applicable in the R–M zone district.

F. Development standards applicable to both nonresidential and residential uses.

- (1) No buildings, parking or loading areas, or other improvements shall be permitted between the Whippany River and Eden Lane, except for underground driveways providing access from Eden Lane to the development, necessary utilities to service the development, pathways, signage, lighting, landscaping and any improvements related to the foregoing.

Storm water detention or retention basins or similar structures may be located within this area only if the same are located underground or are planted with trees and shrubbery so as to function as a buffer and landscape amenity, as determined by the Planning Board.

- (2) Applicant shall verify compliance with N.J.A.C. 7:26E and any other applicable regulations for site remediation as a prerequisite for preliminary site plan/subdivision approval.

Section 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the December 22nd, 2014 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the December 4th, 2014 issue of the Daily Record. And pursuant to the Land Use Law the Ordinance will be transmitted to the Hanover Township Planning Board for referral, review and recommendation.

Motion on introduction made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

So Introduced.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 215-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING VALERIE WARD TO SERVE AS A REGULAR MEMBER OF THE BOARD OF HEALTH IN FILLING THE UNEXPIRED THREE (3) YEAR TERM OF OFFICE OF DR. JOHN GRAEBER, DMD WHICH TERM OF OFFICE SHALL EXPIRE ON DECEMBER 31, 2016, ALL IN ACCORDANCE WITH SECTION 27-3.C. ENTITLED "TERMS; VACANCIES." UNDER CHAPTER 27 OF THE CODE OF THE TOWNSHIP ENTITLED BOARD OF HEALTH

WHEREAS, the Township Committee initially appointed Dr. John Graeber, DMD to serve as a regular member on the Board of Health effective January 1, 2006; and

WHEREAS, since that time, Dr. Graeber has continued to serve as a regular member of the Board; and

WHEREAS, in an e-mail dated September 4, 2014, Dr. Graeber advised Dr. George VanOrden, the Township's Health Officer/Environmental Specialist that he was resigning from the Board of Health effective September 5, 2014 since he would be relocating his primary residence to another municipality; and

WHEREAS, Dr. Graeber's current three (3) year term of office shall expire on December 31, 2016; and

WHEREAS, in an e-mail dated November 20, 2014 from Dr. Stanley Zaborowski, the President of the Board of Health to Mayor Ronald Francioli, Dr. Zaborowski advised the Mayor that the Board of Health, during its November 19, 2014 regular meeting reviewed the resume of **Valerie Ward** and is recommending her appointment to fill the unexpired three (3) year term of office of Dr. Graeber.

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

1. In accordance with Section 27-3.C. Entitled "Terms; Vacancies." Under Chapter 27 of the Code of the Township entitled Board of Health, and, in accordance with the recommendation of the Board of Health, the governing body hereby appoints **Valerie Ward** residing at 194 Bee Meadow Parkway in Whippany, New Jersey 07981, to serve as a regular member of the Board of Health in filling the vacant unexpired term of regular Board Member Dr. John Graeber.
2. **Ms. Ward's** term of office shall expire on December 31, 2016 or until such time as **Ms. Ward's** successor shall be appointed and qualified.
3. The appointment of **Ms. Ward** as a regular member of the Board of Health shall take effect immediately upon the approval of this resolution.
4. That a certified copy of this resolution shall be transmitted to Dr. VanOrden and **Ms. Ward** for reference and information purposes.

RESOLUTION NO. 216-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING SARAH S. HENDERSON AS THE TOWNSHIP'S REPLACEMENT FULL-TIME DEPUTY MUNICIPAL COURT ADMINISTRATOR IN THE VIOLATIONS BUREAU FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING DECEMBER 1, 2014 AND ENDING JUNE 1, 2015 AND ESTABLISHING HER COMPENSATION AT \$29.67 PER HOUR, OR, IF ANNUALIZED A SALARY OF \$54,000.00 UNDER JOB GROUP IV IN ACCORDANCE WITH SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 23-2014 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY RECORD CHECK)

WHEREAS, with the resignation of Carmella Bassolino effective August 29, 2014, a need exists to fill Ms. Bassolino's vacant position as the full-time Deputy Municipal Court Administrator; and

WHEREAS, the position of full-time Deputy Municipal Court Administrator is classified under Job Group IV under Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 23- 14; and

WHEREAS, a total of three (3) applications were received by the Business Administrator; and

WHEREAS, in accordance with the Township's job application process, all three (3) applicants were initially interviewed by the Interview Committee consisting of the Certified Municipal Court Administrator, the Township's Human Resource Specialist, the Township's Municipal Court Judge and a representative of the Morris-Sussex Vicinage; and

WHEREAS, the applicants were rated on their prior employment experience and expertise, and their overall skills and abilities to perform the duties and tasks of full-time Deputy Municipal Court Administrator; and

WHEREAS, subsequently, the Business Administrator and Human Resource Specialist conducted a second interview with the candidate recommended by the Interview Committee on October 28, 2014 whose background and experience closely matched the job requirements of the full-time Deputy Municipal Court Administrator position; and

WHEREAS, as a result of the second interview with the finalist, the Business Administrator and Human Resource Specialist believe that **Sarah S. Henderson** residing at 17 Westover Avenue, B-6 in Caldwell, New Jersey 07006 has the necessary work experience, job qualifications and administrative skills closely matching the Township's job description for the full-time Deputy Municipal Court Administrator position and should be appointed to fill the vacancy; and

WHEREAS, **Ms. Henderson** shall serve as the full-time Deputy Municipal Court Administrator for a six (6) month probationary period commencing Monday, December 1, 2014 and ending on Monday, June 1, 2015; and

WHEREAS, in accordance with Salary Range Guide "C" of Salary Ordinance No. 23-2014, **Ms. Henderson** shall be compensated at the hourly rate of \$29.67 per hour or if annualized, a salary of \$54,000.00 under Job Group IV. Pursuant to Township policy, **Ms. Henderson** shall not be entitled to receive any other salary increases other than the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Certified Municipal Court Administrator; and

WHEREAS, **Ms. Henderson** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. Of Chapter 61 of the Code of the Township entitled Salaries and Compensation; and

WHEREAS, in accordance with the Township's Personnel Policies and Procedures, and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township, **Ms. Henderson** shall be subject to receiving a satisfactory medical examination, a negative

drug test and a negative criminal history record check conducted by the New Jersey Division of State Police.

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 **Sarah S. Henderson** residing at 17 Westover Avenue, B-6 in Caldwell, New Jersey 07006 is hereby appointed as the full-time replacement Deputy Municipal Court Administrator for a six (6) month probationary period commencing Monday, December 1, 2014 and ending Monday, June 1, 2015.

2. In accordance with Salary Range Guide "C" of Salary Ordinance No. 23-2014, **Ms. Henderson** shall be compensated at \$29.67 per hour under Job Group III. The \$29.67 hourly rate is equivalent to \$54,000.00 per annum for a full-time employee working a 35 hour work week. Pursuant to Township policy, **Ms. Henderson** shall not be entitled to receive any other salaries increases other than the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Certified Municipal Court Administrator.

3. **Ms. Henderson** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 6118. Of Chapter 61 of the Code of the Township entitled Salaries and Compensation. In the event that **Ms. Henderson** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. Henderson** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.

4. Pursuant to Section 61-14.C., entitled "Health Benefits Coverage" under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies, **Ms. Henderson** shall be required to pay 25% of the total monthly premium cost for health insurance/medical benefits coverage under any one (1) of the three (3) health insurance plans offered by the Township.

5. **Ms. Henderson** shall be entitled to a .5 vacation day during calendar year 2014 in accordance with Section 61-10.C. and D. of Chapter 61 of the Code of the Township but shall not be permitted to utilize the .5 vacation day until she has completed her six (6) month probationary period and received a satisfactory job performance evaluation. In addition, **Ms. Henderson** shall be eligible to earn and accrue .5 sick leave days per month up to six (6) sick leave days in each calendar year of service pursuant to Section 61-11.A.(3) of Chapter 61. Here again, **Ms.**

Henderson is not permitted to take any paid sick leave until she has satisfactorily completed her probationary period.

5. This offer of employment is conditional and subject to **Ms. Henderson** receiving a satisfactory medical examination, a negative drug test and a negative criminal history record check, all in accordance with the Township's Personnel Policies and Procedures and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township.

6. That a certified copy of this resolution shall be transmitted to the Certified Municipal Court Administrator, the Chief Municipal Finance Officer and **Ms. Henderson** for reference and information purposes.

RESOLUTION NO. 217-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE REINSTATEMENT AND RECLASSIFICATION OF EDWARD FAHY TO THE POSITION OF LABORER II/SANITATION COLLECTOR II/TRUCK DRIVER I AT THE SPLIT HOURLY RATES OF \$28.21 PER HOUR AND \$30.53 PER HOUR UNDER JOB GROUPS IV AND V RESPECTIVELY DEPENDING ON THE ASSIGNMENTS TO BE PERFORMED WHICH REINSTATEMENT AND RECLASSIFICATION SHALL TAKE EFFECT ON MONDAY, DECEMBER 1, 2014

WHEREAS, Edward Fahy began employment with the Township on May 2, 1994 as a Laborer II/Sanitation Collector II/Truck Driver I in the Public Works Department; and

WHEREAS, Mr. Fahy possessed a valid Class "A" Commercial Driver License (CDL) as a condition of his employment which permitted him to drive certain vehicles and perform safety sensitive functions as an essential component of his job duties; and

WHEREAS, as a result of a motor vehicle accident on June 19, 2013, Mr. Fahy's Commercial Driver License was suspended thereby rendering him unable to perform the essential functions of his employment for a period of up to one (1) year; and

WHEREAS, as a result of losing his CDL driving privileges, Mr. Fahy was demoted and reclassified to the position of Laborer I/Sanitation Collector I at the rate of \$25.06 per hour effective July 22, 2013; and

WHEREAS, on December 27, 2013, Mr. Fahy entered into a Last Chance and Rehabilitation Agreement which required **Mr. Fahy** to comply in full with certain terms and conditions; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department has advised the Business Administrator/ Township Clerk that **Mr. Fahy's** Class "A" Commercial Driver License was restored by the New Jersey Motor Vehicle Commission as of November 19, 2014; and

WHEREAS, in view of the reinstatement of his CDL, and the continued compliance with the terms and conditions of the December 27, 2013 Last Chance and Rehabilitation Agreement, it is the recommendation of the Business Administrator/ Township Clerk, that **Mr. Fahy** be reinstated and reclassified to his original position of Laborer II/Sanitation Collector II/Truck Driver I under Job Groups IV and V of the IBT, A-1 Salary Guide.

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

1. As a result of the restoration of his Class "A" Commercial Driver License and successfully complying with the terms and conditions of the December 27, 2013 Last Chance and Rehabilitation Agreement, **Edward Fahy** is hereby reinstated and reclassified to his original position of Laborer II/Sanitation Collector II/Truck Driver I effective Monday, December 1, 2014.
2. In accordance with the 2014 IBT A-1 Salary Guide as set forth in Salary Ordinance No. 26-2014, **Mr. Fahy** shall be compensated at the split rate of \$28.21 under Job Group IV whenever he performs Laborer II/Sanitation Collector II duties or at the rate of \$30.53 under Job Group V whenever he is assigned Truck Driver I duties.
3. The Township's Chief Municipal Finance Officer is hereby authorized and directed to make the necessary payroll adjustments with **Mr. Fahy's** return to his original job position on December 1, 2014.
4. Irrespective of his reinstatement to the position of Laborer II/Sanitation Collector II/Truck Driver I, the December 27, 2013 Last Chance and Rehabilitation Agreement remains in full force and effect and **Mr. Fahy** is bound by all of its provisions.
5. That certified copies of this resolution shall be transmitted to the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 218-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A TWELVE (12) MONTH, ONE TIME EXTENSION OF THE HEATING, VENTILATING AND AIR CONDITIONING PREVENTIVE MAINTENANCE AND REPAIR SERVICES

CONTRACT BY AND BETWEEN THE TOWNSHIP AND RAMAS CLIMATE AND REFRIGERATION, LLC BASED ON THE SAME PRICING AND TERMS AND CONDITIONS AS THE ORIGINAL CONTRACT FOR THE PERIOD COMMENCING OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-15

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee, during its September 26, 2013 regular meeting approved a resolution awarding a contract to **Ramas Climate and Refrigeration, LLC** for the performance of preventive maintenance and repair services for the heating, ventilation and air conditioning systems located at the Municipal Building, the Multi-Purpose Community Center, Monroe Hall and the Public Works Department Garage; and

WHEREAS, **Ramas Climate and Refrigeration, LLC**, was the lowest responsible and responsive bidder who submitted a bid in the amount of \$6,500.00 for preventive maintenance services, and repair services, based on the vendor's hourly rates when such repair services are required by the Township; and

WHEREAS, the contract period began on October 1, 2013 and ended on September 30, 2014; and

WHEREAS, N.J.S.A. 40A:11-15 provides that municipalities may enter into contracts for the furnishing of materials, supplies or services for a period not to exceed twenty-four (24) consecutive months; and

WHEREAS, the Local Public Contracts Law also provides that the governing body, may by resolution, extend a service contract for no more than one, two (2) year, or two, one (1) year extensions, subject to certain limitations; and

WHEREAS, the Township Engineer has determined that **Ramas Climate and Refrigeration, LLC** has performed in an effective and efficient manner during the twelve (12) month contract period, that is, from October 1, 2013 through September 30, 2014 and recommends that the contract be extended for an additional twelve (12) month period commencing October 1, 2014 through September 30, 2015; and

WHEREAS, **Ramas Climate and Refrigeration, LLC** advised the Township's Business Administrator that it agrees to extend the contract through September 30, 2015 based on the same terms, conditions and pricing as set forth in the original contract executed on October 23, 2013; and

WHEREAS, based on the recommendation of the Township Engineer and the consent of **Ramas Climate and Refrigeration, LLC**, the Township Committee wishes to extend the heating, ventilating and air conditioning HVAC Preventive Maintenance and Repair Services contract for the twelve (12) month period commencing October 1, 2014 and ending September 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 N.J.S.A. 40A:11-15, the governing body hereby extends the HVAC Preventive Maintenance and Repair Services contract awarded to **Ramas Climate and Refrigeration, LLC** for one twelve (12) month extension of time commencing October 1, 2014 and ending September 30, 2015. The prices for preventive maintenance services, and the hourly labor rates for repair services, when necessary, and all other terms and conditions, shall remain the same as those prices stipulated in the October 23, 2013 written contract by and between the Township and **Ramas Climate and Refrigeration, LLC** as follows:

<u>Preventative Maintenance Services:</u>	\$6,500.00 Lump Sum;
<u>Hourly Labor Rates for Repair Services:</u>	
A. Regular Hourly Labor Rate: Monday to Friday 8:30 a.m. to 4:30 p.m.	\$60.00 per man hour;
B. Weekday Overtime Labor Rate: Monday to Friday after 4:30 p.m. & All Day Saturday	\$90.00 per man hour; and
C. Overtime Labor Rate: Sunday and Holidays	\$120.00 per man hour.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and **Ramas Climate and Refrigeration, LLC** for reference and information purposes.

RESOLUTION NO. 219-2014

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO OUTSIDE LIENHOLDER

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 3, 2012, a lien was sold on Block 303, Lot 9, also known as 35 Cross Road, Morris Plains, New Jersey 07950, for 2011 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 2012-02, was sold to Glenn Carter for a 0% redemption fee and a \$300.00 premium paid; and,

WHEREAS, Elizabeth Gioia, owner has affected redemption of Certificate 2012-02 in the amount of \$2,312.81.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$2,312.81, payable to Glenn Carter, 34 Briarcliff Road, Mountain Lakes, New Jersey 07046 for the redemption of Tax Sale Certificate 2012-02.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Office be authorized to issue a check in the amount of \$300.00 (Premium) to the aforementioned lien holder.

Motion to approve by Member Coppola and seconded by Member Gallagher and unanimously passed as consent agenda.

RAFFLE LICENSES:

- RL-2802 – Our Lady of Mercy Church –HNS – Calendar Raffle
- RL-2803 – Pope John XXIII High School – 50/50 on premise

Motion to approve by Member Coppola and seconded by Member Gallagher and unanimously passed as consent agenda.

OTHER BUSINESS:

Mayor: Is there any other business from the Township Committee?

Member Gallagher: This Friday night, Hanover Youth Nights for grades 3-6 will be at the Florham Park Roller Rink at 8:00 P.M. We have Paulie G's now as part of our crew supplying pizza for all of our kids. Should be a good time.

Second Substance Awareness Council event for this weekend. First time we have two events in one weekend, is Hanover Township's AMA is working with one of our Girl Scouts to achieve her Gold Award, and she is doing a dry run of her self-defense seminar that she is going to be performing at the High School. Everyone is welcome to come check it out, and it's from 2-3 at American Martial Arts.

Member Brueno: Department of Public Works there is snow in the forecast for Wednesday, hard to believe, the winter that never ended last year is starting early this year, plows are ready to go, we have ample amount of salt but even though it's one of the biggest travel days of the year. We just want to ask everyone to if at all possible please stay off the roads, there are some leaves that still need to be picked up and adding some snow and potentially some rain to the mix can cause for some dangerous travels. So if at all possible if the weather comes in as predicted, we ask everybody only to get on the roads if absolutely necessary.

Member Coppola: Just two things, Senior Luncheon is on December 17, 2014 looking forward to attending. Also, this past Saturday, the Landmark Commission had a

forum over at the Community Center, first of all I thank the Committee for all its past support, and, I thank the Mayor and John Ferramosca for coming last Saturday morning. The Mayor opened up the event which was extremely well received. There were close to 200 people there. It was due to go on from 9-1 they exceeded it to 1:25 but folks did not leave until 4:00, there wasn't one piece of food left over, and we thought we ordered too much. The fact that the Iron Works and what they represented in the historical significance it was amazing to see the number of people who had so much historical knowledge that we actually had to cut them short, or otherwise we could only get 1 or 2 people that would talk forever and ever. Everything went extremely well and again I personally, as liaison to the Commission I thank the Committee for their support, without their support we could never do what they do. So thank you very much.

Mayor & Member Ferramosca: Good job.

Mayor: Lot of participation from our Library on through, and it was a very successful day and I'm proud to be part of it.

Member Ferramosca: Mayor, I would like to address the South Campus zoning change request. Committee Members we have received a request from the owners of South Campus requesting a rezoning of the property for a variety to future development uses. This is not a development application, which would be filed with the Board of Adjustment or the Planning Board; it's simply a request for the Township Committee, which is the Governing Body to consider from a Legislative and Policy making stand point of rezoning this subject property. It's the consensus of the Township Committee that at this time, there is no desire to rezone the property from its existing Office Business Research Lab OBRL Zone designation.

Certainly the South Campus is an important article part of the future of Hanover Township and the Governing Body is not interested in pursuing such a change at this time. Accordingly, I am asking for a motion stating that the Business Administrator notify the property owner that the Governing Body is not interested in rezoning the property at this time.

Motion made by Member Gallagher and seconded by Member Brueno, based on the motion was unanimously passed.

OPEN TO THE PUBLIC

Motion to open to the public made by Member Coppola and seconded by Member Gallagher and unanimously passed.

Kumal Andican, 19 South Belair Avenue, Cedar Knolls & 40 Nye Avenue: At the beginning of the year, I asked for Dennis Avenue, to be vacated and if there was any

interest to be vacated. I think May 2014 it was introduced. The Ordinance was adopted July 10, 2014. So I just want to know is it technically a road still or is it a piece of property that the Township Owns.

Mr. Giorgio: Mr. Andican knows that there has been a delay in perfecting the vacation, because there was some concern whether or not we could get the necessary sewer easements through the adjacent property owner, being the Birchwood Manor, we were able to get the sewer easements, but the question that a road in the end was whether or not the Township actually owned the road then. If you can recall when we were in my office about two weeks ago, I contacted Mr. Semrau, Mr. Semrau said he would look at the Title Search, which he has and you have a copy of, and which you paid for, and as late as last Friday, I spoke to Mr. Semrau and he promised me he would give me a legal opinion of whether or not the Township owned the road. And, again, I spoke to him this morning and he promised me that he was still researching that question, so as of this morning he is still looking into it and he promised me he would give me an answer.

Mr. Andican: My question is being adopted is it a road still or is not a road that is what I'm trying to understand.

Mr. Giorgio: Well the Ordinance vacating the road, as you know Kumal, is recorded in the Morris County Clerk's Office. The two sewer easements agreements were forwarded to Mr. Semrau, we just got them from the HSA three weeks ago and were forwarded to Mr. Semrau for recording. But the remaining question is whether or not the Township owns the roadway. The Township owns the road bed then we have to divide it in half between yourself and the Birchwood Manor and then we have to do deeds to yourself and the Birchwood Manor. If it is not a road bed owned by the Township which the Township Engineer says it is not, then it is just simply a matter of dividing it right down the middle and without any deed as far as I understand.

So that is the whole purpose as to why Mr. Semrau is still looking into this.

Mr. Andican: In 1990 the Birchwood Manor vacated the eastern portion of Dennis Avenue, which is partially on my property now and it was vacated and it seems like, well it was 1990 and it was done, I just don't know why it's taking so long.

Mr. Giorgio: It's a different situation in terms of the ownership of the road bed and for the record, you know Mr. Donlon will not issue any permits to you until he gets an okay from Mr. Semrau, so it's nice to come to the Township Committee with reciting this Township history but you have been in my office about a dozen times and I'm doing my part as best I can, unless Mr. Semrau gives me an answer Mr. Donlon will not issue those permits.

Mr. Andican: Okay, I was just wondering adoption of it being vacated or not.

Mr. Giorgio: I gave you that answer.

Mayor: It's difficult sometimes for us to understand the procedures that the Township has to go through in order to assure either ownership of property, etc., it's not as academic as us just wanting to go to a map and then having a deed drawn up, it's frustrating and complicated by the Township certainly has to do the proper, go through proper procedures on this.

Anyone else likes to address the Township Committee at this time.

Mayor: Any other comments from the public at this time...

Mayor: Wishing everyone a safe, happy Thanksgiving with their families and enjoy the day. Stay home if possible. If Wednesday is everything the weather forecast is saying it is and I hope they are wrong. Enjoy the comfort and warmth of your home.

Mr. Brueno: Like Dorothy said, "There's no place like home."

Ross Chomik, Vision Real Estate Partners; 49 Bloomfield Avenue, Mountain Lakes: We would like to address the Committee. I just want to say at this time, we are how else to say it, but to voice some displeasure from all the time and effort we put in on South Campus as Mr. Ferramosca just addressed, that you don't want to move forward with the rezoning. It's over a year and six months since a subcommittee was formed from your Planning Board and we met in your offices here, we had about 4 meetings, where we massaged, tweaked multiple layouts, time money spent with consultants working through all the multiple uses of the South Campus and to go through that process for about 6 months and for the discussion just to seize late last November about a year to date. Then it picked up again most recently with the Corporate tenant, we are under confidentiality to speak about it, but from what I gather there is not a person up on that platform who doesn't know who I am talking about, and you have a representative here from that tenant to come here to explain that they have looked regionally taking jobs out of state, and this is the site they want to be at and not only for the building they want to construct which I articulated in the meeting in your room back here, but also because also what they want for the South Campus and they want to be in the environment and there is many reasons why they want to be in that environment, and yes residential is one of the uses that is important to them.

I guess we just don't understand why it is coming to this abrupt decision, to not even pursue 100 acre of your town and I don't know what else to say other than we are very confused and we actually want to understand what has occurred from various decisions we have had with your committee.

Mayor: I think the only comment Ross that I can give, you are absolutely right in the phases we have gone through to give this particular area this zone, this South Campus a fair review of uses, and being OBRL zone since the early days of Bell Labs when it was on there and lets go back 75 years ago, I think in the end, the Planning Board and Subcommittee looked at all the potential uses on that property and I must tell you that some of those uses still remain very attractive to us. But in the end I think it was their decision and their recommendation as well of that and the colleagues here on the Township Committee that it moved well over the years as an OBRL Zone and its very much established in that way, and they did not feel that there was any particular necessity to alter that in any way and while it's still attractive in an OBRL Zone even for the corporate uses that are being proposed today. So, I think it's the only explanation I can give you.

Mr. Chomik: I just want to make one final point, and I really want to address this, it may be a misnomer we have come to the Town regarding trying to get a grading permit for that corporate uses that we have discussed, because of the tight time line to move forward, and I just really want to be clear that is nothing different than what occurred with Bayer. You might not remember some of the members of this Committee weren't even Committee Members at this time, but at risk we moved early and that process prior to having agreement with them, prior to have any zone change done, which was done for that project if you all remember, no different than my partner and former life dealing with your Cadbury site just across the way, just the fact that we are trying to move at risk and I don't really know if you understand what that means "at risk" financially to try have a corporate tenant who is in your town right now come to this site with the hope of simultaneously getting this site rezoned, and I can't sit here, I don't know what is going to happen, I wish I had a clear understanding, but I guess I have a feeling that this Committee feels that we are doing this project no matter what, and that may be the case. I don't know, but it is a problem tonight, leaving here with a representative of the tenant in the room that this Committee isn't going to entertain any rezoning of the South Campus. That's the best I can say to voice our displeasure and just say that we have a problem with the tenant that is currently in your town as well.

Mayor: The only answer I can give you, if it's all predicated upon the mixed use etc., then the Township has examined that concerned that, etc., and if that's giving you their answer then they feel the property will prosper as an OBRL it will still attract corporates if not this another and they are rather firm in their position at this point of that remaining an OBRL.

Mr. Chomik: I know you know this, but I like to point this out we are proposing mix use that site is zoned for Office as you know, and obviously a big component of the mix use is the traffic concern that has been voiced by your Committee and undoubtable there isn't anyone on your Committee or the Professionals that you have brought in who

have voiced their opinion that traffic would be greatly improved by having a mix use there, that being said office, to the extent that we proposed within the guidelines of your traffic report, prepared by the town, the senior living, the hotel and the residential rental units.

Mayor: Any other comments from the public at this time...

Seeing none, hearing none, motion to adjourn made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

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

Joseph A. Giorgio, Township Clerk