

January 22, 2015

*Ladies and Gentleman, by the explanation, this is a continuation of a Conference Session that the Township Committee has been engaged in Conference Room "A" to the extension of that Conference Session because we are interested in all of us having the opportunity to hear a presentation of the property that we are going to talk about tonight, that room is a little bit too small and this is fine, but we want you to hear what this is all about and the property in question and what it's impacts are. And, we do want to give you the opportunity in a portion of this session and we will give you an opportunity to be heard on this property and to comment. I am sure this made a lot of issues that might be surfacing surrounding not just this property but the general issues that we have in our community and other communities relative to traffic impacts and development in general etc., etc. and if it is germane to what we are talking about, I'm happy to answer those questions as best as I can for the Township Committee, and to tell you where we are but on that note we are going to open this, we will do our opening in a moment but at this time, satisfying our legal requirement this is a statement by the presiding officer:

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Monday, January 22, 2015, 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

CONFERENCE SESSION:

Mayor: Counsel do you have any comment you would like to make?

Mr. Semrau: Yes Mayor, on the agenda is listed a Concept Plan presentation made by J.M.F. Properties, for age restricted housing on Whippany Road and Park Avenue, and the Mayor indicated this was listed for the Conference and due to the fact that normally the conference has items that don't have so much controversial type things, they are more informational items, but this has a great interest, so the governing

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body wanted to come out here and have the presentation made in this form but understanding that this is a presentation by a particular developer regarding a piece of property. There is no, this is not a Planning Board Application this evening, it's not one to approve this type of development or anything of that nature. It is an informational discussion for the benefit of the Committee and the public ultimately it would be our understanding that this particular applicant or interest party is probably a better word, is probably going to ask for a zone change and that is where they would seek some direction from the Township Committee if there is an interest to proceed in that direction or is there not. If there is, that would happen by way of, we would have to have another meeting, there would be an ordinance introduction and there would also be a public hearing and there would be consideration of final adoption, so for this evening this is an informational session and then there is likely a request, because there has been an informal request saying that if there is an interest in this concept, would the governing body be interested in rezoning the property, so that is what takes place tonight, so they asked to be on the agenda to provide that information we believe there are representatives here from J.M.F. properties to do so, and then as the Mayor indicated I believe the matter would be open to the public for any of the public's comments.

Mayor: Thank you, so having said that, and I again remind everybody we are still in conference session and we will formally open a meeting and then open for comment on this and I will use a 30, which is generally our opening time and we will go through a few brief formalities before we open to the floor. We have some presentations that we would like to make tonight to one of our employees and one of our retiring Committee members from one of our Committees. So, if you bear with us, for that then everyone will have an opportunity to comment tonight on this project. But still as part of our Conference Session, Mr. Giorgio, I would ask that you would begin to make your comments, presentation to the Committee as we are formally still in conference session, do you want to do that?

Good Evening Mayor and Members of the Committee on behalf of J.M.F. properties, we are here to talk to about the parcel of land at Whippany Road and Park Avenue, I will put some exhibits up,

Mr. Giorgio: Eric can you just state your name for the record please.

Mayor: I thought this was conference session?

Mr. Giorgio: It is, but we should have it since it is being recorded.

Eric Keller, Vice President with Omland Engineering a Bulman Consulting Company, located in Cedar Knolls. A number of you have seen me before at the Planning Board. I grew up in this town

Mayor: Your credentials are accepted, you just needed to identify yourself, please continue.

Mr. Keller: Thank you, This will be brief, and let the questions go from there.
Whippany Road

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Mr. Ferramosca: Mr. Keller, please turn it a little bit so that the public can see it and push it as far back to the wall as you can.

Mr. Keller: Whippany Road across Park Avenue, this side on the lower left is Morris Township, the property is outlined in white, it is triangular in shape, it contains the Church and a parsonage house. Mount Vernon Way is across to the top of the sheet. As you can see on this aerial of the property it is a unique site, has a unique shape, and it is located in an intersection of two arterial road ways, two major roadways through Hanover Township extending to nearby communities. We have been in discussions we have appeared before the Planning Board twice, beginning in December and earlier this month to discuss this plan and our client's proposal for redeveloping this site. We have also discussed with the Township Professionals. And we are here at our last meeting with the Planning Board they asked us to come here, and they were in generally in favor of what we were presenting, they said let's take the next step and come before the Township Committee. We started with a plan back in December now this is an age restricted 55 and over community. There are no school children, we started with a plan with 44 units, 41 units I'm sorry, 41 units in access on Park Avenue in kind of a circular manner and the Planning Board looked at it and felt that it was too dense too much, so we came back with a second plan earlier this month, with 36 units, it is around 6 units an acre, the right of ways for these roads, the County I'm not sure how they got to this point with the right of way is not very uniform, so the property, it has been a little bit of a challenge for us to nail down. So this shows 36 units age restricted housing with two access points, one to Whippany Road pretty much as far away from the intersection as possible and the same on Park Avenue again maximizing the distance to the signalized intersection. We are here because we are seeking an overlay of a zone change because the existing zoning on this property is R15; single family home.

Mayor: How many homes would that support?

Mr. Keller: About 14. We kind of roughed it in...

Mr. Coppola: How many acres?

Mr. Keller: It is touch under 6.

Mr. Coppola: Three acres per 15?

Mr. Keller: Three homes per acre

Mr. Coppola: Yea,

Mr. Keller: But because of the shape of the lot you don't get, you have this point out near the intersection, it's not real efficient, there has been approval for a five lot subdivision just to the east of this on Whippany Road, we did one with a cul-de-sac and unfortunately the number of lots that would front on Whippany Road and Park Avenue with driveways coming down. While I know there are plenty of homes along Whippany Road that have driveways that come out to Whippany Road, they were there when I was a kid, 40 50 years ago. I know I'm aging myself. In today's day and age that's not really an appropriate marketable housing opportunity, what we are looking at is to make

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sure that this project is marketable, successful, this product is similar to what was built at Viera. Very similar in character and that was a very successful project.

Mayor: Viera was a project that was done on Horsehill Road, some may know it, some 40 units in there most of it with the back of the properties it's sort of a gated community. To my knowledge, its completely sold out at this point,

Mr. Keller: Yes, 100%. Completely done, this brings, Mayor you brought up a point about traffic, when you have single family homes 40 total you get a fair amount of traffic, who is going to school, going to work, with the community like Viera, which is one of the reasons why I'm here tonight, is because my partner Mr. Omland, is in Florida. He is not home on a regular basis, he's someplace else, he's not unusual, his community there, a lot of those residents there are not there full time. So, the design of this project as I said, the homes are very similar in character to Viera, the ends of the buildings that face Whippany Road and Park Avenue are going to look like single family homes. You are going to have a front door, even though the garage is on the internal street that end is going to have a front door to that unit, so it is going to give the appearance of a single family home. The buildings that are facing Whippany Road and Park Avenue. We have taken the end units so that you don't see all the garages. You can have garages on the side. We have internal road ways, so that we minimize the points of conflict of the intersections to the main road. I appeared before the Planning Board many times talked about traffic, this is my background, so that's something that is important, instead of having a series of conflicts going through, potential conflicts, the individual driveways out onto an arterial would have controlled access. We have eliminated as to where the movements are in and out. The compelling reason for this presentation to the Township Committee tonight are there is a market today for this, people are aged who don't want the big single family house and the lawn and all that stuff that goes with it, but who want to stay in their Community, it gives them that opportunity to have a home of a similar reasonable size without all of that maintaining that goes with it. It continues to expand that the choice of housing types within a type within the community, there is less traffic associated with this for a lot of reasons. People are snow boards, they are out, they are traveling they are not there every day. It's a transitional use, you are on two major arterials, having a series of single family homes isn't in character and it doesn't fit with that traffic pattern. We would have children in single family homes, children next to two major road ways.

Access control, this allows us to control access in and out of the site, manage traffic through the property, the uniqueness of this site there are no school children. It is a positive tax ratable for the Township as individually just from municipal services certainly for the school district; there are no costs for all the other elements for the tax breakdown. It is proven product.

Mayor: Based upon a regular tax program, not a pilot program of any sort would be normal taxes that are in this area, for the purpose of this meeting I understand the economic argument. But, I just want to stay with the site rather than the economic, because this is what it is all about.

Mr. Keller: It's a proven product and design, it's been very successful with Viera and it has shown. In summary, it's a low impact project preserves a lot of green space,

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has the ability to buffer the perimeter, not create a barrier but create a visually attracted view as you travel along the two roadways and within the community in itself increases the mix of housing you have in this community and it results in less traffic and traffic congestion.

Mr. Ferramosca: You spoke about age restricted housing, 55 plus. What kind of guarantees would the Township be able to receive on that because in the past we were told prior to main members on this board, that something would be 55 plus and it wasn't in the end? So we talked about age restricted. Are you guaranteeing that this is going to be deed age restricted?

Mr. Keller: It would be in the Homeowner Association documents; there will be a condition of any Planning Board approval. The process that you have in this community with developers agreements and so on is that those documents, the HOA documents would be reviewed by your legal counsel.

Mr. Ferramosca: You spoke about Viera, is Viera a for sale or for rent situation?

Mr. Keller: I can only speak to _____, I know he purchased that unit, it was a for sale product.

Mr. Ferramosca: And this product that you are presenting to use tonight, is your concept that this is going to be for rent or is this for sale product?

Mr. Keller: The concept that it is a for sale product.

Mayor: What is the price?

Mr. Keller: Um, we are not sure, I would say given the experience with the Viera, at this point without a lot of analyze, we are really early in the process, we are looking at minimum in the \$600,000's.

Mr. Gallagher: Real quick you said that the R15 was 14 single family homes, how many would an R10 allow you?

Mr. Keller: Um, that's 2/3rds it would probably be 18 or 19. Pure guess, I really don't know, we haven't looked at it, the complication with that is the fact that the site comes to a point and as you move towards Park Avenue to that point you cannot have an internal street system. Or, if you do, you are going to have what you have further down between Ford Hill Road and this site where you drive along Park Avenue, you see a stockade fence in the backyards, you have absolutely no visual interest along there all you see is a solid fence because all of those homes that are in those neighborhoods back up to Park Avenue.

Mr. Gallagher: One more follow-up, so you had a rough idea how you would structure the fourteen homes in that parcel?

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Mr. Keller: We had one cul-de-sac and then all the rest of the lots would front on Whippany Road and Park Avenue. Because that would be the only way you can factually lay it out.

Mr. Gallagher: So I would just assume that R10 would just mean conceptually smaller and probably look like that but a little tighter,

Mr. Keller: Correct and you would have more driveways, most likely along Whippany Road and Park Avenue. Which is not a good approach to take. That's all I have, I am ready to answer any questions that the Township Committee might have.

Mayor: Gentleman.

Mr. Ferramosca: What about traffic impact? If we have single family verses this concept that you are providing to us, we have a serious issue with through traffic in Hanover Township and the adjoining areas, so we are concerned about traffic obviously. What kind of traffic generation does a product like this have verses if we were able to put in single family homes?

Mr. Keller: On the peak hour basis this is going to generate between 10 and 15 trips during an individual peak hour, single family home is going to be similar or slightly higher but it is going to be dispersed and you are going to have all the individual drive ways, this is a much better control. The amount of traffic is not necessarily in a given hour that much different it's how it gets onto the highway and how it affects the safety. Here you have two points of access, on a daily basis single family homes keep visitors a lot more non-work based trips you are going to have more traffic from smaller number of single family homes as opposed to 36 age restricted units.

Mr. Ferramosca: You spoke about buffering architecture how these would look, can you elaborate a little bit about that because I'm not clear what you were describing.

Mr. Keller: _____(inaudible) this is a sample an idea of what we are looking at, this obviously shows all front loading garages, it's a two story product, you have gables mixed materials I have a smaller picture. I am handing out is a similar type of unit which shows the front load garage but this is an end unit and you can see the front entry into the building so that the view that you are getting makes it look like a single family home. Did I have enough copies?

Mayor: Yes you did, but they are too thick.

Mr. Brueno: Does that depict the total 4 units?

Mr. Keller: Yes, that is a four unit building; you can see on the end here a little shed roof a portico that's the main entrance into the end unit for this. The front door is on the ends where the internal units of course have their entry on the front face of the building, so that when you look at those building that have the ends facing Whippany Road and Park Avenue, you are looking at what looks like a single family home, obviously there is some depth to it but it has that view of a single family home, turn gable, some different roof lines so you get that break up.

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Mayor: For the sake of the Committee I once again, I don't want to drift into a Planning issue here, if it's an appropriate time for this to move forward, should it move forward, then the Planning Board will discuss architectural, site layout, I want to focus for the community and the Township Committee at this time for the use of the property as it is, the church now, and we are more interested in sorting out the benefits of why we should change the zone at all, that's what I would like to focus on.

Mr. Keller: Obviously there is a visual of needing and wanting to understand what it is going to look like and the best thing is to look at Viera, it's not going to be exactly the same there will be changes to roof lines but that's the quality that the style that you are going to see here to give you a sense.

Mayor: Can I ask you a question and I know it's been asked at Planning but I'm going to ask it again, there has been interest from members of our Township Committee as to this becoming a project for senior citizens, 62 and older and you talked to them whether or not this would support that kind of project, whether or not the developer would be interested in that kind of project.

Mr. Keller: The size of the property the configuration of it doesn't lend itself to that type of community; you cannot develop enough mass to support that type of use.

Mayor: Housing units, density?

Mr. Keller: Correct.

Mayor: You would need an elevated building, one level of living but several levels of building.

Mr. Keller: Correct, it would have to be a multistory building,

Mayor: I'm asking questions for the public, some of these questions we have heard at Planning and we try to ascertain at planning whether or not this property would support senior housing project, yes the economics come into play for senior, you need great many units, you need a multi-story building and an elevator building, you need access to a community center and it's like what we have on Boulevard Road and Elm. 54 unit senior complex and they are beautiful by the way, done by the same developer. But that building has all the amenities that we have talked about and it is subsidized. So some of that came under COAH, I don't want to get into that, but that building is subsidized so the rents are controlled, we have listened to our attorney early on about the differential about 55 and 65 living.

Mr. Semrau: 62, you know you can do, you can have 62 years of age if you so choice to have that restriction otherwise for 55 and older you would have to have occupancy of 80% of 55 and older, but I think what was asked of you if there would be any consideration to go to 62 and you said that was already considered?

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Mr. Keller: It was considered, the amenities that are required for that type of community, the density that would be required to support it on that site just doesn't work. It's unsupportable on this type of project.

Mr. Semrau: Were there any other type of configurations that you considered doing?

Mr. Keller: We started with a greater number of units of this style on this property in discussion with the Planning Board, and looking for greater setbacks and buffers we came up with a plan for 36.

Mr. Semrau: Again, going back to the question about the restriction on the housing, at this point you are saying you're proposing a zone change ultimately at 55, but if that were to happen, one of the concerns is that the governing body, we want to make sure there is no way, that that could ever change. So, would there be consideration to put in certain type of controls to ensure that absolutely that that restriction wouldn't change. I was asked questions as to how that can happen, there might be ways to have someone else hold the restriction, make something more permanent more permanent in nature, beyond the deed so that if legislation changes as it has done in the past, and no matter what that would be the restriction, even to go as far as and this is all just discussion for the Township to hold that restriction, so it doesn't change, but think one question in all of this that's been asked to make sure that there is ways that are put into this process so that nothing could ever change that.

Mr. Keller: That is the commitment, obviously I am not an attorney, so the applicants or the developer's attorney and the Township would need to come up with what is agreeable and legal in that, but that is the commitment with the developers to do that.

Mayor: Deed restriction Fred would be a permanent document on file.

Mr. Semrau: It would, it would except for the fact that there was legislation that once came out of nowhere that essentially gave some rights, some relief, so to the question, if something were developed or some other condition was developed to ensure an override of any type of legislation, there would be an interest, down the road if this were all to be considered, we would have to come up with something.

Mayor: At this juncture,

Mr. Coppola: Any consideration for R10A which actually provides 4 units per acre, 24 units under condo rules.

Mr. Keller: Well, the Mayor correctly indicated that we can't talk about economics, it's not the decision

Mayor: I'll let you answer it since it's a direct question.

Mr. Keller: The bottom line is it has to be financially feasible for the developer to do this, if it's not, we don't have a project, or you have something what you want is not

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what the vision of the community is, and there is someone selling this property, they are looking for x amount of dollars, this is what works. We know this works, and this is, we feel appropriate and feel it will be a benefit to the community, that lower densities it will not.

Mr. Gallagher: I was also going to ask about the 10A and I just wanted to examine all of our options, when it comes to the zone change because that is what you are asking for.

Mayor: On that, I'm going to adjourn this portion of the conference session and I am going to go into public session, I would like to do then is, if the public will bear with us, we have some wonderful awards to give out.

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Monday, January 22, 2015, 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

PRESENTATION:

PRESENTATION OF PLAQUE TO ROBERT J. PETERS UPON HIS RETIREMENT AS A MEMBER OF THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT IN GRATEFUL RECOGNITION OF SIXTEEN (16) YEARS OF DEDICATED SERVICE TO THE RESIDENTS OF HANOVER TOWNSHIP.

PRESENTATION OF PLAQUE TO BURMAN STITT IN GRATEFUL RECOGNITION OF FIFTEEN (15) YEARS OF DEDICATED SERVICE TO THE RESIDENTS OF

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HANOVER TOWNSHIP AS CHAIRMAN AND MEMBER OF THE OPEN SPACE,
PARKLAND AND PRESERVATION ADVISORY COMMITTEE.

Mayor: We are going to postpone our regular continuing agendas, which is our resolution and so forth so we can open the meeting to you the public, I know the Committee would like to hear from everyone in this room so in difference to that, if we open the floor I am going to open the floor for 4-5 minute intervals and we're certainly appropriate hearing your comments and statements and if you have any questions directly about what you say for the developer or the engineer or the architect that is involved in this certainly they are here to answer those questions, if we can as a Township Committee answer the questions where possible but for the most part I remind you this is concept that is being proposed to us for the zone, and in order for us to ascertain more information for you, from you, so we can pass on to our planning board, our Planning Board's position on this and we have some members of our Planning Board here with us tonight, is very clear, they do not want to and they are not going to go forward and they are not side stepping their responsibilities, they do not want to go forward until they hear from the Township Committee that they are affirmatively interest zone change or not, if there is not, it ends right there. So on that note, I am going to tell you that the floor is open, and ask for you to give us your name and address and speak from the podium directly ahead of me.

Motion to open the floor made by Member Ferramosca and seconded by Member Gallagher.

Lois DeCaro, 114 Park Avenue, Hanover: Tony and I live next to this property, sure if anybody is on Facebook they know that given all the alternatives to the property we are most in favor of this Concept Plan. Church is not a bad use, some diversity in town would not be bad, if it's the Hindus or Muslims or whoever it is, but we lose the tax benefit, 36 units verses 24 I don't think it's going to make much of a difference looking at it esthetically wise but we will lose a lot of tax money. Single families as mentioned at Planning Board, all those cut outs on Whippany Road and Park Ave, are going to be a real bad safety hazard, you can just come over my house at traffic time and try to pull out of my drive way and you will see what I mean, but putting the backs of the houses at that intersection will look terrible, so given all the choices we were mostly in favor of this for being next door to us, I have a very big concern however that's bothered me since the Planning Board meeting, and I would like it addressed and if you look at the property there and to the right is our property and behind our property and adjoining part of that property is the old Gulick property which I don't know, does anybody know how many acres that it, would you know Joe, that has apparently been rezoned for five homes, correct?

Mr. Brancheau: Quick clarification, It wasn't rezoned, we received a variance from the Board of Adjustment under normal zoning it would have gotten 4 lots and through variances they got 5 lots.

Ms. DeCaro: Okay, what protection, and thank you for that clarification, sorry. What is our protection from the property behind us which is rather large being, them coming back and saying well you already put up townhouses here and we have this

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property and we want to be changed and rezoned and put townhouses there, what prevents us from having 36 townhouses which would look very nice there, I think, from having 70 to 80 townhouses, that's my concern.

Mayor: That piece of property and by the way, and Fred by the way interrupt me if I'm going out of order, piece of property you are talking about Lois, we have been very sensitive to that as well. Given looking at this property we can't ignore, that would have to come in for a formal similar request, so this governing body once again would have to create a zone change for that property, for anything to happen for it to become a high density property, multi-use property something of that nature, it can't just extend off of this property into that property. Now, you can say, someone can come forward with the argument that this is contiguous with that property so that we can expand, well you know what you can always come forward with those arguments and we will listen to those arguments but we don't have a complaint or reason at all for any zone change to that property next door through the Committee's knowledge it will remain single family the way it is.

Ms. DeCaro: Okay, I hope so, I think 36 will look really nice there, and being a broker in town and by the way it came up on Facebook, I am not selling these units, I wish I was but I'm not, (laughter) my only concern is living next door where right now currently the only residential neighbor directly abutting this property and also being a resident in town I want to keep our taxes down and this is a nice ratable let's face it, but putting many more, would look horrible, so that's my concern.

Mayor: I think again, any consideration for any zone change again, the properties under contiguous or two separately owned properties, two properties in two, managed by two different ownerships, etc., they are an R15 same as this presently is, and if anyone was interested in that property as Ms. DeCaro just said it did go through a variance for single family homes right now.

Ms. DeCaro: That was before he knew the church was for sale.

Mayor: They did a lot of stuff in the Daily Record and I find it interesting to me that they didn't know it happened. But in any event, they would have to come forward for formal zone change in the same manor that this public and we are now discussing.

Ms. DeCaro: I hope that would be turned down.

Mayor: Thank you Lois. Would anyone else like to be heard at this time?

Anthony Mineo, 1 Mt. Vernon Way, Whippany: I am directly across the street from this parcel and I spoke at the January 13, 2015 meeting of the Planning Board, some of you may have remembered me. My wife and I are in favor of this development especially plan B with the 36 units it would give a ratable the best tax base of anything at this point, if other churches were to come in there would be basically no tax base, would have no impact on the schools, no children, buffers of trees and exposed building would make for a very attractive view from the road, minimum entering and existing with seniors as compared to with families with children, driveways on Whippany Road would be much further down from the intersection of Park Avenue where the traffic light is to

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give more lead way to get back onto Whippany Road from the development. If people were concerned with the passing through as it is now sometimes they would have a chain across there, and people would cut through Park Ave to Whippany Road that could be accomplished by putting a drop gate with pass key or pass module on not a gated community per say, but one that would be restricted of people to cut through as they have all these years. 40 years I've been there and I've seen it happen many times. A Home Owners Association would monitor the goings on to make sure that the property is well maintained and plowed and possibly garbage collection would not have to be collected by the Township because they usually provide their own dumpsters and whatnot.

In contrary to that, if a church were to continue their regardless of the denomination it would be a more lucrative church, and it would be much busier at that intersection, it would have no tax base for the town. During heavy times with the church parishioners would overflow the parking lot onto Mt. Vernon Way, off of Whippany Road and have ____ off of Park Avenue. Both sides of the street would mean that people would have to cross a four lane road much as many of you have done, when the nine parking spaces at Monroe Hall have filled up and you have had to park in the church lot across the street and make it across that four lane road to Monroe and of course have aligned Mt. Vernon Way.

If a religious group, were to build there, again, we don't know what kind of building they would put in they would renovate the building that is there what would it look like, would the architecture be something that would diminish or increase the prettiness of the neighborhood. In the winter snow plowing against the curbs and leaves collection in the fall would minimize the amount of parking on Abby Road and Mt. Vernon Way that they wouldn't be able to park there during busy times, we all know that on Jefferson Road the church that is there and the other church down on Jefferson Road, the newer church the Ukrainian Church overflows tremendously on the weekends and we just don't know what's going to happen there, so I'm in favor of this, I just hope you see it in a good light and if I had to take the lesser of all evils, as much as I love that church there all these years, it's been quiet, I can honestly say I've see one funeral and one wedding there in forty years and I'm right across the street. So, for those reasons I would like to just put that into your minds and think about it.

Mayor: Thank you for your comments.

Brian Turciano, 18 Mt. Vernon Way: I just had a question about the traffic pattern, that intersection of Park Avenue and Whippany Road can be very busy more so now than ever before, I'm in my house now for about 10 years of so. So it gets busier every night, where I was actually in an accident there myself in that intersection. I think there are more accidents there, more every year, no reference but it's my opinion, what is the plan for that intersection, have we thought about that at all? Is this an opportunity to look at this intersection to say what is the right way to better manage this? Would this be at both of these comings and goings in and out are there going to be a lot of left and rights? I know on Whippany Road that is going to Mt. Vernon right now there are a lot of cars that go straight through the light at Park Avenue and then use the entrance of Mt. Vernon to just quickly turn around, or they turn around in Anthony's driveway. A number of times I have almost kind of t-boned cars doing it, or they pass though Mt.

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Vernon and just whip up the road. So, I think we just have to think about this is I guess the best of all options, I don't know a lot about it to be honest with you, but I wonder what the traffic implication of it, there might not be that many cars as the gentleman had mentioned earlier with this plan. The number of accidents has definitely increased as people make lefts on to Whippany Road from this development, or even if you are on Park Avenue trying to get into there, they are going to get rammed from behind. You probably see this more than I do, if I understand where your house is, but I'm sure you have traffic there at least at rush hour and maybe in the morning as well. I think we have to think about that as we develop this parcel.

Mayor: You are absolutely correct, I think that the traffic aspect of this has certainly come heavily into play with Planning with an application before the Planning Board, to the extent I would like to comment on that, I probably would tell you I fully agree with you that there will be no left out onto Whippany Road only right out and that can be even accomplished in some other ways with extensions of the barrier on Whippany Road right now. We can take a look at that, assuming that this was a concept that we are going to go forward on traffic plays a major role. It would have to be addressed. The County has a Master Plan for this intersection that goes right down into Florham Park and Madison, and it's one they have been working on for three years, I hope I ever see it in my life time. It is an improvement for all of these intersections and we will be reviewing that as part of the planning application should this get into play. Thank you.

Michael Mihalko, 7 Nye Avenue: I have a couple of points to make. The first one being and it's a little off this topic but it's kind of on this topic. My property abuts the slaughter house property, which is currently being developed. I have spoken with the Mayor, Deputy Mayor, Mr. Maceira, and I had a couple of questions and some issues with what is going on there and they have been extremely helpful with addressing those issues, and the point I am getting at is that what we were showed and what we were told to be built there isn't exactly what is happening there. A lot of your members have been out and you have heard the meetings, we were told patio homes, two and three bed rooms possibly a fourth bedroom, what's on the website now being sold is bigger than that. It has a basement, four bedrooms with an option of a 5th or 6th bedroom in the basement, and coming up with almost 3000 square feet per home. Not for all of them, but for a majority of them I think it's half, I don't know exactly how it goes. My point is that when I think this counsel approved that that is not what they had in mind, 3000 square foot home, they had smaller patio homes like we were told. The point is when you get to, if this goes further make sure you are getting what you are being sold. I understand there is a need and there are parameters given forth and he is working within those parameters but I think we need to specify those parameters a little bit more accurately. Again, a 3000 square foot home, we certainly could have done better with that property, putting in some nice single family homes.

The other point that I would like to point out, people are coming up and say they are in agreement with this project are stating it as this is a preference as the best of two evils. That shouldn't be a reason for changing the zone, we need to know how is this going to benefit the town, how is it going to benefit the neighbors, we should put this under some serious consideration your exasperating an already bad intersection, my brother was almost killed there, it's a bad intersection and regardless of houses condos

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it is going to add to that, and we are going to have a turn in and out on that corner. So let's again, this needs to be weighed very seriously. Thank you very much.

Mayor: Mike brings up a very good point and we have some Planning members here tonight and just to restate some concerns that we have on one of our projects, and by the way we are trying to address it. It's being investigated in this particular point. While we accept our standards and we set floor ratios etc. on these pieces of property what we are finding is that the internal construction of the house can still be designed. It must meet the height requirements, the rooms may be smaller, the basements are certainly deeper, but you can get larger amounts of bedrooms and bathrooms etc. on these properties and they are not by our definition patio homes, I think that the Planning Board has to look at the aspect of it, and may require some modifications in the zoning descriptions to agree that we can regulate the type of construction and I will refer to our Planner on that one. But again, I think the builder is trying to cooperate with us at this point and we are going to have to put our thumb on that.

I understand your other comments regarding the issues of whether it's this use or another use and set forth, and your right, good zoning shouldn't be driven by market conditions I still say that, I hope that this Board and the Planning Board are not looking at it from that stand point.

Mr. Mihalko: One more point, being a Fire Commissioner it has come to my attention that our calls for 2014 were up almost 20%. We add more units we add more calls, and I also heard and I don't know the exact number but I heard that Cedar Knolls were up to 2000 calls last year, so I don't know Pete if you know the numbers off hand?

Pete DeNegris: It's close

Mr. Mihalko: These numbers are going up I don't know what the percentage is it's a matter of statistics, the more you add the more goes up, keep that in mind too.

Mayor: Other than being static in the community and by the way the public Mike is also Commissioner on the Whippany Fire Department, District 2, any expansion in our community whether it's being attacked on development but if you look at what we are working on here and look at what we did at Bayer and look at what we did with some of those corporate properties, redevelopments is what we are really looking at. What is being rebuilt what you had 4000 _____ Bayer, but you have 4000 employees coming off now. You have 2400 employees coming over from that site, and we have traffic conditions, we have to address that. But the point is that as we described Hanover as dynamic and as far as I sit here it will be dynamic unless you remove me, but it is going to be dynamic, meaning that we will grow in the best possible way, quality ratables along the way, and if this is not it it's not it. But it's going to come together, Fire Police and other services and we realize that, and if the taxes are cancelling that out paying for that, we are doing something wrong. So that's it. The floor is still open.

Frank Ench, 16 Hilltop Circle, Whippany: Hearing everybody, I was just aware of this today, when we were told and I did call and ask and find out about everything and even in the Hanover Eagle. The option, if this doesn't pass is that an Indian Church is going to move forward to buy, it was in the Hanover Eagle today. I think, I like this plan

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because we get taxes for the town, we don't lose it for the Temple, it is 55 and older, it's not going to impact the school with the kids, something is going to move forward, I think it's our best option, thank you.

Leonard Fariello, Whippany Road: I can see this property from my house, and whether I can see it or lived on the other side of the town, I would respectfully submit that this is out of character for our community. It's two stories; it's not single family right now it's R15 which would be three homes per acre, on 6 acres. If you put 36 units there it's double the zone, that's 6 homes per acre. I just don't understand why if the Committee is going to make a zone change, why don't you make a zone change the other way around? Make it a R25 and reduce it or make it a R40 and you only get 6 homes there. That's what I would suggest. If you are going to entertain a zone change for this property, keep it single family homes, but maybe down zone it instead of up zoning all the time. Right now, you can fit, the gentleman said 14 homes, you are going to put 36; if you went to R25 which is one of our zones, you would have roughly 12 homes but when you consider the road, you might get 10 homes and if you go to R40 you'd have 6 homes and that's what I would suggest.

Mayor: Do you have any objection to having another use on that property, a religious order or anything like that?

Mr. Fariello: I have no opinion on that, I'm just saying about the zone, what it is zoned right now is R15, if you want to rezone it I'm suggesting you rezone it R25 or R40 which are other viable zones in this town and it's less density for the Town.

Mayor: Thank you. Anyone else would like to be heard at this time?

Joe Mihalko, 5 Anna Terrance, Whippany: The letter that I have been getting complemented on all week, I want to thank you all but that was written by a better Joe Mihalko who lives across the street from me, he did say he would be back and he was watching but that wasn't my letter, but I thank you for that. I have a degree in Urban Regional Planning from Blumberg University that's what I went to college for, waste of four years, but I got a lot of drinking done. At any rate, I kind of know what I'm talking about when it comes to zoning and when it comes to R12345 whatever you want to go up to, I know where they are coming from and I understand what that is. I will argue with you all day long, residents are not a positive tax ratable period end of story that's the way it is. If I put that as yes on my final exam, I would have my piece of paper that says I'm an Urban Regional Planner. It's not a positive tax ratable, it is a tax ratable the reason why you tax us as a legislation, is to cover our amenities, to cover our services, so it makes no difference, if you have no children there, yes, it's correct you are going to tax some people that are not going to get the benefit of having a school but that's a wash they are over 55 and statistically they are going to have more heart attacks, more services if they are away in Florida they are going to need their buildings policed more, because there is nobody watching it. We can go back and forth all night, don't want to bore you with that, please stop saying that it's tax ratable, it's not.

Second off, it's not our issue whether it's economically sound for this developer or that developer and other developers. That should not be an issue. And, Mayor I think you do take that into account quite often and I appreciate that. If this isn't feasible

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for them they will find another project that's all fine well and good. My personal feeling on that is I'm against this project because it is not a single family home, I may not live in the actual smallest house in Whippany but I live in a small house in Whippany. I struggle every day to pay all those bills and taxes to stay here when I was graduating from college I had an opportunity to get over in Sunrise apartments that would have been a great opportunity probably would have been just fine, and then I could buy a single family home. However, I got the opportunity to buy a single family home because that is what I wanted to live in, because this is Whippany that's what Whippany looks like that's how I feel. My personal feelings if you want to live in a condo because your over 55 and don't want to cut the lawn, God Bless You, you have \$600,000.00 I recommend you go somewhere else where you'll get more for a condo, but at any rate, again not economics.

Another topic that keeps coming up, again, that's why I had to come up, because everyone is talking about Facebook and the letters. If a church or religious organization, if they want to put anything religious as long as they can prove they have 12 members attending every week, once a week, they could put it next door to you. They can buy your house and put it next door to you. They are not subject to zoning. So whether they put it here or there, again moot point. If an Indian community wants to come into our town and they need 5 acres, they will find it. If a Hindu, Christian, Catholic, Black, Green, Orange, Yellow again another moot point. The point is, when you drive out of Morristown down Whippany Road or out of Whippany to go to the airport to go down to Florida, you are going to pass condo's that's not Whippany. Whippany is single family homes, a lot of people move from places like West Orange, Newark, I hear all the time at my store, I moved here back during the riots, why did you move here, because we had a bunch of single family homes, people weren't on top of each other. That's why I struggle every day to stay in Whippany because I live in a quiet community. We know the kind of bologna that we put up, it's all kind of fun at the end of the day if we take a good look at it, but that is what our community looks like, we have enough condos we have enough diversity of housing, if you want more senior housing then that's a different issue, go find a developer, ask a developer we need senior housing whatever that issue is. If there is some COAH things that you know better about that then I do, cause it's been a long time, that's another issue as well, but we keep trying to bend over backwards to get the developers to develop who cares it's a quiet church, you said you liked it as a quiet church and if it sits empty for another 10 years, less people, more places for us to park when we do go to Knights of Columbus. That's not an issue, whether it's a tax ratable or not, yes we are not going to get taxes from it if it's a church, but who cares, you don't have to provide services to it either, so that's my point.

Mayor: Joe, I apologize, he really meant Hanover when he was talking it wasn't just Whippany. Your dad always stands there and he introduces himself from the Whippany section of Hanover Township, we are Hanover folks!

Does anyone want to be heard at this time?

Judi Iradi, Locust Drive, Cedar Knolls: I just had a couple of questions and an observation. We talked a lot about this site being the same as Viera? No Viera I believe has 4 units per acre, while this has 6 units per acre, so that would be 50% more in density per acre, this site than Viera so it's not exactly the same if you look at Viera.

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Mayor: I can't confirm that, but go ahead.

Ms. Iradi: Well at the Planning Board, Mr. Omland stated that it was 4 per acre at the site of Viera, and the second one is that a lot of concern is about the 55 year and over and that being relaxed or eliminated and the attorney had said that potentially one way to not have that happen, lifting the age restriction is to maybe turn something over to the Township Committee?

Mr. Semrau: The Township or perhaps a land type conservancy, we would have to find some way to address, to make it 100% opposed to the 95% certain, most municipalities and in most cases, a restriction stands, except when we had some legislations a few years ago, which changed that, I was trying to address the question, perhaps we could put a deed restriction on the property and whether it be the Township or perhaps there are these land conservation organizations that are nonprofit and if we ask them to hold that restriction with the idea that the restriction shouldn't be lifted much like the State does and things like that, that might be a way to do that, just thinking outside the box about it, just if you have someone that is interested in doing something now is when you raise the issue, so I can't say definitively but those are examples that I thought.

Ms. Iradi: So, um would you say then we can do something that would be 100% positive that this would never have age restriction lifted?

Mr. Semrau: I would think I would draft it in such a way that it's revocable. Correct.

Ms. Iradi: Then in your opinion, you could come up with something that is 100% even if the legislation changes again.

Mr. Semrau: That's what I would try and address.

Ms. Iradi: Try to address.

Mr. Semrau: I would be in big trouble if I failed that. And I said we could, but that would be the goal.

Ms. Iradi: Ok, thank you, and now to address Ms. DeCaro's issue about having the site next to this site rezoned for condos. Is everybody familiar with that site, because it is really really ablated site? Right, it has trucks and all types of equipment there and blighted.

Mayor: I think that site was grandfathered in there, I couldn't agree with you more. Go ahead,

Ms. Iradi: You couldn't agree with me more that it's a blighted site, so the last two zone changes you made were on Nye Avenue, by North Jefferson Road, and it was justified because it was a blighted site and the other one which was the Quick Chek right across the street from here by my house and the justification was because it was a

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blighted site, so Ms. DeCaro needs more assurance that that site will not be rezoned for condo's because it a blighted site.

Mayor: That zone is an R zone right now, and it is grandfathered they way is being misused so we agree, and at the very best if that use moved out of there, grandfather goes with it, and that site becomes a residential zone and what is the Board of Adjustments decision on that?

Mr. Brancheau: The current zone would allow 4 lots, about 4 ½ minor density _____ (Inaudible)

Mayor: Well, I would think that that would be an upscale condition compared to what we have now, so from blighted to that, is

Ms. Iradi: Of course on North Jefferson Road, you had R40 you could have had 4 or maybe 5 houses on that site but because it was so blighted and you wanted to have a developer come in and develop that site, you gave him a zone change to a 10A. A new zone in town, so it's a developer perhaps were to purchase this site, next to Ms. DeCaro behind her, come in and want a zone change on that, to condos, one of the justifications would be that we are cleaning up a blighted site and I'm saying that the Township Committee has allowed that.

Mayor: Whether or not that flies you know up here, is another question, I'm sure there is a downfall of that, but that's okay, I understand. But no they would have to make that argument before the Planning Board, and you as you know Judy the procedure, it has to come here first, before a zone change that is what this is all about.

Ms. Iradi: Thank you.

Mayor: I'm going to close this portion of the meeting; it's the Committee's prerogative at this point, Fred we will continue with our general agenda if you want to have the Committee consider discussion.

Mr. Semrau: I think one thing Mayor, there is, with respect age restriction, and zoning and things of that nature, I would ask that if the governing body could have a brief executive session to discuss any of the legal implications, there are things that are raised that you can't necessarily say in the public portion of the meeting, with respect to some of the sensitive nature of zoning, but the ultimate decision would be made in the public portion of the meeting, so at some point, if we could have a brief executive session where I can raise a few legal issues.

Mayor: They want to finish the agenda first and then what we will do is do a recess and continue the meeting and based upon the decision of that recess we will have comment as to what the next step is going to be by the Township Committee.

Mr. Semrau: So no decision will be made in executive session, just a discussion.

Mayor: The discussion in executive session which is a legal session which is a closed session and we can continue this meeting here in public session and you will be

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hearing those results of that discussion. I would like to just add one other thing before we close this portion, because I have everybody who is really interested hearing this, and, I'm glad to see an interest of people who are in this room. We have been plagued in Hanover Township with traffic for quite some time now, but most recently more than ever, and there are a lot of factors involved in this but we are sort of getting blamed ourselves because of growth in our Whippany Road area, etc., we have a regional issue, we have discussions that I had with Mayor's in Florham Park, Mayors in East Hanover, Madison, etc., they don't have access to the highways, you are blessed and you are cursed. You have 287, 80, 24 and where they all interest, and Route 10 and they connect in this town. It's an economic blessing to corporations who want to be here along with our Airport, etc., but all of the building and growth that is going on Novartis is up to 6700 employees, have you tried to get onto Route 10 at 3:30 – 4:00 Westbound? Forget it. They are all out on the same time, BASF completed their buildings down in the Florham Park area as well as Madison additional growth in office buildings, they are all using the secondary roads to get through Hanover, which is your Whippany Road, Ridgedale Avenue, even Boulevard Road to cut across to route 10 to access the highways to 287, etc., add to this the wonderful DOT's bridgework that is going on 287 for I don't know how long now, about a 1 year and ½ how, any idea how much longer.

Mr. Giorgio: Sometime this year.

Mayor: Sometime this year...okay, if we finally get the bridge over Eden Lane and the 287 bridge done, that will be a great addional reliever, that is slowing traffic down and God Bless if there was ever a traffic accident on 287, where are there, they are Jefferson Road, 7 traffic lights to get here in one night, we are trying to do something to improve internally some of these conditions but we can't alone, Hanover manage all of these conditions, we are trying to get together with the other Mayors to come up with some policies and bring in the heads of these various corporations using flexitime other means of slowing down the amount of traffic on the roads. But while we take some of the blame, and believe me I see it I read it, I monitor it, it's, we can control some of it; we can't control all of it, we are begging the State for help, we are begging our freeholders for assistance, and, it's not going to be a short term fix, there are plans in the workings for improvements in these intersections, additional plans for expansion of Whippany Road, with additional lanes with some new corporations that may be coming in and there are some additional discussion with the Planning Board for the traffic pattern there, that will be what I call a hot spot fix, it's just going to make it a reliever for the immediate area to get on or off, so in any event, I had to share that with you it's not that we are working in a vacuum we are not aware of the traffic conditions, so on that Mr. Administrator,

Mr. Giorgio: Motion to close the Public portion made by Mr. Coppola and seconded by Mr. Brueno and unanimously passed.

COMMUNICATIONS:

SUBMISSION OF LETTER OF RESIGNATION FROM TOWNSHIP ARBORIST/
FORESTER LORRAINE KONOPKA EFFECTIVE FRIDAY, JANUARY 30, 2015.

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SUBMISSION OF LETTER FROM RICHARD L. RUDIN, ESQ. ON BEHALF OF MACK-CALI AND HANOVER 3201 REALTY, LLC REQUESTING AN ADJOURNMENT OF THE FEBRUARY 12, 2015 PUBLIC HEARING ON THE LIQUOR LICENSE APPLICATIONS FILED BY VILLAGE SUPERMARKET INC.

Motion to support the request made by Member Ferramosca and seconded by Member Gallagher.

Mr. Semrau: Clearly, I can understand that the Committee wants to make sure anyone who has an interest it is better to give them an opportunity for whatever reason they don't miss an opportunity and you have to step back and never do it again, but for whatever date you reschedule for, if you want to grant this request perhaps you do so and we will try to schedule a date that which the Committee meets and doesn't have a heavy agenda and that which the applicant also can make it their way to be here as well. So if you want to grant the adjournment so be it, I can understand from a legal perspective, everyone would want that opportunity to be heard but perhaps with the provision that the administration would work with the parties to schedule a date that is convenient to the Township Committee.

Mr. Ferramosca: I will revise the Motion based on the recommendation of counsel.

Motion to grant adjournment made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Mayor: Fred you will work out some dates.

APPROVAL OF MINUTES:

The Minutes of the Re-Organization Meeting of January 1 and the Regular Meeting January 8, 2015 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Coppola moved that the Minutes of the Regular Meeting of January 1 and 8, 2015 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Brueno and was unanimously passed.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Property Maintenance E. Desimoni Month of 1/2015

INTRODUCTION OF ORDINANCES:

ORDINANCE NO. 1-15

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AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY REVISING THE DEFINITION AND APPLICATION OF FLOOR AREA REGULATIONS

WHEREAS, Chapter 166 of the Code of the Township of Hanover entitled Land Use and Development Legislation currently regulates the minimum and maximum floor area for both residential and nonresidential development in the Township; and

WHEREAS, the minimum floor area regulations are intended to ensure adequate space is provided in a development for a particular use or function; and

WHEREAS, the maximum floor area regulations for residential and nonresidential development are intended for different purposes; with residential development, the regulations are generally intended to limit the mass and bulk of buildings in proportion to the size of the property, whereas with nonresidential development the maximum floor area regulations are generally intended to limit the intensity of use and/or the proportion of uses on a property; and

WHEREAS, the Township Committee desires to amend and supplement Chapter 166 of the Code to better achieve and clarify the intent and purposes of the floor area regulations.

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. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by revising the definition of "floor area" to read as follows:

FLOOR AREA - Also known as "gross floor area."

The area of all floors in a building or other roofed structure, measured from the outside face of exterior walls, and including the area of interior walls. The regulations of floor area, and exclusions from such regulation, are as set forth in various sections of this chapter.

Section 2. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by revising the definition of "floor area ratio" to read as follows:

FLOOR AREA RATIO - The floor areas of all principal and accessory buildings divided by the total area of the site, subject to the exclusions in §166-113.2., unless specifically defined or regulated otherwise in the zoning regulations.

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Section 3. Article XIX, *General Provisions*, is hereby amended by adding and inserting a new Section 166-113.2., to read as follows:

§166-113.2. Exclusions from floor area requirements.

Notwithstanding the definitions of “floor area” and “floor area ratio” §166-4.A., the following floor areas shall be excluded from the minimum floor area, maximum floor area and maximum floor area ratio requirements of this chapter, unless specifically indicated otherwise in the regulations for the individual zone districts:

A. Residential development.

- (1) Attic and basement floors.
- (2) Unenclosed porches, breezeways, carports, gazebos and other such roofed structures not enclosed by windows, screens or other similar enclosures.
- (3) The interior portions of buildings that do not contain actual floor platforms, including but not limited to the upper areas of multiple-story rooms, the upper areas of stairwells and the like.
- (4) The interior portions of buildings where the floor-to-ceiling height is less than six feet.
- (5) Chimneys.
- (6) For minimum floor area requirements only, all non-habitable floor areas shall be excluded, in addition to the foregoing exclusions.

B. Nonresidential development.

- (1) Floor areas within parking decks and structures, private garages and other buildings or roofed structures, which are used for the parking of motor vehicles used by employees and patrons of the nonresidential use on a regular basis. The foregoing shall not be construed to exclude floor area used for motor vehicle storage, sale, display or servicing, unless otherwise excluded.
- (2) Floor areas within attics and basements which are unused or are dedicated to use for inactive storage. For purposes of administering this provision, “inactive storage” shall mean storage of a long-term nature which does not experience frequent turnover of material or frequent visitation by employees or other personnel associated with the use.
- (3) Floor areas within attics and basements dedicated to mechanical equipment and utilities necessary for the use of the building, included but not limited to electrical panels, water heaters, furnaces, air conditioning equipment and other such equipment and utilities. The foregoing shall not be construed to exclude areas used for storage of equipment for sale or distribution, or

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equipment used in any industrial process or function that is part of the nonresidential operation, unless such storage is otherwise excluded.

- (4) Unenclosed porches, breezeways, carports, gazebos and other such roofed structures not enclosed by windows, screens or other similar enclosures.
 - (5) The interior portions of buildings that do not contain actual floor platforms, including but not limited to the upper areas of multiple-story rooms, the upper areas of stairwells and the like.
 - (6) The interior portions of buildings where the floor-to-ceiling height is less than six feet.
 - (7) Chimneys.
- C. Mixed-use development. The provisions of Subsections A. and B., respectively, shall apply to the residential and nonresidential portions of the development. In the event that portions of the development are shared such that the residential and nonresidential portions cannot be distinguished, the more restrictive provision shall apply.

Section 4. Paragraph (6) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- (6) The cumulative building coverage of all detached accessory buildings or other roofed structures accessory to a nonresidential use, except for parking decks, shall not exceed the lesser of:
 - (a) One-third of the actual building coverage of the principal building on the same lot; or
 - (b) One-fourth of the permitted maximum building coverage on the same lot.

Section 5. Subsection D. in Section 166-154., *Requirements for residential zones*, in Article XXIII: *Off-Street Parking and Loading*, is hereby amended to read as follows:

- D. Nonresidential uses hereinafter permitted in the residential zones shall provide for one-hundred-percent off-street parking at all times and shall be not less than a ratio of one usable off-street parking space, exclusive of any access drives or aisles within the parking area, for every 250 square feet of floor area or any fraction thereof. Notwithstanding the above, the floor area of nonresidential uses excluded from required parking calculations in § 166-155. shall also apply to nonresidential uses permitted in the residential zones.

Section 6. The opening paragraph of Section 166-155., *Requirements for other than residential zones*, in Article XXIII: *Off-Street Parking and Loading*, is hereby amended to read as follows:

In all nonresidential zones, one-hundred-percent off-street parking shall be provided for all new buildings or additions to buildings; provided, however, that no parking spaces

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shall be required for accessory buildings, if the developer demonstrates that such accessory buildings do not generate any parking demand, and further provided that the floor areas excluded from floor area requirements by §166-113.2. shall also be excluded from required parking calculations. The minimum requirements are as follows:

Section 7. 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 8. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 9. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the February 12th, 2015 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 January 29th, 2015 issue of the Daily Record. In accordance with the Municipal Land Use Law the Ordinance and the Notice of Introduction will be published in full in the Daily Record and the Ordinance will be sent to the Planning Board for referral and recommendation again in accordance with the Municipal Land Use Law.

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

So Introduced.

*Mayor: Just so the public knows this is an introduction by title and there will be a formal opening on this but what this ordinance is going to do is just redefine parking garages and parking decks which seem to be coming into vogue now in Town with the oddly enough, where Hanover used to demand certain amount of parking and the developers didn't want to bring in all that parking, it's going the other way, people are using less and less office space per employee so they can fit more employees so they want more parking, so the trend is going toward larger parking areas underground parking and parking decks this will address that.

ORDINANCE NO. 2-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REPEALING CHAPTER 5 OF THE CODE OF THE TOWNSHIP ENTITLED BOARDS AND COMMISSIONS, VACANCIES ON AND THE ESTABLISHMENT OF A NEW CHAPTER 5 ENTITLED REGULATIONS GOVERNING BOARD MEETING ATTENDANCE AND REMOVAL FROM OFFICE FOR NON-EXCUSED ABSENCES

WHEREAS, the Township Committee adopted Ordinance No. 16-77 on May 26, 1977 which Ordinance described the manner in which non-elected members of

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a board or commission could be removed as a result of failing to attend three (3) successive regularly scheduled meetings of said board or commission; and

WHEREAS, in July, 1991, the Township Committee, by way of ordinance, codified all existing ordinances including Ordinance No. 16-77 which was subsequently established as Chapter 5 of the Code and entitled Boards and Commissions, Vacancies On; and

WHEREAS, it is the intention of the Township Committee to establish a new Chapter 5 by clarifying and revising the regulations governing the attendance and removal of non-elected members of boards, commissions, committees and authorities; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) permits municipalities to adopt by ordinance, a policy regarding absences to permit the removal of a member who has been absent unexcused for the longer of six (6) consecutive weeks or three (3) consecutive meetings.

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

Section 1. Chapter 5 of the Code of the Township entitled Boards and Commissions, Vacancies On is hereby repealed in its entirety and a new Chapter 5 entitled Regulations Governing Board Meeting Attendance and Removal From Office For Non-Excused Absences is hereby established as follows:

Section 2. “§5-1. Responsibility of Non-Elected Board, Commission, Committee and Authority Members.” It shall be the responsibility of all non-elected individuals appointed to serve on a Township board, commission, committee or authority (hereinafter referred to as “board”) to attend all regularly scheduled meetings and faithfully discharge their duties and responsibilities as established by State Statute or the Township’s Code.

Section 3. “§5-2. Excused Absence.” In the event that a non-elected member of a board as described in Section §5-4. below is unable to attend a meeting for a valid reason such as illness or business obligations, it shall be the responsibility of that board member to provide the secretary to the board with at least twenty-four (24) hours’ notice that he/she will be unable to attend a regularly scheduled meeting. An absence shall be considered as an “excused absence” when approved by a majority of the members of the board, commission or committee. An absence shall be deemed as excused when that absence occurs as a result of a legitimate illness or business obligation.

Section 4. “§5-3. Removal from Office by Township Committee and Declaration of Vacancy.” If a board member has unexcused absences for the longer period of either six (6) consecutive weeks or three (3) consecutive meetings, it shall be the responsibility of the board secretary to immediately notify the Business Administrator/Township Clerk in writing. Upon notification by the Business

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Administrator/Township Clerk, the Township Committee shall remove that board member by the adoption of a formal resolution and declaring a vacant seat.

Section 5. “§5-4. Applicability of Regulations to the Following Boards, Commissions, Committees and Authorities.” The following boards, commissions, committees and authorities shall comply with the attendance regulations described in this Ordinance:

Board of Adjustment
Cultural Arts Committee
Economic Development Advisory Committee
Environmental Commission
Board of Health
Landmark Commission
Planning Board
Open Space Advisory Committee
Hanover Sewerage Authority
Board of Recreation Commissioners
Substance Awareness Council

Section 6. 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 7. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 8. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the February 12th, 2015 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 January 29, 2015 issue of the Daily Record.

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

So Introduced.

Mayor: This Ordinance once approved would just modify the Township’s policy with regard to Planning Board members with a large amount or any board member with a large amount of absenteeism in the past it’s stated as a certain amount of absentees was acceptable but it was interrupted by their attendance now this says that if you miss “x” amount of meetings consecutively you will be dismissed, it’s unfortunately it’s something we have to do but the boards require certain amount of attendance by law in order to vote; and when our Planning Board is short or Board of Adjustment is short of members to vote it puts us in very difficult situation.

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RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 26-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HANOVER AND THE BOARD OF EDUCATION OF THE HANOVER PARK REGIONAL HIGH SCHOOL DISTRICT FOR THE PERIOD BEGINNING JANUARY 1, 2015 AND ENDING JUNE 30, 2015 IN REIMBURSING THE DISTRICT FOR THE SALARY OF THE SAFE SCHOOLS RESOURCE SPECIALIST AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT, ALL IN ACCORDANCE WITH N.J.S.A. 40A:65-4 ET SEQ.

WHEREAS, by resolution dated April 28, 2011, the Township Committee authorized the appointment of **Michael J. Murphy** as the Township's part-time civilian Drug Abuse and Resistance Education (DARE)/Safe Schools Resource Specialist (SSRS) for the purpose of developing and implementing substance education and prevention programs to help educate pupils, parents and educators concerning the dangers of alcohol and drug abuse; and

WHEREAS, commencing on May 23, 2011, **Mr. Murphy** was assigned to provide his services as a substance abuse educator on the elementary school level and at Whippany Park High School; and

WHEREAS, as the SSRS at Whippany Park High School, **Mr. Murphy** has played an integral role in educating students to the dangers of alcohol and drug abuse as well as assuming other duties in assisting the faculty and administration at the high school; and

WHEREAS, both the Township of Hanover (hereinafter referred to as the "Township") and the Hanover Park Regional High School District (hereinafter referred to as the "Regional District") recognize the benefit of having **Mr. Murphy** continue his services to Whippany Park High School as an employee of the District; and

WHEREAS, N.J.S.A. 40A:65-4. et seq. provides that any municipality may enter into an agreement with any other municipality or local unit such as a board of education to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, by resolution dated August 23, 2012, the Township Committee authorized the transfer of **Mr. Murphy** whereby **Mr. Murphy** became an employee of the Regional District with the Township reimbursing the Regional District the sum of \$40,000.00 to underwrite **Mr. Murphy's** salary; and

WHEREAS, the Township Committee is amenable in renewing the Shared Services Agreement by and between the Township and the Regional District for the

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period beginning January 1, 2015 and ending on June 30, 2015 whereby **Mr. Murphy** shall continue to serve as the Safe Schools Resource Specialist including the assignment of other duties as may be determined by the Board of Education and the Superintendent of the Regional District; and

WHEREAS, in keeping with the terms and conditions of the renewed Shared Services Agreement (a copy of which is attached hereto and made a part of this resolution), the Township will underwrite the cost of **Mr. Murphy's** salary as part of the shared services arrangement.

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 shared services regulations promulgated under N.J.S.A. 40A:65-4. et seq., the governing body hereby approves the renewal of a Shared Services Agreement by and between the Township of Hanover and the Hanover Park Regional High School Board of Education in reimbursing the Regional District in an amount not to exceed \$20,000.00 to underwrite the cost of employing **Michael Murphy** as the Regional District's Safe Schools Resource Specialist.
2. The Shared Services Agreement shall commence on January 1, 2015 and terminate on June 30, 2015.
3. In performing the duties and responsibilities of the part-time civilian Safe Schools Resource Specialist, including any other duties and responsibilities assigned by the Regional District's Superintendent of Schools and/or the Principal of Whippany Park High School, the Township shall pay the Regional District the sum of \$20,000.00 in two (2) equal installments on January 15th and April 15th, 2015.
4. The Mayor and Township Clerk are authorized and directed to execute the Shared Services Agreement on behalf of the Township.
5. That certified copies of this resolution shall be transmitted to the Superintendent of the Regional School District, the Principal of Whippany Park High School and the Township's Chief of Police and Chief Municipal Finance Officer for reference and information

RESOLUTION NO. 27-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF A LIMITED EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR THE PERFORMANCE OF VARIOUS OPEN SPACE PRESERVATION TECHNICAL SERVICES AT THE RATE OF \$125.00 PER HOUR AND A TOTAL COST NOT TO EXCEED \$5,000.00 DURING THE PERIOD BEGINNING MARCH 1, 2014 AND ENDING FEBRUARY 28, 2015, ALL

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IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii), N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the Pay-to-Play provisions of the Non-Fair and Open Process at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township Committee and the Township's Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee (hereinafter referred to as "OSAC") are in need of retaining the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space conservation; and

WHEREAS, during the past twelve (12) years, the Morris Land Conservancy, and now known as **The Land Conservancy of New Jersey** (hereinafter referred to as the "**Conservancy**") has served as the technical advisor to the Township Committee and the OSAC in assisting the Township with a variety of tasks and activities related to the preservation and conservation of open space within the Township; and

WHEREAS, based on its past performance and service to the Township, the Township Committee believes that the staff of the **Conservancy** has the technical expertise, demonstrated knowledge and experience to continue assisting the Township Committee, the Open Space Advisory Committee and the Township's professional staff, with essential open space services; and

WHEREAS, as with the 2013-2014 EUS Agreement, the Township desires to execute a limited "project specific" extraordinary, unspecifiable services agreement with **The Land Conservancy of New Jersey** which scope of services shall be limited to: (a) assisting the Township in the preparation of materials to keep the Township's Green Acres Planning Incentive Grant up to date; (b) to assist the Township in developing up to two (2) Grant applications to be submitted to the Morris County Open Space Preservation Trust Fund during 2014; (c) to provide on-going communication and coordination with State and County agencies responsible for land preservation and (d) to attend up to three (3) Township or County meetings to discuss issues with the Township's Open Space Advisory Committee or to assist in the presentation of the Township's grant applications before the Morris County Open Space Committee; and

WHEREAS, in the event the Township requires the preparation of maps or the performance of other services related to specific special projects not included under this EUS Agreement, the **Conservancy** shall submit a separate proposal(s) and quotation(s) only when such proposals are requested by the Township Committee; and

WHEREAS, the services of the **Conservancy** fall under the category of an Extraordinary, Unspecifiable Services, N.J.S.A. 40A:11-5 (1)(a)(ii), which services are specialized and qualitative in nature and requiring expertise, extensive training and a proven reputation of successful activities in the area of open space conservation; and

WHEREAS, it is the intention of the Township Committee to renew a limited Extraordinary, Unspecifiable Services Agreement with the **Conservancy** for the performance of various technical open space services to be performed at the rate of

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\$125.00 per hour and a total cost not to exceed \$5,000.00 during the period commencing March 1, 2014 and ending February 28, 2015; and

WHEREAS, the Township's Business Administrator, acting in his capacity as the Qualified Purchasing Agent, has determined and certified in writing that the value of the open space preservation consultant services for the period beginning March 1, 2014 and ending on February 28, 2015 will not exceed \$17,500.00 and therefore, the filing of a Business Entity Disclosure Certification, the Chapter 271 Political Contribution Form and the Stockholder Disclosure Certification by the **Conservancy** with the Township pursuant to N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. will not be necessary; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Open Space Trust Fund Account, Line Item No. 254-3509-499 to fund this award, all in accordance with the 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. In accordance with the Extraordinary, Unspecifiable Services provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), **The Land Conservancy of New Jersey**, with offices located at 19 Boonton Avenue in Boonton, New Jersey 07005, is hereby retained to provide the Township Committee, the Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee, and the Township's professional staff with a limited, project specific scope of services agreement which services are enumerated in the Extraordinary, Unspecifiable Services Contract.

2. **The Land Conservancy of New Jersey** shall be paid at the rate of \$125.00 per hour for the performance of the scope of services outlined in the Extraordinary, Unspecifiable Services Agreement during the period commencing March 1, 2014 and ending February 28, 2015. The total contract amount shall not exceed \$5,000.00 during the twelve (12) month period.

3. In the event the Township requires mapping and/or other special project services to be performed by the **Conservancy**, the Township's Business Administrator shall request the submission of a written proposal and quotation from the **Conservancy**. If the governing body authorizes the performance of additional services, said services will be billed separately and apart from the EUS Agreement.

4. The Mayor and Township Clerk are hereby authorized to execute a limited EUS Agreement on behalf of the Township Committee.

5. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Service", in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because it is essential that the governing body obtain the guidance and assistance of individuals possessing the technical expertise,

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demonstrated knowledge and proven ability to assist the Township with those issues and subjects directly related to open space conservation and preservation.

6. That a certified copy of this resolution shall be transmitted to the, the OSAC, the Chief Municipal Finance Officer and **The Land Conservancy of New Jersey** for reference and information purposes.

7. That a brief notice of this award shall be published in the February 27, 2014 issue of the Daily Record as required by law.

RESOLUTION NO. 28-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A FIRST BOND REDUCTION BY REDUCING THE \$440,828.00 PERFORMANCE SURETY BOND BY LAUREL ESTATES, LLC TO \$275,463.00 AND REDUCING THE 10% CASH BOND FROM \$48,981.00 TO \$30,607.00 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985, c.315, AS A RESULT OF COMPLETING 70% OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF SIXTEEN (16) DETACHED SINGLE-FAMILY DWELLING UNITS AND RELATED SITE IMPROVEMENTS ON PROPERTY LOCATED ON NORTH JEFFERSON ROAD AND DESIGNATED AS LOT 15 IN BLOCK 9202, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, the Planning Board of the Township of Hanover granted Preliminary and Final Site Plan approval on January 14, 2014 to **Laurel Estates, LLC**, as Applicant/ Developer, in connection with the construction of sixteen (16) detached single-family dwelling units and related site improvements on property located on North Jefferson Road in the Whippany Section of the Township and designated as Lot 15 in Block 9202 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the Developer was required to install certain improvements for the residential development to be known as "Hanover Ridge" (formerly known as "Laurel Estates") in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated June 23, 2014; and

WHEREAS, in a letter dated December 22, 2014 Pulte Homes of New Jersey, the builder has requested that the performance surety bond and the 10% cash bond be reduced as a result of completing a substantial portion of the project; and

WHEREAS, in accordance with the January 14, 2014 final site plan approval and the June 23, 2014 Developer's Agreement, **Laurel Estates, LLC**, has now completed 70% of the bonded site improvements based on an on-site inspection conducted by the Engineering Department for the purpose of ascertaining the percent of completion of the bonded public improvements; and

WHEREAS, the Township Engineer, in a letter dated January 14, 2015, to the Township Committee has recommended a first bond reduction of the total

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performance guarantee in terms of the performance surety bond and the 10% cash bond; and

WHEREAS, the Township Engineer has attached a Schedule "A" Bond Reduction No. 1 Report (dated January 14, 2015) to his January 14, 2015 letter which describes the percentages of reduction for the bonded on-site improvements, and the total dollar amounts of the surety and cash performance bonds to be retained in favor of the Township.

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 Performance Surety Bond, Bond No. 800013262 dated June 4, 2014, issued by Atlantic Specialty Insurance Company, in the amount of \$440,828.00 be reduced to \$275,463.00. In accordance with this reduction, it shall be the responsibility of Pulte Homes of New Jersey to request Atlantic Specialty Insurance Company to submit to the Business Administrator/Township Clerk, a new Performance Surety Bond in the amount of \$275,463.00 in order to guarantee the completion of the remaining on site improvements.
2. The cash performance bond of **Laurel Estates, LLC** deposited with the Township by Giuseppe Forgione in a TD Bank Escrow Account, Account #7760845135, in the amount of \$48,981.00 is hereby reduced to \$30,607.00. The Developer shall be returned a portion of the cash bond in the amount of \$18,374.00, plus a portion of the interest, all in accordance with P.L. 1985, c.315.
3. A certified copy of this resolution shall be forwarded to Pulte Homes of New Jersey and Giuseppe Forgione, the Township Engineer, the Chief Municipal Finance Officer, and Atlantic Specialty Insurance Company for their reference and action purposes.

RESOLUTION NO. 29-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN AND GRANT TO THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE FISCAL GRANT YEAR BEGINNING JULY 1, 2015 THROUGH JUNE 30, 2016 PURSUANT TO THE FISCAL GRANT CYCLE FROM JULY, 2014 THROUGH JUNE, 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Hanover in the County of Morris and State of New Jersey, recognizes that the abuse of alcohol and drugs is a

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serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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 governing body hereby authorizes the submission of a Strategic Plan and grant for the Hanover Township Substance Awareness Council Municipal Alliance for the fiscal year beginning July 1, 2015, in the amount of:

Drug Enforcement & Demand Reduction (DEDR)	\$ 11,949.00
Cash Match	\$ 2,987.25
In-Kind	\$ 8,961.75

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Mayor, Chairperson of the Township's Substance Awareness Council and the Township's Chief Municipal Finance Officer are hereby authorized to execute the Strategic Plan for funding the Township's Municipal Alliance.
4. That certified copies of this resolution shall be submitted to the Morris County Municipal Alliance Coordinator, the Chairperson of the Township's Substance Awareness Council and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 30-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ENDORSING AND SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S NEW JERSEY STATE HIGHWAY ROUTE 10 WESTBOUND PAVEMENT RECONSTRUCTION PROJECT FROM THE INTERSTATE-287 SOUTHBOUND RAMP TO JEFFERSON ROAD

WHEREAS, by letter dated March 13, 2014, the New Jersey Department of Transportation advised the Township Committee concerning the proposed the Route 10 Westbound Pavement Reconstruction Project from mile post 12.8 (the I-287 Southbound Ramp) to mile post 13.4 (Jefferson Road) in the Whippany Section of the Township; and

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WHEREAS, the Project is currently in the concept development phase which includes investigating construction staging alternatives as well as the need for safety and drainage improvements to be included in the Project; and

WHEREAS, the Pavement Reconstruction Project will consist of removing the existing concrete pavement and construction of a new bituminous section; and

WHEREAS, the Concept Development Study is expected to be completed in the fall of 2015 at which time the Project will move to the design phase; and

WHEREAS, construction is currently estimated to start sometime in calendar year 2017; and

WHEREAS, because the Project is funded through the Federal Highway Administration, the New Jersey Department of Transportation has requested that the Township Committee, the governing body of the Township of Hanover, memorialize in writing its endorsement and support of the Route 10 Westbound Pavement Reconstruction Project; and

WHEREAS, the Township Committee believes that improving that section of Route 10 Westbound as proposed by the New Jersey Department of Transportation will enhance motorists' safety and therefore the governing body endorses and supports the Project.

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 governing body hereby endorses and supports the New Jersey Department of Transportation's Route 10 Westbound Pavement Reconstruction Project from mile post 12.8 (Interstate-287 Southbound Ramp) to mile post 13.4 (Jefferson Road) which Project will include resurfacing and safety and drainage improvements. The Route 10 corridor is a major east-west connector highway serving Morris County and improvement to the roadway is vital to the safety of the motoring public.
2. That certified copies of this resolution shall be transmitted to the NJDOT's Community Relations Manager, the Township Engineer and Chief of Police for reference and information purposes.

POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS

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

RAFFLE LICENSES:

RL- 2812 – ECLC Foundation – off premise 50/50
RL- 2813 - ECLC Foundation – Tricky Tray

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RL- 2814 – New Jersey Jazz Society – on premise 50/50
RL– 2815 – Randolph PTO Council – Tricky Tray
RL- 2816 - Randolph PTO Council – 50/50 on premise
RL -2817 - Randolph PTO Council – off premise raffle

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

Executive Session:10:45pm (10 Minute Executive Session)

Motion made to go into Executive Session under Attorney Client Privilege regarding Zoning Issues on Whippany Road Park Avenue made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Mr. Giorgio: Motion to reconvene the Township Meeting made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Township Committee Meeting is now back in session.

Mayor: Ladies and Gentleman thank you for your patience but 10 minutes went into a half hour, but I assure you that the Township Committee had a very difficult time with this question, we took into consideration all of the comments that we heard from our community and we were very very sensitive to our neighbors that live around this property and sensitive to their comments and wishes where this is concerned as well. And, we certainly want for the Township to try and do zoning the best possible use for the property as a condition of zoning not the economic reason, economically I am happy to say that Hanover does not have to depend on the desist zoning for the ratable base but we are concerned that the best possible use for the property and having said that I think the Township Committee has reached a decision and it is a split decision I assume but on that basis I am going to ask the Administrator to offer the resolution.

ORDINANCE NO. 3-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY CHANGING THE ZONING CLASSIFICATION OF BLOCK 4701, LOT 29 AS DESIGNATED ON THE TOWNSHIP'S TAX MAP FROM THE R-15 ZONE DISTRICT TO A NEW R-15A ZONE DISTRICT AND BY ADOPTING DEVELOPMENT STANDARDS FOR THE NEW DISTRICT.

WHEREAS, certain property identified on the Tax Maps of the Township of Hanover as Block 4701, Lot 29 and having a street address of 325 Whippany Road in the Whippany Section of the Township is currently developed with a house of worship and related accessory structures; and

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WHEREAS, the subject property is currently located in the R-15 Residence District, which district permits single-family detached dwellings, public and semipublic buildings and uses such as churches and schools; and

WHEREAS, the subject property is located at the intersection of Whippany Road and Park Avenue, two heavily traveled roadways; and

WHEREAS, due to the property's shape and location at the intersection of these busy roadways, the Township Committee desires to provide an alternative to the development of single-family detached dwellings on the property; and

WHEREAS, the Township Committee also desires to promote the strategic development of housing appropriate for senior citizens who no longer desire to maintain a single-family residence.

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

Section 1. Section 166-107., *Enumeration of districts*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended and supplemented to read as follows:

§ 166-107. Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

R-40	Residence District
R-25	Residence District
R-15	Residence District
R-15A	Residence Overlay District
R-10	Residence District
R-10A	Residence District
R-M	Residence District
RM-2	Residence District
R-15A	Residence District
RM-4	Residence District
AH-1	Affordable Housing Overlay District
B	Business District
B-1	Business District
B-P	Business and Professional District
B-P2	Business and Professional District
WC	Whippany Center District
D-S	Designed Shopping Center District
OB-RL	Office Building and Research Laboratory District
OB-DS	Office Building — Designed Shopping Center District
OB-RL3	Office Building and Research Laboratory District
I	Industrial District
I-2	Industrial District
TC	Town Center District

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I-4	Industrial District
I-5	Industrial District
I-P	Industrial Park District
I-P2	Industrial Park District
I-B	Industrial — Business District
I-B2	Industrial — Business District
I-B3	Industrial — Business District
I-R	Industrial — Recreation District
A	Airport District
PU	Public Use District

Section 2. Subsection A. of Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended to read as follows:

§ 166-108. Map, schedule and appendices.

- A. The Zone Map delineating the zone districts within the Township, entitled “Zoning Map, Township of Hanover,” dated February 2015; the Summary Zoning Schedule set forth on said map; the three sheets entitled, “Appendix A, Yard Definition and Building Envelopes,” the one sheet entitled “Appendix B” and the one sheet entitled “Appendix C, Minimum Parking Space and Aisle Width Dimension,” are hereby declared to be a part of this chapter. In the event of any discrepancy between the summary zoning schedule on the Zoning Map and the text of Chapter 166, the text of Chapter 166 shall supersede the table on the Zoning Map.

Section 3. Subsection C. in Section 166-115., *Second principal building on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, is hereby amended by adding and inserting a new Paragraph (19) to read as follows:

(19) In the R-15A Zone as set forth in Article XXVIIA.

Section 4. Paragraph (2) in Subsection A. in Section 166-125., *Buffer requirements*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- (2) Where a multifamily residential zone district or the R-10A district or a multifamily residential development in the R-15A overlay district abuts a property in a single-family residential zone district and the property in the single-family residential district is vacant or developed with a single-family or two-family dwelling;

Section 5. Paragraph (1) in Subsection C. of Section 166-125., *Buffer requirements*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- (1) Minimum depth of a buffer adjacent to residential zone districts. The minimum depth of the buffer adjacent to residential zone districts required by § 166-125A.(1) and (2) shall be as set forth in the following table. The buffer depth shall be measured from and perpendicular to the property line of the property located in the zone within which the buffer is required.

Zone District

Minimum Buffer Depth

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R-10A	10 feet
R-15A, R-M, RM-2, R-15A	20 feet
B, B-1, B-P, B-P2	25 feet
D-S	50 feet
OB-RL, I, I-2, I-3, I-P and PU	Five feet for each acre of lot area, excluding from said lot area any state open waters, wetlands and wetland transition areas to remain after development, as approved by the New Jersey Department of Environmental Protection, provided that no buffer shall have a depth of less than 50 feet, and no buffer shall be required to have a depth that exceeds 150 feet

Section 6. Part 5, *Zoning*, is hereby amended by adding and inserting a new Article XXVIIA entitled, *R-15A Residence Overlay District*, to read as follows:

**ARTICLE XXVIIA
R-15A Residence Overlay District**

§ 166-173.1. Purpose and intent.

The purpose and intent of the R-15A Zone District is to provide an alternative development option to single-family detached housing and institutional uses by permitting age-restricted townhouse development in accordance with appropriate standards.

§ 166-173.2. Permitted principal uses.

The following principal uses and structures shall be permitted in the R-15A Zone District:

- A. Townhouses, also known as single-family attached dwellings.
- B. Single-family detached dwelling units.
- C. Open space and recreational uses, public or private, limited to outdoor active and passive recreation facilities.
- D. Conditional uses permitted in and as regulated for the R-15 zone district by this Chapter.
- E. Any use permitted in all zone districts or in the R-15 zone district by this Chapter.

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§ 166-173.3. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal uses in the district. Permitted accessory uses to single-family attached developments shall include, but not be limited to, clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents and guests of the development. Permitted accessory uses for single-family detached residential developments shall be as permitted in the R-15 zone district by this Chapter.

§ 166-173.4. Prohibited uses.

Any use other than the uses permitted by this Article shall be prohibited.

§ 166-173.5. Lot, bulk, intensity of use and other regulations.

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development within the R-15A Overlay Zone District:

- A. Single-family detached dwellings. The development of single-family detached dwellings shall be subject to the requirements of the R-15 Zone District and to all requirements of this chapter that generally apply to single-family detached dwellings.
- B. Townhouse dwellings. The development of townhouse dwellings shall be subject to the following requirements:
 - (1) Minimum townhouse development area: 5 acres.
 - (2) Maximum tract density: 5.6 dwelling units per acre of the tract, not to exceed 33 total dwelling units.
 - (3) Minimum front yard, buildings: 50 feet from any public street right-of-way.
 - (4) Minimum side and rear yards: 40 feet.
 - (5) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
 - (a) Front wall facing front wall: 70 feet at any point.
 - (b) Front wall facing rear wall: 60 feet.
 - (c) Front wall facing end/side wall: 50 feet.
 - (d) End/side wall facing end/side wall; 20 feet.
 - (e) End/side wall facing rear wall: 30 feet.

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- (f) Rear wall facing rear wall: 40 feet.
 - (g) In case of uncertainty as to the definition of "front," "rear" or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.
- (6) Maximum height of principal buildings. No building shall exceed 35 feet in height or 2 1/2 stories, whichever is less.
 - (7) Accessory buildings. Accessory buildings and other roofed accessory structures shall comply with the minimum setback requirements applicable to principal buildings. Detached accessory buildings shall be located at least 25 feet from residential buildings located in the R-15A District. Accessory buildings shall not exceed one story or 15 feet in height, whichever is less.
 - (8) Maximum coverage by buildings and improvements. The coverage by buildings shall not exceed 25% of the tract area. The coverage by all improvements, including buildings, decks and patios, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 60% of the tract area.
 - (9) Buffer requirements. All of the applicable requirements of § 166-125. shall be complied with.
 - (10) Maximum dwelling units in building. The number of dwelling units in any townhouse building shall not exceed six units.
 - (11) Minimum dwelling unit gross floor area: 600 square feet, plus 150 square feet for each bedroom.
 - (12) Building design.
 - (a) Building dimension. The horizontal dimension of buildings shall not exceed 204 feet on any facade.
 - (b) Front wall horizontal projection. The front wall of all townhouse buildings shall provide horizontal projections and/or recesses designed to provide visual interest and avoid large blank walls as viewed from the street or internal roadways.
 - (c) Front wall material. The front wall of all townhouse and apartment buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials.
 - (13) Access and circulation. The design of access and circulation improvements serving residential development within the R-15A District shall be in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following shall apply:

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- (a) Individual driveways serving townhouses shall not have direct access to a public street.
 - (b) Sidewalks shall be provided within any development to provide reasonable pedestrian access and circulation within the development and between the development and the surrounding public sidewalks.
- (14) Parking. The amount and design of on-site parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:
- (a) The length of driveways intended for parking of vehicles shall be at least 20 feet for the entire width of the driveway, in order that vehicles are not required to encroach into pedestrian ways or internal roadways.
 - (b) Parking areas, driveways and internal roadways shall be set back at least 50 feet from all property lines abutting a residential zone, and at least 10 feet from street right-of-way lines.
 - (c) Parking areas shall be set back at least 10 feet from building walls, except parking spaces in driveways located in front of garage doors.
- (15) Occupancy restrictions. All dwelling units within any townhouse development in the R-15A District shall be restricted to occupancy by at least one person 55 years of age or older. In addition, no children under the age of 18 years shall be permitted to reside in such dwelling units on a permanent basis. Appropriate restrictive covenants shall be imposed upon any development within the R-15A District to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601, et seq.

Section 7. The title and Subsection A. of Section 166-143., *Signs in the RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts*, is hereby amended to read as follows:

§ 166-143. Signs in the R-15A, RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts.

- A. In the R-15A, RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts, each multifamily or townhouse development shall be entitled to one freestanding sign at each vehicular entrance to the development, provided that such signs comply with the following requirements; provided, further, that if the R-15A, RM or RM-2 Zone is developed for residential use other than multifamily housing, the provisions of § 166-142. shall apply. Signs in the RM-2 Zone District for permitted nonresidential uses shall comply with the provisions of § 166-147.
- (1) The area of each sign shall not exceed eight square feet.
 - (2) The height of each sign shall not exceed six feet.

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- (3) All such signs shall be set back at least 10 feet from any street right-of-way.
- (4) Said sign shall be an identification sign only, limited to the name of the development or project on site.
- (5) The design and location of all such signs shall be subject to the review and approval of the Planning Board.

Section 8. 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 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the February 26th, 2015 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 January 29th, 2015 issue of the Daily Record and also will be sent to the Planning Board for referral and recommendation again in accordance with the Municipal Land Use Law.

Mr. Semrau: Mr. Giorgio, if it is my understanding this has been drafted for introduction, it will be published, it will also be sent to the Planning Board for consistency determination, and there will be a final hearing, so what that means is that would be the action is official and effectuated but this starts the process, and it would be my understanding that the regulations as drafted would be the concept that was at least presented and the zone change that was presented would yield 36 lots; but the Ordinance as presented and will be drafted ultimately will yield 33 lots; and one of the considerations was some of the issues raised by adjourning property owners, with respect to concerns about access or things of that nature, buffers those concerns were addressed from the standpoint that the Planner will draft the Ordinance so that there will be enough space to provide that type of buffer and access issues for residents that was raised during the public comments, I think that was part of the genesis of the change from what was presented to what may be ultimately be the Ordinance in its final form.

Motion on introduction: made by Member Ferramosca and seconded by Member Brueno,

YES: Mayor Francioli, Member Ferramosca, Member Brueno

NAY: Member Gallagher, Member Coppola

So Introduced.

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OPEN TO THE PUBLIC

Motion to open made by Member Brueno and seconded by Member Ferramosca and unanimously passed.

Mayor: Hey Len, I'm consistent.

Mr. Fariello: Your consistent, yes, you certainly are. And you're sarcastic too.

Mayor: We'll get back to your teepee's and dirt roads....

Mr. Fariello: Okay, that's very sarcastic,

Mayor: I'm entitled to be sarcastic, at certain times, but go right ahead.

Mr. Fariello: I just want to know when the Ordinance will be ready for the public to see it?

Mayor: I think the attorney just gave you the date on that,

Mr. Fariello: NO, when will be, you just introduced the Ordinance, when will it be ready for the public to see the Ordinance?

Mayor: When will we have it for publication?

Mr. Semrau: Blais is going to make some changes, so

Mr. Brancheau: I can have it next week, but the Township Committee has to review it as well, by law it has to be mailed and it has to be 10 days before the

Mr. Semrau: Someone made a request for a copy of the Ordinance.

Mr. Brancheau: I don't want to release it until the Township Committee, I'll have it done by next week, I want the Township Committee to see it, because until it's my work not theirs, so as soon as they look at it and

Mr. Semrau: So the final reading Joe is February 26th, so it has to be published by the 16th.

Mr. Giorgio: And, we have to give notice to everyone within 200 feet because it is classification change and that will be notification to those people who are in Morris Township on the opposite side of Park Avenue.

Mr. Semrau: I think we have to have a date that which it would be available.

Mr. Brancheau: Yes, and obviously no later than the 16th, and probably considerably earlier than that, again, it's up to the Township Committee as to how quickly they can review what I will have written probably the early part of next week.

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Mr. Fariello: So, I have a legal question then, is it legal to introduce an ordinance.

Mr. Semrau: You can introduce by title, what I think we ought to do is, I think we should by-pass that review, we voted as a Committee to introduce the Ordinance and when Blais is finished it ought to be made available, if there is a problem at final adoption you can make either no substantive changes or you can take other action to

Mayor: Substantive changes would defeat

Mr. Semrau: Non substantive changes.

Mr. Ferramosca: If there are substantive changes then it will be defeated, right.

Mr. Semrau: I think it should be ready for next week, Blais from that standpoint otherwise we won't be able to disseminate it and that could create a problem.

Mr. Fariello: Well, my point is substantive changes from what, if the Committee just introduced something, sight unseen, it just doesn't seem to me, if you introduce an ordinance we should be able to get a copy of it almost immediately, and you don't even have it written yet, and you introduced it.

Mr. Semrau: There is a draft that has been written, it's by title right now, and the one change as I indicated, was to go to make a change so it would ultimately yield three less lots than it would have under just a straight change as requested by the property owner.

Mayor: Can we release that to Mr. Fariello?

Mr. Semrau: I mean I don't know if you want to mark up the change, or what you want to do, but I think

Mr. Brancheau: I don't want to release it as it is

Mr. Semrau: Right, it's by title

Mr. Brancheau: It's not a matter of changing the number, it has a ripple effect and change some other things in it, and I don't want to mislead anyone, if it was just changing the maximum density x to y it would be easy, but changing the density of it other things may change as well, other things may change and I have to look at those things and they all work together.

Mr. Semrau: I think it was described adequately that you are going to the R15A and you are going to make necessary changes which would likely yield only a maximum of 33 lots, is that a fair statement.

Mr. Brancheau: Units,

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Mr. Semrau: Yes, units, right, so from that standpoint, it was identified to the Township Committee what was being introduced, the ultimate Ordinance and the effect of the legislation will be a publication of the Ordinance, distribution of the Ordinance, and well in advance of the final public hearing so I don't see anything wrong with the fact that tonight to begin the process I think the governing body has identified the material terms of the Ordinance, so you will know where exactly the changes will become.

Mr. Fariello: Do we have an R15A zone already in town?

Mayor: No we do not.

Mr. Fariello: So, you have prepared this Ordinance in advance, obviously, I don't get it, um if you are working for the Township Committee to write to Ordinance or if you are working for the developer to write the Ordinance, you already had the Ordinance prepared, it's just

Mr. Semrau: If the Ordinance was prepared, it would be completely written and voted upon, it's not prepared to the terms which the governing body introduced the Ordinance too, so it wasn't prepared to that extent, there was a draft so that from my understanding so that the Planner would have an idea.

Mayor: Drafts are a point of a discussion for the Township Committee would have come to this point on whether we are introducing it that is what this is all about, so while there is draft language on this thing, it has been formally written, the majority of the voters on this thing agreed upon the unit numbers etc., but we have to see the final like you, we have to see the final, it's not fully drafted yet.

Mr. Fariello: Well I guess, I'll just make the statement I don't want to turn this into an argument but I think it is highly improper that you would introduce an Ordinance that you haven't even see yet and it's not available to the public to view immediately upon introducing it. Thank you.

Mayor: Thank you.

Judy Iradi, Locust Drive, Cedar Knolls: Maybe only me, but I'm a little confused two months ago, it was a big production about how you weren't going to allow condos on the South Campus with "splashy headline" and everything, and a lot of people had written on our favorite Facebook blog that they were so happy that the Township Officials had finally seen the light and we were a town of non-condo's and residential areas and everything, so that was less than two months ago, and now tonight you voted to introduce condos so I'm thinking "what is your direction." Two months ago it seemed like no we weren't going to have condo rezoning in town and now it seems we are going to allow it.

Mr. Brueno: I'll take a shot at that Ms. Iradi, I think every property that comes in front of us has to be dealt with independently that's number one, the South Campus was looking at 300 rental units, no age restriction, in this particular case, obviously this is a smaller piece of property, but those units were going to be very small and there were other factors that came into play, here we are looking at 33 units so I think we are comparing apples and oranges with these two projects and if another project comes in front of us two weeks from now that would have to be looked at independently as well.

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Ms. Iradi: I totally agree that everything is looked at independently but your receptive then Mr. Brueno to not ruling out the building of further condos in town.

Mr. Brueno: I would you rather not put words in my mouth, but in this particular case for the use of this land I voted for it as you have seen for various reasons, but when we voted no on the South Campus I don't think that was a vote to never allow any high density housing every again, this project came up faster, much faster than anybody thought it would we can't always anticipate what is going to come down the pike.

Ms. Iradi: Well you just answered my question, about you not ruling out never rezoning.

Mr. Brueno: How can I?

Ms. Iradi: Rezoning, right.

Mr. Brueno: You were here with the Eden Lane, the old Paper Mill Property; you know what the effect of that lawsuit was? That is sitting in the balance that was a judgment that was handed down six years ago, and that is still hanging over our heads you know that, you were on the Committee that time.

Ms. Iradi: Yes, thank you.

Mr. Semrau: Mayor, the record should also reflect that there is one distinction to some of the discussion. There were a number of residents adjacent to this property that from the impression that the record has is that they were in favor of this change and that is a distinguishing factor from some of the other matters. There is still a public hearing that is left and there is public portion. Tonight, if residents that are adjacent to this property are opposed to it that is important for the governing body to hear but I think the governing body heard otherwise this evening.

Ms. Iradi: Thank you Mr. Semrau because when they built the cluster housing by Mr. Mihalko property the whole neighborhood came out and was against it and the Quick Chek across the street the whole neighborhood came out and was against it but yet still the Township Committee rezoned in that instance.

Mayor: Would anyone else like to be heard at this time? Hearing None, Seeing None.

Motion to close 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