

SEPTEMBER 24, 2015

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, September 24, 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, Coppola, and Brueno

ABSENT:

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**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

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

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Mayor: I note this particular meeting has been that we have done a great deal of notice on, but way of format, if the general public would just bear with us, we are going to try and get the people's business done first, which is our regular agenda. It is not very lengthy but if we do it in that fashion then I give everyone in this room an opportunity to speak those that do want to speak and we will go over a format for that shortly. But on that basis, I am going to open the meeting to the public at this point. Generally when we do this you can bring up any subject that you wish, but I do note, I sense the, the feeling that the subject of tonight's meeting is going to be one of the form that we are going to talk about with the Quick Chek people, but on that note open to the public, gentleman motion please.

**OPEN TO THE PUBLIC**

Motion made by Member Brueno to open the meeting to the public and seconded by Member Gallagher.

Gary Keyser, 16 Lynn Terrace, Whippany: Back in July Gentleman I donated a

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book from April 20, 1938 regarding the \_\_\_\_\_ back from the Cedar Knolls Athletic Club, and in that club there was a field called the George Hill Memorial Field where they played ball. As being part of the Fire Department I've seen that George Hill Memorial Field he was the first Fire Chief in Cedar Knolls from 1919-1933, also comes to find out that he was a very wealthy man in Town, he owned a lot of property in Town, and he donated the property of the where the Hildale Park Presbyterian Church is, that's why it's called that, and working through our Engineering Department, Gerry, Dave, and meeting with Blais on a parcel of land. I would like to meet up, I met with a 98 year old resident here in town to see if she knew anything about that, and she said "Gary, I lived right across the street from that field, when I grew up." The field seems to be located on Boulevard Road, between Orchard and Prospect Street. We are going through maps and I found that. It's amazing when you find something where it leads you, so I wanted to talk to this one woman, and talked to someone who was 94 years old, and another who was 87 years old and the history they are giving me not only with the Fire Department but the development of the Cedar Knolls and Malapardis Section of this Town, it's totally phenomenal, I've been meeting with them and taking a lot of notes. There was a baseball team called the Cedar Knolls Ravens, also The Malapardis Warriors in town, it's just amazing how one thing leads to another, but in the future if this pans out when we are looking to put a monument at that field, cause the Fire Department's Anniversary is coming up in 2019, it'll be 100 years old and that was my mission. I found it, but now I'm other missions about especially about the Malapardis Section in Town, it's phenomenal what the people when they lived there, what they did, the Malapardis Victory Club, years ago and how that started I'm getting some information about that, and the old Cedar Knolls Section in Town, I did find that field and we have some really interesting people in this Township.

Mayor: Yes there are.

Mr. Keyser: If you don't meet them it's a lot of history lost.

Mayor: I highly suggest that you share that information with George and our Landmark Commission and bring that together with them, I found it very interesting myself with the maps that you did acquire going back to 1918 they were prenominal, and again thank you for the research, and the effort and I hope you will be talking to George again.

Joseph Mihalko, formally of the Malapardis Section of Hanover Township, currently, 12 Anna Terrace of the Whippany Section of Hanover: I love Gary, he brings up these little pearls of wisdom, I just wanted to address one small issue, we have an indirectly related to our last agenda item, and I won't address that item, it's passe. However, I've spoken from you know my extensive family and they said "Dad, why do we have to teacher conferences as the same night as when Township has a meeting when there is such a contentious issue in front of the Town?" Your meetings are established; I wish the Board of Education would get on board and think about that when they have their parent teacher conferences and I'll throw that one right out to Mr. Gallagher who used to be on that board, they should look at their calendar before they

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schedule these things.

Mr. Gallagher: I will call Bob Mooney tomorrow morning.

Mayor: And he will. Most everyone in the room, certainly Joe knows that we meet on the second and fourth Thursday nights of every month, other than when we get into a holiday schedule, but what I'm hearing from Joe was that the School Board doesn't adhere to a particular mapped out schedule, so we will take your advice Joe and talk to Bob over there.

Kirsten Allen, 3 Hickory Place: I'm new to Town, so I just found out about another affordable housing development that was, I don't know if it is being brought up, I thought that we met our quota when we had our affordable housing on Horse Hill, so my question to you guys is where is this affordable housing unit going to be? And how is it going to affect our schools, my daughter goes to Mountview Road School and I feel that it is very over crowded, especially compared to the other elementary schools, and being an educator myself I'm very disappointed in the fact that my daughter doesn't have cafeteria to eat her lunch in or recess, and if you are going to have more housing this is a really big concern to I think to the people who live in town, it's changing the integrity of the Town and I moved here because of the schools, so.

Mayor: I think you are a little ahead of yourself, but go ahead.

Ms. Allen: Sorry, I'm really passionate about it, and I'm confused.

Mayor: Well you are going to share with me any information that you have, I don't know of any affordable housing units that are going up exclusively in the Town, but have you heard of such rumors?

Ms. Allen: I did here that the State is mandating us to do

Mayor: You are talking about the COAH Requirement for Hanover Township and other towns that have been assessed by the Council of Affordable Housing of 1000 units of housing for Hanover, is that what you are referring to?

Ms. Allen: Yes

Mayor: Ok, let me. I'm going to let the Director of Planning explain. Let us set your fears aside.

John Ferramosca: Thank you for coming out tonight expressing your concerns, you have a right to do that, you are a mom, an educator; Hanover Township has dealt with Affordable Housing challenges since the early 80's. Hanover Township as of the beginning of this year our affordable housing obligation to the 2023 was 9 more units. So the Township has worked since the early 80's to comply and to manage to the best as it can, with affordable housing. This has been a significant undertaking for the Town,

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and we have our Planner Mr. Brancheau here tonight who can comment on this as well. Specifically what is happening right now is that the State has dissolved COAH, the Council on Affordable Housing, that's COAH, as a result of dissolving COAH the Court system took on in it's infinite wisdom so to speak, an allocation process that they decided they would allocate large amounts of units to municipalities throughout the State of New Jersey and the number they used was 1,000 cause they couldn't come up with a larger number than 1,000. Now, I know speaking from myself as well as each member who is on this Township Committee we believe 100% in home rule. And what that means as a result in that is that we will exercise every legal option which we have to champion our position to communicate how well Hanover has done in terms of meeting its obligations for affordable housing and going beyond providing significant opportunities for those in most need which in our community we are very proud to have ARC homes, and those ARC homes are providing opportunities to live in the suburban environment like Hanover for special needs, and these are great neighbors which we have, they blend right in with our community and as of now what we are doing about it is we are working with probably New Jersey's best planning organizations Burgis Associates, which is highly regarded if you do research on Burgis, Joe Burgis just has been honored by the State, he is probably the best recognized Planner within the State of New Jersey in addition.

Mayor: John is giving you a very long detailed which you are entitled to explanation, and as you see on the agenda tonight a resolution naming another substitute planner individual for Hanover to defend against this COAH issue, we are enjoining with other Townships who are hiring the same consultant that is why it is on the agenda, this gentleman will represent us, against the allocation we've been getting.

Mr. Ferramosca: We thank you for raising the issue.

Ms. Allen: Where would we find out more information as the progress goes on with this? When you hire someone.

Mr. Brancheau: You can ask me any time, I'm the Planner, I'm not Mr. Burgis, I'm the staff Planner, Mr. Burgis is the consultant. You can ask me, I'm well versed in where and what the status is and I can give you all the details you want and probably a lot that you don't want, but I'll be happy to answer any questions for you.

Ms. Allen: Okay.

Mr. Brueno: Satisfied to say, we are as opposed as you are, does that summarize the feeling of the Committee.

Mr. Brancheau: The clear message is that the State is mandating this and we sort of have a gun to our head, as to we must do certain things certain things we have flexibility on but it's not being promoted by this Town, it's forced up by the State.

Mayor: It's one of these situations that the Courts have said we are guilty and

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now we have to go back and prove them that we aren't by what we have done in housing and defend against 1000 allocation that they gave us, that's what all the towns are now doing. I just don't hope we aren't incriminating ourselves by defending ourselves by saying well these are the areas that we can build in, so it' doesn't match up to your 1000 units, that's called being shot in the foot!

Janis Allen, 53 Forest Way: I have a quick question about the Econolodge and the status of where we are with that?

Mayor: We are fine, and legitimate question, Econolodge the Township met with the County Director of Family Services about three weeks ago, and we expressed our very strong opinions about what our issues and the amount of time it is taking from our Police Force and our Public Safety Department, in any event, the facts I'll give you this, the Director was very cooperative they had 25 welfare families in the Econolodge and I might preference this by saying to you that not all 25 families were a problem to us, but of the 25 families that they had in the Econolodge as of the time I'm speaking to you now, it's down to 9 families. They have transferred many of those families to other locations throughout the county. Having said that, we also came to the understanding that if we do have a problem on the Econolodge and we do identify the fact that the problem that is coming from a welfare recipient or family and we do advise the County Director of this they will be removed immediately, so we expect that kind of cooperation. Police Department is monitoring the issue over there, but I might tell you that a lot of our problems with the Econolodge are not just the welfare families, the Econolodge and the rates that they charge attract people from the Greater Morristown area etc., so we can't put all the oneness on the welfare families. But to date, and I haven't gotten current updated information from the PD which should be forthcoming I think we are on our way to getting that under control.

Ms. Allen: Did the Town ever consider purchasing that, or is that something

Mayor: There are concepts involved with that property and the Planning Board under the Director of Planning John Ferramosca is looking at the Route 10 improvement plan and much of that property is being looked at under a certain phase of redevelopment and planning.

Ms. Allen: How long will that take or when do you expect that to

Mayor: It's a combination of many factors its not only the rezoning of that property to make it more desirable for a developer to come in and redevelop it's a kind of developer that wants to come in and take it, so we need a private sector party that wants to buy it and we want to cooperate with them in the planning process to make it desirable for them to buy it so there are a lot of factors come into this, I can only tell you that's its at work, and I can't give you a definitive time table but we are working on it.

Ms. Allen: But the Town would not consider purchasing it first?

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Mayor: Purchasing it for

Ms. Allen: I don't know for what purpose I'm just asking if that would be something that they would consider.

Mayor: It's not that would not consider purchasing it, but we probably have open space look at it, for what's it's reasonableness to be able to be used for park, or something else, when open space looks at land they want to acquire it's usually contiguous to park land or has some reason for being acquired that it could be used for recreational purposes etc., it's not that this land isn't we could look at it from that standpoint, but right now we are looking at other properties under open space properties the Wolfe Property, next to Bee Meadow Pool, etc.. Thank you.

Pete Berkenkamp, 24 Kearney Avenue: First and foremost I want to thank the entire Township Committee for hiring the 30<sup>th</sup> Officer which allows us to reinstate Officer Grawehr as SRO, I went to Middle School, High School, and we worked construction together, Officer Grawehr and I and he is a great asset and he is the perfect choice for that spot, and I have a soft spot for the kids here in Town, I'm between the Substance Awareness Council co-chair and also Joe Giorgio's liaison to Project Graduation and Officer Grawehr is the right man for the right job and I applaud you for reinstating him.

Second a related issue to not only the Econolodge but Officer Grawehr, my wife and I applauded by the number of police shootings nationwide, and we wanted to do a small thing in that vein, so we came up with these bracelets that say "Blue Lives Matter ~ Young Lives Matter", so I would like to give you each one of them, cause between our EMT's, Police Officers, and our Fireman, we have a great town and they should be recognized.

Mayor: Thank you, great Pete, we support that.

Motion to close made by Member Brueno and seconded by Member Ferramosca.

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**COMMUNICATIONS:**

Letter of resignation of Annette Luger effective January 1, 2016.

Mr. Giorgio read the letter of resignation into the minutes.

Mr. Giorgio: Annette I thank you for your 35 plus years of service to the Township. (APPLAUSE)

Gentleman may I have a motion to accept Ms. Luger's letter of resignation?

Mayor: I don't think so!!!

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Mr. Gallagher: Second that!

Mr. Ferramosca: I regretfully make the Motion to accept it

Member Ferramosca made the motion to accept Ms. Luger's Letter of Resignation and seconded by Member Brueno.

All in favor: Gallagher, Ferramosca, Coppola, Brueno

Abstained: Mayor Francioli

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**APPROVAL OF TOWNSHIP COMMITTEE MINUTES**

The Minutes of the Regular Meeting of September 10, 2015 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Brueno moved that the Minutes of the Regular Meeting of September 10, 2015 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

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**PUBLIC HEARING AND ADOPTION OF ORDINANCE**

**ORDINANCE NO. 26-15**

**AMENDING AND SUPPLEMENTING CHAPTER 166  
OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND  
DEVELOPMENT LEGISLATION BY AMENDING THE PERMITTED  
ENCROACHMENTS FOR FRONT, SIDE AND REAR YARDS. (PUBLIC  
HEARING CARRIED TO SEPTEMBER 24, 2015 IN ORDER TO RECEIVE  
REPORT AND RECOMMENDATION FROM PLANNING BOARD)**

Motion to convene a public hearing made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 26-15 appeared in full in the August 20, 2015 issue of the Daily Record in accordance with the law.

Letter that was submitted on behalf of the Planning Board by Robert Nardone, Chairman of the Planning Board, was read into the record.

"Dear Mr. Giorgio, at its September 15, 2015 meeting, the Planning Board reviewed and discussed Ordinance 26-15, which had been referred by the Township Committee as required by the Municipal Land Law at N.J.S.A. 40:55d-46A. Ordinance 26-15 would amend and supplement Chapter 166 of the Code by amending the permitted encroachments by various structures into the required minimum yards. The Planning Board has determined that Ordinance 26-2015 is

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substantially consistent with the Master Plan although the land use element of the Master Plan recommends various front, side and rear yards, the recommended yard requirements in plan are intended to apply only to principal buildings and not accessory structures. In addition, the Plan does not specifically identify the nature of any encroachments that should be permitted in such yards. The types of encroachments that would be permitted by Ordinance 26-15 are minor in nature and Master Plans do not typically specify recommended encroachments. Notwithstanding the lack of specific recommendations for limited yard encroachments the Planning Board believes that Ordinance 26-15 is substantially consistent with the spirit and intent of the yard requirements in the Master Plan. Thank you for the opportunity to comment on Ordinance 26-15.”  
Respectfully Submitted,  
Robert Nardone, Chairman  
On Behalf of The Township’s Planning Board

Motion to convene a public hearing made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Motion to close public hearing made by Member Brueno and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled “**AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE PERMITTED ENCROACHMENTS FOR FRONT, SIDE AND REAR YARDS,**” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the September 28<sup>th</sup>, 2015 issue of the Daily Record.

Mr. Ferramosca: I’m proud to make this Motion, it is a very homeowner friendly amendment, it allows simply in simply English; if you want to put a patio on the front of your home and you want to have columns that go to the floor from the base of the sidewalk, you can do so with without going through the whole process of a variance.

Mayor: Because you would be in violation if your columns went to the floor and you just put up your overhead, it could have been a bigger violation when it came down.

Motion on Adoption made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

So Adopted.

**ORDINANCE NO. 27-15**

**AMENDING AND SUPPLEMENTING SECTION 267-  
45. SCHEDULE XV:PARKING PROHIBITED CERTAIN HOURS AND SECTION  
267-46. SCHEDULE XVI:NO STOPPING OR STANDING CERTAIN HOURS**

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**UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED  
VEHICLES IN TRAFFIC.**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 27-15 appeared in full in the September 17, 2015 issue of the Daily Record in accordance with the law.

Motion to convene a public hearing made by Member Coppola and seconded by Member Gallagher and unanimously passed.

Motion to close public hearing made by Member Brueno and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled "**AMENDING AND SUPPLEMENTING SECTION 267- 45. SCHEDULE XV: PARKING PROHIBITED CERTAIN HOURS AND SECTION 267-46. SCHEDULE XVI:NO STOPPING OR STANDING CERTAIN HOURS UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES IN TRAFFIC,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the October 1<sup>st</sup>, 2015 issue of the Daily Record.

Motion on Adoption made by Member Gallagher and seconded by Member Coppola and unanimously passed.

Mr. Gallagher: One Comment, Joe I was at Back To School Night at Memorial Junior School and it's the first night we actually practiced not allowing parking on the north side, Bob Mooney got permission to use the Calais School, we parked on Addie Lane and they ran shuttles from the Bee Meadow School six buses back and forth but we didn't need the shuttles that much it worked out so well that emergency vehicles can get back and forth, God forbid they have to, and Bob Mooney was going back and forth reported to me and asked me to share with the Township Committee that it was, it is a very fair ordinance it is a lot safer, and they are going to be able to accommodate all the cars working with Calais School if there is a big event and I thank you very much for taking this action. It seems to be working out and thank you everybody and thank you to the School and Park Traffic Safety Committee for doing this.

So Adopted.

**ORDINANCE NO. 28-15**

**AUTHORIZING THE TOWNSHIP ENGINEER TO RETAIN THE SERVICES OF HATCH MOTT MACDONALD IN PREPARING A REMEDIAL INVESTIGATION REPORT/REMEDIAL ACTION REPORT AND BID SPECIFICATION CONCERNING THE REMOVAL OF CONTAMINATED SOIL AND REMEDIATION ACTIVITIES RELATED TO THE FORMER WASTE OIL UNDERGROUND STORAGE TANK AT THE DPW GARAGE, AUTHORIZING THE ACTUAL SOIL REMOVAL AND**

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**REMEDIAION ACTIVITES AND FURTHER APPROPRIATING THE SUM OF \$60,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2015 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 28-15 appeared in full in the September 17<sup>th</sup>, 2015 issue of the Daily Record in accordance with the law.

Motion to convene a public hearing made by Member Ferramosca and seconded by Member Brueno and unanimously passed

Motion to close public hearing made by Member Francioli and seconded by Member Coppola and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled **“THE REMOVAL OF CONTAMINATED SOIL AND REMEDIATION ACTIVITIES RELATED TO THE FORMER WASTE OIL UNDERGROUND STORAGE TANK AT THE DPW GARAGE, AUTHORIZING THE ACTUAL SOIL REMOVAL AND REMEDIATION ACTIVITES AND FURTHER APPROPRIATING THE SUM OF \$60,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2015 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT,”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the October 15<sup>th</sup>, 2015 issue of the Daily Record.

Motion on Adoption made by Member Francioli and seconded by Member Brueno and unanimously passed.

So Adopted.

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**POSSIBLE INTRODUCTION OF ORDINANCES**

Mr. Ferramosca: We all know that roads are number one job in terms of restoration for many years roads were neglected; Township Committee has been paving approximately four roads per year. This year we will do Hamilton, Hendricks, Griffith, and soon Eden Lane will begin. However given the fact that we have had two horrendous years weather wise, the roads are in very bad shape. So what the Township Committee is doing is advancing it's cycle of planning the repaving of the roads to start it in October so that we can begin early spring time and as a result of that put ourselves in the position to get ahead of road paving, and thanks for the support of this committee we are introducing \$1,000,000.00 worth of road improvements and that would put a significant dent into some of the key roads within our Township such as Troy, Eden Ridgedale, etc.

**ORDINANCE No. 29-2015**  
**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY**

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**AUTHORIZING THE RESURFACING AND/OR RECONSTRUCTION OF VARIOUS TOWNSHIP ROADS AND RELATED INFRASTRUCTURE IMPROVEMENTS, AND APPROPRIATING THE SUM OF \$1,000,000.00 FOR SAID RESURFACING AND/OR RECONSTRUCTION PROJECTS FROM THE TOWNSHIP'S 2015 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECTS**

**WHEREAS**, as a result of significant ice and snow storms since 2012, many of the Township's roads have deteriorated and require resurfacing and/or reconstruction including other related infrastructure improvements to drainage, curbing and sidewalk; and

**WHEREAS**, the Township Engineer and Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department have assessed the condition of various roads and prioritized those roads which in their opinion require immediate attention; and

**WHEREAS**, in order to implement the road resurfacing and/or reconstruction projects to ensure the safety of motorists and pedestrians, it is the intention of the Township Committee to authorize funds through the Township's 2015 Capital Improvement Fund and all prior years.

**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.** The governing body hereby authorizes and approves the resurfacing and/or reconstruction of the following streets including any related infrastructure improvements such as drainage, curbing and sidewalk:

1. The entire length of Mount Pleasant Avenue from its intersection with the driveway to the Pine Plaza Shopping Center to Route 10 eastbound;
2. The entire length of Troy Road from its intersection with Troy Hills Road to the East Hanover Township border;
3. Cedar Knolls Road from its intersection with Ridgedale Avenue to the intersection of South Jefferson Road;
4. Eden Lane from the Whippany River Bridge to its intersection with Whippany Road;
5. The entire length of Legion Place;
6. The entire length of Birch Hill Drive;

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7. The entire length of Beech Terrace;
8. The entire length of Mount Vernon Way;
9. Malapardis Road from Route 287 to the dead end at Route 10 eastbound;
10. McNab Avenue from its intersection with Slope Drive to its intersection with Poplar Drive; and
11. Isolated pavement repairs to various streets throughout the Township as determined by the Township Engineer.

**SECTION 2.** The Township Engineer and Assistant Township Engineer are authorized and directed to prepare the necessary plans, specifications, supplementary specifications and drawings for each of the resurfacing and/or reconstruction projects including any related infrastructure improvements as well as isolated pavement repairs. The Township Engineer and Assistant Township Engineer are further authorized and directed to publicly advertise and receive sealed competitive bids, competitive quotations and/or to implement any of the resurfacing and/or reconstruction projects set forth in Section 1. above through a valid and current contract issued by the Morris County Cooperative Pricing Council, all in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.

**SECTION 3.** There is hereby appropriated the sum of \$1,000,000.00 from the Capital Improvement Fund of 2015 and all prior years for the funding of the projects listed in Section 1. Above as follows:

- A. The sum of \$900,000.00 for the resurfacing and/or reconstruction projects listed as Projects 1 through 10 in Section 1.; and
- B. The sum of \$100,000.00 for isolated pavement repairs.

**SECTION 4.** This Ordinance shall take effect in accordance with law.

Public hearing and Final Passage at the October 8<sup>th</sup> Meeting of the governing body, and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to speak.

It is further resolved that the Ordinance and the Notice of Introduction will be published in full in the Morris County Daily Record in accordance with law.

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

So Introduced.

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO. 186-15**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS APPROVING THE EXECUTION OF AN AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS**, the Township Committee of the Township of Hanover entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

**WHEREAS**, the Township Committee of the Township of Hanover recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Township Committee has determined that it is in the best interests of the citizens of the Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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**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 terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk are hereby authorized to execute the aforesaid Amendment.
3. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township with **Econsult Solutions, Inc.** and with the approval of the Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
4. The Township Committee further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Hanover shall only be responsible for such funding if it authorizes same.

5. If additional moneys are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the governing body.
6. A copy of the Municipal Shared Services Agreement and Amendment to same shall remain on file in the Township Clerk's office and available for public inspection.

**RESOLUTION NO. 187-15**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REJECTING THE COMPETITIVE BIDS OF REIVAX CONTRACTING CORPORATION, TEC-CON CONTRACTORS, INC. AND J.C. CONTRACTING, INC. REGARDING THE PHASE 1A CONNECTIVITY TRAIL SYSTEM PROJECT IN THAT THE THREE (3) BIDS RECEIVED AND OPENED SIGNIFICANTLY EXCEEDED THE APPROPRIATION APPROVED BY THE GOVERNING BODY**

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**WHEREAS**, in accordance with N.J.S.A. 40A:11-4. of the Local Public Contracts Law, the Township of Hanover advertised for the receipt of sealed competitive bids concerning the construction of Phase 1A of the Township's Connectivity Trail System Project; and

**WHEREAS**, notice of the Township's intention to receive sealed competitive bids appeared in the August 13, 2015 issues of the Daily Record and The Star-Ledger; and

**WHEREAS**, acting in conformity with the Local Public Contracts Law, the Township's Bid Reception Committee met on August 25, 2015 to receive and open three (3) sealed competitive bids; and

**WHEREAS**, the three (3) competitive bids received out of five (5) prospective bidders were as follows:

Reivax Contracting Corporation  
356 Thomas Street  
Newark, New Jersey 07114.....\$298,870.00

Tec-Con Contractors, Inc.  
9 Dodd Street  
East Orange, New Jersey 07017.....\$377,990.00

J.C. Contracting, Inc.  
25 Orange Street  
Bloomfield, New Jersey 07003..... \$401,927.00; and

**WHEREAS**, the Township Engineer has reviewed the three (3) bid packages; and

**WHEREAS**, the Township Committee adopted Ordinance No. 22-15 on August 13, 2015 authorizing the construction of Phase 1A of the Township's Connectivity Trail System Project and further appropriating the sum of \$175,000.00 from the Township's Open Space Trust Fund Account and the 2015 Capital Improvement Fund and all prior years for the financing of the Phase 1A project; and

**WHEREAS**, in a letter dated September 21, 2015 to the Mayor and Township Committee, the Township Engineer recommended that because of budgetary constraints, the Phase 1A Project should be reevaluated and the project re-bid; and

**WHEREAS**, because the three (3) bids received and opened by the Township's Bid Committee significantly exceed the appropriation adopted under Ordinance No. 22-15, the Township Committee finds and determines that it is in the best interest of the Township to reject the three (3) competitive bids.

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**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. Pursuant to N.J.S.A. 40A:11-24. of the Local Public Contracts Law, the competitive bids of Reivax Contracting Company, Inc., Tec-Con Contractors, Inc. and J.C. Contracting, Inc. are hereby rejected on the basis that all three (3) bids far exceed the appropriation authorized by Ordinance No. 22-15 as it pertains to the "Phase 1A Connectivity Trail System Project".
2. The Township Engineer is hereby authorized and directed to reevaluate the scope of a revised Phase 1A Project Plan and financing to be submitted to the Township Committee for its review, approval and possible re-bidding.
3. That certified copies of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and the three (3) contractors who submitted bids on the Phase 1A Project.

**RESOLUTION NO. 188-15**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF CLUB LICENSE NO. 1412-31-032-001 FOR SAINT JOHN THE BAPTIST UKRAINIAN CATHOLIC CHURCH (ISSUED AS A CLUB LICENSE) FOR THE LICENSE TERM COMMENCING JULY 1, 2015 THROUGH JUNE 30, 2016**

**WHEREAS**, the New Jersey Division of Alcoholic Beverage Control has implemented a new paperless electronic liquor license renewal system known as POSSE ABC beginning with the 2015-2016 license term; and

**WHEREAS**, pursuant to the new guidelines established by the Division of Alcoholic Beverage Control, the following named licensee has submitted its renewal application through POSSE and paid the applicable fees to the Division of Alcoholic Beverage Control and the Township of Hanover; and

**WHEREAS**, the Tax Clearance Certificate for renewal purposes has been received from the New Jersey Division of Taxation for the licensee referenced below and is on file in the office of the Business Administrator/Township Clerk; and

**WHEREAS**, in accordance with the Township's renewal process, no municipal department or agency has filed an objection concerning the renewal of the license.

**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:

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1. The governing body hereby approves the renewal of Club License No. 1412-31-032-001 (issued as a Club License) and held by **Saint John the Baptist Ukrainian Catholic Church** located at 60C North Jefferson Road, Whippany, New Jersey 07981 for the 2015-2016 license term beginning July 1, 2015 through June 30, 2016. The licensee has paid the Township's \$153.00 license renewal fee for the 2015-2016 license term.
2. The renewal license for **Saint John the Baptist Ukrainian Catholic Church** shall include the following special conditions which are imposed by the governing body as the licensing authority:
  - A. In accordance with Chapter 154 of the Code of the Township entitled Garbage, Rubbish and Refuse, **Saint John's** will keep the outdoor premises of its property free and clear of all trash and recyclable materials. Such trash and materials must be stored properly in trash receptacles and/or recycling bins;
  - B. Pursuant to Chapter 184 of the Code of the Township entitled Noise, **Saint John's** shall comply with the permissible noise decibel levels as it pertains to any music or sound amplification or reproduction equipment emanating from **Saint John's Cultural Center Facility**.
  - C. Any violations of the above shall be prosecuted by the Township through Municipal Court.
3. That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control and the Hanover Township Police Department for reference and information purposes.

**RESOLUTION NO. 189-15**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RELEASING THE \$113,901.00 IRREVOCABLE STANDBY LETTER OF CREDIT AND THE \$12,656.00 CASH PERFORMANCE BOND PLUS A PORTION OF THE INTEREST IN ACCORDANCE WITH P.L. 1985, c.315 TO MARYANNE MARINO AND MARYANNE MARINO TRUST ON BEHALF OF MICHAEL MARINO, JR. DECEASED CONCERNING THE COMPLETION OF IMPROVEMENTS FOR A FOUR (4) LOT DEVELOPMENT ON PROPERTY LOCATED ON NORTH JEFFERSON ROAD AND DENNIS AVENUE IN THE WHIPPANY SECTION OF THE TOWNSHIP AND ALSO KNOWN AS LOT 7 IN BLOCK 9304 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

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**WHEREAS**, on February 17, 2004, the Planning Board granted Preliminary Major Sub-Division and Tree Removal approval and Final Major Sub-Division approval on October 16, 2007 to **Michael Marino, Jr.** as applicant and developer for a sub-division which included the creation of four (4) new developable lots on property located on North Jefferson Road and Dennis Avenue in the Whippany Section of the Township and designated as Lots 7.01, 7.02, 7.03 and 7 in Block 9304 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS**, certain improvements were required to be installed by the Developer for the project in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated March 11, 2010; and

**WHEREAS**, by resolution dated August 12, 2010, the Township Committee approved Bond Reduction No. 1 by reducing the Irrevocable Standby Letter of Credit from \$215,694.00 to \$157,447.00 and the cash portion of the Performance Bond from \$23,966.00 (plus a portion of the interest) to \$17,494.00; and

**WHEREAS**, on November 19, 2012, the governing body approved Bond Reduction No. 2 as a result of an on-site inspection conducted by the Engineering Department to ascertain the percentage of completion of the bonded public improvements; and

**WHEREAS**, Bond Reduction No. 2 reduced the Irrevocable Standby Letter of Credit from \$157,447.00 to \$113,901.00 and the cash portion of the Performance Bond from \$17,494.00 to \$12,656.00 (plus a portion of the interest); and

**WHEREAS**, in a letter dated September 22, 2015, the Township Engineer recommends that the Final Bond Release be approved as a result of the completion of all the bonded public improvements.

**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 September 22, 2015 letter recommendation from the Township Engineer, the governing body authorizes the following:
  - A. That the Irrevocable Standby Letter of Credit, Letter of Credit No. OD09001435 dated November 27, 2012 in the amount of \$113,901.00 as submitted by Valley National Bank is hereby released;
  - B. That the cash performance bond in the amount of \$12,656.00 deposited in TD Bank Escrow Account No. 7760845109 plus a portion of the interest pursuant to P.L. 1985 c.315 be released;

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- C. The unused sanitary sewer inspection fee in the amount of \$12.12 held in escrow against Line Item No. 252-6113-499 is also released in accordance with the recommendation of the Hanover Sewerage Authority Executive Director; and
  - D. The unused Engineering Inspection fee in the amount of \$7,985.78 held in escrow against Line Item No. 252-7016-499 is also released.
- 2. In view of the passing of **Michael Marino, Jr.**, upon instruction of his daughter Denise Marino, all checks shall be made payable to Maryanne Marino and Maryanne Marino Trust.
  - 3. That certified copies of this resolution shall be transmitted to the International Department of Valley National Bank, Denise Marino, the Chief Municipal Finance Officer, the Township Engineer and the Executive Director of the Hanover Sewerage Authority.

**RESOLUTION NO. 190-15**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A REFUND OF TAXES FOR A TOTALLY DISABLED VETERAN EXEMPTION**

**WHEREAS**, **Edward Moscariello**, who purchased his residence in Hanover Township on November 22, 1976, is the owner of property located at 27 Malapardis Road in the Whippany Section of the Township and also designated as Lot 21 in Block 2903; and

**WHEREAS**, **Mr. Moscariello** has applied for a Totally Disabled Veteran tax exemption and qualifies for an exemption of New Jersey property taxes; and

**WHEREAS**, the exemption is effective starting the date of 100% disability as designated by the United States Department of Veterans Affairs in accordance with NJSA 54:4-3.30; and

**WHEREAS**, the effective date is March 31, 2014; and

**WHEREAS**, **Mr. Moscariello** is entitled to a refund of all taxes paid on the property since March 31, 2014; and

**WHEREAS**, the Tax Assessor has reviewed this exemption application and is of the opinion that **Mr. Moscariello** qualifies for 100% tax exemption from real estate property taxes for his residence;

**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:

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1. The governing body hereby authorizes a refund of taxes to **Edward Moscariello** in the amount of \$9,707.95 for the period beginning April 1, 2014 through August 31, 2015.
2. The Township Committee further authorizes the Township's Chief Municipal Finance Officer to refund these taxes to **Edward Moscariello** residing at 27 Malapardis Road in Whippany and also designated as Lot 21 in Block 2903.
3. That certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer and Tax Assessor for reference and action purposes.

**RESOLUTION NO. 191-15**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 which item is now available as a revenue from:

Bayer Contribution	\$15,000.00
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**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$15,000.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
Reserve Bayer - Contribution	\$15,000.00

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

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**RESOLUTION NO. 192-15**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015, which item is now available as a revenue from:

State of New Jersey:	\$5,000.00
2015 - Drive Sober or Get Pulled Over Crackdown Grant	

**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$5,000.00
Drive Sober or Get Pulled Over: OE	

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION NO. 193-15**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL  
ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY  
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget;

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and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015, which item is now available as a revenue from:

Bullet Proof Vest Partnership	\$ 1,872.27
Body Armor Grant Fund	

**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$1,872.27 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$ 1,872.27

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

**RESOLUTION NO. 194-15**

**A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO AN OUTSIDE LIENHOLDER**

**WHEREAS**, at the Township of Hanover Municipal Tax Sale held on December 2, 2013, a lien was sold on Block 302, Lot 10, also known as 32 Cross Road, Morris Plains, New Jersey 07950, for 2012 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 2013-06, was sold to Pro Cap III, LLC for a 0% redemption fee and a \$900.00 premium paid; and,

**WHEREAS**, Core Logic & Tanya Iandiori, owner has affected redemption of Certificate 2013-06 in the amount of \$2,648.14.

**NOW, THEREFORE, BE IT RESOLVED**, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$2,648.14, payable to Pro CAP III, LLC, 50 South 16<sup>th</sup> Street, Suite 1950, Philadelphia, Pennsylvania 19102 for the redemption of Tax Sale Certificate 2013-06.

**BE IT FURTHER RESOLVED**, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$900.00 (Premium) to the aforementioned lien holder.

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**RESOLUTION NO. 195-15**

**A RESOLUTION REFUNDING POOL MEMBERSHIP FEE**

**WHEREAS**, the following named person has heretofore deposited funds with the Township of Hanover for membership in the Bee Meadow Pool:

<b>Mildred Spiel</b>	
901 Route 10, Apt. 111	
Whippany, NJ 07981.....	\$130.00

**WHEREAS**, because her schedule has been arranged beyond her control, the applicant finds it necessary to withdraw her membership; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, that a refund be granted as follows:

<b>Mildred Spiel</b> .....	\$130.00
Processing Fee.....	Waived
<b>REFUND</b> .....	<b>\$130.00</b>

**POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS.**

Motion to approve consent agenda of the resolutions made by Member Coppola and seconded by Member Gallagher and unanimously passed.

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**RAFFLE APPLICATIONS:**

- RL-2863 – Whippany Park Booster Club – Calendar Raffle**
- RL-2864 - P.G. Chambers School – on premise Raffle**
- RL-2865 - St. John the Baptist Ukrainian Catholic Church – 50/50 on Premise**

Motion to approve Raffle Application made by Member Coppola and seconded by Member Brueno and unanimously passed.

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**PRESENTATION BY REPRESENTATIVES OF QUICK CHEK CONCERNING CONVENIENCE STORE HOURS OF OPERATION AND A FORUM FOR DISCUSSION.**

I would like to go over a bit of a format, first off, I would like us all to understand this is not a hearing, this is not like a Planning Board Hearing, and we are not taking testimony. The Township Committee was requested by Quick Chek Corporation to grant them the opportunity to present an issue with them operating their Quick Chek

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facility, which is not yet built here on Jefferson Road and Route 10. Present Ordinance in place denies the use of the convenience store portion of that application from the operation I believe 10:00pm -6:00am they would have to remain closed, but the gasoline portion of that application is allowed. So the gasoline portion would be operating on the highway store for 24-7 that's presently in place. The applicant, Quick Chek has requested some relief in some of the form of a test. So let me explain what they are asking and then what we are going to do is open the floor after their presentation to something like a forum. Their request is given a period of time to operate 24-7 in which they can demonstrate to you and the Township that they can operate without any incident of noise or any other types of incident of the site that would be problematical. Township Committee is very reluctant to grant such a test without public input. So it was our suggestion that we have a forum, giving you this opportunity. I am just going to go over some rules of the road for all of us:

Courtesy prevails; in all cases. If you have cell phones or other types of items I ask you once again tonight please turn them off or vibrate that would be very good;

Letters have been sent out to all of the neighbors (31 letters) have been sent out to the neighbors in the surrounding properties to these Quick Chek property advising them of this meeting, advising them of the type of meeting this would be;

It has been posted on our Township Website and published in the newspapers of record;

This forum is to hear comment on the retailer Quick Chek's limited time period to operate 24-7 on that site; as I said the gasoline service is presently permitted 24 hours a day on the highway, the convenience store is not;

The format for tonight will be to recognize speakers after our presentation from Quick Chek. We will give them the opportunity to present their argument for why they would want this. Afterwards the format for tonight will be to recognize speakers from the podium typically as we did earlier tonight giving us your name and address for the record. In order to get everyone an opportunity who wishes to speak~ speak, we will have a four minute clock on you so please give serious consideration to your thoughts, your comments before you get up to the podium. If you have a position on this be it for or against that's what we want to hear, but please give the Township Committee the benefit of comment with your answer as to why you would support or not support them opening for that length of time. Again, I reinforce this not a hearing on the Quick Chek Gas and Convenience Store; Quick Chek has been approved by the Planning Board on this site and that was well over a year ago, there will be no vote on the Township Committee although they will take this into consideration and deliberate on this in the future. Those not present here tonight have submitted comment through letters and memos to the Administrator and he has those present, he will read them into the record but before he does I think in the format we would like Quick Chek to begin their presentation. Mr. Wisyciskala.

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Mr. Wisyciskala: Good Evening Mayor, Committee members, John Wisyciskala on behalf of the Quick Chek Corporation. Thank you very much for taking the time to allow us to make this presentation tonight, we do have a power point we are going to try and keep it brief, here is a little bit of the background on it. You are all familiar with the site, it's approximately 2 and ¼ acreage site, it's right across the street, this site is historically had a number of land uses on it, obviously Kathy's Corner Bar and Restaurant that has been vacant for years, former gas station operation that I believe was a Fanok Family business for a number of years. It was abandoned. The site has been blighted over time and it is a contaminated site, soil contamination and ground water contamination, and it has been there due to the historic operations, primarily the gas station and the fueling operations that were there. Quick Chek did make applications before the Planning Board in 2014 as the Mayor indicated earlier we were approved and the Resolution was actually memorized in November. The project proposes as everyone is aware, Quick Chek convenience store with the fueling operation very similar to what you see on Whippany/Parsippany Road, the building is almost identical, almost identical to the size, layout and configuration. Really the two biggest components that are associated with this project and two of the biggest challenges are the environmental I indicated costs upwards to about ½ million dollars to remediate the site, and the Quick Chek project is the catalyst to getting that done, the site will be remediated part parcel land development similar to what happened at Whippany/Parsippany Road, which was also a former fueling operation.

The other challenge with respect to that site, that we face, and for anyone else looking at it, is the intersection itself, it has been a problematic intersection to this Township with its proximity to 287. The jog in the road when you are in Jefferson traffic signal and in order to address that as part of our approvals Quick Chek agreed to take on sole responsibility to bind the rights of way on that portion of the property, add lanes, modify the traffic signal and Jeff Albanese who is here will get into those numbers, but it's a significant seven figure number to do that. No fall on the municipality to do that.

Over the course of the Planning Board meetings and I know a lot of our neighbors were here and some of the residents when we originally designed it tried to design it to be similar of the adjoining land uses and provide sufficient buffers, landscaping perspective, fencing and lighting. Over the course of the hearings, those buffers were enhances as well primary on comments from your professionals and Mayor and Committeeman Ferramosca who sat through those hearings, and really with the goal to try and mitigate the impacts of the neighbors. Conditions were placed on the original approval, which included we got loading to the rear of the store, adjacent to the next door residential neighbor and the Planning Board insisted and which we agree to limit deliveries in that location, limit trash pickups actually prohibiting it from 10pm-6am so we will not disturb the neighbors. So we did put a lot of thought into mitigating noise impacts, blaring of light, Mayor you summarized exactly what the situation is in terms of the Ordinance and the hours of operation with respect to the C store and you know the two ordinances which are run side by side. I have three people that are going to speak tonight, we are going to give a very brief, Keith Cahill with Boyler, he is the project engineer, and to put it all into perspective we are going to put up a slide or two with the

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presentation just to show, and reiterate, and remind everybody as to what we got in terms of the approved plan. I have Jeff Albanese with Quick Chek who is going to speak obviously to the operation.

Mayor: I don't want to interrupt you but I do want to go cautiously in the sense that if you are going to give comment from anyone of your experts on any particular area of the site, then in justice to the public, they can have a cross for your expert, are you aware of that?

Mr. Wisyciskala: Yes, a really brief overview, to put into perspective, Mayor. That's all. And we aren't presenting as an expert cause it is not a formal hearing, so I have Jeff Albanese, and we also have Warren Dottie.

Mayor: Are you going to use the presentation up here?

Mr. Wisyciskala: Yes.

Keith Cahill, Boller Engineering: Just my role, is just to give you a brief background of the site, what it is surrounding and the prior approval, and I let the presentation go forth. This figure is an exhibit of the property in question is approximately 2.25 acres we front on Route 10 and South Jefferson Road and Ukraine Road. There are as mentioned existing residential properties as well as commercial properties as shown in this aerial. The intent is to remove all the existing structures in the development, as mentioned there are two commercial properties, very close to the Route 10 frontage as you can see in this. At the intersection of Jefferson and Route 10 you can see commercial building right up on the right of way which exhibits free flow of traffic making right turns around that corner. Adjacent to that there is another commercial property, was a service station as mentioned, has contaminated site both the ground water and soil, which is part of the redevelopment of this property. As part of the prior approval of the site plan by the Planning Board as mentioned, it is a Quick Chek Convenience Store, store about 5,496 square feet, the exact same size building that is on Whippany and Parsippany. The two components access of Route 10 and onto Jefferson Road, what we intend to do and as mentioned from a design standpoint we have the facility front on South Jefferson Road, providing the 25 foot buffer landscape buffer behind the site, as required by ordinance we are in compliance which is what is required by ordinance creating a buffer between the existing residential use and commercial use. We do have a loading zone to the rear of the building, as to where I'm pointing to, as mentioned as part of that approval the use of that facility is restricted between the hours of 10:00 pm and 6:00 am ~ no deliveries in that area during this time. As mentioned we will anticipate no more than 2 deliveries in that loading zone per day, where they are the larger vehicles, smaller vehicles are loading at the front of the site.

A couple critical elements to this, just in general with Route 10, Route 10 currently only has three lanes in the East Bound in the direction and on South Jefferson Road in the North and South Bound direction combined total of 4 lanes where there is the ability of two lanes go straight through in front of our site two lanes heading in the

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North direction which allows both lanes to make left turns and the right lane will allow straight forward and a right and left turn. As part of the redevelopment, Quick Chek is adding a full lane on Route 10 making a right turn lane there so we dedicating .25 acres to the DOT as part of this development so we are giving away .25 acre of land and we are adding a full lane in the North bound direction that will improve the queuing and operation of this intersection where now you will have three lanes heading in the North bound direction, two lanes allowing left turns, two of the lanes will have straight through movements, and the right lane farthest right lane will make the right turn. So the improvements are significant to improve the overall DOT and South Jefferson Road intersection from access ability.

That gives you the summary of what proposal is for the site, I will let Mr. Albanese speak in more detail.

Jeffery Albanese, Quick Chek Corporation, Real Estate Manager: I am responsible for all new sites, and development in the majority of the State of New Jersey. I have been with Quick Chek for twenty years background in operations also for Companies that run multi store units up to 80 units at one time, so my background is both in operations and also real estate.

Mr. Mayor, on behalf of Quick Chek Corporation, we want to thank you and the rest of the counsel for having us here and allowing us to come before you and explain our case to you. We want to once again thank of your Township Professionals, they have been great to work with and we appreciate their time too. In talking to a couple of things and just to reconfirm about who we are; the concept of convenience in fuel in the State of New Jersey has more than what you see before you tonight. I mean that is really the concept, we have talked about this, not so much in this scenario but before the Boards that explained to them that majority what used to be the old mom and pops in the State of New Jersey are now convenience stores with fuel. You see more and more of it going up and it's changed, and it's been over the past 10-15 years, this has been changed in what we do. They work together there is a sincerer with them, they operate together, and what we are asking for tonight which has been explained, we are asking for this convenience store to operate with the fuel and obviously the 24 -7 we have obviously bought, and John did mention, Norm Gotti is with us, who is our sound expert. We did go out on our own and performed a sound study and we did submit that to the board and basically Norm is going to speak to that tonight.

As Jeffrey mentioned with the deliveries as per approval that Board did grant us we will not have any deliveries at night from 10:00 – 6:00 am. Just something else that did come up in our personal conversation, we do have an air vac out there that is actually on Route 10 and not that it came up but we also will put a timer on that which will disable that from 10:00pm until 6:00 am, and that will not be used during that time. We are sensitive to that, especially at night, even with the sounds coming off the highways, the trucks there is no really no reason for us to have that operating. So we are okay in doing that, and we want to make sure you are aware. As was mentioned to by John we do have a half of million dollars in remediation here approximately, I must

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say a little better than we first estimated, but throughout time we have been able to do testing, that is truly from the lot that had the fueling station on it, as a gas constituent, but as part of our approval and part of our construction we will be ruminating that and cleaning it all up as per who ever put forth before. That is really where we are with that, and I will talk through it to, but you look at what we do and how we operate our stores. The convenience store is open, runs with the fuel, we always have two people out at the canopies, there is always two people outside 24-7 policing the area and obviously and making sure that the safety standards that we so expect, especially when we are in this type of situation, we are on a State Highway but we are next to a residential and I have a few examples a little bit beyond this that actually show you some examples of where we do that.

In going over to and to talk to briefly about the costs, and John did mention, and with the DOT improvements and as you all know it is never an easy task dealing with the NJDOT of the State of New Jersey, the approvals take a very long time and it's been a process and I think we have done a good job of keeping your Township Professionals in the loop of where we are and we are finally there. We are there and we are almost at the point with being there and as you can see the extensive cost in getting this road work done, which we knew up front and agreed to, we did want to put it out on the table and speak to that.

Briefly also just to move over to our store at Whippany and Parsippany Road, let's just briefly talk about that; has operated for approximately 2 years now. Has created and does create approximately 30-35 drops. We do have a bunch of people from the Town working there. We must keep in mind there also that we do have a residential home, next to us and next to that site there. Let's also keep in mind with that that we do not as Mayor mentioned that we do not pump fuel there from 12:00am-5:00 a.m. but our convenience store does run 24-7 and I will tell you that we checked and we've had our Head of Operations Vice President Mike Murphy call and we checked with the Chief and we have not had any issues to date reported there of operating our convenience store and we are very happy to be able to service the public on the 24-7 basis. And the last comment on that store is I will tell you the number one complaint that we do get in our office and the number one complaint is that fact that we don't pump fuel from 12:00 at night – 5:00 am and we have had folks call us on that and obviously that was a concern.

Lastly, I want to show a few site that I thought that projects that I did bud up against residential, this is our Sparta location, it's actually right across from Pope John High School, right on the corner there, and we have a resident right behind us, this is a site that has been operating, and we have had no issues here of any and it's a project that I personally did, and that's one example.

Second example that I'm showing you is a Store in Rahway on Route 1 North, Township of Rahway, it's operated for about 10 years now. We had no problems and it abuts a residential neighborhood to the rear of the store. Lastly I took a store a little more on a county road, County 519, this is in the Township Hopatcong right outside of

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Pennsylvania, actually this store is our second store, it's been here since 2002 about 13 years, actually we opened this store, took an out with the residential and actually came back and remodeled it, it does abut residential neighborhood here and we have been very successful and I think we have done a good job in servicing the public. I hope that the Whippany/Parsippany store has been acceptable, we have tried, the team does a nice job there and we supported the Township in any way we can through that store. We will continue to and we promise you to be a good neighbor on Route 10 and wherever else we can possibly go. I would really ask you and urge you to accept our recommendation and allow us to prove to you and the Counsel and the Township that we can operate this convenience store and fueling on Route 10 24-7 without any issues and with total and constant monitoring by the Quick Chek Corporation. Reminder that one of the things that we did, going over and over with the Planning Board with the fact that we do have 20-25 cameras in the inside and the outside of the store.

Mayor: How many?

Mr. Albanese: 20-25 between the inside and outside of the store, we will capture every square inch of this property and we also work well with the local police to always cooperate where ever we can if there is an issue and with that I will leave it to John and Norm to go over sound.

Norm Dottie, Russell Acoustics: I am an acoustics engineer; this is my 44<sup>th</sup> year of being an acoustics engineer. I have testified in this town before, I did the acoustical analysis of CAE Training Facility right down the road from you, and I used techniques that in that project in looking at sound projections in this project. Most will remember the State Noise Control Counsel who writes the regulation, including the model noise ordinance as you have, and I am for the record a Licensed Professional Engineer. So what did I do with this facility? For this project? This is an aerial of the proposed Hanover site, Route 10 is the diagonal across the top there you can see a little bit of the Municipal Building right at the top, and right near the center you will see two red dots with numbers next to them. I set up environmental noise monitors which ran for three days back in May, round the clock for 72 hours at each location to measure what is the existing sound out there right now. This graph right here is for the location closer to Route 10, it is butting a house, there is a house that faces Route 10 its about 35-40 feet from Route 10 it's actually closer to Route 10 than it is than the proposed Quick Chek parking lot. This shows the sound levels that are measured over the three days, which you are looking at there, starting at midnight on May 1<sup>st</sup>, each vertical bar is an hours' worth of information, the top and bottom of the red shows the maximum and minimum sound level during that hour. The green line running through the center of things roughly is the average sound level for each hour, and then the blue lines show a range that encompasses 80% of all of the sound, there is some measures, that acousticians use, I won't bore you with the details unless someone would like to get into it, but 80% of the time the sound level is in the blue range. So this is what's out there ambient, no Quick Chek operation what so ever. By comparison, the State limit, what the State and your ordinance requires at night that Quick Chek can't generate more sound than this 50 DBA line here. So you can see that the great majority of the time even at night the

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sounds out there are significantly louder than what Quick Chek's statutorily limited to producing. And the fact that it's louder out there doesn't let them off the hook, they have to comply with that 50 DBA nighttime limit.

This is a little further back from Route 10 again at the Hanover site, same date same times, and the sound levels were a little bit quieter, without a doubt, what's the dominate sounds out there is Route 10 and I287. You saw this slide before, this is the Whippany site, I went here and did the same thing. I set up instruments again you see the two red dots there, they are 50 feet back from the rear of the building to look at the sound there, what is interested to me is that this site, it's the exact opposite of what they are currently restricted to at the proposed site. Namely, the Quick Chek convenience can operate and does operate 24 hours a day, the gas station doesn't operate at night, so if you look at this, at night time we know the only sound there, well it's not for the gas, it would be nice to say that's it therefore only from the convenience store, except you do have Route 10 there and if anybody goes there at night you know you can hear Route 10 quite clearly out there, but here we see quieter sound levels and at night it gets down much lower if we said that all of that sound is coming from Quick Chek which is absolutely is not, then we are looking at sound levels at night down into the mid to high 40's, so we can go back to the first one after the Hanover site, so what kind of sound levels can we expect from Quick Chek? I took as part of a general study I was doing for them I went to the Whippany site and got onto the roof and measured the engineering measurement for acoustical reason on the equipment that is on the Whippany site, same equipment is proposed here. I did calculations using the equipment the elevation of the building the parapet walls around the building and so on similar to the methodology that I used at CEA, in fact using the same software and the projected sound level maximum from Quick Chek behind it for this residential area is 45 DBA. 45 DBA or less the limit is 50 and if you look at 45 on here we are talking sound levels from Quick Chek at night projected down in this level here. What that means is that people aren't going to hear it, and an interesting side of it is the building even if it closed still has roof top hvac, and refrigeration equipment that will run, so the sound levels that the building is going to generate we take the maximum levels with all the equipment on it, it might not be on as much, but the noise standard doesn't care about how much it is on, it's on for a minute that's enough. The sound levels won't be any quieter from Quick Chek operation whether the building is open to the public or not.

Mayor: Just to clarify a point, the HVAC system running, you don't have that presently existing how will are you addressing what the impact of HVAC system will be in the study?

Mr. Dottie: Because I measured them at night I took the data that I measured in Whippany and I did engineering calculations and projected them to Hanover.

Mayor: Okay, you used the Whippany system and then you married them to the new site.

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Mr. Dottie: Literally, I personally climbed up on the roof in Whippany and took the measurements and did the calculations again taking in the distance, elevation, parapet walls and so on projected. The same exact methodology that I used for the CAE project, although that was a lot bigger.

Mayor: Thank you for your presentation. We are going to open the floor, are you prepared to answer questions from the floor and questions from the Township Committee should they have them. We will open the floor, please be recognized before coming up, you are limited to four minutes you can ask a question of these gentleman, make a statement, this is a forum, this is not a hearing.

Carol Fomchenko: When are you going to read the letters that you talked about?

Mayor: We are going to.

Ms. Fomchenko: You are not going to do it right now?

Mayor: Do you want to read the letters into the record now? Mr. Administrator, we have several letters and we are happy to read them into the record. Similar what we would do in any other board report, planning and/or board of adjustments. On that note.

Mr. Giorgio: First letter is from Ms. Irene Feldman, 10 Malapardis Road, received on September 17<sup>th</sup>. She writes: "Mr. Giorgio, I will not be able to attend the September 24, 2015 meeting. The matters to be discussed are very important to me and I would like to place the attached statement into the record." Ms. Feldman writes as follows: "There is an old saying that holds perception is reality and one of the primary reasons that saying get to be old sayings is because they generally have more than a spec of truth to them. The perception that the residents in Ukraine and Malapardis Road section of this town has that a few members of the Township Committee and Planning Board have bent over backwards to find ways by which they could accommodate the wishes of Quick Chek. The perception equally is that the members of the Town except for one not only turned a deaf ear to the protestation voice by the residents of this long stand residential area, but a blind eye as well. All of what we have heard, and not merely from the Attorneys and the representatives of Quick Chek was about the 'substantial investment' that Quick Chek would be putting into first acquiring the property. Next we heard about the substantial investment they would be spending to clean up the contamination of the property. A condition by the way which the Governing Body of the Town has been aware of for decades. Then we heard about yet another substantial investment would make with regard to not merely widening that part of Route 10 that fronted that property but in approving a part of South Jefferson Road. But the Quick Chek side of this endeavor is just one side, the substantial investment that they proposed to make in order to achieve what they want is just one side of the total financial picture that is involved here. In fact the financial aspect of this endeavor is just one side of a multifaceted one, there is another side of this project that in my mind in my perception, and that side is 'human side.' A good number of the people who reside in this area have been here, here in our home for scores upon scores of years. What

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about our 'substantial investments' what about the time effort and yes money that we've put into maintaining our homes and our neighborhood? In doing our best to turn and otherwise cold and forbidding house into a warm and comfortable home, a nice home that we always thought was far from manning crowd. In the constant irritating day of a convenience store gasoline station that would operate 24-7 365 a year. More importantly what about all of those nonfinancial 'substantial investments' that the residents of this area have made down through the years, I am by no means either a social scientist or an economist but I don't think you really have to have an advanced degrees in either of these fields to know that the collective investments of the residents of this neighborhood measured not just in dollars but in terms of blood toil tears and sweat far outweighs what it is that Quick Chek alledges it is willing to spend here. For my view point and the view point of many of my friends and neighbors, what Quick Chek says it is willing to spend is a mere pittances when compared to what we already spent. What we have already given to this Town in terms of both warm hearted human effort and cold hard cash. It should be those contributions that are more rightfully merit the nodding heads and the beaming smiles that some of the Township Committee seemed only to quick to give the folks at Quick Chek. I've lost count of the number of concessions by way of variances and what have you that were made here and there and additionally I've lost count of the number of maneuver's that were used to get around what appeared to be existing well established standards or procedures in order to just get Quick Chek proposal to build a convenience store gasoline station at the intersection of Route 10 and South Jefferson Road approved.

Quick Chek presently has approval to keep the gas station open 24 a day 7 days a week, 365 days a year. But that is not good enough, they now have requested that the convenience store also remain open all night, and in it's pursue to this goal, they seem to be saying to those who live along side and to those who live close by 'to hell with you to hell with you all, we don't give a dam about what you think of us.' We as residents are unimportant in the grand project. People live in the Route 10 Ukraine Road Malapardis Road area where this store is going to be built. The closest home in a residential home is next door to the Quick Chek property, other residents are within the 250 foot area which Quick Chek now wants to amend. The present noise ordinance restricts the hours of operation for retail business within 250 feet of the residential home to protect all of the residents.

My plea here is a rather simple one, Members of the Township Committee, both as a individual as well as collectively, should not ever lose sight of the fact that they were elected to represent the interest of the residents of this Town, the residents All of the residents. It's bad enough that they are allowing a rather large convenience store gasoline station to be plunked right down into a long established residential neighborhood, but to permit that facility to operate all night long bright lights, constant day and all that goes with it would be unconscionable and made only more unconscionable allow me to point out by the close proximity that this proposed station has to the Econolodge that is just up the road a bit. One would think that the sword of notoriety that the Econolodge has been in recent days would be sending out a message that is loud and clear. One would think that what we are seeing there would make every

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citizen of this town realize what is likely to happen, if we allow ourselves to believe there is never a negative side to being open for business. I spoke out in a public meeting against the proposal for building a convenience store gasoline station at this intersection. In my comments I cited reports that had to do with the number of crimes with a good number of them being of violent nature that had accrued at facilities such as Quick Chek in nearby communities. What I said then was wholly germane to why the Quick Chek should not be built at this intersection. What has been happening recently at the Econolodge only goes to serve as a distinct exclamation point for those previously voiced fears for the safety and security of local residents. In closing, I implore all the Members of the Township Committee not just one or two to strike down the request that is currently being pushed upon by Quick Chek to deny it out of hand. I also call upon them to never lose sight of the fact that while ratables are most certainly an important consideration there is no consideration more worthy nor more important than the human consideration."

The next is a letter dated September 18, 2015 from Margaret Kasack, 1031 Route 10: "Dear Mr. Giorgio, I would appreciate having this letter read into the September 24<sup>th</sup> Quick Chek meeting, due to an ongoing health issue I may not be able to participate but I would like to express my strong opposition to Quick Chek's proposal to be open 24 hours. When approved it was approved with an 10:00 pm closing, now they want more. I cannot help but be suspicious of the method they are really wanting. I own the property next door and I'm not only concerned but I find it frightening to have strangers practically in my back yard all night long especially in view of my close proximity to Route 10 and Route 287 and the Econolodge. I follow the Police Blotter in the local papers, if the police are not being called to the Econolodge they make many stops on Route 10 and 287 where drugs are found. That indicates undesirables are in the area, my neighbors and I are concerned they will spill over into the neighborhood with potential of crime as a result. I take issue with the fact that noise regulations prohibit deep retail establishment for conducting business from 10:00 pm and 6:00 am if the property line would be less than that, especially my house, noise would have an impact on my quality of life. My niece Susan Kosiak has been legally authorized to make any other comments on my behalf. I urge the Township Committee to deny Quick Chek's request. Yours Truly, Margaret Kosiak

Final letter dated September 21, 2015, is submitted by the Township's Economic Development Committee states as follows:

"Mayor Francioli, Deputy Mayor Ferramosca and Committeemen Brueno, Coppola and Gallagher: During the last two EDAC meetings on August 21<sup>st</sup> and September 18, 2015, those in attendance discussed the status of the proposed Quick Chek Gas station and convenience store that would be constructed on the Southwest corner of the Route 10 Jefferson Road intersection in the Whippany section of Hanover Township. We are advised that the Quick Chek project which has already been significantly delayed due to issues involving the State Department of Transportation is once again at risk not proceeding due to a Township Ordinance that would prohibit 24 hour operation of the convenience store at the site. Please note that Mayor Francioli

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and Deputy Mayor Ferramosca as the Hanover Township liaison to EDAC have recused themselves from these discussions given that the project is subject to the committee's consideration. EDAC mission is to "assist the Governing Body proactively promoting and facilitating responsible commercial revitalization that expands and strengthens Hanover's economy through a partnership of government, business and community." During the 6 years of the EDAC's existence we have worked closely with the committee to achieve these objectives with what we are confident have been positive results for the Township we are cognizant of our advisory role and have never before corresponded directly with the governing body concerning a particular project.

However, after our recent discussions and with the unanimous agreement of the EDAC members in attendance at the September 18<sup>th</sup> meeting, we respectfully request that the Committee consider the following thoughts regarding the proposed Quick Chek project which we believe represents an important economic development opportunity for the Township. The project site is strategically sited at a key entrance way to Whippany, across from Town Hall and readily accessible from 287. The property has been vacant and blighted for nearly two decades. During which time it has frankly been an eyesore for residents and visitors alike and is in need of environmental remediation. Moreover, the intersection at which it is located has long been plagued by traffic flow issues. The proposed Quick Chek project represents what seems to be an ideal opportunity for redevelopment and beneficial use of the property, a gas station and convenience store would benefit residents and travelers and would represent an excellent first step in the redevelopment of Route 10 potentially serving as a catalyst for projects in the vicinity. Moreover, the company would remediate the site, and fund a much needed improvements to the adjacent intersection providing substantial benefit to the community. Quick Chek already operates a 24 hour convenience store in Hanover Township at the intersection of Whippany and Parsippany Roads. That use is clearly success story. Similarly revitalizing a vacant distressed property and providing convenient and useful services for both residents and employees of local businesses. To our knowledge concerns about security and traffic that were voiced at the outset of that project have not materialized and the company has been a good business citizen of the community. There is no reason to expect that this positive history would not be replicated at the proposed Route 10 Jefferson Road site. The proposed Quick Chek store would generate significant positive economic and fiscal impacts in the Township and anecdotally appears to be popular with the majority of the residents. The Township and Company have worked to facilitate this project for several years and the proposed use represents a unique opportunity to address several community priorities for example, redeveloping blighted properties, remediating environmental issues, revitalizing the Route 10 corridor, migrating traffic issues and providing desired services to residents and travelers with a single project.

Conversely, the potential loss of this investment over the limitation of a 24 hour operation would be a set back to the community preventing numerous positive outcomes detailed above. EDAC is concerned that the cancellation of this project would reflect poorly on the Township ability to efficiently execute redevelopment projects particularly in the critical Route 10 corridor and could have implications for the

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Township's future attractiveness for development and redevelopment which would be a disappointment given the extensive efforts that the Committee, EDAC and other Township Officials have made to enhance the Township's reputation as a great place to do business. And of course, this blighted and vacant property would remain such for the foreseeable future. EDAC recognizes that there are numerous considerations that the Committee must take into account, as it comprehensively evaluates this project. However, this project appears to serve several key economic development objectives for the Township and we thought it is appropriate to share these perspectives as your assessment continues.

Please let EDAC know if you have any suggestions, or requests for actions that the members might take collectively or individually as residents of the Township to help facilitate a satisfactory outcome to this situation and prevent the potential loss of an important economic project in the Township.

Sincerely, Dan Breen, Chairman on behalf of the Hanover Township Economic Development Committee."

Mr. Chairman and Members of the Committee that concludes the reading into the record of these three letters that we received.

Mayor: At this time I am going to open the floor, but once again I remind you that please consider your statements because I am going to allow everyone four minutes in fairness to everyone having an opportunity to comment on this; secondly again, I reiterate this is not a Planning Board application, this is not a recital of a Planning Board application, this is whether or not to grant to a test period of time for this operator to operate a Quick Chek store from the hours 10pm-6:00am. On that note, ladies and gentleman the floor is now open, please be recognized by the Chair, giving us your name and address for the record.

Janice Allen, 53 Forest Way: I just have two questions, if I understand this correctly; the Ordinance would have to be changed to allow them to stay open 24 hours? Is that correct?

Mayor: If that was the intent of the Committee after they were satisfied on this matter than the ordinance would have to be modified.

Ms. Allen: My other question would be if Quick Chek, if this isn't approved, they are proposing on pulling out? And not moving forward with this?

Mayor: They can speak to that.

Ms. Allen: Okay, well then I have a comment, I don't really live very close to this, I live several miles away, but I'm really very opposed to Quick Chek being open 24-7 I just think we are opening Pandora's Box and if we do modify the Ordinance than the next thing for example 7-11 on Ridgedale are going to be here petitioning to be open

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24-7, so I personally do not think it is beneficial to the Town or our residents to have this open 24-7 I just would like to know what benefit how does it benefit the residents?

Mr. Brueno: For point of clarification, 7-11 is open 24-7 currently.

Ms. Allen: The one on Ridgedale?

Mr. Brueno: Yes.

Ms. Allen: I didn't realize that, they are? Well why would that ordinance not have to be modified there are housing there as well? Is it a different ordinance?

Mr. Brueno: The zoning is written for a business on Route 10 was different.

Mayor: That was a variance.

Ms. Allen: They requested a variance?

Mayor: Correct.

Ms. Allen: I must have missed that. Thank you.

Quick Chek: We are at the end of the project now, not 100% there yet, we still need the DOT permit to finish up. I talked about this synergy about not having a convenience store open and it puts a burden on the corporation and I think we did explain that and I don't have a final answer of that at the moment, obviously this process continues but we have to evaluate and not having the convenience store open during evening would place a tremendous burden on my corporation.

Mayor: Thank you.

Paula Dewar, 51 Malapardis Road: I have been a resident of Hanover Township for most of my life, and I'm hard pressed to think of a law or an ordinance that was not written with the safety or the well-being of its residents in mind. Noise Ordinance 1843k was put into place in 2010 to protect and benefit the residents of Hanover Township. Are we the residents of Malapardis Road not privy to the rights of this ordinance? I recall when my daughter had parties and bbq's we were so cognizant of the time and how loud the music was and her quests became. Now here you are considering bending the rules not for the benefit of the public but so that a corporation can reap a larger profit margin. Why even make laws if you choose to change or dismiss them if the timing is right and the opportunity knocks. This same Committee chose to deny Shop Rite the right to serve liquor to its customers, Shop Rite is located in an industrial not a residential area and yet you chose to protect the citizens of this town. I realize Quick Chek will not be serving liquor however; this site is directly adjacent to a substantial residential area. Residents here are asking for you to step up for us now! As for a trial basis, when should we ever consider a trial period for breaking the law? Law's

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should only be varied or changed when they become obsolete or a better law comes along. It's a fact that curtailing noise levels when most people are asleep is not obsolete. It's obvious they are considering variances in this instance will not make our lives better. I ask you to put yourself in our shoes, if you lived on this street, could you possibly say that a 24 convenience store would protect and benefit you? This is not the time, nor the reason to allow an approved ordinance to be dismissed. Thank you.

Joseph Mihalko, 12 Anna Terrance, Whippany: The esteemed gentleman have done their research, they've done their math, they figured out their numbers, they have also figured out those numbers when they were first granted approval to put that store there and they signed a contract based on those numbers. I think they ought to live up to that contract. They are allowed 24 hours to run a gas station, and a limited amount of time for a convenience store, I'm sorry gentleman you throw your hat in the ring put it on and wear it.

Susan Kostis, as noted in the letter from Marg Kisiok I am her niece, 12 Diana Road, Morris Plains: I have been here at the other meetings, along with her. I listen to the information to the traffic flow and noise levels from the other Whippany location, versus the proposed one. There is something very different between the two locations, the proposed site is right along the area of Route 287, and Route 287 is well known for its trucking, up and down Route 10 also, but this is an opportunity for truckers to be coming in to be get whatever it is to get 24-7 operation that they want. What do you think not only the noise level is going to be as they pull in for their convenience products in the middle of the night, but also if you notice that the trucks are not turned off, they stay running. So now you will have the gas fumes, the odors as well as the noise, and I think that is the substantial difference from the other Whippany location that does not have 287 so close along the way. I am really concerned that when as Mr. Mihalko just stated that Quick Chek presented initially that they were in total agreement, I was at the meetings, and the house next door hasn't even been raised yet and suddenly we are looking for amendments. Well if we make an amendment for what they are asking for in 6 months will we be sitting here and asking for another amendment of the times of the day that the trucks need to be unloading for whatever the reason they can't load and unload during the hours that have been requested. So it goes on and on, and with the concept of the convenience store being open 24 hours a day, you do have the additional issues of lighting of the cars coming in and out of the noise simply a motorcycle on a summer night as traffic is flowing. There is more to this than just that and I heard that it's a burden to the corporation to not be open 24 hours what about the burden to the residents. Thank you.

Carol Fomchenko, 38 Malapardis Road: This may be a little redundant, I have prepared this a little bit earlier and some of these things had already been said, so I apologize for that. Through the years we have watched the Township change and grow with this growth came higher volumes of traffic, glaring lights and higher noise levels. In an amendment noise ordinance restricting the hours of operation for retail stores and service establishments within 250 feet of residents in a residential zone was adopted in 2010 to protect all of the residents in Hanover Township from retail sales and service

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stores being opened between 10pm and 6am. Families that live on or near Route 10 are included and also protected by this ordinance. Malapardis Road residents initially met with the developer in the beginning of the Quick Chek process. We attended Town Committee Meetings and all of the Planning Board site plan meetings. We asked questions we gave our opinions and we voiced our objections. From the very beginning we requested that an entrance on the side of Ukraine Road not be approved to protect and isolate nearby homeowners from this extremely high volume use. Our request was discounted. Not once at any of these meetings do I personally remember hear mention of a 24 hour convenience store for this particular location. Nor do I recall it ever being publically discussed at those meetings. Quick Chek has and will spend tens of thousands of dollars for legal fees, surveys, engineers, planners, architects and traffic studies. All of this done with the prior knowledge and understanding that they would not be allowed to have a 24 hour convenience store. Quick Chek also had the opportunity at the time of their preliminary and final site plan hearings before the Planning Board to request relief from the noise ordinance with a variance to permit the 24 hour convenience store operation and THEY DID NOT! They did not request it at that time. That was the time that they should have done that, not after the horse is out of the barn. Now after receiving approval Quick Chek would like their property to be excluded from the restrictions of the noise ordinance because of its location on Route 10. Why now? And not then, when they had the perfect opportunity to do so. A noise study by the Town is being proposed when the store is opened to establish the projected noise levels emanating from the property to determine if local and state standards are met. I have gotten the impression that an permeate 24 hours operation hinges on this noise study. If the study is taken in the winter it may very well have much lower noise levels than in the warmer seasons when travel increases. Do the state standards provide for a distance from a residence on a day or night time basis in their calculations? If not, isn't this the reason we have Municipal ordinances? For Quick Chek this is strictly a business decision for us it's a huge quality of life issue the quality of our lives is as important as the lives in everyone else in Hanover Township. Quick Chek is not asking for 100 feet or 150 feet they are asking for relief from 250 feet think about that, 250 feet. How can anyone think this is within its acceptable limits? Or it will be beneficial to anyone.....

Mayor: I'm extending your 4 minutes, but your 4 minutes are up.

Sorry, I'm almost done ~ other than Quick Chek. What about the homeowner bordering this property on Route 10 with only a 25 foot buffer as well as the nearby homes, image for just a minute walking in their shoes, would you want a 24 hour convenience store with car lights, noise, and fumes, engineers and cars so close to your home when you are trying to sleep. Would you want the quiet peaceful of your property disturbed in the middle of the night? If the convenience store is allowed to operate in the overnight hours it will attract more consumers to this area, and it is very possible that our neighborhood will have unfamiliar people venturing down our street during the overnight hours to use the cul-de-sac or Ukraine Road as a hang out.

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Real quick as the EDAC letter said that this is a partnership, there is no partnership if the community is against it, and our neighborhood is absolutely 100% against it, there is no partnership there. Our community is not in favor of the 24 hours we already given a lot this thing is going through even though we are not happy with it ~ Please don't add insult to injury by giving them 24 hours.

Nick Maria, 18 Marlin Drive, Whippany: I live between two 24 hour operations the CVS and the other Quick Chek and I don't see any traffic backups. Concerning Quick Chek it's a convenience store it's not a destination location, you are not going to get 1000 of cars going to buy a cup of coffee and a newspaper at a Quick Chek, it's going to be the same traffic up and down Route 10, it's not going to increase anymore, and right now looks like a scene from a bad western movie, it looks like an abandoned town right now, it's horrible. It's going to be right across the street from Town Hall, you look at it and it looks like its going to fall apart. I'm in favor of it, I think it is going to be an improvement for the town, and I don't see people flocking here because of Quick Chek is going to sell a cup of coffee.

Sing Chan, 57 Malapardis Road: I am probably one of the newer residents here and I just moved in about 2 years ago, and one of the reasons I moved here was because of the quiet neighborhood and a place for me to let my three kids grow up in a nice quiet neighborhood. I grew up in the city, so I know what noise is and about. I think that the previous gentleman mentioned that he did want it, I don't mind having the Quick Chek there, however I don't want them to be open 24 hours, as stated earlier by couple of other residents the Econolodge will draw in a lot of unwanted people ~ how will Quick Chek be able to control that? Think about that ~ thank you.

Judi Iradi, 27 Malapardis Road (?): Marge's niece forgot to mention the beeping of the trucks, usually they have a back-up noise. The site was a gas station, you come in you get your gas and you leave, with a convenience store open you come in you get out of your car you slam the door you might play your radio, beeping of the trucks so it's the added burden and if you think of it as me pulling into the driveway next door to your house maybe 10, 15 20, 100 times in and out and my radio blasting maybe not, that the inconvenience we are talking about. I just want to read something, I think Carol covered most of the stuff but I'll reiterate ~ if having a convenience store open 24 hour a day was a drop dead criteria for the Quick Chek to build why during the very long and expensive process of the Township Committee changing Ordinances and the Planning Board giving site plan approval didn't any of the owners lawyers or developer ask for a variance to have the store open 24 hours? Why wasn't this ever mentioned by the lawyers or owner or anyone to the Planning Board or Township Committee meetings prior to them getting site plan approval? Both the ordinance allows a gasoline station and a convenience store, however it does not state how much money needs to be spent to improve the intersection, what changes have to be made or even in the Quick Chek's responsibility to improve the intersection as long as the DOT approves the entrance and exit traffic flows. Are we to believe that Quick Chek wasted all of it's time and money and didn't tell anyone until they got a zone change and the site plan approval, that by the way the store has to be open 24 hours a day or we are going to walk ~ come on.

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Whenever someone comes before the Township Committee for an Ordinance change they present a Hilton then when approved at sometimes turns out to be an Econolodge, the ordinance allows any type of gas station and who knows what name brand store to be built there, although the developer states that Quick Chek would be the occupier of the site developers have had a history of changes when the site plan is approved. We will take the Grande on Route 10 was supposed to be high end gated community; instead it was flipped and is now condos. The C\_\_\_\_\_ was supposed to be age restricted housing since then rental apartments were built. The development on North Jefferson Road was supposed to look like Windermere instead it looks nothing like Windermere, and now the site is supposed to be a Quick Chek, when however it could end up being anything else even an Econolodge type gas station and store. If it is a Quick Chek will it remain a Quick Chek? Why consider a trial basis for the store to stay open 24 hours a day; and then if it turns out to be a nuisance now we the taxpayers get stuck with the money and a very difficult task of trying to reverse the 24 hour operations, instead why don't we take the upper hand why can't we give Quick Chek some kind of guarantees that if their site is not a nuisance after operating after 6 months then we will consider expanding the store hours.

In the beginning I thought the Quick Chek was supposed to be esthetically compatible with the Municipal Building but now I hear it is going to be identical to the site on Whippany Road, how is that going to turn out? I have to question EDAC because they seem to be a little out of touch, comparing the Whippany Road site to the Route 10 site, where 10's of thousands of vehicles pass by every day and night. Whippany Road you don't have the volume of vehicles, so of course it is not going to be a nuisance with traffic pulling in and out of that site. Thank you.

Greg Dewar, 51 Malapardis Road, Whippany: I hadn't plan to speak, but I'm hearing a number of people saying things, when my wife and I decided to return to Hanover township, we did it with a great deal of excitement. We moved back into the old homestead that was her dad's and expanded it. We had some interesting architectural drawings done and they were shot down over and over again, because we were too close to the road, we were out of compliance with the library, we wanted to build above the detached garage, there was something about the porch and something about the deck and each time we complied. I remember speaking to the Township Engineer and going in front of the board and offices and trying to show them the drawing and I was told "no this is the way it is and this is how we are keeping Hanover Township, the way it is supposed to be." A bit of a joke, when I moved into the Town, the first thing my mother and father in law said to my wife, he's a New Yorker, and then my father-in-law gave me a tour of Hanover Township and showed me how beautiful it was. He told me about how the taxes were there to help the people, he showed me that the buildings that were built for different industries were almost invisible, you would drive down the different roads, you couldn't see them. And, now I am going to be looking at a convenience store and I'm going to be listeing to jack breaks on tractor trailers which I hear now on the highway, I'm sure they are not going to flip them off as they go down the exit ramp. I'm going to be hearing loud motorcycles and I ride one, not ride now, but loud pipes saves lives, is the statement said by countless riders

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motorcycles and if any of you would like to spend an evening with me I will provide the beer and my back deck and you can listen to the motorcycles as they ride back and forth. This idea of keeping that open 24 hours so the fellas on the motorcycles and the truckers can pull in and keep the woman that lives right alongside of them awake all night long I think is a mistake. Don't cave in on what the Township ordinances are, this used to be a really great town, I see some of the house built as close together as in East Hanover now, I always thought that you needed a larger expanse between the houses? Please let's return to what this town used to be ~ I hope you guys make the right choice Thank you.

Jim Martin, Fanok Road, Whippany: I have no problem with Quick Chek taking the deal away they ordered up. How much money do they expect to make between the hours of 10-6 in their convenience store? I mean if this is a deal breaker, you guys are hurting. That's about all I have to say.

Dina Atkinson, 70 Mountain Avenue, Cedar Knolls: I don't have a problem with the 24 Quick Chek at all. My family works a lot of different hours and actually it's convenient for the people that do work over nights. I have worked in the overnight at the Whippany Quick Chek and there really isn't a whole lot of people that come in except for nurses, utility workers, and overnight police, there were no problems. Noise it's pretty dead. I have a relative that lives next to a 24 hour Quick Chek and about 15 feet from the property line and the fences that they put up and the shrubs you wouldn't even know Quick Chek is there ~ it's amazing. So they won't know until it actually happens. That's why I'm glad to hear Quick Chek wants to do a trial, because you won't know who is coming in there how they are going to be or the noise until it actually happens. Thank you.

Oh I had a question; there was a business there prior when many of these residents were there. What time did the bar close when it was there?

Mayor: I believe they would operate until 2:00 in the morning.

Ms. Atkinson: Oh okay, thank you.

Chris Bagley, Reynolds Avenue: I grew up in Town and been here 45 years. I kind of look at it at a different way. I have a business in town, I live in Town, I live near the location on Whippany Road and Parsippany Road. I am not opposed to it, in the beginning I was, I really didn't like the idea. But I do work weird hours, I have a baseball place and we don't get out of the academy until 11-12 at night after we are done picking up, and there is nowhere to go, I find myself calling up the Whippany Diner and trying to get something on the way home, when we are coming back from tournaments with kids in the area, but not only that think about what is across the street, you have fields across the street with kids and some of those games end and when the games end they don't have a place to get anything a drink a bit to eat something small after the games end, it does end, the lights go off but however by time you get out of that area that Quick Chek has been a life saver for our family some nights, because it's getting us an

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opportunity to grab some stuff when we don't have to drive to Shop Rite on the other side. I live near the Half Point Pub, about 10 houses away, I never heard the Half Point Pub ever in my life. But I can sit on my front porch and hear 287 all night long, and to me that's a nuisance. We all have different things in our lives for some people that are important for other people those things aren't important and I respect the fact that this is in your neighborhood and like I said in the beginning I wasn't happy with one coming into my neighborhood but it's been a benefit to me in my neighborhood and a positive as far as getting things during odd hours during the day around my lifestyle ~ everyone's life style is different and I feel for you but that's why we are all here. My position on this is for me a great improvement because I can access it on my way, and it helps me in my life. That's all I have to say. Thank you.

Greg \_\_\_\_ 2<sup>nd</sup> time: Thank you Mayor, I spoke to the Police recently about two men that were almost struck on Route 10 trying to cross when the time the traffic patterns were very strong about 5:00 going North on South Jefferson. None of the people there stopped there at all in order to let the two gentleman in the cross walk, and one of them had to jump out of the way, so I spoke to the police about it and they said that they would attend to it and try and keep an eye on it. When initially we tried to do something with the traffic pattern where there a stop box was drawn and I can promise you that nobody lets us out of Ukraine Road, during

Mayor: I do want to be fair ~ stop box is somewhat effective but I do agree it does take a lot of time.

Well just to explain it really quickly, I can pull into the stop box and the cops will ticket me, I'm not allowed to enter the stop box, I spoke to the police about it and I asked them to go and get involved with the Chief and he said no, they are supposed to wait and let you go into the stop box once the light turns green, no one can enter the stop box. So that came as a bit of a surprise to me, I was like "yikes" that is a problem. In terms of getting food from the Quick Chek and the fields that are across the way, I'm really concerned about kids. I've been in education all my life, I still substitute in parochial schools now, the children at the fields if they are moving across that's going to be an interesting situation for them, and to close on a really dark issue, which my wife would have mentioned, her God Son was killed crossing Route 10. It's still a tragedy in terms of the loss of Stosh but that's a dangerous road to be walking across and we do have athletic fields on the opposite side of the road. Thank you.

Joe Kowalski, 24 Nye Avenue: I just wanted to speak into reference with what the gentleman just said before. Everyone is entitled to their own opinion, as convenient as it is for a person to drive from that field to get that food I would feel that the overwhelming danger of a child being able to cross which I would do, could happen. In respect to the economic development of that, I can see there are benefits for that but for that to happen would negate anything that is worth it for that, it's a very dangerous location in my opinion. In regards to the people that come up and said that it's a convenience, I just spoke that there is another Quick Chek which is open 24 hours a day 1 mile away, let's call it 2 miles just in case my math is off, and we also said that

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there is a 7-11 that was open 24 hours a day two miles in the opposite direction, now Whippany is not built up as of yet, and with that being said, a place like Hoboken or Jersey City all of these convenience locations are located in such close conjunction because of the need but the people who live in that area who would benefit from the most I think are here in the biggest numbers, they aren't seeing any benefit what I see is people who are not from able to come and take advantage of that and when that person came up and said about that truck that stops there because they see food at 12 at night and has their truck on and the inconvenience to these people a lot of these people have been here for a long time and it's a scary thought to think that their homes that they have come to enjoy can possibly be their enjoyment level could be taken away from this, so I think the Counsel needs to consider this in a very serious manner before they make any decisions and ruin the integrity of the Town that we love. Thank you.

Judy Iradi: I want to thank the gentleman back here, he actually stated our case better than we could, I understand that in the surrounding towns none of the stores are open passed 10 at night and when it's known that there is a store right on Route 10 people are going to flock this town. After his game a night, he will bring his team right?

Mr. Bagley: My business is in Town, this is coming from where I was.

Mayor: Judy talk to me.

Ms. Iradi: Sorry, so the children playing the game the game is over at 10:00, they go to Quick Chek sure they are going to be loud in the parking lot, so the parking lot could be quiet quiet active with comings and goings verses the parking lot on Whippany Road and I don't know the gentleman ever took a sound parking lot on Whippany Road when the young adults are talking and just hanging out and just having a kind of a good time down there.

(?)\_\_\_\_\_ : This regarding the kids crossing Route 10, I would hope that the adults in charge of them wouldn't allow that unless they were with them, but will there be a time in the traffic light where both sides are red to allow crossing?

Mayor: My understanding is that the traffic signals in this proposal in the Planning Board this goes back to the planning application would all be altered. In other words they would all be digitized signals so I would think in compliance with DOT there would be seconds of time to cross, I mean is that the ultimate protection from a car ignoring a light, no, but I think the signals all would all have to be improved as part of their application.

(?)\_\_\_\_\_ : I just have a question for the Quick Chek Executives. How many parking spaces are provided in front of the convenience store?

Quick Chek: 15 or 16 that are right around the perimeter facing into the building itself. That includes 3 handicap spaces.

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(?)\_\_\_\_\_ : Is there room for large trucks?

Quick Chek: We do not have tractor trailer parking and as per the hearing process we do not provide fueling as well for tractor trailers, we do have a diesel dispenser it is our typical, diesel it is not that is suitable for fueling a tractor trailer as a truck stop on Route 78 or Route 80.

(?)\_\_\_\_\_ : On that note, I just want to mention that Ukraine Road has some very old signs that say, no stopping or standing. Everytime I have turned someone is stopping or standing on Ukraine Road, either they are lost they are using their cell phone, some are meeting up with other people in cars, I just wonder how many more people will be stopping and standing if they cannot park in front of the convenience store and what times of the night will that happen?

Mayor: At this point, I'm going to ask the applicant to sum up and let public comments one more:

Virginia Deepak, 67 Malapardis Road, Whippany: I am totally against Quick Chek opening 24 hours a day, as of now, we get strangers in cars going up and down our street. I live at the end of the cul-de-sac near 287 and there are too many strangers there. If this store is allowed to be open 24 hours who knows what could happen in our neighborhood, once word gets out that our street is a great spot to park and hide, would any of you Committeemen be willing to live on our street? If there is a day I decide to sell my home who would want to live on our street ~ thank you.

Ladies and Gentleman unless there is any other comment I am closing the floor because I would like to hear summary from Quick Chek. We have heard a great deal of comments tonight we've heard....

Michael Halabet, 61 Addie Lane: There has been a perception that Quick Chek is trying to pull a swift one here, I was at the meeting here when the developer met with the residents and they did claim at that time they were going to have the same hours for the Quick Chek convenience store as over on Whippany Road, I just wanted to make that clear.

Mayor: I'm going to allow Quick Chek to sum up.

Mr. Wisyciskala: I'll be brief, I just want to touch on a couple of points and a couple of things that come up, I said there were about 15 or 16 parking spots that are around the perimeter of the building, the site as a whole has 52 parking spaces, and it is compliant, immediate around the building, from the perspective of the access of cars to park on Ukraine, we do not see that as a necessity. Part of our proposal actually did result in us agreeing as well to repave the entire of Ukraine and with respect to the questions and comments just to the respect of shape of that road. To answer one of the other questions, the gentleman raised, there are no pedestrian signization the Mayor you were correct the overall traffic improvement at Route 10 and Jefferson Road is the

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provision of a specific pedestrian crossings as part of the whole signal reconfiguration.

Ms. Iradi made a comment that we somehow changed the architecture earlier, I said the building was identical, but I should have preference it for demonstration purposes the overall layout, size of it was identical the approved project is the approved project and we did have to incorporate various materials to make it compatible to the municipal building, so there was no changes in that regard.

Mayor: I know there were some changes in the brick façade and some changes in the color of the overhangs

Mr. Wisyciskala: Whatever was approved at the time and there was a lot of discussion on it that the members were here for it.

Mayor: But again that is germane

Mr. Wisyciskala: It's not germane, but I thought it worth responding to, and the other comment a few members of the public raised the issue, why didn't we just request a variance in September or October 2014 with respect to the hours of operation, it never came up. Nobody can see it because it is really small. This is actually the site plan and where I'm putting this pointer right now, it's an actual very specific reference to Section 183-3k with a notation at that time, that we were requesting variance relief, and it was made clear that went on the plans itself. However, Section 184k is not a part of the Township's Land Use Code, it's not part of your zoning ordinance it's part of your General Code. Zoning provisions, this was the section that was in there that certainly would have been a note for a variance would have been continued and there would have been dialoged before the Planning Board at that time but the Planning Board had no jurisdiction or authority to grant variances with the zoning board or board of adjustment because it's not in the zoning ordinance it's General Code, as a General Police Power and the only body that can consider the changes relief, modifications, is the Township Committee so and there was some discussion regarding this on the Planning Board meetings on that.

I really think that is it, in terms of what we wanted to touch on, I think we've given our presentation and we appreciate the Committee's time on it and Quick Chek is making a very big investment here and we've heard a lot of costs, major improvement cost relative to the intersection you've heard about our business and we just ask the Township Committee consider our request and move on it at which time you are prepared to do so.

Mayor: We've heard a great deal of comment tonight, we've heard a great deal of concerns some issues that were presented, etc., many valid many were taking into consideration early on in the planning process, but we learned a great deal more tonight. I think it is beneficial for the Township Committee to have an opportunity to deliberate on it all and give consideration to the requests, unless there is any other committeeman that has any other comment.

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Mr. Semrau: If I may Mayor, Mr. Wisyciskala real quick, just so everyone is aware, one thing that the Township and the Quick Chek did for this discussion is they agreed that this was a discussion, that it wasn't anything that would be used by any party in a court of law or in kind of future type of dispute. This was done so everyone could have a free discussion and express their opinions.

Mr. Wisyciskala: Agreed.

Mr. Semrau: Secondly, just from a fact standpoint, you were asked about how far long you are in the process, just generally it really wasn't answered; how far along are you with DEP, and DOT approval?

Mr. Wisyciskala: Well we are, we perfected all approvals just in terms of County Planning Board, SCD and all outside agency approvals DEP is just basically the issue, there will be LSRP that controlled the mediation, not like the old days, where DEP you would have to get a real actual work plan with the DEP now you work with an LSRP similar to what we basically did with Whippany/Parsippany. We are meeting

Mr. Semrau: But that portion has not started?

Mr. Wisyciskala: Nothing there is happening there in that regard, aside from studies and investigation major extent would come up with the cost. DOT we are pretty much there, I think we have to pay a large Chek before, a quarter million dollar Chek before we can break ground, I have to sign off on it, and we break ground.

Mr. Semrau: This is done with sincerity, but with respect to the hours of operation, I think you raise a fair point about the Township Ordinance, but if someone were to go back and go through the transcripts or the tapes, was there any representation made about the hours of operation in the application process?

Mr. Wisyciskala: It was a while ago Fred, so but where we ultimately ended up was we had it on plans and we left it that it's not something that the Planning Board can even consider in terms of modifications so the hours are what the hours are and I think they can pursue an amendment there.

On that note, is there any other comment from the Township Committee? No. Ladies and gentleman I am going to thank you very much for the evening we learned a great deal, I think the Township Committee has a great deal to talk about, concerning their request. I know that Quick Chek would be very anxiously for an answer as quickly as possible and we are agreeing that the public would also request an answer from us as quickly as possible, so we don't want to prolong this process.

Unless there is any other comment from the Township Committee I am going to request a motion to adjourn.

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**ADJOURNMENT**

Motion to adjourn made by Member Coppola and seconded by Member Gallagher and unanimously passed.

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

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Joseph A. Giorgio, Township Clerk