

**Minutes of the Planning Board of the  
Township Of Hanover  
March 15, 2022**

**PUBLIC MEETING 7:00 P.M. VIA ZOOM WEBINAR ONLY**

**PUBLIC BUSINESS**

**I. STATEMENT BY PRESIDING OFFICER**

Chairman Peter De Nigris called the Public Meeting to order at 7:00 PM and read the Open Public Meetings Act into the record.

**II. ROLL CALL**

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Byrne, Critchley, Deehan, Chairman De Nigris, Mayor Ferramosca, Gallagher, Glawe, Monzo, Neidhardt, Olsen, and Thomas.

Absent were Members: None

Also present were Attorney for the Board, Michael Sullivan, Esq.  
Board Secretary, Kimberly A. Bongiorno, LUA  
Township Engineer, Gerardo Maceira, P.E.  
Township Planner, Blais Brancheau, P.P.

**III. RESOLUTIONS** NONE

**IV. MINUTES** MARCH 8, 2022

There were no questions, comments or corrections offered by Board Members.

A motion to approve the Minutes from March 8, 2022, was moved by Member Monzo and seconded by Member Olsen.

In voice all present voted in favor of approving the Minutes from March 8, 2022.

**V. PUBLIC HEARINGS**

1) **CASE NO.** 17-11-17  
**APPLICANT/OWNER** RELAP, LLC  
**LOCATION:** 155 ALGONQUIN PARKWAY, WHIPPANY  
**BLOCK:** 6903 **LOTS:** 3 **ZONE:** I

Applicant is seeking preliminary and final site plan approval and “C” variance relief to modify and rearrange the parking layout to include an additional seventeen (17) parking spaces. The applicant will also be modifying the affected grading and drainage plan, adding light fixtures, and adding a second driveway entrance. **APPLICATION TO BE CARRIED TO A DATE TO BE DETERMINED**

***Board Action Date – MARCH 15, 2022***

**Board Secretary, Kimberly A. Bongiorno, LUA**

- Read letter dated March 14, 2022, addressed to her into the record, from the applicant’s attorney requesting to carry this case to October 18, 2022, with an extension of time to October 30, 2022.

A motion to approve carrying this case to October 18, 2022, with an extension of time to October 30, 2022, was moved by Member Deehan and seconded by Member Critchley.

Members Deehan, Monzo, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving to carry this case to October 18, 2022, with an extension of time to October 30, 2022.

<b>2)</b>	<b>CASE NO.</b>	21-7-6
	<b>APPLICANT/OWNER</b>	INTERCONTINENTAL GREAT BRANDS LLC
	<b>LOCATION:</b>	941 ROUTE 10, EAST, WHIPPANY
	<b>BLOCK:</b> 3901	<b>LOT(S):</b> 19.01 <b>ZONE:</b> B-10

Applicant is seeking Preliminary and Final Site Plan Approval to use the existing building as its global research design and scale up laboratory by renovating the interior of the building and proposing minor site curbing, landscaping, loading and dumpster area modifications and other related site improvements. The applicant is seeking variance relief for roof coverage, rooftop equipment height and loading aisle width, as well as any and all other variances that may be required.

Copies of the filed application forms and supporting documents submitted by the applicant can be reviewed at the following links:

<https://clients.langan.com/Sharing/filesharing/ViewPosted?transactionHash=-509417716>

[and](#)

<https://clients.langan.com/Sharing/filesharing/ViewPosted?transactionHash=1402785813>

***Board Action Date – JUNE 2, 2022***

Member Thomas recused himself from this portion of the meeting due to the company that he works for having a business relationship with the applicant.

**Thomas Malman – Attorney for the Applicant**

- Briefly went over the application, the witnesses for the night, what they are proposing and the variances that they are seeking.

The Township Engineer, Gerardo Maceira, P.E., and the Township Planner, Blais Brancheau were sworn in by the Attorney for the Board, Michael Sullivan

Daniel Miola – Engineer for the Applicant, was sworn in by the Attorney for the Board, Michael Sullivan.

**Daniel Miola – Engineer for the Applicant**

- Briefly went over his educational and professional background.
- All his licensing is current and in good standing.
- Accepted by the Board.

**Exhibit A – 1**

- Titled “Aerial Exhibit,” sheet “EX01”, dated it March 7, 2021.
- Gave the location of the site, its acreage, and explained what is surrounding the site.
- Gave the number and location of the parking spaces.

**Exhibit A – 2**

- It is a blow up of the area showing the proposed improvements.
- Titled “Aerial Site Plan, sheet” EX02”, dated March 7, 2022.
- Went over the proposed improvements.
- Went over the waivers and or variances needed.

**Daniel Miola – Engineer for the Applicant**

- Addressed Mr. Brancheau’s question regarding the loading dock on the east side of the building and the largest vehicle being “WB40 – Tractor Trailer”.

Open to the Public for questions

After hearing none, after seeing none

Closed to the Public

Christopher Police – Architect for the Applicant was sworn in by the Attorney for the Board, Michael Sullivan

**Christopher Police – Architect for the Applicant**

- Briefly went over his educational and professional background.

- He is not licensed in New Jersey, he has testified before other boards in New Jersey.
- All his licensing is current and in good standing.
- Accepted by the Board.
- Recapped current existing conditions on the site.
- Went over the proposed changes.
- Went over the floor plan and explained what each color indicates.
- Explained the reasons for the dust collector to be located where it is.
- Went over the second-floor plan that houses the office space.
- Went over the Exterior Elevations Plan.

### **Exhibit A – 3**

- Titled “Composite Roof Plan” sheet “A-5.1A” colorized version.
- Showing in yellow is what is existing, showing in yellow with a red outline is what is existing but will exceed five feet in height and showing in orange with a red outline is new equipment

### **Exhibit A – 4**

- It is titled “Composite Roof Plan” sheet “A-5.1B” with a Plot date of 3/7/2022.
- We have a mixture of air handling units, two new chillers that will replace existing ones and they will be smaller.
- This revised plan is 6.55 floor coverage.
- Addressed Mr. Sullivan’s question regarding the height of the existing structures and the new structures.

### **Christopher Police – Architect for the Applicant**

- Addressed Chairman De Nigris’ question regarding the disposal of the dust collected.
- Addressed Mayor Ferramosca’s question regarding rooftop digesters.
- Addressed Member Neidhardt’s question regarding the screening of the new and existing machinery.

Open to the Public for questions

After hearing none, after seeing none

Closed to the Public.

Cheryl Granat – Section Manager was sworn in by the attorney for the Board Michael Sullivan

### **Cheryl Granat – Section Manager**

- We are moving our biscuit operation, research operation, gum, candy, and packaging.
- Gave the number of employees, the hours, and days of operation.
- I do not expect a lot of odors to go through into the air.
- We expect to have this up and running at the end of February 2023.
- Addressed Member Monzo’s question regarding the capacity compared to when it was previously in service and his question regarding where all the waste goes.

Open to the Public for questions

After hearing none, after seeing none

Closed to the Public.

Open to the Public for comments

After hearing none, after seeing none

Closed to the Public.

**Attorney for the Board, Michael Sullivan**

- This is an application for Preliminary and Final Site Plan approval. Originally there was a request for an exception from the design standards related to minimum depth of loading space and adjacent access isle, but the testimony has established that the trucks will not exceed “WB40” or box truck so that exception is not required.
- There are two variances that are being sought maximum height of roof top equipment and maximum coverage by roof top equipment.
- If there is an approval should include the following conditions, there will be ten additional evergreens planted along the Route 10 frontage to further screen the new equipment area in the front of the building.
- It would be subject to the satisfaction of Mr. Maceira’s review, specifically comments “1 through 5” contained in his March 14, 2022, memo.
- We would also carry forth as a condition the comment in Mr. Brancheau’s memo specifically “B3” that all conditions imposed as part of the approval for application “03-11-21” should continue to apply except as specifically superseded in the approval that may be granted and should be referenced in the resolution of approvals so that would be included.
- Mr. Brancheau and I both agree that the exhibit that was marked as “A-4” should be submitted with a new revision date so that we could distinguish it.

A motion to approve the application with conditions was moved by Member Byrne and seconded by Member Glawe.

Members Deehan, Monzo, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the application with conditions.

**VI. OTHER BUSINESS**

- 1) **REFERRAL OF ORDINANCE NO. 10-2022 TO THE TOWNSHIP COMMITTEE AND AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE LETTER OF REFERRAL**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED *LAND USE AND DEVELOPMENT LEGISLATION* WITH A CHANGE IN THE TOWNSHIP'S ZONE MAP TO MODIFY THE BOUNDARY OF THE RM-7 RESIDENCE DISTRICT

For the record Mr. Thomas rejoined the meeting.

**Township Planner, Blais Brancheau**

- Summarized, 190 Park Avenue is 210-unit Multifamily project that the board approved the site plan for a few months ago, the developer subsequently came before the board, he intends to subdivide the hotel property and to develop some outdoor amenities for the residents of the project on the rear portion, possible put some of the parking but no more additional units.
- So, this ordinance would simply amend the Zoning Map to extend the RM-7 Zone where the 210-unit project is currently located extend that the back all the way to the Route 24 right of way which would match the proposed subdivision line of the developer.
- Explained what the letter he wrote says.

**Member Neidhardt**

- Offered a correction to be made on the last sentence of the second paragraph.

A motion to approve the referral of Ordinance No. 10-2022 to the Township Committee and Authorization for the Chairman to sign the letter of referrals with correction made accordingly was moved by Member Byrne and seconded by Member Deehan.

Members Deehan, Monzo, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the referral of Ordinance No. 10-2022 to the Township Committee and Authorization for the Chairman to sign the letter of referrals with correction made accordingly.

**2) REFERRAL OF ORDINANCE NO. 11-2022 TO THE TOWNSHIP COMMITTEE AND AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE LETTER OF REFERRAL**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED *LAND USE AND DEVELOPMENT LEGISLATION* WITH THE ADOPTION OF A NEW ARTICLE XXIXF ENTITLED "AH-2 AFFORDABLE HOUSING OVERLAY DISTRICT," AMENDING THE TOWNSHIP'S ZONING MAP TO INCLUDE THE AH-2 OVERLAY DISTRICT, AND AMENDING THE STANDARDS FOR THE I-P2 ZONE

**Township Planner, Blais Brancheau**

- This would adopt a new overlay zone on North Jefferson Road next to the site currently develop with the Cambrex Pharmaceutical facility, the area in question is located on a vacant piece of the property north of the overhead powerline.
- This is in both our “Housing Element and our Land Use Element of the Master Plan.”
- The standards of the zone are substantially consistent with the Master Plan.
- The proposed amendment to the I-P2 standards to provide an intensity of development bonus for property affected by the AH-2 overlay zone is not included in the Master Plan
- In the drafting of the ordinance and in the negotiation with the property owner, the Governing body provided an incentive for the Cambrex facility preserving their ability to develop the same floor area and the same amount of improvement coverage that they could have built and further elaborated on it.

A motion to approve the referral of Ordinance No. 11-2022 to the Township Committee and authorization for the Chairman to sign the letter of referral was moved by Member Critchley and seconded by Member Olsen.

Members Deehan, Monzo, Glawe, Olsen, Byrne, Critchley, Gallagher, Mayor Ferramosca, and Chairman De Nigris voted in favor of approving the referral of Ordinance No. 11-2022 to the Township Committee and authorization for the Chairman to sign the letter.

#### **Board Secretary, Kimberly A. Bongiorno, LUA**

- I have, over the last few weeks, received a few phone calls and emails from some people who are requesting to come before the Planning Board for concept reviews. Many of them have told me that they have been directed to come to me, to be placed on the Planning Board’s agenda for concept reviews.
- When I explain to them that what they are looking to do, is not within the Planning Board’s jurisdiction, and that they cannot go the Planning Board to discuss it because the Board does not have jurisdiction there is a little bit of unhappiness and push back because they have been told that they can come to the Planning Board.
- If it is something that is not allowed in the zone, and it is not within the authority of the Planning Board, unless that applicant is coming to request that the zone be amended, they cannot come before the Planning Board. If it is something that the Board of Adjustment has jurisdiction over, the Planning Board cannot comment, review, advise or participate in discussions with the applicant.
- Boards of Adjustment are not allowed to hear concept reviews because they are quasi-judicial, therefore the Municipal Land Use Law does not allow them to hear concepts, it is a direct application to the Board of Adjustment.

#### **Attorney for the Board, Michael Sullivan**

- Let me just say Mr. Chairman that everything that Kim said it is one hundred percent accurate.

#### **Member Monzo**

- I wanted to openly thank Gerry, in his report he provided an extensive collection of pictures, as a follow up from the last meeting, it was extremely helpful.

### **VII. ADJOURNMENT**

A motion to adjourn the meeting was made by Member Deehan and seconded by Member Byrne. All members present, were in favor of adjourning the meeting.

Meeting Adjourned at 8:12 PM

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KIMBERLY A. BONGIORNO, LUA.  
BOARD SECRETARY  
PLANNING BOARD  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY