

**Minutes of the Planning Board of the
Township Of Hanover
June 21, 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 7:01 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, Olsen and Thomas

Absent were Members: Neidhardt

Members of the Public were: Terri Baird, Jim Neidhardt

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

III. RESOLUTIONS NONE

IV. MINUTES JUNE 14, 2022

A motion to approve the Minutes from June 14, 2022, as written was moved by Member Deehan and seconded by Member Olsen.

In voice all present voted in favor of approving the Minutes from June 14, 2022, as written.

Member Thomas recused from the next two cases River Park and Tore electric.

Board secretary, Kimberly A. Bongiorno, LUA

- Mr. Neidhardt was going to attend as a member of the Public because he also needs to recuse himself from River Park, I do not see him yet.

V. PUBLIC HEARINGS

building permit and the Parsippany Road access must be built before the applicant can obtain “COs” for this and other faces of the project excepting the coffee shop, that is in the settlement agreement.

- Just for the benefit of the public that may be attending this is an application of the construction of five buildings, one, specialty grocery store, two, mixed-use residential, retail building, three, mix use extended stay hotel residential building, four, a townhouse residential building, lastly the coffee shop.
- We have two witnesses this evening.

Attorney for the Board, Michael Sullivan, Esq.

- Mr. Keller, you were previously sworn at the May hearing you understand that you are still under oath.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes sir.
- All qualifications are in good standing.
- Our traffic study for the overall development is dated January 27, 2022, which examined operations at ten intersections that provided access to the proposed development including the proposed access to Parsippany Road and Eden Lane, opposite Box Wood Court.
- We looked at existing no build and build conditions, what we found is for the large majority of the intersections under the no build conditions that we have acceptable service of level “D” operations at the various intersections.
- There are some operational conditions that exist today and will continue to exist without the no build without this development and listed the intersections where this occurs today.
- The traffic for the overall project is summarized in table two of our report, and the traffic associated with the current phased represents approximately sixty-four percent of the total traffic of the redevelopment.
- With the additional traffic that will be generated by this redevelopment plan, there will be some degradation to the level of service at the various intersections that we studied; however, those can be mitigated and further elaborated on it.
- Went over “Building 1” improvements referencing the “Site Plan set”, it is “Dimensional Plan C” sheet “12 of 47”, dated December 7, 2021, last revised April 28, 2022.
- Addressed Chairman De Nigris’ question regarding who will make the judgment regarding the traffic light.
- Addressed Mayor Ferramosca’s question regarding stop control conditions’ location, and the placement of the flashing light signage.
- Addressed Mayor Ferramosca’s question regarding the push button devise and possible improvements to make it functional for vision impaired individuals.
- Addressed Mayor Ferramosca’s question regarding improvements to increase the safety component of this “River Park” intersection with “Eden Lane” during the construction period.
- Addressed Mr. Brancheau’s question about the improvements for the Parsippany Road intersection with the site driveway and which phase this would apply to.
- Addressed Mr. Brancheau’s question relating to the settlement agreement for the driveway to Parsippany Road.

John Inglesino – Attorney for the Applicant

- That is what the settlement agreement provides for Mr. Brancheau.
- Can you repeat that Mr. Brancheau? I do not want to misspeak.

Township Planner, Blais Brancheau

- I just wanted to make sure that before “COs” were issued it was not just the driveway but including the intersection improvements as well.

John Inglesino – Attorney for the Applicant

- You are correct, the “Settlement Agreement” does not go into that detail, Mr. Keller are we okay with that?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes, we are okay with that and further elaborated on it.
- Certainly, when the coffee shop goes in, we would want that in.

John Inglesino – Attorney for the Applicant

- That works from a public safety and welfare standpoint and further elaborated on it.
- We can agree to, that as a condition of approval that the pedestrian intersection improvements that were discussed tonight be a condition of approval to a “CO” for any part of this application.
- We cannot go back to the other application but in terms of this application which will include the “Coffee Shop,” we will agree to that.
-

Township Planner, Blais Brancheau

- My recollection is that at least some of that Eden Lane section was required as part of “Phase 1”

John Inglesino – Attorney for the Applicant

- Certainly, the street improvements and the vehicular access were part of that, I do not think that resolution addressed as specifically as it was described tonight, the pedestrian safety enhancements.
- Just to be clear we are agreeing to that as a condition of approval.

Township Planner, Blais Brancheau

- So, whatever the resolution says and if it is silent on the issue of the “LED Signs” and so forth you are proposing to install those and have them operational before the “COs” for the coffee shop.

Member Gallagher

- Gave his input regarding the importance to focus on this because it has been a concern and requested something more than just a sign with “LED” lighting on it.

Attorney for the Board, Michael Sullivan, Esq

- The resolution for “Phase 1” which was adopted March 23, 2021, has condition number six and it says “as stipulated by the applicant signage in the crosswalk shall be modified, to provide a rectangular rapid flashing beacon design or as otherwise directed by the township engineer”

Member Gallagher

- I want to go on record saying that in my opinion even in the interim we cannot do enough.

John Inglesino – Attorney for the Applicant

- I defer to the language in the prior resolution which I think is clear and Gerry correct me if I am wrong, and it gives committee man Gallagher what he is looking for.

Township Engineer, Gerardo Maceira, P.E.

- I agree, and a lot of the ambiguity it was regarding the timing of the traffic signal at “Eden Lane” and if it was going to happen very quickly shortly after phase one, maybe we would not have required the investment in the rectangular rapid flashing beacons, but as perhaps that timing might be later in the future maybe the investment into the more permanent flashing beacons is appropriate.

John Inglesino – Attorney for the Applicant

- We will do that; my client has indicated that is appropriate and further elaborated on it.

Township Engineer, Gerardo Maceira, P.E.

- I know we are relying on traffic studies and those are projections as we all understand, sometimes traffic will not behave as we best guess it to be so we need to determine when that second analysis is done so we can get a better understanding of when that traffic signal may be required to be installed and further explained it.
- As part of this project, these are public improvements, and there will be bonding for these improvements, and I am not sure if we are comfortable with just holding bonds until those improvements are made or that study is performed.

John Inglesino – Attorney for the Applicant

- Mr. Maceira you raised excellent questions and we will agree and stipulate as a condition of approval, and we will perform that study when instructed by the municipal engineer.
- We agree that it is really hard to envision what the appropriate trigger will be as we sit here today, which is why we will agree to defer it to your judgment, when you believe it is warranted, we will provide the

study and if warranted we will at that time post bonds and I guess we will probably need a developers agreement in connection with this now and work it that way if that is okay with you.

Township Engineer, Gerardo Maceira, P.E.

- Addressed Chairman De Nigris regarding the traffic light being installed when the coffee shop is there.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Further elaborated to address Chairman De Nigris’ question.
- Addressed Mr. Brancheau’s question regarding the timing, “Phase 3”.
- Addressed Mr. Brancheau’s question regarding what happens if the county does not agree to it.

John Inglesino – Attorney for the Applicant

- I am not sure how that works I am going to defer it to Mr. Sullivan on that.

Attorney for the Board, Michael Sullivan, Esq.

- We are going to have to work on some language for that, Blais why do not we move on. I understand the point, obviously, if there is some impact on the improvements and the county is not going to approve them, they are going to have to come back because there is not a plan so we will see where we go with that.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Addressed Member Monzo’s question regarding the crossing signals and if their purpose is to help people cross the roads and their placement.
- Addressed Member Monzo’s question regarding putting the cross signals during the construction period.

Open to the Public for questions

Terri Baird

- 180 Parsippany Road, Whippany.
- The approach from South Jefferson Road there have been differences in which this road has been stripped out and causing some problems because of limited sight distance from people coming up into Boxwood already and now we are going to encourage people to cross, has that been taken into consideration?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes

Terri Baird

- And that is why you are deciding which crossing lane you are expecting people to cross over?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes.

Terri Baird

- Have you seen people cross the road?

Eric Keller – Traffic Engineer and Planner for the Applicant

- No, because there is no place to cross to, today.

Terri Baird

- That is because of that limited sight distance, it is very difficult to cross the road in that section there.
- Cars tend to go faster than the speed limit, I would show a lot of concern for people crossing across the street.
- People are just going to cross whichever side they are on; they are just going to go right across.

Eric Keller – Traffic Engineer and Planner for the Applicant

- We are providing facilities to facilitate pedestrians to cross the road safely. You cannot make somebody do something that they do not want to do. We are not social engineers, we are civil engineers, we can give them the facilities to do it, they have to make the decision to do it.
- This is appropriate I have discussed this with Mr. Maceira we will pick a location at some point in the future there could be a traffic signal here, we cannot put that in until we meet warrants.

Terri Baird

- The existing Parsippany Road entrance, could you please explain to me why that is not a suitable entrance?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Half of that driveway is on the “River” side property. It is not an appropriate or safe access driveway

Terri Baird

- How far is that from your proposed driveway? Are you widening the road on the “26 Parsippany Road” side?

Eric Keller – Traffic Engineer and Planner for the Applicant

- I do not know; I do not want to guess.

- Parsippany Road is not being widened as part of the Silverman project.

Terri Baird

- Is it being widened for the “River Park Project”?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes, we are doing a minor widening of “26 Parsippany Road” on the outside of the curb as it is showing on my screen and for the record, this is the “River Park Town Center Layout and Dimensioning Plan A” sheet “10 of 47” with the same dates of sheet “12”.

Terri Baird

- In relation to Whippany and Parsippany Road, during your testimony for the Board of Adjustment “426 Parsippany Road”, that intersection was a labeled of service “F” then it became a negative “F” because of “26 Parsippany Road”, is the additional cross and traffic from “26 Parsippany Road” figured into your traffic study for this report and what made it go from a possible “E” to an “F”

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes, it is, I do not recall what our reports said for the Silverman project that is contained in our current traffic report, the “PM condition” is the most critical and further explained how is calculated.

John Inglesino – Attorney for the Applicant

- First of all, the testimony should be on this application, but under the law, the volume of traffic is not a relevant factor in connection with the conforming application.
- The issue is whether or not ingress and egress are safe, Mr. Sullivan will establish more on that point, and I do not want to deprive Ms. Baird but also asking questions when the questions are on other applications is just not relevant to this application and they do not concern the testimony that was provided by Mr. Keller.
- We have to have a signalized intersection there on “Parsippany Road,” Mr. Keller we will provide a safe means of egress and ingress, correct?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes.

John Inglesino – Attorney for the Applicant

- Again Mr. Sullivan I appeal to you, I do not want to deprive Ms. Baird of asking questions, but these questions are getting extremely far field in relevance here.

Attorney for the Board, Michael Sullivan, Esq

- First of all, Mr. Inglesino's recitation of the law with respect to the quantum of traffic that is what results from this application it is not what the board should be focused on.
- There is a Dunkin Donuts case that talks about once the governing body says that this is a permitted use then they are anticipating the quantum of traffic, so what the board should be looking at, is to make sure that this runs safely and that the improvements are going to be safe, that the ingress and egress are going to be safe, all those other issues, crosswalks and everything else that is being reviewed by our professionals is being looked at carefully.
- I think that Ms. Baird's question with regards to the level of service at the intersection of Parsippany Road is a relevant one, she can ask it is an "F" or "D," and if so, does it have an effect with respect to this application? I do not know if Mr. Keller wants to expand a little further on that but I do not think we are getting off the track yet, but the amount of traffic is not something that we should be focused on.

Terri Baird

- The reason I am asking this question is because you make a lot of references to the signalization of this and make to improve the ability of traffic to move and I do not see anything in the traffic report that addresses...
- I see Mount Pleasant Avenue, which increases signalization for improvement but not with (SIC) or North Jefferson Road and for people to get to the "287 highway".
- The reason I ask this question is because I live on Parsippany Road and the traffic is usually backed up halfway past my house.
- I was hoping that you can answer or show that there is going to be increased signalization to make the traffic flow right through that "River Park" area.
- What about when is full is there anything that helps it go further for people to get to "287" which seems to be the ultimate destination.
- Not that I am a traffic expert but just watching the cars (SIC)

Eric Keller – Traffic Engineer and Planner for the Applicant

- We studied ten intersections we have provided mitigation for each of those, and we did not study anything further.

Terri Baird

- My concern is that it is going to go great through, and you are going to improve Whippany Road and Parsippany Road and nothing to address (SIC) up to North Jefferson Road to address the traffic to get to "287" which is where it has been and further elaborated on it.

Eric Keller – Traffic Engineer and Planner for the Applicant

- We did not look at that intersection because when we looked at Parsippany Road and Mount Pleasant the intersection worked at an acceptable level of service and further explained it.
- Any county road, the county looks at that, if there needs to be a timing change which is all what we are doing in all of these intersections is tweaking the timing that is something that happens regularly.
- It is not something we are avoiding; it is something that will happen and as Mr. Maceira said maybe our assignment is different than what we projected, and we are going to look at it again.

Terri Baird

- I thought it might have been something that I overlooked at in the report because in moving the traffic through and nothing going further up to their destination is going to back up even further that is my concern but thank you for answering my questions.

Jim Neidhardt

- 3414 Appleton Way, Whippany, New Jersey.
- I am here as a resident and as a president of the Board of Trustees of the “Eden Lane Condominium Development.”
- I wanted to know if any determination has been made yet related to what type of traffic control devices that will be there, in terms of anything new, in terms of traffic lights or other types of pedestrian control that may be in place.

Eric Keller – Traffic Engineer and Planner for the Applicant

- The traffic signal is not warranted with “Phase three” of this project but we have agreed to put rectangular rapid flashing beacons for one crosswalk in “Eden Lane and Boxwood” which will be worked on with Mr. Maceira.
- There will be push buttons then the beacons will flash, and people will have to stop.

Jim Neidhardt

- Okay, and that will be in addition to striping with thick stripes in the crosswalk?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes

Jim Neidhardt

- Is that on all four legs of the intersection?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes

Jim Neidhardt

- My last question is related to the striping, Boxwood Road is not owned by the town but by the Condominium Association and my understanding is that you will restripe that assuming that the owner of that road permits you to do that.
- I was wondering if there is a configuration in terms of which lane are you looking at in terms of having both a turn as well as a straightaway versus which one will only be a turn at the side of the intersection, the side of Boxwood Court?

Eric Keller – Traffic Engineer and Planner for the Applicant

- This is a condition of “Building One” and this is a condition of approval, our plans had shown a left through and a right only and further explained it.

Jim Neidhardt

- To the extent that the condominium association has approval authority over that at this point, we will pretty much welcome the left lane being a left turn and a straight through there and having the right lane being a right turn only. That would be very acceptable to us given the traffic flow of who goes in and out of both egresses, for both of our locations.

Eric Keller – Traffic Engineer and Planner for the Applicant

- If Mr. Maceira has no problem with that I do not either.

Jim Neidhardt

- I am the point person there so if Mr. Maceira needs to reach me, he knows how to reach me.

Closed to the Public

Kurt Vierheilg – Architect for the Applicant was sworn in by the Attorney for the Board, Michael Sullivan, Esq.

Kurt Vierheilg – Architect for the Applicant

- 777 Terrace Avenue, Hasbrouck Heights, New Jersey.
- I am employed by DMR Architects.
- All licenses are current and in good standing
- Accepted by the Board.

Exhibit A – 5

- Colorized Plans, “River Park Town Center – Phase II & III for River Park Business Center, LLC” dated 12/01/21, with revision number “2” dated 3/30/2022, 19 sheets.

Exhibit A – 6

- “River Park Town Center” is the exterior renderings of the building dated 5/17/2022 and the material board is five sheets.

Exhibit A – 7

- “Side Deck Presentation” dated 06/21/2022, is thirty-five slides.
- It is the overall aerial perspective of the site.
- The five buildings are composed of 309 units, 262 will be market rate and 47 affordable.

- Parking is included to accommodate all of the needs and requirements of both commercial, residential, and the hotel.
- There are electric charging stations distributed appropriately across the site.
- Went over Amenity areas “A, B, and rooftop amenity areas”
- This will be a pedestrian-friendly environment.

Exhibit A – 8

- Revised “B4 – 2” “Floor Plan” is colorized, it has been revised to reflect the proper floor plan and it is one sheet dated 05/20/2022.

Exhibit A – 9

- “Parking allocation Plan” is dated 5/24/2022, it is two sheets, Bowman’s sheet 11 and sheet 12, it is colorized.

Exhibit A – 10

- “Revised Building 11 Floor Plan and Rendering for the Coffee Shop”, dated 06/14/2022, is two sheets.

Exhibit A – 11

- “Settlement Agreement & Amended Settlement Agreement”

Exhibit A – 3

- Created by Bowman and I am utilizing it as a reference, it is a “Colorized Site Plan” that Mr. Keller had prepared, and we added the salmon color to the buildings to be presented this evening.

Exhibit A – 5.5

- “Ground Floor Plan” of building three.
- Building three has a total of 182 units, 155 market rate and 28 affordable., the retail is represented in orange.
- In salmon color are the amenity spaces such are residential, sports, and lobby areas.
- The grey area is building spaces such as trash, and service space storage, the blue areas are circulations, and the dark blue is circulation.
- The light grey is parking, the ground floor provides access for loading, trash deliveries, and parking for residents.
- The second-floor plan is primarily being used for parking.

Exhibit A – 5.6

- Sheet “B3-2” represents a typical building residential plate with some amenities space, it is colorized.

- The second floors show the yellow units being are one-bedroom units, the tan color are the two-bedroom units, and the purple color are the three-bedroom units, the salmon, are amenity spaces, and the light blue is the circulation corridor.
- The roof of this project will also have a solar panel array.

Exhibit A – 6.2

- It is a color rendering of building “3” that is on the right “River Park Town Center”
- It shows the material pallet to be used on the building.
- Continue to describe details of the color rendering.

Exhibit A – 3

- It highlights building 4, which is a combination of mixed-used hotel and residential units.
- It is located on the north side of River Park Boulevard.

Exhibit A – 5.11

- This is sheet “B4-1” on the ground of the floor plan in the orange color is the retail components, the salmon shows the entry for residential uses, and the gray shows the parking and service access areas.
- Building 4 has access to larger vehicles for hotel use, those loading areas are used for the trash, and recycling for retail and residential uses.
- Went over the parking spaces and their distribution.

Exhibit A – 8

- Sheet B4-2, a colorized revised sheet. We have all the parking that is required for the residential.

Exhibit A – 5.13

- It is sheet B-4.3, this shows the upper floor and roof plan rather.
- The solar panel arrays approximately 200KW.
- Went over the layout and configuration of the typical floor plan, it has color-coded units, and further elaborated on it.
- This building has the ground level commercial space with parking, the second level which has parking, two levels above that for a total of six stories that is a maximum height of 80 ft.
- The hotel building is a five over two and that building is a height of 96 ft.

Exhibit A – 5.2

- We have included the typical layouts for the residential units and further elaborated on them.
- There are no services or shared utilities between the units.

Exhibit A – 3

- In salmon is highlighted building number 10, given its location.

- Building number 10 is a retail, commercial type building, it is a one-story building referencing “Exhibit A – 6.3”.
- Building number two is further east of the buildings, it enclosed amenity area “A.”
- Referencing “Exhibit A – 5.3” we have the colored floor plans, indicating the access points and the back portion will be for the support and service area.
- The second lever with a small portion of the upper floor and an outdoor roof terrace.

Exhibit A – 6.4

- This is the rendering of the color board of building number two, indicating the amenities within the building and surrounding it.

Exhibit A – 3

- Building eleven which is the coffee shop indicated its location, and the square footage, it is one-story.

Exhibit A – 10

- This particular exhibit is an updated “Floor Plan Configuration” this was “A – 10” that was put in, and the engineer is going to review and discuss the improved site circulation.
- We have taken this building and have adjusted it which better improves the project’s home access to the site.

Exhibit A – 9

- This is the Primary site sheet “11”, “Parking Allocation Plan” it shows how the parking is distributed across the site.
- In dark purple is building “2”, there are other parking spaces along the site.
- Building “3” is in the lighter purple and it has a combination of commercial and residential use. All of the parking is allocated within the parking garage.
- In terms of building “4” which is represented in green, it is a combination of residential, commercial, and hotel use, it has use assigned spaces on the street and a combination of commercial spaces provided within the footprint of the building.
- Building “10” which is a small stand on retail building and that parking is associated and identified towards the left side west side of this project phase development
- I am going to sheet “12” of “47”.
- Building one is in this purple color, Mr. Keller had identified the parking requirement and layout.

John Inglesino – Attorney for the Applicant

- Mr. Vierheilig we are not looking for any variances or deviations concerning parking in this phase, correct?

Kurt Vierheilig – Architect for the Applicant

- Correct

John Inglesino – Attorney for the Applicant

- And that is both for the residential and commercial, so we have allocated residential parking for residential and that meets the requirements for the “Redevelopment Plan,” so we have parking designated for commercial which also meets the requirement for parking for this portion of the redevelopment plan correct?

Kurt Vierheilig – Architect for the Applicant

- Correct.

Open to the Board for questions

Township Planner, Blais Brancheau

- Just to go back to the parking utilization, you said it is fluid, is any of the parking anywhere other than barring free parking restricted to anyone or not?

Kurt Vierheilig – Architect for the Applicant

- Yes, residential parking is restricted to residential, it will be gated for access only for residences.

Township Planner, Blais Brancheau

- When you say “gated” you mean at the entrance of the garages, building “4” is a little bit more complicated because you have residential, retail and hotel parking while in the same garage, how is that going to work?

Kurt Vierheilig – Architect for the Applicant

- The residential parking has a gated access area to that so at the bottom of the ramp there will be a gate similar to building “3” with just an arm and they will have to swipe into that.
- There will be a combination of the use of signage that will be identified the spaces available to retail and commercial users within the front portion of building “4”, behind the bay, there are spaces for commercial use, and the parking for the hotel will be assigned and some sort of access control for the portions of the parking associated with the Hotel.
- Outdoor parking is like with any other street area first come first serve parking.

Township Planner, Blais Brancheau

- The colorized exhibit that you presented showing allocating spaces was more just to determine the distribution of likely users but not necessarily parking restrictions.

Kurt Vierheilig – Architect for the Applicant

- Correct and further elaborated on it.

Township Planner, Blais Brancheau

- I would like to note that the number of spaces complies with the ordinance, not all the numbers in all of the locations shown are consistent with each other, and there are some discrepancies.
- If this were to be approved by the board, I would ask that there be a condition that the discrepancies be reconciled.

John Inglesino – Attorney for the Applicant

- We will gladly agree to that.

Township Planner, Blais Brancheau

- Related to the credit for “EV” parking, I am not sure what the applicant’s proposal is as far as up to 10% of the required parking an applicant gets a two for one credit for every electrical vehicle or make ready parking space that it provides, could you explain what the applicant’s proposal is regarding that “EV” credit?
- Could you explain how that is supposed to work as far as compliance goes and future credit for changes of use?

Kurt Vierheilg – Architect for the Applicant

- You did a good job at explaining the first part of it, with this application we are providing all of the required parking for the commercial space and the residential space per the redevelopment plan.
- We are not taking the credit for “EV” spaces as part of the commercial and residential requirements.
- We are utilizing and we will in the future utilize the EV reductions that are permitted will be for outdoor dining and that is what you are referring to in terms of how the outdoor dining is accounted for and further explained it.
- Seventy-two parking spaces could be removed we have not decided to take that credit for the overall project, and we have asked to be able to use it for outdoor parking.

Township Planner, Blais Brancheau

- That number is subject to adjustment once we finalized the numbers that we have.

Kurt Vierheilg – Architect for the Applicant

- Yes, that number for the outdoor dining will not be fully realized until we know who is coming in, but rest assured that the way we have shown that will never get to that.

Township Planner, Blais Brancheau

- Explained what the ordinance says they are allowed to do, are you proposing to do all the charging equipment at once or are you proposing to phase the parking equipment?

Kurt Vierheilg – Architect for the Applicant

- I would leave it open that we will do one-third, one-third, one-third phasing.
- The infrastructure will be installed it is just a matter of the equipment.

Member Critchley

- Blais, I know in this type of development, and we have had various conversations in terms of parking of various types of restaurants will that impact the calculation of this development as tenants arrive and maybe there are four or five different types of restaurants?

Township Planner, Blais Brancheau

- I would have to look again at the “Redevelopment Plan” because it adopted its own parking standards and further elaborated on it.

Member Deehan

- We recently approved a hotel of one hundred rooms, and it was entitled to a liquor license, and I do not recall if the liquor license would allow people to have other than guests of the hotel, is this the case?

John Inglesino – Attorney for the Applicant

- Under state law, we would be able to obtain a liquor license for a restaurant in the hotel and those restaurants are not restricted to the guests of the hotel they are open to the public.

Member Deehan

- Will that put a bigger drawing of the parking?

John Inglesino – Attorney for the Applicant

- I recalled having sat with Blais and having gone through the “Redevelopment Plan” he is right it was a one size fits all approach that had to be taken and it was also the square footage that had to be looked at for the adequacy of parking and we believe that there will be adequate parking if some reason there is no, we will manage the site and further elaborated on it.

Closed to the Board.

Open to the Public

Terri Baird

- 180 Parsippany Road, Whippany.
- Does building three have basement parking like building four?

Kurt Vierheilig – Architect for the Applicant

- Building three does not.

Terri Baird

- Could you please explain how trash is managed with these indoor enclosures?

Kurt Vierheilig – Architect for the Applicant

- We have designed into the plan locations for services for the retail and commercial spaces so within those trash room enclosures which are associated with areas respective to the locations we will have the ability to collect trash and the trash haulers will be able to come into the trash area and collect the trash the same way.
- The intervals and number of times will be determined based on the needs.

Terri Baird

- So, building four and you have that block in the front of the building, so each vendor will have their own roundabout thing in this enclosure?

Kurt Vierheilig – Architect for the Applicant

- The trash will be in a shared trash room, the trash be compiled and collected, and managed by the building management

Terri Baird

- Where would the people be putting the trash?

Kurt Vierheilig – Architect for the Applicant

- There will be containers as needed based on who the tenants are and further explained it.

Terri Baird

- How many of these containers are there that are in this room?

Kurt Vierheilig – Architect for the Applicant

- We have not determined the number that will be in this room.
- As mentioned, the demand can be accommodated by the service interval and further elaborated on it.

Terri Baird

- When they share will that be part of their lease?

Kurt Vierheilig – Architect for the Applicant

- That is beyond me how it will be handled and further explained.

Terri Baird

- Because everybody is going to have a different amount of tipping weight that is going to go into these dumpster enclosures but for the residential part of it so the people upstairs, they go and just dump the garbage into a shoot? What will they see when walking into the garbage room?

Kurt Vierheilg – Architect for the Applicant

- They will see a little hatch on the wall which will be the shoot goes down into a compactor, there are bins for recycling and management will collect them

Terri Baird

- The trash goes into this compactor, does it go into a sewerage type of system?

Kurt Vierheilg – Architect for the Applicant

- No, it goes into a compactor and further elaborated on it explaining the process.

Member Byrne

- Mister Chairman is this a Planning Board issue that we are discussing here?

Terri Baird

- I am sorry but there were no pictures, so I was curious as to the sanitation part of it, thank you for answering my questions.

Jim Neidhardt

- 3414, Appleton Way, Whippany, New Jersey.
- Appearing here as both the resident across the street from the development and as President and Eden Lane Condo Association.
- My question is related to the pedestrian walkways on the side of Boulevard South, I am looking at sheets “12 of 47” “Layout and Dimensions” and “Plan C” the road is 30 ft. wide when it goes over the bridge and it appears to be a walkway on both sides of the road the one on the left appears to be much wider, I am assuming that is the Patriot’s Path the walkway? Is that correct?

John Inglesino – Attorney for the Applicant

- If we can, we are happy to bring Mr. Keller back for questions. That is a question for Mr. Keller.

Attorney for the Board, Michael Sullivan, Esq

- Mr. Inglesino, you are to recall Mr. Keller, in any event, tonight, correct?

John Inglesino – Attorney for the Applicant

- Yes, our understanding is that the Board would like us to go through the comment letters issued by Mr. Brancheau and Mr. Maceira and further elaborated on them.
- If we can hold that question for Mr. Keller, he will address it.

Jim Neidhardt

- Okay, thank you sorry about that.

Board Secretary, Kimberly A. Bongiorno, LUA

- The attorney for the next witness would like to speak.

Dereck Orth, Esq – Attorney for Tore Electric

- Just based on the meeting tonight it does not appear that our application would be reached so Mr. Chairman if I may respectfully ask that our application be carried “Tore Electric” application number “22-2-2” to the board’s next meeting without further notice to the public on June 28, 2022, at 7:00 PM.

Board Secretary, Kimberly A. Bongiorno, LUA

- The dial-in information and the zoom information is different for that meeting so if there is anyone from the Public here for that meeting, please go to the Township’s website to get the updated zoom information.

Attorney for the Board, Michael Sullivan, Esq

- Kim, do we need an extension?

Board Secretary, Kimberly A. Bongiorno, LUA

- Yes, we do

Attorney for the Board, Michael Sullivan, Esq

- So, Mr. Orth do you consent to an extension of time for the Board to act until that rescheduled date?

Dereck Orth, Esq – Attorney for Tore Electric

- Yes, we will.

A motion to grant the extension of time with no further notice required to the June 28, 2022, meeting at 7:00 PM 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 to grant the extension of time with no further notice required to the June 28, 2022, meeting at 7:00 PM.

Closed to the Public

John Inglesino – Attorney for the Applicant

- I have Mr. Brancheau's report of May 24, 2022, and we would like to go through his reports, and Blais I deferred to you, but the substantive questions start with "A" on page three.
- We also have Gerry's report.
- Section "B" page "7" – Access Circulation.

Eric Keller – Traffic Engineer and Planner for the Applicant

- My number one is "Traffic Report" I think have covered all those items in my original testimony tonight

Attorney for the Board, Michael Sullivan, Esq.

- Mr. Keller if you could hold off, Blais as we go through item by item, we need to know whether you think it should be carried as a condition in the event this application is approved.
- So, are you satisfied with item "1"?

Township Planner, Blais Brancheau

- So "1A" I will wait to see what we come up with on that and I am going to suggest something along the line of I would leave it to Gerry's discretion of whether any county or state changes make a substantive difference or not if he says yes, it does you have to go back to the board then I would leave as that.

Attorney for the Board, Michael Sullivan, Esq.

- We can leave it as an open item and what I mean by an open item is we carry it as a condition of approval in the event we approve the application.

Township Planner, Blais Brancheau

- "B" we covered; "C" report covers "D." "D" had to do with internal site circulation and how will work, certainly as far as dimensional design that works, I do not know if it was evaluated in peak hours entering and exiting the site whether you feel the internal site roadways will function. Particularly giving people backing in and out of parking spaces parallel or angled while there is all this traffic moving and I do not remember hearing testimony on that.
- On "E" had to do with the remainder of the development, when that happens was it studied with the traffic from that and how that will affect things.
- It looked like the traffic study was mostly "Phase A."

Eric Keller – Traffic Engineer and Planner for the Applicant

- I mean “D” is the whole point of the redevelopment plan, what we are doing is what was envisioned.
- The parking there is going to affect the whole flow of traffic there but that was the plan and the design and is part of creating a main street, it slows traffic down, it is appropriate, and it is consistent with what the redevelopment plan sought.

John Inglesino – Attorney for the Applicant

- Eric in your opinion during the peak hour will traffic be able to flow through the site efficiently and safely

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes.
- As far as “1E” we have not analyzed area “B”, area “B” of the redevelopment plan will have another access out to Eden Lane that will also be connected in, that would be subject to a future traffic study.
- The traffic study that was submitted dated January 27, 2022, covers all of area “A” because that is what we have a plan for, we do not have a plan for traffic for area “B”.
- We do not have a developed plan for “B” by the time we get there we will prepare an updated traffic study that will incorporate the actual traffic volumes of areas “A” and “B” and we will make it work then.

Township Planner, Blais Brancheau

- I understand that, on the other hand, there is a redevelopment plan, a specific number of units are identified in area “B” and my concern is one, that actions taken today do not paint us or the applicant into a corner from a traffic perspective.
- A detailed analysis like you did for area “A” cannot be expected for area “B” however I think from a conceptual standpoint it would be good to know when you add the “500” additional units in area “B” and the office to your study what implications does that have as far as not just the new driveway but the Eden Lane driveway at Boxwood Court and Parsippany Road driveway does that result in a level of service “F” and if it did was there anything that could be done to ameliorate that. That is kind of the question.
- We do not get to the end of the game and find out that if we had only known that this was going to be the result, we would have designed it differently.

John Inglesino – Attorney for the Applicant

- I do not know how that is possible at this juncture

Township Planner, Blais Brancheau

- I can add “500” units to the study and I can tell you what the level of service analysis would show at the area intersections and if it is fine is fine and if it is not the question is what do we do?

John Inglesino – Attorney for the Applicant

- Respectfully I do not think that that is appropriate for this site application, I deferred to Mr. Sullivan.

Attorney for the Board, Michael Sullivan, Esq

- Blais, my view of this is, that this is what we are reviewing right now and the site plan and I know that it would be wonderful if we had a crystal ball that could look forward to every new aspect but this is what we are reviewing right now but to the extent that we could alter something in the future as part of the second part site plan application we can look at it at that point.
- The redevelopment plan contemplates this whole development and a certain amount of traffic. I do not think that we are going to get anywhere just pursuing this “1E” item.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Addressed Member Neidhardt’s question regarding the sidewalk width, the road is 30 ft. wide, there is an 8 ft. sidewalk on the west side of the bridge because that is “Patriot’s Path”, and there is a 5 ft. sidewalk on the other side because that is intended to provide access for building one.
- The total width is 43 ft. from parapet to parapet.

Member Neidhardt

- Where was I leading with that question is to my next question and that is does the width of that Patriot’s Path on the left side does it maintain at least 8 ft. all the way? And gave his reasons for asking that question.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Blais, in number “9” on page “8” has asked us to make the sidewalk 8 ft. wide from the coffee shop driveway to Eden Lane, we will do that.
- As you cross over the bridge into the main part of the development “Patriot’s Path” crosses the road and heads along the river, the reason it narrows down is as you go down towards the end of parking spaces that is part of the sidewalk system.
- This has been posted to our link not marked, this is “Exhibit A – 14”.

Exhibit A – 14

- Titled “River Park Drive Thru Concept” for “Building 11” the “Coffee Shop”
- We have created a two-lane driveway, we have a full bypass lane that goes around, we have four spaces in the back for employees, then a right turn and you can park in one of the nine spaces, and we have staking now for “12” vehicles.
- This is a concept we need to refine it and incorporate it into the plans, we believe it addresses what both that Mr. Maceira and Mr. Brancheau had indicated.

John Inglesino – Attorney for the Applicant

- So, we would propose amending the plan based on this concept and subject to the approval of Mr. Maceira.

Attorney for the Board, Michael Sullivan, Esq

- Number “2” would be carried forward as a condition

John Inglesino – Attorney for the Applicant

- Yes

Eric Keller – Traffic Engineer and Planner for the Applicant

- Number “3” was just a labeling error and further explained it and stated the architect will correct the error.
- Number “4”, referenced sheet “12” there is an expanded area on “Patriot’s Path”, and it is what the Fire Chief asked for it and that is what we did.

Township Planner, Blais Brancheau

- I would suggest making this subject to the Fire Chief’s approval.

Eric Keller – Traffic Engineer and Planner for the Applicant

- I am fine with that.
- “5” which is a striped crosswalk across Parsippany Road and Whippany Road that is a driveway intersection we will agree to that subject to county approval.
- Number “6” a pedestrian crosswalk in recommended between building “2” and building “4” we have a crosswalk between buildings “3” and “4”, placing it between “2” and “4” puts it right through the drop off area of the Hotel and we do not think that this is an appropriate area and further explained it.
- Explained his concerns on placing it on Basin “E.”

Township planner, Blais Brancheau

- Explained his concern with the pedestrian crosswalk being only between buildings “3” and “4”.
- I would like to hear Gerry’s thoughts.

Township Engineer, Gerardo Maceira, P.E.

- The consideration of how much pedestrian activity we might get, might be related to the main entrance to those two buildings are.
- I think when people exit the hotel, they may want to go that event center or to building two, they may be more opted to find the closest route so again I do not recall where the main entrances are to the hotel or where people would be exiting.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Addressed Mr. Maceira's question regarding the locations of the entrances and exits for the hotel and building "2".

Township planner, Blais Brancheau

- My recommendation would be to make it subject to further evaluation by Gerry and myself.

John Inglesino – Attorney for the Applicant

- That is fine with us, and Eric is the same issue on number "6" correct?

Eric Keller – Traffic Engineer and Planner for the Applicant

- I was talking about number "6" the other one is "Crosswalks between buildings 3 and 4"
- The only other place where we could put one would be at the driveway, why do not we make the same provision that we will consider it with Blais and Gerry.
- Number "8" we will clarify.
- Number "10" is the sidewalk on the west side of River Park Boulevard South, there will be sidewalk in the future, when we go to build building "5" we have to rip out what is there so if Gerry and Blais feel strongly about it we can consider it.

Township planner, Blais Brancheau

- We can use the same kind of language.

Eric Keller – Traffic Engineer and Planner for the Applicant

- That is fine.
- Number "13" I will defer to Mr. Vierheilig.

Kurt Vierheilig

- The residential portion, the residential tenants will be familiar with the building and the end is not as much for concern, I think in building "4" in the basement of the Hotel we could provide a turn around.

Township planner, Blais Brancheau

- I think my concern is partly the vehicle in the end not space being able to back out and make the turn, but it is also someone who comes in thinking that there will be an available space and finds out that they are all taken and has to back out all the way out of the isle to get out to another thing and that is the concern that I mentioned in my report.

John Inglesino – Attorney for the Applicant

- Mr. Vierheilig is that an uncommon condition?

Kurt Vierheilig – Architect for the Applicant

- No for a residential building, I would agree Blais we could address it for the Hotel parking but for the residential building the residents are familiar with the configuration of parking.

Attorney for the Board, Michael Sullivan, Esq.

- Blais, can you live with this just being applicable to just building “4”.

Township planner, Blais Brancheau

- I would have to look at it, I would use similar language basically we can negotiate it and look at it and further elaborated on it.

John Inglesino – Attorney for the Applicant

- Mr. Vierheilig, can we accommodate the request in the residential?

Kurt Vierheilig – Architect for the Applicant

- It would be a reduction of parking spaces so I would have to double check.

Township Engineer, Gerardo Maceira, P.E.

- I have the same concern regarding dead end spots, but my other concern was really for building “4” I did not have that concern for the residential building.

Attorney for the Board, Michael Sullivan, Esq.

- With respect to item “13” that item is only going to be applicable to building “4”.

Kurt Vierheilig – Architect for the Applicant

- The Hotel parking and explained the difference from retail parking.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Charging stations ...

Township planner, Blais Brancheau

- We talked about general speaking the construction and phasing of them, but we did not talk about publicly accessible spaces versus private spaces that are reserved for residents. I would just make this as a condition that the applicant designate on the plan which ones are open spaces and which ones are not.

Attorney for the Board, Michael Sullivan, Esq.

- We keep that as an open item we would carry that forward as a condition, number 14.

John Inglesino – Attorney for the Applicant

- Number “20” Compliance and screening requirements for parking structures.

Kurt Vierheilig – Architect for the Applicant

- We show on the drawings a typical section at the wall at the opening that are set at 4 ft. high with is adequate to block any light that projects out of the garage opening outward.
- They are generally open, there will be a mesh on it.

Township planner, Blais Brancheau

- Make it a condition that we have to review it.

Attorney for the Board, Michael Sullivan, Esq.

- That means we are carrying it forward you just have to review it.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Number “21” I am sorry Blais I do not understand we are complying with the redevelopment plan that we talked about, I am not sure why it is being referred to some subcommittee.

John Inglesino – Attorney for the Applicant

- And the redevelopment plan addresses this issue.

Township planner, Blais Brancheau

- No, John there is a letter from you saying that you would be happy to collaborate with us to achieve this, so I am puzzled as to why the resistance on this.
- We like consistent theme in the township and that is what we are trying to achieve by this comment and further elaborated on it.

Attorney for the Board, Michael Sullivan, Esq.

- That sounds like an agreement to carry that forward, is that accurate?

John Inglesino – Attorney for the Applicant

- I will have to confirm with my client so will leave it that way for now.

Eric Keller – Traffic Engineer and Planner for the Applicant

- “22” we will address.
- “23” we discussed at the last meeting about whether we could bank it for a future phase or if we could, bottom line we would work with the town on a plan that works.

Attorney for the Board, Michael Sullivan, Esq.

- Alright so we would just carry that forward.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Yes.
- Number “25” what DMR shows on the court yards are conceptual based on what we have put together, we do not put together default plans until we get into construction documents so I cannot commit to anything.
- This goes back to “23” we will work through it.
- “26” we will look at and address, “27” same thing and “28 we will take care of, as all of these relate to potential tree planting concepts.
- Number “29” we testified to it at the last meeting, and we are going to remove the signage and when we have tenant, we will comeback.

Township Planner, Blais Brancheau

- If it is a conforming wall sign you do not need to comeback if it is a free-standing sign you have to comeback.

Eric Keller – Traffic Engineer and Planner for the Applicant

- “30” “Way finding signs” we will do that at construction and as long as they conform to the redevelopment plan, and do not require variances we should not have to comeback.
- “31” EV charging signage we agree to.
- John I am going to defer “32, 33 and 34” to you.

John Inglesino – Attorney for the Applicant

- Yes if that is what is required, that is currently what the redevelopment agreement provides Blais, but I do not want to put that as a condition of site plan approval because that is not an issue for the Board that is an issue for the redevelopment agreement and if we wanted to change that we would have to go back to the township committee and that would not make sense to have to come back to this board for amended site plan approval.

Township Planner, Blais Brancheau

- How about a blanket that says that the approval is subject to all terms and conditions set forth in the settlement agreement and in the redevelopment agreement, as may be amended.

John Inglesino – Attorney for the Applicant

- Yes, we are fine with that.

Eric Keller – Traffic Engineer and Planner for the Applicant

- “35” Construction, we will work with the township on those issues as we have been working with the township for building “1” and it is just going to continue as we move forward with this project.

John Inglesino – Attorney for the Applicant

- Respectfully this is not ... the board approves the plans, the implementation and so forth but it is not the Planning Board a different department in other aspects of the municipal government it would be the developers’ agreement that addresses all of that and we will do it but it seems to be out of the purview of the board.

Township Planner, Blais Brancheau

- I have been in many planning board meetings where they talked about things that construction, truck, routes, and some other things like that routing them away from residential areas that would be within the purview of the planning board and that is what I am talking about and further elaborated on it.

John Inglesino – Attorney for the Applicant

- This is really vague and from my perspective while I do not think this is at all appropriate for the Planning Board, I do not have any objection to it as a practical matter and the reality is that we will address all of these things in the construction, in the developers’ agreement.

Attorney for the Board, Michael Sullivan, Esq.

- Mr. Inglesino why don’t we just carry it forward since that is where we are heading.

John Inglesino – Attorney for the Applicant

- All right.

Eric Keller – Traffic Engineer and Planner for the Applicant

- “36 to 42” we will take care of since those are minor plan divisions which will be addressed.
- “43” we will comply.

John Inglesino – Attorney for the Board

- We have Mr. Maceira’s report dated May 23, 2022.

Attorney for the Board, Michael Sullivan, Esq.

- Mr. Inglesino with respect to outside agencies I see a number of them are pending, I think the way we manage those they just carry forth as an item unless there is something in one of these reports that you want to seek relief from that you know now.

John Inglesino – Attorney for the Board

- I have to take a look at my notes, I do not think so, but we can still go through Gerry's report.

Eric Keller – Traffic Engineer and Planner for the Applicant

- Number "2" talks about environmental remediation status which work is done other than the work that has to occur naturally due to the construction activities on the site.
- There is an "LSRP" they will continue to be on the site as they need to be.

Township Engineer, Gerardo Maceira, P.E.

- "2, 3 & 4" I am satisfied with the testimony.

Attorney for the Board, Michael Sullivan, Esq.

- So, we do not need to carry this forward Gerry?

Township Engineer, Gerard Maceira, P.E.

- No, we do not.

Eric Keller – Traffic Engineer and Planner for the Applicant

- "5" we will provide signage, "6" we will update the crosswalks to the continental style.
- Number "7" we have already talked about in Blaise's letter we will as long as the county agrees to it.
- Number "8" I will do it, I do not like to over sign projects, if Mr. Maceira thinks we should put in stop signs we will put them in.
- Number "9"

Township Engineer, Gerard Maceira, P.E.

- I am satisfied with number "9" I was just misreading some of the line text.

Eric Keller – Traffic Engineer and Planner for the Applicant

- "10" is talking about curving the pavement transition to the west of buildings "3 & 4" we can work with the town.
- "11" we will do, "12" is about trees I think we have beat that one to dead.
- "13" the terms of the "Patriot's Path Easement" we agree to, "14" we will add a note about the striping, and we will put a note in the plans I understand the reasons for that.
- "15" there is definitely a fence needed.

- Number “16” is the coffee shop which I have discussed with exhibit “A – 11”.
- “17 through 23” are all okay, “24” I discussed this with Gerry, any of the basins that have infiltration we are going to remove and replace it.
- “25” is building “4” “Dead End Isles” we have already talked about that, and I do not think we need to talk about “26” it is just administrative things.
- Quick what Mike Wynne has asked for we will take care off.

John Inglesino – Attorney for the Board

- Eric, take a look at your notes on the other reports, mine indicate that we are in an agreement with of all the other department head department clerks.
- We have a note on that one from Sean Donlon...

Eric Keller – Traffic Engineer and Planner for the Applicant

- We will clarify that I think looking at Kurt’s allocation of parking space we may need to provide for accessible spaces, but we will work that out with Sean.
- The Police, I think the applicant has agreed to the substation we will have to work out the details and size.

John Inglesino – Attorney for the Board

- That is a conversation that we are going to have to have with the mayor and the committee, but it is absolutely the intention of the applicant to have a substation there.

Eric Keller – Traffic Engineer and Planner for the Applicant

- We have to work out how we are going to provide the designated parking that the police Chief is looking for.
- The district “2” fire chief we meet with him regularly we will take of these things and no issue with Mr. Smith’s review or the arborist.

Township Engineer, Gerard Maceira, P.E.

- I just want to point out on of the items in the police Chief’s report, he is requesting to extend to this site the Township’s fiber optic system for future functionality in camera protection the fiber optic runs through Eden Lane, and it is a matter of running it through the site.
- I do not know whether is something that requires further discussion with the Chief at this point?

Attorney for the Board, Michael Sullivan, Esq.

- It is kind of left open because it says the location is to be determined with consultation with the Police Chief.

Eric Keller – Traffic Engineer and Planner for the Applicant

- The applicant is agreeable to that.

John Inglesino – Attorney for the Board

- That brings us to Planning testimony regarding the variances.

Eric Keller – Traffic Engineer and Planner for the Applicant

- There is an outline on section “A” in Mr. Brancheau’s report dated May 24, 2022, the concept plan that is in the redevelopment plan which is image “36” that concept plan is what it is shown on the site plans so we believe this is implementing, we may have some minor deviations but the concept of what was contemplated in the redevelopment plan is what we are putting into design with this site plans.
- So, the variances or deviations that we are seeking the first “4” are from the redevelopment plan further elaborating on it.
- The next variances are from the Township code and further explained them.
- The last one is the maximum illumination at the property line.
- To categorize all these variances can be sought under the “C2 flexible C” section of the “MLUL” except for the retaining wall which is a “C1” variance.
- Addressed Mr. Inglesino’s questions regarding the retaining wall.
- Went over the other retaining walls and their locations as well as the reasons to have them.
- The curbing variances and gave his reasons to ask for those variances.
- The maximum illumination at the property line, which is the coffee shop, gave his reasons to believe this does not cause detriment or any negative impact.
- It is our professional opinion that there is not substantial negative impact to the public.
- It is going to be a great town center; all the variances are de minimums in character.

John Inglesino – Attorney for the Applicant

- Mr. Keller just an observation the total retail residential component of the redevelopment plan is about 8,000 sq. ft., correct?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Correct.

John Inglesino – Attorney for the Applicant

- So, we are really front loading the town center component of this project. Are we not?

Eric Keller – Traffic Engineer and Planner for the Applicant

- Absolutely.

Open for questions and or comments

Member Gallagher

- I just want to address the retention wall; we have been talking about this for two years on the committee level, John Ferramosca, and I, this is a big win so as far as discussing the variance and the height and all the different details of it, I mean this is a real benefit and a quality of life issue so that is great work guys I really appreciate for all the time put into that.

Open to the Public for questions and or comments

Terri Baird was sworn in by the Attorney for the Board, Michael Sullivan, Esq

Terri Baird

- 180 Parsippany Road, Whippany.
- My question is in regard to anything that is plan for children in this outdoor space area that you have.
- It is a beautiful project, but I do not see it or maybe I missed it, I do not see anything in the plans for young adults and children in the outdoor space area.

Eric Keller – Traffic Engineer and Planner for the Applicant

- There is not playground or anything like that, it is all passive open space area.

Terri Baird

- Thank you for answering, okay so my comment or recommendation would be to have spaces for children because you do have affordable housing the two and three bedroom and I am going to assume like everybody would, that there would be children and young adults there and to have areas for them to have something to do it might deter them from being in unsuitable places.

Jim Neidhardt was sworn in by the Attorney for the Board, Michael Sullivan, Esq.

Jim Neidhardt

- 3414 Appleton Way. Whippany, New Jersey.
- I am appearing here as both a resident and as the president of Eden Lane Condo association.
- I have two comments and three or four questions so would ask the board and the chairman to indulge me since I represent two hundred ninety-eight units.
- The maximum illumination at the property line, Mr. Keller said that it is a minimum difference, we have set at a point five and point seven is a forty percent increase, Gerry can probably tell us if that is a significant increase or not, I do not think that the lateral light is a significant issue however we have a lot of bedrooms that directly overlook this site and some of them are within 200 ft., also my bedroom overlooks this site.
- If this flexible “C2” were to be approved, the board put a condition on it that the developer with both the planner and the engineer work to ensure that there is sufficient light shielding particularly above the height of the lights.

- Any light that would project up towards the sky I would ask that Blais and Gerry, particularly Gerry view that to absolutely ensure that we are not going to get any light glare from lot 2.04 where the coffee shop is located.

John Inglesino – Attorney for the Applicant

- We agree to that as a condition, we will work with Gerry and Blais to produce a shielding plan that would minimize the light spillage.

Jim Neidhardt

- The second area is related to construction activity, we have had a lot of noise that we had to put up with the construction of building number “1”, and I do not know what could be done there but to the extent that two construction entrances currently, one of them opposite Boxwood Court and the other one little bit further is consider an exit. To the extent that more of that construction traffic could go to the one closer to Jefferson Road that would be to our benefit particularly during the day light hours where people sit at our pool.
- Our pool is directly overlooks at the construction site is just a request to keep in mind.

John Inglesino – Attorney for the Applicant

- There will be a developer’s agreement and all those issues will be worked out, and all construction activities will be coordinated with the township.

Jim Neidhardt

- The next area is related to the utilities, as part of the development the utilities had to be dug up on Boxwood Court and they exposed a bunch of wires and lines on our property on the grassy area in front of our pool and are still exposed, as a result our landscaper is afraid to mow the lawn, I do not know if you guys know this but if we could be notified if and when that is going to be closed up or if you are going to have to leave that exposed for the upcoming construction we really need to know that and have some communication about that.
- Related to the utilities just looking at where those lines are and where the digging up of the roadway was on the Boxwood entrance, it appears that at least two of the utilities go underneath the decorative island between our entrance and exit lanes and we are in the process of an extensive relandscaping making a significant investment in expanded landscaping visual enhancements at our entrances and I want to make sure that we do not make a significant investment there if there is going to be continual and future utility work.

John Inglesino – Attorney for the Applicant

- Mr. Neidhardt, the representative of my client will contact you if it is okay to obtain your contact information through Ms. Bongiorno?

Jim Neidhardt

- Yes.
- I just want to make an overall comment, I think this is going to be a very beautiful development and I have to commend the people at the township that worked with the developer and the developer, the professionals, there are a lot of issues here and I am very pleased to see how all the parties have worked together to negotiate and come to resolution with things that are going to bring benefit to the community as a whole including my community, so I just want to thank everybody.

Closed to the Public

John Inglesino – Attorney for the Applicant

- Gave his closing statement thanking the board for their cooperation particularly Mr. Brancheau and Mr. Maceira for all their attention to this matter.

Attorney for the Board, Michael Sullivan, Esq.

- At the prior hearing, the applicant agreed that the retaining walls will be maintained by the homeowner's association along while all the other common elements we will add some specificity with regard to the improvements in connection with that Boxwood Court, River Park Boulevard South, Eden Lane intersection that we went and discussed in great length.
- I am not going to go through each of the reports from Mr. Maceira and Mr. Brancheau because we went through them in detail, but we will incorporate that as part of the motion.
- The applicant also agreed a global condition that the approval will be subject to all the terms and conditions contained in the settlement and redevelopment agreement.

John Inglesino – Attorney for the Applicant

- There will be an association that will be responsible for maintaining the retaining wall as well as all the other common elements in the facility.
- There will be easements that will make sure that the internal roadways are open to the Public.

Attorney for the Board, Michael Sullivan, Esq.

- We will also include a condition as suggested by Mr. Neidhardt about the shielding to be worked out.
- The applicant is bound by all representations made on its behalf by its professionals during the course of the public hearings.

Chairman De Nigris

- I would like to thank the board for staying late and I really appreciate it.

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

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

Board Secretary, Kimberly A. Bongiorno, LUA

- Mr. Inglesino, I need all of the exhibits that were entered.
- I need hard copies of everything except for the two that Eric delivered to me today, otherwise, I need everything else.

John Inglesino – Attorney for the Applicant

- I will get them to you.

2)	CASE NO.	22-2-2
	APPLICANT	TORE ELECTRIC COMPANY INC.
	OWNER	CUTLER HOLDINGS, LLC
	LOCATION:	45 HORSEHILL ROAD, CEDAR KNOLLS
	BLOCK: 1603	LOT(S): 5 ZONE: I

Applicant is seeking Board approval to permit the overnight paring/storage of a total of eight company vehicles. The applicant proposes overnight parking of three box trucks (36’ in length) in the existing loading dock areas located immediately behind the leasehold area, and five additional work van spaces within existing parking spaces located in the southwest corner of the property. No additional site improvements are proposed.

Copies of the filed application forms and supporting documents submitted by the applicant can be reviewed at the following link: <https://tinyurl.com/toreelectric>

Board Action Date – June 23, 2022

Earlier this evening Mr. Orth requested to carry this case to the June 28, 2022, at 7:00 PM meeting which was granted by the board unanimously and amotion to this effect was made.

VI. OTHER BUSINESS

Held to the next meeting.

VII. ADJOURNMENT

A motion to adjourn the meeting was made by Member Monzo and seconded by Member Critchley, passed unanimously.

Meeting Adjourned at 10:50 PM

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