

**Minutes of the Planning Board of the  
Township Of Hanover  
July 28, 2020**

THE FOLLOWING IS AN AGENDA FOR SAID MEETINGS AND FORMAL ACTION MAY OR MAY NOT BE TAKEN ON A PORTION OF THIS AGENDA. THE PUBLIC IS INVITED AND MAY ATTEND SAID MEETINGS SUBJECT TO THOSE AREAS OF CONSIDERATION DESIGNATED, IF ANY, FROM WHICH THE PUBLIC MAY BE EXCLUDED PURSUANT TO SECTION 7B & 8 OF THE LAWS OF 1975.

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

**PUBLIC BUSINESS**

Chairman Eugene Pinadella called the Regular Meeting to order on Tuesday July 28, 2020 at 7:18 PM by Way of a Zoom Webinar Only and The Open Public Meetings Act Statement was read into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Critchley, De Nigris, Dobson, Mayor Ferramosca, Gallagher, Glawe, Monzo, Olsen, and Chairman Pinadella.

Absent were Members: Byrne and Deehan.

Members of the Public: Chuck Jensen Chief Operating Officer for the Railroad, John Fiorilla (Dyer & Peterson law)

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

**I. RESOLUTIONS NONE**

**II. MINUTES – JULY 14, 2020**

**Chairman Pinadella**

- Made a minor amendment pertaining to zoning regulations for residential patios and decks to state that the Board approved to go ahead with the draft.

A motion to approve the resolution as amended was moved by Member Critchley and seconded by Member De Nigris.

In voice all present voted in favor of approving the minutes from July 14, 2020 as amended.

### III. PUBLIC HEARINGS

- 1) **CASE NO.** 18-3-6-R1  
**APPLICANT** RJ PARENT INVESTORS, LLC (LOWE'S)  
**OWNER** RJ PARENT INVESTORS LLC  
**LOCATION:** 230 HANOVER AVENUE  
CEDAR KNOLLS  
**BLOCK(S):** 601 **LOT(S):** 1 **ZONE(S):** IB-3

Applicant is seeking amended approval requesting a reduction in number of required replacement trees from the approved site plan application for preliminary and final site plan approval as well as "C" variance relief in order to construct a +/- 138,954 SF. Lowe's home improvement and garden center along with a +/- 5,585 SF convenience store and service station. The applicant further proposed parking areas and driveways, stormwater management facilities, associated utilities, landscaping and related site improvements. Application approved April 17, 2018 and resolution memorialized May 8, 2018.  
**Application carried by letter to AUGUST 25, 2020**

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

- Read letter into record to carry case to August 25, 2020.

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

A motion to carry case by letter to August 25, 2020 was moved by Member Olsen and seconded by Member Critchley.

Members Critchley, Dobson, Olsen, Glawe, Monzo, De Nigris, Gallagher, Mayor Ferramosca and Chairman Pinadella all voted in favor of carrying the case to August 25, 2020.

- 2) **CASE NO.** 20-2-3  
**APPLICANT/OWNER** HILDALE PARK PRYBYTERIAN CHURCH  
**LOCATION:** 25 GRAND AVENUE, CEDAR KNOLLS  
**BLOCK:** 1301 **LOTS:** 12 **ZONE:** R-10

Applicant is seeking a fully conforming minor subdivision. Copies of the filed Application forms and supporting documents submitted by the Applicant can be reviewed at the following link

<https://sites.google.com/view/hildaleparkminorsubdivision/home>

**Board Action Date – AUGUST 1, 2020**

**Member Dobson dropped off call.**

**Rosemary Stone-Dougherty, Attorney for the Applicant**

- 54 Main Street, Chatham, New Jersey, 07928

**Fred Meola Engineer, Land Surveyor & Planner for the Applicant was sworn in by Attorney for the Board Michael Sullivan**

**Fred Meola Engineer, Land Surveyor & Planner for the Applicant**

- 28 Whippany Road Whippany, New Jersey.
- All licensing current and in good standing.
- Describe what is being proposed by the Applicant.
- The existing property on the site is currently the Pastor's home and it will not be affected in any way by this application.
- We can comply with the Hanover Sewage requirements.
- I am aware and I have provided copies to the Board of the exemption notice from the Morris County Board date February 10, 2020.
- Reviewed the Township Engineer's comment and further discussion is needed with the applicant for consideration, so we are asking not to be bound by item #2.
- I reviewed the Township's Planner report and can comply with all the requests except with item # 3.
- It meets all the requirements and complies with all the regulations of the zone that they are in.

**Chairman Pinadella**

- Questioned if this lot will be sold and if the lot is completely conforming.
- Requested clarification to whether the Township's Engineer's recommendation will be a potential open item.

**Rosemary Stone-Dougherty, Attorney for the Applicant**

- Mr. Chairman none of the other corners & or intersections within this neighborhood have this rounding so we would request of the board not to make this a condition of approval.
- Further discussion will take place among all their required members of the Church involved.

**Member De Nigris**

- Gerry are you comfortable with that? Suppose they cannot do anything is that okay with you?

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

**Township Engineer Gerardo Maceira, P.E.**

- Explained the reason for the comment on his report.

**Chairman Pinadella**

- Questioned the Township professionals if their recommendation is to make it a condition of approval.

**Township Planner Blais Brancheau**

- I would leave it up to the board as to whether it is the right of way dedication or an easement.
- I recommended a waiver of the sidewalk of the requirement “RSIS” if in the future there were to be a need for sidewalks.

**Township Engineer Gerardo Maceira, P.E.**

- It is more of a legal issue as to what we can impose or not.

**The Attorney for the Board Michael Sullivan**

- You are either going to require it or not. Explained what the appropriate steps are prior to subdivision being perfected.
- You can leave it as an open item, but you will not have the ability to mandate it if they decide they don't want to agree with you.

Melverne Cooke was sworn in by The Attorney for the Board Michael Sullivan

**Melverne Cooke**

- 28 Grande Avenue, Cedar Knolls, New Jersey.
- I am a member of the Hildale Presbyterian Church and share the property sale committee.

**Rosemary Stone-Dougherty Attorney for the Applicant**

- Clarified to Melverne Cooke the question from the Township Engineer.

**Melverne Cooke**

- I think between one week or one week and a half would be more than ample time for us to decide.

**Township Engineer Gerardo Maceira, P.E.**

- It still becomes an open item; I think it should be a condition.
- Gave his reasons to make it a condition.

**Rosemary Stone-Dougherty Attorney for the Applicant**

- If it is your recommendation of the condition, I would ask the board if they are willing to modify the condition to be either the Deed and or the easement.

**Attorney for the Board Michael Sullivan**

- Clarified with the Township Engineer if his recommendation in the past has been a dedication.

- Further explained if that is a condition the applicant can decide to move forward with that condition in place or not.

**Rosemary Stone-Daugherty Attorney for the Applicant**

- Explained the applicant's reasons to request a modify condition.

**Township Planner Blais Brancheau**

- Explained his reasons for the comment in his report.

**Board**

- The Board professionals preferred a dedication. The Board would allow an easement as a condition of approval if it satisfies the Engineer's and the Planner's requirements.

Open to the Public

After hearing none

After seeing none

Closed to the Public

Open to the Board for comments

After hearing none

After seeing none

Closed to the Board

Open to the Public for comments

After hearing none

After seeing none

Closed to the Public.

**Attorney for the Board Michael Sullivan**

- Gave an overview of the application and reviewed the conditions of approval.

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

Members Critchley, Olsen, Glawe, Monzo, De Nigris, Mayor Ferramosca and Chairman Pinadella voted in favor to approve the application with conditions.

Member Dobson dropped off Call.

**3) CASE NO.** 18-2-4  
**APPLICANT/OWNER** 2H LLC  
**LOCATION:** 500 ROUTE 10  
WHIPPANY  
**BLOCK:** 7501 **LOT(S):** 7 & 8 **ZONE:** B-10

Applicant is seeking preliminary and final site plan and “C” variance relief for exterior improvements to the building such as terraces, aesthetic designs and new signage and to provide additional ingress/egress access, add and elevator vestibule for handicap access and restriping and parking lot improvements. *Case partially heard and carried from March 26, and November 26, 2019.*

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

<https://www.dropbox.com/sh/o3l5cmcamajm1oq/AADNrWHMftt8QT75LnOK4r4da?dl=0>

Or

<https://spaces.hightail.com/receive/W2XdC0wG2E>

**Board Action Date – JULY 31, 2020**

**Member Dobson back on the record, reconnected to zoon meeting.**

**Matthew Posada Attorney for the Applicant 2H LLC**

- Went over the list of witness.
- Gave an update of the agreements that were made since the last meeting on November 26, 2019 pertaining Signage and shared access & parking easement agreement.
- Has reviewed and received the Township Engineer’s and Planner’s report.

**The Township Engineer Gerardo Maceira and The Township Planner Blais Brancheau were sworn in by the Attorney for the Board Michael Sullivan**

**Emad Bouless Architect for the Applicant was sworn in by the Attorney for the Board Michael Sullivan**

**Emad Bouless Architect for the Applicant**

- 35 Smithtown Road, Budd Lake New Jersey, 07828
- License is current and in good standing.
- Has been before other Boards.

**Chairman Pinadella**

- Architect accepted by the Board.

### **Emad Bouless Architect for the Applicant**

- Reviewed the architectural drawings to respond to the Township Planner's letter dated July 27,2020.
- Mentioned the proposed signs with their corresponding dimensions for each proposed tenant.
- Went over the proposed elevations.
- Continue to review the township Planner's letter.
- Answered to the Township Planner Blais Brancheau concerns.
- Will be able to comply with the roof drainage conditions suggested by the Township's Engineer's and the Township Planner's report.

### **Township Planner Blais Brancheau**

- Questioned where the sub pump will be pumping to and how it will be handled if the flood is there and the drainage system is inundated it with flood waters this would have to wait until the flood subsides until you can pump it out.

### **Emad Bouless Architect for the Applicant**

- Referenced the proposed basement plan; I am proposing to tie this drain to the nearest sub pump.
- All of them will tie to the storm drainage system that is a public drainage.
- That is how it is currently set up.
- Regarding the building lights there are 6 of them as per the civil drawings.

Open to the Public

After hearing none

After seeing none

Closed to the Public

**Bryan Ehnes Engineer for the Applicant was sworn in by the Attorney for the Board Michael Sullivan**

### **Bryan Ehnes Engineer for the Applicant**

- Works for Bohler Engineering
- 30 Independence Boulevard; Suite 200, Warren, New Jersey.
- License currently in good standing in the State of New Jersey.
- Has testified before this board before.

### **Chairman Pinadella**

- Accepted by the Board.

### **Bryan Ehners Engineer for the Applicant**

### **Exhibit A - 8**

- Went over the Site Lay out Plan “C-301”
- It is a colorized exhibit date it 7/20/2020.
- Landscaping was been updated, addressed changes made.

### **Exhibit A – 9**

- It is an easement exhibit prepared by Bohler Engineering dated it 7/27/2020.
- Describe all the easements and changes reflected on this exhibit.
- The easements shown are from all 3 parties involved and that have reached an agreement.
- Proposing parking lines for a safer and more efficient parking and flow.

### **Chairman Pinadella**

- Expressed his concern with them not having enough parking spaces.
- Agreed to further discuss with the applicants traffic expert.

### **Bryan Ehners Engineer for the Applicant**

#### **Exhibit A – 9**

- Continue to review this exhibit.

### **Township Planner Blais Brancheau**

- Questioned who will be using the 4 spaces on the Church’s property.
- Questioned if there is a right of access to those spaces for the Church and where is it shown.
- Questioned why there is a separate easement agreement for those 4 parking spaces.

### **Matthew Posada Attorney for the Applicant 2H LLC**

- There is a separate easement agreement with the Church that is not associated with this one, but for the driveway itself and it will include the access for those 4 parking spaces through the driveway.
- This will be shown in a separate plan that we recorded with the County.
- It is not part of this action because of the terms of negotiation by the involved parties.

### **Township Planner Blais Brancheau**

- Continue addressing the comments on his report.
- Questioned how the users of those spaces will know what they can or cannot use.

### **Bryan Ehners Engineer for the Applicant**

#### **Exhibit A – 8**



- Continue reviewing the exhibit and addressed some of the comments brought up by the Township Engineer and the Township Planner.
- Went over the waivers being requested.
- Went over the parking spaces modifications being proposed.

**Township Engineer Gerardo Maceira**

- Requested clarification regarding the employee parking spaces and their signage.

**Bryan Ehlers Engineer for the Applicant**

**Exhibit A – 8**

- Went over the setbacks and deviations.
- Went over sheet “C-901” and further explained what is being shown for each proposed sign.
- Went over signage, the types and number of signs being proposed.
- Went over the proposed Monument sign.

**Chairman Pinadella**

- Expressed his concern with the Proposed Monument sign and its purpose.

**Member Critchley**

- Questioned the visibility of the Monument sign.

**Township Planner Blais Brancheau**

- Addressed the comments on his report pertaining to this Monument sign.

**Bryan Ehlers Engineer for the Applicant**

- Explained reasons for proposing this Monument sign.

**Chairman Pinadella**

- Questioned the purpose of this proposed Monument sign, its purpose and location.
- Suggested revising the use, content, and location for the Monument sign.

**Matthew Posada Attorney for the Applicant 2H LLC**

- The applicant will be revising the Monument sign.

**Bryan Ehlers Engineer for the Applicant**

**Exhibit A – 8**

- Continue with his review.
- Went over the loading space related variance.
- Reviewed the lighting levels.

**Matthew Posada Attorney for the Applicant 2H LLC**

- Addressed concerns brought up by Chairman Pinadella.

**Bryan Ehners Engineer for the Applicant**

- Updated Plans will show a fence as per Gerry's request, that will define parking in our property.
- As per our agreement with the Railroad they will not be allowed to park in our property.
- Went over the Township Engineer's review letter dated July 27, 2020.
- We agree to comply with items 1 through 13 of the Township Engineer's memo.
- Went over The Township Planner's review letter dated July 27, 2020.

**Township Planner Blais Brancheau**

- Asked Item 11-A on page 7 of his review to be addressed.

**Bryan Ehners Engineer for the Applicant**

- Addressed item 11-A of the Planner's review letter.

**Township Planner Blais Brancheau**

- Expressed his concern with one of the Church's parking spots regarding safety when baking out of the space.

**Bryan Ehners Engineer for the Applicant**

- We will investigate it and take action to alleviate the situation.
- Continue with his review of the Township Planner's review letter.

**Attorney for the Board Michael Sullivan**

- Requested clarification if any items are in dispute with any of the reports.

**Bryan Ehners Engineer for the Applicant**

- We agree with the reports.
- Some of the items will require further coordination but we are open to address them and or discuss them to make sure that we are all in agreement.

### **Township Planner Blais Brancheau**

- If the Board were to take action those are sort of unresolved issues that the applicant has agreed to work on; I would advise that the Board carefully word any condition; that on those open items to potentially deferred them to Gerry and I or you would ask the applicant to comeback or you are going to wait to vote until you have it resolved.

### **Matthew Posada Attorney for the Applicant 2H LLC**

- Addressed the second means of egress to the basement.
- Deferred the question to the Architect for the applicant Emad Bouless

### **Emad Bouless Architect for the Applicant**

- Addressed the second means of egress to the basement and proposed changes.
- The building code does not address it because it is an existing condition.

### **Open to the Public for questions & comments**

### **John Fiorilla – Dyre & Peterson – Represents Morristown & Erie Railway**

- 605 Main Street, Riverton, New Jersey.
- Advised Chuck Jensen Chief Operating Officer for the Railroad is present.
- Questioned the Fence being put up between the Railroad property and 2H LLC.
- We oppose it and see no reason to separate the two properties.

### **Chairman Pinadella**

- Questioned the opposition to fencing being placed when the Railroad would still have proper access to their property.

### **Attorney for the Board Michael Sullivan swore in Charles Jensen Chief Operating Officer for the Railroad**

### **Charles Jensen Chief Operating Officer for the Railroad**

- Charles Jensen, Strasburg, Pennsylvania.
- Chief Operating Officer and Vice President of the Morristown Erie Railway.
- Provided a background of what is currently on site.
- Explained their request of not putting bollards or fences to allow a better traffic flow.
- We have not agreed to a fence because it makes traffic extremely tight and that area is used for the loading and unloading for the Polar Express.
- We entered into an agreement with 2H LLC regarding to the dumpster for not for this fence because it does not work for us.

### **Matthew Posada Attorney for the Applicant 2H LLC**

- The installation of the fence was subject to the recommendation of the Board however we have no objection in removing the fence.

**Charles Jensen Chief Operating Officer for the Railroad**

- As per the lease with 2H LLC and if they continue to want to do so, we would like to continue to use those parking spaces for the Polar Express.
- Those are separate agreements we did not want to add to this and complicate things more.

**Matthew Posada Attorney for the Applicant 2H LLC**

- Currently our parking spaces are only available for our proposed uses here before the Board.

**Bryan Ehners Engineer for the Applicant**

- Suggested the possibility of eliminating the full height curbing and proposed to fence into the limit where is currently there today.
- Will the Township consider that accommodation?

**Township Engineer Gerardo Maceira P.E.**

- I would leave it up to the Board.
- Clarified what is the purpose for the proposed curb.
- Explained the recommendation for the fence.

**Charles Jensen Chief Operating Officer for the Railroad**

- Would like to get it resolved here today.

**Chairman Pinadella**

- I do not know that there is enough parking to handle the applicant's and all the party's involved parking needs.
- We have a real issue here.

**Charles Jensen Chief Operating Officer for the Railroad**

- I would like to ask of the Board to consider the suggestion that Bryan Ehnes has had.
- The turning ration needed is part of my request.

**Chairman Pinadella**

- Questioned the 20 ft. wide opening not being enough for access to the Railroad property when it has been there forever.

**Charles Jensen Chief Operating Officer for the Railroad**

- Yes, but the fence would make it too tight.

**Chairman Pinadella**

- We would have to take it under advice.

Close to the Public

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

- The next available meeting is September 15<sup>th</sup> & September 22<sup>nd</sup>.

**Matthew Posada Attorney for the Applicant 2H LLC**

- My witnesses are available for the meeting of September 15<sup>th</sup>.

**Attorney for the Board Michael Sullivan**

- Reviewed conditions.
- Case carried to the September 15<sup>th</sup>, 2020 meeting at 7:00pm with no further notice required.
- Advised the Public of instruction to follow if they wish to participate on the September 15<sup>th</sup>, 2020 meeting.

A motion to carry case to the September 15<sup>th</sup>, 2020 meeting with no further notice required was moved by member Critchley and seconded by Member Olsen.

Members Critchley, Olsen, Glawe, De Nigris, Mayor Ferramosca and Chairman Pinadella voted in favor to carry case to the September 15<sup>th</sup>, 2020 meeting with no further notice required.

**Chairman Pinadella**

- Requested the Township Engineer Gerardo Maceira to discuss with the applicant's Engineer Bryan Ehnes the depressed curb.

**Mayor Ferramosca**

- Questioned if a 6" raised curb would present a barrier for a vehicle of that nature trying to cross over that perimeter point?

**Township Engineer Gerardo Maceira P.E.**

- That happens and the curb may be damage over time.
- We need to ask of the Board to request an exhibit from the Railroad to show that they cannot maneuver within that 24 ft. area.

**Mayor Ferramosca**

- Questioned if a rolling gate would be a good option for consideration.

**Township Engineer Gerardo Maceira P.E.**

- The curb's visibility may be affected by different factors, so I recommended a fence to make is more visible for pedestrians and vehicles.

**Chairman Pinadella**

- Expresses his concern with all the issues that this property has and how the different agreements can affect the applicant's ability to meet their requirements.

**John Fiorilla – Dyre & Peterson – Represents Morristown & Erie Railway**

- Questioned if the Railroad can submit exhibits for the next meeting.

**Attorney for the Board Michel Sullivan**

- For the next hearing if you wish to review them, please have the ability to screen share the exhibits.

**IV. OTHER BUSINESS**

None.

**V. ADJOURNMENT**

A motion to adjourn was moved by Member De Nigris and seconded by Member Olsen.

Voice vote all presence voted in favor to adjourn the meeting.

Meeting Adjourned at 9:51 PM

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