

**Minutes of the Planning Board of the  
Township Of Hanover  
August 18<sup>th</sup>, 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

**PUBLIC MEETING 7:02 P.M. VIA ZOOM WEBINAR ONLY**

**PUBLIC BUSINESS**

Chairman Pinadella called the Public Meeting to order on Tuesday August 18<sup>th</sup>, 2020 at 7:02 PM by way of a Zoom Webinar Only and read the Open Public Meetings Act into the record.

The Board Secretary, Kimberly Bongiorno, called the roll.

In attendance were Members: Critchley, Deehan, De Nigris, Dobson, Byrne, Mayor Ferramosca  
Chairman Pinadella.

Arriving late were Members: Gallagher 7:20, Glawe 7:30 PM.

Absent were Members: Olsen & Monzo.

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

**I. RESOLUTIONS**

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

Applicant sought a fully conforming minor subdivision. Application was approved July 28, 2020.

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

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

Members Critchley, De Nigris, Mayor Ferramosca and Chairman Pinadella voted in favor of approving the resolution as written.

## **II. MINUTES – JULY 28, 2020**

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

A motion to approve the Minutes of July 28<sup>th</sup>, 2020 as written was moved by Member De Nigris and seconded by Member Critchley.

In voice all present voted in favor of approving the Minutes of July 28<sup>th</sup>, 2020 as written.

## **III. PUBLIC HEARINGS**

- 1) **CASE NO.** 20-3-6  
**APPLICANT/OWNER** DARFF-1 LLC  
**LOCATION:** 162 CEDAR KNOLLS ROAD  
WHIPPANY  
**BLOCK:** 3501 **LOT(S):** 4 **ZONE:** R-10

Applicant is seeking a minor subdivision and “C” variance relief. The existing structure on the property will be razed.

Copies of the filed Application forms and supporting documents submitted by the applicant can be reviewed at the following link: <https://www.zonify.org/meeting/696>

***Board Action Date – OCTOBER 22, 2020***

### **Larry Calli – Attorney for the Applicant**

- Gave a brief overview of the proposed minor subdivision.
- Introduced the witnesses for the evening.

Attorney for the Board Michael Sullivan sworn in Pete Korzen – Professional Engineer for the Applicant

Attorney for the Board Michael Sullivan swore in the Township Engineer Gerardo Maceira, P.E., and the Township Planer Blais Brancheau.

### **Pete Korzen – Professional Engineer for the Applicant**

- Gave an overview of his Professional background.
- He has appeared before this Board several times.
- All his licensing is current and in good standing.

- He has been accepted by the Board to testify.
- Presented the “Cover sheet” or “Title sheet”
- Explained the “Current conditions Plan” and went over what is currently there.
- Provided the dimensions of the site.
- The site is currently serviced by overhead electric telephone and cable and underground sanitary sewer and presumably water.
- Briefly went over the “Subdivisions Plan” it shows what is proposed.
- It depicts 3 lots and their dimensions.

**Larry Calli – Attorney for the Applicant**

- The applicant has not tried to acquire any surrounding lots.

**Pete Korzen – Professional Engineer for the Applicant**

- Back to the “Title Sheet”
- He went over the variances requested.
- He addressed the open items in the Township Engineer’s review memo dated August 17, 2020.
- We have no problem with Mr. Maceira’s recommendation to offer overhead connection for that house.

**Attorney for the Board Michael Sullivan**

- He Explained to the Board that would require exceptions under the “Residential site improvements standards Act” and the Board has granted on appropriate circumstances under other applications.

**Pete Korzen – Professional Engineer for the Applicant**

- Addressed Member De Nigris question.

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

Member Gallagher joined the meeting at 7:20 pm

- Member Glawe has joined the Meeting at 7:30 pm.

**Attorney for the Board Michael Sullivan**

- Clarified which members who recently joined are able to participate and which ones are able to vote.

**Pete Korzen – Professional Engineer for the Applicant**

- Clarified which proposed lot has an underground connection and which one will have the overhead connection.

**Exhibit A – 1**

- Titled “Front elevation”
- It depicts how the house will look like.

**Pete Korzen – Professional Engineer for the Applicant**

- I will now address the Township’s forester report dated August 10<sup>th</sup>, 2020.
- We recognize it and which trees will be removed and which ones will be staying.
- He addressed the open items in the Township Planner’s report Mr. Brancheau dated August 17<sup>th</sup>, 2020.

**Attorney for the Board Michael Sullivan**

- Asked Mr. Korzen if he can comply or he feels needs to address any of the comments on Mr. Brancheau’s report.

**Pete Korzen – Professional Engineer for the Applicant**

- We are fine with all his recommendations and can comply with them.

**Attorney for the Board Michael Sullivan**

- Mr. Korzen is it fair to say that in the event of an approval; the applicant can and would comply with all the items contained in this report.

**Pete Korzen – Professional Engineer for the Applicant**

- Yes, it is.
- Addressed Member Deehan’s concern.

Open to the Public

**Peter Paskert**

- 163 Park Avenue.
- I have a questioned to the Board regarding property boundaries.
- He explained the location and limits of his lots.
- I want someone from the town goes to measures it to have things clear and we are all in the same page.
- I believe 6” to 8” of his driveway are on my property.

**Pete Korzen – Professional Engineer for the Applicant**

- You are correct.

**The Township Planner Blais Brancheau**

- Is that driveway that encroaches going to be removed as part of this development?

**Pete Korzen – Professional Engineer for the Applicant**

- Yes, it will.

**The Township Planner Blais Brancheau**

- Mr. Paskert when and if a new house is built; the new driveway will be at least 5 ft. away from your driveway.

**Pasquale Petti**

- 171 Cedar Knolls Road
- The rest of the lots on this side of the street are already oversized lots if this application is approved; what is that going to mean for anybody else that comes along with non-conforming lots looking for approvals.

**Terri Baird**

- 180 Parsippany Road, Whippany.
- As per the County website this property is in the R-25 zone, did that change to a different zone?

**The Township Planner Blais Brancheau**

- I indicated it in my report that this property used to be in the R-25 zone and the property behind used to be in the R-15 zone.
- As per the examination report we did a couple of years ago it was recognized that we had a cluster of undersized lots for what the zone required.
- To better fit what already existed on the ground the zoning was changed.
- The county has probably not caught up with it.

**Terri Baird**

- Where the large lots intended to be subdivided into smaller lots?

**The Township Planner Blais Brancheau**

- No, the intent of that change was to recognize lots that exist that area undersized.

**Peter Paskert**

- 163 Park Avenue
- Where are they going to outlet their sub pump?
- Where is the water going to go?
- I do not want any additional water coming into my property.

**Pete Korzen – Professional Engineer for the Applicant**

- The township has a requirement with new houses to provide storm water recharge into the ground typically with a drywell system.
- That is what it will be proposed.
- Continue to explain what other steps are to be followed and how the process works.

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

- There is already a catch basin on Cedar Knolls road so will attempt to tie both.
- Mr. Paskert will probably see a reduction of water however as Mr. Korzen said the property is already draining in that direction and some portion of those properties will continue to drain to the low end towards Mr. Paskert's.

**Larry Calli – Attorney for the Applicant**

- We still maintain and believe that the deficit lot is minimal.
- We have listened to our neighbors and we have listened to the Board Member's concerns.
- In lieu of pushing this forward we would like to try and talk to our neighbor with no guarantee of anything.
- I would also like to introduce to our applicant Roberto.

**Roberto Darienzo - Applicant was sworn in by the Attorney for the Board Michal Sullivan**

**Roberto Darienzo - Applicant**

- 2 Peach Tree Lane, Chester, New Jersey.
- This is my first time in front of a board.
- I am willing to go and talk to this neighbor to reach an agreement to make this lots conforming.

**Chairman Pinadella**

- We appreciate your intentions.
- What we are trying to prevent is having others to come in front the board asking for the same thing.

**Attorney for the Board Michael Sullivan**

- It is an existing encroachment.
- If the application is denied that is not a mandate for the applicant to do that
- If the application gets approved, it is part of the application development they have indicated that they will bring the property into compliance.
- There is an existing nonconformity there.

**Chairman Pinadella**

- I would like for the applicant to try and acquire more property.

**Member De Nigris**

- I agree with that.

**Member Byrne**

- We appreciate the good faith effort of the applicant to try to make both of his lots conforming.
- I think he is looking for guidance on how to proceed in the event he cannot do that.

**Attorney for the Board Michel Sullivan**

- We need to give the applicant the ability to present the testimony from his planner.
- There are two ways a variance can be granted in this situation and he explained the types of variances that can be granted.
- There could be several other variances that can be associated with minor subdivisions and we need to focus on what we have in front of us.

**Chairman Pinadella**

- Mr. Calli are you saying that you would like to carry this case?

**Larry Calli – Attorney for the Applicant**

- I am.

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

- I have a question for Mike Sullivan
- Any of the meetings that are going forward with are already set up with their own dial in information and sign in information for zoom which is different from tonight unless we go out “Larry” to the October 20<sup>th</sup> meeting if not “Mike” will they have to serve re-notice with the new zoom information how will that work?

**Larry Calli – Attorney for the Applicant**

- We would like to take any September meeting that is available.

**Attorney for the Board Michel Sullivan**

- Kim can we make a motion to carry to September 15<sup>th</sup> and indicate that the sign in information will be posted on the Township’s website?

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

- Yes, it will be posted as part of the agenda and if that covers us legally sure.

**Attorney for the Board Michel Sullivan**

- Larry are you comfortable with that?

**Larry Calli – Attorney for the Applicant**

- I am Mike.

**Attorney for the Board Michel Sullivan**

- Clarified what the motion should be.

A motion to carry this meeting to the September 15<sup>th</sup>, 2020 meeting at 7 pm with no further notice and the sign in information will be posted in the Township’s website was moved by Member Dobson and seconded by Member Deehan.

Members Critchley, Deehan, Dobson, Byrne, De Nigris, Gallagher, Mayor Ferramosca, and Chairman Pinadella voted in favor to carry this meeting to the September 15<sup>th</sup>, 2020 meeting at 7 pm with no further notice and the sign in information will be posted in the Township’s website.

Board took a 5-minute break

Board is back on record.

<b>2)</b>	<b>CASE NO.</b>	20-2-5
	<b>APPLICANT/OWNER</b>	ROUTE 10 AND WHIPPANY ROAD, LLC
	<b>LOCATION:</b>	531 ROUTE 10 EAST WHIPPANY
	<b>BLOCK:</b> 4203	<b>LOT(S):</b> 12 <b>ZONE:</b> B-10

Applicant is seeking preliminary and final site plan and “C” variance relief for adaptive reuse of an existing commercial structure for a permitted use. Modify/ improve the existing parking and drive aisle areas. Site signage, landscaping, lighting, and fencing.

Copies of the filed Application forms and supporting documents submitted by the Applicant can be reviewed at the following links: <https://www.zonify.org/meeting/696>

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

**Larry Calli – Attorney for the Applicant**

- Gave an overview on the application and what has been done on site.
- Explained he is anticipating a restaurant use for the site.
- Explained what the variances that the applicant is seeking.
- They do not have who the tenants will be.



- Introduced the witnesses for tonight's meeting.

**Tiago Duarte P.E. - Engineer for the Applicant was sworn in by the Attorney for the Board Michael Sullivan**

**Tiago Duarte P.E. - Engineer for the Applicant**

- 15 Park Place Newark, New Jersey, 07102
- He gave his educational and professional background.
- My licenses are current.
- I have never appeared before this board.
- Reviewed the Plan entitled "Aerial Exhibit" Dated it August 18<sup>th</sup>, 2020.
- Provided the location of the site.
- It is a vacant gas station.
- Went over the site access and described what is currently on site.
- Went over the environmental constraints on the site.

**Exhibit A- 1**

- Reviewed the "Plan Site Rendering" dated August 18<sup>th</sup>, 2020
- It is a colorized version of the site plan.

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

**Tiago Duarte P.E. - Engineer for the Applicant**

**Exhibit A- 1**

- Continue with the exhibit's review.
- We anticipate a restaurant use for the site.
- We do not have a site tenant.
- Provided a description of the proposed improvements.
- Described what the circulation on site will be like and explained what the proposed number of parking spaces are.
- The "DOT" issued a letter stating this letter is okay in their eyes.
- Described what will be like the loading and operations for this site.
- Went over the front yard set-back.
- Went over the variances.
- Went over the proposed signage and what is currently on site.
- The entire site is in a flood area so we cannot add any grading.

**Township Planner Blais Brancheau**

- Referenced the areas in which fills seemed to be proposed.
- How do the regulations permit those to be installed?

**Tiago Duarte P.E. - Engineer for the Applicant**

- Referenced each area with a proposed filled and explained how it is permitted.

**Township Planner Blais Brancheau**

- Will that same rule permit you to install wheel stops?
- Could you put in things like bollards?

**Tiago Duarte P.E. - Engineer for the Applicant**

- Addressed it Mr. Brancheau's concerns.
- Reviewed the Township Planner's memo.
- We will work to address how water will be drained from the rooftop, away from Pedestrian areas and or sidewalk areas.

**Chairman Pinadella**

- Expressed his concern with the proposed landscape.
- Addressed the Monument sign.

**Member Glawe**

- Agreed with Chairman Pinadella's opinion with respect to the Monument sign.

**Tiago Duarte P.E. - Engineer for the Applicant**

- Addressed the Board members concerns.
- Continued reviewing the Township Planner's memo.

**Township Planner Blais Brancheau**

- Suggested the board needs to agree on what they will be granting approval for or what range of uses the Board would be granting approval for.
- Suggested it is necessary so when it is in from of the Zoning officer; the zoning officer knows what was approve under the application.

**Larry Calli – Attorney for the Applicant**

- The question before the zoning official will be whether the use is different, and it creates a deviation from the code that this Board did not grant.

**Township Planner Blais Brancheau**

- If you comply with the most restrictive standard, I will say no question but you are not you are seeking a variance from the most restrictive standard.

**Larry Calli – Attorney for the Applicant**

- Disagreed with the Township Planner and held an open discussion with Mr. Brancheau.

**Tiago Duarte P.E. - Engineer for the Applicant**

- Addressed the Township Engineers memo dated August 18<sup>th</sup>, 2020.
- We can comply with all of them.

**Larry Calli – Attorney for the Applicant**

- No issues complying with the Fire district's memo and the Police department's memo.

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

- Made a recommendation for an additional possible landscaping area.

**Member Deehan**

- Questioned the possibility to add on east bound on Route 10 a right turn and would it be beneficial to the project?

**Tiago Duarte P.E. - Engineer for the Applicant**

- That would violate in the jurisdiction of the DOT.

Open to the Public

After hearing none

After seeing none

Closed to the Public

**Corey Buchholz – Architect for the Applicant was sworn in by the Attorney for the Board Michael Sullivan**

**Corey Buchholz – Architect for the Applicant**

- 123 Columbia Turnpike Florham Park, New Jersey.
- He gave an overview of his professional and educational background.

**Chairman Pinadella**

- Accepted by the Board.

## **Corey Buchholz – Architect for the Applicant**

### **Exhibit A – 2**

- Proposed Rendering – colorized
- Dated it April 6<sup>th</sup>, 2020
- Described what it will be utilized and what it will look like.
- Explained the proposed changes to the existing structure.
- Addressed how the water from the roof top will be drained.
- The proposed building will be a maintenance-free structure.
- Addressed the proposed signage for the structure and its dimensions.
- Explained the reasons to proposing the monument sign.
- HVAC units will not be shown.
- We will make sure to conform with the Health Department.

### **Exhibit A – 3**

- Described the floor plan of what a restaurant would possibly look like.
- Seating would be very limited.

Open to the Public

After hearing none

After seeing none

Closed to the Public

**Paul Ricci – Planner for the Applicant was sworn in by the attorney for the Board Michael Sullivan**

### **Paul Ricci – Planner for the Applicant**

- 177 Monmouth Avenue, Atlantic Highlands, New Jersey
- Gave an overview of his professional and educational background.
- Credentials are in good standing and current.
- We have an existing non-conforming lot size.
- Addressed the limitations that the site has.
- We are repurposing the use of this building where a lot of improvements are occurring.
- Addressed the variance related to the building canopy.
- The Biggest variance I think is the parking variance.
- Addressed the various variances been sought with this application.
- Addressed the Monument sign.
- Addressed the outdoor dining setback.

Open to the Board for Questions

After hearing none

After seeing none

Closed to the Board

Open to the Public for Questions

After hearing none

After seeing none

Closed to the Public

Open to the Board for Comments

**Member Gallagher**

- I have no problem with the free-standing sign.

**Member Byrne**

- I am okay with the free-standing sign.

**Member Critchley**

- Is it allowable to resurface the sign that is currently there?

**Township Planner Blais Brancheau**

- Unless there was anything in the resolution for the gas station stating that if the gas station goes away the sign has to come down otherwise, they could resurface the sign.

**Member Critchley**

- I with the smaller sign.

**Member Glawe**

- I do not find the logic to need a free-standing sign. We have rules for a reason we should follow our own rules.

**Member De Nigris**

- I had a different view if you drive on Route 10 East going 50 miles per hour and the traffic light is green you are not going to take the time to turn your head, you are going to go straight ahead you may even miss the fact that there is anything there.
- If you are going do away with any sign my suggestion would be the sign of the building that faces Whippany Road but include the free-standing sign.

**Chairman Pinadella**

- Both of those signs are approved only because they face the street.
- The Majority of the Board is in favor of the free-standing sign so that variance will stay as part of the application.

Open to the Public for comments

After hearing none

After seeing none

Closed the Public

**Chairman Pinadella**

- Gerry and Blais do we have the Patriots Path easements on properties along Whippany River?
- This is one is one of the ones we were missing.

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

- I know they do exist for the properties to the west, I do not think there was one of this property.

**Township Planner Blais Brancheau**

- The site plan shows a 25 ft. ambulatory easement at the rear of this property.
- I have no idea if this is the Patriot's path. I would have to look at the terms of the easement.

**Chairman Pinadella**

- What if we made that the Patriots Path?

**Township Planner Blais Brancheau**

- The Patriots Path is the county's, they would have to designated it as the Patriot's Path.
- The terms of the easement will determine who maintains it.

**Chairman Pinadella**

- I suggest that we keep it as on open item and explained the reasons for it.

**Attorney for the Board Michael Sullivan**

- Explained what the conditions would be.
- Explained the conditions of approval.

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

A motion to approve this application with conditions was moved by Member Deehan and it was seconded by member Dobson.

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

Member Glawe voted against approving the application with conditions.

#### **IV. OTHER BUSINESS**

##### **Mayor Ferramosca**

- Presented suggestions for the Board going forward.
- 24 hours prior to the meeting the Board secretary will re-invite you to the meeting.
- We will meet and start officially our meetings at 6:45 PM so that at 7 PM we can start promptly.
- To the Professionals it is very unfair to get this reports with less than 24 hours in advance so if we could set up a procedure where our Board professionals on a regular basis hit 24 hours in advance of the meeting that would be very much appreciated so that the individuals committed to the board can review the documents.

##### **Member Critchley**

- Explained the issues he experienced with the email for today's meeting.

##### **Member Deehan**

- Requested attendees please start using the mute button, background noises are distracting.

#### **V. ADJOURNMENT**

A motion to Adjourn was made by Mayor Ferramosca and seconded by Member Deehan.

In voice all present voted in favor to adjourn the meeting.

Meeting Adjourned at 10:18 PM

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