

**Minutes of the Planning Board of the
Township of Hanover
September 22nd, 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

Acting Chairman De Nigris called the Public Meeting to order on Tuesday September 22nd, 2020 at 7:00 PM by Way of 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: Byrne, Critchley, Deehan, De Nigris, Dobson, Mayor Ferramosca, Gallagher, Glawe and Olsen

Absent were Members: Monzo, Chairman Pinadella

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

I. RESOLUTIONS

- 1) **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. **APPLICATION APPROVED WITH CONDITIONS September 15, 2020**

Acting Chairman De Nigris

- Questioned if the agreement that they would have gotten with the Church in writing was part of that resolution.

Attorney for the Board Michael Sullivan

- Explained how it was covered.
- Referenced the part of Mr. Brancheau's report that addresses the agreements needed with the various parties.

A motion to approve the resolution was moved by Member Critchley and seconded by Member Olsen.

Members Critchley, Olsen, Glawe, Byrne, De Nigris, and Mayor Ferramosca voted in favor of approving the resolutions as written.

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

Applicant sought 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.
APPLICATION APPROVED WITH CONDITIONS AUGUST 18, 2020

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

A motion to approve the resolution as written was moved by Member Deehan and seconded by Member Gallagher.

Members Critchley, Deehan, Dobson, Byrne, De Nigris, Gallagher and Mayor Ferramosca voted in favor of approving the resolution as written.

II. MINUTES – SEPTEMBER 15, 2020

The Minutes of September 15, 2020 were deferred to a later date.

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 TBD

Board Action Date – September 30, 2020

Mayor Ferramosca and Member Gallagher recused themselves from hearing this case.

Board Secretary Kimberly A. Bongiorno, LUA

- Read the letter from the Applicant’s Attorney Diane Hickey into the record requesting to carry the case to the December 22nd, 2020 meeting.

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

A motion to carry case by letter to the December 22, 2020 meeting was moved by Member Critchley and seconded by Member Deehan.

In voice all present voted in favor of carrying the case by letter to December 22, 2020.

2) **CASE NO.** 18-3-6-R 2
APPLICANT RJ PARENT INVESTORS, LLC (7-11)
OWNER RJ PARENT INVESTORS LLC
LOCATION: 230 HANOVER AVENUE
CEDAR KNOLLS
BLOCK(S): 601 **LOT(S):** 1 **ZONE(S):** IB-3

Applicant was granted Preliminary Site Plan approval for phase 2 of the previously approved site plan for an approximately 5,585 sf convenience store and gasoline service station with eight pumping stations and a canopy over the pumps along with 33 parking spaces and related site improvements. Applicant now seeks Final Site Plan approval for Phase 2 of the development previously granted. Applicant is seeking Preliminary and Final Site Plan and “C” Variance Relief in to construct an approximately 4,008 sf. 7-11

convenience store and service station to the extent not previously granted preliminary approval by the Board, and specifically for the architectural design of the convenience store, except for its footprint and location, the design of the fuel canopy for the gasoline service station and the signage for the convenience store and gasoline service station, except for the location of the freestanding sign.

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

<https://www.dropbox.com/s/2ti4pj4bk3z5o23/2020-08-07%20Submission%20to%20Twp%20-%20Combined.zip?dl=0>

Board Action Date –October 4, 2020

Mayor Ferramosca and Member Gallagher recused themselves from hearing this case

James Lott Jr. Attorney for the Applicant

- Went over the previous approvals granted by the Board.
- Explained briefly what approvals they are seeking tonight.
- I have 4 witnesses tonight.

Stuart Kimmel was sworn in by the Attorney for the Board Michael Sullivan

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

Stuart Kimmel Real State Representative for ‘7 – Eleven Inc.’

- 485 Route 1, Iselin, New Jersey.
- I am the representative for ‘7 – Eleven Inc.’
- Explained what his responsibilities are.
- Explained what this application is for and what is being proposed.
- Gave number of managers and employees on site.
- 1 -2 tractor trailer deliveries per week.
- Box trucks come throughout the week for smaller vendors and deliveries.
- The fuel trucks come in an as needed basis.
- Trash and recycling it is a once a week pickup.

Acting Chairman De Nigris

- Questioned the time of the day when gas deliveries will take place.

Stuart Kimmel Real State Representative for ‘7 – Eleven Inc.’

- There is not a schedule for the gas deliveries and further explained.

Township Engineer Gerardo Maceira P.E.

- Is there an anticipation for an emergency generator on site?

Stuart Kimmel Real State Representative for '7 – Eleven Inc.'

- There is not.
- We have an outside contract and further explained and gave his reasons for it.

Member Byrne

- What are your anticipated hours of operation?

Stuart Kimmel Real State Representative for '7 – Eleven Inc.'

- 24 hours for the retail store
- 5:00 AM to Midnight for the fuel.

Township Planner Blais Brancheau

- On my report I commented on the fact the on the retail and the gas are prohibited from 12:00 AM to 5:00 AM.
- Are you aware of the ordinance?
- You stated your intent is to operate 24 hours which would be in violation.

Stuart Kimmel Real State Representative for '7 – Eleven Inc.'

- I am aware.

James Lott Jr. Attorney for the Applicant

- We are aware of the hour restriction contained in both sections '150' and '220' of the Township code.
- We have requested that the Township Committee changes that ordinance.
- The deal between the developer and the '7 – Eleven' is contingent on that legislative amendment.

Acting Chairman De Nigris

- I am not aware of that request.
- Is anyone on the Board aware of that request?

Member Glawe

- I would hardly oppose to anything going 24 hours.

Attorney for the Board Michael Sullivan

- Those ordinances are not in the zoning ordinance.
- That is strictly with the governing body and further explain.
- The purpose of Mr. Brancheau's comments are to make the applicant aware.

Township Planner Blais Brancheau

- If the contractor is contingent to a 24-hour operation as Mr. Lott says, I guess that has moved.

Acting Chairman De Nigris

- We can move forward but we cannot make any comments on that request.

Attorney for the Board Michael Sullivan

- That is correct it is not with in our purview.

Open to the Public for questions

After hearing none

After seeing none

Close to the Public

Chirag Thakkar – Engineer for the Applicant was sworn in by the Attorney for the Board Michael Sullivan

Chirag Thakkar – Engineer for the Applicant

- 1456 Ferry Road, Suite 603, Morristown.
- License is in good standing.
- Has previously qualified before this Board.
- He is familiar with the previous and current site plan.
- He is familiar with the zoning ordinances.

Exhibit A – 1

- Prepared by me.
- Shared the 'Color Rendering' which is an orientation of the site.
- Explained what is depicted and the location and dimensions for the proposed application.
- Went over the traffic circulation.
- Went over the 'As Built Survey'
- Large part of the site is constructed.

Exhibit A – 2

- It is a color comparison plan.
- Everything in black was a previously approved site plan.
- Everything in red is the proposed site plan.
- Went over details and dimensions.
- Went over changes under the current proposal.
- Described the proposed parking and loading spaces.
- Gave the location of the trash enclosure.
- Went over the 'Site Plan'
- This proposal maintains the same number of parking space counts.
- Went over the minor changes of the parking configuration.
- Subtle changes for utilities, storm and sanitary, further explained.
- No changes in the impervious coverage for the site.
- Went over the changes for the sanitary and water.
- There are changes to the signage and Bill Hamilton will go over it.
- The Landscape Plan: no changes to it.
- The Lighting Plan: described the changes made to it and what remained the same.

Acting Chairman De Nigris

- Questioned how the Trash and recycling containers are enclosed.
- Is the enclosure consistent with the exterior of the Store?

Chirag Thakkar – Engineer for the Applicant

- The architect will address that.

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

Oliver Young – Architect for the Applicant was sworn in by the Attorney for the Board

Oliver Young – Architect for the Applicant

- 36 Ames Avenue, Rutherford, New Jersey.

- Gave his professional and educational background.
- All licensing is in good standing.
- Has testified before the Planning Board.

Acting Chairman De Nigris

- Accepted by the Board

Oliver Young – Architect for the Applicant

- Sheet A1, dated May 6th, 2020, ‘Floor Plan Elevation’ were prepared under my direct supervision.
- Went over the building dimensions.
- Briefly described the floor plan.
- Went over the “Colored Elevations’ dated May 6th, 2020 prepared by our firm.
- Explained the materials colors and dimensions shown.

Exhibit A- 3

- ‘Colored Renderings’
- Referenced Mr. Thakkar sheet ‘CS – 504’ and described the canopy, its dimensions, and other materials details.

Oliver Young – Architect for the Applicant

- Referenced Sheet ‘CS – 505’ prepared by Mr. Thakkar which depicts the floor plans and the dumpster enclosure.
- The brick material is the same color and same finished as the ‘7 – Eleven building’
- Jumped back to the ‘Colored Elevations’ prepared by my firm.
- Described the signs, the dimensions.
- Jumped to sheet ‘CS – 504’ from the plan set and referenced the canopy signs.
- Gave the location, dimensions, logo for the signs shown.

Exhibit A – 4

- Sheet ‘CS – 503’ colorized version of the ‘7 – Eleven logo’ at the base of the pump and lettering at the top of the pump pertaining to signage.

Township Planner Blais Brancheau

- The ‘7 – Eleven’ signs toppers and at the base are not informational signs.
- The Board will have to decide to whether those are considered informational signs.
- If they are not, then variance relief is needed for them.

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

William Hamilton was sworn in by the Board Attorney Michael Sullivan

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- 54 Horse Hill Road, Cedar Knolls, New Jersey.
- All licensing is in good standing.
- Has been before this board before.
- Accepted by the Board.
- He is familiar with the application.
- He went over all the proposed signs and variances requested.
- 'C2' Planning Variance requested.
- Addressed the visibility of the signs and explained why it is so important.
- Went over the location for all signs.
- Signs will not impact negatively the public and they are consistent with the standards with this type of facilities.
- Referenced Mr. Brancheau's comment on his report regarding the signs on the pumps.
- Explained they are not intended to advertise.
- They are not visible from a long distance.
- They are there to identify the pump.

Acting Chairman De Nigris

- Is the sign on the North side shielded by the 'Lowe's' building?

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- I do not think it is because the '7 – Eleven' Building is up in front of the 'Lowe's' building in some respect.
- Explained why they think is important to have that sign.

Open to the Board for questions

Township Planner Blais Brancheau

- Questioned the set back of the free-standing sign and discrepancies between plans.

Chirag Thakkar – Engineer for the Applicant

- The site plan correctly identifies the set-back.

Township Planner Blais Brancheau

- Questioned Mr. Hamilton referring to his previous testimony.

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- Addressed Mr. Brancheau’s concern.

Chirag Thakkar – Engineer for the Applicant

- Reviewed the Township Engineer’s memo letter.
- We do have an “ENS permit’ I will supply it to Gerry.
- Continue to with his review.

Attorney for the Board Michael Sullivan

- Clarified
- In the event this application is approved it would be subject to compliance with items 1 through 11 contained in Mr. Maceira’s September 21, 2020 memo.
- I am hearing that you agree to that.

Chirag Thakkar – Engineer for the Applicant

- Yes, that is correct.
- The two items referencing the to bollards and landscaping I suggest that I meet with Gerry.

Oliver Young – Architect for the Applicant

- Reviewed the Fire Chief’s report dated it September 1, 2020.
- The ‘7 – Eleven’ building will be built to follow the ‘New Jersey State Building’ code.
- It does not require a fire suppression system for buildings of this size and use.
- All the other comments that apply to this building we will comply with.

Chirag Thakkar – Engineer for the Applicant

- It looked like the Fire Chief was not aware this was an amendment or a final on a preliminary approval.
- Continue to review the report.

Oliver Young – Architect for the Applicant

- Continued with his reviewed.

- With respect to Item number 6; I believe this does not apply because the building will be built of metal, but I will confirm and address it.
- All the other items we can comply with.

Attorney for the Board Michael Sullivan

- Referenced the Cedar Knolls fire report dated September 1, 2020.
- Comments 1, 4 and 6 you will do what is required by code, but you do not want to do anything beyond that, is that correct?

Oliver Young – Architect for the Applicant

- That is correct.
- I will be happy to have a conversation with Mr. DiGiorgio regarding these comments.

Chirag Thakkar – Engineer for the Applicant

- Addressed item number ‘7’ of the Fire Chief’s report.
- I will reach out to the Fire chief and work that out.
- Addressed the Township Planner’s report Mr. Brancheau dated September 22, 2020.
- Referenced the 3rd page of Mr. Brancheau’s report.
- There is no discrepancy as to the numbers of signs as such.
- We will bring the plan to compliance as it relates to item number ‘2’
- Section ‘B’ item number ‘3’ I will work with Blais and Gerry to satisfy their requirement.

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- Addressed item number ‘7’ of the Township Planer Blais Brancheau’s report.
- We believe we meet that standard.

Attorney for the Board Michael Sullivan

- Referenced item number ‘4’ on Mr. Brancheau’s report
- Which two of those elements are you contending are the same?

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- The sign type on the building, the illumination is similar.

Township Planner Blais Brancheau

- This is a code issue if it does not comply, we need variance testimony, if not we go to the next step.
- My suggestion would be to require as a condition if the Board is to approve that it would be confirmed.

James Lott Jr. Attorney for the Applicant

- That would be acceptable.

Chirag Thakkar – Engineer for the Applicant

- Continue with his review.
- Item number ‘5’
- Clarified it is a propane/ gas cylinder cage.
- Held a discussion with Mr. Brancheau to clarify concerns shown in the plan.
- Referenced the comment related to the fuel canopy lighting and held a discussion with Mr. Brancheau.
- The lights are ‘LED’ they will not create a ‘shadow effect’
- We will provide photometrics to confirm that the light levels are not exceeding.

William Hamilton – Land Use Planning and Land Use Architect for the Applicant

- Item number ‘4’ gave all the similarities between the two signs.
- I believe it meets that standard as well.

Member Critchley

- Blais, do you consider the sticker on the door a sign?

Township Planner Blais Brancheau

- No, I do not and further explain.

Open to the Public for questions / comments

After hearing none

After seeing none

Closed to the Public

Attorney for the Board Michael Sullivan

- Gave a summary.
- This is an application for final plan and variances.
- The variances relate to the principal signs and explained what is allowed.
- Item number ‘1’ in Blaise’s variance analysis.
- Item number ‘2’ the applicant indicated it that will comply with it.
- A determination must be made with respect to the ‘topper sign’ and the ‘sign at the bottom of the pump’ and further explain.
- Conditions of approval, as per what the applicant indicated the trash enclosure would match the base of the building.
- The applicant indicated would comply with items ‘1 through 11’ from Mr. Maceira’s September 21, 2020 Report with some exceptions and explained what the exceptions are.

- The applicant indicated would comply with the items ‘B – 1 through B – 9’ contained in Mr. Brancheau’s September 22, 2020 report.

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

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

Members Critchley, Deehan, Dobson, Olsen, Byrne and Acting Chairman De Nigris voted in favor of approving the application with conditions.

Member Glawe voted against granting approval for the application.

Mayor Ferramosca and Member Gallagher rejoined the meeting.

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

Applicant is seeking preliminary and final site plan approval and “C” variance relief to modify and rearrange the parking layout to include an additional seventeen (17) parking spaces. The applicant will also be modifying the affected grading and drainage plan, adding light fixtures, and adding a second driveway entrance. **APPLICATION CARRIED BY LETTER TO DECEMBER 22, 2020.**

Board Action Date –January 31, 2021

Board Secretary Kimberly A. Bongiorno, LUA

- Read letter into the record requesting to carry case to the ‘December 22, 2020’ meeting.

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

A motion to carry case by letter to December 22, 2020 was moved by Member Deehan and seconded by Member Critchley.

In voice all present voted in favor of carrying case by letter to December 22, 2020.

IV. OTHER BUSINESS

Township Planner Blais Brancheau

- The law requires that when the Governing Body introduces an ordinance before they adopt it; they send it to the Planning Board to get the Planning Board's advice primarily on whether the ordinance is consistent with the Master Plan.
- Explained what the Master Plan is.
- Explained what the process is.
- Last Tuesday this Board adopted amendments to that 'Land Use Plan' and the 'Housing Plan Elements' of the Master Plan Which anticipated these 3 ordinances.
- All 3 of those ordinances involve matters that are part of the Township's 'Affordable Housing' efforts which are still pending in superior court and further explain.
- These 3 ordinances are consistent with we adopted a week ago.
- The 'Affordable Housing' on those locations can move forward.
- The Board can comment on those ordinances or those plans if it chooses but the primary matter that the Governing Body needs to hear from this Board is whether they are consistent with the Master Plan or not.
- I have drafted 3 letters; I am asking that the Board allows the Chairman to sign those letters and send them to the Governing Body.
- If they do not agree with the content to change them, but something must be sent to the Governing Body.

1) **REFERRAL OF ORD. 24-2020 – AMENDMENTS TO RM-6 ZONE STANDARDS**

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

A motion to allow the Acting Chairman De Nigris to sign the letter for the '**REFERRAL OF ORD. 24-2020 – AMENDMENTS TO RM-6 ZONE STANDARDS**' was moved by Member Byrne and seconded by Member Olsen.

Members Critchley, Deehan, Dobson, Olsen, Glawe, Byrne, De Nigris, Gallagher and Mayor Ferramosca voted in favor to allow the Acting Chairman De Nigris to sign the letter for the '**REFERRAL OF ORD. 24-2020 – AMENDMENTS TO RM-6 ZONE STANDARDS**'

2) **REFERRAL OF ORD. 26-2020 – AMENDMENT TO REDEVELOPMENT PLAN FOR PINE PLAZA AND OTHER ADJACENT PROPERTIES**

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

A motion to allow the Acting Chairman De Nigris to sign the letter for the '**REFERRAL OF ORD. 26-2020 – AMENDMENT TO REDEVELOPMENT PLAN FOR PINE PLAZA AND OTHER ADJACENT PROPERTIES**' was moved by Member Critchley and seconded by Member Deehan.

Members Critchley, Deehan, Dobson, Olsen, Glawe, Byrne, De Nigris, Gallagher and Mayor Ferramosca voted in favor to allow the Acting Chairman De Nigris to sign the letter for the ‘**REFERRAL OF ORD. 26-2020 – AMENDMENT TO REDEVELOPMENT PLAN FOR PINE PLAZA AND OTHER ADJACENT PROPERTIES**’

3) REFERRAL OF ORD. 27-2020 – AMENDED REDEVELOPMENT PLAN FOR RIVER PARK PROPERTY

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

A motion to allow the Acting Chairman De Nigris to sign the letter for the ‘**REFERRAL OF ORD. 27-2020 – AMENDED REDEVELOPMENT PLAN FOR RIVER PARK PROPERTY**’ was moved by Member Olsen and seconded by Member Dobson.

Members Critchley, Deehan, Dobson, Olsen, Glawe, Byrne, De Nigris, Gallagher and Mayor Ferramosca voted in favor to allow the Acting Chairman De Nigris to sign the letter for the ‘**REFERRAL OF ORD. 27-2020 – AMENDED REDEVELOPMENT PLAN FOR RIVER PARK PROPERTY**’

V. ADJOURNMENT

A motion to adjourn was made by Member Deehan and seconded by Member Dobson. All members present were in favor of adjourning the meeting and no members were against.

Meeting Adjourned at 8:50 PM

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