

Minutes of the Planning Board of the  
Township Of Hanover  
January 25, 2022

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

**PUBLIC BUSINESS**

**I. STATEMENT BY PRESIDING OFFICER**

Chairman Stanziale 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, De Nigris, Ferramosca, Gallagher, Monzo, Neidhardt and Thomas

Absent were Members: Olsen

Members arriving later were: Glawe arrival time of 7:11 PM

Members from the Public were: Kathy Kelleher

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** JANUARY 11, 2022

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

A motion to approve the Minutes from January 11, 2022, was made by Member Byrne and seconded by Member Critchley.

In voice all present voted in favor of approving the Minutes from January 11, 2022.

**V. PUBLIC HEARINGS**

1)	<b>CASE NO.</b>	21-8-9
	<b>APPLICANT</b>	ECLIPSE VETERINARY CARE

**OWNER** HANOVER RENAISSANCE, LLC  
**LOCATION:** 1 PAPERMILL DRIVE, WHIPPANY  
**BLOCK:** 9001 **LOTS:** 1.01 **ZONE:** B-10

Applicant is seeking Preliminary and Final Site Plan approval for a change in use to a 24-hour Veterinarian Hospital. All proposed renovation work is interior. The only exterior improvements will be the installation of a mobile MRI unit, exterior signage, two new rooftop a/c condensing units and an emergency backup generator. The MRI unit and emergency generator will be located behind the existing fence in the former playground. There will be one new monument sign and one new wall mounted building sign along with the existing freestanding sign at the intersection of North Jefferson Road and Papermill Drive

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

<https://www.dropbox.com/sh/2fko79mk0rpam67/AADrmIpVm8iCxm4zVYgHGSGNa?dl=0>

***Board Action Date – JANUARY 29, 2022***

**Michael J. Lipari, Esq – Attorney for the Applicant**

- Went over what is being proposed.
- The applicant was previously granted a certificate of compliance on July 13, 2021, to operate a business at this location.
- Introduced the witnesses for the night.
- Confirmed they had received the Mr. Maceira's report and Mr. Brancheau's report both dated January 24, 2022.

Steven Baker, CEO Eclipse Veterinary – Applicant, was sworn in by the attorney for the Board Michael Sullivan.

**Steven Baker – Applicant**

- 1 Jaime Court, Morris Plains, New Jersey.

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

**Steven Baker – Applicant**

- I am the CEO and the Co-Founder of Eclipse Veterinary Care.
- We offer emergency and specialty office care; we do not provide general practice or wellness care we partner with local veterinaries and further explained.
- We do not do any boarding.

- The basement is for our medical equipment storage, and we have access to 1,500 sq. ft of that space.

### **Chairman De Nigris**

- Let the record reflect that Mr. Glawe joined the meeting (7:11PM).

Dr. Boaz Levitin – Co-Founder and Neurologist, was sworn in by the Attorney for the Board, Michael Sullivan.

### **Dr. Boaz Levitin – Co-founder and Neurologist**

- 634 Lakeside Avenue in Andover, New Jersey.
- I am one of the co-founders, as a neurologist my main tool to diagnose problems in dogs and cats in the brain and the spinal cord is an “MRI” and further explained how an “MRI” aids in the diagnosis and treatment of pets.
- The dogs that are going into the trailer are under anesthesia so there will not be any extra noise.
- We do two to three “MRI’s” a day the rest of the time the “MRI” is not in operation.
- We turn on the trailer when the “MRI” is in use.

### **Steven Baker – Applicant**

- The building was not built to support an “in-house MRI,” it would require a substantial amount or alterations.

John Hasson – Architect for the Applicant was sworn in by the Attorney for the Board, Michael Sullivan

### **John Hasson – Architect for the Applicant**

- 221 Birnam Wood Lane, Media, Pennsylvania, 19063.
- Gave his educational and professional background.
- All licensing is good standing and current.
- Accepted by the Board.
- Addressed Mayor Ferramosca’s question regarding why the MRI is not contained within the building.
- The building was originally designed as an office space, it is not set up to support an “MRI.”
- The “MRI” weighs 12,000 pounds.
- It would be a great burden to get it inside.
- Addressed Mayor Ferramosca’s question regarding the following of regulations for the containment of “MRI’s” rays.
- Addressed Mr. Thomas’s question regarding the MRI being permanently stationary.

### **Steven Baker – Applicant**

- Addressed Mr. Neidhardt’s question regarding any security concerns due to the MRI being very expensive and it can be move.

**Dr. Boaz Levitin – Co-founder and Neurologist**

- Addressed Mr. Glawe's question regarding the noise level outside when it is running.

**Member Glawe**

- Expressed his concerns with it being a mobile trailer with a skirt on it.

**Member Neidhardt**

- Expressed his concerns as well with the noise this unit could create for the residential units.

**Township Planner, Blais Brancheau**

- The State of New Jersey and the Township of Hanover have noise levels standards that this applicant would be required to comply with, and this board cannot grant relieve from that this so if the applicant can demonstrate compliance, which is what the law requires.
- Are larger animals going to be brought here?
- How is animal waste and medical waste being stored and picked up, and delivered?
- Are we dealing with any concerns over smell or about risk of wild animals getting into a container and that sort of thing?

**Steven Baker – Applicant**

- We are strictly household companions, strictly cats and dogs.
- Medical waste will be stored in the building and regular waste will be in the dumpsters which will be picked up from a regular courier service two to three times per week.
- It will be in a dumpster with a lid and inside in plastic bags.

**Member Gallagher**

- If you have the make, the model, and the size we can google it right now.

**Attorney for the Board, Michael Sullivan**

- In the past the Board has instituted a condition that an as build noise test shall be conducted with respect to the MRI and the generator and in order to proof compliance and in the event that it is non-compliant the applicant has to install noise attenuation to bring it into compliance that is what I recommend we do and further elaborated on it.

**Michael J. Lipari, Esq – Attorney for the Applicant**

- We do not have any issues with that our intent is to comply and further explained it.

- Addressed Chairman De Nigris' question regarding the distance from the trailer to the main building.

**Attorney for the Board, Michael Sullivan**

- Can we confirm that the 'MRI' trailer will not be utilized at night?

**Dr. Boaz Levitin – Co-founder and Neurologist**

- On a regular basis no, but in case of emergencies sometimes we will need to use it and further explained.

**Attorney for the Board, Michael Sullivan**

- The only reason I raised it, is because Mr. Brancheau suggested that there should be lighting for the pedestrian route.

**Michael J. Lipari, Esq – Attorney for the Applicant**

- If it is necessary, we can try to work in providing some additional lighting.

**Steven Baker – Applicant**

- Addressed Member Monzo's question pertaining to an MRI currently on the site and clarified by stating that there is no case load and explained the advantage of having an MRI on site.

**Dr. Boaz Levitin – Co-founder and Neurologist**

- Addressed Member Monzo's questions regarding the impact of not being approved to have and "MRI" on site.

**Steven Baker – Applicant**

- Addressed Mr. Brancheau's question pertaining to the transport of the animals to the MRI machine and inside the machine

**Open to the Public**

**Kathy Kelleher**

- 1004 Meadow Brook Court, Whippany.
- You are moving a medical facility into my neighborhood, I am not sure what provisions you have made for the increase traffic in the area and the waste being picked up a couple of times a week, in august the smell would not be pleasant, but my biggest concern is would the trailer be visible form the road into our community.
- Are you planning to plant more?

- That is all my questions, but I have serious concerns as a neighbor.

### **John Hasson – Architect for the Applicant**

- The trailer seats back 55 ft. from the street and it does have a 6-foot solid fence in front of it, here is heavy vegetation in front of the fence as well.
- We are not planning to plant any more vegetation.

### **Closed to the Public.**

### **John Hasson – Architect for the Applicant**

- Went over drawing “SP 1.0” which is our “Pop Plan - Site Plan,” it is the existing building, the area on the north end of the page, facing “Paper Mill Drive” that is the location for the MRI within the enclosed location, both units will have a soundproof enclosure and gave further details.
- These units are about fifty-five feet away from Paper Mill Drive.
- Indicated the location for the proposed signs, its dimensions, and specified whether they will be illuminated.
- Addressed Mr. Lipari’s question regarding the location for the MRI trailer.
- Went over the “MRI” unit details.
- Addressed Mayor Ferramosca’s question regarding possible alternate locations for the “MRI” unit, and the percentage of the trailer that will be visible from Paper Mill Drive.
- Addressed Mayor Ferramosca’s question regarding a better screening plan.

### **Board**

- Mr. Glawe stated, I am just struggling on this whole thing, and further elaborated on it.
- Mr. Monzo question if there are any other exhibits to give the board more of an orientation of the track of land, what it looks like, or are we just going of the drawings that you have provided for us? Explained his reasons to asked that question.

### **John Hasson – Architect for the Applicant**

- We do not have any other drawings
- Addressed Mr. Critchley’s question regarding the distance form the trailer to the residential developments to the back.

### **Member Gallager**

- Commented “we usually see some beautiful renderings, we have options, we talk about heights, we talk about vegetation, I do think that there are so many things that we do not know here and this presentation is thin, maybe we should get the information on the generator because if it is compliant it makes things easier for us and further explaining what he would like to see.

### **Steven Baker – Applicant**

- We want to be a good neighbor; we chose this building because of its beauty and what brings to our clients and associates.
- A lot of veterinary hospitals are built in strip malls and industrial parts, but when you are a client who is emotionally distraught and going through that kind of trauma having that atmosphere of this building and the greenery that comes with that it is a game changer.
- We are happy to plant more trees, if it is advisable with all those renderings, we are happy to do that.

**Attorney for the Board, Michael Sullivan**

- For the record Member Monzo is back to the record.
- I think it is okay for the Board to say that the data is readily available, they can get things from the manufacturer and other sources on the internet, but I just want to be careful about board members doing independent research and that information being offered as true.

**Member Monzo**

- The point I was trying to make Mr. Sullivan is the same point that Ace Gallagher was trying to make, it is readily available, could have been provided but it was not and the explanations I hear or the descriptions I heard were rather fluffy and further elaborate on it.
- I would like to see more a little bit of more effort put into the presentations to show us what the projected views would look like and further elaborated on it.

**Attorney for the Board, Michael Sullivan**

- I did not mean to imply that your concerns were not valid, I just wanted to be careful as to where we were going with that kind of language and information.

**Chairman De Nigris**

- Mr. Lipari if I may comment, you have heard a lot of the comments from the Board, I would like to offer you a suggestion that having heard all of that to put this off until those adjustments have been made and to come back at another date.
- Is that something that you may be agreeable to?

**Michael J. Lipari, Esq – Attorney for the Applicant**

- Yes absolutely, we understand, we heard the concerns, we will comeback and elaborated on it.

**Attorney for the Board, Michael Sullivan**

- You just advised the members of the Public that these plans are going to change, there is going to be more evidence that it is going to be introduced, and that at that next public hearing everyone is going to be able to ask question and make their comments.
- Currently, we do not know what information is going to be available.

- Mr. Lipari how much time do you think you are going to need.

**Member Neidhardt**

- I just want to clarify I do not want them to waste their time looking for the incorrect information, what really is important is the sound level at the property line and what that translates to and further elaborated on it.

**Attorney for the Board, Michael Sullivan**

- Summarized as follows, the next meeting will be February 15, 2022, at 7:00 PM.
- It will be via zoom, the sign in information will be available on the Township’s website.
- Someone should make a motion to carry the application to that date and time.

A motion to carry this case to February 15, 2022, was moved by Member Gallagher and seconded by Member Critchley.

Members Deehan, Monzo, Neidhardt, Thomas, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of carrying this case to February 15, 2022.

<b>2)</b>	<b>CASE NO.</b>	21-4-3
	<b>APPLICANT</b>	101 WHIPPANY ROAD, LLC.
	<b>OWNER</b>	101 WHIPPANY ROAD REAL ESTATE COMPANY, LLC
	<b>LOCATION:</b>	101 WHIPPANY RD, WHIPPANY
	<b>BLOCK: 5801</b>	<b>LOT(S): 6                      ZONE: OB-RL3</b>

Applicant is seeking Preliminary and Final Site Plan and “C” Variance relief to install a pad and 800 Kw emergency generator with a fuel storage volume of 3,250 gallons. Applicant is also seeking approval for the location of a pad and oxygen tank with an overall volume of 4,050 gallons (including 1,500 gallons storage volume in the main tank and 150 gallons storage volume in the reserve tank).

Copies of the filed application forms and supporting documents submitted by the applicant can be reviewed at the following link:  
<https://csglaw.sharefile.com/d-s285c84e94965497282f63da24c60aeca>

**Board Action Date – FEBRUARY 28, 2022**

**Donna Erm, Esq – Attorney for the Applicant**

- Went over what is being requested, the location of the site and introduced the witnesses for the night.



Angelo Caputo – Architect for the Applicant was sworn in by the Attorney for the Board, Michael Sullivan

**Angelo Caputo – factual witness for the Applicant**

- 173 Bridge Plaza North, Fort Lee, New Jersey.

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

**Angelo Caputo – factual witness for the Applicant**

- All his licensing is current and in good standing.
- Addressed Ms. Erm’s question regarding the date of the construction completion.
- The five hundred generator that was previously approved was never installed but instead an eight hundred generator was installed and gave the reasons for that.
- DCA reviewed and approved the generator.
- Currently the facility provides portable oxygen tank to residents in the facility, with the oxygen tank, the oxygen will be provided to each unit without interruption.
- We assessed the needs of the facility and that is what drives the size of the tank.
- Addressed Member Glawe’s question regarding the option of a horizontal tank.
- Addressed Member Monzo’s question regarding the vendor of the cryogenics store facility being designated or sourced, the name of the vendor, the size of the tank and the capacity.

Open to the Public

After hearing none and seeing none

Closed the Public

Michael Fowler – Professional Engineer for the Applicant, was sworn in by the Attorney for the Board Michael Sullivan.

**Michael Fowler – Professional Engineer for the Applicant**

- 300 Kimble Drive, Parsippany, New Jersey.
- Gave his educational and professional background.
- All his licensing is in good standing and current.
- Has testified before this board before.
- Went over the “Site Plan – CS102” with a revision date of September 13, 2021.
- Indicated the location of the proposed generator, and its fuel storage capacity.
- Indicated the location for the Oxygen tank and the reasons for its location.
- Gave the details of its capacity, height, diameter, what will surround the equipment, and the specifications of the chain link fence surrounding it.

**Angelo Caputo – factual witness for the Applicant**

- Addressed Chairman's De Nigris question regarding the facilities need for a larger generator and tank.
- Addressed Mr. Brancheau's question regarding why this was not part of the Board of Adjustment's application then.

**Michael Fowler – Professional Engineer for the Applicant**

- Addressed Mr. Sullivan's question regarding the capacity of the tanks as measured by our ordinance.

**Attorney for the Board, Michael Sullivan**

- So, Ms. Erm, the variance that you are seeking is to permit the total capacity of 8,300 where 2,500 is allowed, is that accurate?

**Donna Erm, Esq – Attorney for the Applicant**

- Yes.

**Michael Fowler – Professional Engineer for the Applicant**

- Went over the 'Phase 2 Landscaping plan LP101" received July 13, 2021.
- Gave the location of trees to be planted and indicated the number and types of trees.
- Gave the distance of the tank and generator from the nearest resident.
- We have added a site triangle and further elaborated on it.
- Addressed Mayor Ferramosca's question regarding Mr. Monzo's analogy of the thermos if the thermos was turn horizontally as opposed of vertically and its negative impact to a parking plan that you are over parked in terms of capacity versus utilization.
- Addressed Ms. Erm's question regarding any potential issues with the tank being turn horizontally versus vertically.

**Donna Erm, Esq – Attorney for the Applicant**

- Is the Board's concern still concern about screening?

**Member Neidhardt**

- Yes, and the reason is there has been no testimony related to the elevation difference, if there is an elevation difference, between the residential houses across the street and here, there is no line of site drawing to show what the residents across the street to show what they are going to be able to see, and further explained.

**Member Monzo**

- I guess what I am reacting to is an oxygen tank 15 ft., 16 ft. tall with a six-foot diameter, the metal building is much bigger than that and most people recognize an oxygen tank is something of value, my only concern would be the necessity of the three-sided structure to protect it.

**Kimberly A. Bongiorno, LUA**

- Polled the board on if they prefer a vertical tank versus a horizontal tank.
- In favor of the vertical tank were Members Deehan, Monzo, Byrne, Critchley, and Chairman De Nigris.
- In favor of the horizontal tank were Members Glawe, Neidhardt, Gallagher and Mayor Ferramosca.
- There were five poll votes favoring the vertical tank and only four votes favoring the horizontal tank.

**Michael Fowler – Professional Engineer for the Applicant**

- Went over the elevation for the oxygen tank versus the street label.
- There is significant and mature landscaping.
- Addressed Chairman De Nigris question regarding the change of shifts and the number of parking spaces needed.

**Attorney for the Board, Michael Sullivan**

- Clarified, in the event this application is approved, let's look at Mr. Brancheau's memo that was most recently corrected with today's date under section "C" "Additional Comments and Recommendations" is the applicant willing to comply with those in the event of an approval.
- The Township Engineer's also? So, with respect to the Engineers report you are willing to comply with items "1" through "5" of his October 22, 2022, report, correct?
- Gerry, are you satisfied that if the survey was submitted, we do not have to go back to our surveyor and have him look at it or we do not need him to look at it?
- So, Gerry, are you comfortable if we say that with respect to the Township Surveyors report, the applicant will only be required to identify the ALTA survey on the site plan.

**Donna Erm, Esq – Attorney for the Applicant**

- Yes, we will comply with those.
- Yes, we will comply with his comments 2, 3, 4, and 5.
- I have all the other reports, the Police department has comments that we will comply with, the Fire Department has comments, which is a will comply, the Surveyor reviewed a boundary and topo survey and further explained what was submitted as a response to that review, the date of that survey is May 11, 2021.

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

- I think what he is going to want on the site plan is information that the boundary information identifies.

- Yes, I believe that will satisfy Mr. Smith.

**Township Planner, Blais Brancheau**

- I agree with Gerry and further elaborated on it.

Mathew Murello –Acoustical Engineer for the Applicant, was sworn in by the Attorney for the Board, Michael Sullivan

**Mathew Murello – Acoustical Engineer for the Applicant**

- 415 Route 24, Chester, New Jersey.
- Gave a brief description of his educational and professional background.
- Accepted by the Board.
- My report was dated January 12, 2022. I visited the site while they were doing testing of the generator to perform noise levels at two property lines and further explained his findings.
- Addressed Member Neidhardt’s question regarding the possibility of the two generators being on at the same time and what the findings of the noise levels were.

Open to the Public for questions and or comments

After seeing none and hearing none

Closed to the Public

James Miller – Planner for the Applicant, was sworn in by the Attorney for the Board, Michael Sullivan

**James Miller – Planner for the Applicant**

- 222 Nicholson Drive, Moorestown, New Jersey.
- Gave a brief background and his professional and educational qualifications.
- All his licensing is current and in good standing.
- Gave his reasons to believe how this is beneficial to the community and the care of the patients.
- The oxygen that is critical for the patients.
- The generator structures are contained within a structure and are not visible.
- There are only two houses across the street and the house of the west is going to be screened by the building and the house to the east is going to be screened by the detention basin.
- I do not see any significant detriment.

Open to the Public for questions and or comments

After seeing none and hearing none

Closed to the Public

**Donna Erm, Esq – Attorney for the Applicant**

- Gave her closing statement.
- Thanked everyone for their time and consideration.

**Attorney for the Board, Michael Sullivan**

- Summarized, this is an application for preliminary and final site plan as well as variances to exceed the maximum capacity for above ground storage tanks and for screening of above ground tanks.
- If the Board acts favorably on this application, it would be subject to compliance with paragraphs “1 through 5” contained in the Township Engineers review memorandum.
- With respect to item “1J” in the Township’s Surveyor, the applicant would be required to revise the Site Plan to reference the Alta survey under the general note “1” on sheet “CS109”
- The applicant would also be required to comply with Mr. Brancheau’s January 25, 2022, memo, comments “C1 through C5”

A motion to approve the application with conditions was moved by Member Monzo and seconded by Member Critchley.

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

Member Glawe voted against approving this application.

**Donna Erm, Esq – Attorney for the Applicant**

- On behalf of Care One thanked everyone for their appreciation and consideration to this application.

**VI. OTHER BUSINESS**

**REFERRAL OF ORDINANCE 2-2022 TO THE TOWNSHIP COMMITTEE and AUTHORIZATION FOR CHAIRMAN TO SIGN LETTER**

**AMENDING SECTION 166-6 DEFINITIONS AND 166-113.1 BUILDING COVERAGE, IMPROVEMENT COVERAGE AND FLOOR AREA RATIO REQUIREMENTS IN THE RESIDENTIAL ZONE DISTRICT**

A motion to approve the referral of Ordinance No 2-2022 to the Township Committee and authorize the Chairman to sign the letter was moved by Member Critchley and seconded by Member Deehan.

Members Deehan, Monzo, Glawe, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the referral of Ordinance No 2-2022 to the Township Committee and authorize the Chairman to sign the letter.

Member Neidhardt abstained his vote.

**REFERRAL OF ORDINANCE 3-2022 TO THE TOWNSHIP  
COMMITTEE and AUTHORIZATION FOR CHAIRMAN TO SIGN  
LETTER**

**AMENDING SECTIONS 166-136 PATIOS AND DECKS AND SECTION 166-  
136.1 OUTDOOR RECREATIONAL FACILITIES ACCESSORY TO SINGLE-  
FAMILY DWELLINGS**

A motion to approve the referral of Ordinance No 3-2022 to the Township Committee and Authorization for the Chairman to sign the letter, was moved by Member Byrne and it was seconded by Member Monzo.

Members Deehan, Monzo, Glawe, Neidhardt, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor of approving the referral of Ordinance No 3-2022 to the Township Committee and Authorization for the Chairman to sign the letter.

**VII. ADJOURNMENT**

A motion to adjourn the meeting was moved by Member Critchley and seconded by Member Monzo.

In voice all present voted in favor of adjourning the meeting.

Meeting Adjourned at 9:34 PM

---

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