

**Minutes of the Planning Board of the
Township Of Hanover
February 23, 2021**

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

I. STATEMENT BY PRESIDING OFFICER

Chairman Peter De Nigris called the Public Meeting to order on Tuesday February 23, 2021 at 7:01 PM by Way of Zoom Webinar Only and read the Open Public Meetings Act into the record.

II. ROLL CALL

The Board Secretary, Kimberly Bongiorno, called the roll.

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

Absent were Members: Mian and Olsen.

Members from the Public: None

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

III. RESOLUTIONS

CASE NO.	19-10-15-R1
APPLICANT/OWNER	RIVER PARK BUSINESS CENTER, LLC
LOCATION:	34 EDEN LANE, WHIPPANY
BLOCK: 3801	LOTS: 2 ZONE: RIVER PARK
REDEVELOPMENT PLAN	

Applicant sought Preliminary and Final Site Plan, Preliminary and Final Major Subdivision approval to construct a four-story 81-unit apartment building, including temporary office space, parking garage and related improvements and to subdivide the existing 73-acre tract into four lots. **APPLICATION APPROVED WITH CONDITIONS FEBRUARY 16, 2021**

Resolution deferred to a later date.

IV. MINUTES – February 16, 2021

Deferred to a later date.

V. 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 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. **CASE CARRIED BY LETTER TO MARCH 23, 2021**

Board Action Date – MARCH 31, 2021

Board Secretary Kimberly A. Bongiorno, LUA

- Read letter into the record sent from the form of Ryker Danzig addressed to me regarding RJ Parent Investors, LLC requesting extension of time until March 31, 2021.

There were no questions offered by Board Members.

A motion to carry case by letter to March 23, 2021 was moved by Member Deehan and seconded by Member Critchley.

In voice all present voted in favor of carrying case by letter to March 23, 2021.

Mayor Ferramosca and Member Gallagher recused from the case.

- 2) **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 TBD.**

Board Action Date – MARCH 31, 2021

Board Secretary Kimberly A. Bongiorno, LUA

- Read letter into record sent from the firm of Meyer and Landis LLP addressed to me dated February 17, 2021, regarding Relap LLC requesting to carry case to May 25, 2021 with an extension of time through June 1, 2021 and gave further details.

There were no questions offered by Board Members.

A motion to carry case by letter to May 25, 2021 with an extension through June 1, 2021 was moved by Member Byrne and it was seconded by Member Deehan.

In voice all present voted in favor of carrying case by letter to May 25, 2021 with an extension through June 1, 2021.

- 3) **CASE NO.** 20-5-7
 APPLICANT/OWNER CARMELA POLISE KRAUEL TRUST c/o Gerald
 Oliverie, TTEE
 LOCATION: 563-565 ROUTE 10 EAST
 WHIPPANY
 BLOCK: 4203 **LOTS:** 5 **ZONE:** B-10

Applicant is seeking Preliminary and Final Site Plan and “C” Variance relief to stripe the rear paved area for parking and dumpster area. A variance is requested for parking setback where the current pavement is less than 5 feet from the side yard. New lighting (full cutoff) is proposed for the rear parking area.

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

<https://drive.google.com/drive/folders/1OaUrqTh4bbgw65ixYdEvm4fkKm8XTE29?usp=sharing>

Board Action Date – FEBRUARY 28, 2021

Board Secretary Kimberly A. Bongiorno, LUA

- Clarified the unexpected issue with the link for the meeting.

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

Brian Romanowsky – Attorney for the Applicant

- Gave an overview of the case.
- Thanked everyone for their consideration with the application.

Eric Keller – Engineer for the Applicant

- Bowman Consulting Group, 54 Horse Hill Road, Cedar Knolls, New Jersey.
- Licensing is in good standing.
- Accepted by the Board.
- Went over sheet '2 of 4', titled 'Site Plan' and gave further details.
- Gave a brief background of the historic aerials and further explained what is being proposed.
- Went over item 3 and 6 from Mr. Maceira's comments and further explained.
- We will work with Mr. Maceira to address item number 3.
- Item number '6' from Mr. Maceira's memo which was also addressed in Mr. Brancheau's memo item 'B4' the second 'B' section, talks about the sing detail and further explained by reviewing sheet '4 of 4' last revised 10-29-2020 and approved under case number 1431 on July 7, 1998.
- Continue to review Mr. Brancheau's memo under the section in violations.
- Referenced sheet '2 of 4' of his plans, last revised 10/29/2020 and further explained what is permitted per prior approvals.
- Went over the violations identified by Mr. Brancheau and further explained.
- Stated believes the benefits outweighs the detriments.
- Reference Mr. Brancheau's letter; the section of 'Other Comments and Recommendations' we will defer it to the Board and further explained the reasons for it.
- Continue to review Mr. Brancheau's letter and referenced item number '2'. Explained further what the process of refuse and recycling is.
- We will comply with the remainder of the comments under 'Other Comments and Recommendations' of Mr. Brancheau's letter.
- Addressed Chairman De Nigris questions.

Township Planner Blais Brancheau

- The Planning Board lacks jurisdiction to make a determination on non-conforming structures that is solely for the Board of Adjustment by statue.

- For the record it should just state that what is there is there. We do not know whether what is there is legal or not. We are not an enforcement agency.
- I do not want anyone construing an approved plan that says well obviously they approved it because it was showing on the plan, no we are not approving it we do not know whether is there or not. Relief has not been requested and grandfathering is not in our jurisdiction.
- We are making no decision as to the legality or illegality of any condition that violates other than the relief that has been requested.

Attorney for the Board Michael Sullivan

- Clarified, we have done this before with Planning Board actions, we do not have a historical perspective on when exactly the ordinance impacting a particular condition comes into effect.
- We do not know whether it was aggravated over time, we do not know so what we have done is exactly what Mr. Brancheau is suggesting so that it is clear by virtue of an approval if that is the Board action that has taken here tonight; that the signs are not permitted, they are what they are.

Eric Keller – Engineer for the Applicant

- It says existing conditions and further explained.

Township Planner Blais Brancheau

- The legal status of those things is not necessarily known, and it is not our job at this stage to make that determination whether they are, we do not have that role by statute and further explained.
- I just want the record clear going forward that because we show it on a plan here and we approve that plan; we are only approving what is put before us by way of relief or by way of design.
- We are not approving necessarily any violations and explained further.

Attorney for the Board Michael Sullivan

- Clarified, so I guess what you are saying is other than relief that is specifically granted as part of this application or the improvements that are specifically granted by this application then the rest of balances, we are not making a determination, is that correct?

Township Planner Blais Brancheau

- That is correct.

Eric Keller – Engineer for the Applicant

- The only thing I would say is the sign; there should be a reference to the ‘Zoning Board.’

Township Planner Blais Brancheau

- Our ‘Zoning began in 1946’ whereas your testimony was that the site was developed in the 50’s and further explained.

- The issue about curving would be better addressed in looking at the flooding and drainage characteristics and how that would be affected by curving and not getting into the grandfathered issue because again we cannot make that call.
- Further explained his reasons to have listed the curving as a violation.
- Referenced the sign issues and further explained.

Eric Keller – Engineer for the Applicant

- There is no proposal to change the sign other than to add that third panel depending on tenant needs and further explained.

Township Planner Blais Brancheau

- What I would recommend on that case, based on what Eric just testified is that a condition be that the plans include a note saying ‘signed as previously approved’ with a referenced to the prior application that approved that zone.

Attorney for the Board Michael Sullivan

- Clarified and addressed with Mr. Keller the ‘item for the exception that is being sought with respect to the illumination at the property lines and further explained.

Open to the Public for questions and or comments

After hearing none
After seeing none

Closed to the Public.

Open to the Board for questions and or comments

After hearing none
After seeing none

Closed to the Board.

Attorney for the Board Michael Sullivan

- Summarized; this is an application for site plan approval and for variances relating to the curbing, the parking area setback, the failure to provide a loading space and an exception to provide illumination levels in excess of ‘0.5’ ft. candles’ in both the easterly and westerly side lot lines.
- If the application is approved, the applicant stipulated it would move that easterly ‘B’ mounted fixture to the west as indicated.
- We would also include a condition that the plans would include a note that the ‘sign’ would be as previously approved and referenced the prior case.
- With reference to Mr. Maceira’s memo dated it January 15, 2021 we covered it.

- Mr. Brancheau's comments we typically carry them as conditions his report is dated January 21, 2021, the only issue be with respect to under the section 'other comments and recommendations – B1' I guess the question is whether the board wants to eliminate that parking space as suggested by Mr. Brancheau, or the applicant to offer an alternative to reconfigure the parking area.
- I need direction as to what we are doing with 'B – 1.'
- Mr. Brancheau and the Board addressed this and agreed as stated.

A motion to approve this application with conditions as stated was moved by Member Byrne and it was seconded by Member Deehan.

Members Deehan, Dobson, Glawe, Monzo, Byrne, Critchley, Gallagher, Mayor Ferramosca and Chairman De Nigris voted in favor to approving this application with conditions as stated.

VI. OTHER BUSINESS

Member Byrne

- I would request that during a meeting when there is testimony going on that Board members mute themselves.

VII. ADJOURNMENT

A motion to adjourn was made by Member Byrne and it was seconded by Member Dobson.

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

Meeting Adjourned at 7:55 PM

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