

**Minutes of the Planning Board of the
Township Of Hanover
March 12, 2019**

Chairman Eugene Pinadella called the Work Session Meeting to order at 7 PM in Conference Room "A" and The Open Public Meetings Act Statement was read into the record.

Board Secretary, Kimberly Bongiorno took the Roll Call.

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

Absent were Members: Byrne, Nardone, Olsen.

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

Resolutions:

- 1) **CASE NO.** 18-11-20
APPLICANT PARSIPPANY HANOVER REALTY II, LLC
OWNER **BLOCK 3401 LOT 1** CCMA NOMINEE LLC c/o
MACK-CALI REALTY CORPORATION
BLOCK 3401 LOT 2 PARSIPPANY HANOVER
REALTY II LLC c/o MACK-CALI REALTY
CORPORATION
LOCATION: 1400-1402 ROUTE 10
CEDAR KNOLLS
BLOCK: 3401 **LOTS:** 1 & 2 **ZONE:** B-10

Applicant sought preliminary and final site plan approval and variance relief in order to construct an 8630 sq. ft. restaurant, surface parking, stormwater management facilities, lighting, and landscaping on Block 3401 Lot 2 as well as sanitary force main connecting the proposed restaurant to the existing sanitary main located in Ridgedale Avenue in the vicinity of the Hyatt House Hotel. The sanitary force main will begin on the Applicant's property at Block 3401 Lot 2 and run across the adjacent property Block 3401 Lot 1 and connect to the main located in Ridgedale Avenue. APPLICATION APPROVED FEBRUARY 26, 2019

- Resolution for Parsippany Hannover Realty Memorialized.

Motion to approve the resolution as written moved by Mayor Francioli and seconded by member De Nigris.

Members Critchley, Deehan, Dobson, De Nigris, Ferramosca, Mayor Francioli and Chairman Pinadella all voted in favor to approve the resolution as written.

Minutes –FEBRUARY 26, 2019

Voice vote; all present in favor of adopting the minutes as written moved by Mayor Francioli and seconded by member Ferramosca.

Zone Amendment Review –

- | | | |
|----|------------------------|---------------------------------|
| 1) | CONCEPT NO. | CON-053 |
| | APPLICANT/OWNER | CEDAR KNOLLS I, LLC |
| | LOCATION: | 190 PARK AVE.
WHIPPANY |
| | BLOCK: 4802 | LOTS: 2 ZONE: I-P |

Applicant is seeking an amendment to the allowable zoning in the I-P Zone District in order to construct a 5 Story 160 Room Hotel and 3,000 sq. ft. of retail space.

Joseph Forgione

- XSS hotels and I are working on several opportunities.
- Working with Amazon and Google on one of their supermarket products.
- Currently have 7 deals, Hotel and Retail on the same site.
- XSS are the largest Hotel brand owner operator on Boston, they are the biggest in Boston, and they have 3 or 4 locations in NJ.
- CAC brand is a Marriot own Brand, it is the newest, hottest concept out, and it is really the top of the line.
- Showed some photos that Eric will distributed of other sites across the country.
- Currently completing with another site is the former American water Company on the JFK parkway next to the Short Hills Mall across the street from the Short Hills Hilton.
- They, XSS Hotels, prefers this site because of the relationship with NetJets they do a lot of concierge type of services. The AC brand is really top of the line, the top brand right now.
- It is a limited service hotel.
- The plan that you have in front of you; that has the 3,000 sq. ft. of retail, forget that, that is going to be brought inside the hotel and it is to service the customers of the AC hotel.
- You have a pamphlet and inside shows the unbelievable finishes that are done with restoration hardware and the type of finishes that they have super high end.
- We believe it fits nicely in the property.
- We have spoken to the gas company to ask what is allowed.
- What you need to know is that there is not sewer on site.
- Met with the new ownership of the hotel next door to connect sanitary sewer easement on the site.
- AC hotels would be a huge plus for the town.

Erik Keller – Bowman Engineering –, Points out the site and gives and over view of the site.

- The yellow highlighted area that Joe is handing out is the rear portion of lot 1, which is adjacent to a wet land restrained area.
- The lot to the north of this, it is very similar in size to the proposed lot and it was originally a bank.
- To the east is Florham Park.
- It is 3.3 acres and the lot feasible for hotels is 4 acres.
- Put the plan together fusing prototype of AC brand Hotels, we will shift the parking and drop off area, doing some underneath the hotel.
- There are 3 areas that the hotel does not comply with the ordinance.
- This is in the IP zone.
- One is the height of the building. The ordinance mandates the height of the building to be 45 ft. whereas this would be 60 ft. height.
- The second one would be the state Highway, the ordinance currently states that it must be on the state high way and we are on a county road and adjacent to another county road with the state highway proximate to the site.
- There is an FAR requirement no specifically for hotel.
- We are not in the air core hazard area.
- The one runway is in the in the North South correction and other one is in the South West correction.
- The proposed property doesn't have any wetlands.
- All the wetlands belong to the Hyatt House property.

Joseph Forgione

- Tried to acquire the wetlands property form Hyatt House to add acreage for this site it didn't work. The wet lands are in yellow; that is why that is in yellow.
- The owners of the adjacent property approached him and they have an approval for student housing and student parking for Fairleigh Dickenson.
- Tried to work with them but it didn't work.
- The parking is 5 ft. over our property.
- The AC's are 160 rooms hotel because of the services that they provide.
- Typically in Boston they are 8 to 12 story structures.
- The site is constrained by gas mains on where they can build.
- Over all when we look at both side yards we require 180 ft.

Blais Brancheau

- If the retail goes inside the building, one of the variance will go away.
- The board is questioning the number of variances.
- The number of stories in the hotel.
- Zoning amendment versus variances.

- Gave the board an overview of what he could do – asked the board if they want to change zoning or not for the IP zone.
- I – P zone change, possibly I- P 3?
- Currently there are ‘D’ variances so planning Board doesn’t have jurisdiction:
 - A. Amend zone so all “D” Variances go away
 - B. Don’t amend the zone and wither applicant goes before Board of Adjustment or does not approve.
 - C. Amend some of the zoning.
- Provided overview of the surrounding zoning and the properties in this zone in this area.
 - Alfieri
 - Old Met Life building
 - Hyatt Hotel
 - This site
 - And the Texan Eastern has two sites.
- The Alfieri site is an intervener in affordable housing litigation and will probably become residential on that site.

Erik Keller – Bowman Engineering

- The 2 variances needed are; the height and FAR.

Blais Brancheau

- Reviewed the variances that were granted for the Hyatt House Hotel (Summerfield Suites) next door.
- The height of the Marriott on Rt. 10 is 70 – 75 ft. Height.

Joseph Forgione

- Can possibly make up some height by setting the building lower.

Chairman Pinadella

- Asked the board if they are open to rezoning this property.

Blais Brancheau

- Wants to review how the new zoning would work.
- As a petition from the board he will look at the area.

Mayor Francioli

- Feels that the hotel will survive and have an audience.
- In regards to location it is located it on the outskirts of the town and it will fit into this area.
- This is an upscale product with a European approach to the way business people need hotel rooms nowadays.

The board really likes the architecture.

Member Ferramosca

- Stated doesn’t have a problem with the rezoning of this area and RT. 24 is very close in proximity.

- Likes that it is in an isolated zone.

Joseph Forgione

- The Short Hills Hilton is running 92% occupancy.

The Board is all in agreement to look into what the impact of this will be to the other properties. Also want to analyze this from the perspective of an IP – 3 zone.

Blais Brancheau

- Will take a look at the zoning for surrounding properties in other towns to make sure that no major impact affects them and to prevent causing major issues.

Joseph Forgione

- This is a 100% a go if the board agrees with this rezoning.

The board agrees this is a favorable project and to rezone, unless some huge deal breaker comes out of Blais' analysis.

Discussion: B - 10 Zone Amendment

Blais Brancheau

- Amended based upon what he heard at last meeting.
- Reviewed the proposed changes he made to the B – 10 Zone with the board.
- 1,000 of office or retail with warehouse and park of warehouse operation.

Chairman Pinadella

- Doesn't want standalone storage spaces that are meaningless that can pop up anywhere.
- Wants office and storage belonging to the person who either owns or leases in the building.
- There has to be somebody in the building who the storage is an accessory to.
- There has to be an office presence in the same building and that office space.
- There should not be rental, sales or leasing of any storage material of any storage material from this location to the public or other business from this location.

The board had an open discussion with Blais regarding what they wanted to see in this zone regarding storage, retail sales and office spaces

- The board doesn't want the retail operation to be from the storage space.
- The board does not want to see again in draft form.

- How do you manage to control the designated space for parking based on the storage space and office space being used.
- The required space to be a minimum of office space or retail of 1,000sq. ft. with warehouse and parking warehouse operation.

Discussion – Route 10 Corridor – Potential Redevelopment Focus Areas - Blais Brancheau

- Preliminary analysis of the Rt. 10 corridor study
- Reviewed two different reports.
- Described the properties he studies and which properties had the potential to be redevelopment areas.
- If the two properties don't work together then the township could designate as, are in need of redevelopment and condemn; also taking by eminent domain.
- The Bogy's properties are eager to do something with it, the township is sitting on vacant land; try to do it in a clean way rather than eminent domain.

Member Ferramosca

- If the parties don't get along; the township should arrange meetings separately.
- The most significant area in need of development is Pine Plaza.
- The developer is eager to do something with it, residential, senior affordable housing, senior housing, townhouses for sale and a significant retail space with 75,000. Sq. ft.
- Potentially, also a large grocery store.
- Will abandon the warehouse operations.
- Thinks Blais, should bring this to EDAC and have them try and get a meeting with the interested parties get together.

Blais Brancheau

- Will have a broker for Bogy's come to and an EDAC meeting.
- Eden Mill
- Is looking to do a town center
- If they get an approval for what they want to do the flex warehouse will go away

Mayor Francioli

- The old Ukrainian Church, on the corner, something has to happen, the whole property needs to be identified as redevelopment zone; that is a way to jump start the area. This would bring the developer to the floor.

- Discussed the concept of redevelopment of the jug handle and surrounding areas corner of Rt. 10 and Jefferson.
- Acquire the bicycle shop

Member Ferramosca

- Is going to be the Whippany township Center we never had.
- The township has retained a special planner to work with Blais on Pine Plaza for the redevelopment zone.
- TC wants to keep the zoning for Pine Plaza and Eden Lane separate from each other.

Discussion: Retail sign Regulations – Blais Brancheau

- Reviewed the handouts he gave to the board:
 - A) The existing Sign Regulations
 - B) The applicant and case number
 - C) Reviewed of the sign regulations for retail uses comparison with recent retail sign approvals
- The 1st item of regulations is a summary and it is there for reference purposes of any questions, your main focus should be on this document; “The Review of the retail signs uses and regulations in comparisons to approvals to retail signs”.
- Reviewed his recommendations with his board. You can see what we approved on the left but I don’t want you to focus on that. Focused on the text documents.
- Areas of retail zones, there are various signs for retail zones and signs we have approved. I have compared what the regulation says and what we have approved and have split it into two parts:
 - A) We have free standing signs
 - B) Wall signs.
- My recommendations are that there are too many inconsistencies.
- For properties with more than one street footage, we should allow more signs.
- The area of freestanding sign zone should be increased in the terms of zones.
- In some areas we require 15 ft. in some others 50ft; the setbacks for the freestanding signs should be reduced.
- In the DS zone, monuments signs should be allowed.
- Some freestanding signs should allow the name of the center and the name of some anchor tenants to be on the sign.
- We shouldn’t be limiting freestanding signs to just the name center.
- Should permit more than one wall sign for retail zones. If it faces more than one street or parking lot.
- I am not saying lets become East Hanover or Rt. 22.

Chairman Pinadella

- Wants the board to review the information that Blais has supplied.
- Doesn’t want to become Rt. 22 – sign pollution.

Blais Brancheau

- Will draft an ordinance and then the board will review it at the next work session.

Other Business – The Dunking Donuts Mall area on Rt. 10.

- It has two buildings, two end owners; the buildings are separated by about 2 ft. or 3 ft. and share parking.
- One of the owners came with a potential physical therapy use for one of the units, which could potentially cause a parking issue.
- The two land owners have come to an issue with this, they have gotten to a point where they have put 5 gallon cans of concrete between them on the property line.
- There are 2 driveway cuts, so basically if it wasn't for these barriers you would still be in and out.

Blais Brancheau

- Has researched prior approvals and deeds and has not yet found anything yet to force the barricade down.
- Consulted with Mike Sullivan; and if there is not an easement then it is a property owner issue and not a township issue.
- May or may not ultimately be an issue for two parties to resolve.

Presentation – Overview of Land Use Regulation – Blais Brancheau

- At this time the township Engineer and The Board Secretary left the meeting.
- Will start a broad brush about statutory staff.
- In future sessions I'd like to talk about our master plan, get in to the variance process, to talk about the feedback of those variances, of how they are playing for us, and on how we need to fix the code.
- We want get into a process where people know what to expect by following what is written on the code except for those weird cases where a variance is truly something out of the ordinary and it is something that we need to consider.
- I'd like to start at the bottom and work our way up. The bottom has a lot to do with the state law and how it brings what we do. Most of what we do is laid out in the New Jersey Municipal Land Use law.
- Some of the key things are:
 - A) It lays out some of the composition of the boards agencies that deal with Land Use.
 - B) It lays out the composition of the master plan, the ordinance plan, site plans and regulations; including what those regulations can contain, the adoption procedures, and the amendment procedures.
 - C) Process of applications, reviews, appeals and what the board and the staff do.
 - D) There are other agencies statues and regulations that deal with the Land Use statues.
 - E) We deal with a lot of environmental regulations, etc.
 - F) In some cases we work hand and hand we the state.

- Talking about Municipal Land Use agencies; there are 3 primary agencies:
 - 1) They adopt and they amend the land of use regulations, they deal with side walk and circulation improvements, roads, bridges and other improvements, acquisition of sale, etc.
 - 2) The Planning board role is to adopt and amend the master plan to also reexamine it. By law we need to do a comprehensive evaluation at least one every 10 years; we did one about a year ago. We also review site plan and site revision applications and variances associate it with those plans.

The main function of the planning board is to review and comment on ordinances that are referred by the governing body, to comment on capital projects that are authorized by the governing body; where consistency review is necessary.
 - 3) The Board of Adjustment the review the variance applications. They interpret the rules and regulations. They deal with appeals of the administrative officer decisions. They do examinations with the idea that the regulations are current.
- The statute regulates the master plan, says what it may contain, it says what it must contain, its law in landings enrollment.
- In a master plan it is a prerequisite you cannot have zoning. Every municipality has a Master plan.
- There are several elements optional in a master plan.
- A master plan is an advisory document. It is not a meaningless document, it does enforce certain requirements.
- In essence by the Master Plan the governing body is saying; you guys are the planners we want you to create some recommendations for zoning, for development, for capital improvements if necessary.
- The Planning board is the Governing body's right arm and they are required to refer land use ordinances to the planning board for review of consistency of the ordinance with the master plan.
- It may only adopt an ordinance that is not consistent after providing valid reasons and with majority of votes.
- The regulations in each zone have to uniform with each class, kind of use or structure.
- Different uses can have different standards within the same zone.
- Our Municipal code is our regulations.
- The importance is that the statute envisions but doesn't require separate ordinances for zoning, site planning and subdivisions; that Hanover has combined them into one chapter.
- There are some distinctions between zoning regulations and site regulation and other regulations that you need to be aware of.
- You need to follow the state law in regards to what you can or cannot do; in some cases they overlap.
- The content of the regulations has to follow the statute.

- When you violate a zoning regulation it requires a variance, when you violate a site plan or subdivision regulation it requires an exception, those are the terms of the statute
- Variances require notices by statute, Exceptions do not.
- A zoning officer is actively enforcing the zoning regulations.
- The township committee enforces the site plan, subdivision and other regulations and the board doesn't enforce the regulations.
- We will talk some more of Hanover township plans, regulation, zoning and ordinances and the applications of those and what they mean.

Chairman Pinadella

- The goal is to make sure that we all understand where we are in this, that we all have the same understanding of the ordinance. Suggested, when we get into the zoning; if there are any questions about any of the zoning regulations to be brought up at the time Blais is going through it.
- It's not expected that we have the same objective in an application but the same general understanding. In the hopes that we all come in the same basis when we look at an application and can contribute on what we want the developers to do.
- No question is a dumb question, just make sure that when asking it; the person who answers it, are the experts sitting outside, not the members of the board.
- Get into the ordinance understand what you have to do, don't be afraid to ask questions but let's do it civilly and make sure that the experts answer it.
- We don't all have to agree but we have to come up with better solutions.

Adjournment

Motion to adjourned by member Ferramosca and seconded by Mayor Francioli.

All member's present in favor.

Meeting Adjourn at 9:42 PM

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