Minutes of the Planning Board of the Township of Hanover April 20, 2021

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 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, Monzo and Olsen

Absent were Members: Mian.

Also present were: Attorney for the Board Michael Sullivan

Board Secretary Kimberly A. Bongiorno, LUA Township Engineer Gerardo Maceira, P.E.

Township Planner Blais Brancheau

III. RESOLUTIONS: NONE

IV. MINUTES – March 23, 2021

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

A motion to approve the Minutes as written from March 23, 2021 was moved by Member Deehan and it was seconded by Member Olsen.

In voice all present voted in favor of approving the Minutes as written from March 23, 2021.

V. PUBLIC HEARINGS

1) CASE NO. 21-2-1

APPLICANT/OWNER HANOVER TOWNE CENTER, LLC (Commercial Phase A)

HANOVER TOWNE CENTER RESIDENTIAL (Residential

Phase B)

LOCATION: 831 ROUTE 10, 99 MT. PLEASANT AVE.,

851 ROUTE 10, 859 ROUTE 10, 92 MT. PLEASANT AVE.

BLOCK(S): 4221/8803 **LOT(S):** 10,11,12,13,14/17 **ZONE(S):** B-10 subject to Redevelopment plan adopted 7/9/20 & last amended by ordinance 12/10/20.

Applicant is seeking Preliminary and Final Site Plan, Preliminary and Final Major Subdivision and "C" variance relief. The applicant proposes a commercial component (Phase A) with an 162,000 sf. "big box" building and gas station and a residential component (Phase B) with 60 for-sale market-rate townhomes, together with associated parking areas, storm drainage, utilities, lighting, landscaping, and other improvements consistent with the Redevelopment Plan for the property.

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/gmb4j9kko42mrn6/AABZZ7Ri3a8YJkqZaLc90OK4a?dl=0

Board Action Date - APRIL 25, 2021

Nicholas Racioppi, Jr. – Attorney for the Applicant

- Gave an overview of the proposed project, the properties that are part of the proposed project, and went over the commercial and residential components.
- Gave a brief review of the properties' history, prior approvals, prior agreements, prior resolutions and where it stands today.
- Highlighted some of the benefits that this project would bring.
- Introduced his witnesses for the evening.

Chirag V Thakkar P.E. – Engineer for the Applicant was sworn in by the Attorney for the Board Michael Sullivan.

Chirag V Thakkar P.E. – Engineer for the Applicant

- 1456 Ferry Road, Suite 603, Doylestown, P.A.

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

Chirag V Thakkar P.E. – Engineer for the Applicant

- All licensing is current and in good standing.
- Gave his educational and professional background.
- Has testified before Hanover Township Boards before.
- Accepted by the Board.
- Went over the Site Plan titled 'Hanover Town Center' last revised date of February 12, 2021.

Exhibit A – 1

- Titled 'Site Plan Overlay' drawing number 'EX-SPO' dated April 15, 2021.
- Went over the existing site features depicted in red and the proposed site features being depicted in black and white.
- Explained access points, usages, and their locations.
- The residential component has 60 townhouses units.

Exhibit A - 2

- Colorized Rendered version of the Site Plan, titled 'Site Plan Rendering', sheet 'CS-100R' dated March 26, 2021.
- Describe what is on the site, location of the commercial and residential dwellings as well and the points of entry and exit.
- Gave the number of proposed parking spaces, location, and square footage of the proposed park.
- Went over what is currently existing on site and what is being proposed.
- Explained the way that the 'Patriots Path' is being rerouted.

Exhibit A - 3

- It is a 'Grading Cross Section' exhibit, sheet EX-GCS dated April. 15, 2021.
- Described the exhibit and gave the measurements from the slopes and gradings form Route 10.
- We are proposing two new free-standing signs and the two existing signs will be removed.

Exhibit A-2

- Gave the acreage of the commercial and residential components.

Chirag V Thakkar P.E. – Engineer for the Applicant

- Went over the 'Final Subdivision Plat' prepared by Bowman Consultant, sheet 1 of 3 dated February 1, 2021, last revised February 12, 2021.
- It shows how the property was subdivided into 62 lots and further explained the number of lots that make up the commercial and residential components.
- Utilities are kept separate, showed the emergency access form Mount Pleasant Avenue referenced 'Exhibit A-2' and described the other improve proposals.
- Addressed Chairman De Nigris question.
- Referenced 'CS-100' sheet titled 'Site Plan', it depicts the number of variances and waivers that are being requested and further explained.
- All light waivers and the pole height waivers are related to the commercial component only.
- Using the lighting Plan went over the light spillage from the commercial component.
- The light fixtures along the property line have a 'House Side Shield' and gave his reasons for it.
- Continued with his review of the waivers.

Attorney for the Board Michael Sullivan

- Looking at Blaise's April 20, 2021 report, number '9' (the maximum roadways report) you concede that you need relief, correct?

Chirag V Thakkar P.E. – Engineer for the Applicant

- No, we do not need relief and gave his reasons for it.

Attorney for the Board Michael Sullivan

- Okay, so we do not need relief with respect to item '9', with respect to item number '10' what is your conclusion with that?

Chirag V Thakkar P.E. – Engineer for the Applicant

- We do need a relief, but it is the 'RSIS' section of the code not the Township section of the code and explained further.

Attorney for the Board Michael Sullivan

- Is that only applicable to the residential portion?

Chirag V Thakkar P.E. – Engineer for the Applicant

- That is correct.

Attorney for the Board Michael Sullivan

- The applicant and the redevelopment agreement, all require two separate resolutions, so we must be clear on what we are seeking relief from, on which aspect of the development on item number '10' you need an exception for the residential on respect to that item.
- On '11' and '12' if I heard you correctly; you are going to revise the plan to conform to those two paragraphs, is that correct?

Chirag V Thakkar P.E. - Engineer for the Applicant

- That is correct and explained further.

Attorney for the Board Michael Sullivan

- What about '13' 'The Maximum driveway slopes in the residential portion?

Chirag V Thakkar P.E. – Engineer for the Applicant

- Thank you for reminding me, yes that does need a relief, on the residential side I have come up with about 11 lots that exceed the 8% driveway slopes and explained further.

Attorney for the Board Michael Sullivan

- Blais, are you changing your approach, or you are sticking to the 5 non-conforming driveway slopes?

Township Planner Blais Brancheau

- Explained how he made his calculations.

Chirag V Thakkar P.E. – Engineer for the Applicant

- Lot 10.05 exceedance of 8.3%
- Lot 10.14 is 8.2%
- Lot 10.16 is 10.23%
- Lot 10.21 is 8.32%
- Lot 10.23 is 7.3%
- Lot 10.25 is 9.95%
- Lot 10.27 is 9.65%
- Lot 10.29 is 9.14%
- Lot 10.31 is 9.7%
- Lot 10.33 is 9.35%
- Lot 10.35 is 8.86%
- Went over the review letters starting with Blaise's April 20, 2021 report, item number '11' & '12' we will work with the Township Planner and Township Engineer.
- Regarding the 'additional comments' that was covered as part of the opening remark in relation on how the resolution is going to be prepared and what the components are, and confirmed with Mr. Racioppi Jr, who agreed.
- Item 'B2' on page '6' we are going to work with the Engineer and the Planer to resolve them.
- Item '7 & 8' made clarification referencing those items the residential development would be managed by the 'HOA' and it would be responsible for maintaining private lots and further explained.
- Allowed Mr. Racioppi Jr., to further explained and clarified that homeowners will be responsible for the exterior of the homes.
- Addressed Mayor Ferramosca's question regarding items '4, 5 & 6' page '3'.
- Addressed the Township Planner's question.
- Addressed Mayor Ferramosca's question regarding the lighting and the ability to stepping down the light intensity.
- Addressed Member Gallagher questions regarding the dumpsters located between the building and Route 10 and any shielding for them, further explained the reasons why it will not be seen from Route 10.
- Addressed Chairman De Nigris concern and explained they are not dumpsters but compactors.

Member Gallagher

- Expressed his concern with the trash compactors visibility and advised would like to come up with compromise and further explained.

Chirag V Thakkar P.E. – Engineer for the Applicant

- Addressed Chairman De Nigris question.
- Addressed Mayor Ferramosca's question and further explained the compactors visibility.
- Addressed the Township Planner's question regarding the fence height and advised of the correct heights.

Township Planner Blais Brancheau

- In my report on the variances for the signage I made a comment that my calculation of the sign area for the wall sign is different than what is indicated on the plans, and that I could not do an actual calculation of sign wall 'B' because there are not details on the plans could you address that for the record?

Chirag V Thakkar P.E. – Engineer for the Applicant

- We have an architect, and he will answer that for you.
- Addressed Member Monzo's questions regarding to the parking lot to the right of the gas station.
- Addressed Member Olsen's questions regarding a possible power station for electric cars.
- Addressed Mr. Brancheau's question regarding the proposed park which the 'HOA' will decide the programing on that.
- Addressed Mr. Brancheau's question regarding the proposed tree islands, the health of the trees and the potential unraveling of the edge of the asphalt because the lack of a real define edge.
- Addressed Member Critchley's question regarding the in and out movement of the gas station the fueling positions and the location where the fueling truck will be.
- Addressed Member Monzo's additional question regarding the rerouting of the 'Patriot's Path'.
- Agreed to explore it further as a condition.

Attorney for the Board Michael Sullivan

- Clarified, Blais you have addressed 'Patriot's Path' that needs to be looked at I want to make sure, if we get to a resolution at some point what we are saying.

Township Planner Blais Brancheau

- I do not know whether it was discussed in the reports, if it is covered then that is fine.

Attorney for the Board Michael Sullivan

- You also reference the settlement agreement between the parties that is dated January 19, 2021 and that settlement agreement contains limitations and restrictions on both the residential and the commercial use for example it limits the numbers of dispensers at the gas stations, it limits use, it limits hours of operation.
- Is the applicant also stipulating that with respect to both, the residential and the commercial component that they will in fact comply with that settlement stipulation?

Nicholas Racioppi, Jr. – Attorney for the Applicant

- Yes absolutely Mr. Sullivan, thank you for the clarification.
- I wanted to respond on the Mayor's comments about the lights; I am informed that we will be shutting down or dimming the lights down after hours which is 8:30 on weekdays and 6 o'clock on weekends and further explain, we can work that out and work that into the resolution if that helps.

Closed to the Board.

Chirag V Thakkar P.E. – Engineer for the Applicant

- Reviewed the Township Engineer's letter dated April 20, 2021.
- Item number '9' relates to a sidewalk along Route 10 and gave his reasons for a sidewalk not to be conducive.
- The comments related to the sidewalk connection to the existing Mount Pleasant Avenue with which we will comply.
- Item number '18' we discussed that in concept we agreed to comply we just need with a little bit of a qualification that the applicant would need to see the contributory dollar numbers that are associated with those two intersections.

Attorney for the Board Michael Sullivan

- This relates to the applicant paying its fair share of off-tract improvements, the ultimate number ends up being resolved and fixed in the developers' agreement.
- Gerry, correct me if I am wrong with respect to that.

Township Engineer Gerardo Maceira, P.E.

- That is correct and gave a little background on those two intersections.

Attorney for the Board Michael Sullivan

- The applicant really does not want to install that sidewalk on Route 10. You have heard their discussion; do you have a final position on that?

Township Engineer Gerardo Maceira, P.E.

- The New Jersey State has a complete street policy which encourages sidewalks on all stress including Route 10, so my thinking was just to further enhance and to support that thinking.
- I do understand the Applicant's concerns and further explained.

Attorney for the Board Michael Sullivan

- So, your recommendation remains as I understand.

Township Engineer Gerardo Maceira, P. E

- I think where it could be easily achieved and referenced a Site Plan Rendering further explaining it.

Nicholas Racioppi, Jr. - Attorney for the Applicant

- I suggest Mr. Sullivan, maybe we put it as a condition that we will work with the professionals on both; this and Patriot's Path, maybe if we work out something on Patriot's Path, we will need a variance for parking. We must think about that, maybe it is a discussion we can have together, sidewalk and Patriot's Path at the same time.

Township Engineer Gerardo Maceira, P. E

- My comment was a recommendation. I am not sure how the Board feels about that.
- Gave a summary of his earlier conversation with Mr. Thakkar regarding the sidewalk and Patriot's Path.

Township Planner Blais Brancheau

- Our ordinance allows an applicant to bank parking without the need for a variance so that may be one alternative to bank those '9' spaces instead of never building them and further explained.
- The way you must do is you have to have an alternative Path which may be what they are currently proposing if you ever needed to convert them and further explained it.

Open to the Public for questions

Carol Fomchenko

- Malapardis Road, Whippany, New Jersey.
- I wanted to know if you had any plans to putting in any walkways for the pedestrians to cross over the incoming and outgoing lanes into the development? Otherwise, they will have to walk through the parking lot.
- The Parking lot that is by the entrance where the traffic signal is, that is east of the entrance, are you going to provide walkways for pedestrians to walk across the entrance way?
- There is nowhere for the people to walk, if they park up in that area they are going to have to cross over that area into the development. How are they going to be able to do that safely?

Chirag V Thakkar P.E. - Engineer for the Applicant

- This is part of Gerry's comments...

Nicholas Racioppi, Jr. - Attorney for the Applicant

- We believe that this parking lot is going to be largely used by employees and probably not used by many members, that is what we are envisioning.

Chirag V Thakkar P.E. - Engineer for the Applicant

- Gerry and I discussed this, and we have agreed on making a pedestrian crossing accommodation across this drive isle.

Carol Fomchenko

- My next question is where the commercial building is below Rout 10, where you are going to have these compactors, is any mitigation being put into place in case of flooding? And further explained her question.

Chirag V Thakkar P.E. - Engineer for the Applicant

- Addressed Mrs. Fomchenko's question.

Carol Fomchenko

- My last question is regarding the 'HOA' and the residential aspect of the development, Will they have private garbage pickup and snow removal paid by the HOA?

Chirag V Thakkar P.E. - Engineer for the Applicant

- Yes

Terri Baird

- 180 Parsippany Road, Whippany.
- In reference to the fuel truck that will be coming in to put fuel in for the Gas station, could you review that again?
- Could you please show me the traffic pattern for a tractor trailer coming in to make a delivery and backing up to the loading dock?
- On the residential part where will the garbage enclosures be?

Chirag V Thakkar P.E. – Engineer for the Applicant

- Addressed Mrs. Baird's question.
- Addressed Mrs. Baird's question regarding the traffic patter referencing to drawing 'CP100'.
- They will have their trash collector and it will be picked up.

Nicholas Racioppi, Jr. - Attorney for the Applicant

- Chirag, did we not understand that it would be like single family homes? They will have private collection of their trash bins and recycling.
- They will have private pick up.

Terri Baird

- What is the number of bedrooms for these townhouses? Do they all have the same number of bedrooms?
- Question the types of amenities being offered if any pools or playgrounds for children that would potentially live there.

Chirag V Thakkar P.E. - Engineer for the Applicant

- The architect will have to testify on that.
- That has not been finalized yet and further explained.

Township Engineer Gerardo Maceira, P.E.

- I just want to clarify one issue regarding the residential development.
- Qualifying residential developments like these are afforded municipal services and those services include snow plowing, salt, deicing, garbage pickup and street lighting.
- There will be an agreement established with that 'HOA' prepared by the Township's Attorney.
- I am not sure what this community will qualify for so either the Town provides the service, or they will provide the reimbursement to the Association for those services.

Robert Thiel

- 2 Legion Place
- Have you coordinated at all this detail with the state highway, with the 'DOT'? And explained further.

Chirag V Thakkar P.E. - Engineer for the Applicant

- The grading within the area that we are dedicating to' DOT' is actually '3 to 1' grade as I understand the 'DOT' does allow a '3 to 1' grade.
- As it relates to the 'DOT' specifications and requirement we have a traffic engineer that is going to testify after me and he can shed more light on that.

Robert Thiel

- I do see the 3 to 1 on your section there but not on the 'recoverable section' and the 'DOT' I would expect would require guard rails. I am not sure you have answered whether that is being coordinated and if it meets the 'DOT' standards in that area.

Chirag V Thakkar P.E. – Engineer for the Applicant

- The traffic engineer will testify on that.

Leonard Wassil

- 107 Stone Creek Ct., Whippany
- The gentlemen before said that the residential area may be eligible for town services including, snow plowing.
- If there are 'HOA' fees, why would they be included to get snow plowing through the Town?
- Where I live at the 'Grande' condominiums it is in my 'HOA' fee and we had to pay for our snow plowing.

Township Engineer Gerardo Maceira, P.E.

- Like I said I am not sure what this would qualify for and I am not sure what the 'Grand's' agreement is.

Leonard Wassil

- It is an 'HOA'. No, we do not get reimbursed for our roads.
- We have an 'HOA' fee, we have a budget for our roads to be plowed privately so I wanted to know why the residential part would qualify for town snow plowing.

Township Engineer Gerardo Maceira, P.E.

- I am not an expert at it. You can have your question directed to the Township's Business Administrator and the Township's attorney to get you an answer.

Leonard Wassil

- Only because it was brought up, I just want to clarify if it is 'HOA' is privately road which means people who do not belong there, do not belong on those roads that is why we pay for our own snow plowing.

Attorney for the Board Michael Sullivan

- There is a 'Condo Reimbursement Act' that provides for reimbursement to eligible developments so that would have to be reviewed by the Town as Mr. Maceira said if they are eligible for reimbursement, they are entitled to it, under the law they will get it.
- Maybe, your development it is not, we do not know.
- All I am telling you is that there is a statue if the project qualifies for the statue and they are eligible for the reimbursement they will get reimbursed.
- It is on a case-by-case basis.

Leonard Wassil

- I pay taxes like everybody else and if somebody else is going to get snow plowing and I do not it is relevant.

Chairman De Nigris

- Maybe Mr. Wassil you want to ask your association to investigate it.

Leonard Wassil

- I did not bring it up and I will.
- It is a very important topic to know where my taxes are going to.

Chairman De Nigris

- We do not have any argument with you if you are entitled to it; I would suggest your association to go to the Town and if you are entitled to it then they will give it to you.

Leonard Wassil

- If we were entitled to it, then we would have not been paying for the last twenty years.

Chairman De Nigris

- Then maybe you are not.

Leonard Wassil

- Something does not sound right here.

Terri Baird

- 180 Parsippany Road, Whippany.
- In reference to the settlement agreement with the court for housing, is there something in the settlement agreement that talks about the services for the residential section referencing to snow plowing, garbage pickup?

Nicholas Racioppi, Jr. – Attorney for the Applicant

- No, there is not, we would be treated just like any other 'HOA' in the Town.

Closed to the Public.

Brian Kendall – Architect for the Applicant was sworn in by the Attorney for the Board Michael Sullivan.

Brian Kendall – Architect for the Applicant

- 8444 Westpark Drive, Suite 120, Mclean, Virginia, 22102.
- Gave his professional and educational background.
- Accepted by the Board.

Exhibit A-4

- This is a rendering of the perspective entrance of this building, titled 'P1 Overall' dated April 19, 2021.
- Described the materials used for the walls, the signage, and the exterior of the building itself.

Exhibit A - 5

- Titled 'P2 – Entrance' it depicts the side of the building.

Exhibit A – 6

- Titled 'P3 Tire Center' dated it April 19, 2021.
- At the far right it is the entrance featured.

Exhibit A - 7

- Titled 'P4 West Elevation' dated April 19, 2021.
- Briefly describe the landscaping, indicated the location of the sales area, and indicated the colors and textures.

Exhibit A – 8

- Titled 'P5 – Entry at Dusk' dated April 19, 2021' it is a view of the entrance at dusk.

Exhibit A - 9

- Titled 'Material Board' dated April 19, 2021, described the materials, colors for the entrance of the building.

Exhibit A - 10

- Titled 'F1 Fuel Facility' dated April 19, 2021, this is the view of the fuel facility towards the road.
- It is only for fuel dispensing, there is no convenience store.

Exhibit A – 11

- Titled 'F2 Fuel Facility' dated April 19, 2021.
- It is a view from the fuel pump looking towards the back of building.

Brian Kendal – Architect for the Applicant

- Continued reviewing the 'Retail Building Elevations' plan which was submitted to the board.
- Went over the trash compactors and their location.
- Showed the 'Fuel Facility' elevation plan and the 'Floor Plan'.
- Briefly went over the materials being used.
- Spoke about the screening to be used for the HVAC units and the mechanical units on the roof.

Exhibit A - 12

- Titled 'Retail Building Elevations' dated April 20, 2021.
- The only difference from what was submitted is the actual detail on the sign.
- The north elevation has a sign that is 380 sq. ft.
- The other two signs are along the east elevation, one at the corner of the loading dock that is 280 sq. ft and the one at the entrance that is 160 sq. ft.
- The fuel Facility sign is facing route 10 to help people to know that the gas station is there.
- Addressed Mayor Ferramosca's question regarding the hours of operation for the gas station and the retail building and regarding the location of the tire center with respect to main entrance.

- Addressed Member Critchley's question regarding the liquor sales sign and the entrance for the liquor store.
- Addressed Mayor Ferramosca's question regarding the location of the 'liquor entrance' and stated it is a complete separate entity form the main store.

Township Planner Blais Brancheau

- Can you confirm that both the gas station and the retail hours of operation comply with the hours in the settlement agreement?
- Signage could you put up the revise elevation and zoom in on the detail. Referenced signs 'A', 'B' and 'C.'

Brian Kendal – Architect for the Applicant

- Yes, they comply with the settlement agreement.
- Signage 'A' is on the North elevation facing Route 10 it is 37'4" by 10'2".
- Sign 'B' is 32' by 8'9".
- Sign 'C' is 21'.1" by 5'6".

Attorney for the Board Michael Sullivan

- Clarified the number of variance requests as follows; 'Maximum of Identification Principal Sigs' - they are seeking 2, correct?

Township Planner Blais Brancheau

Two in the East façade where one is allowed.

Attorney for the Board Michael Sullivan

- The 'Maximum area of Principal Identification Signs' one is not conforming, correct?

Township Planner Blais Brancheau

- Correct.
- The Fuel canopy sign, one is allowed facing the street, four are proposed.

Open to the Board

After seeing none and hearing none

Closed to the Board.

Open to the Public for questions

After seeing none and hearing none

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Closed to the Public.

Nicholas Racioppi, Jr. – Attorney for the Applicant

- Gave the number of witnesses still to testify.

Board

Agreed to continue the hearing later.

Board Secretary Kimberly A. Bongiorno, LUA

- Gave details on future dates, required notices and log in information.

Attorney for the Board Michael Sullivan

- Summarized as follows; Mr. Racioppi the chairman has indicated we are now at the time where the Board normally concludes.
- You have the next available meeting, which is Tuesday April 27, 2021, at 7:00 PM.
- The sign in information will be different, but it will be available on the Township's website and will you consent to an extension of time for the Board to act until the end of May.

Nicholas Racioppi, Jr. - Attorney for the Applicant

Consented to the end of May for the board to act.

A motion to carry this case to April 27, 2021 at 7:00 PM with different sign in information and an extension of time until the end of May was moved by Member Glawe and it was seconded by Member Deehan.

Members Deehan, Dobson, Glawe, Olsen, Byrne, Critchley, Gallagher Mayor Ferramosca and Chairman De Nigris voted in favor of carrying this case to April 27, 2021 at 7:00 PM with different sign in information and an extension of time until the end of May.

Board Secretary Kimberly A. Bongiorno, LUA

- Advised what is needed from the applicant.

VI. OTHER BUSINESS

None

VII. ADJOURNMENT

A motion to adjourn the meeting was made by Member Dobson and it was seconded by Member Critchley. All Members present in favor of adjournment.

Meeting Adjourned at 10:05 PM

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

STATE OF NEW JERSEY