

**Minutes of the Planning Board of the
Township Of Hanover
MAY 14, 2019**

1. Statement by Presiding Officer

Chairman Eugene Pinadella called the Work Session Meeting to order at 7:01 PM in Conference Room "A" and The Open Public Meetings Act Statement was read into the record.

2. Roll Call

Board Secretary, Kimberly Bongiorno took the Roll Call.

In attendance were Members: Byrne, Critchley, Deehan, Dobson, Ferramosca, Mayor Francioli, Member Glawe, Nardone, Olsen and Chairman Pinadella

Absent were Members: De Nigris

Also present were: Board Secretary, Kimberly A. Bongiorno, LUA.
Township Planner, Blais Brancheau

3. Resolutions:

- 1) **CASE NO.** 17-2-4-R1
APPLICANT/OWNER 28 SJR, LLC
LOCATION: 30 SOUTH JEFFERSON ROAD
CEDAR KNOLLS
BLOCK: 2904 **LOT(S):** 6.01 **ZONE:** I

Applicant sought amended preliminary and final site plan and "C" variance relief. The applicant proposed to modify the terms of the prior approval by increasing the approved principal structure from 27' to 33'. Application approved April 23, 2019

A motion to approve as written was moved by member Ferramosca and seconded by Mayor Francioli.

Members Critchley, Dobson, Nardone, Byrne, Ferramosca, Mayor Francioli and Chairman Pinadella voted in favor of approving the resolution as written.

- 2) **CASE NO.** 19-1-2
APPLICANT ALGONQUIN REALTY, LLP
OWNER THE ALGONQUIN REALTY CO.
LOCATION: 160 ALGONQUIN PARKWAY (24 TROY ROAD)
WHIPPANY
BLOCK: 6902 **LOT(S):** 3&4 **ZONE:** I

Applicant sought preliminary and final site plan and “C” variance relief to improve and expand the existing parking and loading areas of the property, inclusive of adding parking spaces, restriping parking areas, resurfacing parking areas and adding directional signage both near the Algonquin frontage and along the southern side of the property.
Application approved with conditions April 23, 2019.

A motion to approve resolution as written was moved by Member Nardone and seconded by Member Critchley.

Members Critchley, Dobson, Nardone, Byrne, Ferramosca, Mayor Francioli and Chairman Pinadella voted in favor of adopting the resolution as written.

4. **Minutes** – March 12, 19 & 26, 2019

A motion to approve as written all the minutes from March 12, 19 and 26 was moved by Mayor Francioli and seconded by Member Ferramosca.

All members present in favor to approve as written all the minutes from March 12, 19 and 26.

5. **Discussion** – Ordinance 24-2019 – O-S Zone District Regulations - Blais Brancheau

Blais Brancheau

- The ordinance was introduced last week
- We're seeing it now because things were added that the board did not see when they reviewed.
- Reviewed the different sections of the ordinance.
- No changes in a way of subtraction or operation.
- Section 1 is just adding the OS zone
- Section 2 is a mini zone map
- Section 3 is what allows more than one zones in a building.
- Section 4 is allowing the building to be divided into more than one Zone.
- Section 5 is adding a land Use to the property.
- Reviewed the different sections of the ordinance.
- Reviewed the different uses that were added.
- Section 6 is referencing A7
- Section 7 is adding the OS zone the required rules and regulations, is in paragraph 2 page 4.
- Section 8 referencing the A7 paragraph.
- Section 9 is amending the section that deals with where houses of warship, schools, libraries, hospitals, etc. It's just a zone change.
- Section 10 is the sign regulations for the OS zone.
- Section 11 is the OS zone and a list of zones that are permitted parking in the side yard and parking requirements.
- Section 12, is requiring parking areas in the OS zone need to be setback more than 10 ft. from the front lot.

- Section 13 it's saying if it's a side yard need to be within the side lot lines and 10 ft. from the rear lot lines.
- Provided a mechanism for relief without requiring a variance, if they could demonstrate they don't need the parking this would allow them to have less parking without banking any with conditions.
- Section 14 is amending the regulations for hotels.
- Section 15 allows for shared parking among facilities with in the OS zone
- Discussed shared parking.
- Section 16 new regulations for the OS zone.
- Reviewed regulations for the OS zone.
- Reviewed the other requirements, added general architectural standards in these sections, are flexible and it provides guidance.
- New structure regulations, need to be 10 ft. of height; I did provide an exception for a stairwell and an elevator; where typically are 14 ft. to 16ft. In height it would allow them.
- Section 17 and section 18 there is nothing there. But that is about the IT zone. We're changing the area by RT 24 to the OS zone.
- The zone is partially consistent and partially inconsistent.
- The standards have changed from what's in the master plan.
- Properties in the IT zone won't have front yards
- We have a public hearing on Tuesday so I would wait.
- If approved once the Master plan is amended; it will be consistent with the master plan.

Chairman Pinadella

- So we don't have to take any formal action on this just wait until Tuesday.

Township Planner, Blais Brancheau.

- Yes
- This is scheduled for June 13th we can do it at the next works section, June 11th.

Chairman Pinadella

- As far as I am concern this is fine to go through the way it is?
- The Board agreed with the ordinance as it is written
- I am asking this because I want to ask the Board a question.
- I had asked Blais all the items in the OS that need to be 75ft height, and I had suggested to him and I just want you to think about it.
- Do we really want 75 ft. height office buildings in this zone?
- As far as I know, we only have two locations that have 75 ft. height buildings; the Marriot and the office building across the street that was never built.
- The question is; do we want to allow other than Hospitals and Hotels 75 ft. buildings any zones.
- I am only asking this because it sounds like we are starting to get more urban than we should rather than staying suburban.

Township Planner, Blais Brancheau

- The only problem that I have with that; is that if we are going to allow for a hotel is hard to justify, you have to set back further or you have to move lower.
- When they are driving by they are not going to care whether or not people are sleeping there.

Member Glawe

- Doesn't want the 75 ft. buildings as it is getting too urban.

Member Byrne

- If you are going to allow a 75 ft. Hotel you might as well allow at 75 ft. office Building.

Township Planner, Blais Brancheau

- If we hadn't agreed to a 75 ft. Hotel then we would've probably kept it at 45 ft.

Member Ferramosca

- I'd stick to Hotels and Hospitals for this reason. I wouldn't want us to get brought into a situation where we would have high density housing.

Mayor Francioli

- We are going to have another hotel. The Marriot in that area is 75ft. height.
- Then we have residential in the Parsippany side.
- To John's point we get the hotel that is not and issued but the height is.

Chairman Pinadella

- All I'm asking from the board is how you feel about it.
- I don't want to change the ordinance; do we amend it at some future period?
- Blais is there anywhere else in town where we automatically allowed 75 ft.?

Township Planner, Blais Brancheau

- Yes, the OBRL zone where Barclays' is.
- Allow up to 100ft. in some zones, 75 ft. in others and 45 ft. in others.

Chairman Pinadella

- I am going to suggest that we look at it at a later date.
- I think that the ordinance is good as it is to get the airport through.
- The question is how quickly we want to become Newark or Paterson.

Board

- Will look at it at a later date.
- Let the ordinance go through as written.

6. Discussion – Retail Sign Regulations - Blais Brancheau

Township Planner, Blais Brancheau

- Gave the board a redlined first draft.
- I made significant changes and I was guided by a couple of principles.
- One was; we have a great variation in retail signs and regulations depending upon the zone.
- Secondly, this board and the board of adjustment have been very flexible with our existing regulation which indicates to me that you didn't really think of regulations where appropriate.
- We discussed this in the past and said let's take a look at and be more consistent with what we say and what we do without letting it get away from us.
- Redline shows what has been added and removed.
- Explained how he came up with the ordinance.
- This ordinance would reduce some but not all the variances that were granted for that.
- I'd like to review what's been added and that I took.
- I look at exhibit A, the retail regulations; it is primarily intended for retail.
- If it's black it is the existing regulations in the B 10 zone being on Ridgedale Avenue in Cedar Knolls.

Chairman Pinadella

- It's interesting because in crossings We thought we had solved out problems for signs

Member Byrne

- Had asked for 4 but we cut it back to 3.

Township Planner

- I have the existing regulation in each zone and the table I gave to you before so if you have any questions please let me know.
- This covers all the main zones that allow it
- If it is red it is being amended and it is black it is already in the DMB10 and I will become the rule.
- Signs for retails sales and retail uses.
- I think that we all pretty much know what retail sales uses are.
- Retail services are a little fuzzier.
- Retail service we already have defined in the code.

- It is defined as a business establishment primarily engaged in services and sales of merchandise to the general public for household use. They include but are not limited to eating and drinking places hotels, banks recreating centers, health care centers etc.
- Some retail service establishments may also sale merchandise such as a restaurant of beauty salon where sales are part of a service or accessory.
- It talked about permitted types.
- Everybody gets wall signs.
- You only get a free standing sign.
- In other zones for allowed content we only allow the shopping center name itself.
- In the other sections it is talking about the wall signs and the quantity.

Member Byrne

- Do we define a street as an internal roadway?
- Or would you define an internal roadway as a street?

Township Planner, Blais Brancheau

- There are some private streets, usually it's a driveway
- I supposed it varies its own lot.

Member Byrne

- It gets confusing.

Chairman Pinadella

- Didn't we just allow the bank to have it because of the sign in the driveway and the street sign?
- And Shoprite, didn't we give them; 3 signs one on each side because of the driveway and the street?

Township Planner, Blais Brancheau

- We did.

Chairman Pinadella

- So maybe what we want to talk about is that if it's a driveway strictly a driveway with no parking on it, you can't get to a parking space from the driveway, you have to pull off into a parking area, and then we can then consider that as an internal roadway.

Township Planner, Blais Brancheau

- Okay so I would change that to say form a public street; internal driveway.

Chairman Pinadella

- Which would have to be defined so they understand; as an area that strictly lets the traffic in or out of the location.

Member Byrne

- Feels that allowing 3 walls signs are too many.

Member Nardone

- If you limited to 2 signs it doesn't matter a variance would still be needed.

Board

- Let's allow 3 wall signs

Township Planner, Blais Brancheau

- If it faces the street or driveway.
- I am happy to make it 2 if Board agrees to it.

Member Ferramosca

- The flipside of it is National entities as opposed to no name pizza place it a trade off by allowing the signs we have.

Board

- The board agreed to allow the 3 wall signs.

Member Byrne

- Agreed to leave it at 3 signs.

Member Nardone

- When there is a local symbol AT&T, IHOPE, etc, how does that get incorporated into these dimensions?
- How are we going to deal with that.

Township Planner, Blais Brancheau

- Gave an overview of how the area is calculated.
- Explain how the logo is part of a sign.
- You're talking about dimensions and we will talk about that later.

- The way we currently calculate area, is the rectangle that encloses the sign and its back figures.
- In some cases that results in a much larger design that it really it's apparent to look at.
- If that is a concern to the board then I would suggest we do; we could modify the general rule of how to calculate the general area of a sign.
- For example; differentiate the sign with a logo, or differentiate the upper case vs. the lower case letters in the same thing, to say the rectangle enclosing the upper case letter and the rectangle enclosing the lower case letter you can do a number of things like that to be a little more accurate to what the real area of the sign is.

Member Ferramosca

- Reviewed hand drawn diagrams to question Blais on how to calculate the different signs.

Chairman Pinadella

- Bob asked a question before and the question is; does the logo become part of the sign?

Township Planner, Blais Brancheau

- It depends.
- A logo is part of a sign as far as if the logo is adjacent to the sign; it reads as part of the sign. It's one sign with letters and a logo.
- If it's by itself it's just a sign.
- If it's separate from text of the sign then; it's two signs a text sign and a logo sign.
- I can't really say how far apart that has to be.
- You can't define it.

Member Ferramosca

- The signs become pieces of the architecture; it's not just a plywood board.
- So if you want to use a logo with your brand or a logo alone I say we give them a certain square footage on the face of the building.
- They understand the competitiveness of building signage.

Board

- I think that you're on something.
- Let's look at page 2 now, the first one on the left, I have a 24 ft. wide wall for my store so I can have a 50 % of that equals 12 ft.
- So are you saying that; you can have a sign of 12 ft. and you can have a logo of a percentage?
- How do you come up with the percentage?
- You can have a logo that would be 25 % of that same area?
- Is that kind of the concept?
- It's kind of where you are going as long as it's capsulated in the gross square footage of the cap sign coverage.

- You can have your 12 ft. wall sign a logo and a print.
- So what you are saying is, you can have your 12 ft. wide sign and you can put anything you want in that 12 ft. sign but that's all you are going to get there.
- How does that compare with what you say in Parsippany?
- Give them an area within reason.
- Blais and Ferramosca summarized where we are at.
- So the sign it's proportion to the size of the building, and or front store space.

Township Planer, Blais Brancheau

- I am proposing to eliminate entirely the vertical dimension regulations.
- I am saying what would constrain you if it were adopted; would be the horizontal dimension you can't be more than 50% of the width of the store front and the area requiring so within that, you can have a lesser width and a greater height or a greater width and a lesser height, your choice but you can't exceed the area and you can't exceed the width.

Board

- How are you figuring the area?

Township Planner, Blais Brancheau

- 5 % of the facade or up to 400 sq. ft.
- This is why some that we have already approved will comply and some will not.
- To give you some examples; the wall sign that we approve in the 10 or so projects that I worked on; exceeded a width of 50 ft., everyone would comply with horizontal dimensions required.
- If you looked at the area we go from some signs were as small as 24 sq. ft. the Lowe's sign was 894 sq. ft.
- I also looked at them as a percentage of the façade and most are below 5%.
- So I capped at 4%.

Board

- Every time I passed the pearly whites building, Brian's old building, did we okay those signs?
- They conform.

Township Planner, Blais Brancheau

- The way this is currently written the beginning of this section talks about the principle of identification signs.
- When we wrote the regulations for the OBDS zone we also allowed what was called secondary signs.
- Wegmans had a couple of signs, they has to be smaller.

- We allowed 1 per façade up to 3 per building facing the street, facing the driveway partly, that's what was said.
- For that main sign; that is what that is talking about. For the main building again this isn't for everybody but for larger buildings DOC buildings.
- I have separate regulations for secondary signs.
- Bottom of page 6, you got 50,000 sq. ft. or greater like Lowe's among others, they are allowed secondary signs.
- This later section talks about secondary signs

Chairman Pinadella

- So what we are saying is that; for principal signs it's one sign 5% of the area of the wall that it's on.

Member Ferramosca

- The width can't be greater than the path of the width of the wall and the sign area cannot be more than 5%.

Township Planner, Blais Brancheau

- Correct.
- Paragraph 7 one change here.
- Maintain a unifying element and at the same time give the developer flexibility to specify how I am going to unify this element.
- In a multiple story building the area is calculated only off the 1st floor or ground floor.
- In the case of a building with a parapet you're allowed to go pick a number 20ft. high of store front maximum anything higher than that we are not going to use it.

Board

- Board wants to add first floor only cap height used for calculation.

Mayor Francioli

- What do we want to do with digitized animated signs?
- How do we feel about that?

Township Planner, Blais Brancheau

- We don't allow that.

Mayor Francioli

- We don't allow on retail stores?

Chairman Pinadella

- You see a lot of those small deli's specially for the lottery and it shouldn't be allowed

Mayor Francioli

- I'm more concern with taking what we've just said with the sign ordinance which is the key signs to the brand and it gets animated or something.

Township Planner, Blais Brancheau

- The regulation 141C no sign should be ignited by means by flashing, fluctuating, changing or intermittent illumination.
- No sign shall be illuminated, changing content except for gasoline prices signs.

Freestanding Signs

- Reviewed allowable quantity and land requirements for allowing a freestanding sign.

Township Planner, Blais Brancheau

- Different zones allow different things.
- Depending upon the zone whether or not you can have a freestanding sign or not.
- If you can have one this tells you; how many, how big, the setback, how high, etc.
- The ordinance would allow one sign per driveway if it provides access to the property from a public street, but no more than 2 per frontage for the entire property.

Chairman Pinadella

- Shouldn't there be a distance between those?

Township Planner, Blais Brancheau

- There isn't
- We can talk about whether there should be.

Chairman Pinadella

- The question is; there's to driveways coming off Public Street they're within 25 ft. to 30 ft. of each other, why do we want to allow a sign for each one?
- How do we feel about it?
- It seems to me that we have to figure it out what's reasonable distance between the driveways on the same public street.
- If it's greater than 200 ft. we allow 2 signs in each driveway, if it's less than 200 ft. then you're only allow 1 sign to the side of the street.

Board

- The illustration is look at QuickCheck across the street. They can have their driveways spread out.
- However they can have their driveways jammed at the corner and say I want 2 signs.
- Here we have separation which works to our advantage.

Township Planner, Blais Brancheau

- Right now you can't have signs without 200 ft. of frontage.
- I'm saying that maybe a spacing requirement of 100 ft. would work.

Board

- Okay so let's start with 100ft.
- Sounds reasonable.

Township Planner, Blais Brancheau

- The idea of shared free standing signs came up with the business 52 and capital grill.
- Generally the bigger the development the bigger the freestanding sign.
- Only if within the OBDS zone can have a 30 ft. sign everywhere else a 20ft sign.
- No changes on the sign setbacks in the areas where required and the setback varies depending on the sign location.
- Secondary signs we talked that already.
- Aging it only advises you can allow secondary signs 2 % of the wall area and up to 100 sq. ft. maximum.
- Window signs haven't changed.
- We allow directory signs and voting based signs and other signs in the DMB 10, we don't allow them in the S zone.
- If you are not a retail service or sales you are then allow signs permitted for the industrial zone.

Board

- Wants the ways signs are measured is how they should continue to be measured.
- If a sign faces a residential zone must be on ground floor.
- Everyone is in agreement with the changes.

Chairman Pinadella

- My suggestion, let's try to pay attention to the ordinance and if we are going to grant a variance for a sign then it's have to be realistically needed because of some strange condition otherwise let's try to stick with the ordinance that we have asked Blais to create for us.
- They want to be in this town, they will follow the standards we have.
- I thinks what Blais is trying to do is eliminate variances by doing this.

- I think that we have to think of the fact that we don't want to give variances unless there's an absolute requirement.

Mayor Francioli

- I fully agree with what we are trying to do but I am saying; don't complicate the process any more than we have to but yet at the same time get the desired results that we want.

Board

- Do we have any restrictions for the road signs that people put saying going out of business, do we have the authority as town to say Public works to go out and take them down?
- You can't touch going out of business, bankruptcy signs.

Township Planner, Blais Brancheau

- We do have some regulations.

Mayor Francioli

- We limited signs for announcing, new opening, grand opening, etc.

Township Planner, Blais Brancheau

- We all know that all the hotels want to put their sign on top of the building.
- This is kind of silent on that and I want to know what your feelings are at that.

Board

- We don't have a problem with that as long as they follow all the other standards.
- I think for a hotel that is beneficial.
- Do we have a restriction on that?

Township Planner, Blais Brancheau

- I don't think we do.
- The current regulation in the zone and this ordinance says that identification signs should not exceed the height of the ground floor wall.
- That would mean you cannot put it on the 10th floor.

Board

- As long as they follow the requirements, let them put it wherever they want.
- We may have some buildings with some on the top, some in the bottom.

Township Planner, Blais Brancheau

- With that for example I may be sitting on back yard and there is a sign that is light up all night.

Board

- You brought up a point.
- In the event that the hotel is adjacent to borders residential property they can't have the sign facing the residential property.
- What if it's across the street?
- What is the process?

Township Planner, Blais Brancheau

- IF you are to allow a hotel across the street from a residential zone to face the street the sign would also have to face the residential zone.

Board

- Well then keep it however way you have it.
- But if you are not in residential zone and you are in Rt. 10 go at it put your sign wherever you want as long as you follow ordinance.

Chairman Pinadella

- The answer is if it faces the residential zone then keep it on the ground floor.

7. Other Business

Mayor Francioli

- Discussed Hillsdale Presbyterian Church.
- I was approached by Hillsdale Presbyterian Church.
- They have 3 lots.
- They are presently only using 2 lots.
- They have a 3rd lot that they want to sell, Gene is aware of this.
- They were told that they no longer have 3 lots but one major lot.
- Therefore if they want to sell a piece of it they'd have to come in for a variance.

Chairman Pinadella

- They'd have to subdivide and sell, in my opinion I am not an expert on it but the way I see it is they would have to come and subdivide the lot that they want to get rid of and then sell it.
- In doing that they would have to make sure that the remaining lots accommodate the structure that is going to be left on it so it meets the requirements, or they are going to have variances all over the place.

Mayor Francioli

- I understand and what you are coding.
- But let's say that I am a contractor, a developer and I own all those 3 lots, in case I own all 3 of those lots; I lost all my lot lines?

Township Planner, Blais Brancheau

- It depends.
- It's partially sensitive let's put it that way.
- If you had two adjacent lots;
 - A) They are undersized
 - B) Or at least one is vacant, or both are vacant
 - C) They will receive subdivision approval before the
- But if they are subdivide after that we would have to look into it and see was it approved under the assumption that they were fitted as one lot in the past?
- When was the last create it?
- Is the parsonage separate from the church and has it really been treated separate over all?
- Those are things we would have to look at to decide if it has to get a subdivision approval or not.

Chairman Pinadella

- Whether it meets it or not whatever is left still has to meet the requirements.

Mayor Francioli

- Under the assumption that if they are telling me that all 3 of their lots meet are conforming but they are using 2 of them.

Chairman Pinadella

- But if the structure fits in the 2 lots.

Mayor Francioli

- But they want to sell the third.

Township Planner, Blais Brancheau

- We require 5 acres for houses of worship, so I'm going to guess that they may violate that but they a probably grandfathered.

Mayor Francioli

- What is the suggestion then?

Township Planner, Blais Brancheau

- That I talk to them.

Chairman Pinadella

- They should come in and talk to Blais, whom ever you are talking to should come in and talk to Blais.
- They need to come in and talk to the planner, it's a complicated situation.
- They may have no problem at all, but he can guide them with what is necessary.

Township Planner, Blais Brancheau

- I think we can get them an answer fairly quickly.
- We will look at the deed.

Chairman Pinadella

- There was an article in the paper May 17th, come to conclusions of the long lottery numbers?

Township Planner, Blais Brancheau

- Gave an update on affordable housing.
- The court approved our proposed settlement and directed the township to adopt the housing brand as well as ordinances, once that is all done then we'll get final approval subject to an appeal by the objector; they can get very far, this court could choose to take it to higher level.
- We've been directed to prepare the documents with the adoption.
- That still has to get done.

Mayor Francioli

- Gave an update on status of Whippany Fire House ownership/sale.
- The fire company will be announcing that they are selling, the company is selling the holdings to the district for whatever sum of money inclusive of the cell tower that will now be under the ownership and control of the Fire commission.
- What does that do?
- That answers to the attorney general's request that only the district can bond, the Fire Company couldn't bond.
- I give them the green light to go for their county bonding, which I think is great.
- That is occurring and with that as well because as the district and a public entity they are going to now officially claim to the bond they attorney general's said that they must also put it on a ballot for public questioning in that district.

Chairman Pinadella

- How about the sell Whippany in village completely?

Member Ferramosca

- Have not heard anything official.
- On the way.

Township Planner, Blais Brancheau

- The application for Pine Plaza to subdivide.
- The whole purpose of the subdivision is because of New Jersey laws on soil elimination, ground elimination, the laundry that was there in the past apparently has some contamination and because it places a restriction on the entire property the subdivision is to make the residential portion of the future building a separate property so it's not help up by that municipal law.

Chairman Pinadella

- How far does that go? Not forgetting the subdivision.
- The whole development of that.

Township Planner, Blais Brancheau

- We've executed contract for the area near the elements.

Chairman Pinadella

- For the whole Pine Plaza?

Township Planner, Blais Brancheau

- Yes.

Chairman Pinadella

- So officially what happens with it then?

Township Planner, Blais Brancheau

- If after a public hearing with this board, it is found to meet the state criteria for area and development, this board would recommend the governing body formally designate it.
- Then the governing body does so then in preparation the governing body starts the preparation of the redevelopment plan.

Mayor Francioli

- I think it's going to be a win, win Pine Plaza.
- We've been talking to brokers for years that have been trying to work with these two owners for years, now it looks like it hit right where we wanted to hit.
- Mixed use, retail, rentals above, possible market units, etc.

8. **Adjournment**

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

All present in favor to adjourn the meeting.

Meeting Adjourned at 8:53 PM

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