

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
October 23, 2017**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, October 23, 2017 at 6:30p.m. in the Municipal Building located at 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael DeAngelis – Chairman
Mrs. Jane Margulies – Vice Chairman
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. John Buchholz

Members Absent:

Mayor Mark Taylor
Mr. Gary Feith
Mr. Joseph Guerin
Mrs. Anne Maravic
Mr. Martin Valenti 1st Alt)

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Mr. Robert Michaels, Borough Planner
Mr. Justin Marchetta, Esq. Board Attorney

Statement of Adequate Notice:

Mr. DeAngelis issued the following statement:

“I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Board by preparing a notice, specifying the time, date and place of this meeting; posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Borough forwarding the notice to the Florham Park Eagle, and forwarding, by mail and fax, the said notice to all persons on the request list, and that said notice will be included in the minutes of this meeting. This action is in accordance with N.J.S.A. 10:4-6, et seq., “Open Public Meeting Act.”

Site Plan Waivers:

none

On a motion duly made and seconded the meeting was adjourned at 6:30 p.m.

October 23, 2017

Marlene Rawson
Board Secretary

Extension of Approval Request:

8. **S.A. Realty, LLC**
29 Hanover Road
Block 201, Lot 13

Application # 06SP-1 & 10SP-8

Applicant is requesting an extension of previously granted approvals for the construction of various improvements. Carried from the September 11, 2017 meeting.

Jane Margulies recused herself from the hearing.

Steve Schaffer, Esq. represented the applicant. He reviewed the prior testimony from September 11, 2017. He stated that at the conclusion of the testimony of the last meeting, Mayor Taylor wanted to know what environmental issues remain on the property.

Jeff Campbell, of Peak Environmental was qualified as an expert and sworn in. He is a professional geologist and site environmental professional. He has been involved at this site since 1994.

He explained that they are currently in the post remedial monitoring phase. It came under environmental evaluation at the time of the sale. It was inappropriate to transfer property due to the environmental issues and they needed to be managed. The law needed to be followed regarding the soil excavation and drywell. The groundwater needed to undergo active remediation and underwent vapor extraction and requires constant monitoring.

The active remediation is done and they have reduced the counts from the in-ground water from 100,000 parts per billion to 100 parts per billion. The contaminated soil has been removed. There is no offsite groundwater contamination.

The protocol is natural attenuation. It requires periodic testing. The situation is improving but it takes a long time because it is a slow process. There has been interior sample testing of vapors and there is no contamination present. There is no health hazard and no risk to the building occupants.

They have met the remediation goals of the DEP. The Response Action Outcome is the closure document for a remediation project in New Jersey that states that the goals have been met.

The Remedial Action Report documents what was done and how it was done and is attached to the Response Action Outcome and is filed with the DEP. The Response Action Outcome is planned for the 1st quarter of 2018 to the DEP.

The funding source is a trust account that is set up to assure that the money is in place.

A-1: BNY Mellon Bank financial statement showing a balance of \$213,374.00.

A-2: Fidelity statement showing a balance of \$118,440.00.

Jeff Campbell stated that these funds are adequate to get to completion.

The Response Action Outcome is the monitoring phase which is where the property is at currently. It is in place for the next 20 years and requires no action. They are satisfied with the environmental conditions. The planned addition is not in the area of contamination.

Mr. DeAngelis asked what the standard is and Mr. Campbell said the standard is 1 part per billion.

Mr. Cannilla thought that there was soil contamination under the building. Mr. Campbell said they checked and they could not find a pathway out of that room. It could be that the soil vapor numbers are elevated in that part of the building.

Mr. Cannilla asked why they are not actively treating it since they know it is there.

Mr. Campbell said that the data shows that the ground water is clean. The wells are clean. Also the ground water is 30 feet below grade and it will not reach the surface.

Mr. DeAngelis asked if they chemically treated the area, could they get to a "one (1)"? Mr. Campbell said that in theory, yes, but the cost benefit makes it not worth it.

Mr. DeAngelis verified that the seller would get all the leftover money returned to them at completion. Mr. Campbell also confirmed he makes the decision on the course of action taken. He said that the plume is moving in the golf course direction and not towards residential areas. If it ever gets close, they would need to manage it.

Mr. Schaffer stated that it is governed by the DEP. There are 26 wells that are monitoring it and Mr. Campbell would know if it was creeping closer. The groundwater naturally flows towards the golf course and the contamination is degrading faster than the groundwater is moving. He noted that it was industrial solvents that were the source of the contamination.

Mr. Buchholz said that he understands that plumes travel in one direction and will dissipate in time. The only issue he sees if it gets near the pond, it may possibly affect wildlife.

Mr. Campbell again reiterated that it is 30 feet below the ground and would not interact with the surface.

Mr. Cannilla thought that a heavy rainfall could push it closer before you know it. He feels that they should have a better way of getting rid of it, especially if there are opportunities to do a better job.

Mr. Schaffer said that it is degrading faster than it is moving. It has been stable and the conclusion is that it will not move. He noted that the neighboring properties are aware of the plume and they signed an access agreement. He continued that there are levels and protocols that are being followed and licensed professionals involved who make these decisions with regard to any action to be taken.

Several Board members continued to show concern about the plume.

Mike Sgaramella reviewed that the RAO will be issued in early 2018. The project will end when the numbers are below the DEP standard.

Board Attorney Justin Marchetta asked if this affects the site plan.

Steven Schaffer stated that while he understands the concern, it has no connection to the site plan for an addition that is not in the area of concern. This is an application for an extension of that approval and that they want the right to continue that approval.

Mr. Marchetta concluded that it does not appear that the environmental issue has any connection to the extension of a previous approval and the Board should not tie that aspect to it.

Mr. Buchholz added that the nature of the use will not worsen the situation.

Mr. Campbell stated that samples are submitted annually to the DEP although he admitted that there have been gaps in the submittals. Mr. Schaffer noted that if the results are troublesome, that would be a trigger for action.

Mr. DeAngelis asked if the seller is present.

Kelly Buckley, who was previously sworn in, reminded the Board that she was hired by the owner in June. She has a background in industrial environmental issues and was concerned about the LSRP associated with the property. She explained that Jeff Campbell works for the seller and he had the information that she and the owner needed. They are not concerned and there are no flags from the DEP. They are comfortable with the situation and do not consider it an issue. The levels are naturally getting lower and there is a monitoring process in place.

Mr. Cannilla said that he is disappointed that the seller will only do as much as he must do as per the DEP. He hopes that there are no more gaps in the reporting.

Mr. DeAngelis said that S.A. Realty is a good business in town and we value the fact that they are here but this is concerning to us.

Ms. Buckley agreed that Mr. Lapp is a very good property owner and he was very concerned about this. It was a real point of contention when they purchased the property.

There were no questions from the public.

Mr. DeAngelis again asked Mr. Marchetta if the Board has any legal standing with respect to the environmental issue. Mr. Marchetta said that there is no legal standing.

Mr. Buchholz recommended that there be better reporting and a second opinion. Mr. Schaffer and Ms. Buckley said they would take it under advisement.

Mr. DeAngelis asked for a motion.

Mr. Buchholz made a motion to approve the extension of approvals request, second by Mrs. Cefolo-Pane
Roll: On a roll call vote all members present and eligible voted to approve the request

Break: 8:00pm-8:10pm

Amended Site Plan:

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| 9. | <u>Crescent Center Associates</u>
184 Columbia Turnpike
Block 801, Lot 3 | <u>Application #17SP-6</u>
sign variance |
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Applicant is seeking approval for sign improvements. Mrs. Cefolo-Pane recused herself from this hearing.

Elliot Warm, Esq. represented the applicant. This is for an additional ground sign as well as some changes to the existing ground sign. The variances are for setback, height, and area. They do not think a variance is needed for the names of tenants, but will request it, if needed. Several years ago the shopping center underwent a facelift and they want more attractive signage to match the updated façade.

A-1: existing sign – proposed

A-2: new proposed sign

Jim Henry, Engineer and Planner, was sworn in. The existing sign on Columbia Turnpike side is to be upgraded and the inside post will be removed to create more area. It is set back much further than required. They considered moving it closer but it would compromise adjacent uses. It is not changing dimensions but will removed the center column so the area has increased slightly. They will reduce the height by 4 feet.

The north shopping center has poor visibility to Columbia so additional signage is needed. The new sign will be located slightly north to the shopping center entrance. This location was chosen after input from Borough Professionals.

The new James Street sign is consistent with other signage in the downtown area. Signage is critical on the James Street side of the shopping center. They will need to eliminate a parking space for the new sign. They also need increased sign clearance of 6 feet to allow for visibility because of vehicles parking adjacent to the sign. No tree removal is needed. The sign will have a 5 foot setback.

The existing sign at Columbia Turnpike has an area of 139.91 square feet and is proposed to be 151 square feet. The height will be reduced by 4 feet. The new, proposed sign on James Street is 121 square feet and will be 17 feet high. It is also in the setback. There is a need for the variances for this sign.

Both signs will match. They will be internally lit by LED lighting. They will be decorated with dentil moulding. The Crescent Plaza name will be on the top and there will be a brick base. There are several extra panels that will be available if a space becomes divided. The letter height is what is recommended by the General Traffic Engineering standard.

Mr. Sgaramella agrees that the sign is out of the sight triangles. There is no tree removal associated with this application. He asked if the width could be 12 feet.

Jim Henry stated that the lettering is consistent with the shopping center signage in the area. They have more tenants than other shopping centers so they need more space.

Bob Michaels stated that if individual names are going on the sign, then that is also a variance. Mr. Warm stated that the notice covers that variance.

Mr. DeAngelis asked if the brick center post on the existing sign can be removed. Mr. Henry agreed to remove it.

It was brought up that the bank on the end of the shopping mall requested and received a second sign that faces James Street. Their reasoning was the distance from Columbia Turnpike. The Board asked if the sign would be removed if a second ground sign is approved.

Board Attorney Justin Marchetta said that if the sign was permitted by a variance then that is a prior approval and he does not believe that it can be made a condition of approval for this request.

Both Mr. Henry and Mr. Warm agreed that if the bank lease terminates, they can remove the sign. In the meantime, they can ask the bank tenant (M&T) if they will remove the sign.

Mr. DeAngelis said that since this is a variance, can we require that they remove it, or not allow their name to be on the monument sign?

Bob Michaels responded that the Board cannot control the content of the sign.

Mr. Warm said that in the case of the bank tenant, the bank tenant was the applicant. The shopping center owner is the applicant in this matter.

Mr. Cannilla thought that the street number should be included for easy identification.

Mr. Henry reviewed the request as a planner. He said the Columbia Turnpike sign needs variances for height and area. The James street proposal needs height, area, and setback variances. There is a hardship in that the unique shape of the property makes it impractical to have compliant signage that is effective. There is poor visibility which calls for a larger sign. The proposed James Street sign needs to be higher due to the existing conditions.

Mr. Henry said that a C-2 variance can also be granted on the grounds that there are benefits such as upgraded technology with LED lighting, and they will improve the aesthetics by installing more attractive signage.

There is no detrimental impact to any properties and it is consistent with what exists on other shopping center properties. It will not impair the zone plan because he believes that the sign standards are meant for single tenant properties and not multi-tenanted properties. It will improve safety and visibility in the area.

There were no comments or questions from the public. Mr. DeAngelis said they are a good business neighbor.

Mr. Cannilla said that he would like to see the site plan revised to show the shopping cart corrals for the next application.

Seeing no other comments or questions, Mr. DeAngelis called for a motion.

Mrs. Margulies made a motion to approve the application, second by Mr. Cannilla

Roll: On a roll call vote all members present and eligible voted to approve the application

On a motion duly made and seconded the meeting was adjourned at 9:00p.m.

Marlene Rawson
Board Secretary

October 23, 2017