

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
May 7, 2018**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, May 7, 2018 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
Mr. Gary Feith
Mr. Joseph Guerin
Mr. Dave Roberts (1st Alt)

Members Absent:

Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. John Buchholz

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Mr. Robert Michaels, Borough Planner
Mr. John Inglesino, 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 6:35p.m.

May 7, 2018

Marlene Rawson
Board Secretary

**Borough of Florham Park
Planning Board
Regular Meeting Minutes
May 7, 2018**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, May 7, 2018 at 6:35p.m. in the Municipal Building, located at 111 Ridgedale Avenue, Florham Park, New Jersey

1. Call to Order.
2. Adequate notice has been given in accordance with the Sunshine Law.
3. Announcement – There will be no new testimony after 9:30 p.m.

Members Present:

Mr. Michael DeAngelis – Chairman
Mrs. Jane Margulies – Vice Chairman
Mr. Gary Feith
Mr. Joseph Guerin
Mr. Dave Roberts (1st Alt)

Members Absent:

Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. John Buchholz

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Mr. Robert Michaels, Borough Planner
Mr. John Inglesino, Esq. Board Attorney

Approval of Minutes:

11. Approval of minutes from the April 23, 2018 meeting.

Mrs. Margulies made a motion to approve the minutes, second Mr. Feith
Roll: On a roll call vote all members present and eligible voted to approve the minutes.

Resolution of Approval:

7. KBS II 100-200 Campus Drive, LLC
100 Campus Drive
Block 1201, Lot 7

Application #18SPW-8
Collectar Biosciences

Applicant is seeking approval for a change in tenancy

Mr. Feith made a motion to approve the resolution, second Mrs. Margulies
Roll: On a roll call vote all members present and eligible voted to approve the resolution

8. **23 Vreeland Venture, LLC**
23 Vreeland Road
Block 301, Lot 13

Application #18SPW-9
Alzheimer's Association

Applicant is seeking approval for a change in tenancy.

Mr. Roberts made a motion to approve the resolution, second Mrs. Margulies

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

9. **Pulte Homes of NJ**
86 Park Avenue
Block 1401, Lot 1.06

Application # 17SP-3 & 17MSD-2
preliminary and final site plan

Applicant is seeking approval for the construction of a 425 unit age-restricted residential community.

Mr. Guerin made a motion to approve the resolution, second Mrs. Margulies

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

11. **70-76 Passaic Avenue, LLC**
Florham Park Sports Dome
Blocks 4202, Lots 4 & 5
Block 42, Lot 8 (Chatham)

Application #15SP-2 & 17SPW-7

Applicant is seeking a one year extension of previously granted development approvals.

Mr. Guerin made a motion to approve the resolution, second Mrs. Margulies

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

Major Subdivision:

10. **Remo DiPopolo**
251 Brooklake Road
Block 2009, Lot 1

Application #18MSD-1
major subdivision
R-15 Zone

Applicant is seeking approval for a 2 lot subdivision with variances.

Carried from the March 12, 2018 meeting without further notice or publication.

Steven Schaffer, Esq. represented the applicant. The following exhibits were marked in:

A-4: corrected addendum to application

A-5: letter to John Inglesino supporting case law example

John Inglesino wanted more information on the case law example on unique characteristics that was discussed at that last hearing. The response letter is noted as Exhibit A-5.

Mr. Schaffer stated that Fred Meola completed a tree inventory and plan. He will apply for a tree removal permit.

At the initial meeting, a few neighbors voiced concerns about the application, particularly Charles Malone who also submitted a letter outlining his concerns. The applicant wrote a response letter and the Board members have copies.

Mr. Schaffer pointed out that it is important to note that the Applicant has met with Mr. Malone and his attorney, and those concerns have been resolved.

Mr. DiPopolo amended the plans. The tree removal is now shown. The driveway is now a side load and not a circular driveway. The patio, if constructed, will be placed in the rear of the home, and not the side. The sidewalk area will be regraded so that no retaining wall is needed.

Fred Meola, Engineer, also reviewed the changes and also said the utility connections are shown and the electric will be underground. All four sheds currently on the property will be removed.

There is currently a small retaining wall about 100 feet long that will also be removed. The property grade will be raised. Mike Sgaramella agrees that it will be an improvement. He said that the tree replacement number is 167.

Gary Feith asked if they will install a fence on the property line where it abuts open space. The applicant does not intend to fence the boundary. He stated that the property slopes slightly from Brooklake Road to the open space.

The meeting was opened to the public.

Donna Vespa, Brooklake Road. She clarified that the sheds that are to be removed are partially on her property. She commented that she was not invited to the neighbor meeting.

Tony Vespa. He stated that he sold the back property to the town and he too, wanted to subdivide instead. Mr. DeAngelis reminded him that comments must wait until the applicant is finished presenting the application.

Adam Lederman, 4 Burnside. Asked if they will be planting 167 trees on the property.

Mr. Meola said that most likely not. They will pay into the tree bank. All trees will be assessed for replacement purposes. Diseased or dead trees do not have to be compensated for.

Steve Schaffer also said that they will need a temporary easement to be granted so that they can access the Vespa property in order to remove the sheds. Mrs. Vespa agreed to that.

Peter Steck, Planner for the Applicant, was sworn in. He stated that he was not present for the March 12, 2018 meeting because he had not yet been hired by the applicant. Mr. Schaffer reminded the Board that the outcome of that meeting was that planning testimony was needed to hear the positive and negative criteria.

A-6: Planner Handout

Mr. Steck said the subject property has a 100 foot wide width, but substantial depth. The existing home is located on the northerly end of the property. The property slopes slightly to the south. The application has been amended to place the driveway on the right side of the proposed home, and to be compliant with the tree plan.

Variances are needed for lot depth and rear yard setback.

Mr. Steck continued that this is an unusual lot for this zone. It is close to an acre in size and very deep. It is situated on a fully improved street. The Master Plan stated that lots in the R-15 zone are recommended to be 1/3 acre in size on a 100 foot wide lot.

Mr. Steck contended that both a C-1 and C-2 variance can be applied. The C-1 variance is a hardship variance. He stated that it is a vastly oversized lot that is easily accessed by extensive road frontage. In addition, two sides are bordered by open space owned by the Borough and also the Board of Education. He said that practical difficulties prevent the property from being used to its potential because of the shape of the property.

The C-2 variance is also suited to the application which the Board may be more comfortable with. It is based on benefits vs. detriments. The plan encourages appropriate land use and densities. The function of a rear yard would be to allow for rear yard activities such as play areas, pools etc. It is a more efficient use of land and better to have houses facing houses instead of rear yard activities facing the front of homes. It will create a desirable visual environment and public benefits associated with that.

The 22 foot rear yard setback abuts open space and it will not appear that there is a deficiency. No pool is planned. There is adequate buffering that is provided by the protected open space. The lot is still oversized and larger than other improved lots in the street. Mr. Steck contended that the benefits outweigh any detriment to the public good.

Mike Sgaramella suggested that the Board may wish to have a split rail fence installed separating the rear yard from the open space. Steve Schaffer stated that his client will do what the Board wants.

Mike DeAngelis did not feel that the Board should get involved in fence requirements. The lot is wooded and any potential encroaching by the applicant would be difficult.

Bob Michaels reminded the applicant that even the installation of a deck will create the need for another variance. Only a patio would be possible and it must comply with the ordinance. A shed of less than 100 square feet is also possible.

John Inglesino was not convinced that there were proofs to support a C-1 variance.

Steve Schaffer stated that there are unique characteristics that inhibit the extent that the property can be used.

Peter Steck said that the shape of property causes practical difficulties and he cited case law. It is an irregular shaped lot that is very long. Also the vacation of the Burnside Avenue extension took away some development rights. There was more discussion as to whether a C-1 variance is appropriate.

John Inglesino challenged that assertion and said that the subdivision itself is what is creating the hardship. He is concerned that claims of hardship and efforts to demonstrate a C-1 variance could be used in future applications and cases. He said that it makes better sense and the Board may feel more comfortable with a C-2 variance.

The meeting was opened to the public.

Tony Vespa. He stated that he too wanted to subdivide his property. He agreed to sell it to Florham Park to maintain open space. Maybe the town can buy this lot from this new owner.

Steven Azzolini, Esq., Attorney for Charles Malone. He said he enjoyed the debate and it is an interesting issue. Attorney Steve Schaffer is accurate in said that there was a conversation between his client and Charles Malone. It was a productive meeting and the concerns of Mr. Malone were addressed. He wants to confirm that any patio that is put on the side must be screened and would like that to be a condition of approval.

Mike DeAngelis felt that the application can stand on a C-2 variance but not a C-1 variance. He noted that Mr. and Mrs. Vespa were compensated for their land by the town and his claims are not relevant in this case.

Mr. Inglesino stated that is correct. He reviewed the conditions.

- Elimination of the retaining wall
- Remove 4 sheds, and obtain temporary easement for this purpose
- Restore, grade and seed property where sheds are removed
- Any side patio to be screened.
- Side load driveway (on plan)
- Home must meet ordinance criteria

There were no other comments. Mr. DeAngelis called for a motion.

Mrs. Margulies made a motion to approve the application based on C-2 variance criteria, second Mr. Guerin.
Roll: On a roll call vote all members present and eligible voted to approve the application

Ordinance Review and Referral:

11. #18-9: MF-9 Multifamily Residential Zone (2 Vreeland Road)
- #18-10: MF-8 Multifamily Residential Zone (215 Ridgedale Avenue)
- #18-11: MF-6 Multifamily Residential Zone (147 Columbia Turnpike)
- #18-12: Amending Improved Lot Coverage for R-7 Zone

Bob Michaels explained that these draft ordinances were discussed by the Planning Board at a recent meeting and prior to introduction. There have been no changes.

Mr. DeAngelis made a motion to authorize the Attorney to draft a letter to the Governing Body indicating that the ordinances are consistent with the Master Plan, second Mrs. Margulies.

Roll: On a roll call vote all members present and eligible voted to approve ordinance endorsement and referral.

John Inglesino informed the Board members that the Borough is in discussion with a developer that is interested in the ASCO property on Hanover Road. The name of the developer is Erickson Living and they are a developer of continuing care retirement communities. Currently they have properties in Pequannock and New Providence and they are the contract purchaser of ASCO, 50-60 Hanover Road.

The Council suggested that a joint meeting of the Planning Board and the Borough Council be scheduled in order to discuss the potential redevelopment of this site and for Erickson Living to present their use and business plan. This will be a public meeting. A PILOT program is being contemplated and could result in a substantial financial contribution of \$1.9 million per year to the Borough.

John Inglesino stated that he has been involved in a number of these redevelopment applications and is quite experienced at them. He requested that the Board Secretary arrange this meeting for a date in June.

Seeing no other business to come before the Board, Mr. DeAngelis asked for a motion to adjourn.

On a motion duly made and seconded the meeting was adjourned at 8:15p.m.

Marlene Rawson
Board Secretary

May 7, 2018