

**Zoning Board of Adjustment
Regular Meeting Minutes
January 16, 2019**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening January 16, 2019 at 7:00p.m., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael Cannilla, Chairman
Mr. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Rick Zeien
Mr. Jason Jensen
Ms. Elizabeth Roseman (1st Alt)
Mr. Ted Trautman (2nd Alt)

Members Absent:

Mr. Brian O'Connor

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney
Mr. Michael Sgaramella, PE, Board Engineer
Ms. Katherine O'Kane, PP, Board Planner

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 7:00p.m.

Statement of Adequate Notice:

Mr. Cannilla 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 of 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 the N.J.S.A. 10:4-6, et sec., "Open Public Meetings Act."

Re-Organization:

John Novalis, Chairman of the Nominating Committee nominated Michael Cannilla as Chairman and Jeffrey Noss as Vice-Chairman for 2019. There were no other nominations.

Re-Organization Resolutions of Approval:

1. Scheduled Meetings for 2019

Mr. Zeien made a motion to approve the meeting schedule for 2019, second by Mr. Jensen
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

2. Retaining of Board Secretary

Mr. Zeien made a motion to approve Marlene Rawson as Board Secretary for 2019, second by Mr. Novalis.
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

3. Retaining of a Board Attorney, Planning Consultant, and Engineer

Mr. Zeien made a motion to approve Kurt Senesky as Board Attorney for 2019, second by Mr. Noss.
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

Mr. Jensen made a motion to approve Harbor Consultants as the Planning Consultant for 2019, second by Mr. Zeien.

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

Mr. Zeien made a motion to approve Michael Sgaramella as Board Engineer for 2019, second by Mr. Trautman.

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

C-Variance:

4. **Joseph DeFillippes**
20 Brooklake Road
Block 4101, Lot 28

Application # BOA18-14
R-15 zone

Applicant is seeking approval for building height, building coverage, lot coverage in connection with a detached garage.

Applicant has requested to be carried to the February 20, 2019 meeting with no further notice or publication.

Mr. Cannilla stated that if the applicant does not appear on February, 20, 2019 and elects to carry the application to a future date, public notice will be required.

Mr. Zeien made a motion to carry the application to February 20, 2019, second by Mr. Novalis.

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

Use Variance, Preliminary & Final Site Plan:

5. **Artis Senior Living**
301 Columbia Turnpike
Block 1602, lot 5

Application #BOA17-13
use, preliminary & final site plan
R-25 zone

Applicant is seeking approval for an assisted living facility.

Kate Coffey, Esq. of Day Pitney represented the Applicant. She gave a brief overview of the evolution of the application and stated that it remains a facility that will have 64 beds.

The application has been revised to extend and lengthen the deceleration lane and access point more to the east. The revised plan has been vetted and comments received by the County Planning Board, the Borough Engineer, Police Chief, and Fire Review Committee.

The improved lot coverage will increase to 43.9% to 44% due the change of widening the access lane from 18ft. to 21ft as per the Fire Department. Revised plans will be submitted to reflect this. Professional

review letters have been received from the Board Planer (1/13/19), Board Engineer (1/14/19), Board Traffic Engineer (1/14/19), Police Chief (1/7/19), Fire Department (1/10/19).

Gary Dean, traffic engineer for the Applicant, remained under oath. He stated the plans will be revised to incorporate the latest comments. He stated that the building has been made smaller and bed count has been reduced from 72 to 64 in response to concerns over intensity. This change will result in fewer employees and visitors.

A-6: site layout exhibit #1 (1/16/19)

The major change to the plan is the access to the site. They have met with the County on this. The original access was on the western edge of the parking spaces closest to Columbia Turnpike. This was previously approved by the County Planning Board. The Police Chief had concerns over the length of the lane and asked the County Planning Board to re-look at the plan. As a result, vehicles heading east on Columbia Turnpike will move out of the thru lane and flow into a longer exit lane and into the site. The entrance has now relocated that to the eastern edge of the parking space row

There will be five vehicles per hour that will use this deceleration lane into the subject site at its peak use. Normally a deceleration lane would not be necessary due to the low volume use. In an effort to provide the highest degree of safety possible the applicant has worked with Borough Professionals and the County. Because there is no shoulder on this roadway and site line concerns, the new deceleration lane has been lengthened to 200 feet which meets the County standards. The taper to get into the lane is 183 feet which does not meet the County standards of 250 feet. The width of this lane is the same as a thru lane on Columbia Turnpike.

Mr. Noss confirmed that there was no response from the neighboring property owner regarding purchasing some of that property. Ms. Coffey stated that they have reached out several times but have gotten no response.

Mr. Cannilla stated that the required length of the taper is a concern and due to the speed limit on the roadway and is surprised that the County varied from their standard.

Gary Dean responded that they have County Planning Board approval even on the original plan. Mr. Cannilla stated that it was his understanding that the County Engineer never saw the original plan. Mr. Dean stated that he met with Mr. Vitz who is the County Engineer. He has every reason to believe that Mr. Vitz saw the plan. The "no right turn" on Elm Street created the need for this. The County would have preferred to have no access from Columbia Turnpike and rather have access via a right turn on Elm Street.

Kate Coffey stated the current proposed plan has been reviewed by the County Engineer and approved by him.

Gary Dean stated that the entrance to the deceleration lane is visible to a vehicle wanting to move into the lane. They have made the condition safer and there is no more room to make any longer. He noted that the facility is a low traffic user.

Mr. Noss felt that site limitations still exist.

Gary Dean said that traffic conditions during the times that visitors would actually arrive at the site are very different than rush hour.

Gary Dean continued that the frontage along the road and on Elm Street in that area will be improved to 30 feet and signage added to clarify that the deceleration lane is for the site only. A guide rail will be installed between Columbia Turnpike and the deceleration lane. This must be approved by the County. They will comply with the comments in the review letter of Joe Fishinger, Borough traffic engineer.

John Novalis asked about signage. Mr. Dean said that there is a no right turn sign on Elm Street when exiting the site and the exit is angled towards the left. John Novalis asked if they ever considered having the entrance to the site on Elm Street and accessible by Ridgedale Avenue to Elm Street. There is very little traffic that will visit this site. Gary Dean responded that they were not comfortable designing a project that puts more traffic on Elm Street.

Rick Zeien asked how many vehicles will enter the site each day. Gary Dean replied that there would be 187 trips or movements per day (both in and out) with the 72 bed design. This revised plan will be slightly less due to less beds and this will equate to about 85 vehicles that would be visiting the site.

Rick Zeien commented that making a left turn out onto Columbia Turnpike from Elm Street is not safe. Gary Dean replied that it is a permitted movement. He added that the medical shifts for this facility would be 7am-3pm, 3pm-11pm, 11pm-7am so they are off peak, with 7am being the busiest period.

Jason Jensen asked who would maintain the deceleration lane. Gary Dean replied that it would be either the County or the Applicant. Mr. Jensen thought that the turning radius would be tricky for trucks. Gary Dean said there is discussion on widening that area.

Joe Fishinger, Borough Traffic Engineer, said that the proposed taper length meets the State requirement of 180 feet. They the state standard is based on the speed limit. He noted that the county standard length is 250 feet for a taper.

Jeff Noss was still concerned with the limited vision in the vicinity and said that it is the big issue with the site.

Kurt Senesky asked if the deceleration lane could be widened. Gary Dean said it is at 12 feet now and they could made it the full length. Joe Fishinger did not see an issue with that although it would create more improved coverage.

Gary Dean said that the plan changes the parking space count since they lost a space. There are 32 spaces required and they are now providing 39 spaces.

Mike Sgaramella noted the site distances are unaffected and could even be improved by cutting the vegetation.

They will have testimony on the Planner review and the fire department review at the next meeting. It was noted that a fire truck turning template was submitted and they are able to navigate into the site.

Jason Jensen asked about the fire trucks making a left into the site from Elm Street. They responded that it will be discussed at the next meeting.

Elizabeth Roseman asked about the parking spaces closest to the deceleration land, and the nearest parking space to Columbia Turnpike. She asked how fast someone would be traveling once they were in the deceleration lane. Gary Dean said that he estimates it would be 20 mph.

Mike Cannilla asked if those 4 parking spaces can be removed since they are over on parking and banking them. They are so close to the deceleration lane. Gary Dean said that he would take it under advisement. Also the handicapped space appears to encroach into the loading zone.

Katherine O'Kane stated that the loading zone can be cut back because it exceeds the required length.

The meeting was opened to the public.

Bryan Cave, 58 Elm Street. Asked why Elm Street should be widened to 30 feet as requested by staff? It was stated that the current width is about 26 feet. He asked how far from Elm Street is the entrance to

the site and how far back they would widen the street. He asked what they would do with regard to landscaping at the corner of Elm and Columbia.

Gary Dean said that the entrance to the site is 40 feet from Elm Street. The Borough has a design standard of a 30 foot roadway. They would widen the street to approximately 10 feet from the southernmost driveway. The corner would be left lawn and unobstructed. He said that there is no right turn onto Elm Street and they will add supplemental signage.

Bryan Cave. How will a driver be able to exit the deceleration lane to stay on Columbia Turnpike if they inadvertently enter it?

Joe Fishinger said that signage should be added to identify the deceleration lane as a private driveway as well. Also, the no right turn sign for Elm Street will be specifically identified as Elm Street.

Patricia Ingber, 46 Elm Street. She asked where the sign would be that indicates no left turn into the site from western bound traffic. Drivers may confuse that and think that no left turns onto Elm are permitted.

Gary Dean responded that supplemental signs will be added, and facilities like this one have repeat visitors and employees so they will be aware.

Patricia Ingber asked about employees using public transportation.

Mike Sgaramella stated that there is no convenient transit stop along that stretch. In addition the applicant testified that no employees will take public transportation.

Patricia Ingber said her recollection was that there would be employees who would use public transportation.

Mike Cannilla also expressed concern about the separation distance between the entrance to the site and Elm Street. They should have 50 feet and they have 40 feet.

Mike Sgaramella stated that standard is for an active street. In this case, they can't make turns on Elm Street.

There were no other questions or comments.

Ms. Coffey stated that they would like to be carried to the February 6, 2019 meeting without further notice.

Mr. Zeien made a motion to carry the application to February 6, 2019, second by Ms. Roseman.

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

General Discussion:

Mr. Cannilla and the Board Attorney Kurt Senesky reviewed certain protocol as it pertains to hearings on applications. Mr. Senesky reminded Board Members that it is important for any concerns or problems that a member may have concerning application to be made part of the record. Mr. Cannilla stated that an applicant must be made fully aware of issues that are problematic for a board member so they have the opportunity to make modifications. The record must be very clear on this.

Mr. Senesky also reminded Board Members that an active application cannot be discussed outside of the meeting with the public. He especially advised members not to comment on social media.

On a motion duly made and seconded the meeting was adjourned at 8:45p.m.