

**Zoning Board of Adjustment
Regular Meeting Minutes
January 2, 2019**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, January 2, 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. Brian O'Connor
Mr. Jason Jensen
Ms. Elizabeth Roseman (1st Alt)
Mr. Ted Trautman (2nd Alt)

Members Absent:

Mr. Michael Cannilla, Chairman (left at 7:10pm)

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney

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."

Approval of Minutes:

Approval of Minutes from December 5, 2018 Meeting.

Mr. Zeien made a motion to approve the minutes, second by Mr. Novalis.

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

Resolution of Approval:

- | | |
|--|---|
| 1. <u>Antonio Badim & Lisa Marie Nobre</u>
72 Edgewood Drive
Block 2408, Lot 17 | <u>Application # BOA18-16</u>
R-15 Zone |
|--|---|

Applicant is seeking approval for excess lot coverage to construct an in-ground pool, concrete decking and shed.

Mr. O'Connor made a motion to approve the resolution, second by Mr. Zeien.
Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

Minor Subdivision, D-Variance, Preliminary & Final Site Plan:

- | | | |
|----|---|--|
| 8. | <u>U.S. Northeast Properties</u>
119-121 Columbia Turnpike
Block 2001, Lot 7.01 & 7.02 | <u>Application # BOA18-9</u>
PB-2 zone |
|----|---|--|

Applicant is seeking approval for a minor subdivision, a one story medical office building, and a two story mixed use building containing medical offices and a physical fitness center.

Carried from the November 7, 2018 meeting without further notice or publication.

Mike Cannilla recused himself from this application.

Steven Azzolini, Esq. represented the applicant.

John Novalis asked if they ever researched the drainage issue that was a concern for a few neighboring residents. Mr. Azzolini responded that the applicant is willing to scope the drain as a condition of approval. He added that the drain is in the Borough easement and not on the applicant's property. It is the Borough's obligation to maintain it.

Anthony Facchino, Engineer, stated that the proposed plan will reduce the improved coverage, not worsen it. But he agreed that if approved they will scope it and repair it if needed.

Mike Sgaramella, Board Engineer, said that the property owner owns the detention system and the inlet pipes. If there is a problem in the town pipe, the Borough will repair it.

Dr. Peter Salas, principle of U.S. Northeast Properties, was sworn in. He said that he purchased the property in 2008 and gave a brief review of the previous site plan and subdivision approval that was granted. He did not proceed with that approval, and he could not find a suitable user for the restaurant.

Dr. Salas gave a description of the proposed surgery center and how it will function. There is a 4000sf operating room. There are office visit spaces. The center will see 20-40 patients per day on average. There will be 8 employees and the hours are 9am-5pm, Monday to Friday. Deliveries are typical small size vehicles such as UPS, FEDEX, and USPS. There will be a private trash hauler and there will be medical waste pick-up twice a month.

Dr. Salas said the second building is a 2 story building that has 6200 sf on each floor. There will be a health and fitness center on the first floor. He is looking for a tenant. It would be a membership only club in addition to a physical therapy area, chiropractic care, and rehabilitation. He expects it to be a high end, low volume hybrid of a fitness center. There may be yoga classes and health training. Hours of operation are expected to be 5am to 11pm. The peak hours are 7am-9am, and 5pm-7pm, and he expects 30 people during those times. There are 10 employees total. There will be no prepared food; only vending machines.

The second floor will consist of medical office only. He is currently negotiating with an oral surgeon who may possibly occupy the entire second floor.

The traffic engineer testified that there is 126 shared spaces. The proposed uses have different peak times and he said that the number of spaces will be sufficient.

Kurt Senesky asked Dr. Salas if he will need to tenant agreements before he begins the project. Dr. Salas responded that he will not wait for tenants. He intends to construct both buildings simultaneously.

Lance Blake, architect, was sworn in. He stated the surgery center is 10,000sf and has a porte-cochere. There is a full basement and main level. The surgery area will be 4000sf. The remaining space will have exam rooms and staff rooms. The building is 27 feet high to the cornice.

John Novalis noticed that there is a second set of windows and asked if they are above the ceiling. Mr. Blake stated that the ceiling is 12 feet high. The windows were installed above the ceiling so that the building looks compatible with the second building that has a second story. However, he confirmed that this building is only one story and they will not put a second story on, or they would need to return to the Board.

Lance Blake said that the second building also has a full basement. There is a first and second floor but no floor plans have been finalized yet. The building is 29 feet to the cornices and 35 feet to the ridge of the roof.

Lance Blake continued that the exterior of the buildings will be finished with cast stone in a two tone color. There is a variance needed for wall mounted signage.

A-4: exterior rendering of porte-cochere and sign.

There are two ground signs proposed. They are proposed to be 8 feet high and 24 square feet in area. A variance is needed for the two building mounted signs. The building mounted sign over the medical office building would be over the porte-cochere and will follow the radius. There is also a building mounted sign proposed for the second building that will be 2'5" x 12'6". The building mounted signs are internal to the site and will face each other. These are internally lit signage.

The Town Center Task Force recommended large evergreens to soften the facade but the applicant contends that they are not needed.

There were no further questions from the professionals, board or the public.

Paul Phillips, planner, was sworn in.

He stated that the project is in need of a D-1 use variance. The property is located in the PB-2 zone where office and medical are permitted, but health and fitness centers are not permitted.

He said that the former restaurant has been vacated because no user was ever found. That also was permitted by a variance since it is not a permitted use in the zone. It is a large site at 2 2/3 and in a prominent location. The bulk of the project will be a conforming use. The fitness center is small at 6200 square feet and will focus on physical therapy and rehabilitation services in addition to a membership only health club. He said the site is large enough and this will be complimentary to the medical use. It will also produce a desirable visual environment.

Regarding negative criteria, it is far away from the residents, the lighting will now be lower and shielded. The neighbor to the south east will be landscaped. All lighting other than security lighting will be turned off at closing.

Most of the bulk variances were previously granted. The parking lot stalls will be 9 x 18ft which are large enough. The landscape buffer is required to be 30 feet and it is 19 feet by the dumpster and 9 feet in the rear. That is an existing condition. They need a variance for the dumpster in the front yard. It will be screened with a 6 foot fence which also requires a variance.

The overall improved coverage will be made better. The signage needs a variance to permit 24 sf, however, it will comply with the height. They need a variance for wall signage, but it is interior facing.

The cross access parking will work because there are no common peaks in traffic. These are all C-2 variances because they are better for zoning. Both the conforming uses and the non-conforming use are complimentary.

Katherine O’Kane, Planner stated that she agrees with the planner’s testimony. The sign is in a conforming location.

Steve Azzolini stated that the office building that is next door wanted a fence between the properties to deter anyone from using their parking lot. His client does not think that is necessary.

The meeting was opened to the public.

Katherine Haber, 123 Columbia Turnpike said that they do want a fence because parking is a problem. People will park there if they miss the building that they intended to be at. She noted that there is no definitive tenants so parking could potentially be a problem. She stated that they want a 6 foot fence the entire length of the property line. They need all of their spaces for their own uses.

Mr. Senesky said that her comments are valid and the applicant should provide this benefit to that property.

Mr. Azzolini replied that the office condo could have the cars towed if they use that parking lot. Mr. Senesky asked why it should be their responsibility to police their parking lot and Ms. Haber agreed.

Peter Salas said that the entrance will be well marked and the public will not inadvertently drive by.

Katherine O’Kane stated that certain types of landscape shrubbery such as holly bushes can deter anyone from crossing through. However, it was stated that the landscaping will not stop anyone if they need a parking space.

Mr. Azzolini asked for a break to confer with his client.

After conferring with his client, Mr. Azzolini said that they have agreed to install a 4 foot, black chain link fence for 230 feet along the western property line.

Mr. Noss asked if they will install the fencing both on the side and in the rear, prior to construction. Mr. Azzolini said they will agree to do that.

Mr. Novalis said that he is pleased with the proposed project.

There were no other questions or comments from the Board or the Public. Mr. Azzolini stated that they are done with presentation and asked for a vote.

Mr. Zeien made a motion to approve the application, second by Mr. O’Connor.

Roll Call: Zeien, yes; O’Connor, yes; Noss, yes; Novalis, yes; Jensen, yes; Roseman, yes; Trautman, yes.

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