

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

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, October 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. Brian O'Connor  
Mr. Ted Trautman  
Mr. Matt Engel (1<sup>st</sup> Alt)

**Members Absent:**

Mr. Jason Jensen

**Also Present:**

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

**Approval of Minutes:**

Approval of Minutes from October 2, 2019 Meeting.

Mr. Zeien made a motion to approve the minutes, second by Mr. O'Connor.

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

**Use Variance, Preliminary and Final Site Plan:**

**ASCO, L.P. Emerson**  
160 Park Avenue  
Block 1401, Lot 3.02

**Application #BOA 19-13**

Applicant is seeking approval to install an above ground fuel oil tank to replace a former underground tank.

John Dusinberre, Esq. represented the applicant. The request is to permit a 12,000 gallon diesel fuel above ground oil tank on the site. Since there are limited engineering and site plan issues, Michael Tobia will opine on the application.

His witnesses tonight are Michael Tobia, Planner, William Ammon, PE, and Greg Volz of ASCO.

Michael Tobia was sworn in.

A-1: Power point presentation

Mr. Tobia described the location of the site. It is to the rear of the Park Avenue extension in a remote location to the east of the Jets facility and west of Rt. 24. They have 400 employees on the site. The building is used for office, laboratory and research testing. ASCO is in the business of switches and valves.

The work area is behind the building.

There is an underground fuel storage tank that is being removed. Inspections have revealed that there is water infiltration on the double walled tank and they have elected to remove it from the ground as a safety measure.

There is an existing bunker area that is surrounded by a 16 foot high concrete retaining wall with a safety fence on top. It is gated and locked. This area is used to house three generators. One generator is being decommissioned and will be removed. The fuel is used to power these generators.

Currently they are using a tanker truck as a temporary fuel source. This has been cleared by the Florham Park Fire Department.

They opted to go with an above ground fuel tank because of the ease of maintenance, leak detection, and it will not rot like underground tanks. The new tank will be placed where the generator was that is being removed.

They chose diesel fuel because it is non- flammable, like home heating oil. Natural gas heats the building currently. The underground storage tank and removal of the tanker truck storage will be within 6 months of the installation of the above ground tank.

The use variance is only due to the ordinance prohibiting above ground storage of fuel. This is likely an antiquated ordinance that has not been updated in decades. Circumstances have changed through the years, and the industry advocates for above ground fuel storage.

Regarding visual impact, the front yard requirement is 150 feet. Adjacent land uses quite a distance away. Residential land uses such as Carrigan Lane are 660 feet away, Burnet Road is 733 feet away, Madison Commons is 917 feet away and the Pulte Del-Webb site is 531 feet away. One quarter of the site is located to the west, and it is all wooded. This is a completely isolated location and impossible to see from outside the site.

Planning proofs include power loss protection. Generators promote the public good to keep everything working. This will power the entire building and people will be able to stay. It meets the suitability test in that the location is ideal and it is near the generator so it can be monitored.

Safety features include automatic shutoff, fire extinguisher, hydrants lights, fire truck access, and will be constantly monitored. There is no visual impact. They have been in contact with the Fire Department and fire code requirements will be met.

Mike Sgaramella stated that the fire department has reviewed the plan is acceptable. He said the choice of diesel fuel versus natural gas should be addressed.

Mr. Tobia said that the DEP allows this to be underground but it is easier to monitor when it is above ground and it makes better sense.

Katherine O'Kane stated that her concerns have been addressed. She asked about power to the entire building. The applicant stated that they want the ability to power the entire building and keep everyone working. If this was denied, they would need to use a tanker truck in the short term.

Rick Zeien stated that there is lots of buildable property on the site and asked if there are plans to expand. Michael Tobia stated that there are no plans to expand and build. If they did, there are ten acres of land could be used and far away from the bunker site.

Kurt Senesky asked if the DEP has site requirements. Michael Tobia responded that there is and the process of removing the tank will take six months to comply with that. He added that the tank in the ground holds 15,000 gallons. The tanker truck holds 2,700 gallons. This proposed tank will hold 12,000 gallons.

The size of the proposed storage tank is 27 feet long and 6 feet high. John Dusinberre said that the fire department report will be complied with.

The meeting was opened to the public for questions.

Bill Zuckerman, 12 Keyes Street. He wanted to know why they chose diesel rather than natural gas.

John Winters, 32 Brooklake Road. He wanted to know why they did not do this at the time of their move to this site.

Mr. Engel confirmed that when the underground tank is removed that the hole will be filled as per any DEP requirements.

Greg Volz, Vice President of Engineering was sworn in. He said that the business is 100 years old and specializes solenoid valves to be used in a broad range of applications. He concurred with Mr. Tobia's testimony.

Mr. Volz said that they did consider switching to natural gas but the gas line feeding heat to the building would need to be replaced with a much larger line and they had a budget to stick to. The existing generators were operational. Diesel fuel can generate the power level they need in a very compact footprint. A natural gas unit would be much larger and would not fit in the generator bunker. In addition, they would need a new gas line.

ASCO is a world company with global clients and generators needed to power the computers and ultimately support their business during an outage. The generators cannot be retrofitted due to the construction of the generators.

Ted Trautman asked how many kilowatts per generator and they stated 1100 KW per generator.

Jeff Noss asked who occupied the building before they moved in. They stated that AT&T and it was their data center. They had computer servers and they needed the generators for that. The generators have been there quite a long time.

Ted Trautman agreed with the choice of diesel power. He said it is common to use diesel generators with data centers and noted that the businesses in downtown Manhattan use them as well.

Mr. Volz added that the building size is more than adequate for their needs and there are no plans to expand to the west. He confirmed that the fuel tank would have a hard line to each generator.

Matt Engel asked about the generator noise. Mr. Volz said that there is automatic testing on the generator. The testing is approximately once per week and lasts 23-30 minutes. The bunker walls are concrete and combined with the dense landscape, the noise is dissipated in the woods.

Mr. Cannilla agreed that diesel fuel is more effective in high usage applications. He added natural gas generators are fairly efficient up to 125 kilowatts but beyond that, they do not perform as well.

Mr. Volz also said that another advantage of oil is that it is off the grid and does not rely on electricity.

John Dusinberre summarized that there are no adverse impacts to this request. Mr. Senesky noted that the application is exempt from Morris County Planning Board approval.

There were no comments.

Mr. Cannilla confirmed that the underground tank will be removed and the area will be restored to a natural condition. The removal of the tank will be done within six months of the completion of the conversion to diesel fuel. They will comply with the comments of the professionals. He suggested a walk-through by the Florham Park First Aid Squad.

He asked for a motion.

Mr. Zeien made a motion to approve application, second by Mr. Trautman

Roll Call: 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 8:00p.m.

Marlene Rawson  
Board Secretary

October 16, 2019