

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
September 23, 2019**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, September 23, 2019 at 6:30p.m.in the Municipal Building located at 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael DeAngelis – Chairman
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. Gary Feith
Mr. Joseph Guerin
Ms. Kristen Santoro (1st Alt)

Members Absent:

Mrs. Jane Margulies – Vice Chairman
Mr. John Buchholz
Mr. David Roberts

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Ms. Katherine O’Kane, 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:

Florham Park Fitness
187 Columbia Turnpike
Block 1901, Lot 2

Application #19SPW-17

Applicant is seeking approval for the expansion of an existing fitness center.

Gregory Meese, Esq. represented the applicant. Anthony Cuppari, owner of Florham Park Fitness, was sworn in. He explained that they are currently operating in an 8000 square foot space on the lower level of the shopping center and would like to expand into an additional 6800 square foot space. This new space is also on the lower level and directly across the open courtyard from their current space.

Mr. Cuppari stated that they opened in 2004. They have a front desk person and 2-4 trainers on staff at a given time. There are no new employees to be added to the staff as a result of this application. The current business model is a conventional gym with machines and various exercise equipment. They want to utilize the new space for a more performance based training model for the student athlete. This training requires more space for sprints, pushing sleds, ropes, etc. It will not involve any added exercise machines.

When asked about the number of members, Mr. Cuppari stated that he currently has about 600 members enrolled. He noted that while that sounds like a lot of members, it is quite typical for a gym of this size. He added that in the gym model business, only 5% of the membership use the gym on a regular basis. People sign up but they do not come. The average number of people actually utilizing his gym at any given time is only 5-15 people. Most of the personal training is one on one and they want to expand their small group training. Small groups are up to six people with a trainer.

The hours of operation are 5:00 a.m. to 11:00 p.m. (Mon-Thurs), 5:00 a.m. to 10:00 p.m. (Fri), and 7:00 am. To 7:00 p.m. (Sat, Sun). They are proposing two signs; one on the directory board located on the main level, and one over the entrance door that is on the lower level.

Utilization of this new space will be for organized training only. This will be scheduled by appointment with trainers. It will include small group training sessions. They are focused on attracting student athletes of all ages.

Mr. Cannilla wanted to know how he is doubling his space and not adding employees. He thought that he will need to hire more staff. Mr. Cuppari replied that his current staff of trainers is not that busy and they can definitely take on more members. They can handle a large increase.

Mr. Cannilla wanted to know what the end game is. Mr. Cuppari stated that the end game is that he would like to increase his student athlete membership by offering more personal training, plus speed and agility training. He would like to move away from the conventional gym model and knows that he will likely lose some members. The most amount of people working out in the new gym at any one time would be 6 people. The new space will not have a desk person.

Mike Sgaramella asked about peak times. Mr. Cuppari said that the peak training time for student athletes would be after school between 3:30pm and 9:00pm. The lunch hour is the slowest time for his business.

Mrs. Cefolo-Pane confirmed the location of the space to be across the courtyard and is in the lower level of the adjacent building. There will still be some empty square footage available.

Katherine O'Kane asked when students come now. Mr. Cuppari replied that they are usually there after 3:30. He said that this time does not change, even during the summer months. When asked about his membership model, Mr. Cuppari said that he would like to expand on the personal training and possibly team training, and move towards members paying for classes or block of classes.

Mike Cannilla said that Mr. Cuppari wants to grow the business, but a future owner may have a different business model. Katherine O'Kane asked how often a student athlete will train and Mr. Cuppari replied that he expects that to be three times a week.

Mr. Sgaramella reported that the onsite parking requirement would increase to 342 of 353 available spaces with this use. Board members discussed the parking variance that was granted for this shopping center in 2004. They have concerns because the business uses in the mall have changed through the years. They believe that a greater parking demand has been created due to the transition away from retail to more service oriented businesses. This was not contemplated during the 2004 approval.

Greg Meese stated that this is not an intensive use. The Board should feel comfortable with this use and believes the testimony of Mr. Cuppari shows that this is a good fit for the shopping center. He said that shopping center owner is mindful of the Board's concern and has worked hard to find a use that works well with minimal impact. Mr. Meese said that there is not a parking problem on the site and has been there many times during the lunch hour and there are always spaces. He stated that it is a vibrant downtown center that speaks well of Florham Park.

Mark Taylor agreed that it is vibrant and is pleased about the success of the downtown. However, he still is frustrated about the parking and constantly receives complaints.

Dean Donatelli stated that it is clear that the Board is having difficulty with the uses and asked if Mr. Meese would be willing to present testimony on all the current uses, square footages and how they comply with the parking variance. Mr. Meese replied that they submitted a tenant list with square footages and parking requirements. Mr. Meese replied that all the uses in the shopping center are permitted uses, including this one. They are in compliance with the 2004 variance. He does not think that his client should have to bear the cost of additional studies.

Mike Cannilla stated that the mix of uses must work with what was originally approved. Katherine O'Kane added that the parking ordinance includes that the sum of parking for each use must be counted. Greg Meese replied that it would be more because a variance was granted for the shopping center. He stated that the shopping center has many business uses that peak at different times. This is what makes the parking at the shopping center work. A busy time for one use is offset by other uses that are slow at that time and busy during a different time. This current tenant is looking to spread out to an extra space and he is surprised at the Board's resistance. Greg Meese believes that the Board is trying to undo the previous parking variance.

Mike DeAngelis said that after this use, there will be no parking left for the remaining unoccupied space. Mike Cannilla asked if they will still comply with the parking requirement with this use. Mr. Meese stated that they would. Mike Cannilla thought that even the current space should be now subject to the new parking requirement. This would increase the overall parking requirement to 148 spots. He stated that even if they do not subject the current space to the new parking requirement, there would only be 11 spaces left for the empty square footage. He also thinks that the members will utilize this gym more than what they currently do.

Mayor Taylor also stated that a delivery truck for the pizza place is using the walking aisle between the building as a delivery area and he wants it to stop.

Dean Donatelli reiterated that the Board seems to want planning testimony on the uses today and if they are the similar to what existed in 2004 when the variance was granted. Mr. Meese stated that they are all permitted uses. Dean Donatelli replied that the Board feels that the scope of the variance has exceeded over time.

Mr. Cuppari said that lunch hour is busy in the center, but it is the slowest time for his business. Mike Sgaramella asked him if he would ever need 80 parking spaces, or would 33 spaces be enough. Mr. Cuppari said that he would never need 80 spaces. At their peak hour there are only 12-15 people in the gym. He said that 33 spaces is the absolute most he would need during his peak time.

Mr. Cannilla asked if he would be willing to limit the number of people in the facility. Mr. DeAngelis and Ms. O'Kane stated that this is unenforceable.

Mrs. Cefolo-Pane confirmed that they would not add anymore more machines but spread the existing machines out in the current space. Once the training is done with machines, that group would go and utilize the new space for performance training. Mr. Cuppari confirmed that and stated that the only growth in membership would be student athletes. This would not impact the number of trainers he would need. Mr. Cuppari said that he cannot pack people in for the performance training. They need ample space to spread out. He could not have a lot of people.

Mr. DeAngelis stated that if he had 40-50 people coming to the fitness center, it would be a problem and they would need more employees.

Ms. Santoro asked if they will offer boot camp training for adults. Mr. Cuppari replied that they currently do and they would also be able to use that new space for that purpose. That type of training involves 4-6 people and is at night or early in the morning.

Mr. DeAngelis asked if we do not count the original space under the new parking requirement, do they comply with the parking. Dean Donatelli said that they would comply in that case. He said that the position that the Board seems to be taking is that the uses are different from what existed when the parking variance was granted and outside the

scope of the variance and the new requirement should apply. The applicant is of the position that all the uses are permitted therefore it does not matter. Dean Donatelli said that the applicant should present expert planning testimony to support this.

Mr. DeAngelis agreed.

Greg Meese asked for a break to confer with his client. Upon returning, he requested that the application be carried to the October 21, 2019 so that they can further research the issue and explore their options.

Mr. DeAngelis called for a motion.

Mr. Cannilla made a motion to carry the application to the October 21, 2019 meeting, second by Mrs. Cefolo-Pane Roll: On a roll call vote all members present and eligible voted to carry the application.

On a motion duly made and seconded the meeting was adjourned at 8:10p.m.

September 23, 2019

Marlene Rawson
Board Secretary

**Borough of Florham Park
Planning Board
Regular Meeting Minutes
September 23, 2019**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, September 23, 2019 at 8:10 p.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
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. Gary Feith
Mr. Joseph Guerin
Ms. Kristen Santoro (1st Alt)

Members Absent:

Mrs. Jane Margulies – Vice Chairman
Mr. John Buchholz
Mr. David Roberts

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Ms. Katherine O’Kane, Borough Planner
Mr. Dean Donatelli, Esq. Board Attorney

Approval of Minutes:

1. Approval of minutes from the August 19, 2019 meeting.

Mr. Guerin made a motion to approve the minutes, second by Mr. DeAngelis
Roll: On a roll call vote all members present and eligible voted to approve the minutes.

2. Approval of minutes from the September 9, 2019 meeting.

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

Site Plan

FloPark Associates
182 Ridgedale Avenue
Block 1902, Lot 1

Application #19SP-3 & 19SPW-13

Applicant is seeking approval for parking lot modifications and a change in tenancy for a fitness center (Orangetheory Fitness).

Applicant requests to be carried to the October 7, 2019 meeting without further notice or publication. Mr. Guerin made a motion to carry the application to the October 7, 2019 meeting, second by Mr. Feith. Roll: On a roll call vote all members present and eligible voted to carry the application.

Concept Review:

9. LCS Florham Park, LLC (Life Care Services)

The Green at Florham Park
Block 1401, Lot 1.05

Nicole Magdziak, Esq. represented the potential applicant. The location of the project is at the Green at Florham Park. It is the last lot to be developed. It is currently approved for 300,000 square feet of office space. The request is to subdivide the lot for a senior residential rental community that will be comprised of independent living, assisted living and a memory care unit. It is not officially a CCRC (continuing care retirement community) as described in the NJ Statutes.

The remaining 130,000 square feet of office space will remain in the ownership of Rock GW. Ms. Magdziak gave a brief review of the 2006 GDP amendment and 2019 GDP extension that was granted earlier this year.

A-1: concept site plan and subdivision

It was clarified that this is a concept review of the plan only. The purpose of this is for feedback from the Board.

Mr. Cannilla thought that the Master Plan discouraged any further multi-family housing. Katherine O’Kane replied long term care and assisted living is not multi-family housing. Senior housing may be considered separate from considered multi-family housing. She wants more details about the plan.

Lee Lyles, Vice President of LCS was sworn in. He stated that the company was established in 1971. They are the third largest operator of senior housing in the United States (150 communities in over 40 states). What is being proposed here is a rental community with three levels of care. This is slightly different than a continuing care retirement community.

It is a different business model than an Erickson Community that involves a large entry fee and a monthly fee. Residents here sign a lease, pay a monthly fee, plus a service fee. There is no HOA fee. It is a high end facility. The minimum entry age is 62 years. One partner must be at least that age. It is a lease set-up. There is adequate parking for residents and visitors. They are licensed by the State of New Jersey for assisted living and memory care. They are a “for profit” entity and this development will create 100 jobs.

Mr. Lyles stated they are concentrating on east coast construction. They have a CCRC facility in Ocean County that they operate and the Delaney project that is under construction in Bridgewater NJ. The Delaney project is very similar to what is being proposed here. They contract with a private ambulance service for EMS response. The Florham Park Fire Department has already reviewed the preliminary plan. Mr. Cannilla asked if they would still have traditional 911 calls. Mr. Lyles said they would but they will have 24 hour, 7 day a week nursing staffing. One licensed nurse will be on staff at all times, plus vocational nurses and nursing aides.

Katherine O’Kane asked if the independent living units will have a portion designated as low/moderate income (COAH). Mr. Lyles replied that they will comply with the 10% Medicaid obligation for assisted living and memory care units as per NJ state regulations. They will not offer affordable units in the independent apartments. Katherine O’Kane stated that she will research the COAH to understand if this is required for the independent living units.

Mr. Lyles continued that they will offer one and two bedroom units with full kitchens in the independent living section. There is also a common area for dining, and various personal service amenities. No price point has been released yet. A preliminary time frame for project completion is three years. The Bridgewater NJ site is very similar to this plan, and is under construction currently. Mr. Lyles stated that the average age is 81 years in the independent living area, 84 years in the assisted living unit, and 75 years in the memory care unit.

Carmen Cefolo-Pane confirmed that it is a one year lease set-up. Mr. Lyles stated that with the Pulte age restricted housing, this is a great continuation. Mr. Lyles added that it is a very good market here for this type of living and a need for more beds.

Robert Moschello of Gladstone Design was sworn in. He oriented the Board to the site. It is a 15.6 acre parcel. The plan calls for 9.8 acres to be subdivided off for this use. It is accessible by the Park Avenue connector road. It is proposed to be a four story structure for the independent living units with underground parking, and will include a one story common area and dining areas, salons, meeting rooms etc. The memory care unit will be one story. The assisted living units will be two levels located over the memory care unit. There will be 35 spaces dedicated as employee parking in the back. Other parking fields are conveniently located throughout the complex. There are also walking paths and courtyards and garden areas all through the campus. As per the fire department, there are multiple entry points and a pull off areas for the fire trucks.

The site will be served by all public utilities. The project will be laid out to fit in with the existing regional detention basin that has been built by Rock GW. The front, rear, and side setback will comply with the current PODS standards. They are requesting an increase in the improved lot coverage to 65% for this parcel, however, the overall improved coverage for the entire Green will still comply with the current zoning. Building coverage is proposed to be 25% which complies. They are proposing an approximate building height of 48 feet (conceptual) which will comply with the current PODS requirement of 60/75 feet. They will ask for a 20ft setback for parking spaces.

The walls and fences will need a variance in a future site plan.

Mike Sgaramella asked if they are under 40% at total buildout of the Green. According to their discussions with Bohler Engineering, they are at 34.8%. They will need to obtain a TWA permit for sewer. They will use NJ American Water.

They will file a sewer application. Rock GW has stated that there is adequate internal capacity. They will be in excess of 15,000 of where they were originally due to this change in use.

Carmen Cefolo-Pane asked if this is included in the wastewater management plan. Mike Sgaramella stated that all is included except the 15,000 excess.

Dean Donatelli clarified that under the Borough Ordinance, they have made this request for a re-zone with the Planning Board to determine if the request has merit.

Lee Lyles commented that they just completed a 90 day due diligence and these items that have been mentioned have been addressed. They are confident that the capacity exists.

Katherine O'Kane asked if there is an opportunity for the building can be made lower. Lee Lyles replied that they worked very hard to keep the complex to a 4 story building.

The RSIS parking standard for a combined independent living, assisted living, and memory care facility of this size is 297 parking spaces. Mr. Moschello said that from LCS experience in the market, realistically 222 spaces on site is adequate parking. Seventy eight would be garage spaces. The independent living residents are typically 75-80 years old and only have one car. This would require a minor parking variance.

Mr. Sgaramella confirmed that they will provide testimony in support of this.

Mr. Lyles explained that the lease will limit the independent living residents to one parking space. Independent living residents will have 20% of the spaces for visitor parking. The assisted living and memory care residents do not drive. A small number of assisted living residents do enter the facility with a car but quickly give it up. Assisted living residents will have parking spaces for 10% of the residents and 20% of the parking for visitors. No one drives in the memory care unit and they will have 30% for visitor parking. The staff will have 30 parking spaces and the shifts are staggered. There will be 6 marketing spaces.

Mike DeAngelis asked if they would consider banked parking. Mr. Lyles said he would be open to that.

Mike Cannilla commented was concerned about the change of use. He said there are numerous assisted living facilities in Florham Park. The operators of these facilities change from time to time. There are impacts to the emergency services. He said that the first aid squad is called out 100 times a year. He does not see a difference in this nursing care as opposed to what is offered at other facilities in Florham Park. He is concerned about a future operator of this facility.

Mr. Lyles responded that they are investing in this project for the long term. He has 48 years of operating experience. There is a sophisticated internal emergency call system that is handled by the staff.

Attorney Dean Donatelli stated that he noted several variance conditions that would not be built into an ordinance. Ms. Magdziak stated that wall and fence height, and RSIS parking space number. He sees that the applicant has submitted a sample ordinance that was written by them. The Borough has no parking standards for this type of use.

Mr. DeAngelis suggested that recommend a bus stop be near the site.

A-2: architectural elevation concept drawing (north facing)

It is designed to have a residential look. The independent living section includes a balcony. The assisted living section is similar to the independent living only smaller and more services. The independent living residents have a meal plan and assisted living and memory care have three meals per day.

Mike DeAngelis stated that he likes the idea. The concept has merit and there is a need for it. His mother is in a similar facility and it has worked out very well. He thinks that a recommendation should be made to the Council to explore this idea further.

Mike Cannilla is not convinced that it is a good idea and not ready to recommend this yet. It puts strain on the emergency services. He thought that no more multi-family housing was recommended without affordable housing. He also thinks that Florham Park residents who may want to live in this type of facility will not be able to afford it.

Katherine O'Kane said that this is not multi-family housing. It is age restricted housing. She wants to investigate the COAH requirement further as to whether there is a 15% requirement.

Mr. DeAngelis stated that the applicant should think about how they can support the Borough with regard to emergency services.

Carmen Cefolo-Pane confirmed that the only action that the Board will take is to determine if the idea has merit and should go to the Council.

Katherine O'Kane stated that the ordinance is just the starting point and there will be edits and changes to it.

Gary Feith asked if the applicant can go directly to the Council with the request. Dean Donatelli replied that the applicant is able to do that if they want to.

Michael Tobia, Planner for the applicant, was sworn in and stated that they will come back with some of the answers and more information for the next meeting.

They will return to the next meeting which is on October 7, 2019.

On a motion duly made and seconded the meeting was adjourned at 9:45p.m.

Marlene Rawson
Board Secretary

September 23, 2019