

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
March 12, 2018**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, March 12, 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
Mrs. Carmen Cefolo-Pane
Mr. Gary Feith
Mr. Joseph Guerin
Mr. John Buchholz
Mr. Dave Roberts (1st Alt)

Members Absent:

Mayor Mark Taylor
Mr. Michael Cannilla

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:

- | | | |
|-----------|--------------------------------|------------------------------------|
| 1. | <u>Nonna’s Pizzeria</u> | <u>Application #18SPW-6</u> |
| | 176 Columbia Turnpike | storage area |
| | Block 804, lot 1 | |

Applicant is seeking approval to utilize vacant space for a storage area.

Steve Azzolini, Esq. represented the applicant. Andrew Horowitz, principle in the restaurant, was sworn in.

The application is for utilization of vacant space behind the Sports Clips salon. The space is 650 square feet and will be rented directly from the landlord. Nonna’s will use it for storage area.

Mr. Horowitz stated that the space is not open to the public. There is access to the outside only, with no interior pass through to the salon. There is no change in the restaurant operation and no change in employee count. The area will be used to store dry goods such as pizza boxes, soda, and canned goods.

Mr. Horowitz said that are vacating storage space that they previously used adjacent to Salon J.

A-1: sketch of storage space

They will install wire shelving in the space along the perimeter. The exterior door is located on the east side to the right of the trash enclosure.

Mr. Feith asked if there was refrigeration units in the space. Mr. Horowitz replied that there was not.

Mike Sgaramella reported that all his comments were addressed.

There were no other questions from the Board or the Public.

Mr. Feith made a motion to approve the application, second Mrs. Margulies.

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

Roll: 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 6:45p.m.

March 12, 2018

Marlene Rawson
Board Secretary

**Borough of Florham Park
Planning Board
Regular Meeting Minutes
March 12, 2018**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, March 12, 2018 at 6:30 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
Mrs. Jane Margulies – Vice Chairman
Mrs. Carmen Cefolo-Pane
Mr. Gary Feith
Mr. Joseph Guerin
Mr. John Buchholz
Mr. Dave Roberts (1st Alt)

Members Absent:

Mayor Mark Taylor
Mr. Michael Cannilla

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 February 26, 2018 meeting.**

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

Resolution of Approval:

- | | |
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| 7. <u>The Hilb Group</u>
25A Vreeland Road
Block 301, Lot 14 | <u>Application #18SPW-5</u>
change of tenancy |
|---|---|

Applicant is seeking approval for a change of tenancy.

Mr. Feith made a motion to approve the resolution, second by Mrs. Cefolo-Pane.

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

8. **Malone Subdivision**
25 Brooklake Road
Block 4001, Lot 40

Application #18MSD-2
major subdivision
R-15 zone

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

Mr. Buchholz made a motion to approve the resolution, second by Mr. Feith.

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

9. **Habit Restaurants, LLC**
185 Ridgedale Avenue
Block 1901, Lot 3

Application #18SP-1

Applicant is seeking approval for related site improvements in connection with a new restaurant.

Mrs. Cefolo-Pane made a motion to approve the resolution, second by Mr. Buchholz.

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.

Steven Schaffer, Esq. represented the applicant. Fred Meola, PE, engineer for the project, was sworn in.

A-1: Overview of the proposal

The subject property is an oversized lot in the R-15 zone. The lot size is 42,550 square feet where the minimum lot size lot is 15,000 square feet. Mr. Schaffer stated that it is one of the largest lots in the entire zone.

Currently, there is a single family home situated on the property along with several sheds that will be removed.

The variances being sought are a rear yard setback variance and a lot depth variance.

A-2: Colorized site plan (in plan set)

Fred Meola stated that the lot is 100 feet wide along by 425 feet deep (along Burnside Avenue). The existing home is 60 feet from Brooklake Road and has 2 sheds. It is an improved lot and all utilities exist.

The proposal is to subdivide 19,000 square feet to create a new lot. The entire lot has 525 feet of street frontage along Burnside Avenue. They intend to build a home that is similar in size to what is existing in the area. Both lots will exceed the minimum square footage of 15,000 square feet.

The lot depth of the newly created lot will only be 100 feet. The rear yard is proposed to be 22 feet where 40 feet is required. However, the proposed lot borders open space and will have no impact on any residence which is a key element for the application. Mr. Meola said that in order to build a compliant home, it would need to be long and narrow and only 20 foot deep.

Mike DeAngelis noted that the lot depth is deficient by one third.

A-3: Map of Churchill Gardens

This is an old 1928 map of the area that shows how the neighborhood has grown, and many lots have since been subdivided.

Mr. Schaffer contended that Burnside Avenue was vacated in 2015. The applicant contended that they originally had a plan to build a home that faced the now vacated Burnside extension. Because of this vacation, the applicant had to change the orientation of the home. He noted that while the rear yard depth is only 22 feet, the building coverage will comply. The lot is very long but not deep enough.

They are seeking a C-2 variance on the basis that the lot is overly large for the area and the zone, and they will create lots that are similar in size as those in the area. Although there are no architectural drawings, the new home would total 4500 square feet including overhangs, and have living space of 3800 square feet. They believe that this is not excessive and will also be in keeping with what exists in the area.

It was noted that for the amount of road frontage that the property has, it is underdeveloped for the zone. They reasoned that allowing a new home with a large front makes sense in that they are not squeezing it in.

Regarding any negative criteria under the C-2 variance, they are complying with all else but the rear yard deficiency. The rear yard borders open space that is owned by Florham Park. In addition, the lots will still be oversized, even when subdivided. Also, Burnside Avenue is not a main street and only has four lots.

The C-1 variance justifications are as follows: The existing lot is unique because it has 525 feet of road frontage divided the following way; 425 feet on Burnside and 100 feet on Brooklake Road. The existing home is oriented to face Brooklake Road, and no other homes are able to be built on Burnside since the road extension was vacated.

John Inglesino questioned the validity of the C-1 criteria as it relates to an already improved lot. He asked whether it would apply to an undeveloped lot. He speculated that a hardship case could be made with any property.

Steve Schaffer cited case law that affirms that C-1 criteria can apply if uniqueness inhibits further development of the lot.

Mr. DeAngelis noted that if the Burnside extension was not vacated, the home could be oriented where it would conform.

Bob Michaels asked if the rear yard setback of 22 feet included a deck. He also asked if the variance is both a C-1 and C-2. He wanted testimony on why it is not detrimental to the zone plan.

Mr. Meola stated that no deck is planned. Mr. Meola said the variance is applicable either way. He added that it is not detrimental because of the location of the property and it is surrounded by open space. There is less impact.

Mr. Inglesino was unsure about a C-1 variance, stating that there is no hardship in its current state. The applicant is creating the hardship.

Bob Michaels said that an argument can be made that it may make better planning sense to subdivide the overly large lot to have two lots and if you reach that conclusion, there would be a hardship.

Jane Margulies said that the lot does not completely border open space. It also abuts Lot 2. Fred Meola agreed and clarified that the proposed home will be situated in front of open space, but not the entire lot.

Fred Meola stated that they will comply with the comments of Mike Sgaramella. Mike Sgaramella reminded them that the tree ordinance will apply.

Bob Michaels verified the lot sizes. The new lot will be 19,900 sf. And the existing lot will now be 22,650 square feet.

It was stated that Exhibit A-1 should be corrected to state Burnside Road extension. Also of note Mr. Meola stated that the applicant acquired 25 feet from the vacated street.

The meeting was opened to the Public.

Donna and Tony Vespa, Brooklake Road. Their property is next door. They stated that there are sheds and shrines that the former owner, Dr. Hoagland, put up but they are on the Vespa property.

Charles Malone, 6 Burnside Ave. He stated that homes do exist on Burnside and they are impacted by this proposal. The subject lot is heavily wooded and he wants to know what the tree impact is. He stated that there are also wetlands. He does not feel that the application is complete.

Mr. Meola responded that trees will need to be cleared for the new home construction.

Mr. Schaffer also responded that the impact that was referred to was in connection with the variance request.

Mr. Malone added that there is no home illustrated on the plan.

Mr. Schaffer said it was related to the footprint.

Mr. Meola commented that according to the State Map, there are no wetlands in the area.

Mr. Malone disagreed and believes that there are wetlands. He wanted to know where the grading plan is.

Mr. Meola said that he will have a storm water management report submitted with the plans, as required.

Mr. Malone questioned uniqueness, stating that many of the lots were purchased by the town and that is why. He said the strip of grass that he maintains that used to be called Bittner's path and with was lined with trees paid for by the residents of Burnside at that time. How is that being taken to account?

Mr. Schaffer reminded everyone that it was not his client that refused to sell the lot to the town. It was the previous owner.

Mr. DeAngelis wants to see the comparison of this lot to other lots in the R-15 zone.

Vespa: Can the town buy this land to maintain open space?

Mr. DeAngelis stated that is not the purview of this Board.

Mr. Malone asked if he can submit a letter to the Board since he cannot attend the next meeting.

Mr. Schaffer was agreeable although he stated that he would be unable to cross examine him.

Mr. DeAngelis announced that anyone writing a letter and giving testimony must include proofs and facts.

Mr. DeAngelis recommended the application be carried so that the requested information can be gathered.

Mr. Feith made a motion to carry the application to March 26, 2018 without further notice or publication, second by Mrs. Margulies.

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

Break: 8:00-8:10

Major Subdivision and Site Plan:

11. 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. Carried from the February 12, 2018 meeting without further notice.

Douglas Henshaw, Esq. represented the applicant. He stated that they want to wrap up any loose ends and address any open issues.

Bruce Englebaugh, AIA, architect for the project, clarified the use of sprinkler systems. The multi-family units will use a "13" system in the garage and attic, and "R" system in the living space. The townhomes will not be outfitted with sprinklers as it is not a code requirement.

Mr. DeAngelis reiterated that the Fire Department requested sprinklers in the townhomes due to the remoteness of the project and the type of construction that is being used. He said that he realizes that it is not required by code and buyers do not want them. But it is important to the Mayor and the Board was under the impression that you would install them out of concern for health, safety and welfare. Mr. DeAngelis felt that in 10 years, this developer will be gone and this Board must consider that and protect the residents living in these units.

Mr. DeAngelis hoped that the Fire Department representative would be here tonight. He wanted to know why the Applicant will not comply. He added that expense cannot be a reason.

Mr. Inglesino suggested that maybe a Fire Department representative should come to the next meeting to further explain their position. The Board can request testimony from them.

Mr. DeAngelis went on to ask about the Florham Park First Aid Squad letter.

Mr. Henshaw said he reviewed the report and assured them that they will get the elevator right.

Mr. Englebaugh added that here was also a question of the stair riser in the Turin townhome and Castlerock single family model and they will eliminate that element.

Mr. Englebaugh also said that the sprinkler system that will be installed in the clubhouse is a NFPA13 system.

Mr. Englebaugh addressed the internal bedroom issue. He stated that it is acceptable to the DCA and they are included in market rate units in other developments.

A-15: DCA Communication

Mr. Englebaugh stated that the egress requirement is for 2 exits which are provided by 2 sets of stairs. A translucent paneled door will separate this room from the other living space or the buyer can opt for a solid door.

The meeting was open to the public for questions.

Brenda Nixon, Cedar Knolls, NJ. She said that a room without a window is claustrophobic and feels a window is good to have.

Mr. DeAngelis responded that the Board cannot force them to do that if they are within code.

Mr. Englebaugh said that there are only 15 units that have the internal bedroom.

There were no other questions from the public.

A-16: Photo of flagpoles

Mr. Englebaugh stated that they will install three flagpoles. They will fly the US flag (30 ft), and the NJ flag, Florham Park flag (25ft).

Paul Phillips, PP, planner, was sworn in. He summarized the variances.

There are several engineering related variances for retaining wall height and site grading that were reviewed by Mark Zelina, Engineer. These elements are internal to the site and there is no substantial detriment.

A variance is needed for the monument entrance sign. He noted that the PODS has no framework for residential signage and thought that may have been an oversight. He said that a monument sign as identification is warranted due to the size of the development (425 units). It is set back 400 feet from Park Avenue and there is no detriment.

A technical variance is needed for no loading area by the clubhouse. He stated that there is a separate loading space that can be used and an entire area is not needed or desirable due to the kind of usage.

A variance is needed for the number of stories of the multi-family units. The ordinance permits a height of 55 feet but not more than three stories if parking is underneath. The height of the multi-family units is met or is below but there are four stories. However, the number of buildings has been reduced from seven to five and there are nine fewer units. There are nine additional single family homes instead.

There is a relationship between this project and the supportive housing project regarding the construction of the storm water basins, water and sewer. The funding has not yet been determined yet. There is an application for tax credits plus additional funding from Pulte. This is an inclusionary development in the new GDP. Reducing the number of buildings will help to fund this. There is no difference in the bulk or mass of the buildings as they meet the height of 55 feet. There is parking underneath, and the buildings are 700 feet from Park Avenue so they are sufficiently screened and in an appropriate location.

Jane Margulies verified with Mike Sgaramella that he is comfortable that there is no loading space by the clubhouse.

Mike Sgaramella responded that he is not concerned. It is only van deliveries and the drop off spot functions very well. There are no large deliveries such as tables or chairs.

Carmen Cefolo-Pane confirmed that the clubhouse usage is for residents only.

Jim Mullen stated that they have agreed to the Fire Department's comments except for the sprinkler issue. They could not come to terms with that.

John Buchholz commented that the applicant often builds in Florida and those units are typically built with concrete block construction. These are stick built so he understands the concern.

Joe Guerin asked if there are signage requirements for other multi-family developments. Bob Michaels said that 24 square feet is allowed in signage area, not including the sign structure.

Mark Zelina stated that they are requesting 72 square feet of sign area which will be at the entrance to the development. They have also submitted a list of street names to the Governing Body for approval.

The meeting was opened to the public. There were no comments.

Bob Michaels suggested that final subdivision approval be given for Phase One, and preliminary for Phase Two and Three. He noted that final approval gives them the opportunity to sell lots for the entire project.

Doug Henshaw said they are requesting preliminary and final for all three phases.

Jim Mullen added that they want the ability to be able to build all over the tract as buyers often choose a particular lot.

Bob Michaels added that the performance bond for the entire project will protect the Borough and the purchaser.

John Inglesino said that he would look into the bonding requirements as the laws have changed. But this is a public company and a large project. He said that the applicant is entitled to a decision.

However, Mr. Inglesino said that the Board could have taken the position that financing was questionable as was the viability of the project and perhaps the application was not ready for board review. But the Board opted to move forward with it.

Mr. Inglesino said that the Board remains concerned with the lack of sprinklers in the townhomes and the applicant's refusal to install them. There was discussion as to whether a vote should be taken tonight or not. Doug Henshaw stated that his clients want a vote.

Mike DeAngelis suggested carrying the application to the next meeting where formal testimony can be given by the Fire Official as to the need for sprinklers.

Doug Henshaw asked for a five minute break to confer with his clients.

After conferring with his clients, Doug Henshaw reported that they have ultimately decided to accept the recommendation of the Fire Department and install the sprinklers in the townhomes as requested.

There were no other questions or concerns. Mr. DeAngelis called for a motion.

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

Roll: 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 9:45p.m.

Marlene Rawson
Board Secretary

March 12, 2018