

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
November 26, 2018**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, November 26, 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
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. Gary Feith
Mr. Joseph Guerin
Mr. John Buchholz
Mr. Dave Roberts (1st Alt)

Members Absent:

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Mr. Victor Vinegra, Planner
Mr. John Wyciskala, 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:

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| 4. | <u>MM Stru Corp. “Prose”</u>
184 Columbia Turnpike
Block 801, Lot 3 | <u>Application # 18SPW-19</u> |
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Applicant is seeking approval for a change in tenancy for a nail salon.

Allison Becht, Esq. represented the applicant. Mark Strulowitz, franchisee and Jason Pierson, real estate broker, were sworn in.

This application is for a membership based nail salon. They will not offer acrylic services. They will comply with all signage requirements. Deliveries will be UPS, FEDEX, and US Post Office. All employees will be instructed to park in the northwest area of the parking lot behind Kings Supermarkets. There were some questions on the use of the

basement area that the former tenant used. Mr. Strulowitz stated that he is only renting the first floor store area, and not the basement. It was recommended that the Zoning Officer check and identify the current usage of the basement.

There were no other questions. 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.

5. **KBSII 100-200 Campus Drive, LLC**

100 Campus Drive
Block 1201, Lot 7

Application # 18SPW-20

Steward Partners Holdings, LLC

Applicant is seeking approval for a change in tenancy for an office use

Christopher Quinn, Esq. represented the applicant. Thomas Lynch, real estate agent, was sworn in.

He testified that this is a change in tenancy for another office use. It is a financial advisory firm. They will have a maximum of 35 employees. There may be up to ten visitors per week. The days of operation are Monday to Friday.

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

Mr. Feith made a motion to approve the application, second by Mr. Cannilla

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

6. **25 Vreeland Venture, LLC**

25B Vreeland Road
Block 301, Lot 14

Application #18SPW-21

AHS Hospital Corp.

Applicant is seeking approval for a change in tenancy for medical use.

Mark Goodman, Esq. represented the applicant. Karen Martinez was sworn in. This space will be used for medical outpatient services. They may see 6-7 patients per hour. There will be 10-35 patients per day. The generator request has been withdrawn from this application.

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

Mr. Cannilla made a motion to approve the application, second by Mrs. Cefolo-Pane

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

7. **25 Vreeland Venture, LLC**

25B Vreeland Road
Block 301, Lot 14

Application #18SPW-22

Atlantic Ambulance Corp.

Applicant is seeking approval for a change in tenancy for administrative offices.

Mark Goodman, Esq. represented the applicant. Karen Martinez was sworn in. The space will be used for an administrative office, a training center and a call dispatch center. The dispatch portion will be 24/7. There will be 10-15 employees on staff. They will handle EMS calls. No equipment will be stored there.

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

Mr. Guerin made a motion to approve the application, second by Mrs. Margulies (*Cannilla abstain*)

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 7:30p.m.

November 26, 2018

Marlene Rawson
Board Secretary

**Borough of Florham Park
Planning Board
Regular Meeting Minutes
November 26, 2018**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, November 26, 2018 at 7:30 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
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Michael Cannilla
Mr. Gary Feith
Mr. Joseph Guerin
Mr. John Buchholz
Mr. Dave Roberts (1st Alt)

Members Absent:

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Mr. Victor Vinegra, Borough Planner
Mr. John Wyciskala, Esq. Board Attorney

Approval of Minutes:

4. *Approval of the minutes of the October 22, 2018 meeting.*
Mr. Feith made a motion to approve the minutes, second by Mayor Taylor.
Roll: On a roll call vote all members present and eligible voted to approve the minutes.

Approval of the minutes of the November 5, 2018 meeting.

Mr. Buchholz 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.

Preliminary and Final Major Subdivision:

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| 5. | <u>64 Ridgedale Avenue, LLC</u>
64 Ridgedale Avenue
Block 2804, Lot 19 | <u>Application #18MSD-3</u>
R-15 Zone |
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Applicant is seeking approval for a 5 lot subdivision on a 3.28 acre parcel.
Carried from the November 5, 2018 meeting without further notice or publication.

Carmen Cefolo-Pane recused herself from the application.

Steve Azzolini, Esq. represented the applicant. He reviewed the objector's testimony as well as the comments from Board members at the last meeting that focused around realigning road to be opposite the Ridgedale School exit driveway. This was done.

Mayor Taylor commented that the local newspaper reported that larger homes are now planned to be built on this parcel. Mr. Azzolini wants the record to show that the plan with larger homes was conceptual only and in response to the Board's request. There are no definite plans for the size of the houses.

Anthony Facchino, Engineer, remained under oath.

A-9: colored site plan rendering dated 11.26.18

The road entrance has been moved more south and is now aligned with the school exit driveway. This improved the driveway conflict that existed between the road entrance and the adjacent northern medical office driveway. Pedestrian safety is also improved by aligning crosswalks. It was noted that the school driveway is a controlled intersection with a crossing guard at drop off and pick up times. This change resulted in a lot width deficiency increase on lot 19.01. The required lot width is 125 feet. The original variance request was for a 104.3 feet. However, moving the road entrance will reduce that to 76 feet. The overall lot area remains overly large at 26,744 square feet.

The Morris County Planning Board requirement is to have 250 feet between roads and the new road entrance will be 230 feet from Roosevelt Blvd. The County indicated that they will grant a waiver and is in favor of this realignment. The driveway for lot 19.01 is now on the west side of the home. It will be buffered and screened from Ridgedale Avenue.

Mr. Facchino said that he will work with Mike Sgaramella about the number of light fixtures. He believes that there are too many fixtures used to achieve the required foot candles (8). He will work with Mike Sgaramella to explore other ways to achieve the foot candle recommendation.

Mr. Facchino said will add three inlets to the south property line. They are now proposing to save 22 existing trees on the perimeter of west and north sides. They will plant 103 trees throughout the site.

Mike Sgaramella agreed that the granting of the variance for lot width on lot 19.01 outweighs the detriments. He said that the Right of Way will be dedicated to the town.

Victor Vinegra, Planner for Florham Park agreed that this is a better and safer plan. It would be made even better if the adjacent medical office relocated his exit to the new road at some point in the future. Mayor Taylor said that the medical office is a preexisting, non-conforming and a use variance would be required for any changes.

Victor Vinegra also noted that there are some homes in the abutting this that are deficient in lot width as well. He added that no matter what the applicant does he cannot meet the requirements.

Mark Taylor asked who will maintain the peninsula. He wants low maintenance landscaping. Mr. Azzolini replied that they will be sure to plan for and install appropriate landscape material.

Mr. Cannilla thought that the driveway on lot 19.01 is too close to the intersection of Ridgedale Avenue and he would rather see it moved to the other side or a front entry garage. Mr. Facchino replied that it is 50 feet from the intersection and meets the requirements. He said he can try move it a little and taper it in.

The meeting was opened to the public for questions.

Patrick McAuley. Asked if the entrance to the new road is now across from the exit driveway of the school. Also asked if the crosswalk is still at an angle. Mr. Facchino responded that they are. He asked about the site lines for

visibility on lot 19.01 because of the buffer. Mr. Facchino said that they will be out of the site lines. Mr. Sgaramella said that they must meet the county site triangle.

David Ritchey, 62 Ridgedale Avenue. He asked where the screening is. Mr. Facchino said that it is on the Ridgedale Avenue side. He asked about the trees on the south property line. Mr. Facchino said they are adding trees on the south property line.

Hans Tielmann, tree professional. He stated that he walked the site on November 13, 2018 with the Borough Engineer and identified the condition of the trees. He pointed out issues and expressed concern about the trees that are near roadways. He stated that the trees could fall if they are disturbed. He does not agree with the number of 273 replacement trees. He thinks that this is high but he was not retained to do a replacement program.

Mike Sgaramella said that the tree ordinance does not look at mitigation measures, only present day conditions of trees. It only refers to trees that are alive or dead. If a tree is in moderate condition, that would be considered a live tree.

Jane Margulies confirmed that the 273 trees are the replacement obligation and not the number of trees that are being removed.

Mike Sgaramella explained the tree ordinance calculation obligation. He said that out of 190 trees total, there are 101 trees in poor condition and are exempt from replacement. There are 62 trees in moderate condition and 18 good condition. There are 22 trees that they are remaining and may reduce their replacement obligation. They applicant must submit the tree removal plan.

Mike DeAngelis stated that they will go with what the Borough Engineer's professional opinion is.

Mr. Azzolini suggested that a review between the tree expert and the engineer to confirm the number of trees.

Mr. Cannilla did not want to compromise the health of the neighbor's trees due to the regrading. Mr. Azzolini and Mr. Facchino said that they will re-grade appropriately so that the trees on the adjacent properties are safe and will remain.

Mike Reiner, 63 Ridgedale Avenue. Asked if there is a picture of how the property looks now. He said that google maps show very green trees. Mr. Tielmann stated that the canopy could be green but there may be root damage.

Tom McNally, 15 Roosevelt. He asked about the south side excavation for the storm drains as it pertains to trees. Mr. Facchino said that he will look at the drip lines of the trees and if they are on other properties, they will save them.

Chris Ayars, 9 Roosevelt Blvd. He said there are two tall trees that are on the property line and he wants to know what will happen to them. It was unclear who owns the trees. Mr. Wyciskala said that they cannot take trees down that are on his property. Mr. Ayars said that the storm drain system seems to traverse where the trees are. Mr. Facchino replied that the trees are shown to be on the applicant's property, however, if they are not, he will reroute the drainage system in order to save the trees. Mr. Ayars then questioned the water runoff and how it will affect the tree. Mr. Facchino said that they will make every effort to save trees through engineering techniques.

Patrick McAuley. He wanted to know how many trees could be planted in the buffer along the Afton Drive side. Mr. Tielmann said that there is no clear cut answer because a lot depends of the species. He also wanted to know if the trees could be compromised due to the storm drain line. If best management practices are used, they can be saved.

Mr. Facchino said that there is no storm drain proposed in that area. They will keep the existing trees and avoid the drip lines as much as possible.

Mike Sgaramella recommended that a swale be run along the south property line rather than a pipe, and gently slope the back yards of the proposed properties. He said that the applicant should look into that.

Mark Taylor agreed that they should work with the natural grade. Mr. Cannilla agreed and said that they should not burden the neighboring properties with anything. Anthony Facchino said that they have to raise the grade to get the water away from the house. He reviewed the storm drain operation and said that they are taking everyone's water on Afton Drive and Roosevelt Blvd. and capturing and treating it. This will be an improvement.

Rory DeLuca, applicant, 95 Brooklake Road. He stated that he purchased the property from the Dalena family. He walked the property and stated drains were installed from 12 Afton Drive and emptying onto this property. There are no permits for this. The drains have since been removed but he is not sure of the pipes. There is also debris that has been dumped on this property from the neighbors who have gates to access this property. There are also mosquitos everywhere and they are actually trying to get rid of the water.

Patrick McAuley. He replied that the applicant's brother, Randy DeLuca, built the 12 Afton Drive new home. He reported to new owners that the drains were there. The new owners then removed them. Rory said that he has no knowledge of that. He asked Mr. DeLuca if he knows that there is a drain that is taking the water away from lot 19. Mr. DeLuca said he does not know.

Break: 8:20-8:30pm.

Anthony Facchino stated that they reconsidered and they now have a different storm drain design. They will eliminate the storm drains along the south properties. The water will now sheet flow directly across and onto the property and be diverted to between each proposed home where it will collect it via a flared end system. It will flow out to the new road from there into the detention system. He added that they will be able to save more trees along the southerly property line with this design as well.

Mr. Facchino said that he will try to lower the finished grade floors to minimize the grade change.

Steve Azzolini confirmed with Mike Sgaramella that he will agree to review and approve the new plan. He would like to move to a vote and understands that it is subject to DEP approval.

Mark Taylor noted that they need to consider the pond mitigation and the replacement trees planting on the neighbor's properties. Mr. Azzolini said that they would be happy to plant replacement trees on neighbor's trees if they would want that.

Mr. DeAngelis felt that since they are redesigning the grading plan, they should come back to the Board with the new plan.

Tom McNally. He said that they are not experts and he wants enough notice to look at the revised plans.

Mr. Wyciskala stated that the applicant is not required to send everyone notice. But the public can inspect the new submittals by calling the Board Secretary and arranging a time in advance of the meeting.

Gina DeLuca, 95 Brooklake Road. She asked if the applicants have done everything that the Board has asked and gone above and beyond with some of the requests of the board members. They have worked in great length with the experts up to now. She agreed with the previous comment that the neighbors have been very fortunate to have the woods for 45 years. But if someone wants to do something, as long as they are following the law and ordinances, they should be able to do that.

Mr. DeAngelis replied that the applicants have the right to demand a vote. He added that they are looking for variances, and the Board has the right to question it.

Gerry Gannon, 1 Hillside Ave. He said that he is thankful for having woods for 45 years and wants another 45 years. Will this project have a detrimental impact on his property from a drainage perspective? Can he be guaranteed that here will be no flooding as a result of the grading?

Mr. Wyciskala replied that no one will make any guarantees.

Mr. Facchino said there will be no negative impact.

Gerry Gannon wanted to know what his recourse is if it does not work. Mr. DeAngelis replied that becomes an enforcement issue and for the town to address. Mr. Azzolini stated that is also a legal question and not for this Board to comment on. John Wyciskala explained what the duties of the Board are.

Mr. Azzolini asked that the application to be carried to the December 10, 2018 without further notice.

Mr. DeAngelis asked that revised plans be submitted by December 5, 2018. He asked for a motion to carry the application.

Mr. Cannilla made a motion to carry the application to December 10, 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.

Ordinance Review and Referral:

6. Ordinance #18-24 – To Prohibit the Sale, Cultivation, Production & Manufacture of Marijuana

Mayor Taylor explained that legalization of the substance could be in the near future. He felt that it was important to be prepared for this pending legislation. Many other municipalities have enacted similar ordinances as a proactive measure. There was some discussion as to whether this pertains to recreational marijuana only or medical as well.

John Wyciskala agreed with Mayor Taylor in that the ordinance is broad but can always be amended in the future.

Mr. DeAngelis made a motion to endorse the ordinance and that it is not inconsistent with the Master Plan, second by Mrs. Margulies.

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

On a motion duly made and seconded the meeting was adjourned at 9:30p.m.

Marlene Rawson
Board Secretary

November 26, 2018