

**Zoning Board of Adjustment
Regular Meeting Minutes
November 7, 2018**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening November 7, 2018 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

Members Absent:

Elizabeth Roseman, 1st Alt
Ted Trautman, 2nd Alt

Also Present:

Mr. Kurt Senesky, Esq., Board Attorney
Michael Sgaramella, Board Engineer
Robert Michaels, Board Planner
Joseph Fishinger, Board Traffic Engineer

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 7:00 p.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 17, 2018 Meeting.

Mr. O'Connor 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.

The consulting traffic engineer, Joseph Fishinger, of NV5, was sworn in.

Resolution of Approval:

1. **Jonathan Guerrieri & Ariana Centanni**
20 Kenneth Court
Block 2002, lot 30

Application # BOA18-15
R-15 zone

Applicant is seeking approval for a rear yard setback variance in connection with an addition.

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

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

C Variance:

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| 2. | <u>Antonio Badim & Lisa Marie Nobre</u>
72 Edgewood Drive
Block 2408, Lot 17 | <u>Application # BOA18-16</u>
R-15 Zone |
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Applicant is seeking approval for excess lot coverage to construct an in-ground pool, concrete decking and shed.

Steven Azzolini, Esq. represented the applicant. He stated that they are requesting the application be carried to the December 5, 2018 meeting with no further notice or publication.

Mr. Jensen made a motion to carry the application to the December 5, 2018 meeting with no further notice, second by Mr. Zeien.

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

Joseph Fishinger, Borough Traffic Consultant, was sworn in.

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

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| 3. | <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 |
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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.

Steven Azzolini, Esq. represented the applicant. He announced that his client advised him that board member Michael Cannilla is employed by the architectural firm that was retained by the client for a previous application involving this property. Due to this previous business relationship, his client is objecting to him and wants him recused from this current application. Mr. Cannilla responded that the previous application was 5 years ago and at that time, he recused himself from the previous application. He stated that he is not an officer at his company and he does not see a conflict with the current application. Mr. Azzolini reiterated that his client is not comfortable with him and does object to him. Mr. Cannilla although he disagreed, stated that if that is the case, then will not stand in the way of the applicant and recused himself from the application.

Mr. Senesky reminded the applicant and Mr. Azzolini that there is now only five voters present. They will need all five for an approval. Mr. Azzolini said he is aware of that and is hoping that the absent board members will listen to the recording and become eligible since he does not anticipate finishing tonight.

Mr. Azzolini gave a brief review of the history of the property. It is the site of the former Bennigan's Restaurant that opened in 1982 until it closed in 2008. The property also had been the site of a restaurant for forty years prior to the Bennigan's restaurant opening in 1982. His client purchased the site in 2008 and in 2013 received subdivision approval to use the property as a medical office and a restaurant. However, he was unable to find a suitable tenant for the restaurant.

The new plan is to re-subdivide the property and have two new buildings. One will be a one story medical use building and the other will be a two story mixed use building containing medical offices on the 2nd floor and a health and fitness center on the first floor.

Anthony Facchino, PE, engineer for the project, was sworn in. He described the location and the permitted uses. It is a 2.67 acre parcel. The surrounding uses include residential, and office building, and the First Aid Squad building.

A-1: aerial photo of existing conditions

A-2: site plan rendering

They consider this more of a lot line adjustment since they are not creating any new lots. The lot area will be as follows: Lot 7.03 (western) is to be 62,100 sf, lot #7.04 (eastern) to be 54,147 sf lot. Both lots will be compliant with lot width and lot depth. The restaurant will be demolished. On lot 7.03, a 9,184 sf medical office building will be constructed. It will also have a 1,537 sf covered canopy entrance for patient drop off and pick-up. It will comply with the 150 foot setback. The lot coverage will be 73.2% where 60% is required and a variance is needed. However, this will be a decrease of improved coverage over what exists today over the entire lot. No roof top mechanicals are proposed. They will be ground mounted on the west side of the building.

The eastern lot 7.03 will have a two story medical office building. It will comply with all setbacks. It is proposed to have a health and fitness center on the first floor and medical offices on the second floor. The building coverage for this lot will be 10%. They will provide 50 parking spaces where 93 are required. They are requesting a variance for shared parking and will provide 126 parking spaces overall where 139 spaces are required. The mechanicals and a generator are proposed to be on the ground on the east side of the building. Loading space on the east side of the lot.

Most of the parking spaces will remain the same size as they are today, but a variance must be granted due to some non-compliant space sizes. Handicapped spaces are provided for both buildings. The access from Felch Road and Columbia Turnpike will remain. There will be two trash enclosures and they will be screened with a vinyl enclosure. A variance is needed for a front yard location of the trash enclosure near Felch Road. They will provide a six foot vinyl fence for the enclosure that faces Felch Road. They are requesting a 19 foot buffer for this enclosure where 30 feet is required. They will also buffer both enclosures with evergreens.

The landscape buffer in the rear yard is 8.8 feet where a 30 foot buffer is required. This is an existing condition that will not change.

Storm water from the adjacent properties to the south drain towards this property and is piped and discharged to Columbia Turnpike. They will satisfy with all storm water management regulations. Impervious coverage will be reduced by more than 4,000 square feet and they will have less runoff that what exists today.

Standing water remains near the properties to the south. This can be reviewed with Mike Sgaramella to see if there is a way to improve the situation. However, the elevation is extremely flat, and it is probably wetlands. Since it is private property, they could be very limited as to what can be done. The existing drains will stay, and they will add some inlets. They will scope the pipe to be sure that there is no collapse.

After some discussion, the applicant agreed to mill and restripe the parking lot.

Mr. Noss verified that the proposed medical use is for a surgical center. This is what was proposed in the 2013 application.

The Board questioned if the buildings could be flipped so that the medical building is near Felch Road since it is a less intense use.

Steve Azzolini stated that the Applicant wants a covered canopied entrance. There is a sewer easement in that area that cannot be built on. He reminded the Board that the previous use was a restaurant which was much busier and more intense use than the health club use.

The hours of operation are intended to be 5am to 11pm for the health club and 9am to 5pm for the medical offices.

There are two proposed free standing signs; one for each building. They will be internally illuminated. They will be located in the front and will comply with the setback of 10 feet. They are proposed to be 8 feet high. They are asking for 24 square feet of signage area where 16 square feet is permitted. They are also asking for a building mounted sign for each building. They are requesting a variance for that since it is not permitted.

Mr. Novalis asked about the other business signage along Columbia Turnpike in that area. The applicant stated that there are a number of signs that exceed the ordinance in that area. Also, they will remove three trees and will replace them and exceed the ordinance requirement. The lighting will be all new fixtures that will meet the Town Center Task Force standards. They are proposed to be 15 feet high and will be affixed with shields. A new fire hydrant will be added to the middle island in the parking lot.

A-3: Site photo Board dated 11.7.18

They will buffer the rear of the property closest to Felch Road. There is an existing fence that they do not plan to replace. However, they will replace the fence along the rear of the property adjacent to this piece. They are proposing a 7 foot PVC fence.

Deliveries will be limited to UPS, Fedex, US Mail in small vans only.

Mr. Novalis asked if food will be available in the health club. Mr. Azzolini stated that they did not plan to offer any kind of food. Mr. Senesky stated that it will be restricted in the resolution.

They agreed that employee parking will be in the rear of lot 7.04. The buildings will be sprinklered and they will add landscaping to the buffer area of the resident at the south east end of the property.

The site lighting will be turned off at the close of business, however, the security lighting on the building will remain on through the night.

They stated that the water table is too high for a detention basin. But they will investigate further with Mike Sgaramella. They will comply with the recommendation memo from the Town Center Task Force that includes larger parking spaces, landscape trees.

Bob Michaels noted that Building "A" has a 46 space requirement. Overall, the parking requirement is 139 spaces and they are providing 126 spaces.

The meeting was opened to the public for questions.

Tracy Brown, 286 Brooklake Road. Asked about the fence along the southern property line. Asked when it will be put up. She said that the applicant does not maintain the property and they have owned since 2008. She wants a buffer.

Mr. Facchino stated that it will be along the property line up to the Germershausen property. Mr. Senesky said that the Board of Adjustment gives permission to an applicant but they cannot compel or require an applicant to follow through with the approval for development.

Ms. Brown asked who will maintain the drains behind the property. Mr. Facchino state that the client will maintain the drains.

Vicky Robinson, 284 Brooklake Road. She wanted to know if the fitness center fails, what else could go in the space. She also felt that a closing time of 11:00pm is late since this is a residential area.

Mr. Senesky stated that it is a professional and business zone and those uses, as defined by the ordinance, can go in the space. Or they can return to the Board for an approval for a non-permitted use. The Board can consider an earlier closing time since it is a non-permitted use.

Charles Germershausen, 59 Felch Road. He stated that the applicant offered to put trees in several years ago, but it was never done. He wants thicker and denser buffer of evergreens along the property line.

Mr. Azzolini replied that they will discuss the location and details of the trees with Mr. Germershausen. Mr. Germershausen noted that the drainage pipe needs replacement as well.

Karen O'Brien, 288 Brooklake Road. She said that she appreciates the proposed fence, but she would prefer a buffer of evergreens instead. She is also concerned with the water in the area. She cannot plant anything.

Mr. Facchino said that there is no room for evergreens. He added that he will investigate the drainage pipe.

Ed DeMao, 123 Columbia Turnpike. He stated that his office park served as overflow parking for the Bennigan's restaurant when it was operational. He wants a barrier installed to prevent anyone from using his parking lot. He would like to see an evergreen screen to block the mechanicals that are proposed to be on the side that is adjacent to his property. He asked if dumpster could be moved to another location.

Mr. Facchino stated that the location of the dumpsters cannot change because it work best for the trash hauler. They will screen the mechanicals with evergreens. They may be able to put some wire fencing in along the property line to deter any parking on his site.

Mr. DeMao said that the parking lot is in disrepair and should be re-done. He asked if the light poles will be removed and if there are trees on the islands. He would like more of an evergreen buffer on his side.

Mr. Facchino replied that only landscape shrubs will be on the islands. The light fixtures will be upgraded to the Town Center Task Force recommendations. The roof leaders are tied into the storm water system. They will consider adding additional evergreens as requested.

Justin Taylor, Traffic consultant was sworn in. He studied the parking and circulation and performed a gap study. His findings were that there are 65 gaps during the AM peak hour and 50 gaps during the PM peak hour. He said those are ample gaps and will easily accommodate and exit from the parking lot.

There is a variance needed for the number of parking spaces. They have a shortage of 13 spaces. Mr. Taylor said that the medical office traffic will peak during the midday. The health club traffic peaks in the morning and evening. There is shared parking between the two lots and his findings for a shared parking model show that 109 spaces will be needed during the peak time of 10am and they are providing 126 spaces.

They need a variance for parking space size of 9ft X 18ft and 9 x 19ft. This is the current industry standard. There is adequate pedestrian circulation and crosswalks. This is a shared parking lot for two separate uses and the crosswalks will be used mostly for parking access.

The signage is needed to identify the site and they feel that it is an appropriate size for a four lane roadway. It is typical size along this roadway in that location and is not excessive.

Overall, the use will be a reduction in traffic from the Bennigan's restaurant or any restaurant use.

There is a bus stop at Felch Road and Columbia Turnpike. It will not need any improvements and they do not expect anyone to use it. The generators will meet the state requirements for sound or they will mitigate and they will provide a report. The generators will be tested weekly and can be done on a weekday between 9am-4pm.

The health club will peak in the evening and will have 21 traffic movements during that peak hour.

He stated that signage should be provided that prohibits cars using the parking lot as a cut-through to Felch Road. There are controlled intersections at Crescent and Columbia and Hanover Road and Columbia that provide for ample gaps in traffic. The average wait time for making a left turn onto Columbia Turnpike is 12 seconds.

Mr. Fishinger stated that there should also be signage that leads to the exit onto Columbia Turnpike. He added that signs should be outside of the site triangle. Mr. Fishinger also asked if parking spaces could be eliminated since they do not need them, however, the Board did not agree with removing any parking spaces.

The meeting was opened to the public for questions of this witness. Seeing none, Mr. Noss asked that the application be continued to a future date.

Mr. Zeien made a motion to carry the application to the January 2, 2019 meeting with no further notice, second by Mr. Novalis.

Roll Call: 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 10:15 p.m.

Marlene Rawson
Board Secretary

November 7, 2018