

**Zoning Board of Adjustment  
Regular Meeting Minutes  
June 19, 2019**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, June 19, 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 (2<sup>nd</sup> Alt)

**Members Absent:**

Mr. Jason Jensen  
Ms. Elizabeth Roseman (1<sup>st</sup> Alt)

**Also Present:**

Mr. Kurt Senesky, Esq., Board Attorney

**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 June 5, 2019 Meeting.

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

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

**C Variance:**

7. **Lauren Cervino**  
4 Keyes Street  
Block 1908, Lot 13

**Application # BOA19-9**  
R-15 zone

Applicant is seeking approval for a front and side yard setback in connection with a porch addition, plus driveway width and improved coverage in front of a principle structure related to driveway improvements.

Dan D'Agostino, architect, remained sworn in. He stated that they reviewed the slope issue and also the existing tree issue.

A-4 proposed site plan  
A-5 colored rendering

Mr. D'Agostino reviewed the old driveway plan. He said that they made a request to the Council to remove the tree but they were denied. They came up with a different plan that resulted in a slight reduction in the front yard lot coverage. The new percentage is 49.86% where 40% is the maximum. They no longer need the variance for driveway width and will only need one driveway opening which will comply. They still need the variance for the porch overhang that is causing the porch setback to be 38ft instead of the required 40ft. The overhang also is in the side setback, creating the side yard setback to be 8ft where 10ft is required. It was noted that the foundation wall is at the 10 foot setback.

He summarized the variances:

- 38ft setback in the front due to a one story porch overhang.
- 8ft setback on the left side due to a one story porch overhang.
- 49.86% front lot coverage in the front where a 40% limit is required.

Jeff Noss was not aware of the front yard lot coverage limitation. Mike Sgaramella stated that the front lot coverage requirement is in the surface grading ordinance.

There is a less than a 10% grade on the slope. Mr. Trautman asked how they will address that. Mr. D'Agostino said there will be a slope up to a maximum of 3 feet to a landscape wall and then another 2 feet to the steps.

Mr. D'Agostino said that a fully engineered site plan and storm water management plan will be submitted to the Borough Engineer for approval. They will need to use retaining walls but they will be less than 4 feet. Mr. Sgaramella confirmed that they must get a surface grading permit. He verified that the driveway will be at least four feet from the property line.

Mr. D'Agostino also said that the garage will be slightly lower than before.

The meeting was opened to the public.

Bill Zuckerman, Keyes Street. Confirmed that the old garage and retaining wall will be removed. Mr. D'Agostino said yes, and they will use fill in that area. The storm water will be routed to the street. Mike Sgaramella confirmed that they will need a drywell. He also requested that the driveway be curbed and sloped to the street.

There were no other questions or comments. Mr. Cannilla asked for a motion.

Mr. Zeien made a motion to approve the application, second by Mr. O'Connor.  
Roll: All those present and eligible voted to approve the application.

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

**8. Jacobus Family Realty, LLC**  
80 Passaic Avenue  
Block 4202, Lot 3

**Application # BOA 19-2**

Applicant is seeking approval for certain modifications to update and improve operations at an existing contractor storage yard.

Applicant requested to be carried to the July 17, 2019 meeting without further notice or publication.

Mr. Noss made a motion to carry the application to the July 17, 2019 meeting without further notice, second by Mr. Trautman.

Roll: All those present and eligible voted to carry the application.

**Use Variance, Site Plan Waiver:**

9. **Calvary Presbyterian Church**  
144 Ridgedale Avenue  
Block 2303, Lot 1

**Application # BOA19-6**

Applicant is seeking approval to operate a nursery school (Montessori Children's Academy).

Dennis Murphy, Esq. represented the applicant. He stated that the church had a nursery school for 50 years beginning in 1968. It stopped operating in September 2017. The Montessori School wants to open a nursery school in the same location. They thought that since the nursery school use had already existed, they only needed a site plan waiver. However, research revealed that no permission was ever formally granted for the church nursery school.

Their goal is to open in September 2019. Following approval from this Board, they will need to apply for a state license and hire staff and advertise. Mr. Murphy said that timing is critical for this.

Mr. Murphy stated that his witnesses for the application are: Ron DeGroot, Pastor for the Church, Nick DeGiacomo, Montessori School franchise owner, Michael Tobia, Planner, Gary Dean, Traffic Engineer and Chas Holloway, Engineer.

Mike Cannilla said that churches are permitted in the R-15 zone and the old nursery school was probably a part of the church.

Ron DeGroot, Pastor, was sworn in. He stated that the nursery school operators were never employees of the church. It was run as a non-profit co-op that was started by a several church parishioners, including Persis Loveys and Joan Alderton.

Katherine O'Kane stated that a public school is a permitted use, but not a private nursery school.

Ron DeGroot gave a brief history of the Church and nursery school. He stated that the church was built in 1954 and is embedded in service to the community. The life cycle of the church has changed through the years and currently has a much smaller congregation than it once had. Consequently, they find that they have a building that is larger than the present congregation can utilize. But it is a legacy and inheritance and they want to continue to use the building in a way that serves the mission of the church.

The church building under consideration was built in 1968 and was designed to accommodate the church's religious education program. It was also used for a nursery school that was established in 1967. Peak enrollment for the school was 75 children and 9 staff members. It eventually dwindled to 21 children and 5-6 staff members. The nursery school finally ceased operation in 2017 after 50 years, as parents preferred a more rigorous programming as well as full time pre-school. Also of note is that the Florham Park Board of Education leased 6 classrooms from 1969-1981 due to a classroom shortage in the Borough schools.

Pastor DeGroot emphasized that for him personally, the proposal is not about the money. They want to enable children to flourish, socialize and learning cooperation. They agree with the philosophy of the Montessori School and their business practices are impressive to him. Other uses would be too complex. This use will still allow the church to have access to the classrooms on the weekends.

Pastor DeGroot said that there are four classrooms but they will be opened and combined to make two classrooms. The teaching model involves multi-age classrooms where older and younger children are in the same classroom.

Mr. Cannilla asked if they are looking for approval of the two floors of classrooms or just the first floor. Dennis Murphy replied that they are using only one floor initially but are seeking approval for both floors.

Nick DiGiacomo, franchise owner of Montessori School was sworn in. He added that they are hoping to grow in the future to use the second floor as well. The maximum enrollment would be up to 90.

Mr. Cannilla asked if there was an ADA accessible entrance. Pastor DeGroot said that there is an already existing entrance at the floor level that is ADA accessible.

Pastor DeGroot noted that during the operation of the former nursery school, there were some traffic complaints because there was a back entrance to the parking lot off of Deerfield Drive. Since then, that entrance was closed to the public and is now only accessible for emergency vehicles. He stated that there are no issues with any of his neighbors.

Regarding signage for the school, they do not want competing signage with the church, but needed visibility for the location and entrance to the school. The wall sign proposed is to be on the northerly corner of the building, perpendicular to Ridgedale Avenue.

The meeting was opened to the public.

Thomas Delters, 5 Crane Lane. He was concerned with safety and security issues concerning the children. He wanted to know how with will be managed especially if there is an outdoor play area.

Mr. Senesky stated that the operator testimony may answer that question.

Myron Kleban, 4 Crane Lane. He was concerned with the additional cars accessing the site and leaving the site via Ridgedale Avenue. He asked if they were going to put a traffic light in at that location.

Mr. Senesky said that the traffic expert will speak to that.

Mike Cannilla said that there are no site drawings or documentation on these issues and other concerns. He also said that the play areas and check-in desk operation must be addressed.

Nick DiGiacomo gave a history of his business relationship with Montessori. He has been involved with them for 20 years and now operates three pre-schools. He explained the philosophy of the Montessori School and its mission to provide education for young children. The focus is on education and they employ professional teachers. The children are stimulated to learn in a multi-age setting. They are "for profit" but they do give back to the community. He likes the Florham Park location and Pastor DeGroot.

Mr. DiGiacomo addressed the security. There is a key fob entry system. It can be remotely accessed. The front desk is manned. There are other entrances that are also key fobbed, but they are only used for an exit.

Ted Trautman asked about the playground activities and security measures. Mr. DiGiacomo replied that outdoor play is teacher led, and there are several teachers that will guard the area at each angle.

Mike Cannilla said that there are no drawings that depict what is being testified to. The Board is being asked to permit a use and testimony is not enough.

Kurt Senesky added that a set of plans is needed that can be relied upon by the engineer and the zoning officer. This should include second floor plans.

Mr. DiGiacomo was not aware that plans were submitted and said that he will get the plans. He also said that parents will escort the child directly to the classroom. The ages of the children are 2 ½ - 3 ½ that will use the first floor only. If the second floor is used someday, it will only be for 3 ½-5 & 6 year olds.

The hours of operation are from 8am to 4pm, five days per week. They offer two sessions. There is a morning session that ends at 12:30, and then the afternoon session ends at 3:15pm. There would be no more than 40 children in the school at any one time. There is no drop off line. Everyone is walked in. Very few children arrive only for the afternoon session. Most children will stay for both sessions.

They follow State guidelines for teacher / student ratio. Jeff Noss asked who sets the standards that they must follow. The NJ Division of Children and Families sets the standards. Mr. DiGiacomo said that the State has provisions for everything. Jeff Noss want to see the guidelines to be sure that what the Board may approve is what is required.

Katherine O'Kane suggested a bifurcation of the application. The applicant can present testimony on the use variance first, and come back later for site plan approval so that Board can see the site design.

Mike Cannilla said that he preferred to see a site plan. He also wants representations on security, playground areas, and ADA modifications. He is not comfortable moving forward without these items.

It was decided that they would come back to the Board when a site plan is prepared. Nick DiGiacomo said that the timing is tough for a September opening. Even once an approval is received, they still have to get approval from the State as well as advertise to the public. He did not think that would be possible to be ready for a September opening.

After conferring with his client, Mr. Murphy stated that they will return to the Board with a full site plan. He asked that the application be carried to July 17, 2019.

Mr. Cannilla asked for a motion.

Mr. Zeien made a motion to carry the application to the July 17, 2019 meeting without further notice, second by Mr. O'Connor.

Roll: All those present and eligible voted to carry the application.

**C-Variance:**

**10. Steve Ha**

15 Dellwood Drive  
Block 3405, Lot 4

**Application #BOA19-8**

Applicant is seeking approval for excess lot coverage in connection with an above ground swimming pool. Applicant requested to be carried to the July 17, 2019 meeting without further notice or publication.

Mr. Zeien made a motion to carry the application to the July 17, 2019 meeting without further notice, second by Mr. Noss.

Roll: All those present and eligible voted to carry the application.

On a motion duly made and seconded the meeting was adjourned at 9:15p.m.