

**Borough of Florham Park  
Planning Board  
Work Session Meeting Minutes  
November 4, 2019**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, November 4, 2019 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. Michael Cannilla  
Mr. Joseph Guerin  
Mr. John Buchholz  
Ms. Kristen Santoro (1<sup>st</sup> Alt)

**Members Absent:**

Mayor Mark Taylor  
Mr. Gary Feith  
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:**

None

On a motion duly made and seconded the meeting was adjourned at 6:30 p.m.

November 4, 2019

Marlene Rawson  
Board Secretary

**Borough of Florham Park  
Planning Board  
Regular Meeting Minutes  
November 4, 2019**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, November 4, 2019 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. Michael Cannilla  
Mr. Joseph Guerin  
Mr. John Buchholz  
Ms. Kristen Santoro (1<sup>st</sup> Alt)

**Members Absent:**

Mayor Mark Taylor  
Mr. Gary Feith  
Mr. David Roberts

**Also Present:**

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

**Approval of Minutes:**

1. **Approval of minutes from the October 21, 2019 meeting.**

Mr. Cannilla made a motion to approve the minutes, second by Mrs. Margulies

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

**Preliminary and Final Major Site Plan:**

2. **Palmont Associates, LLC**  
147 Columbia Turnpike  
Block 1903, Lot 5

**Application #19SP-4**

Applicant is seeking preliminary and final major site plan approval for the construction of 126 residential rental units in 2 separate buildings.

Chairman Michael DeAngelis explained the hearing process to the public. He stated that the public will have an opportunity to question each witness after the professionals at the completion of the testimony of each witness. The questions must be relevant to the testimony. There will be comment period at the conclusion of the entire

application for members of the public to express their opinion on the application. He stated that the Board will be respectful of the public and expects the public to be respectful of the Board, the Professionals, and the Applicant.

John Inglesino, Esq., Attorney for the Planning Board, gave a brief overview and history of the affordable housing obligation for Florham Park.

In 1975, the NJ Supreme Court in the case of the NAACP vs. Mt. Laurel decided as a matter of State constitutional law, every developing municipality has an affirmative obligation to provide for its fair share of low and moderate income housing. There was not a lot of popularity to implement that decision among municipalities and in 1983-84, the Supreme Court informed the State legislature that because of a lack of action by municipalities, they will provide a Builder's Remedy.

A Builder's Remedy means that if a municipality is found to be non-compliant with its obligation to provide low and moderate income housing, that municipality can be stripped of its zoning power and the courts will decide where the affordable housing can be built. As a result of that, the Legislature enacted the Fair Share Housing Act.

In 1985, the Fair Share Housing Act became law and the state agency called the Council on Affordable Housing (COAH) was created to decide what the inclusionary housing obligations for each municipality will be for a period of time known as "Rounds". Over the years, due to changes in the methodology in determining the obligation numbers as well as inaction by COAH, many municipalities did not provide affordable housing units in Round 3.

In 2015, the NJ Supreme Court took the power away from COAH and vested it with the courts to determine what the fair share obligation will be for each municipality. It also allowed municipalities to file a declaratory judgement. A declaratory judgement provided a municipality with immunity from builders' remedy lawsuits during the period of time that the number of affordable housing units was being determined.

The numbers of units to be provided now must cover the years that municipalities did not build affordable housing. There is now a set of numbers for each municipality. Court experts and the expert for Florham Park have all agreed on the number of units that must be provided that will be valid through a period of time called "Round 4", better known as Mt. Laurel 4 to 2025.

Florham Park's case settled in June 2017. Part of the agreement included the zoning ordinance changes to certain properties. This settlement agreement offers protection from builder's remedy lawsuits and reduced the obligation number. A builder's remedy lawsuit can result in towns that refuse to enter into a settlement agreement. The lawsuit can strip the town of its zoning power and consequently lose local control of the development process. More than 300 municipalities have now entered into settlement agreements in order to retain control.

The Palmont property is specifically referred to in Florham Park's settlement agreement. This was done in a public hearing of the Borough Council with a public discussion, vote and resolution. This site will have 126 units of which 20% will be affordable. There are only one and two bedroom market rate units, but the state regulations require a certain number of three bedroom units in the affordable units.

This application has been filed and is pursuant to this zoning ordinance that was adopted in May 2018 and is an implementation of that settlement agreement with Fair Share Housing. From the Planning Board's perspective, it is an application for a use conforms to the current zone.

Beth Kalinka, 308 Brooklake Road. She wanted to know how many affordable units are in Florham Park. She asked if Florham Park built any affordable housing in the last 15 years prior to the settlement.

John Inglesino responded that the problem was that the State did not adopt compliant rules for a period of time and towns did not know what their obligation number was. However, Florham Park did continue to require developers to provide a percentage of affordable units in their projects from 1999-2015 and has received credit toward their overall obligation for those units.

Steven Schaffer, Esq. represented the applicant. He described the location of the site. It is in the new MF-6 zone that was created for this site to help satisfy the affordable housing obligation that Florham Park has. There will be

126 units in two buildings. The settlement agreement calls for a 15% set aside for affordable housing rentals which would amount to 19 units but they agreed to provide 25 units. These will be in the two buildings along with 101 market rate units.

The existing building will be demolished and two new buildings will be constructed. The bulk standards all comply with the MF-6 zone.

Andrew Cangiano, PE, was sworn in. He is also a planner. The following exhibits were marked:

- A-1: aerial exhibit of site
- A-2: layout and dimension plan, colorized
- A-3: landscape plan, revised and colorized

Mr. Cangiano described the location and the boundaries on A-1. It is a 5.32 acre site. There is currently a professional office building that is three stories and 53,259 sf. It is 39 feet high, 17,750 square foot footprint, and has 191 surface parking spaces. The property slopes from the north grade elevation of 218 feet to the south (202 feet), resulting in a gradual grade change of 15 feet.

All improvements will be contained within the existing parking limits of the site on the east and south sides. There are currently two driveways to access the site, both on Hanover Road.

Exhibit A-2 depicts the proposed plan. There will be two buildings that are three stories over a podium garage. It will consist of 126 units. There will be 101 market rate units and 25 affordable units. Building "1" is nearest to Columbia Turnpike and will have 86 units. Building "2" will have 40 units. Both buildings will have affordable units in them.

The site is 5.32 acres. The proposed density is 23.67 units per acre. The number of units permitted is 126 units. The setbacks to a public street are 21.1 feet where 20 is required, and 31.1 feet where 30 feet is required. The maximum building coverage is 27.6% where 30% is permitted, and improved lot coverage of 46.7% where 60% is permitted. The improved lot coverage is reduced from what exists today.

The existing vegetation, woodlands and buffers will not be disturbed, other than what is in the current parking lot and the building area. Surface parking will be reduced. 53% of the site will remain open green space and woodlands. All the standards meet the requirements of the zone.

The existing driveway that is closest to the intersection will be removed. The second existing driveway will serve as the single driveway access that will loop around the site. The bulk of the parking will be under the building. Turning templates were tested by the fire department and they work for trucks and fire department vehicles.

There will be a central courtyard with a fire pit, pergola, and grill areas. It is easily accessible from either building and has sidewalk frontages. It is hidden from the adjacent roadways.

There are 52 surface parking spaces. There are 126 parking spaces in Building "1" and 65 parking spaces in Building "2". The RSIS guide requires 242 spaces and they are providing 243 spaces. Garage spaces under the units reduces the improved coverage. They are utilizing tandem parking spaces underneath both buildings. Building "1" will have 33 tandem spaces and Building "2" will have 18 spaces. This parking will be assigned to individual units. All tenants will have parking under the building. Common spaces for visitors are included in the surface parking. There are two loading areas for the buildings.

Reports have been received from the Florham Park Fire Department and the Town Center Task Force (TCTF). There was a question as to whether the TCTF retains jurisdiction on the property since it is no longer in the B-1 zone. Nevertheless, they have agreed to comply with many of the requests. The Hanover Road sidewalk will be replaced as requested by the TCTF. It will be widened and lined with brick pavers. They agree to comply with the enhanced landscaping and specific lighting details that the TCTF requests.

The Fire Safety Plan has been reviewed and approved by the Florham Park Fire Review Committee, including circulation, hydrant locations, striping, staging areas, and fire department connections.

Regarding traffic, peak hour traffic will be reduced as a result of the conversion from office to residential. This assumes the office use at 100% capacity. However, overall trips will increase from the office use from 576 to 686 trips. Mr. DeAngelis confirmed that the building is not fully occupied at the present time.

Water and sewer connections will be at Hanover Road. The buildings will be fully sprinklered. The existing detention basin in the southwest corner will remain unchanged. A new storm pipe will connect to the basin. The existing wooded and vegetated areas will not change.

There will be less impervious coverage than what exists today. There is no increase in runoff because there is less pavement. They are required to recharge the roof runoff and will comply with that and work with the Borough Engineer.

There was a question about the ponding that occurs at the Chase Bank site that is on the opposite site of Hanover Road and whether this property is exacerbating the ponding issue. It has been determined that both properties discharge into the municipal storm pipe under Hanover Road, however, those pipes are not connected to each other.

The height of the building will comply with the maximum height of the zone which is 55 feet. This building will be 54.3 feet. Some of the parking on the north end will be built into the slope to keep the visible mass of the building as low as possible. There will be soil removal exported from the site.

Regarding Mike Sgaramella's comments, they will provide a concrete apron at the entrance driveway to blend in with the sidewalk. Sewer capacity is adequate. The new Borough well will supply amply water. They will comply and work with the recommendations of the Borough consultants.

Trash is handled via a trash room with an onsite compactor at the garage level of each building. Trash chutes will be provided on each floor. Trash rooms are maintained by staff. There is a loading stall for the trash truck and recycling truck for pick-up. There are also two onsite trash enclosures for overflow and larger items.

Mike Sgaramella stated that intersection improvements are planned by Morris County and he requested an ROW for a slight widening of the curb adjacent to this property. It will be approximately three feet into this property. The exact location has yet to be determined. This will allow the construction of a dedicated left turn lane onto Columbia Turnpike from traveling north on Hanover Road. The applicant will agree to the ROW but this may create a variance condition for front setback and density that they were trying to avoid.

Katherine O'Kane responded that the intent of the ordinance is that an ROW dedication will reduce the zone requirements and not create a variance. Chapter 250-11 allows for a reduction of bulk standards for setbacks and density in this regard. She said that when additional street right of way is obtained by the Borough, County or State for road improvements, the required lot area or setbacks may be reduced by the Planning Board or Board of Adjustment. She believes that the intent of the ordinance would include density as well.

This would make the requirement 18 feet from 21 feet from the right of way but it is only in a specific location because the building falls away from the setback. It would be 30 feet from the curb line.

The question was asked whether they can shift Building "1" slightly to the east to create room for the ROW dedication and have a compliant setback from the intersection. This would be in the northernmost area since the building is angled further away from the curb towards the south.

Andrew Cangiano stated that the ability to grant the right of way would be less complicated than trying to re-work the entire plan.

Mike DeAngelis agreed that the third lane at the intersection should take precedent.

Katherine O’Kane referred to exhibit “A-2” and stated that the minor improvements will be concentrated in the north and west along Columbia Turnpike. Improvements will also be on a small area on the northern east side as well. The south and east side will remain undisturbed.

There was a question on tandem parking as it relates to RSIS. The Planner will address that issue and they may be requesting a waiver from RSIS. They did not contemplate creating a boulevard entrance. This is a requirement of RSIS when there is a single point of access to a site. They will look into revising the plan to include this.

Andrew Cangiano explained to the public what RSIS is. It stands for Residential Site Improvement Standards. It is a guideline for parking, circulation, streets and sidewalks in a residential development.

John Inglesino asked Mr. Cangiano to review traffic and storm water. The existing driveway opening is 24 feet wide and two way access and it meets and exceeds the site distance requirements at 305 feet in both directions. There are ample gaps in traffic that are created by the signalized intersection. The condition is safe. The storm water management complies with the standards.

Carmen Cefolo-Pane asked where the traffic lanes will be as it relates to the driveway entrance. Andrew Cangiano replied that the lanes will only be 200 feet from the intersection so it will not interfere with the driveway that is back more than 500 feet.

Mike Cannilla thought that there could be some stacking and site distance issues within the site since the garage entrance is close to the entrance driveway. Andrew Cangiano replied that the driveway entrance is 50 feet from the curb line. It is only a garage entrance and there is no door. Cars will be able to drive right into the garage.

Carmen Cefolo-Pane asked about school bus stops and circulation within the site. Andrew Cangiano stated that those decisions are made by the Board of Education but they typically do not circulate through the site.

The meeting was opened to the public.

Anna Aldenese, 30 East Madison Avenue. She wanted to know how many one and two bedroom units there would be. What happens if the applicant is not in agreement with the witness testimony?

Andrew Cangiano stated that the architect testimony will provide the breakdown of bedroom numbers. Steve Schaffer said that the testimony is on the record and is to be relied on. However, sometimes the applicant who is the client will give signals to his professionals during testimony as to his opinion on suggestions.

John Inglesino added that if this is approved by the Board, a formal resolution will be prepared that will outline the terms and conditions of that approval that they must comply with prior to the issuance of a building permit. The approved resolution becomes a public document.

Joe Montalbano, 51 Park Street. He questioned the size of the parcel at 5.32 acres and 126 units and the density. He asked when the zoning was changed on the parcel. He asked how it got changed.

John Inglesino replied with a brief review of the timetable leading up to the rezoning of this property. The reason it was changed is because it was required by the courts since the parcel in accordance with the settlement agreement related to affordable housing.

Ed Kalinka, 308 Brooklake Road. He stated that a full traffic study was not done. He disagrees with the traffic assessment letter. He asked how children can access the sidewalk on Hanover Road without walking on the drive aisle.

Andrew Cangiano stated that the traffic analysis was done comparing the existing commercial use to a residential use but not actual counts. They will present more traffic testimony. He stated there are sidewalks leading out to Hanover Road from the complex. They can stripe a cross walk where it crosses a drive aisle.

Andrew Cangiano said that the berm in front of the drainage ditch that runs along the east and south side is not being touched so there is no change to the existing runoff pattern. The berm intercepts any runoff from the subject site and no water will enter the ditch. This project will not worsen or improve conditions on adjacent properties.

Ed Kalinka said that the drainage basin does not work and the adjacent property owners get flooded. He said that leaves from trees on the berm fall into the ditch. Also, landscapers had been discarding leaves into the ditch in the past. He said that a review should be considered. He was also concerned with runoff from the construction and demolition of the parking lot and the impact to the neighboring property owners.

Ed Kalinka had questions on the stability of the ground from the site disturbance. Mike Sgaramella replied that test borings will be required prior to permits to prove that the foundation design is adequate.

Andrew Cangiano reiterated that the storm water pipes discharge directly into Hanover Road via a concrete pipe and do not touch the drainage swale. The question was asked about who owns the swale. Andrew Cangiano stated that it is partially owned by the Applicant and partially owned by the adjacent property owners.

Andrew Cangiano stated that he does not know what is in the swale or how it operates. It is an undesirable condition that is pre-existing and nothing that the applicant is doing is impacting that condition in any way. Ed Kalinka would still like it investigated and a solution be provided prior to an approval.

Blake Garrett, 305 Brooklake Road. He asked if there could be a direct access point to Columbia Turnpike. He asked if there can be restricted turns on Hanover Road because he thinks there is a safety concern.

Andrew Cangiano replied that there is ample site distance on Hanover Road for turns. No direct access to Columbia can work from a traffic standpoint, safety issues, and grading. It is a high traffic roadway. There is a grade change in that area, plus divided access. He said that any access would need County approval and he believes that they would frown on that access point.

David Kramer, 137 Columbia Turnpike. He wanted to know about the disturbance on the east side next to his property. He has a parking agreement with the property owner to utilize a portion of that space on the east side for parking spaces.

Andrew Cangiano replied that he is aware that there is some parking area that encroaches into Lot 5 from Lot 4. The plan was originally designed to push that encroachment back to the property line. But it is his understanding that the encroachment will remain. Although there will be some disturbance in that space for utility work, but then the landscape and existing parking will be restored as per the parking agreement.

Mike Cannilla stated that shared parking and cross parking is not permitted in Florham Park.

Steve Schaffer responded that there is no formal agreement. It is more of a handshake agreement for an encroachment for some parking spaces beyond the property line of Lot 4.

Andrew Cangiano stated that the parking for lot 4 extends beyond the property line for an approximate depth of a parking space.

John Inglesino said that it needs to be investigated. John Inglesino asked to see the parking agreement. Mike Cannilla asked if the lot coverage calculation is based on greenspace or asphalt.

Andrew Cangiano replied that the calculation was based on the asphalt to be converted to greenspace. He was advised only recently that there was an informal parking agreement.

Steve Schaffer confirmed that the testimony is that it will be greenspace and we will be required to do that. Andrew Cangiano stated that will investigate this and come back with the answer.

Mike Cannilla asked about the width of the sidewalks in the courtyard area. He asked if they can be made two feet further away from the parking spaces so that a parked car does not obstruct the sidewalk area. Andrew Cangiano

stated that they can make the sidewalk four feet wide instead of six feet to allow for the cars. He confirmed that snow will be removed offsite in the event of an accumulating snowfall.

Andrew Cangiano stated that the lighting plan will be revised to be in compliance with the correct amount of foot candles and the Town Center Task Force requirements. The height will also comply as per the TCTF lighting expert's recommendation. There will be no light spillage onto any Brooklake Road property.

A-3: Landscape plan

The Town Center Task Force recommendations have been included in the exhibit. The buffer and south border have been bolstered and enhanced with spruce, white pine, and maple trees.

They will be removing 48 trees throughout the interior of the lot. The replacement number is 201 trees. They will replant 45 of the trees on the site. The remaining 156 trees will go into the tree bank.

Mike Sgaramella explained the tree ordinance and the tree fund to the public.

Andrew Cangiano stated that no trees will be removed from the south and east side along the residential properties. However, there will be some removal by the retaining wall and the utility area.

Andrew Cangiano explained that there will be one monument sign at the entrance on Hanover Road. The dimensions are 3ft x 6ft. It is compliant at less than 24sf and 4 ½ feet high and be externally lit. They will affix building signs identifying each building as per the comments of the fire department. There will also be wayfinding signs.

The meeting was opened to the public.

Ed Kalinka. He asked if the lighting was 18 feet high. Andrew Cangiano stated that it has been revised to 15 feet as per the Town Center Task Force.

Ed Kalinka wanted to know what sort of protection will be in place for the Brooklake Road residents from the window lighting from the buildings that will be 30-40 feet high. He is concerned with being able to see lights from the windows at night.

Andrew Cangiano stated that there is no exterior site lighting or building mounted lighting in the rear of the buildings.

Andrew Cangiano stated that there is a 6 foot retaining wall that will be along the curb line near Lot 4 along the eastern property line for about 100 feet. This will not be seen from adjoining properties. It can only be seen from within the site. Steve Schaffer believes that the wall does not create a variance but they will have testimony to support that.

John Buchholz observed that there is a transformer at the rear of Building 2. He confirmed that there is clear access for maintenance purposes.

Mike Cannilla asked if they have met with the power company yet. Andrew Cangiano replied that they have not yet met with them, but added that the transformer can be relocated if needed.

Mike DeAngelis asked that the application be continued to a future meeting due to the time. Steve Schaffer asked that the application be carried to the November 18, 2019 meeting.

Mike DeAngelis called for a motion.

Mr. Cannilla made a motion to carry the application to November 18, 2019 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.

Mike Cannilla announced that he has been informed that he will not be reappointed to the Planning Board. He thanked the Board members and said it has been an honor to serve with them. He said that he has not yet had an opportunity to speak with the Mayor about the reasons and was only advised that they are taking a new direction. He stated that he is very disappointed but it was not his decision.

Carmen Cefolo-Pane acknowledged Mike Cannilla's service to the Board. She said that he brings a wealth of knowledge and professional experience and is passionate about the town. Although she has had spirited discussions with him, she realizes that they were driven by working toward the common good.

Maureen Mulligan, Kice Road. She stated that this should not happen. She said that Mike Cannilla brings valuable experience and historical knowledge to the Board. She feels that this should be changed.

Mike DeAngelis replied that the Planning Board has nothing to do with the decision. Maureen Mulligan said that the Board can raise their voices and this can be reversed.

Seeing no other business to come before the Board, Mr. DeAngelis asked for a motion to adjourn.

On a motion duly made and seconded the meeting was adjourned at 10:00p.m.

Marlene Rawson  
Board Secretary

November 4, 2019