

**Borough of Florham Park  
Planning Board  
Work Session Meeting Minutes  
February 24, 2020**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, February 24, 2020 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. John Buchholz  
Mr. David Roberts  
Mr. Jeffrey Noss  
Mr. Sid Dvorkin

**Members Absent:**

Mr. Gary Feith  
Mr. Joseph Guerin (1<sup>st</sup> Alt)  
Mr. Jeffrey Hegan (2<sup>nd</sup> Alt)

**Also Present:**

Mr. Michael Sgaramella, Borough Engineer  
Ms. Katherine Sarmad, Borough Planner  
Mr. Derek Orth, 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 6:31p.m.

February 24, 2020

Marlene Rawson  
Board Secretary

**Borough of Florham Park  
Planning Board  
Regular Meeting Minutes  
February 24, 2020**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, February 24, 2020 at 6:31 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. John Buchholz  
Mr. David Roberts  
Mr. Jeffrey Noss  
Mr. Sid Dvorkin

**Members Absent:**

Mr. Gary Feith  
Mr. Joseph Guerin (1<sup>st</sup> Alt)  
Mr. Jeffrey Hegan (2<sup>nd</sup> Alt)

**Also Present:**

Mr. Michael Sgaramella, Borough Engineer  
Ms. Katherine Sarmad, Borough Planner  
Mr. Derek Orth, Esq. Board Attorney  
Andrew Larsen, Traffic Engineer

**Approval of Minutes:**

4. **Approval of minutes from the February 10, 2020 meeting.**

Mr. Noss 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.

**Minor Subdivision and Preliminary & Final Major Site Plan**

5. **Toll Brothers Inc. @ Sisters of Charity**                      **Application #20MSD-1 & 20SP-1**  
2 Convent Road  
Block 1301, Lot 2 (prop. Lot 2.01)

Applicant is seeking approval for a minor subdivision of 22.17 acres and preliminary and final major site plan for the construction of 150 attached residential units.

Carried from the February 10, 2020 meeting with no further notice or publication.

**Eligible voters: DeAngelis, Taylor, Cefolo-Pane, Margulies, Feith, Buchholz, Roberts, Noss, Dvorkin, Hegan**

Richard Hoff, Esq. represented the applicant. He stated that they will proceed with the traffic testimony tonight. Karl Pehnke, traffic engineer, was sworn in.

Mr. Pehnke stated that a traffic impact study was performed. The project was evaluated using standard traffic engineering methodology for proper geometry and traffic control. The study includes an inventory of roads, access points and opportunities, regulatory devices, and lane geometry. They use a sampling of traffic flow pattern during weekday morning and evening peak hours when traffic flow is at its highest.

The traffic counts were done in April 2018 (2) and also in February 2020. They focused on projected traffic to be generated from this project during the peak hours. As part of this study, they used traffic count data from the ITE trip generation manual. This is the nationally recognized standard when undertaking a traffic study.

They used the "journey to work" data which is routes that people use to go to work. Most of the traffic flow in this area is headed to Route 24 and also Route 287 bound. There is some that travel south towards to Madison and the local roads. The traffic study particularly focused on Park Avenue and Campus Drive intersection, St. Elizabeth College campus connections, Madison Avenue at Convent Road and Park Avenue and Florham Road.

Analysis procedures are established by the Federal Highway Administration. Traffic on the adjacent roadway systems is heavy in the morning. Park Avenue has heavy inbound traffic flow in the morning from Route 24 and Columbia Turnpike, particularly to Campus Drive and Florham Road. In the evening, the traffic flow is reversed and there is heavy volume to the intersection of Park Avenue and Columbia Turnpike, and then to Route 24. The DOT has been studying that interchange to get a project moving to improve the ramps and connections. Madison Avenue has an even flow in both directions.

Regarding the impacts from the project, the current level of service at the intersections are adequate and they operate at either "B" or "C". Occasionally, they are a "D". However, the capacity is there. There will be very little change in the operating conditions at the intersections from this project.

Traffic from the project will flow in the opposite direction at peak times at Columbia and Park. There are 150 units on the site and they will generate about 54 outbound trips at the peak a.m. hour (8am-9am). There are 53 inbound trips at the peak p.m. hour (5pm-6pm). At the same evening peak hour, there could be 32 outbound trips as well.

He referred to exhibit A-1.

Mr. Pehnke said that the site can be accessed from the north or south off of Park Avenue, then on to Convent Road. There is a boulevard entrance off of Convent Road. It is all RSIS compliant and it meets and exceeds parking standards. There are two existing gates to the College of St. Elizabeth that are on Convent Road, plus a guard shack on the west side of the campus.

The existing Convent Road gates will be removed. In an effort to maintain security at the campus, a new gate will be installed to the west of the access boulevard into the new development. This gate will control the access into the Sisters of Charity property via Convent Road which leads to Madison Avenue. It will be open from 6:00am to 10:00 pm. Between 10:00pm and 6:00am, the gate will be locked and there will be no access through the campus to Madison Avenue from that point.

The NV5 response letter was reviewed. They modeled the intersection of Campus Drive and the loop road in the manner they suggested and there is no change in the results. They also did a sensitivity analysis assuming that everyone made a left out of the development on Convent Road to Madison Avenue. The result was that movement would not change the level of service (B) at the intersection of Convent Road and Madison Avenue. This will be documented and provided to NV5.

Richard Hoff confirmed the following information. Traffic counts were taken on three separate dates. They were in April 2018 (2 dates) and February 2020. There were some school breaks on the first April date. Everything was in full operation on the other two dates. The traffic patterns were consistent all three times. In addition to the ITE data, they also did some actual traffic counts at similar residential sites in New Jersey. The results verified the ITE data and in some cases, there were even lower trip counts.

The site lines are excellent at the entrance. It is a safe location. There are no new conflicts on the existing public roadway and a minimal impact on Convent Road.

Andrew Larsen of NV5, traffic engineer for the Board, stated that they have no further comment or issues with their findings, pending review of the data requested.

Mike Sgaramella confirmed that the gate on Convent Road will be closed from 10pm-6am and there will be no access west on Convent Road at that point. He asked about an access easement on Convent Road. Mr. Hoff stated that there will be an access agreement in place. Mr. Pehnke agreed to review any appropriate signage needed along Park Avenue with Mike Sgaramella and the County.

Mayor Taylor said that he was at a special meeting that was also attended by representatives from Morris Township, Madison, the Chathams, and Hanover Township with County Engineer Chris Vitz, about the desired traffic reconfiguration on Park Avenue and the plans with the State. The roadway is to access eastbound Route 24. They are hopeful that a determination will be made later this year.

Mayor Taylor confirmed that there will be a lock box at a minimum at the gate that will be maintained for emergency services.

John Buchholz asked if the Pulte numbers were included at full buildout. They stated that the first phase was included (126 units). The Honeywell approved office space was included as well (719,000 sf). Other developments were factored in the regional growth rate.

The meeting was opened to the public.

Don Felker, 43 Independence Way, Morris Twp. He asked about what would happen when cars coming from Madison Avenue to Convent Road try to gain access through the campus at the guard house after hours. How will that be addressed? Mr. Pehnke reiterated that the gates will be closed and the campus will be secured from 10p.m. to 6am. If someone comes to the guard house then, it will have to be worked out. But for now it is closed. There may be further discussions with the Sisters.

Mary Joe Gray, 32 Independence Way, Morris Twp. She asked if there is a final approval yet with the Sisters regarding access through the campus. They responded that it is under discussion. She stated that if there is not an approval to access through the campus, the traffic will go to Punchbowl Road and it will be a nightmare. This will force traffic to go everywhere else. The area roads are not wide enough to handle traffic from these developments.

Mr. Pehnke responded that there is unrestricted access through the campus during the day. Ms. Gray asked if the other developments were taken into account. Mr. Pehnke replied that the growth patterns were included.

John Winters, 32 Brooklake Road. He confirmed the number of trips at the peak hour. He asked what the data is based on. Mr. Pehnke stated that it is based on similar communities. Mr. Winters asked if they expect people to walk or bike to the train station. Mr. Pehnke said yes. Mr. Winters said that Fair Share Housing is ruining the area.

Terrence Smith, 6 Independence Way, Morris Twp. He asked Mr. Pehnke if he lived here and commutes on the roads and if he spent time on the evaluations of the roads. He asked if this was anecdotal testimony or from his personal experience. Mr. Pehnke replied that he has been very familiar with the roads for the past 30 years. He driven the roads during all days and hours. Mr. Smith asked if he can see his anecdotal evidence and professional opinion. Mr. Pehnke stated that everything is documented in the report. Mr. Pehnke stated that he is a professional engineer and the Board will weigh the testimony of him and their engineers. Mr. Smith asked if the Board should be concerned traffic implication on Morris Township. Mr. Pehnke replied that the Board is provided all the information and must deliberate on it and the professional testimony and well as your questions. That is the role of the Board.

Mr. Smith asked who will attend to the traffic conditions Convent Road. It was stated that the Florham Park Police may patrol their portion of the road. He asked if the traffic conditions changed from the first traffic counts in April 2018 to the most recent traffic count in February 2020. Mr. Pehnke stated that the number are highly consistent.

Mr. Smith asked if the report took into account the Madison Hotel application in the traffic study. Mr. Pehnke stated that the regional growth was included. That information is updated each year based on activity in the area.

Katherine Sarmad responded that the Madison Hotel application (Regency) was included in the report, but not Pulte specifically. That was included in the regional growth rate.

Mr. DeAngelis asked if including Pulte specifically would change the numbers and if it would still have little impact. Mr. Pehnke said that the level of service would be a little lower. But it would not increase or compound the same movements as this project.

Mrs. Margulies asked if we could get the numbers run with from Pulte, the Ave, and the new Marriott.

Mr. Smith asked how a car goes north on Park Avenue. Mr. Pehnke replied that they would go out to Park and make a U-turn. Mr. Smith asked how someone living there would get the Morristown Hospital at 10pm. Several Board members explained the different ways to get to the hospital. Mayor Taylor thought that there should be gate access for EMS.

Mr. Smith asked if pedestrian traffic was taken into account in the study. Mr. Pehnke responded that the study is not influenced by pedestrian traffic.

Mr. Smith said that the intent of this is to approve a number of cars to drive on roads in Florham Park and Morris Township. Mr. Pehnke responded that the request is to approve a project that has access to the general road system. He added that roads are open to the public and you cannot approve who can and cannot use a public road system. Mr. Smith asked about private roads like Convent Road. Mr. Hoff reiterated that the existing gates on Convent will be removed and the new gate location still has to be finalized with the Sisters.

Mr. Smith noted that more traffic on Convent Road will impact pedestrian safety. He asked if there are discussions with the land owner on improving the roads. Mr. Pehnke said that sidewalks and cross walks exist on Convent Road.

Mayor Taylor reminded Mr. Smith that the Sisters are selling this property to allow for this development. The Sisters came to the Borough with this project. The Borough did not approach them. They are an intervener in the Fair Share Housing settlement.

Mr. Smith asked if they met with them about this. Mayor Taylor said he met with them many times. Mr. Smith asked if they met with Morris Township about this project due to the traffic impact. Mayor Taylor replied that the project is in Florham Park and did not understand why they would meet with Morris Township about it.

Mr. Smith asked what will happen if opportunistic commuters decide to use Convent Road. Mayor Taylor replied that they can do that now. Mr. Smith asked if there is a study of how many commuters are cutting through the campus.

Carmen Cefolo-Pane responded that is not a new scenario and the speed limit is very slow (15mph) through the campus. No one will save any time by using that road. Mr. Pehnke stated that traffic counts are low through that stretch of Convent Road. This may be an additional 18-20 trips due to this development.

Mr. Smith asked why they did not study Punchbowl intersection. Mr. Pehnke replied that as you move away from the site, traffic dissipates. He asked if there are plans to improve the railroad overpass on Punchbowl Road. He asked if they did a traffic analysis of that intersection. Mr. Pehnke stated no. Mr. DeAngelis and Mayor Taylor responded that the intersection is in Morris Township and Morris Township should be doing an analysis because of the planned development in their town.

Mr. DeAngelis said that we are assuming that the Sisters will leave the gate open. What if they change their mind? There must be an easement and be irrevocable. We should know that agreement before this is approved so the Board is aware of what the traffic patterns will be. He asked about that scenario and what the traffic counts would be to Park Avenue. Mr. Pehnke responded that the peak hour trips would be 30 vehicles per hour.

Mary Joe Gray, 32 Independence Way. She said that she thought that the Mayors meeting was on February 27<sup>th</sup>. Mayor Taylor said that they met on Saturday. She asked if there is a master plan on what is happening in the area. The roads are not built to carry this amount of traffic.

Mayor Taylor responded that the area was not developed until 20 years ago. The focus was on the developments now and that will come in the future. He gave a brief history of the construction of Route 24. He said that the Mayors of the affected towns met with County and State officials and suggested that Route 24 be extended to three lanes to the Short Hills Mall. They should also address the bottleneck problem on Route 24 west to Route 287. There is building going on everywhere in the region.

Mr. DeAngelis commented that the frustration is that the State is not willing to spend the money to improve the road system, yet they are compelling us to build all this affordable housing. It is too much shoved in one area and it is difficult to stop.

Jane Margulies said that she wants to see revised numbers in the traffic analysis that include Pulte at full build-out, Special Needs Housing, Marriott (Hanover Township). Honeywell, Regency, and The Ave are already included.

Break: 8:00-8:15p.m.

Jeremy Greene, architect, remained under oath. Mr. Greene stated that they met with Florham Park First Aid Squad Captain Mark Chiarolanza and went over the floor plan with them. They concluded that the stair case on the COAH units should be redesigned and the steps rearranged for adequate clearance. There are no issues in the market rate units. The stairs are wide enough. Mr. Greene noted that the gurney does not go into the unit. They use other equipment to evacuate someone.

The meeting was opened to the public.

Diane Holland, 26 Northbridge Drive. She asked if there were shared EMS services with Morris Township. She said that they should be consulted on the unit construction due to the traffic issues in the area. Mayor Taylor responded that we have our own EMS and use the County services if needed.

Mark Mayhew, engineer for the project, remained under oath. He stated that they re-looked at the plan as it pertains to lighting to see if it made sense to add additional poles.

A-21: exhibit A-1 highlighted

Mr. Mayhew stated that he is able to place three additional light poles on the site in response to lighting concerns raised at the last meeting. There will be two more on Xavier Road and one on Seton Avenue. He believes that these additional light poles will sufficiently light the site where needed.

Mr. Mayhew addressed the tot lot location questions. After a review, they are able to place a 600 square foot fenced play area near the club house and behind the pool area. This will be more centrally located. The targeted age group is 5yrs to 12yrs.

Katherine Sarmad agreed that the age group is appropriate and this location is best for the development.

Mr. Mayhew said that he looked at the retaining walls to see if there is a way to lower them. He is able to split the retaining walls and make them a maximum of seven feet, but there will be more of them. They will plant vegetation in between them. There would still be a fence on the top of the walls. It will still require a variance but the walls will not be as high.

Mr. Mayhew stated that in response to Board concerns over access to the development, they examined a possible emergency access point in the area of the roundabout. Their study found that from an engineering perspective, a connection would not be possible due to the steep grade. There is a 16% slope in that area and a fire truck would bottom out.

Mr. Dvorkin asked if they only studied for emergency vehicle access. He asked if a car could navigate through there. Mr. DeAngelis asked that if Convent Road were closed, how the residents would get out.

Mr. Mayhew restated that the boulevard entrance provides the two points of access that is required. This is an acceptable condition as per RSIS, which is the statewide standard. Each side of the boulevard cart way is 20 feet wide which is wide enough for two cars to pass, should one side become blocked. This is satisfactory as per RSIS.

Carmen Cefolo-Pane again asked if there are any other areas that can be utilized for emergency access. Board members asked about various locations along the perimeter of the site. Mr. Mayhew responded that they studied the site and due to the steep sloping conditions, there are no options.

Mr. Hoff responded to the Fire Service Review letter. He said that they will agree to provide sprinklers and a monitoring alarm to the club house building. A building layout will be submitted to the fire review committee as requested.

Mr. Mayhew said that a temporary water supply and hydrants are available from the water main on Convent Road. That will provide coverage for the site, if needed. They also agreed to provide a sign at the intersection as you enter the complex identifying the unit numbers in both directions. No parking signage will be installed and they agreed to Title 39 enforcement.

Snow removal will be accomplished by plowing the snow into the wooded areas at the end of Seton and Xavier Roads. They agree to make the required tree contribution to the tree bank in connection with tree removal.

Mayor Taylor noted that the emerald ash borer insect has caused 10 thousand trees to be removed from Morris County. He said that we will restock our trees in Florham Park with this contribution.

Mike Sgaramella confirmed that they will use 12 foot light poles throughout the complex. Katherine Sarmad stated that the parking on the site is RSIS compliant and they have excess parking if the driveway parking is counted.

Jeff Noss asked if they got closer to the foot candle requirement with the addition of three light poles. Mr. Mayhew replied that there is no overall foot candle illumination requirement. It is a measurement taken from the edge of a property. They do have areas that do not meet the minimum foot candle and some areas will be darker than others. But they are confident that the building mounted lighting will provide sufficient lighting. Their street lights have shields and are night sky friendly. Their goal was to minimize light.

Mike DeAngelis would like assurance that any construction vehicles will access the site from Park Avenue and not through the campus on Convent Road. They agreed and added that the Sisters requested that as well.

Mayor Taylor confirmed that they received the communication from Morristown Airport. Mr. Hoff said that he has received it and they will review the FAA approval requirements. It will be disclosed in their sales contract if required.

Jane Margulies verified that the cubic storage space requirement is only in the MF-1 zone and does not apply to this development.

The meeting was opened to the public.

Susan McHugh, 8 Delaware Road. She confirmed that they are responsible for planting the trees on the site. She asked if they die, would they be obligated to replace them. It was stated that they will replace any dead trees. She also said that she lives in a development that was cut off during Hurricane Sandy and felt it was important to have a second way out of this new development.

Diane Holland, 26 Northbridge Rd., Morris Twp. She suggested approaching Hamilton Park or FDU and asking for an access road into their complex to be used only in emergencies.

Mr. Hoff replied that it is highly unlikely that they would be receptive to that request. He noted that it is difficult to create a second exit when you don't own the property.

Mr. DeAngelis asked for clarification on the variances. Derek Orth replied that there is a variance for the height of a retaining wall, and also for lighting that is under the requirement. Katherine Sarmad stated that they are engineering related variances.

Derek Orth confirmed that 9.8 units per acre is permitted, and they will provide 6.3 units per acre. They are permitted to have 198 units in the zone, but will have only 150 units.

Mr. Mayhew stated that with respect to the retaining wall height, the property is steeply sloped, beginning at a 400 foot elevation, down to a 250 foot elevation. If they were to use four foot high retaining walls, the building footprint would be compressed. He does not think that they can achieve maximum density unless the walls were higher.

Mr. Dvorkin again asked about emergency access through FDU. Mr. DeAngelis asked that they look into that possibility and thought that Mayor Taylor could contact them about it as well.

Mike DeAngelis said that he would like to see a traffic study that includes all the development (Pulte, Regency and Marriott) that is planned in the area. He also wants confirmation with the Sisters with respect to the gate issue on Convent Road. Mr. Hoff confirmed that the agreement is in place. Mike DeAngelis would like the agreement to be reviewed by the Board Attorney so that he is assured that the statement is correct.

Mr. Hoff clarified that any agreement can be provided to him once he has reviewed it. Mr. DeAngelis replied that he does not need to see the document but he just wants confirmation from the Board Attorney that the statement is in the document. That would eliminate the need for another traffic study of a Park Avenue only exit.

Mayor Taylor and Jane Margulies also mentioned the LCS care facility that is under discussion. That would be located at the Green at Florham Park. They noted that it would have minimal traffic and much less impact than office space.

Carmen Cefolo-Pane felt that a second exit is needed because portions of the community look like they have the potential of being landlocked in an emergency. Other board members suggested possible locations. Hamilton Park /FDU was brought up again as a possibility to have an emergency access.

Mr. Hoff responded that the boulevard entry road is extremely wide for that reason. Road "A" is not just one road. It is two roads. There would need to be a situation where two full roads plus an island are completely blocked. There would need to be a catastrophic event for an extended duration to isolate those units. He added that all cul-de-sacs have this condition.

Mr. Hoff continued that FDU would not be interested in having a conversation about that. Just getting to the proper person in that organization would be a major undertaking and a lengthy process. They are liable to be very unreasonable with their demands, even if they were open to the idea. It is difficult to negotiate with a third party to gain access over their property. He does not want to make any false promises.

Jane Margulies asked that they at least look into the possibility of having an emergency access point into the hotel parking lot. It may not even be possible due to land elevations and grading conditions. Mr. Hoff said that he realizes that he is being asked to ask the question. But a response from FDU would not be forthcoming anytime soon, and Toll Brothers may not want to meet their demands.

Mr. Hoff reminded the Board that as per the State law, they are not required to provide a second access. The boulevard entrance is an accepted alternative. Each side of the road is 20 feet wide so it is really two roads. Katherine Sarmad asked if they could line it with mountable curbs. They agreed to do that.

Mr. Hoff noted that they have been extremely responsive to all the concerns of the Board. They looked at the access issue as well but it is not within their control to provide it.

Mr. DeAngelis responded that we are trying to look out for the residents because there are a lot of them. He wants to know if it is even possible from an engineering standpoint to provide a second access even if it is only for a car,

and not a fire truck. It may not be possible due to the drop, but he wants to know that. He again asked about the eastern most portion roundabout area that was studied. He wondered if an automobile could navigate it. Mr. Mayhew replied that it would not be safe for an automobile at a 16% drop. Mayor Taylor agreed that it would not work in that area.

Katherine Sarmad noted that the Board recently heard the Palmont application of a comparable density where a similar boulevard entrance was used and there was not a second separate point of access. The Board did not impose this condition.

Mike DeAngelis asked that the applicant get the requested information on the remaining traffic questions, and stated that the application should be carried.

Mr. Hoff requested to be carried to the March 9, 2020 meeting. It was noted that Board Engineer Mike Sgaramella would not be present at that meeting. Mr. Hoff stated that the architectural and engineering testimony is complete and Mike Sgaramella agreed that his comments have been addressed.

Mayor Taylor made a motion to carry the application to March 9, 2020 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.

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

Marlene Rawson  
Board Secretary

February 24, 2020