

**Borough of Florham Park  
Planning Board  
Work Session Meeting Minutes  
June 22, 2020**

The Regular Work Session of The Borough of Florham Park Planning Board was called to order on Monday evening, June 22, 2020 at 6:30p.m. The meeting was conducted by virtual means utilizing the Zoom service in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency.

**Members Present:**

Mr. Michael DeAngelis – Chairman  
Mrs. Jane Margulies – Vice Chairman  
Mayor Mark Taylor  
Mrs. Carmen Cefolo-Pane  
Mr. Gary Feith  
Mr. John Buchholz  
Mr. David Roberts  
Mr. Jeffrey Noss  
Mr. Sid Dvorkin  
Mr. Joseph Guerin (1<sup>st</sup> Alt)  
Mr. Jeffrey Hegan (2<sup>nd</sup> Alt)

**Members Absent:**

**Also Present:**

Mr. Michael Sgaramella, Borough Engineer  
Ms. Katherine Sarmad, 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" and as set forth above.

*There was no new business to act upon at the work session portion of the meeting.*

On a motion duly made and seconded, the meeting was adjourned at 6:35p.m.

June 22, 2020

Marlene Rawson  
Board Secretary

**Borough of Florham Park  
Planning Board  
Regular Meeting Minutes  
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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. Gary Feith  
Mr. John Buchholz  
Mr. David Roberts  
Mr. Jeffrey Noss  
Mr. Sid Dvorkin  
Mr. Joseph Guerin (1<sup>st</sup> Alt)  
Mr. Jeffrey Hegan (2<sup>nd</sup> Alt)

**Members Absent:**

**Also Present:**

Mr. Michael Sgaramella, Borough Engineer  
Ms. Katherine Sarmad, Borough Planner  
Mr. John Inglesino, Esq. Board Attorney

**Approval of Minutes:**

4. **Approval of minutes from the 2020 meeting.**

Mr. Noss made a motion to approve the minutes, second by Mrs. Cefolo-Pane

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 preliminary and final major site plan for the construction of 150 attached residential units. Carried from the March 9, 2020 meeting.

Richard Hoff, Esq. represented the applicant. He stated that their formal testimony on the application is complete. The issue of the private Convent drive right to access and the road adequacy has been resolved. A form of easement will be provided for clear municipal access and formal access into the Toll Brothers project.

John Inglesino concurred that all municipal vehicles have the right of access to the project and his recommendations have been included. All state and county vehicles also have the right of access. This easement will be a condition of approval. The easement agreement is a draft in progress and is not able to be shared since it is the subject of current negotiations with the Sisters. It must be recorded at closing prior to a building permit

Mark Taylor asked if Title 39 has been granted. Richard Hoff stated that it is not specifically mentioned in the easement but they have no objection to it within the project site. He will ensure that the sister have given Title 39 on convent Road.

Richard Hoff continued that the issue of the adequacy of Convent Road was brought up as well. Karl Pehnke, traffic engineer will respond to that.

Karl Pehnke remained sworn in. He stated that he revisited the private road that currently services the college campus. There is no parking permitted along the roadway. It currently handles about 2000 trips per day and has been designed as a substantial roadway. It is well-constructed and 24ft in width and is curbed almost the entire length. There are sidewalk already installed. The speed limit is 15 MPH and it is adequately signed with stop signs and no parking signs. The road is in relatively good shape and shows no signs of distress.

Mr. Hoff said that Toll Brothers will share the maintenance costs of this roadway.

Karl Pehnke continued that the project will add 20 vehicles per hour or 370 trips per day. This is well within the capacity of the road. There are adequate site lines that will be provided at the Toll driveway. It is his professional opinion that Convent Road is more than sufficient to meet the traffic demands.

Jane Margulies asked if Borough Engineer Mike Sgaramella inspected the road as well. Mike Sgaramella responded that he visited the site twice but the road was gated off since the campus was closed and he could not access it. He added that he has been on the road in the recent past and did not notice anything detrimental about the condition of it. Mike Sgaramella asked who would maintain the road.

Richard Hoff stated that there will be a cross sharing agreement between Toll Brothers and the Sisters of Charity regarding maintenance of the road. In addition, Toll Brothers will correct any damage done to the road during construction.

Jeff Noss asked if the issue snow maintenance that was brought up at the last meeting has been addressed. Richard Hoff replied that the form of easement does address and provide for that.

There were no questions by the Board. Mr. Hoff stated that his testimony has concluded.

The variance requests were reviewed. There is a variance needed for retaining wall height and for lighting that is less than what is required by ordinance.

Mr. DeAngelis opened the meeting to the public for any questions or comments on the application. There were no questions and no comments.

Mr. DeAngelis called for a motion.

Mr. Buchholz made a motion to approve the site plan application (20SP-1), second by Mrs. Margulies  
Roll: Buchholz, yes; Margulies, yes; DeAngelis, Taylor, yes; Cefolo-Pane, yes; Roberts, yes; Noss, yes; Dvorkin, yes.

## **Minor Site Plan**

6. **Regency Plaza, LLC**  
186 Columbia Turnpike  
Block 801, Lot 2

**Application #20SP-3**

Applicant is proposing to add three parking spaces at an existing retail site.

Barry Mandelbaum, Esq. represented the applicant. The request is to create three additional parking spaces within the existing shopping center.

Sharif Aly, project engineer, was sworn in. He stated that the spaces will be located near the bank. One will be on the left side and two will be behind the bank. The existing parking lot has 208 spaces and this will bring the total spaces to 211 spaces. The space size will be one space at 9ft x 18ft, and two parallel spaces to be 8ft x 23ft. The 9ft x 18ft space is a design waiver.

Theresa Bocchino, project manager and tenant coordinator, was sworn in. She said they must create more spaces because the shopping center has one remaining vacant tenant space that is 1834 square feet. Since this is a general retail use, they are required to have 10 parking spaces available for this use. The addition of these new spaces will meet that requirement.

Mr. Aly added that two small trees must be removed as part of this project and will be replaced in the same area.

Mike Sgaramella concurred that the 9ft x 18ft parking space is a design waiver only, and asked if those two trees can be replanted somewhere within the site. If not, they must plant two replacement trees.

Barry Mandelbaum replied that they agree to do that, and will confer with Mike Sgaramella as to the new location of the trees.

Mark Taylor reiterated that there are no variances associated with this application; only a design waiver for parking space size.

There were no questions from the Board. Mr. DeAngelis opened the meeting to the public.

There were no questions or comments from the public. Mr. DeAngelis closed the meeting to the public and called for a motion on the application.

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.

## **Public Hearing:**

7. *ASCO Redevelopment Study*

John Inglesino stated that Florham Park is considering an area in need of redevelopment. The area is the subject of an investigative study to determine whether it meets the criteria for consideration as an area in need of redevelopment. It is where it is determined that there is a public purpose to eliminate blight and get the area back to productive use.

This will enable the Borough to proceed under the redevelopment law as opposed to traditional zoning. The law provides a clear path for a property to eliminate blight and become purposeful again. There are many financial tools that are available under the redevelopment law including in many cases, a public-private partnership.

The subject properties are a 50-acre site that has been abandoned for many years, as well as the Borough sewer treatment facilities located throughout the municipality. The vision is for a potential partnership with the Borough

of Florham Park includes a system-wide upgrade to the sewer infrastructure without burdening the ratepayers with the costs of those upgrades.

The redevelopment procedure is a sequential process. The Governing Body authorizes the Planning Board to conduct a study of the subject property to determine whether it qualifies as a non-condemnation area in need of redevelopment. The Governing Body has chosen “non-condemnation” as opposed to “condemnation”.

The Planning Board then directs the Board Planner to prepare an investigative report on the area of the proposed redevelopment. These two steps are completed.

The third step is the public hearing on the Planner’s report and the Planning Board’s recommendation on whether it qualifies as an area of redevelopment. This is what is being done tonight. Not every property in the study needs to meet the criteria. A property can qualify if it is found to be necessary for the Borough to carry out its vision. Only one of the various statutory criteria is required in order for the entire property to be considered an area in need of redevelopment.

This meeting was legally noticed in accordance with the redevelopment law, including two legal notices and notice to property owners within the area.

Based on the findings of the report and the testimony, the Planning Board will make a recommendation to the Governing Body. The Governing Body will make the final determination as to if it agrees that it is an area in need of redevelopment. This is done by resolution. The resolution will allow a redevelopment plan to be created.

When the redevelopment plan is created and adopted by the Governing Body, it becomes an ordinance. Once it becomes an ordinance, the Governing Body is able to enter into an agreement with a party to carry out and implement the plan.

Katherine Sarmad, Board Planner gave a summary of her report and findings. There are 16 properties that were part of this study, which was done in two parts. The focal properties were Block 303, lots 5 and 12 (50-60 Hanover Road). The remaining 14 properties are incidental to the focal properties and the study. The remaining properties are properties are part of the sewer and water infrastructure. They are the following: Block 303, Lots 5 and 12; Block 301, Lots 15 and 16; Block 502, Lot 1 (portion of); Block 901, Lot 1; Block 1401, Lot 1 (portion of); Block 1402, Lot 1.02; Block 1701, Lots 9 (portion of) and 14; Block 1907, Lot 9; Block 2101, Lot 23; Block 2702, Lot 1 (portion of); Block 3902, Lot 2 (portion of); Block 4001, Lot 71; and Block 4201, Lot 29 (portion of). The sewer and water facility sites are scattered throughout the Borough. Of the seven properties where only a portion of the site is used for the water and sewer facilities, six are not owned by the Borough and have easements that traverse that portion of the property used for water and sewer infrastructure.

Exhibits were shown of the focal properties. The focal properties are located on Hanover Road in the C-1 commercial zone. It is 55 acres in total. The property is near the East Hanover Township border, and also abuts a variety of residential zones, including both single family and multi-family. The focal property has been owned by ASCO since 1957. Katherine Sarmad did an onsite inspection of the site, but could not access the interior of the buildings. Aerial photos reveal that nothing on this property has changed since 1991.

Katherine Sarmad continued that the exterior of the buildings are in the state of deterioration. Mark Taylor added that he was inside the buildings last year and they are in disrepair with active roof leaks.

Katherine Sarmad researched the Borough records for the focal properties and there are no fire records. Planning and zoning land use revealed records for a 2001 subdivision, 2009 utility improvements, and a major site plan in 2012 involving building upgrades and improvements. The 2012 site plan project was abandoned due to high costs. Health records include NJDEP violations and subsequent remediation. She noted that most of the environmental clean-up is completed and the files are closed out.

Katherine Sarmad stated that a site can be considered eligible for redevelopment by meeting one of the eight possible criteria for redevelopment suitability as defined by the Local Redevelopment and Housing Law. Her analysis

and findings are based on a study of exhibits, mapping, site visits, photos, historical documents, Borough records. The site at 50-60 Hanover Road meets three of the criteria. They are the following:

B. – Discontinuance of use of buildings for at least two consecutive years.

This is located on a large land parcel and is a building that has been vacant and untenanted for more than four years. It was only partially occupied for years prior to that. This is greater than the two-year condition. It was marketed unsuccessfully for sale for the past four years.

D. – The property and buildings are obsolete, in various forms of dilapidation, and there is excessive land coverage.

The building (Lot 5) condition is in disrepair and decline. The exterior is dated and much different from what is typical. It was added onto over the years and has an odd and obsolete layout. There are large asphalt areas that are in disintegration and pavement failure. This has resulted in excess land coverage. The odd layout is not easily adaptable for new tenants. This is evidenced by the ongoing vacancy despite years of marketing.

The building (Lot 12) is in worse overall condition. This has been vacant for more than five years. They have been unsuccessful in selling the site due to its age and deteriorated condition. This is a former contaminated site that was a threat to health and safety to the community.

H. – Redevelopment of the site is consistent with smart growth and planning principles.

Promoting redevelopment of an already existing disturbed site should be encouraged. This is an important opportunity to conserve undisturbed natural resources, promote economic growth, development and renewal by recycling land, and protect the environment clean-up of the site will further the smart growth principles.

Katherine Sarmad stated that the infrastructure of water and sewer sites meet the criteria for smart growth (H). It encourages site revitalization while preserving natural land. They are vital and necessary to the creation of the redevelopment area and promote needed infrastructure improvements for the Borough.

Mark Taylor thanked Katherine Sarmad for the comprehensive report.

Sid Dvorkin asked if the inclusion of the sewer properties was necessary for development of the focal properties.

John Inglesino replied that it is necessary to include them in order to accomplish the policy goals of the redevelopment. The Borough sewer facilities need significant upgrades in general, and especially in order to meet the Mt. Laurel obligation that Florham Park has. Redevelopment financing tools available through a redevelopment plan can finance these upgrades rather than have that burden fall on the ratepayers. This is why the properties must be looked at together.

Jeff Noss asked if the redevelopment plan acts as a catalyst. John Inglesino replied that this is not eminent domain. ASCO owns the properties and continues to market it to developers. Redevelopment can create an opportunity to provide tax incentives for long-term tax abatement by the Borough.

Jeff Noss asked if the redevelopment plan would change their zoning status. John Inglesino replied that the redevelopment plan would supersede the underlying zoning. It can also override the Master Plan. Municipalities routinely do this when there is a redevelopment plan. The next Master Plan should include the overlay of the redevelopment.

Carmen Cefolo-Pane asked if the redevelopment is inconsistent with our current Master Plan.

John Inglesino clarified that this is not a redevelopment plan yet. This is a hearing to determine if it meets the criteria. The next step would be for the Governing Body to declare the area in need of redevelopment. A redevelopment plan is then prepared. A redevelopment plan can be consistent or inconsistent with the current Master Plan. The law provides that it can be inconsistent with the Master Plan.

Katherine Sarmad restated that the Master Plan should be amended as it periodically is, to reflect the redevelopment plan after it is enacted by ordinance. .

John Buchholz asked if this action prevents “Builder’s Remedy” lawsuits. John Inglesino replied that the Borough has already entered into a settlement agreement with Fair Share Housing that has given us immunity from those lawsuits.

Sid Dvorkin asked how the sewer utility costs would be paid from this redevelopment. John Inglesino replied that the redevelopment project would include the utilities. A financial agreement such as a PILOT would be entered into, and a portion of that could be used to pay the debt service on the improvement bonds that the Borough needs to borrow.

John Inglesino continued that the site in its current condition is paying low taxes and can generate much more revenue that will pay for the debt service on the bonds and have significant leftover revenue to pay for a multitude of general improvements within the Borough.

The advantages to this are that this will eliminate blight on the property that currently exists and outlined in the report. The public/private partnership can pay for the expansion and general investment in the Borough infrastructure through this unique opportunity.

John Inglesino added that there is a concern that there may be a shortfall in our affordable housing obligation. A midterm review of the Settlement Agreement is scheduled for later this summer. This redevelopment project has the ability to provide more affordable housing to shore up our third round of Mt. Laurel compliance. Also, the fourth round of Mt. Laurel will be in 2025. At that time, a new affordable housing obligation will be determined. If this site remains undeveloped, the Borough could be left with few options and a developer could have more options on how this property will be developed.

John Inglesino stated that this is a chance to return the site to a productive use. It will provide a financial bonus for the Borough to pay for a major infrastructure investment that must be done regardless. At the same time, it will allow us to get ahead of the curve on the Mt. Laurel obligation.

Mark Taylor stated that this is a very desirable site on Hanover Road that will be developed into something. The Council and the Planning Board must do what is best for Florham Park.

Mike DeAngelis clarified that our task this evening is to make the recommendation for a redevelopment opportunity.

Carmen Cefolo-Pane asked what our obligation is.

John Inglesino replied that the Council has asked the Planning Board to look at this site. Our Planner has completed an investigative report. A motion in the affirmative would be to adopt the report of the planner and make a recommendation to the Council that the area be declared in need of redevelopment based on the planner’s report and testimony.

Jane Margulies asked what our recommendation will result in.

Mike DeAngelis said that the Planning Board only decides on the Planner report. It then goes to the Council.

John Inglesino replied that if the Council agrees, the next course of action would be for the Council adopt a resolution declaring the properties an area in need of redevelopment. The resolution would direct the Planning Board to have a redevelopment plan prepared.

The redevelopment plan then becomes an ordinance. It can be inconsistent with the Master Plan because it was not contemplated in the past. The Planning Board can still endorse the plan. The adopted plan will offer financing options not otherwise available to the Borough.

The meeting was opened to the Public.

John Winters, 32 Brooklake Road. He was concerned about the sewer cost factor due to our COAH obligation. He was happy that this can help with that. He would like to see a freeze on the taxpayer sewerage fees going forward. He asked how soon the shovel can be put in the ground.

John Winters asked what has a higher sewer usage with office or residential. Mike Sgaramella replied that generally, commercial uses have a higher flow than residential uses.

Carmen Cefolo-Pane asked if the project can be completed without the sewer improvements.

John Inglesino reiterated that there is no project before the Planning Board or that is part of this discussion. This prospective vision is typical of how these projects evolve. There is a community need for sewer upgrades, a blighted property, a property owner and prospective developer. There is a real need to upgrade the sewer utility. This can be an opportunity for those upgrades to be achieved without ratepayers paying for it.

There were no other questions or comments from the Board of the public. Mr. DeAngelis called for a motion.

The motion is that the Planning Board concurs that the subject properties meet the statutory criteria of an area that is in need of redevelopment based on the Planner's report, and recommends that the area be declared an area in need of redevelopment based on the Planner's report.

Mr. Roberts made the motion to, second by Mrs. Margulies.

Roll: Roberts, yes; Margulies, yes; DeAngelis, yes; Taylor, yes; Cefolo-Pane, yes; Buchholz, yes; Noss, yes; Dvorkin, yes; Guerin, no.

On a motion duly made and seconded the meeting was adjourned at 8:30p.m.

Marlene Rawson  
Board Secretary

June 22, 2020