

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
March 9, 2020**

The Work Session Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, March 9, 2020 at 8:25 p.m. in the Municipal Building located at 111 Ridgedale Avenue, Florham Park, New Jersey.

Members Present:

Mr. Michael DeAngelis – Chairman
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Gary Feith
Mr. John Buchholz
Mr. David Roberts
Mr. Jeffrey Noss
Mr. Sid Dvorkin
Mr. Jeffrey Hegan (2nd Alt)

Members Absent:

Mrs. Jane Margulies – Vice Chairman
Mr. Joseph Guerin (1st Alt)

Also Present:

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.”

Site Plan Waivers:

Chairman Mike DeAngelis stated that a site plan waiver for a barber shop (Slik Barber Lounge) was administratively approved by Board Engineer Mike Sgaramella. They are moving into the space formerly occupied by a hair salon at Crescent Shopping Center at 184 Columbia Turnpike.

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

March 9, 2020

Marlene Rawson
Board Secretary

**Borough of Florham Park
Planning Board
Regular Meeting Minutes
March 9, 2020**

A Regular Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, March 9, 2020 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
Mayor Mark Taylor
Mrs. Carmen Cefolo-Pane
Mr. Gary Feith
Mr. John Buchholz
Mr. David Roberts
Mr. Jeffrey Noss
Mr. Sid Dvorkin
Mr. Jeffrey Hegan (2nd Alt)

Members Absent:

Mrs. Jane Margulies – Vice Chairman
Mr. Joseph Guerin (1st Alt)

Also Present:

Ms. Katherine Sarmad, Borough Planner
Mr. John Inglesino, Esq. Board Attorney
Joseph Fishinger, Board Traffic Engineer

Approval of Minutes:

11. Approval of minutes from the February 24, 2020 meeting.

Mayor Taylor made a motion to approve the minutes, second by Mr. Roberts
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.

Richard Hoff, attorney for the Applicant, stated that they have planning testimony regarding the variances from John McDonough, PP that they want to put on the record.

John McDonough, PP, was sworn in. He stated that the variance for the height of a retaining wall would be a C-2 variance. He testified that the positive criteria is that it will provide for the implementation of housing as outlined in the Affordable Housing Agreement, which is the promotion of the general welfare. It creates a desirable visual environment because it is a well-balanced design and will not appear overly large. It is an efficient use of land that is hidden by the building masses and produce an appropriate site for development.

Regarding any negative criteria, it will be innocuous in the landscape and will be safe and efficient. There is no substantial detriment to the public or the Zone Plan. It satisfies the C-2 balance test.

With respect to the lighting variance from a design standard, certain locations do not meet the design standard. The overall lighting is safe and efficient. There are a few areas that are somewhat deficient but the ambient building lighting from the residential homes that are only 20 feet from the roadway will add additional lighting to those areas. This is also a C-2 variance. It is a beneficial project and will be safely illuminated but not be overly bright.

Katherine Sarmad concurred with Mr. McDonough's testimony.

Gary Feith noted that the building lighting is controlled by the residents so it is possible that there will be dark areas if residents do not turn on the outside lighting.

Sid Dvorkin asked about the location of the retaining walls and the types of plantings that will be used to soften the appearance. Mr. McDonough replied that they are between the buildings and behind the buildings. They will use lower plantings. The walls will be fenced as well.

The meeting was opened to the public.

Paul D'Antonio, 10 Crescent Road, Convent Station. He asked what construction style of the walls will be. Mark Mayhew, project engineer, replied that it is a blocked segmental style that are about 8 inches by 12-16 inches long. The color and materials will blend with the buildings.

Karl Pehnke, Traffic Engineer for the Applicant, remained under oath. He stated that he updated the traffic report to include the new Marriott Hotel and the Pulte age restricted housing on the Green at Florham Park. He said that the last full traffic study for the Green at Florham Park was done in 2008. In 2016, a supplemental analysis was done in connection with the Pulte application. There was no traffic study completed for the Marriott hotel in Hanover.

The traffic study now includes Honeywell at complete build-out including the office portion, the Regency at 1 Convent Road which is a tabled application, the 425 age restricted units at Pulte, the restaurant pads that are not yet built and the 300,000 square foot office building at 120 Park Avenue that is not yet built either.

In addition, Mr. Pehnke noted that the initial traffic impact plan had incorrect information on the intersections of Campus Drive and Park Avenue, and also Florham Road and Park Avenue. The corrected information includes a right turn at those intersections that is "yield controlled" into a dedicated acceleration lane.

The overall traffic impact of the subject project remains the same. The massive intersections constructed in 2008 were built and planned to handle large volumes of traffic. Also, traffic generation changed from early 2000's due to use changes along Park Avenue.

Joe Fishinger, traffic engineer for the Board, asked Karl Pehnke to elaborate on the level of service that got better.

Karl Pehnke replied that the intersection of Park Avenue and Campus Drive has the right turn and also uses a model signal implementation that causes the signal to adjust to the volume of traffic if it is heavy.

Joe Fishinger stated that the breakdown of uses in the area has been provided and is memo has been addressed.

Gary Feith confirmed that the gate location on Convent Road is northwest of Road "A" into the development. Karl Pehnke said that there are two gates that are currently controlled by the Sisters. The gate that will remain will be to the west of the proposed site. Karl Pehnke said that as per the access agreement, there will be unfettered access through the campus between 6am and 10pm to Madison Avenue as per their agreement with the Sisters of Charity. He also stated that Convent Road is a sufficient width and has sidewalks.

Jeffrey Noss asked about the direction of the traffic flow in the morning. Karl Pehnke replied that 58% of the traffic will travel to Park Avenue and Columbia Turnpike to access Route 24. He said that 32% will travel north and west to access Route 287 and the Morristown area. Another 10% will head towards the Madison area.

Gary Feith confirmed that the road remains private but they will be given a right of access by the Sisters. Mr. DeAngelis reiterated that the Board Attorney must review that document.

Mr. Dvorkin thought that the number of trips in the morning sounded light for 150 units. Mr. Pehnke replied that the data used is from the ITE manual and a study of similar facilities in New Jersey and also nationally. Also, the number of trips reported is during the peak hour only and what is characteristic of a residential development. Traffic flows over a period of hours as people come and go at different times.

Jeffrey Noss asked if it assumes the same demographic in the average residential community. Mr. Pehnke said there is no demographic breakdown. It assumes a typical neighborhood community that is average.

Joe Fishinger said the suburban numbers are used. That means that everyone drives. It does not account for biking or pedestrian use. It was noted that the train station is only 2,200 feet from the community.

Gary Feith again asked about the single point of access. He thought that they were going to inquire about a possible access point to FDU for emergency use only. Richard Hoff replied that it was suggested but they did not approach them because of the difficulty involved in gaining easements over property they do not own. The terrain and topography of the area does not lend itself to another access point in any other area on the site itself. He reiterated that the boulevard entrance makes it RSIS compliant.

The meeting was opened to the public.

Susan McHugh, 8 Delaware Road. She asked about the traffic information just to Park Avenue and asked why they did not take it further to Columbia Turnpike. Karl Pehnke replied that they studied the intersections of Campus, Florham and Convent Road. Ms. McHugh stated that she lives up there and the traffic does not move through there on Park to Columbia. She believes that there will be a big effect on traffic, not a minimal impact.

Mr. Pehnke replied that it is a difficult intersection at Park and Columbia. But it will take a regional improvement to make it better.

John Buchholz thought that the traffic associated with the development will be traveling in the opposite direction of the heavy volume. Ms. McHugh said there likely will be children that will need to be driven to after school activities and also the school bus traffic.

Mr. DeAngelis agreed that it is frustrating that the State is requiring these affordable housing developments but will not make the improvements to roads. The Fair Share settlement agreement was briefly discussed. Mayor Taylor noted that this must be built according to Fair Share Housing. He again stated that the Sisters came to us with this plan to build this as well as going to Hanover Township with a plan on another parcel of their property.

Ms. McHugh thought the development was too large and the impact on the traffic should be considered. She asked if the Board can ask the applicant to reduce the plan so that another access point might be possible. She said that the Board has not asked for a reduction on anything.

John Inglesino replied that it is not the roll of the Board to ask the applicant to reduce the plan. This was reviewed for compliancy with Residential Site Improvement Standards and meets those standards. The development could be

as large as 198 units as a matter of right. The Board does not have the ability to deny this application if they feel that 150 units is too many when they have the legal right to 198 units.

Katherine Sarmad agreed that it cannot be denied when they meet the bulk standards and do not require a variance.

Mike DeAngelis added that they did not ask for a variance related to the RSIS design standard for the entrance and we cannot deny if there is no variance. If they did, then there could be a discussion about some mitigation. John Inglesino concurred that if they comply with the RSIS requirements they cannot be denied.

Ms. McHugh questioned how these projects are designed and evaluated and whether they take the additional traffic from them into account. Mr. Inglesino replied that engineers and planners vetted settlement agreements and the role of the Board is to comply with the settlement.

John Inglesino also said once a property is zoned a certain way, traffic volume alone cannot be a basis for denial. If a project comports with the zone, it cannot be denied because it will create too much traffic. The exception is if there is unsafe means of ingress and egress that cannot be satisfied. But the Board is able to ask for traffic improvements related to the project.

Mary Jo Gray, 32 Independence Way, Morris Township. She asked if the Sisters have agreed to the access and if the speed limit will stay 15MPH. It was stated that the testimony was that they have agreed to the access. There are no plans to change the speed limit.

Ms. Gray felt that because the speed limit is so slow on the campus road, cars will use Punchbowl Road instead because that speed limit is 40MPH. Mayor Taylor pointed out that in order to get to Punchbowl Road from this development, the cars would need to travel south on Park Avenue until they could make a U-turn to travel north on Park Avenue to Punchbowl Road. All those movements would not save a driver any time. He thought that cars would possibly use Danforth Road instead if they wanted to avoid Convent Road.

Ms. Gray asked about the Alfieri property on Columbia Turnpike and if that is factored in. Mayor Taylor replied that property has had approvals for office space since 1989 and it has yet to move forward.

Ms. Gray noted that she grew up in this area and always thought that the area of the Green at Florham Park was wetlands and could not be built on. Mayor Taylor responded that the property includes 110 acres on the north side of Route 24 that are all wetlands. The entire parcel was originally owned by Exxon. They had a number of buildings on the developable property that were built decades ago. What is there now has replaced those buildings.

Ms. Gray commented that the towns have not considered the impact all this development is having. Mayor Taylor responded that Florham Park and all of the surrounding towns do realize that but are under a mandate.

Paul D'Antonio, 11 Crescent Road, Convent Station. He asked what would happen if the road was not provided through the campus to Madison Avenue. John Inglesino replied that it will be a condition of approval and the project cannot proceed without it.

Mr. D'Antonio asked if the Sisters know that 32% of the traffic from this community will be using the road. Karl Pehnke replied that they evaluated the traffic flow and that percentage is equal to 20-25 trips per hour which is lower than the capacity of the road. Convent Road can easily accommodate this additional traffic. The intersection by the train station was also evaluated. He added that the Sisters are aware of all of this.

Mr. DeAngelis added that the Sisters put the property up for sale. They signed this application.

Gary Feith asked if they considered an emergency call box by the pool. Mr. Hoff replied that it was discussed but ultimately decided that people prefer to use their cell phones and call 911.

Mary Jo Gray, 32 Independence Way, Morris Township. She asked who will maintain Convent Road since it is privately owned. The campus road is not very well maintained. Mr. Hoff replied that the Sisters own the road and will maintain it. That is the situation today and it will not change. The Sisters are responsible and liable for it.

She asked who is liable in the case of any accidents. Who is going to plow it, repair and pave it when needed? If the Sisters are having financial difficulties now, what will happen when is more wear and tear because more cars using it?

John Inglesino thought that it was a very good question. What if they do not maintain it in the winter when there is an accumulating snowfall or icing conditions? There would be no ability for these residents to exit the property.

Mr. Hoff stated that the access agreement will include the details on this. John Inglesino said that he wants to see the language in the agreement. This could be a potential problem. There must be the ability for the Homeowner Association to control and maintain the road that is the only point of access for this development. It seems to make more sense for the Homeowner Association to maintain and snow plow Convent Road up to the point of access to the community. It appears that they are relying a third party for this. It does not seem like the Homeowner Association or the municipality will have any control over this roadway.

Ms. Gray also asked about the actual maintenance of the road and was concerned about emergency services. Mr. Inglesino said that he will study the easement.

Carmen Cefolo-Pane again asked about EMS access through the FDU property. She noted problematic areas within the development that could be landlocked in the case of a road closure. She asked about a possible connection to Convent Road on the Sisters part of the property.

Mr. Hoff replied that they agreed to modifications on many issues but cannot accommodate this request. The development is RSIS compliant and they are not agreeable to further research on a second access point.

Joe Fishinger commented that RSIS states that if a project produces less than a certain number of trips, it can function with one access point. This was designed to those standards. Katherine Sarmad reiterated that she requested mountable curbs at the boulevard entrance to assure easy access by EMS.

She added that there are many areas in and around the complex where a hypothetical situation could occur and a second access road in some area may not be able to help everyone. The RSIS is intended to provide the most appropriate and safe way to get emergency services in and out. She noted again that other communities such as the Palmont application were designed with the boulevard access that was sufficient and accepted by the Board.

John Buchholz thought that EMS services would still be able to access the Palmont project due to its location on two public roads. He did not think this location offers the same option. There was additional discussion on an access roadway in other portions of the property. Mr. Hoff concluded that the access will remain as is.

Mr. Inglesino responded that he wants to review the easement agreement and be able to explain it to the Board. Mr. Hoff said that he will look further into this and share it with Mr. Inglesino. He assured him that they will provide access to the road.

Mr. Inglesino said that this is a legitimate concern and the Board must be aware of it and review it prior to any vote. He said the Board must know what the arrangement is with respect to maintenance and access. There must be unlimited access to the only entrance to this complex.

Mr. Hoff suggested that the Board can authorize the preparation of a positive resolution to be ready for the next meeting.

Mr. Inglesino said that there is a different level of service needed below the campus gate than above it. It serves a different purpose below the gate and the road to the gate is very important to this complex. He said that it must be in the record what the maintenance policy is because it affects the health, safety and welfare of this community. There has not been testimony on the issue. The needs of this road from this project to Park Avenue are much greater than the needs from the gate to the Sisters property and on up. This project is completely dependent on this road.

Mr. Hoff does not believe that the road is deficient and is comfortable with the agreement with the Sisters.

Mr. DeAngelis was concerned with the condition of the road as well and felt that the Board Engineer Mike Sgaramella should inspect the road and assess the condition of it.

Mr. DeAngelis was not in favor of authorizing the preparation of a positive resolution at this time. These concerns must be addressed. He preferred to carry the application to the next meeting.

Mr. Feith made a motion to carry the application to the March 23, 2020 meeting without further notice, second by Mr. Roberts

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 8:25p.m.

Marlene Rawson
Board Secretary

March 9, 2020