

**Borough of Florham Park
Planning Board
Special Meeting Minutes
October 19, 2020**

A Special Meeting of the Borough of Florham Park Planning Board was called to order on Monday evening, October 19, 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.

1. Call to Order.
2. Adequate notice has been given in accordance with the Sunshine Law and as set forth above.
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. Jeffrey Noss
Mr. Sid Dvorkin
Mr. Jeffrey Hegan (2nd Alt)

Members Absent:

Mr. Gary Feith
Mr. John Buchholz
Mr. David Roberts
Mr. Joseph Guerin (1st Alt)

Also Present:

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

General Development Plan Amendment, Preliminary and Final Major Site Plan, Preliminary and Final Major Subdivision

6. Application # 20GDP-1, 20SP-5, 20MSD-2

LCS Florham Park, LLC
110/120 Park Avenue
Block 1401, Lot 1.05

The Applicant is seeking General Development Plan Amendment, Preliminary and Final Major Site Plan, Preliminary and Final Major Subdivision and variance relief to construct a senior living development.

Nicole Magdziak, Esq. represented the applicant. The application involves the last undeveloped lot on the Green at Florham Park. She gave a brief history of the General Development Plan (GDP) for the property. In March 2009 the GDP was adopted. It outlined how the lots in the area were to be developed. Due to the changing marketplace, there have been several amendments to this document in recent years to permit other uses. In 2019 they received a 5-year extension to July 2024, plus a construction timing schedule of 10 more years.

This application is for senior living community comprised of independent living, assisted living and memory care. On September 24, 2020, an ordinance was adopted that permits this use on the Green. The GDP must now be amended to reflect the use. Community impact traffic impact and fiscal impact statement were submitted all three less of an impact on the Borough and its resources.

The lot is currently a fifteen-acre site that currently permits up to 300,000 square feet of office space. The lot is to be subdivided and 9 ½ acres will be subdivided off for this use. The remaining 5 acres will be retained by Rock GW. There will be 30,000 square feet of office space left that can be built. It was noted that this use will have less impacts on the Borough as opposed to the 300,000 square feet of office space that is permitted as of right. The following witnesses were sworn in:

- Chris Manning, representative of LCS
- Robert Moschello, PE engineer Gladstone design
- Julie Kopesky, landscape architect, Melillo and Bauer
- Bruce Englebaugh, architect (Minno Wasko)

Chris Manning stated that Life Care Services (LCS), has been in existence since 1971. They own and manage senior living facilities nationally. They currently have 40,000 seniors in 138 communities in the United States. This project called Delaney on the Green. It is the sixth of this type of facility in the US.

He gave a brief overview of the facility. There will be an independent living (IL) section that will have 128 units. They are set up similar to an apartment. Dining facilities, transportation, and an array of recreation facilities are included. The average age of a resident is 80 years.

The assisted living (AL) section 58 units offers personal daily living assistance where needed, such as bathing, dressing, medication. The memory care unit is dedicated for persons suffering from dementia and Alzheimer's 36 beds. This unit functions as a structured environment.

Employees staff three shifts. They are 7am-3pm, 3pm-11pm, 11pm-7am. There are 30 employees during the day, 15 employees on the second shift, and 5 employees overnight. A member of the nursing staff is there 24 hours, 7 days per week. There will be a total of 55 employees.

They will contract with a private ambulance service. For life threatening emergencies, the 911 system will be utilized. They use a nurse call system for an onsite assessment in the case of a medical event. Chris Manning stated that life threatening emergencies requiring the 911 call system occur less than once per month.

Mike DeAngelis stated that he wants the private ambulance service to be a condition of approval. He asked what would happen if a couple was in the independent living and then one needed assisted living services. Chris Manning replied that in most cases, the couple would move into the assisted living section together. In some cases, they do keep an independent living unit as well as an assisted living unit.

Jeff Noss asked if they hold an assisted living license for memory care. That would require having skilled nursing on staff. Chris Manning replied that this facility is not a CCRC. They do not hold that license and do not offer skilled nursing. Interested persons are medically assessed to be sure that the facility can meet their needs. If a resident becomes debilitated to the point that they need skilled nursing services, they can no longer reside there. Jeff Noss was interested in the COVID data for the other facilities. Chris Manning stated the data exists but he does not have it with him.

John Wyciskala commented that the data is not germane to this application from a legal perspective.

The meeting was opened to the public.

Susan Langweiler, 21 Broom Drive. She asked if the facility is a for profit entity. Chris Manning replied that yes it is for profit. Ms. Langweiler asked if there are Medicaid beds. Chris Manning stated that yes, there are Medicaid beds as required by law. Ten percent of the assisted living 6 and memory care beds 4 are earmarked for Medicaid. This will equal 10 beds. In accordance with NJ regulations

Sid Dvorkin asked about facilities in New Jersey and was also interested in the COVID data for a New Jersey facility. Chris Manning stated that there are two facilities in Bridgewater, NJ. One facility is a CCRC that has been open for a several years, and the other is a senior living community structured in the same manner as this proposal. The facility is currently under construction.

There were no other questions for Mr. Manning.

The next professional witness was Robert Moschello, engineer for the project. He oriented everyone to the site.

A-1: Aerial Exhibit

The site size is 15.6 acres. The BASF office building is to the west, and the Jets facility is to the east. The Archer Hotel and Summit Medical Group are to the north, and the Pulte development and AVE hotel are to the south of the site. There are no wetlands on the site. It slopes away from Park Avenue. The site has an approval for 300,000 square foot of office space.

The proposal is to subdivide the lot and create a 9.8-acre lot for this project. The remaining 5.83 acres will be retained by the Rockefeller Group.

A-2: Site Dimension Plan (color)

The entrance to the site is from the Park Avenue Connector Road. It is a divided boulevard entrance, leading to a 24-foot-wide loop road that will provide for 360-degree vehicular circulation around the site.

The building is designed with a large one story common area in the middle. This is the main entrance to the facility and houses dining areas and various other amenities. There are other entry and exit points. The eastern wing is a four story independent living section that also has underground parking containing 78 spaces. The western wing has the memory care units on the first floor and the assisted living units on the second and third floors.

Surface parking fields are located in various locations along the loop roadway. There is a loading area behind the middle commons area. Employees will park in that area as well. The total parking space count is 229 spaces. This includes 78 spaces underground and 151 surface parking spaces. The requirement is 294 spaces and they are seeking a variance or a design waiver from this RSIS requirement.

Bedroom breakdowns are as follows:

Independent living section: 53 one bedroom, and 75 two bedroom.

Assisted Living section: 50 one bedroom, and 8 two bedroom.

Memory care section: 36 beds in private (34) and semi-private rooms (2).

Robert Moschello stated that there is full pedestrian circulation around the site via an internal sidewalk system. There are patios, courtyards, and gardens scattered throughout the site. The assisted living wing has a fenced courtyard. The memory care courtyard is self-contained and surrounded by a solid, locked fence for safety purposes.

Robert Moschello explained the banked parking plan. The current plan has 229 available parking spaces. There are a number of areas on the site that can be used to construct additional parking fields if needed. If constructed, the total parking will be 287 spaces. They agree to have this as a condition of approval. However, their observations of other sites indicate that the maximum amount of parking spaces are not needed and they are requesting an exception from RSIS for relief from this requirement.

The improved lot coverage without the banked parking constructed is 56.22%. If constructed, the lot coverage will be a total of 58.5%. These figures also include future patios and courtyards that could be phased in at a later date. This is well under the 65% allowable lot coverage.

They are requesting relief from a bus space. Robert Moschello stated that LCS utilizes a smaller size bus for transportation services for residents. That have provided a 10 x 25-foot parking space for this purpose where the requirement is 19 x 35-foot space. He added that there is a full size loading area for truck deliveries and trash pick-up.

Mike Sgaramella asked that they pull back the grass median in the boulevard entrance and install a crosswalk in the area. This is to accommodate a future pedestrian sidewalk along the Park Avenue Connector Road. They agreed to his request.

Sid Dvorkin asked where the visitor parking is. Robert Moschello said that the visitor parking is factored into the parking summary and requirements.

Jane Margulies noted an error in the parking summary. She calculated it to be 296 required parking spaces, leaving them 9 parking spaces short at maximum build-out. Robert Moschello acknowledged the error and said it would be corrected on final plan.

Mike DeAngelis confirmed that the underground parking is assigned and asked about visitor parking. Chris Manning stated that it is and added that most of the assisted living residents no longer drive. The memory care residents do not drive at all. He said that this facility will have the most amount of parking spaces of any facility that they have built.

Chris Manning said that visitor parking is available at the surface parking fields, but not in the underground parking garage. That area is accessed by residents only and by a key card. Chris Manning also said that he does believe that they will ever need to construct the banked parking.

Mike DeAngelis asked if the van parking in the front can be expanded if needed. They agreed that it can be expanded width-wise.

A-5: Utility exhibit

The facility is serviced by public sewer, water, gas and utilities. There are underground filtration systems that pipe the water to the area detention basin. The existing water main must be relocated. Fire hydrants will be placed where the fire department wants them. There will be a generator on the site in the rear of the commons area. The fire department prefers it to be fueled by natural gas.

Jane Margulies asked that the generator testing be done on a weekday. Mark Taylor suggested having electric charging stations installed. They agreed to have four on the site.

Mike Sgaramella verified that that have agreed to the requests of the Fire Review Committee. It was stated that they will comply.

The site complies with the bulk requirements. One variance may be needed for relief from the MLUL which requires that lots front on a public street. Park Avenue Connector Road is not a public street but the plan has been approved by the Planning Board which could be an exception.

It was confirmed that their Fire Safety Plan is approved and a fire truck can circulate through the site. They agree that they have satisfied the comments of the fire review committee.

Mike Sgaramella confirmed that American flag will be on the flag pole. They agreed to Title 39 enforcement. They will post speed limit signs throughout the site with a speed limit of 13MPH. They are in compliance with the tree ordinance.

Nicole Magdziak noted that they asked for relief for a lot fronting on a street since the Connector Road is not technically on a public street. The exception is if you are on a street that has been approved by the Planning Board. The general intent of this is primarily for appropriate accessibility for residents and emergency services. As previously stated, their plan has been vetted by the Fire Department and they are comfortable with it.

They will be removing less than 10 trees but they are planting 227 trees which well exceeds the replacement obligation. Mail will be delivered to the common area where the mailboxes are. They will install way finding signage that directs the drivers to Park Avenue.

Regarding traffic, this use will produce much less traffic than an office use. There are less vehicles associated with this use. The Borough traffic engineer concurs with this analysis. They agreed to comply with all outstanding comments of the engineer and traffic consultant. They also will comply with the comments from the Morristown Municipal Airport.

There were no other questions.

Julie Kobesky, landscape architect, began testimony.

A-6: Landscape Plans

Julie Kobesky discussed the planting and lighting design. There will be a planted island at the boulevard entrance. Throughout the site there will be deciduous trees, evergreen shrubs, perennials, and ornamental trees. Large scale plantings will be used on the outer border of the property line and meadow plantings will be used in the corners.

They will construct walking paths throughout the site. In the independent living area, patios, a fire pit, and courtyard will be constructed. The assisted living area will also have a patio area. The memory care outdoor space will be completely enclosed and have gardens. The outdoor areas throughout the site will feature outdoor dining and seating, water features. They will use shade trees and ornamentals. They will work with the owners on final selections. The landscape plan will be done in two phases.

Exterior lighting will be comprised of decorative LED pole mounted fixtures. There will be bollard lighting along the sidewalk paths. The main parking lot will also have LED fixtures. The lighting will be visually appealing while providing a safe environment.

There will be identification signage and way finding signage throughout the site. The identification sign for the Delaney will be 4 x 8 feet. The way finding signage will be 4 x 5 feet.

There were questions on the LED lighting on the southern end of the site. This is the side that is closest to the Del Webb residential development. The distance to the nearest building is approximately 50 feet. It is a multi-unit building. There were concerns over brightness. Ms. Kobesky responded that they are using a warmer light. There is minimal light spillage but they can install house side shields.

Katherine Sarmad questioned the two improvement phases. Ms. Kobesky replied that many will be done right away. It is important to offer passive recreational opportunities. It is vital for the use and value to the residents.

Jeff Noss asked about the watering system for the landscaping. Chris Manning replied that they will install an irrigation system.

There were no further questions.

Bruce Englebaugh, architect described the design. The building is styled with contemporary features. It will have a flat roof, corner frames, and a three dimensional elevation.

A-7: Architectural plans

The parking garage will have 78 spaces. There are elevators and a stair tower. The first floor plan is set up with a center one story commons area. The right wing will be a four story independent living quarters. The height is 54ft 6 ½ inches high (60 feet permitted). The left wing will have the first floor memory care unit, and the second and third floor assisted living quarters. This section is 42 feet high.

The common area serves as the main entrance to the building. It has a port cochere. There is a front to back hall. There are dining room facilities, cafes, exercise and theatre areas, plus employee and staff areas. The entire building has sprinklers.

The memory care units are on the ground level. The interior units will look at a light wall and the exterior units will have windows. The second and third floors will be for assisted living residents. The roof plan has stair towers that lead up to it. There are walkways around it.

The front elevation depicts the front of the building. It is a contemporary design. It is finished in a fiber cement siding, stone veneer, wood panel accents, and metal railings. The common area in the center has a two story foyer that is front to back.

The elevator exhibit shows that it is sized to easily accommodate a large gurney and EMS personnel.

The unit plans are as follows: The independent living units are apartment style. They will either have one or two bedrooms, a living room, kitchen and two baths. There is a washer and dryer in each unit. They are approximately 1183 square feet (2 bedroom).

The assisted living quarters offer a bedroom, kitchenette, living room and a bath. They are 568 square feet. The memory care units have a bedroom, living room, bath, and kitchenette. They are 384-413 square feet.

It has been confirmed by the Fire Department that a ladder truck can reach the four story building.

Mike DeAngelis commented that the underground parking does not fully encompass the independent living building area. There is a portion that does not have parking underneath it. He asked if this would be a variance.

Mike Sgaramella agreed that the ordinance limits the height to three stories if there is no parking garage underneath.

Katherine Sarmad replied that it is only the lower left wing that does not have the parking garage. The majority of the independent living section (75%) has the parking. She does not see this as an issue. The site grading could have been a factor.

Mike Sgaramella reminded the applicant that since the building is wood and metal framed, the fire hydrants must be operational during framing and construction.

Nicole Magdziak replied that the Fire Safety Plan incorporates that issue. Attorney John Wyciskala noted that it will be a condition.

Sid Dvorkin asked if the memory care kitchenettes will have a stove. Mr. Englebaugh replied that they do have a stove.

Jeff Noss asked if they are LEED certified. Bruce Englebaugh stated that most of LEED requirements are now built into the building code at this time. He replied that they build with that in mind.

Katherine Sarmad clarified that the independent living units are apartment like and measured per unit. The assisted living and the memory care section, a unit is a bed.

Bruce Englebaugh said that the assisted living can be a shared unit with two bedrooms or private. The memory care will have two semi private units having two bedrooms and two baths. The kitchenette is required by the State.

The ordinance limits the number of units to 240. Of that, 128 are independent living units. There were questions on possible expansion. Mr. Manning stated that this is being designed to contain 240 units. The only way to possible expand is upwards and that would be violate the height restriction. They also will not adapt a unit to allow for additional beds.

There were no further questions.

Nicole Magdziak stated that they do not have a planner with them tonight. She stated that the GDP reports, summaries and analyses reveal that the project will have an overall positive impact compared to the 300,000 square foot office space. However, she can arrange for the planner to be at the next hearing if the Board feels his testimony is needed.

There were some questions on whether the 10x25 foot van space where 14x30 foot is required and whether variance testimony is needed. Mike DeAngelis asked if 4 feet of the adjacent grassy area can be banked in the event it is ever needed to be enlarged. Mike Sgaramella agreed that it can be banked and treated as a field change if needed. Mike DeAngelis thought planning testimony would be needed on the underground parking issue as well as the oversized parking space.

Katherine Sarmad said that a typical oversized space of those dimensions (14x30 feet) is for use as a typical loading space. In this case, a full size loading space has already been provided in the rear of the common area. She believes that the space meets the intention of the ordinance which is for a transportation van and this has no negative impacts.

Mark Taylor thought that it should be designated as a van space and leave it as is.

Sid Dvorkin said that the language on the four story building and parking did not change. He asked why there was not more spaces put underground if the parking requirement was not met. Bruce Englebaugh stated that they were not needed for this use.

Katherine Sarmad added that there is also unique grading on the site which factored into the writing of this ordinance. They also sacrificed a permitted height of 65-70 feet in order to engineer the site how it was intended.

The Board ultimately agreed that planning testimony is not needed.

Attorney John Wyciscala reviewed the conditions he noted. They are:

- A contract for private ambulance services
- Plans to be revised noting 296 required parking spaces
- 58 banked parking spaces
- Boulevard entrance and grassy island to be pulled back for installation of a crosswalk
- Compliance with all reports, including fire safety plan
- American flag on the flagpole
- Granting Title 39 enforcement
- Wayfinding signage to direct traffic towards Park Avenue
- House side light shields
- L-1 of Exhibit A-6 depicts minimum landscaping to be built
- Irrigation system installation
- No bamboo
- Generator to be tested once per week on a weekday
- Trash pick-up hours between 7am-6pm

Jeff Noss confirmed that snow removal is privately contracted.

John Wyciskala also stated that the issue of frontage on a public roadway as it relates to the Park Avenue Connector will be a finding of the Board and relief is not needed.

There were no further comments or questions from the Board or the Public.

Mike DeAngelis asked for a motion on the application.

Jane Margulies made a motion to authorize the preparation of a positive resolution, second by Jeff Noss.

Roll: Margulies, yes; Noss, yes; DeAngelis, yes; Taylor, yes; Cefolo-Pane, yes; Dvorkin, yes; Hegan, yes.

On a motion duly made and seconded the meeting was adjourned at 9:50p.m.

Marlene Rawson
Board Secretary

October 19, 2020