

**Borough of Florham Park
Planning Board
Work Session Meeting Minutes
September 14, 2020**

The Regular Work Session of The Borough of Florham Park Planning Board was called to order on Monday evening, September 14, 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
Mrs. Carmen Cefolo-Pane
Mr. John Buchholz
Mr. Jeffrey Noss
Mr. Sid Dvorkin
Mr. Joseph Guerin (1st Alt)
Mr. Jeffrey Hegan (2nd Alt)

Members Absent:

Mayor Mark Taylor
Mr. Gary Feith
Mr. David Roberts

Also Present:

Mr. Michael Sgaramella, Borough Engineer
Ms. Katherine O’Kane, Borough Planner
Mr. Justin Marchetta, 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:

A site plan waiver was administratively approved by the Board Engineer, Mike Sgaramella, for Pet Supplies Plus. This store will be moving into the retail space formerly occupied by Dress Barn at 176 Columbia Turnpike. This is a retail store that will sell pet related goods. They will also sell small animals, birds, and reptiles. The Board of Health regulates the sale of live pets.

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

September 14, 2020

Marlene Rawson
Board Secretary

8. Ordinance # 20-15

An Ordinance of the Borough of Florham Park to Amend Article XVIII (Planned Office District Zones) of Chapter 250 (Zoning) of the Ordinances of the Borough of Florham Park With Respect to Senior Citizen Housing Communities Within the Planned Office District Zones

Katherine Sarmad gave an overview of the ordinance that has been introduced by the Borough Council. She said that Municipal Land Use Law states that once it is introduced, it is referred to the Planning Board for Master Plan consistency.

The ordinance amends the PODS zone (Green at Florham Park) to allow a senior housing community (rental) as a conditional use. It will include three sections. They are independent living, assisted living, and memory care.

There is currently 295,000 square feet of available commercial office space remaining in the PODS zone that can be built as of right. This development will utilize 260,000 square feet on nine acres of land. This will replace that amount of commercial office space and count towards the maximum permitted square footage of 830,000 square feet. Thirty thousand square feet (30,000) of commercial office space will remain. No additional square footage can be added to the PODS zone beyond 830,000 square feet unless a direct connection to Route 24 is provided.

Katherine Sarmad noted that she reviewed 2000 Master Plan, and the reexaminations done in 2005 and 2015, 2017 (land use element added). The 2000 Master Plan discusses the early stages of the POD zone when the Rockefeller Group created it as a result of the purchase of the Exxon property. It was formerly a C-1 zone. It was changed to commercial office zone known as the Green at Florham Park (POD) pursuant to the provisions of a General Development Plan. It also recommended the use of multi-level parking facilities to control impervious coverage.

The 2005 Master Plan Reexamination looked back at the Green at Florham Park and implemented a number of changes to control development such as highway access and conditional uses. It also addressed the legal challenges from neighboring communities. This was settled and the outcome was that no additional office space in the POD zone could be built beyond the 830,000 square feet until solutions to the traffic increases are provided.

The 2015 Master Plan Reexamination recognized that the plan for the POD zone is evolving and different uses were added including medical and hotel, Jets training center and residential housing (2008 housing element). These changes were anticipated. The peak hour traffic was a major factor when considering these new uses.

Katherine Sarmad stated that her professional opinion is that the ordinance permitting a senior citizen housing community as a conditional use is consistent with the Master Plan. The changes in the New Jersey office market were recognized in past reexaminations and anticipated. The traffic impact from this use is low which is a significant factor.

Mike DeAngelis asked that the 60 foot height criteria for a senior living facility be further explained. He asked about the maximum building height provision in the Ordinance under Section 7, item listed number 7. There was a discussion about why buildings with parking underneath or below grade are allowed 4 stories and 60 feet, and 3 story buildings without parking underneath are allowed 45 feet. Additionally, it was questioned why underground stories were not counted towards the maximum height.

Katherine Sarmad stated that the building will include sections that are four stories with parking underground, four stories with parking underneath at grade, and three stories with exposed surface parking. She noted that the underground and understory parking is encouraged to avoid adding more impervious coverage to the site. The permitted building height is as follows:

Sections that have underground/below grade parking: Four stories of habitable space (1st story counted from grade level) permitted up to 60 feet.

Sections that have understory parking at grade: Three stories of habitable space above the at-grade parking deck up to 60 feet.

Sections that do not have understory parking, only exposed surface parking: Three stories of habitable space (counted from grade level) up to 45 feet.

Jane Margulies thought it sounded like they were being rewarded with additional living space if they provide underground parking. Katherine Sarmad replied that the Master Plan encourages the use of parking structures rather than surface spaces and provides flexibility for height if they utilize the parking structure.

Johanna Chervak, representing Rock-GW who owns the property affected by the Ordinance, announced herself to aid in the discussion, and noted that the existing POD-S zone regulations permit up to five stories and 75 feet in building height, pursuant to an increased building setback, which this property could take advantage of. The lower building height was incorporated into the bulk standards for the Ordinance as part of the overall site plan. She continued that the location is set very far back from Park Avenue. In addition, the land steeply slopes away from Park Avenue and the subject property is deep in the site. The height will not be noticeable from Park Avenue.

The Board Planner Katherine Sarmad, who prepared the Ordinance, concurred with this assessment, and noted that the bulk standards, including the building height provision and language used, was specifically tailored according to the site plan. She agreed to review the building height language to determine if it required any changes or clarification.

The Board attorney and Mike DeAngelis agreed that the discussion was not related to the Master Plan consistency review by the Planning Board, and did not affect the findings the Board referred back to the Borough Council.”

The development will be no more than 240 units. This will include a mix of independent living units (not more than 128) and the remaining 112 units to be assisted living units and memory care units. A unit in the assisted living and memory care sections is considered to be a bed.

Regarding the affordable housing requirement, ten percent (10%) of the total assisted living and memory care units (bed) shall be set aside as Medicaid Waivers. The independent living units shall be subject to a development fee to be placed in the Borough Housing Trust Fund in lieu of providing low and moderate income units.

Mike DeAngelis discussed the potential of development in the PODN zone and was pleased that the loopholes in the POD ordinance appear to be closed with this amendment.

Carmen Cefolo-Pane confirmed that the limitation of 830,000 square feet of office space includes this development. This is an added protection in that should more office space be contemplated, a “flyover” or direct connection to Route 24 must be constructed first.

Sid Dvorkin asked how much office space is left if this is built. Katherine Sarmad replied that there will be approximately 30,000 square feet remaining and five acres.

There were no further questions or comments. Mr. DeAngelis called for a motion.

Mr. Guerin made a motion to determine that the ordinance is not inconsistent with the Master Plan, second by Mrs. Margulies.

Roll: On a roll call vote all members present and eligible voted in favor of the motion.

9. Primrose School
31 Columbia Turnpike
Block 2101, Lot 53

Application #20SP-2

Applicant is seeking approval for a building addition to an existing pre-school building.

Richard Sasso, Esq. represented the applicant. The Planning Board approved the Primrose School in 2012. This application involves a request for a small addition to cover an existing outdoor play area that is currently uncovered. This will allow it to be utilized during inclement weather.

There are several variances needed as part of this application. The building coverage variance is 15.2% where 15% is required. The setback variance (to a residential property) is 141.2 feet where 150 feet is required. There is an unpermitted storage shed on the property and they are seeking permission to keep it.

Raghav (Rocco) Varma was sworn in. He stated that he is the owner and the developer of the school. He constructed the school in 2012 and it is very successful, with students coming from Florham Park, Madison, and Chatham. He stated that it is a needed service. The age range of children are from infancy to Kindergarten. There are 20-25 children in each age bracket. The maximum number of students is 194. Prior to the Covid pandemic, they operated at 85% of capacity. They are currently at 75% of capacity.

The building contains sprinklers, fire department connection, and a fire hydrant on the property by the entrance. They are all inspected on a regular basis.

A-1: series of photographs

Mr. Varma described the sign age at the entrance, entrance to the school, and fire department connection. He said the fire department connection by the door. Mr. Varma also noted that they have an evacuation plan that is reviewed annually by the Fire Department. The designated gathering area has signage for fire evacuation.

The space in question is presently used for outdoor recreation space and is fenced. He wants to enclose this area for the winter months. It will be the same space. They will add several windows, air conditioning and a sprinkler. It was confirmed that this is not the area that is currently used for evacuation during a fire.

Mike DeAngelis noted that there are other play areas on the site. He asked if there will be an increase in enrollment or staff. Mr. Varma stated that there would not be any increase. He went on to say that the shed on the site houses needed seasonal toys and exterior supplies. It is near the trash dumpsters and is screened from the neighbors with a berm and landscaping.

A-2: property tax card

Mike Sgaramella said that the shed is not permitted and he asked how large it is. Mr. Varma stated that it is 9ft x 10ft.

Mike DeAngelis said that he would like an updated memo from the Fire Department. Mr. Varma responded that they met with the fire committee and he thought they were going to provide an updated memo. The Board Secretary confirmed that no further communications were received from the Fire Department.

Carmen Cefolo-Pane asked about the Fire Department review dated June 25, 2020. Rocco Varma said that they met with the fire review committee on July 16, 2020. Their main concern is the circulation and that they do not want to have to back out onto Columbia Turnpike. However, Mr. Varma thought that the Police would assist in that regard. Mr. Varma contacted the County to see if it was possible to install a traffic light device on the existing traffic signal. He was informed that they cannot alter the traffic light because the trucks do not have the proper equipment.

Rocco Varma stated that the site circulation cannot be improved. He feels that it is safe. He reminded the Board that this plan was approved by the Fire Department six years ago. He added that although the current fire review committee does not like the location of the fire hydrant because it is too close to the road, which too, was approved by them six years ago.

Rocco Varma said that they added signage to the evacuation area and they will add sprinklers.

Carmen Cefolo-Pane felt that it was unsafe to back out onto Columbia Turnpike.

Mike DeAngelis noted that this Board approved this circulation and cannot require them to now provide something different.

Richard Sasso said that the Fire Department wants to navigate a ladder truck in the site. He said that the site can accommodate a "K" turn with a smaller pumper truck if the parking lot is empty. He said that the site is already built and they cannot change the current condition.

Jane Margulies agreed that the Board already approved the application in 2012. But she agreed that another fire review is needed so that they know what recommendations were accomplished.

Mike DeAngelis agreed with Jane Margulies. He asked if the shed could be moved into the proposed space. Rocco Varma responded that it would not be a safe situation to have it there.

Jeff Noss asked how the shed got there to begin with because it is unapproved. Rocco Varma explained that they just bought it and put it onsite. It did not occur to them that this was something that required permits. The legal notice included permission to keep the shed.

Carmen Cefolo-Pane thought that the traffic light controller was possible. Rocco Varma responded that the County said it is okay, but the trucks must have with the proper equipment in order to do that.

Mike Sgaramella said his emails discussed the type of system that we use at traffic signals for controls. He recommended that they investigate if it could be used on the site. Varma said that the system would not work because it would not go back to green once they were in the site. Rocco Varma noted that in reality, a police officer would be in the road as they are the first responders.

The meeting was opened to the public. There were no questions.

Kathy Mueller, Engineer for the project was sworn in. She stated that the entrance was located at the signalized intersection for easy access. She described the site and the area surrounding it. The entrance is on the east side of the building. The proposed addition is on the west side of the building, which is the rear.

The building addition will be 572 square feet, however, the overhangs and the covered walkway will increase the coverage to 919 square feet. This exceeds the allowable building coverage by 172 square feet or 15.2% coverage.

There is a large amount of wetlands on the property. The improved coverage will increase by only 313 square feet to 36.9%. They are permitted to have 60% of improved coverage.

She stated that this is a conversion of an outdoor amenity to an indoor amenity. The available parking of 37 spaces will decrease by one space since they are striping for a fire department connection, as requested.

Mike Sgaramella confirmed that the extra downspouts from the roof runoff are all directed towards the wetlands and will not traverse over play areas. There is an underground detention system and will remain as is. Mike Sgaramella also added that he needs a storm water maintenance plan for the basin.

Mike Sgaramella noted that the exterior façade is clapboard and not brick and stone like the main building.

A-3: truck-turning exhibit

Ms. Mueller reiterated that a 42-foot fire truck is able to K-turn and leave the site outside of the hours of operation.

Mike DeAngelis confirmed that the rear yard setback variance is 41.5 feet, which was originally approved in 2012. Ms. Mueller concurred and noted that the rear yard setback is in the south side location of the site.

Kathy Mueller stated that the setback variance that is requested is to permit a setback of 141.2 feet where 150 feet is required. She stated that the 11-foot addition is causing this. The 141 feet is in the northern corner of the addition and then it becomes less towards the south. Regarding questions on the driveway that appears to be on the property, Ms. Mueller said that area is deed restricted for the wetlands and there is an easement for that driveway. The rest of the area is all wooded.

Sid Dvorkin asked why the exterior walkway is covered. Ms. Mueller replied that in order to access the new area, children must exit the building and walk to it. There is no access from the interior of the main building.

Richard Sasso said that they do not have a planner with them at this time and offered Ms. Mueller's testimony as planning testimony. Board Attorney Justin Marchetta noted that they are not seeking a use variance and a planner is not required. However, the Board must be comfortable with the testimony that the variance is necessary and it is not detrimental to the neighbors.

Mike DeAngelis thought that there should be planning testimony on the shed request. Rocco Varma responded that they will remove the shed.

Richard Sasso said that if the shed is removed, the building coverage variance is down to 15.1%. He added that he will have a Planner for the meeting on September 28, 2020.

Mr. Sasso remarked that they are very low on lot coverage. Mr. DeAngelis replied that there is a large amount of wetlands that are not buildable and if you subtracted that out, the lot coverage would be high.

Jeff Noss agreed that variance request is straight zoning, and not a use variance request he does not think planning testimony is needed. Mrs. Margulies and Mr. Roberts agreed that a planner is not a necessity.

Mike DeAngelis stated that he wants an updated Fire Review Committee report that verifies this testimony. Jane Margulies and Carmen Cefolo-Pane agreed.

John Buchholz said that he agrees with the idea of providing open space for the children to play, especially at this time with the Covid pandemic. It provides children a safety area to play instead of being locked up in classrooms. He said the school is an inherently beneficial use and he thinks that this a very good idea. He also added that in his experience, most towns do not count overhangs as part of building coverage in commercial areas. This is small increase over what they are doing. The Fire Department approved this years ago and it is very difficult to change. John Buchholz also does not feel that planning testimony is required in this instance.

Mike DeAngelis asked if a resolution of approval could be prepared, provided the Board agrees. An updated fire review is required that confirms the applicant's testimony on what they were able to do. He added that the Mayor had concerns about the parking on the site and overflow parking using other properties.

Rocco Varma responded that only happens a few times a year during social events such as Halloween and Graduations. Covid has ended that issue for the time being. They try to avoid that by dividing the events.

Mike DeAngelis said that he is not condoning it and it is not permitted. He opened the meeting to the public. Mr. Sasso confirmed that they will remove the shed.

There were no further questions or comments. Mr. DeAngelis asked for a motion.

Mrs. Margulies made a motion authorize the attorney to prepare a positive resolution and to carry the application to the September 28, 2020 meeting, second by Mr. Noss.

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

The Board Secretary said that a special meeting of the Planning Board will be held on October 19, 2020. Dave Roberts and Joe Guerin both stated that they are unavailable on that date.

On a motion duly made and seconded the meeting was adjourned at 8:55p.m

Marlene Rawson, Board Secretary

September 14, 2020