

**Zoning Board of Adjustment
Regular Meeting Minutes
March 2, 2022**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, March 2, 2022 at 6:30p.m. The meeting was conducted by virtual means utilizing the Zoom service in accordance with the guidelines set for by the State of New Jersey which explicitly permits a public body to conduct a meeting electronically during a state of emergency.

Members Present:

Mr. Michael Cannilla, Chairman
Mr. Jeffrey Noss, Vice Chairman
Mr. John Novalis
Mr. Rick Zeien
Mr. Brian O'Connor
Mr. Jason Jensen
Mr. Michael Shivietz

Members Absent:

Mr. Matthew Engel (1st Alt.)

Also Present:

Mr. James E. Polles, Esq., Board Attorney

Call to Order:

Mr. Cannilla, Chairman called the meeting to order at 6:30 p.m.

Statement of Adequate Notice:

Mr. Cannilla asked the Board Secretary if the statutory requirements of the Open Public Meetings Act had been met. Board Secretary Marlene Rawson responded that we are in compliance with the requirements.

Approval of Minutes:

1. Approval of Minutes from the February 16, 2022 Meeting.

Mr. Zeien made a motion to approve the minutes, second by Mr. Noss.

Roll Call: On a roll call vote all members present and eligible voted to approve the minutes.

Resolution of Approval:

2. **Marc Goldstein** **Application # BOA22-03**
3 Townsend Drive
Block 2601, Lot 41 (R-15 zone)

Applicant is seeking approval for excess improved lot coverage in connection with a patio expansion.

Mr. Zeien made a motion to approve the resolution, second by Mr. Shvietz

Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

Extension of Approval Request:

7. **CAJ Capital Investors, LLC**
301 Columbia Turnpike
Block 1602, Lot 5

Application #BOA 17-13

Applicant is requesting a one-year extension of the Protection Period for the site plan and use variance approval to March 20, 2023.

The Applicant was represented by Joshua Koodray Esq. He stated that the project was formerly known as Artis Senior Living. They received preliminary and final site plan approval and were granted two one-year extensions of that approval to now. Artis has since terminated their contract to purchase the property.

Joshua Koodray continued that his client CAJ Capital Investors, is the contract purchaser of the property. This is an in-demand facility and they are a leader in the field. They are actively pursuing the required approvals and licensing from the State of New Jersey. The COVID pandemic has created significant delays in the process. The property owner consent is on file with the application. They are seeking a third one-year extension to March 20, 2023.

Board Attorney James Polles said that they are entitled to a third extension as-of-right. Mike Cannilla asked if that is the limit. James Polles replied pursuant to the statute the answer is yes. Mr. Koodray added that the MLUL does contemplate additional extensions can be requested.

William Burris, principle with CAJ Investors, was sworn in. He stated that 10% of the beds in this type of facility must be earmarked for Medicaid. This is a requirement and they will abide by that as well. Those beds will count towards the affordable housing requirement. He added that he is very experienced in the business and built approximately 100 facilities like this, including an award-winning project in Moorestown, NJ.

Mr. Burris noted long-term care facilities suffered during the Covid pandemic. There are also delays in securing the financing and there are challenges in staffing. He likes Florham Park and is pleased overall with the approved plan. He is not happy with the access point off Columbia Turnpike but feels he can make it work.

Mike Cannilla stated that any changes to the plan, depending on the scope, could require a Board hearing since this was a use variance. Mr. Burris was not aware that the approval involved a use variance. However, he said any change would be interior to the building such as room sizes and corridors.

Jeff Noss asked why the "for sale" sign is still on the property. Mr. Burris replied that it is likely that it will remain there until they close on the property.

Seeing no questions or comments from the Board or the Public, Mike Cannilla called for a motion.

Mr. Zeien made a motion to approve the extension request, second by Mr. O'Connor.

Roll Call: On a roll call vote all members present and eligible voted to approve the extension request.

C Variance:

8. **Salvatore & Cynthia Hoo**
6 Midwood Drive
Block 905, Lot 24 (R-15 zone)

Application #BOA22-02

Applicant is seeking approval for excess building and improved lot coverage.

The rear of the property will be fenced on all three sides with a six-foot high pool code fencing and then landscaped with arborvitae shrubs along the perimeter. This will add to the privacy, particularly in the rear where there are commercial uses. There will be gates on the sides.

Mike Cannilla asked about the depth of the overhang. They responded that the overhang is 17.5 feet deep and 21 feet wide over the eating area. The overhang over the steps is 13 feet long and 8.2 feet deep. Mr. Hoo testified that the covered areas will remain open air on the sides and not be enclosed in any way in the future.

Tom Skrable, Engineer described the location of the home. He stated that the rear property slopes from south to north. The plan calls for the removal of an existing 262sf patio. The new covered patio will be 476 square feet. In addition, there will be a poolside patio. The pool itself is 20 x 40 feet. The total amount of new lot coverage is 2964 square feet.

The storm water is controlled by seepage pits located in the front yard. They will collect the runoff from all impervious elements. The plan meets all setback requirements. The drainage is adequate to handle the project. This has been reviewed and agreed to by the Borough Engineering staff.

Tom Skrable said the variance is for 14.35% building coverage where 14% is permitted, and 32.18% of lot coverage where 30% is permitted. The pool acts as a collector of water. If the pool was not included in the lot coverage, the final number would be 28.5%, which is under the allowable amount.

Mr. Cannilla asked about a perc test. Mr. Skrable stated that it has not yet been done, but there is no expectation that it will be an issue.

Steve Azzolini summarized that this is a modest plan that is suitable for the neighborhood. There is privacy screening that will help to minimize the negative impacts that they have because of the commercial housing behind them. The storm water management has been addressed and the pool acts as a receptacle to control runoff.

Steve Azzolini continued that they compromised on the design and he believes that they have met the standards from a legal perspective. The Board has granted lot coverage variances ranging from 2% to 9.3% in the past. This plan leaves a great amount of green space. He hopes that the Board will approve the request.

Jeff Noss responded that he noticed that 6 out of 7 homes in the neighborhood have pools. This plan is not obtrusive. Rick Zeien added that the request was well presented and he is happy with the changes.

There were no other comments from the Board or the public. Mr. Cannilla asked for a motion.

Mr. Noss made a motion to approve the application, second by Mr. Zeien

Roll Call: On a roll call vote all members present and eligible voted to approve the resolution.

On a motion duly made and seconded the meeting was adjourned at 8:15p.m.

Marlene Rawson
Board Secretary

March 2, 2022