

**Zoning Board of Adjustment  
Regular Meeting Minutes  
November 29, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, November 29, 2023 at 6:30pm., in the Municipal Building, 111 Ridgedale Avenue, Florham Park, New Jersey.

**Members Present:**

Mr. Michael Cannilla, Chairman  
Mr. Jeffrey Noss, Vice Chairman  
Mr. John Novalis  
Mr. Rick Zeien  
Mr. Brian O'Connor  
Mr. Michael Shiviets  
Mr. Ed Facas

**Members Absent:**

**Also Present:**

Mr. Michael Mullen, Esq., Board Attorney  
Mr. Michael Sgaramella, PE  
Ms. Katherine Sarmad, PP  
Mr. Joseph Fishinger, Traffic Consultant

**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 November 15, 2023 Meeting.

Mr. O'Connor made a motion to approve the minutes, second by Mr. Novalis.

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

**Resolutions of Approval:**

6. **Joseph & Lisa Scaff** **Application #BOA23-11**  
43 Beechwood Road  
Block 4001, Lot 85

Applicant is seeking approval for excess lot coverage in connection with the installation of a generator pad.

Mr. O'Connor made a motion to approve the resolution, second by Mr. Facas.

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

7. **Aldo & Maureen Russo** **Application #BOA23-12**  
8 Crescent Road  
Block 2005, Lot 4

Applicant is seeking approval for excess improved lot coverage for a front portico.

The resolution of approval was moved and seconded.

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

**D – Use Variance, Preliminary and Final Major Site Plan:**

6. **BPS Development** **Application #BOA23-6**  
Columbia Turnpike & Elm Street  
Block 1602, Lots 4 & 5

Applicant is seeking use variance approval and preliminary and final major site plan approval for an 85-unit two-story assisted living facility and memory care facility.

Carried from the October 18, 2023 meeting without further notice or publication.

Steven Azzolini, Esq. represented the applicant. He recapped the prior meetings. Mr. Jeff Haberman, Engineer, remained sworn in. He said that there were two small changes to the site plan.

A-6: Site plan rendering revised 11.29.23

The changes include a widening of the driveway from the site to Elm Street. It was made wider by 4-5 feet in order to accommodate a fire truck turn and circulation.

The other change is the deceleration lane now extends 50 feet further to the west. The total length of the lane is 340-345 feet. This change was reviewed and approved by the County. There are also two new signs planned for along Columbia. One will be 500 feet to the west of the site, and the other another 500 feet further to the west of the site. The language has not yet been finalized.

The Florham Park ordinance exempts delivery vehicles from the weight limitation on the road.

A-7: Line of site exhibits dated 11/29/23

This series of renderings shows the landscape buffering around surrounding properties. It depicts the height of the landscape screening plantings at the time of planting and then after a 10 year growth period.

The approvals from the Florham Park Fire Official, Morris County soil and conservation, and the County Planning Board have been received.

Mr. Zeien asked if the deceleration lane could begin at the traffic light at the Mack Cali building. Mr. Haberman replied that the deceleration lane would encroach on a neighboring property.

Mr. Cannilla was concerned that the deceleration lane as it intersects with the parking lot looks very wide and could be mistaken for an exit. Mr. Haberman replied that signage would be installed that says "Do not Enter". Joe Fishinger added that the area could also be striped.

The meeting was opened to the public.

Al Broscius. He asked if the Applicant is aware that there is an easement by the right of way at the office park. Mr. Haberman replied that he was not aware but noted that the County already reviewed the deceleration lane.

Evan Stran. Asked when traffic would see the deceleration lane to enter it. He was concerned that it is a dangerous situation. He had other traffic questions and he was advised to wait for the traffic engineer. He asked about lighting and privacy considerations such as a wall. Mr. Cannilla informed him that a lighting plan is part of the plan set. There is a fence.

Mr. Cannilla requested for questions only and not comments or statements.

David Fox. He asked if the town infrastructure could support this facility.

Mr. Azzolini stated that questions should be about the testimony only.

Scott Allman. He asked about the number of truck deliveries and the size and weight of the vehicles. He was concerned that they will enter from Elm Street. Mr. Haberman said he entry point is not limited to Columbia Turnpike. Steve Azzolini stated that they would agree that any truck larger than a box truck would enter from Columbia Turnpike. There were other delivery questions. The operator would be the best person to speak to these issues. There was a question on the physical address of the facility. Steven Azzolini stated that the tax assessor would assign the address at the appropriate time.

Bryan Cave. He asked if the Allerton Court emergency egress path was the primary exit in an emergency. He questioned the site line exhibits to the home on Allerton Court and what would be seen. Mr. Azzolini stated that these questions are for the landscape architect. He asked about the comment period and if he can speak however long he wants. Mr. Cannilla replied that he would be able to provide his full comment.

Joe Bocchino. He asked what signage would be posted on the exit of the facility. Mr. Haberman replied "No right turn".

Mike Sgaramella stated that a sign at the top of Columbia Turnpike by the traffic light and then one at the entrance to deceleration lane would be appropriate.

John Aden. He asked if the deceleration lane is private or part of Columbia Turnpike. Mr. Haberman replied that it is partially on the subject property and partially on Columbia Turnpike. There will be no barrier to separate the deceleration lane from the primary lanes on Columbia Turnpike. There will be striping.

Bill Daniels. He asked about the Elm Street weight limit. How will trucks be prevented from using it? He was told there is signage.

Gary Fiore. He asked about the new signage. He asked if the public is notified if there is a change in the proposal. Steven Azzolini replied that the public does not get notified of revisions or changes during the course of an application. Mike Cannilla concurred that an application often is revised during the course of a hearing in response to input from the meeting.

Rob Cali. He asked if they looked at a different design that would fit. Mr. Haberman stated that they did not look at other buildings.

Al Broscius. He asked if a camera could be placed to film people who are turning right out of the sign so they can be ticketed. Joe Fishinger replied that it is no longer legal to use traffic cameras to ticket people. He continued to press for cameras for the police to view.

Scott Allman. He asked why they do not know the address of the facility. Mike Sgaramella stated that the current address is 301 Columbia Turnpike. Steven Azzolini replied that it is a tax assessor decision once the lot is subdivided. Conditions of approval of an application could require contact the maps companies to give details on directions.

Samantha DeMaio. She asked about the line of sight and asked what she would see from day one. She was concerned about what she would see because her bedroom windows are on that side. She was concerned that residents of the facility would be able to see into her bedroom. Mr. Cannilla stated that the distance is 1/3 of a football field. Mr. Azzolini said the landscape architect should be answering these questions.

Architect Mr. Van Kley was sworn in. He discussed the roof plan. It is pitched on the side. The mechanical equipment has been moved to the second story and is heavily screened on the west end. The noise and acoustic data is well below fifty decibels. The porte cochere is high enough for an ambulance. The First Aid Squad confirmed this. Discussed second floor elevation no windows on the second floor.

John Novalis asked for confirmation of gutters to be put on the structure. They confirmed that they will be added to the plan and it will be a condition of approval.

Rick Zeien asked about the noise from the mechanical equipment on the roof and if it will meet the ordinance requirements. Mr. Van Kley stated that it will meet the ordinance.

A-8: spread sheet of noise levels of rooftop equipment.

Mr. Van Kley reiterated that it is below 50 decibels and will meet the ordinance.

A-9: Graph of noise levels (5 sheets)

Brian Cave: Are there different noise levels for residential and commercial? Will the building generate more noise than a few residential homes?

They responded that there are different noise levels and this is based on residential. They were not sure if the building would generate more noise than a residential home.

Evan Stran: Where is the drainage going? Mike Sgaramella stated that all drainage must go to the detention basin and the plans show that.

Anna Cave: She asked how often the equipment would make noise. Mr. Haberman stated that they are trying to keep under the maximum decibel so that there compliance when something runs. Mr. Cannilla added that the sound does accumulate and you only hear the loudest sound.

David Fox: He asked the number of elevators and the height of the elevators and if they would be large enough for a bed?

They responded that there are two elevators and they are 12-13 feet high and they are large enough.

Gary Fiore. Asked if there is no official drainage plan. He asked about the decibels at the property line and how high it was. He also had roof pitch questions and a former fence.

They responded that there is a drainage plan in the file. Discussion ensued about a fence that is no longer part of the plan.

Wayne Jackman. Asked about the decibels at the property line and how it is achieved.

There was discussion on the ways that would block the noise.

Resident (unknown). Wanted worst-case scenario on sound and wants calculation on independent sources. They will look into it.

Also asked questions on delivery vehicle idling noise. That is an operator question.

Bill Daniels. He had question on the sound echo from the roof well. He wants the noise time period for residential and commercial. The response is day and night, not hours. It mirrors the state ordinance.

Wayne Jackson. He wants the details on the aggregate sound when all units are running. He also asked about continuous running of air conditioners.

Shamik Patel. He wanted to know the hours of the kitchen. That is an operator question.

John Novalis asked about the air conditioning units in the rooms and the decibels of them. He asked about the accumulation of that sound. He was interested on how they operate. They will provide.

Brian O'Connor asked how deep the roof well is and access points. They will provide that information.

8:40-8:50pm – Break

Landscape Architect Ms. Roller was sworn in. She designed the plan for this project. She reviewed the Borough Ordinance and review the previous plan. The proposed plan will provide for year round screening and buffering. She described her landscape plan.

There will be 91 deciduous trees comprised 46 shade trees and 45 ornamental trees. She will provide 261 evergreens (8-10 ft. high). There are also 374 evergreen shrubs and numerous deciduous shrubs. There are more than 2300 plants. This is a big difference from the Artis application that was sparse with approximately 600 landscape plantings.

There is a significant number of dead and diseased trees that exist on the site today. They will provide a more healthy landscape environment than what is there now. The buffers increased from 10 feet to 20 feet on the west side. There will install a six-foot solid white fence and a split rail along Columbia Turnpike. Multiple rows of plants will border this. Buffers near property lines have been increased.

There was discussion on the types of shrubs and trees. They will help mitigate any sound. The east side will have trees and shrubs and will screen the parking area. Both courtyards are all landscaped.

The parking area is required to have 10% landscaping and they are providing 11 ½ %. Steve Azzolini stated that the parking area would not be visible from the southeast. The trees will grow about one foot per year.

A-10 – Landscape palate

John Novalis asked if there would be an irrigation system. They confirmed that there would be one.

Ed Facas asked what the attrition rate is. She said that there is typically an 80% survival rate and would agree to a condition of approval for replacement.

Katherine Sarmad asked questions on the growth rate of a Green Giant arborvitae. The landscape architect said it is about 3 feet per year subject to growing conditions. The will max out at 40-50 feet. Discussion on whether or not to top a tree. She said the idea is not to make them into a hedge. They have a large stacked buffer to screen.

Brian Cave confirmed the fence location details and asked if it would be fully screened at planting. The six- foot fence in the front would involve a variance. The fence would be screened by evergreens.

Wayne Jackson would like the tree expert to be present now to discuss tree topping of an arborvitae. Mr. Cannilla stated that it is the applicant's choice on how he wants to present his witnesses. Mr. Jackson continued to talk about topping an arborvitae and the benefits of topping them. He also questioned on whether Allerton Court residents would be fully screened beginning on day one.

The landscape architect responded that the Allerton Court resident would not be fully screened by the new plantings from day one. There are also existing plantings that will help with the screening. He asked about the emergency sidewalk and if it could be relocated to move the fence back and landscape in the front. They said that it could not due to the grade change. There was lengthy discussion on this.

Natasha Quirch. She asked about the fence screening adjacent to her property. It was stated that the evergreen buffer would be the same on all perimeters. She asked more questions on noise attenuation by the loading dock. It was stated that there are large area of trees.

Mr. Cannilla responded to questions about the zone change and said that a use variance does not change a zone.

Diane Himics. She stated that she wants more buffering and she wants the fence hidden.

Resident (unknown). Asked if the owner must replace landscape. They responded that they are required to maintain the landscape.

Austin Zaug. He asked about the clear-cut trees and what residents would hear from Columbia Turnpike. It was stated that the building will help and the trees will help.

Samantha DeMaio. She wanted to know what landscape would border her property on Day one. She asked for 8-10 foot trees and if they could be on a berm so the trees can be higher. The landscape architect responded that larger trees suffer from transplant shock and will take longer to grow. A berm will limit what can be planted and she could not plant multiple rows of plants. A conservative estimate on the growth period would be ten years. She is concerned with residents looking in her windows. .

Resident (unknown). Residents heard a lot about the aesthetics and beauty, but now wants an objective evaluation on impact. Resident was told that the question is for the Planner on the benefits.

Gary Fiore. He wanted to know how long it would take the landscaper to service the property. He was told that it is a question for the operator. He pressed for an answer.

Wayne Jackman. Questioned the one-year guarantee on the trees and asked if the replacement size would be the same as what was removed. He was told that the landscaping must be maintained in perpetuity. The size to be replanted is what is approved on the site plan. He disagreed and argued about what size should be replanted.

Anna Cave. Wanted to know if the tree roots would ruin the paved road. She was told no, the trees and plants that were chosen will survive.

Brian Cave. Wanted to know if they would be subject to odd-even water restrictions. The answer is yes.

Wayne Jackman. He wanted to know the details on a future irrigation system. Mr. Azzolini said that information is not available and would be detailed on construction.

Scott Allman. Argued at length and said they want more detail on the irrigation and plant care measures and wants to be sure that this will work.

Mr. Cannilla stated the Board is comprised of volunteers who work very hard and do the best they can. He reiterated that the applicant represented that they will replace plantings that do not survive. That will be a condition of approval. They are not required by law to present the level of detail that is being asked for.

The meeting was closed to the public.

Mike Cannilla asked the Applicant what the next professional testimony is. Attorney Steven Azzolini replied that they have a tree expert, the traffic engineer and the planning testimony to get to. He asked to be carried to the January 17, 2024 meeting without further notice or publication.

Mr. Zeien made a motion to carry the application to January 17, 2024 without further notice or publication. Second by Mr. O'Connor.

Roll Call: 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 10:30 p.m.

Marlene Rawson  
Board Secretary

November 29, 2023