

**Zoning Board of Adjustment
Regular Meeting Minutes
October 18, 2023**

The Regular meeting of The Borough of Florham Park Board of Adjustment was called to order on Wednesday evening, October 18, 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 Shivietz
Mr. Ed. Facas

Members Absent:

Also Present:

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

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 October 4, 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.

2. Approval of Minutes from the September 6, 2023 Meeting

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

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

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

3. **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 September 6, 2023 meeting without further notice or publication.

Mr. Cannilla again explained the procedure of the application to the public. He stated that when the witness is finished with his testimony, there is opportunity for the general public to ask questions regarding the testimony that was given. It is not a time for comments or opinions. When all witness testimony is concluded and the applicant is finished presenting, there is a period of time when the public may make general comments about the application.

Steven Azzolini, Esq., attorney for the applicant, stated that the site plan has been revised as a result of Board Engineer Mike Sgaramella's memo and the neighbor feedback.

Dan Doherty, Engineer for the Applicant, reviewed the changes.

A-4: Site plan rendering (10.18.23)

The generator has been relocated to the north side behind the building. The south side buffer has increased and is now 29.5 feet. The retaining wall on the west is now 20 feet to the property line. They will double plant on top of the wall. The light fixture on the south side has been moved 9 feet further away and is now 14 feet high.

There is no right turn permitted from the property exit onto Elm Street and they have curved the exit lane to the left. The storm water flow was redirected to exit closer to Columbia Turnpike. Sanitary sewer lines will extend to the end of the property on Elm Street so that hook-up is available for the last homes on Elm Street. The ground sign close to Elm Street will face Columbia Turnpike. The fire exit gate on Allerton Court will have a Knox box installed.

Variances are needed for the following:

Front yard (Columbia side) – 33.2ft where 50ft is required
Lot coverage: - 51.8%, where 30% is permitted
Building coverage – 23.9% where 10% is permitted

It was noted that these bulk requirements are for a residential property only. This is a non-residential use.

The new location of the trash enclosure building (25.6ft.) and generator (23ft) are outside of the front setback. That location is required for the trash removal truck because it must be able to circulate.

Joe Fishinger asked for a site line rendering.

Dan Doherty continued that the fifty parking stalls include one ADA and two EV stalls. They will provide a turning template for the trash truck. They will also provide a sidewalk to Columbia Turnpike, however, it will not be ADA due to the steep slope. He confirmed that a fire truck would need two movements in order to circulate. The Fire Chief was okay with that.

Mr. Noss asked about the deceleration lane and why it was not brought to the property line. In addition, the sign is 10-15ft west of the lane and after the traffic light. Mr. Noss thought that west of the light might be a better location. Steven Azzolini responded that the County approved the plan.

Brian O'Connor asked how a fire truck would enter the site via Elm Street. They responded that there would be driveable pavers.

The meeting was opened to the public.

Tricia Lindridge. Asked about left turn out only and left on Columbia Turnpike. Asked about a sidewalk. Commented on the many accidents, and was concerned about someone missing the entrance and making a right on Elm Street. It was stated that these are questions for the traffic engineer.

Robert Donald. Asked about ingress and egress on Elm Street. Asked if this could function with only access from Columbia.

Michael Quinn. Asked how many parking spaces (50). Asked about number of employees (20). It was stated that these are questions for the traffic engineer. Commented that this is a single-family home area, and asked why this property was chosen when there are commercial zones. These are Planner questions.

Rob Cali. Asked about the emergency fire exit. He was told that it is for evacuation of people, not for fire truck access. He was told that this is a code requirement.

Al Broscius. Asked if the building could be turned to face Columbia Turnpike. Discussion on that. Reiterated comments on traffic on Elm Street.

Kyle McDonald. Asked if the signage on Columbia would block the view from Elm Street. They responded that the site line is clear.

Maureen Mulligan. Stated that the human element was not considered. Columbia Turnpike is a nightmare.

Al Wortman. Do we have a police traffic expert? He wants an opinion from them.

Jennifer McDonald. Asked about crime and security of the facility. They stated that the architect could speak to that. The ordinance does not call for this security.

Scott Alda. Asked about deliveries. Can we require truck traffic to turn right on Columbia from Elm? What if they exceed four ton limit on Elm Street? He was told that is an enforcement issue. All traffic engineer questions.

Sam DeMayo. Asked about the change from residential to commercial. They responded that this is a use variance, not a zone change. Commented that he is contacting the EPA. Asked if traffic engineer could testify next. Steven Azzolini replied no, they have other witnesses that will testify first.

Bernadette Szabo. Asked if the street by Mack-Cali could be used for access. Was told no, there is private property in between that road and this property.

Aldo Peruso. Commented that a left from Columbia on to Elm Street is hard to make.

Mike Cannilla asked if deliveries could be made from Columbia. Steven Azzolini replied that they could instruct repeat vendors to enter from Columbia. These are operator questions.

Gary Fiore. Asked about the storm water management. Was told that there is an underground retention system.

Break: 8:15-8:30pm

Steven Azzolini stated that Architect Chris Van Kley would testify as a fact witness. He was sworn in.

Mr. Van Kley stated that the area is residential and this is a quiet use. They need an efficient project that is financially viable but sensitive to the surrounding area.

A-5: updated site rendering

The project is a two-story building and has a residential appearance. There are different exterior finishes used, and various rooflines. Mr. Van Kley described the elevations and details on the exterior. He also described the interior of the first and second floors. There are elevators to the second floor. All mechanicals will be screened. There are push doors for security.

The memory care section has locked exterior doors that will open for emergencies. They utilize wander management techniques. The building is energy efficient and fully sprinkered.

Katherine Sarmad asked about the occupancy. It was stated that there are eighty-five units. Some are double occupancy. A unit could be double occupancy (2 beds). The occupancy is one hundred with eighty-five units, not beds. They will comply with the required 10% Medicaid beds.

Joe Fishinger asked the height of the porte cochere. They stated it is 15 feet. They feel that there is adequate clearance for an ambulance but will confirm that.

John Novalis asked about the exterior finishes. Mr. Van Kley responded that it will be wrapped in a wood composite product and there are gutters and downspouts. There is fiber cement trim. It is built on a slab. The mechanicals will be screened with a parapet.

The parking lot lighting will be on all night. Mr. Cannilla thought that they should get a comment from the Police on that. Mike Sgaramella asked if the sign is illuminated. They responded that it is externally illuminated. They will get an answer on timing.

There were kitchen ventilation questions.

The meeting was opened to the public.

Michael Quinn asked about the number of variances. They responded that there are five bulk variances one sign variance, one use variance and design waivers. He asked about the flat roof and if the mechanicals will be seen. They will confirm that information.

Sam DeMayo. Wanted to know if he will see the building. They said that they would provide a rendering. He asked if residents could walk freely. They responded that they are able to walk freely around the property.

Wayne Jackson. Asked where the home is that will be demolished. He asked questions about the location of the facility and retaining wall. He had noise ordinance questions. Mr. Cannilla responded that there is a municipal noise ordinance that mirrors the state ordinance.

Karen Williams. Asked about a loading dock. They responded that there is no loading dock. Only double doors on the south side. She was concerned about getting the trash out of the building and the distance to the dumpster location. She felt there was potential risk for rodents and other pests.

Maureen Mulligan. Asked if the exterior lighting will be on all night. Mr. Cannilla responded that they have not gotten details on that but expect to be provided with that information.

Gary Fiore. Stated that the mechanical equipment screening is not shown on the plan.

Al Wortman. Asked if there is lighting in the deceleration lane. They stated that it is up to the County because it is in the easement.

Bill Daniels. Asked about the grade from Elm Street to the first floor of the building. He said it was a nine-foot difference and asked if it could be made lower. They stated that they must consider Allerton Court as well and managing storm water. The Engineer can look into this.

Aldo Russo. Asked if the public can vote on this. Mr. Cannilla replied that the public does not vote. The Board of Adjustment's role is to hear the application and vote. The Board of Adjustment is diligent in this process. The public will have a chance to comment at the conclusion of all testimony on the application.

Mr. Azzolini requested that the application be carried to the November 29, 2023 meeting without further notice or publication. He also granted an extension of time to act.

Mr. Zeien made a motion to carry the application to November 29, 2023 meeting without further notice, 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 10:15 p.m.

A COMPLETE TRANSCRIPT OF THIS MEETING IS AVAILABLE

Marlene Rawson
Board Secretary

October 18, 2023