

WARREN TOWNSHIP ZONING BOARD OF ADJUSTMENT

REGULAR MEETING APRIL 1, 2013

The regular meeting of the Board of Adjustment was called to order at 7:00 p.m. by Chairman Cooper in the Municipal Court, 44 Mountain Blvd., Warren.

THOSE PRESENT AT ROLL CALL: John Villani, George Dealaman, Brian Di Nardo, Richard Hewson, Fernando Castanheira, Foster Cooper and Clerio Martins, Alt. #2
Also present was Steven Warner, Attorney for the Board.

THOSE ABSENT: Vincent Oliva and Scott Bowen, Alt. #1

THOSE TARDY: None

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, and sending a copy to the Courier News and Echoes Sentinel, and filing a copy with the Municipal Clerk, all on January 8, 2013.

FLAG SALUTE:

MINUTES: The minutes of the 3/4/13 meeting had been forwarded to members for review.

Mr. Villani made a motion to approve, seconded by Mr. Dealaman.
All were in favor, so moved.

COMMUNICATIONS:

Memo dated 3/29/13 from John T. Chadwick IV, P.P. concerning CASE NO. BA13-01 CMG CHELSEA, which will be continued this evening

Memo dated 3/28/13 from Christian Kastrud, P.E. concerning CASE NO. BA13-02 K9 RESORT DAYCARE, which will be heard this evening

WARREN Township Sewerage Authority RESOLUTION NO. 13-30 granting a waiver for the application of K9 RESORT DAYCARE

Letter dated 3/14/13 from Somerset County Planning Board concerning K9 RESORT DAYCARE

Township of Warren ORDINANCE NO. 13-01 concerning amending an ordinance to add the Central New Jersey Resource Center as an Affordable Housing Agency

Township of Warren ORDINANCE NO. 12-22 amending an ordinance by adding a subsection entitled "Keeping of Fowl"

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

Mr. Cooper asked if any member of the public wished to make a statement, which is unrelated to tonight's agenda.
There was none. He closed that portion of the meeting.

AGENDA:

CASE NO. BA13-01 CMG CHELSEA LLC
 BLOCK 82, LOTS 8 & 9
 174 KING GEORGE ROAD & 256 MOUNTAIN AVE.

Application for a use variance, preliminary & final site plan approval to consolidate lots 8 & 9 and construct a new building for patients/persons not yet in need of full time assisted living care

Richard Sasso, an Attorney represented the applicant. He called Kevin Cahill, who is still under oath, to continue his testimony.

Mr. Sasso said that, at the last meeting, some issues were raised concerning memos from the Fire Dept. and some points made by the Board. There was mention of the garbage dumpster and the necessity to spruce it up. We want to address them.

Mr. Cahill stated that he met with the Fire Marshal, Tom Byrne. We reviewed his letter. He also met with the Police Dept. concerning on-site circulation. We have revised the plans and resubmitted them. Both the Police and Fire Marshal have submitted memos stating that the applicant has satisfied their concerns.

Exhibit A-16 was marked into evidence. It is entitled Overall Site Plan – sheet 3 of 22 - revised 3/21/13. It is the same sheet as in the packet. However, it has been colorized.

The Fire Marshal has asked for fire hydrants at the east and west sides of the building and loop the fire main, which is coming in from the emergency access only off of King George Road towards the building. There is an existing hydrant on the north side of the building.

Exhibit A-17 was marked into evidence. It is a 3/26/13 e-mail from Tom Byrne stating that all items have been addressed, and he has no further comments. The fire truck circulation on the site is adequate.

The access from King George Road into the complex will contain three additional on site signs to help people determine where to go.
Discussion followed.

Exhibit A-18 was marked into evidence. It is an e-mail dated 3/28/13 from the Patrick Mizeski of the Police Dept. stating that the signs are satisfactory and approved.

Mr. Chadwick was told that no new identification sign is being proposed. They may add, "Independent Living", but the square footage will remain the same.

Mr. Cahill mentioned the pedestrian connect between the two buildings. The front door of the new facility is almost opposite an access point of the rear of the existing Chelsea. They are proposing striping between the two buildings.

Exhibit A-19 was marked into evidence. It is a blow up in scale of sheet 4 of 22 dated 3/21/13. It shows the striping and the quickest path between buildings.

They don't expect much vehicle traffic in this area. Cars will be parked underneath.

Mr. Cahill showed the landscape island in the northeast corner of the building. It includes evergreens and deciduous shrubs.

Exhibit A-20 was marked into evidence. It is a board with three photos on it. One depicts the rear façade of the existing Chelsea. One depicts the outdoor seating area, and one depicts a panoramic view of the rear façade. He described the rear façade area of the existing facility as being visually appealing and residential in its architecture including the loading area.

Mr. Castanheira was told that Mr. Cahill did not know exactly how many trees would be removed. He will do the calculations and discuss the issue with Mr. Chadwick.

They have reduced the amount of disturbance with this application as opposed to the first, because they were able to use a lot of the prior infrastructure rather than having access back to King George Road. There is a significant reduction.

Both Mr. Chadwick and Mr. Cahill agreed that the best place to locate additional evergreen buffering would be along Mountain Ave. The applicant stipulated to providing a final landscape plan after clearing. It would be subject to the review and approval of Mr. Chadwick.

Mr. Cahill mentioned that a type “E” inlet had been added along Mountain Ave. to provide additional drainage improvements along the property frontage, as shown on the revised drainage and utilities plan. Within the property frontage, there would now be a total of four inlets – one existing and three proposed.

Mr. Hewson was told that they will use shade tolerant shrubs.

Mr. Chadwick mentioned his memo dated 3/29/13, in which he stated that the applicant complied with his earlier report dated 3/21/13. The outstanding issue is height. Discussion followed. Mr. Warner was told that no height variance was required. The applicant’s calculations are correct.

The applicant stipulated to specifically identify the location of the proposed affordable housing units comprising the 20% affordable housing component of the project. Also, he stipulated to merging lots 8 and 9 by deed recorded in the Somerset County Clerk’s office.

Mr. Cooper asked for questions from the public.
There was none. He closed that portion of the meeting.

Betsy Dolan, the Traffic Engineer, was called to testify. She had been sworn in previously. She gave her background and credentials and was accepted as an expert witness. Ms. Dolan had been previously accepted by the Board on several occasions. She was hired on 7/18/12 to do a traffic impact study. It included the existing traffic conditions at Chelsea as well as the adjacent roadway. She determined that there were 6 trip generations in the morning peak hours and 21 trip generations during the evening peak hours. She described them both as very low.

There will be no new driveways. They will use the existing driveway. It will not be high volume. What traffic there is can be accommodated by what is there.

The property was originally approved for a 17,000 sq. ft. office building. It had an estimated trip generation of approximately 25 to 30 trips during both morning and evening peak hours. The proposed senior independent living building would be between 5 and 10.

Ms. Dolan referred to site access, circulation and parking. She stated that site access would be provided via the existing full-movement driveway along the northbound King George Road. She believed that the proposed access will afford safe and efficient operation to all areas of the site. Aisle widths will measure a minimum of 24 ft. to adequately accommodate two-way vehicular flow and movements to parking spaces. The proposed parking both underground and above grade would be sufficient for the proposed new building. She agreed with Mr. Cahill’s Truck Radius exhibits A-13 & A-14. She admitted that there would be no problem with the grading and slope near the proposed underground garage.

Ms. Dolan believed that the concerns of the Police and Fire Departments have been satisfied. The emergency equipment should have no problem with easy access.

Fifty-seven spaces are required, while 35 are proposed for the independent building in an underground parking garage. There would be an additional 25 spaces above ground located within the existing Chelsea assisted living facility parking area. The total number exceeds the requirement, since 99 are proposed.

Ms. Dolan reviewed Bohler's emergency truck turning report. She agreed with it. (Exhibits A-13 A-14)

Also, there will be no deliveries or employees in the building. Everything comes from the main building.

Mr. Cooper asked for questions from the public. There was none. He closed that portion.

Mr. John Madden, a Professional Planner, was called to testify. He had been sworn it at the prior hearing. The Board was very familiar with Mr. Madden's credentials, since has appeared before it on many occasions. He was accepted as an expert witness.

He mentioned that he was the planner retained by the applicant in connection with the original Chelsea facility application. He said that the proposed application calls for 31 senior independent living units. Basic and optional services are included. The plan calls for 27 one bedroom and 4 two bedroom units. Affordable housing will comprise 20%. There is a 65 year old age restriction. Such residences usually draw residents in the 70 to 80 year old range. They may not need the type of services provided by an assisted living facility. The building's proximity to, and association with, the Chelsea assisted living facility, makes the proposed project rather unique.

Mr. Madden said that they are seeking a d(1) use variance, since the proposed senior housing use is not permitted in either the Br-40 or the CR 130/65 zone. He described the proposed building as being integrated with the existing Chelsea facility so as to provide for one big "campus like" use. The new building would be located behind the Chelsea facility with existing wooded areas surrounding it to soften the view. It would be buffered from the nearby single-family dwellings.

Mr. Madden believed that the proposed development would be consistent with the Master Plan and in conformity with the intent and purposes of zoning. The BR-40 is a mixed use district. It is an attempt to create a transition use between business and residential. It encourages combining access, which they are doing by combining lots 8 & 9. The project involves residential architectural features. He described them.

Mr. Madden stated that many retired or semi-retired residents have emigrated from the Township. There was no housing for senior citizens. Their intent is to retain long time residents with affordable housing. The town wanted to see it addressed. The project will include affordable housing. Twenty per cent of the units will be affordable housing.

This is a transition zone. Both of Mr. Heflich's buildings are businesses. Yet, they are residential. There is a 700 ft. frontage with a single access, which softens the effect of the buildings.

The proposal meets the intent and purposes of zoning. The use is well suited to the site. The 20% affordable housing makes it inherently beneficial. There is no substantial detriment to the public. It is aesthetically appealing. There is no other projects like this in Somerset County. It is unique.

Mr. Di Nardo was told that the new building does not have a generator. Chelsea has it. They will do an interconnect. They have not contemplated one, since it would cost over \$200,000.

Memorialization of Resolution for CASE NO. BA13-03 IOANNOU

Mr. Hewson made a motion to approve, seconded by Mr. Castanheira.

Roll call vote was taken. “Yes” votes were received from: Brian Di Nardo, George Dealaman, Fernando Castanheira, Richard Hewson, Foster Cooper and Clerio Martins

Mr. Hewson made a motion to adjourn, seconded by Mr. Dealaman.
All were in favor, so moved.

There being no further business, the meeting was adjourned at 10:15 p. m.

Respectfully submitted

Kathleen M. Lynch
Clerk