

**WARREN TOWNSHIP PLANNING BOARD
MEETING MINUTES
Susie B. Boyce Meeting Room – 44 Mountain Boulevard
February 11, 2013
Approved**

CALL TO ORDER The meeting was called to order at 7:35 by Vice-Chairman Mr. Gallic.

FLAG SALUTE AND MOMENT OF SILENCE FOR OUR TROOPS

***Statement by Presiding Officer:** Adequate notice of this meeting was posted on January 10, 2013 on the Township bulletin board and sent to the Township Clerk, Echoes Sentinel and Courier News per the Open Public Meetings Act. All Board members are duly appointed volunteers working for the good and welfare of Warren Township. We plan to adjourn no later than 10:00 p.m.*

ROLL CALL

Mayor Sordillo	Mrs. Smith
Committeeman DiNardo	Mr. Toth Excused
Mr. Gallic	Mr. DiBianca– Alternate #1
Mr. Kaufmann	Mr. Freijomil – Alternate #2 (arrived 8:05 p.m.)
Mr. Lindner	
Mr. Malanga	Mr. Villani Excused

■ **Announcements:**

None

■ **APPROVAL OF MINUTES:**

January 14, 2013

Motion was made by Mrs. Smith, seconded by Mr. DiBianca to approve minutes

Roll Call: For: Committeeman DiNardo, Mr. Gallic, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. DiBianca

Against: None.

■ **PROFESSIONAL STAFF REPORTS:**

**Alan Siegel, Esq., Planning Board Attorney
John T. Chadwick, IV, P.P., Professional Planner
Christian Kastrud, P.E., Professional Engineer
Maryellen Vautin, Clerk**

■ **CORRESPONDENCE**

The New Jersey Planner – November/December 2012, Volume 73. No. 6

■ **ORDINANCE REFFERAL – TOWNSHIP COMMITTEE**

Ordinance No 13-01 Amending Chapter XVI entitled “Zoning”- Township Committee request review and recommendation.

Mr. Chadwick explained that the ordinance is an update adding an agency name to the affordable home ordinance.

Motion was made by Mr. Lindner, seconded by Mr. Malanga that the Ordinance is not Inconsistent with the Master Plan.

Roll Call

For: Mayor Sordillo, Committeeman DiNardo, Mr. Gallic, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. DiBianca

Against: None.

■ **CITIZEN’S HEARING (Non-Agenda Items only)**

Seeing none, this portion of the meeting was closed.

■ **REVIEW OF APPLICATIONS**

CASE 1:- Case #: PB-12-07
Block: 74 Lots 7, 8 & 9

APPLICANT: Shelter Group LLC
OWNER: Walter Cyburt
LOCATION: 53 – 57 Mount Bethel Rd.
ACTIONABLE

PROPOSED: Applicant proposes to construct an assisted living residential healthcare facility. The site contains 16.73 acres. The project will be a single assisted living building and parking. Access is proposed via a 24 foot wide driveway of approximately 500 ft in length, the property is zoned R-20V and complies with the Township requirements.

Glen Pantel, Esq. introduced himself as the applicant’s attorney. Mr. Pantel explained the application for preliminary and final site plan, which is a permitted use assisted living facility with 106 units. He stated it was a low traffic generator with 14 trips in the morning and 22 trips in the evening. He explained the previous application to the Board of Adjustment. The plan is scaled back

currently, and is only assisted living now and is a permitted use; it is scaled back in size, almost 50% less than the previous plan. He stated it provides a need for seniors who cannot live alone, many who will come from Warren. He mentioned the witnesses for the case, David Holland from the Shelter group, Mark Moeller, the architect, Kathy Mueller, the site engineer, John Harter, traffic consultant, and Mike Tobia, their professional planner.

Mr. Pantel brought up that they have worked with the Township professionals and there are only two variances required for the development, the sign at the entrance on Mt. Bethel Rd. proposed at 50 SF instead of 12 SF and it is proposed to be 10 feet from the property line instead of 25 for more visibility for the project. There is technical variance of the height of the building, it does meet the 30 Ft height requirement but the proposed building is 3 stories instead of the 2.5 stories requirement. This results in a more efficient layout and the ordinance does have many definitions of a 2.5 story building. The 2 story would be more spread out than this proposal and the architecture will be very traditional and keep in character with the Township, and all setbacks are met.

Mr. Pantel gave the floor to Mr. David Holland.

Mr. Gallic questioned Mr. Siegel about the video that was going to be played and the procedures. Mr. Siegel stated that although he didn't know what was on it thought if we could have a copy of the video it would be okay to view it as part of testimony. It is about a two minute video and it was left with the Clerk and is just a little bit about the facilities and life there.

Mayor Sordillo wanted to clarify why the project was significantly reduced in size and why Shelter didn't go through with the plan at the Board of Adjustment. Mr. Pantel stated that the application did not go to a full vote and that it made sense to go back and comply with FAR and coverage, and height. Mayor Sordillo asked if it was because it was an exaggerated request. Mr. Pantel stated the case does now comply with ordinances now except the sign and number of stories. Mayor Sordillo asked if it costs more to spread the building out (to keep at two stories). Mr. Pantel could not respond to that at this time.

Mr. Kaufman asked if there are more units available either way and Mr. Pantel said no.

Mr. Siegel brought up that the notice for this meeting had the time at 7:00 p.m. instead of 7:30 p.m. but that he understood the doors were open at 7:00. The clerk stated it was just after 7:00, maybe 7:02 when she opened the door. It was determined that the notice was okay because the public was not turned away. Mr. Gallic asked if anyone had left before the doors were open. Mr. Terry Tomsy came up from the audience and stated who he was and that he lives at 23 North Rd. and stated that a car had pulled up at 6:50 and someone got out and looked around and then left. The vice-chairman decided to continue the hearing.

Warren Township Planning Board Minutes
February 11, 2013 Page 4

Witnesses were sworn in by Mr. Siegel. David Holland (Shelter Group), John Harter (traffic consultant), Michael Tobia (applicant's Planner), Kathy Mueller (Page Engineering), Mike Moeller (JSA architect) John Chadwick (Warren Township Planner), and Chris Kastrud (Township Engineer) were all sworn in.

Mr. Holland gave an introduction for the video. The video showed different people speaking of their life, who are older now, and also had a speaker who talked about the employees and organization of the Brightview communities.

Mr. Holland introduced himself as the Vice President of development for the Shelter Development and stated he had over 16 years of experience with Shelter and was proud of the communities. He spoke about the community being proposed. He also spoke of the history of Shelter who has been in existence for over 30 years. They have been doing Brightview Senior Communities for 15 years and are based in Baltimore and develop in the Northeast and build in clusters. Mr. Holland stated that they are not just a development company, but that they continue to manage the communities and own them. The company is proud of their communities and are excited to develop in Warren. They will develop a single building, 3 stories and it will have 106 units. It will have assisted living and also cognitive impaired living. Mr. Holland went on to explain the apartments will be studios, 1 bedroom, and 2 bedrooms. Some will have full kitchens, some will have kitchenette, most will have outdoor space, some will have washers. There will be options. It is an apartment community and service enrichment, bringing programs to the seniors. They will help with daily living. There will be a lot of common area also and will be formal, and casual dining, and a pub (can have a bartender serve beer and wine), activity areas, theatre, hobby spaces. There is going to be passive outdoor areas, patios, and walking paths also.

Mr. Holland spoke on who they are serving, the people are residents of Warren who want to continue living in Warren. Mr. Gallic asked if they would limit it to only Warren residents and Mr. Holland stated no.

Mr. Holland stated that many people will be from Warren and adjoining townships, often coming from a 5 mile radius of the town. Most of the residents are in their 80s and 90s. They may come because they have a health care need, may have reduced ambulation, or poor dietary habits. A second reason they come is for safety or security, instead of living alone. Also many come looking for socialization, and have the opportunity to become more engaged.

Derrick Freijomil arrived at 8:05.

Mr. Holland discussed that most of the residents do not drive or walk around without assistance.

Mr. Holland discussed the site at 53 and 57 Mount Bethel and described it as a transitional zone, between residential and commercial. Mr. Holland feels it is a good place for this use, a quiet use with low traffic counts. The staff accounts f

or most of the driving on site with shifts of 7 a.m. to 3 p.m., 3 p.m. to 11 p.m., and then 11 p.m. to 7 a.m. This is off peak from a traditional traffic flow.

Mr. Holland spoke about the relationship with the Warren neighbors to the site. They received feedback and created significant buffers and adjusted design standards in response to the community concerns. Mr. DiBianca asked about the neighbors and if they still support the development. Mr. Holland feels they do still have support. Mr. Holland stated they had also discussed with neighbors the 3 story instead of 2.5 stories and that the neighbors wanted a smaller footprint and greater buffers. Shelter feels strongly about seeking the variance for 3 stories. The belief is that it creates shorter hallways create shorter walks to common areas, to dining and activity areas. Also, it is quicker for staff to attend to residents.

Mr. Sordillo brought up that it creates more difficulty in meeting NFPA Code 101 because it is a higher height and it has longer travel lanes to an exit egress. Mayor Sordillo asked if they were presenting two plans, one without a variance requirement and one with, or were they presenting the plan that they wanted to use.

Mr. Holland stated that the they were presenting the plan they preferred but they could also present another. He went on to state from an operational viewpoint, it is better for residents and staff.

Mrs. Smith asked if they were a non-profit and if they would be accepting Medicaid residents and Mr. Holland said they were for profit and yes they will accept medicaid, 10%. Mrs. Smith also asked if Chelsea is full and Mr. Holland said yes it is full, although they would have a few open here and there. She also asked why only over 65. Mr. Holland states that it is in the ordinance.

Mayor Sordillo asked if any of Shelter communities have been unprofitable. Mr. Holland said no. There was discussion on the parameters for admittance to the community. Mr. Holland stated everyone is 65 and older, he said they tend to be over 80. Mayor Sordillo asked for the specific guidelines. Mr. Holland explained that there is a physical assessment by a registered nurse to determine their health care needs. This is along with the licensure requirements in New Jersey. If you have needs for assistance in daily life then you meet the requirements to live in a community like this. Mr. Gallic asked if there is a written policy for admittance. Mr. Holland stated there is a written policy and agreed to provide it to the board.

Mr. Gallic asked if residents are allowed to have a car. Mr. Kaufmann and the board discussed the assisted living business in general.

Mr. Moeller, the project architect, introduced himself and gave his credentials was accepted and started his presentation with exhibit A-1 the rendering work, and A-2 the Site Plan, an aerial view with the plan superimposed. He described the 3 story structure and the 30 foot height limit is met. And the height would be

Warren Township Planning Board Minutes
February 11, 2013 Page 6

similar as a 2.5 story or 2 story, or a 3 story. Mr. Moeller stated that the horizontal distance is shorter with a 3 story for life safety issues. It is a fully sprinklered building. Mr. Lindner asked if the 30 ft height is an average of heights around the building. Mr. Moeller stated it is 30 ft to the midpoint of the roof and is to code.

Mr. Moeller continued to describe the look of the building and how it will look from the road. They are still working on details and the view shown is closer than the road. He discussed the "farmers" porch and how residents will use it. It is a covered drop off. The architecture is varied in material palates, with bays projected from the buildings, with changes in the planes. The main soffit of the roof appears at the top of the 2nd floor. There are opportunities to change colors and textures. Mr. Moeller introduced, Exhibit A-3 is the same as exhibit A-1 with different color for another example. Exhibit A-4 is the building elevation and provides details of the building. Then A-5 is also a building elevation and photos of other projects that are done to give examples of possibilities for this project.

Mr. Lindner asked what the maximum height of the structure is. Mr. Moeller told him the 30 ft is at the mid-point of roof from soffit to peak, and it is probably close to 37 ft. to the top of ridge.

There was more discussion on the height and how it is measured. Mr. Freijomil asked if it was 2.5 stories would it still be the same height. It could be less but not definitely. Mr. Freijomil asked about living units on the 2nd and 3rd floor, and how many extra units will be on the 3rd (and the number of people) (39 on second floor and 41 on the third floor). There is a variety in size of the units.

Mayor Sordillo asked what the construction of the building will be, what the materials will be. Mr. Moeller stated it is non-combustible in the Alzheimer or dementia component is, but primarily it is wood frame construction other than that. Mayor Sordillo inquired why they didn't go fire resistant throughout the whole building. The entire building will be noncombustible. Mayor Sordillo asked why they didn't go fire resistant and stated that there is a difference between non-combustible and fire resistant. Non-combustible collapses in a fire, fire resistant maintains its integrity in a fire. What is the fire rating in hours of the structural members of the building? The mayor is concerned because the town could lose its grading because it can't protect all of its buildings. It is important to the town to work with the rating bureau to ensure it is fire resistant.

Mr. Moeller assured that the requirements for this type of building will be met. The structural components will have protection equal to requirements of the non combustibile. Mayor Sordillo continued to discuss that those codes are requirements of the state but the Town needs may be more than required. Mayor Sordillo suggests make it fire resistant and discussed more fire safety details. Also hall length and stairway locations were discussed with safety issues. Mr. Moeller stated there are three stairways at the ends and in the

middle of the halls, and it is fully sprinklered. Mayor Sordillo asked about the class of the fire hoses in the building. Mr. Muller did not know what they will be.

There was a 5 minute break at 8:45

Mr. Gallic called the meeting back to order and Mr. Pantel told the board they would get back to them about fire code and safety. Mr. Pantel introduced Kathryn Mueller from Page Engineering as a licensed professional engineer and she was accepted by the board. Ms. Mueller explained the site plan for this project. The block is 74 and consists of lots 7, 8 and 9 and spoke from the plans that were submitted to the board for the meeting. She described the sites location in town and that is is mainly wooded, slopes north to south, the elevation drop across the property is about 80 feet. There are two existing homes on the property that front out on Mt. Bethel with accessory buildings that will be removed. The natural drainage pattern for the property is from north to south and it does contain a small area of a nonregulated wetland ditch in the southwest corner. There are small areas of steep slopes. The frontage is on Mt. Bethel Rd and will have underground utility connections. Mt. Bethel is the only access to the property.

Ms. Mueller continued with the proposed conditions of the property. The propped calculations are based on the proposed lot area (there will be a small area dedicated to the county—1320 SF). The front yard setback is 100 ft. and they propose 610 ft. The required side yard setbacks are 40 ft and they propose 109 ft. The rear yard setback (western boundary of property) is required to be 50 Ft and they propose 283Ft from building to property line. There is one entrance drive and will align with the office building across the street.and is 24 ft wide and has maximum slope of 5%. The building is in the middle of the property for good buffers and create a flat area around the building and will all be handicapped accessible. Ms. Mueller stated the rear will be all deliveries and be separate from the proposed parking area in the front of the building. They have provided a grass paved driveway around the whole building for fire truck access. This will also reduce impervious coverage and will help with runoff etc. There will be a walking path for the residents all the way around the building, approximately 2000 feet long. There is one monument sign by Mt. Bethel entrance and will be double sided (single sign). The sign will be 10 feet off the property line and 50 SF and are variance requested. Mr. Gallic inquired as to the size of a permitted sign. Mr. Chadwick stated 12 SF due to it being a residential zone.. There will be small spotlights shining on the sign. Commercial signs are 50 SF or less. There will be one detention basin out towards Mt. Bethel Rd. near the existing homes and is already cleared.

Mr. Lindner asked about the cut and fill. Ms. Mueller stated they have not done the full calculations but it looks like close to balance. And discussed a 12 foot wall in the rear and filling in the parking lot.

Mr. Gallic questioned the parking calculations. Ms. Mueller did explain that even though on the plan it has down 98 units they will be proposing 106 and the foot print does not change. They are proposing 56 parking spots. Ms. Mueller said they did two calculations, one per employee and one for every 10 units. Mr.

Kaufmann asked what their experience is on the parking numbers for units like this, for employees. Mr. Holland stated the peak is during the day with 25 to 27 employees. Mr. Kaufmann asked with 106 apartments how many are double occupied units. Mr. Holland thought generally speaking may be 5 to 10 % as couples. Most visitation is on weekends. Mr. Kaufmann feels that 25 people is low number to run the facility. Further discussion on parking continued and it was discussed that more parking could be incorporated into the plans.

Mr. Holland did say for their experience that a half a space per apartment is sufficient and that RSIS agrees with that. It was pointed out that they have never expanded parking after buildings are completed.

Mr. Freijomil asked about the peak time for employees in the building and Mr. Holland stated 25 employees is the peak working at one time. Mr. Freijomil is concerned that there may be some overlap and there may be visitation parking needed

Mayor Sordillo asked if they would allow Title 39 enforcement and Mr. Pantel thought that is reasonable but would like to discuss with clients

Mr. Malanga asked about the one entrance and possible issues with storms and access to the property. Mr. Gallic asked if there was a secondary easement ever researched. Ms. Mueller stated there was discussion of using Town Center Dr. but is not being proposed. Mr. Gallic would like to hear why there aren't two entrances. Mr. Holland stated they spent time with the residential and commercial condominium owners and requested access, even if just emergency and they declined. The town may have some rights.

Mr. Chadwick added that when Town Center was approved and there were roadways drawn on the plans with a loop extension. The part near Town Center was left on the plan but the rest of it was removed. There were traffic studies and determined the loop would not go through. Mr. Chadwick feels it is feasible that Town Center Dr. could be extended into this property and it would take a lot of clearing. There was discussion about using Sydenham but it is very steep.

The board expressed their concern with only one access road.

Mr. Gallic spoke to Mr. Kastrud about his comments on the case and Mr. Kastrud has not made any new comments since a TCC was done.

Ms. Mueller continued to describe the site and a walking park, retaining wall in the back at the tallest 12 feet tall and it tapers down. She discussed a drainage ditch along the Town Center property which conveys the water to Mt. Bethel road into a storm sewer. This project will divert the water coming down from the north and convey it with rip rap swales and will bring the water around the site and it will be collected at the bottom. Then it will be piped down to the one detention basin proposed. The basin is 4 ft deep and all in cut and starting at the natural grade.

Mayor Sordillo asked about the path around the building and being able to support a fire truck and asked about the specifications and soil compaction. Ms. Mueller stated she could get that information from the manufacturer and they have done some soil compaction tests. The path is 12 feet wide. There is a question about the fire truck making the turns. Mr. DiNardo brought up the Fire Dept report and the issue of one of the trucks not making the turns. Further discussion continued, including fire hydrant location, and possible water pressure issues within the project and in surrounding properties.

Mayor Sordillo also expressed concerns on water pressure within the building and the surrounding properties with such a building on the site.

Mrs. Smith asked about parking in the drop off area in the front. Ms. Mueller stated that they can temporarily park but there will be no spaces. Mrs. Smith was concerned that if people leave cars to drop off residents that it may be a problem for the fire trucks.

Mayor Sordillo brought up water runoff and extreme weather and engineering calculations that have failed. Ms. Mueller stated that they designed to the 100 year storm (which is more than RSIS requirements) which was increased in 2004. It has been taken into account to design (swales and conveyance system) and convey to the 100 year storm. On the basin there is an emergency plan and the water will still get to the storm sewers. Mayor Sordillo expressed further concern on what happens downhill if there are any issues or failures.

Mr. Pantel stated that they have more than met code.

Ms. Mueller discussed the utility plan, gas, underground electric from Mt. Bethel, water, one sanitary lateral that will go down to the south into the Town Center Drive existing system. The detention basin is designed for water quality, groundwater recharge, and peak flow reduction; it is called a byer detention basin. Basically, an excavated basin and will be over-excavated with special media within the bottom of the basin for water quality. They have done some soil testing in the area of the basin and did not hit any rock down to 12 – 14 feet and have done some perc tests. For the previous application (Board of Adjustment) they did numerous soil tests and the tests done more recently are very consistent with those tests.

Mr. Gallic asked about the possibility to move the basin away from the road. Ms. Mueller stated that it is at grade where it is designed and already cleared. It will be augmented with landscaping. Mayor Sordillo asked how many trees (estimate) have to be removed. Ms. Mueller stated no tree survey has been done but that out of 16.78 acres, they are disturbing 6. Acres. There was a discussion on how many trees that may be.

Mr. Gallic questioned if a tree survey is required. Mr. Kastrud stated that no survey is required but a selective sampling would be sufficient. Mr. Chadwick stated that for major site plans, it is required for number of trees taken down and

Warren Township Planning Board Minutes
February 11, 2013 Page 10

replacement of trees may be required. Further discussion continued on requirements of town and other governmental agencies.

Mr. Lindner stated that LEED certification would have further requirements and further discussion continued on LEED buildings and Shelter's other buildings that are LEED certified.

Ms. Mueller discussed the lighting page of the plans, (within the Town Standards) There are 12 and 15 foot mounting heads, colonial style along the front, more box like in the back. zero ft. candles at property line. By centering the building it brings everything to the center of the property.

The soil erosion plan shows the clearing limits. Disturbing 6.53 acres and a lot of that is in the area of the basin where it was already disturbed with the structures currently existing. It is just under 40% disturbance. Everything is in compliance with the state soil erosion requirements.

Mr. Gallic wanted to give the public some time to voice their opinions. He asked them to state name, address, and if going to testify as to facts they will need to be sworn in.

Mr. Fernando Castanheira came forward from 2 Jessica Ln. and asked about the 2.5 stories versus the 3 story building and how either way the building was built would affect the site, and how 3 story would be better for the neighbors. He questioned could they do 2.5 stories instead. Ms. Mueller stated it would spread the building but it would still be within the setbacks and it would get wider to the west and east. It is more disturbance on the lot and it would still be the same height.

Mr. Castanheira asked about the previous plan before the Board of Adjustment and what is stopping the future request for more from the Town. Ms. Mueller stated they are at the maximum FAR and it is not the intention to go for more. Mayor Sordillo said there is no guarantee that they would not ask for more development on the property and there was a discussion on the possibility.

Mr. Castaneira asked the board from a planning perspective with Chelsea here, what is the right number for these developments. The board did not have an answer on the right number. Mayor Sordillo expressed his concern for applicants coming back and asking for a change in use or increase in use, and further discussion continued.

Mr. Castaneira asked about traffic. Mr. Gallic stated there will be more traffic discussion in the future.

Stacy Beer came forward and owns the Vicendese property to the south of the property and she discussed her concern about run off and the small ditch bordering her property that she constantly has to clear out and put sand bags behind the rear exits before a storm. Mr. DiNardo clarified the question, would it

make it less of a water flow towards her property and Ms. Mueller stated that it would be less as it was being collected and brought into the system on the applicant's property, that it will pick up what would have gone down to the Vicendese property.

Mayor Sordillo expressed his concern about taking trees out and the increase in water runoff, and that the applicant cannot guarantee it. Ms. Beer inquired again about the ditch if the basin fails and Ms. Mueller explained her design and that it would flow out towards Mt. Bethel and not to the south.

Mr. Gallic explained there will be more opportunity for public statements. Mr. Gallic requested to continue the application and it was determined it could continue to March 11, 2013 with no further notice.

Motion to continue was given by Mr. Gallic, seconded by Mr. Kaufmannl.

In Favor: Mayor Sordillo, Committeeman DiNardo, Mr. Gallic, Mr. Kaufmann, Mr. Lindner, Mr. Malanga, Mrs. Smith, Mr. DiBianca, Mr. Freijomil.
Opposed: None.

■ **CITIZENS HEARING (Agenda Items)**

Mr. Gallic opened the meeting for agenda item Citizen's discussion. Seeing none this was closed.

■ **SCHEDULE OF NEXT MEETING:**

March 11, 2013 (Business/Working)

■ **ADJOURNMENT**

Motion to adjourn was given by Mrs. Smith, second by Committee DiNardo.
All in favor