

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Special Meeting
Tuesday, May 30, 2017

—MINUTES—

CALL MEETING TO ORDER:

Chairman Sweeney called the meeting to order at 7:30 pm in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On May 17, 2017 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request.

Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Board Secretary before the public meeting.

However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

ROLL CALL:

Don Sweeney – present
Pushpavati Amin – present
Paul Riga – present
Michael Kirsh, – present
Evans Humenick – present
Alan Fross – present

Beth Powers – present
James Weideli, Alternate #1- present
Dawn Guttschall Alternate #2 – present
John Fallone Alternate #3 - present
Jeff Foose Alternate #4 - present

Others present: Board Attorney Steven K. Warner, Board Engineer Thomas Forsythe, Board Planner Scarlett Doyle and Planning Division Secretary Ann Marie Lehberger

MINUTES FOR APPROVAL:

April 18, 2017, Regular Meeting-Motion by Mr. Weideli; Second by Mrs. Amin the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mrs. Powers, Mr. Sweeney, Mr. Weideli

NOT ELIGIBLE: Mr. Fross, Ms. Guttschall, Mr. Fallone, Mr. Foose

MEMORIALIZING RESOLUTIONS:

There were no resolutions presented.

HEARING AND DELIBERATIONS:

LCS DEVELOPMENT LLC- Frontier Road

Block 711 Lot 13

#16-039-ZB- Preliminary & Final Major Site Plan with Variances - Independent Living, Assisted Living and Memory Care Facility

Attorney Craig Gianetti was present on behalf of the applicant. Mr. Gianetti submitted exhibits that were marked into evidence as follows:

- A-14 5/30/17 Letter from Craig M. Gianetti, Esq. dated 5/24/17 with additional information and photos of similar facility located in Texas**
- A-15 5/30/17 Chart of Occupancy for the already constructed facility in Texas**

Mr. Gianetti explained that at the request of the Chairman at the prior hearing they are providing information regarding the other Delaney projects and the occupancy rate of the currently operating Delaney facility in Texas. Mr. Gianetti stated that the photos and renderings show the high quality product that the applicant provides. Mr. Gianetti explained the occupancy chart (A-15) noting that they are ahead of the projections thus far for the location recently built in Texas.

The Board questioned why the memory care occupancy at the facility in Texas was lower.

Mr. Lyles, President of new project development for LCS Development who was previously sworn explained that the occupancy for memory care units is based on need and referrals from doctors and other nursing home facilities. Mr. Lyles noted that the market in Texas is similar to that in Bridgewater and they expect similar levels of occupancy. In response to a question from the Board, Mr. Lyles stated that the memory care facility is a locked secure facility noting that they have fully trained staff and detailed contingency plans to handle almost every event.

The Board questioned if there were villas at the other location. Mr. Lyles stated that this location in Bridgewater will be the first site with the villa units as rentals. Mr. Lyles noted that with the rentals there is not a substantial entry fee or monthly expense charges therefore it is more accessible to more people.

Michael Tobia, PP was sworn in for testimony and accepted by the Board as an expert witness. Mr. Tobia submitted an exhibit that was marked into evidence as follows:

A-18 5/30/17 Parking Plan dated 5/30/17

Mr. Tobia provided testimony as follows: The applicant had initially proposed to bank 47 of the required 295 parking spaces but is now proposing to construct all 295 spaces as shown in exhibit A-18. The increased parking was proposed because it would address the Board's concerns about sufficient parking and would also eliminate a waiver being sought from the RSIS parking standards. The Board discussed at length and proposed banking 9 less spaces than originally proposed (38 rather than 47) and locating the additional 9 parking spaces on the street in the area near the independent living villas. Mr. Tobia reviewed the variances that were being requested as part of the application. He explained that the assisted living and memory care is permitted under the current zoning, but that the 136 independent living units were not permitted and that is why a use variance is needed for the proposal. Mr. Tobia explained that this is a beneficial use because by having independent living units as well as assisted living and memory care units, an individual could receive a continuum of care while still remaining in the same community. Mr. Tobia further explained that the property was isolated and quiet, accessible from major highways and had immediate access to shopping centers and restaurants.

Chairman Sweeney opened the public portion of the meeting for questions

Kathy Sowden of 393 Jaguar Lane expressed concern about the increase in traffic from the villas and also the increase in emergency services traffic that will be needed to access the facility. Ms. Sowden also questioned the access to the bike path. Mr. Tobia stated that the bike path access is from Foothill Road through the cul-de-sac on Frontier Road noting that is currently in use now.

Howard Stamato of 10 Northern Drive expressed concern about whether the newly done intersection at Chimney Rock Road interchange can handle the proposal with the new shopping development that is also

being built. Mr. Stamato also questioned the need for this type of facility in the area with other similar facilities already existing and whether another already existing property could be used instead. Mr. Stamato also questioned if an archeological study was done.

Rich Bittman of 100 Mountainside Lane asked if there will ever be access from the proposed site to Foothill Road. Mr. Tobia stated that the applicant has no plans to connect to Foothill Road.

Carol Patullo of 437 Foothill Road stated that she is disappointed that there isn't a system available that shows the members of the public the plans and documents on a screen in a better way to make it easier to see what is being discussed. Ms. Patullo questioned how many total people they expected to be living at the facility. Mr. Tobia stated that he estimates that it would be 300 people. Ms. Patullo expressed concern about how the proposal will impact the township ambulance services that would service this community and also how lighting will affect the existing residences.

Kathy Sowden of 393 Jaguar Lane returned and asked for clarification about street lights by the villas. Mr. Tobia stated that the plan has street lights proposed on the road near the villas

Raul Cadavid of 101 Mountainside Lane asked for clarification as to the area for the underground parking. Referencing Exhibit A-2, Mr. Tobia showed the small area of the façade that would be exposed to allow for the entrance to the underground parking area.

Troy Shandor of 512 Steele Gap Road questioned if the lighting details were shown on the plans. Mr. Tobia confirmed that there were lighting details on the plans. Mr. Shandor asked where the utility power lines to the villas would be. Mr. Tobia stated it would be underground. Mr. Shandor asked if the project will be built in phases or all at once. Mr. Tobia stated that the entire project will be built at the same time.

Fred Shandor of 512 Steele Gap Road questioned how much of the existing woods would remain. Mr. Tobia stated that half of the wooded area will be disturbed as a part of the proposal.

Fredrick Foederl of 530 Steele Gap Road expressed concern on how the volunteer emergency services will handle the increased volume that may result from the proposed facility. Mr. Foederl also questioned how close the proposal was to the nearest residences. Mr. Tobia stated that the nearest building to the property line is over 160 feet noting that building to building distance is over 200 feet.

Troy Shandor of 512 Steele Gap Road returned and questioned if the villas will be supplied by natural gas. Mr. Tobia confirmed that they would be.

Carol Patullo of 437 Foothill Road returned and expressed concern about noise from deliveries to the site and also about impacts from the explosions at the quarry.

The Board took a 5 minute break at 9:30 pm and returned with all members present. Chairman Sweeney announced that due to the time the application that was scheduled to be heard for Hampton Meadows would not be heard this evening and would be carried to a Special Meeting date on June 27, 2017 at 7:30 pm. No new notice will be required.

The LCS Development application continued.

Douglas J. Polyniak, P.E, Traffic engineer was sworn in for testimony and accepted by the Board as an expert witness Mr. Polyniak discussed the existing traffic conditions and extensive improvements to the Chimney Rock Road interchange. He stated that the proposed development would have a minimal impact on the traffic conditions, especially when compared to the traffic that would be generated by different permitted

uses such as business, professional and/or service offices, research laboratories and/or medical offices. Mr. Polyniak also confirmed that the applicant was not proposing access from Foothill Road and that Frontier Road would be the only location for ingress and egress of non-emergency personnel into and out of the development.

Chairman Sweeney opened the public portion of the meeting for questions.

Jean Fredette of 530 Steele Gap Road asked for confirmation that the only entrance and exit to the facility would be from Chimney Rock Road. Mr. Polyniak confirmed.

Chairman Sweeney opened the public portion of the meeting for comments from the public.

Fred Shandor of 512 Steele Gap Road was sworn and expressed his strong opposition to the proposal due to the removal of half of the trees that is currently a beautiful wooded area, the number of variances that were needed and the effects of the blasting from the quarry.

Jean Fredette of 530 Steele Gap Road was sworn and expressed concern about the blasting at the quarry noting that she has had a lot of damage to her home as a result of the blasting.

Mary Jean Shandor of 512 Steele Gap Road was sworn and expressed her opposition to the project because of the villas, the detention basin and the location in relation to the existing residential properties.

Troy Shandor of 512 Steele Gap Road was sworn and expressed his opposition due to excessive variances and waivers being requested by the applicant and existing wetlands on the property. Mr. Shandor also stated that there were already numerous other similar facilities nearby and noted that this is already a noisy busy area due to the proximity of Route 287 and blasting that occurs from the quarry

Chairman Sweeney closed the public portion of the meeting.

Mr. Gianetti provided closing comments. The Board deliberated and discussed conditions of approval.

Motion by Mr. Kirsh; Second by Mrs. Powers, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mrs. Amin, Mr. Riga, Mr. Kirsh, Mr. Humenick, Mr. Fross, Mrs. Powers, Mr. Sweeney
NOT ELIGIBLE: Mr. Weideli, Ms. Guttschall, Mr. Fallone, Mr. Foose

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to address the Board on any matter not listed on the agenda.

OTHER BOARD BUSINESS:

There was no other business discussed.

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:30 pm.

Respectfully submitted,
Ann Marie Lehberger
Planning Secretary