

Present: Schwartz, Martinelly, Canonico, Murphy, DeNofa, Schuster, Edwards
Kennedy (attorney)
Cranmer (Engineer)
Absent: Daly, Ventre

Chairman Schwartz called the meeting to order @ 7:00 pm

Salute to the flag, roll call, open public statement read.

Mr. Kennedy announced that this is a special meeting for the sole purpose of the C.S.H. (Capitol Senior Housing) application, and was advertised 48 hours in advance of tonight.

Minutes: none

Correspondence: none

Unfinished Business:

Court Reporter in attendance, transcript will be attached to these minutes.

C.S.H. (Capitol Senior Housing) LLC: Continuation of public hearing
Bl: 3 Lot: 1

Mr. Kennedy explained that this is a “do-over” meeting due to a mistake in the notice for 3/2/2016 meeting, and explained that Shrewsbury residents were not noticed, he has reviewed the notice for this meeting and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. David Cranmer, Board Engineer/Zoning Officer was sworn.

Mr. Kennedy marked the following into evidence:

A-1 through A-24 - see Transcript for description of exhibits

- B-1 - Cranmer Engineering Review letter – 1/29/2016
- B-2 - Shade Tree Commission – 2/2/2016
- B-3 - Police Dept. comments – 1/21/2016
- B-4 - First Aid Squad comments – 2/1/2016
- B-5 - Fire Official comments – 1/19/2016
- B-6 - Monmouth County Planning Board – 1/26/2016
- B-7 - Environmental Commission comments –

Mr. Podvey verified that the owner is C.S.H. (Capitol Senior Housing) of Shrewsbury LLC, contract purchaser and is sole owner, S. Scott Stewart sole member of the owning entity. The owner of the property is still W&W Nursing Home Inc., Eleanor Johnson President. No members have any conflicts.

Mr. Edwards arrived 7:16 pm.

Mr. Robert Podvey, Esq represented the applicant, and he described the site @ 515 Shrewsbury Ave, Bl: 3, Lot: 1 which they are proposing an 85 unit assisted living facility, with 58 assisted living, 27 memory care beds. This facility will replace a vacant 2 store building which was formerly a nursing home.

Mr. Podvey explained that there is a letter from the Landscape Architect which was a result of a meeting with the Shade Tree Commission, marked as A-12 dated 2/17/2016.

Mr. Podvey reviewed Mr. Cranmer's review letter dated 1/20/2016, marked as B-1, on March 15, 2016 Mr. Podvey responded and indicated all items that have been agreed to and this covers the engineering items raised by Mr. Cranmer, the landscaping items. The variances will be discussed tonight.

Mr. Podvey explained that his letter of 2/25/2016 is a result of the meeting of the Police, Fire and First Aid, marked as A-13.

Mr. Podvey explained that A-15 is their explanation of the C.O.A.H. obligation, with 3 resolutions from Norwood, Morris Plains & Mountainside, all accepted the 10% set aside for Medicaid beds, which meets the COAH obligation. Mr. Podvey has had conversations with Mr. Jedziniak and he has accepted the proposal.

Mr. Podvey described the variances that they will be seeking approval:
see transcript for details.

- Use Variance for an assisted living, which is not permitted
- "D" variance for F.A.R.
- 3 – Variances:
 - Parking in front yard
 - Deficient buffer on the south side of the site
 - Parking 20' from the building proposing 8'

Mr. Podvey will be providing testimony from the following witnesses:

- Ms. Eleanor Johnson – owner of W&E Nursing Home
- Mr. Joseph McElwee – discussing the overall project, history and needs for assisted living, and operation on the site. **A-16** of his testimony
- Mr. Joseph Jaworski, Dynamic Engineering
- Mr. Dan King, Meyer Architecture
- Mr. Jim Langenstein LLA – Landscaping
- Mr. Dave Shropshire Assoc – Traffic
- Mr. Paul - Planner

- Monmouth County Planning Board, revisions were submitted to the County last week re: no left onto Shrewsbury Ave

Ms. Eleanor Johnson, owner/President W&E Nursing Home, 40 Cottage Road, Monmouth Beach, NJ was sworn.

Mr. Podvey asked Mrs. Johnson to describe the operation of the W&E Nursing Home. She testified it was a nursing health care facility for 65 years until 2011 until the building was destroyed by a rain storm when she was in the process of putting a new roof on the building, when she lost 15 beds of her 35 bed facility. She is very excited about the proposed use on her property.

No questions from board members

A motion was made by Mr. DeNofa, seconded by Ms. Canonico to open the meeting to the public. All approved.

No comments/no questions.

A motion was made by Mr. DeNofa, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Joseph McElwee, Principal in Charge of Development, 115 Carnoustie Way, Media Pa, was sworn, and gave his background in assisted living, referred to A-16. Read the exhibit into the record. **See Transcript for details.**

Mr. Schwartz asked about the C.O.A.H./Medicaid obligation. Would the Medicaid beds satisfy the COAH requirement, and they are applying for 110 beds? Mr. McElwee said yes, they satisfy the COAH and they will apply for their Certificate of Need for 110 beds to the State and it would be 11 COAH beds, which is a firm number. There will be 5 ½ units for the 11 beds. There may be a memory care patient in the COAH units, they would have to look at each request, since the care is elevated in the memory care unit. **See Transcript for further details...**

A motion was made by Ms. Canonico, seconded by Ms. Martinelly to open the meeting to the public. All approved.

Beverly Akerblom, 50 Patterson Ave, asked if there will be kitchens in the rooms, if hot plates are allowed and what is the visitation for residents and is there a common area for visitors? **See Transcript.**

A motion was made by Ms. Canonico, seconded by Ms. Martinelly to close the meeting to the public. All approved.

See Transcript for full testimony:

Mr. Joseph Jaworski, Civil Engineer, was sworn and accepted as an expert witness.

Mr. Jaworski referred to A-17, 3/23/2016 Survey – and described site.

Mr. Jaworski referred to A-19 - Colored rendition with landscaping – described site

- No left turn onto Shrewsbury Ave will be accepted by the applicant
- Two-way driveway around the building, with a drop off and canopy off Shrewsbury Ave driveway.
- 2-3x/week deliveries in the northeast corner of the building – single unit delivery trucks & UPS trucks.
- 53 parking spaces where 43 spaces are required – 1 space shuttle van parking stall in rear
- Smallest buffer will be 11' where 20' is required @ south west corner and widens wider toward the east
- Stormwater/retaining wall has been reviewed by Mr. Cranmer and will comply with his requests.

A motion was made by Ms. Canonico, seconded by Ms. Martinelly to close the meeting to the public. All approved.

Mr. Cranmer referred to the identification on Shrewsbury is set off only 10' creating a variance where 20' is required. Mr. Podvey advised they will comply with 20'. The identification sign Patterson Ave will be 10' out of the site triangle and a variance would be required.

Mr. Jaworski described the concerns of the drop off canopy area. They will be extending the northern side of the canopy to allow more stacking of vehicles.

Mr. Jaworski reminded the board that the lighting on site would only be enough to light up the parking area, with a staggering of lights especially along the residential area. They will be providing l.e.d. lights and will submit a new plan to Mr. Cranmer.

Mr. Daniel King, Architect was sworn and accepted as an expert witness.

Mr. King described the following exhibits:

A-20 - Elevations from Shrewsbury Ave & Patterson & the outside of the building

A-21- 1st Floor indoor and outdoor

A-22 – 2nd Floor

A-23 – 3rd Floor & basement for mechanicals

A motion was made by Ms. Canonico, seconded by Mr. DeNofa to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Canonico, seconded by Mr. Murphy to close the meeting to the public. All approved.

Mr. David Shropshire, Traffic Engineer, was sworn and accepted as an expert witness as a Traffic Engineer.

Mr. Shropshire referred to exhibit A-9, Traffic Engineering Noise and Air Quality Assessment.

See transcript for full testimony:

Mr. Shropshire testified

- this is a low traffic generator
- no intensity from visitation – holiday visits are spread out during the course the day
- 18 trips during the morning peak hour – 30 trips during pm peak hour – and spread between the two access points
- left hand turn out to Shrewsbury Ave has been eliminated
- No change of level of service due to the low use on site and no substantial delays
- No reason to change the timing at the signalized intersection – information has been to the County and if they want to change anything
- 2-4 peak hour trips on the eastern portion of Patterson Ave, there will not be any affect during the shift change of the employees since they have different shift
- UPS typically make deliveries
- Trash pick-ups 2 times/week – low generator use
- Noise – same as a residential use, generator will be tested during the daytime hours, building will deflect most of the street noise, no impact from carbon monoxide

A motion was made by Ms. Canonico, seconded by Ms. Martinelly to open the meeting to the public. All approved.

No comments/questions

A motion was made by Ms. Canonico, seconded by Mr. DeNofa to close the meeting to the public. All approved.

Mr. Cranmer referred to the changes to the drop off area, asked if that will have any impact on the traffic circulation of the site? Mr. Shropshire no. Mr. Cranmer asked if there will be adequate off street parking on the site during the holiday visits?

Mr. Shropshire said yes, visits are during the course of the day and never overwhelms the parking, they are use .5 space/per unit ratio. Their family parties are managed to prevent over parking, and they will be arranging over with the office building for event days.

Mr. Murphy asked if this will generate more or less traffic than what is permitted in the B3 zone? Mr. Shropshire stated less, this is no substantial detriment to the public good with respect to the traffic issue, this would be a benefit, it's not nearly intense as the permitted uses.

Mr. Michael Kauker, Planner, was sworn and accepted as an expert in Planning, described the site and surrounding area, the 2 "D" variances, 3 "C" variances and the variance needed for the sign on Patterson Ave.

Mr. Kauker referred to A-18 – described the site and the surrounding area uses in both Shrewsbury and Tinton Falls, which provides an idea "back drop" allowing this use to fit into the diversified area very well into this B3 Zone.

Mr. Kauker described the "D1" variance:

- This is a redevelopment of a site which has been a nursing home for many many years
- The proposed use is an updated contemporary state of the art assisted living facility which has evolved in the identity and function of a nursing home. This is an alternate living environment for semi-independent individuals who do not need a nursing home.
- This is an inherently beneficial use, these uses are a somewhat more relaxed state of proofs vs a D1 use variance which would not be an inherently beneficial use, they would then be under the burden of proofs, described and documented for an institutionalized or the Medici Case or the Ceca Case. They must provide 4 proofs that must be provided to the board:
 - Identify the public interest at stake & Demographic need for a facility in this area
 - to identify detrimental effects if any for the propose use on the Zone Plan and surrounding neighborhoods & uses –
 - the board must require a mitigating design elements to soften any variances or negative impacts that are documented throughout the application
 - weigh the positive & negative criteria and determine whether the approval of the variances would cause substantial detriment to the public good and the need for this use.

Mr. Kauker feels that these variances can be reasonably considered in a positive way without any detriment or negative impact the purpose or intent of the Zone Plan and the general welfare will be served without any negative impact in the result of an approval on this application.

Mr. Kauker reviewed the F.A.R. variance that is being requested of .40 vs .43 which equates to 5,320 sq. ft. over the allowable F.A.R. or 7%, which is not perceivable from the naked eye, which is distributed throughout the building. This increase will allow the site to remain appropriate to accommodate the proposed use.

Mr. Kauker referred to the 11' vs 20' buffer on the southerly portion of the property, they meet all other set back requirements, they provide sufficient parking, and this proposed change would not be inappropriate to the site.

Mr. Kauker referred to the 4 variances needed:

- 20' buffer required providing adequate buffering on the easterly side, the buffer deviation is on the southerly property line where they are providing 11.1', the distance becomes greater significantly as you enter halfway into the site at a distance of approximately 30-35' along the property line. At the property line there will be significant landscape buffering. This access will provide a benefit for fire around the building. This deviation is the least deviation from the Ordinance which should be considered by the board.
- Parking in the front yard, they have a valid reason for parking in the front since that is the main entrance to the site and it is good planning to provide a small parking area for visitors adjacent to the main entrance. They cannot utilize the rear portion of the property but they do provide a minimal amount of parking. The major portion of the parking will provide a buffer from the street scape on the northerly side. Parking is distributed around the building due to the physical of the site and the 15-20% slope in the rear portion. The existing buffer to the rear of the property gives a buffer to the PO Zone from this site.
- Parking adjacent to the building, 8' being proposed where 20' from the building is required the 8' would be a hardship and he feels is sufficient.
- Sign at Patterson Ave is proposed at a setback of 10' where 20' is required, the sign was requested by Mr. Cranmer for a secondary sign, and will be landscaped.
- The applicant has eliminated the height variance, will comply with the 35' as required by Ordinance.

A motion was made by Mr. DeNofa, seconded by Ms. Canonico to open the meeting to the public. All approved.

Ms. Beverly Akerblom, as if the increase in the square footage will affect the Stormwater drainage? Mr. Podvey said no, the site will be improved currently there is sheet flow on the site not a Stormwater management system.

A motion was made by Mr. Murphy, seconded by Ms. Canonico to close the meeting to the public. All approved.

Ms. Canonico asked, does this approval open the Borough up to anything? Mr. Cranmer said no. He explained that if this applicant decided not to build this, another applicant would have to follow the exact approval or return to the board.

Mr. Langenstein met with the Shade Tree Commission and will comply with their requests, as stipulated in Mr. Podvey letter.

A motion was made by Ms. Canonico, seconded by Mr. DeNofa to open the meeting to the public. All approved.

No comments/questions

A motion was made by Mr. DeNofa, seconded by Mr. DeNofa to close the meeting to the public. All approved.

Mr. Langenstein, Landscape Architect was sworn and accepted as an expert witness.

A-25 marked into evidence, Illustrated Landscape Plan, prepared by James Langenstein, dated 3/14/16. Mr. Langenstein described the new landscape plan and the existing plantings & trees to remain, based on the meetings with the Shade Tree Commission & Mr. Cranmer.

Mr. Cranmer asked Mr. Langenstein to describe what the corner of Patterson Ave & Shrewsbury Ave will look like. He stated that the existing trees on the property are not worthwhile specimens and will be removed if possible, they have not shown those trees on the plan that will be removed and replaced with approved specimens from the Shade Tree Commission. He is proposing 6 American Holly trees and 3 Hawthorne's which will be screened, but he would like to open that area so the building can be seen from Patterson Ave, which is not reflected on the plans. Mr. Cranmer feels that the drawings currently represent that the building cannot be seen from the street. The applicant is planning to open up the corner.

Ms. Canonico would like to landscape the corner as much as possible with a barrier to Patterson Ave for privacy. Mr. Langenstein will work with the Shade Tree Commission.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to open the meeting to the public. All approved.

Ms. Beverly Akerblom, Patterson Ave., asked a question with the Real Estate Investment Trust, and the potential sale of the property, how would that impact the maintenance of the building and would they try to stream line the maintenance and would that impact the operation? Mr. Podvey said no, that is not for the landscape witness.

A motion was made by Ms. Canonico, seconded by Mr. DeNofa to close the meeting to the public. All approved.

A motion was made by Ms. Canonico, seconded by Mr. DeNofa for general comments on the application. All approved.

No comments/no questions.

A motion was made by Mr. DeNofa, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Cranmer referred to the concessions with the emergency services. Mr. Podvey stated that the operator will arrange for a private ambulance service to minimize the impact, with protocols to control the 911 calls, and this will be part of the Operations of the Chelsea, and be included in the Developers Agreement and will be accepted as a condition of approval and copies will be submitted to the Emergency Service for their review and approval prior to issuance of a Building Permit/Certificate of Occupancy.

Mr. Cranmer and Mr. Podvey had a detailed discussion on the Affordable Housing commitment on the 10% set aside in the B3 zone. Mr. Cranmer explained that the Borough has a low inventory of vacant land. He has suggested a 20% set aside. Mr. Podvey stated that he has had conversations with Mr. Surenian's office, who is the co-counsel for the COAH in the Borough and will supply a letter to this issue as to what was accepted. Mr. McElwee, testified that his client will provide 11 COAH units which the additional 1 unit would cover the additional FAR for the building, and is more than the typical building would provide for 85 units (100 beds). The Ivy which has provided the 20% is not a nursing facility. The 110 beds with a COAH equalvillance is appropriate for this site and this application.

See Transcript for full testimony.

Mr. Cranmer said that if the board is considering an approval, he would suggest to grant a preliminary approval in order for the board to see the final site plan to have the applicant return for final approval. Mr. Podvey met with his client and they have agreed to 99.9% of the conditions raised, and the plans have to be finalized to show the changes and to have to return for final only to see that they have complied with all of the conditions asked for, and in addition they will be part of the Developers Agreement. Mr. Cranmer suggested that the board make the final decision, and the final judgement will lie with him to ensure that what the board wanted is reflected on the final plans. Board members agreed that Mr. Cranmer can review the final submission. Board members have full confidence with the way that the applicant has acted through the process and have been accommodating in providing what the board wants.

See Transcript for full testimony.

A motion was made by Ms. Canonico, seconded by Mr. DeNofa to approve the application of C.S.H. LLC for Use Variance, preliminary & final site plan approval with the following conditions:

- Compliance with Mr. Cranmer's review letter
- Agency reports – B.13, B.14 & B.15
- Letter from Mr. Surenian agreeing with Mr. Podvey representation of 11 units
- All outside agency approval
- No left turn out of site onto Shrewsbury Ave
- Licensing requirements
- Private ambulance service
- Operational Manual to all first responders
- Certificate of need
- Developers Agreement with the Borough of Shrewsbury
- Monmouth County approval
- Fire Striping as requested
- Designated space in rear for shuttle van
- All representation & commitments
- Shade Tree Commission compliance
- A.D.A. – compliance
- Sidewalk mitigation to neighbors
- Identification sign on Patterson Ave
- Site triangle easements for both driveways
- Generator to comply with Noise Ordinance
- Sidewalk extension – to be worked out with neighbors
- Vegetative wood area to remain as per plans on file
- Demolition permits
- Relocation of neighbors retaining wall
- Extension of the norther drop off area to allow additional stacking
- Lighting – timers
- Agreement with office park for overflow parking if necessary
- Revise Landscaping Plan to supplement the corner of Patterson/Shrewsbury Ave with additional year round screening, work with Shade Tree Commission
- Tile 39 to be granted
- Private trash hauler
- No height variance the applicant complying with Ordinance
- Performance & Maintenance Bonds
- Storm Water Management Plan to be submitted to Borough Engineer

Roll Call:

Affirmative: Schwartz, Martinelly, Canonico, Murphy, DeNofa, Schuster, Edwards

Negative: None

Resolution 5/4/2016.....

A motion was made by Mr. DeNofa, seconded by Ms. Canonico to adjourn the meeting at 10:30 pm. All approved.