

BERNARDS TOWNSHIP **ZONING BOARD OF ADJUSTMENT**

MINUTES

Special Meeting
July 11, 2019

CALL TO ORDER

Chairman Breslin called the meeting to order at 7:34 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS STATEMENT – Chairman Breslin read the following statement:

"In accordance with the requirements of the Open Public Meetings Law, notice of this meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin Board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey, was sent to the Bernardsville News, Whippany, NJ, and the Courier News, Bridgewater, NJ, and was filed with the Township Clerk all on January 10, 2019 and was electronically mailed to all those people who have requested individual notice."

"The following procedure has been adopted by the Bernards Township Board of Adjustment. There will be no new cases heard after 10:00 PM and no new witnesses or testimony heard after 10:30 PM."

ROLL CALL:

Members Present: Breslin, Eorio, Genirs, Kraus, Lane, Pochtar, Tancredi
Members Absent: Kleinert, Zaidel
Also Present: Board Attorney, Steven K. Warner, Esq.; Township/Board Planner, David Schley, PP, AICP;
Board Engineer, Sam Koutsouris, PE; Board Secretary, Cyndi Kiefer

On motion by Ms. Genirs, seconded by Mr. Lane, all in favor and carried, the absences of Ms. Kleinert and Mr. Zaidel were excused.

APPROVAL OF MINUTES

May 16, 2019 – Closed Session

Mr. Lane moved approval of the minutes as presented. Ms. Genirs seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Lane, Pochtar, Tancredi
Nay: NONE

Motion carried.

June 5, 2019 – Open Session

Ms. Genirs moved approval of the minutes as presented. Mr. Kraus seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Pochtar, Tancredi
Nay: NONE
Ineligible: Lane

Motion carried.

June 24, 2019 – Open Session

Ms. Genirs moved approval of the minutes as presented. Ms. Pochtar seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Lane, Pochtar, Tancredi
Nay: NONE

Motion carried.

APPROVAL OF RESOLUTIONS

Udelsman, Lee & Jody; #ZB19-011; Block 7901, Lot 17; 108 Goltra Drive; Bulk Variance (granted)
Ms. Genirs moved approval of the resolution as drafted. Mr. Tancredi seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Tancredi
 Ineligible: Lane, Pochtar

Motion carried.

Knox, William; #ZB19-008; Block 11101, Lot 5; 415 Mountain Road; Bulk Variance (granted)
Ms. Genirs moved approval of the resolution as drafted. Mr. Kraus seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Tancredi
 Ineligible: Lane, Pochtar

Motion carried.

Yglesias, S./DeCosta, M.; #ZB19-004; Block 8802, Lot 19; 3137 Valley Road; Bulk Variances (granted)
Ms. Genirs moved approval of the resolution as drafted. Mr. Kraus seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Tancredi
 Ineligible: Lane, Pochtar

Motion carried.

Millington Quarry Inc.; #ZB18-026; Block 6001, Lot 6; 135 Stonehouse Road; Resolution of Deficient Notice
Ms. Genirs moved approval of the resolution as drafted. Mr. Lane seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Lane, Tancredi
 Ineligible: Kraus, Pochtar

Motion carried.

Mr. Tancredi recused himself and left the room.

COMPLETENESS AND PUBLIC HEARING

Pienaar, Jacobus A. & Zanette; Block 7101, Lot 14; 12 Stockmar Drive; Bulk Variance; #ZB19-012

Present: Zanette Pienaar, Applicant

Zanette Pienaar, applicant residing at 12 Stockmar Drive, was duly sworn as were the board's professionals. Ms. Pienaar stated that she was seeking variance relief for maximum lot coverage for three (3) concrete pads (patio, grill area, firepit area) which were installed the previous year. She testified that when she purchased the subject property several years prior, she was unaware that the existing lot coverage already exceeded the maximum allowed. Mr. Schley explained that aerial photos confirmed that the house, pool, pool patio and shed were built prior to the lot coverage ordinance adoption.

Mr. Koutouris noted that although the entire pool is counted as impervious coverage, the bulk of that square footage is water surface which is considered neutral from a stormwater management perspective. He opined that the additional coverage is di minimus and would not adversely affect runoff. Ms. Pienaar confirmed that she had not seen any issues with flooding nor had she had any complaints from her neighbors.

In response to a question about mitigating the overage by removing some of the existing coverage, Ms. Pienaar testified that the patio, grill and firepit are used on a regular basis and she preferred that they be allowed to remain. The shed was set on a foundation and would be difficult to remove as would the concrete patio around the pool.

The hearing was opened to the public for comment. Hearing none, that portion of the hearing was closed.

After deliberating, the Board imposed a condition stipulating that if the pool and pool patio were to be removed, the

amount of impervious coverage overage granted would be reduced by 820 square feet which is the square footage of the pool.

The board felt that the applicant had satisfied the positive and negative criteria required for a c(2) or "benefits vs. detriments" variance. Ms. Genirs moved to deem the application complete and to direct the Board Attorney to draft a Resolution memorializing the board's decision to grant the application for variance relief requested by the applicant subject to the conditions stipulated to by the applicant and as stated during deliberations. Mr. Lane seconded.

Roll Call: Aye: Breslin, Eorio, Genirs, Kraus, Lane, Pochtar
 Nay: NONE

Motion carried.

Mr. Tancredi returned to the dais.

PUBLIC HEARING

LCB Senior Living Holdings II LLC; Block 2301, Lot 31; 219 Mt. Airy Road; Preliminary/Final Site Plan, Bulk Variances, "d" Variances, Exceptions; #ZB19-010

Present: Thomas J. Malman, Esq., Attorney for the Applicant
 Robert C. Moschello, PE, Engineer for the Applicant
 Michael E. Liu, AIA, NCARB, Architect for the Applicant
 Ted Doyle, Vice President of Marketing/Communications for the Applicant
 Lee Bloom, Director of Development for the Applicant

Thomas J. Malman, Esq., attorney with the firm of *Day Pitney LLP*, Parsippany, NJ, entered his appearance on behalf of the applicant corporation, LCB Senior Living Holdings II LLC ("LCB") and gave a brief overview of the application.

Mr. Warner noted that the Congregation B'nai Israel, whose synagogue is located on property adjacent to the subject property, was represented by Robert F. Simon, Esq., attorney with the firm of *Herold Law PA*, Warren, NJ. Mr. Simon stated that, based on his conversations with the applicant, he was hopeful that his clients' concerns would be addressed and that he would hold his cross-examination until the conclusion.

Mr. Warner opined that the applicant's public notice was sufficient and all professionals for both the board and the applicant were duly sworn.

Exhibit A-1, a power point presentation illustrating other LCB Senior Living Communities along with plans, photos and details specific to this application was entered into evidence (both in hard copy and CD).

Ted Doyle described LCB's history and the type of high-end assisted living facilities that the corporation had built, adding that each facility included a memory care unit. He stated that this would be the first LCB facility in New Jersey and described the general layout of the proposed facility. Mr. Doyle noted that each of the communities was individually designed to blend in with the architecture of the area.

Lee Bloom continued the presentation stating that all the units would be rentals including some for low income residents. He also addressed the total number of employees that would be required.

In reference to emergency services, Mr. Bloom testified that he had spoken to Peter von der Linde, Chief of the Basking Ridge Fire Company #1 and to Atlantic Ambulance Corporation to contract for private emergency services to supplement those provided by the township.

Mr. Bloom stated that residents rarely, if ever, maintain personal cars at these facilities because transportation for both personal needs and social activities is provided free of charge. On-site medical care is not available because by law, the facility could not provide direct medical care.

The hearing was opened to the public for questions. Hearing none, that portion of the hearing was closed.

After being accepted as an expert in the field of civil engineering, Robert C. Moschello, PE, engineer with the firm of *Gladstone Design Inc.*, Gladstone, NJ, used aerial photos in **Exhibit A-1** to discuss the existing structures and site conditions on the subject property. He then showed the proposed changes including demolition of the existing building and testified that the new structure would require several "d" variances, bulk variances and exceptions.

Mr. Moschello stated that although the proposal would create a slight reduction in total impervious coverage, additional stormwater management measures would be required. A revised landscaping plan which would address board staff's comments about the township's tree replacement ordinance will be submitted at a later date.

Mr. Moschello affirmed that there would be no changes in the size or location of the existing signage, just the information. A sign detail will be submitted at a later date and will confirm that the signs would not be internally lit.

Finally, Mr. Moschello discussed the site lighting plan and associated waivers required. He noted that the applicant is requesting approval for the lights to remain on from dusk to dawn, affirming that after the 11:00 PM shift change, the light level would be reduced to security lighting levels.

Mr. Moschello stipulated to all the comments under his purview in Mr. Schley's memo dated July 8, 2019.

The hearing was opened to the public for questions. Hearing none, that portion of the hearing was closed.

After being accepted as an expert in architecture, Michael E. Liu, AIA, NCARB, architect with the firm *The Architectural Team*, Chelsea, MA, opined that the existing vegetation would create filtered views of the proposed building from both Whitenack and Meeker Roads as shown in the renderings in **Exhibit A-1**. He gave an overview of the interior of the facility noting that it was designed to create a residential environment and described the exterior design style as "quasi-Georgian" with numerous façades to evoke a neighborhood or village feel. The mechanicals would all be hidden behind roof facades and it is these facades that cause the building to exceed the maximum height requirements. Although it would resemble a wood structure, the entire building would be constructed of steel and concrete. Mr. Liu agreed to provide more specific information about materials and colors at the next meeting.

Mr. Liu stipulated to all the comments that pertained to architecture in Mr. Schley's memo dated July 8, 2019.

The hearing was opened to the public for questions. Hearing none, that portion of the hearing was closed.

Mr. Warner advised Mr. Malman that the application would be carried with no further notice to the August 7, 2019 regularly scheduled meeting date. He noted that there is another application scheduled for that evening and in the event that that application proceeds on August 7th, this application would be carried to a subsequent meeting.

COMMENTS FROM MEMBERS OR STAFF

Mr. Schley agreed to send an electronic copy of the power point presentation (**Exhibit A-1**) to the board members.

ADJOURN

By unanimous Voice Vote, the meeting was adjourned at 10:10 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Zoning Board of Adjustment

07/24/19 v2 ds sw

Approved as written 08-07-2019