

**MINUTES OF A REGULAR MEETING OF THE PLANNING BOARD
OF THE BOROUGH OF MOUNTAIN LAKES**

January 31, 2019

Chair Martin Kane read the Open Public Meeting Advertisement Notice adopted at the annual meeting on January 24, 2019: Adequate notice of this meeting was given to the Citizen and the Daily Record, posted with the Borough Clerk and on the Bulletin Board and made available to all those requesting individual notice and paying the required fee.

Start: 7:33PM

ROLL CALL:

Members Present: Kane, Barnett, Russo, Nachshen, Horan, Menard (7:30 – 10:40pm), Coppola, Berei and Holliday

Absent: Stern and Mirsky

Also Present: Attorney, Peter Henry, Engineer, Bill Ryden, Phil Abramson, Planner, Gary Dean Traffic Engineer, Jack Szczepanski, Environmental Engineer

REVIEW OF MINUTES: none

RESOLUTIONS: none

PUBLIC COMMENT: none

PUBLIC HEARING:

New Application:

Sunrise Development, Inc.
1 Old Bloomfield Ave.
Major Site Plan
Sign & Fence Setback

Appl. #18-268Bl. 118.04, Lots 2.01
Blk. 118.04, Lots 2.01
OL-2/R-AH3

Mark Policastro was the attorney for the Sunrise Development. Martin Kane pointed out the applicant had not noticed or paid for the 2 variances required for a fence and sign in the front setback. Peter Henry was also concerned the notice did not listing any variances. M. Policastro said he would provide case law supporting the lack of notice. The Board was provided with a list of owners for the Sunrise Development but we also needed an ownership list of the property owners.

David Jung, of Sunrise Senior Living, was sworn in. He provided an overview of the company which serves the senior population including those who have memory loss and dementia issues. They have 30,000 residents worldwide with 23 facilities in NJ. They chose this location because it was on Route 46 and off Routes 80 and 287. The property is at the intersection of a residential and commercial zone. They have looked at other types of senior properties in the area to determine the need for their services. Currently there are 18 senior communities within 10 miles of this location.

Martin Kane asked if there were any public questions for this witness. Georgette McHale, of 15 Newcastle Court, asked the Mr. Jung how many people could realistically afford their facility. Chairman Kane determined the question not relevant to the application.

The first professional to testify was be Jeremy Lang, of Maser Engineering. Mr. Lang was licensed in NJ for engineering and planning. Tonight he was testifying as an engineer. Mr. Lang presented exhibit A-1 an aerial photo of the lot and the buildings on either side. The new building had been superimposed on the aerial photo. He pointed out the existing access road on the lot. The development was based on Ordinance 6-18 which established the AH- 3 zone. The building is 28,000sqft and could accommodate 130 beds. The building is 3 stories tall and consists of 90 units with 120 beds. They will only have 120 beds as per our Ordinance and will not exceed that. The sign at the corner of the lot is triangular in shape. The overall site is a hill top which is why the existing access road slopes around the back of the property. The parking standard for this type of development is 45 spaces and they have 48 spaces. There is a loading area at the rear of the building even though one is not required. They have the required setbacks for the site. Every project they build is custom designed for the site. They will keep the buffer for the Pine Edge neighbors. The rear of the building is 192.69ft from the property line. Between the building and the property line is a 100ft buffer of trees and the 25ft wide back driveway. Sunrise uses a private trash collection provider and they are willing to follow any time restrictions the town may have for pick up. They are setting the building down into the hilltop. The building is located down 11ft behind a retaining wall so the Pine Edge residents will not see the 1st floor of the building. Mr. Lang referenced sheet 10, the “Site Cross Section”, dated 1/11/19. He pointed out the retaining wall and explained how the building sat in a hole. The 1st floor and all the building activity will happen below the wall. In the rear the 2nd floor will be level with the ground. The tree tops are level with the roof line.

Mr. Lang said there are no wetlands on the site. The property owner obtained a LOI for “Fresh Water Wetlands Line Verification” when they did the subdivision in 2009. They are currently doing geotechnical work on the site. Most of the site has “A” soils. During construction they are disturbing 3 of the 6 acres. The ILC is currently 12.45% and they are proposing covering 45.52% where 60% is permitted. 2.6 acres of the 3 disturbed acres are the building, patios, driveway and parking. This is a major project that has 5 underground stormwater management systems. There are three detention systems and 2 arch/infiltration systems. They will infiltrate water back into the ground. They are exceeding the recharge requirements and meet the water management requirements. They are not changing the run off in the wooded areas. There is no increase in the run off from the development as designed. There are two separate backyards, one for memory care and one for non-memory care, on the property. Sunrise is obtaining a will serve letter for the sanitary sewer service. They need 1800 gallons of water per day. They will connect to the existing Mountain Lakes water line in Bloomfield Ave. They plan to connect to the existing electric, telephone and gas lines in and along Bloomfield Ave. They will obtain will serve letters from all those providers.

Mr. Lang continued they need 2 variances for the project; one for fencing in the front yard and one for the sign in the front setback. They moved the building forward to create a bigger buffer in the rear of the property. This caused the need for the variances in the front of the property. The fence is around the memory care outdoor area and fences are not allowed in the front yard. The

fence is 25ft from right-away line. The hill at the front of the property causes a person's site line to go up from the road and over the hill. From Bloomfield Ave. you would actually look over the fence into the site. The fence will be brown to blend with the foliage in the landscaped area. The sign on the corner will be a two sided 16 sq. ft. ground mounted structure. The current location does not create a sight line obstruction. There will also be a 16sqft interior sign on a retaining wall. A corporate campus sign already exists on the property. It is built into the slope of the property and is pre-existing non-conforming. The sign is setback 4ft from the road and 10ft is required. To make the sign conform you would have to move it back from the road and install the sign higher on the hill causing people to look up from the road to see it.

Mr. Lang continued Sunrise will have 10% of their beds set aside to fulfill the Borough's affordable housing obligation. The lighting on the building will be below the retaining wall. The overall height of the fixtures is over the 12ft permitted by Ordinance, only the decorative top exceeds the height. The light source is at 12 feet.

Mr. Kane asked the Board if they had any questions for Mr. Lang. Tom Menard stated a retaining wall of 17ft was a huge wall. Most of the others walls on the site are 2 tiered. Why didn't they install a 2 tiered wall in this location? Jeremy Lang said it was too tight and there just wasn't enough room to do so. T. Menard was concerned with the height and mentioned the wall on Route 46 that fell down earlier in the week. Mr. Menard asked if they could move the front fence back along the walkways to increase the setback. J. Lang responded they were already along the walkway. Jeff Berei referenced sheet 10, "Site Cross Section". What would the elevation be if you carry the line all the way to Bloomfield Ave? The elevation would be 350ft. at Bloomfield Ave and the 1st floor building elevation would be 358ft. Kelly Holliday questioned the 30' lane width for the driveway up to the building entrance. Could it just be 24ft wide? J. Lang replied this was not a roadway but an access road; they needed the width so two cars could pass each other. Peter Henry pointed out the Traffic Engineer was concern about parking along the access road. J. Lang responded the staff will manage parking along the road.

W. Ryden asked for more detail on the fencing and the fence crossing the walkways in the memory care spaces. Mr. Lang answered only the staff can open the gates that cross the walkways. He would update the plans to show the fencing detail. He then showed the Board exhibit A-2, two pages from the Illusions Vinyl fence catalog, illustrating the fence material and style they planned to use.

M. Kane asked if anyone from the public had questions for the engineer. Mark Lalin, of 117 Midvale Rd, asked about the facilities services. Specifically did the residents drive, did the units have cooking facilities and was there any type of communal living. David Jung answered, the average age of their residents was 85yrs, they needed help with dressing etc., there were no kitchens in the units and they do not expect them to have cars.

Sandy Batty, of 15 Lockley Ct, asked if the units had no kitchens would they still qualify as affordable housing beds. The response was yes. Could Sunrise put a speed limit on the access road to control traffic and make the road narrower? J. Lang said Sunrise felt better having a 30ft wide road and would not want to put a restriction on it. He then confirmed laundry facilities would be located on the site. S. Batty questioned the tree management plan on sheet three. How could Sunrise know if the front is forested and the height of the trees if they never did a tree survey of the site. J. Lang responded they did a survey of the trees on the property but it is not

obvious on the plan since they are in gray rather than black like the trees in the area of disturbance. Sandy Batty asked about the notation on sheet 3 concerning their consultation with the Shade Tree Commission. She was a member of the Commission and could verify they did not meet. They should have the Shade Tree report. Marnie Vyff, of 10 Vale Road, told the Board STC submitted their report on the 17th of January and the Sunrise plan was dated the 11th. The Commission was interested in the trees along the road way since they are protected by the Borough Ordinances. They would like them identified.

Jim Hyson, of 2 Littlewood Court, asked if there was going to be any disturbance around the driveway. J. Lang answered they were not disturbing anything around the road. He asked if exhibit A-1 was an artist rendering of the site? I was actually a google map. Could Sunrise shorten the building and reduce the number the beds proposed? Mr. Lang pointed out if there was another development plan submitted with a permitted use the applicant could push the building back closer to Pine Edge. Sunrise negotiated the number of beds with the Council so they will not be changing that number. Linda Hyson, also of 2 Littlewood Court, said this was her backyard. She asked if the wall would be higher than the slope that was there now. J. Lang explained the residents would not see the wall from their yards. Jules Stanisci, of 4 Littlewood Court, told Sunrise Pine Edge wanted to be good neighbors. He was particularly concerned the noise the garbage pick-up would create. Could they move the garage pick-up to the front of the property along Route 46? Mr. Lang responded that plan would put the pick-up in the front of the building and the back of the building was where all our housekeeping takes place. Alex Yanovski, of 10 Littlewood Court, was also concerned with the noise created by garbage pick-up and truck deliveries. J. Lang reminded him there was a 125 ft. buffer and the grade was lower. He continued there would be minimal food odors since the food prep was light on grease and very healthy. There would not be a lot of activity at the site. Martin Kane asked how many times a week would they pick up the garbage. It would be 2 to 3 times a week and they could control the time of day.

Chairmen Kane asked if our professionals had any questions of this witness. Golda Speyer, the Borough Planner, said Sunrise needed to have a consultation with the Shade Tree Commission. If this condition was not met it would trigger a D-3 variance and the application would move to the Zoning Board. She asked Mr. Lang about their waste management plan. What size trucks would be used and how would the garbage be processed. The standard front load garbage trucks would have overhead lifts with separate bins for recycling and refuse. The trash enclosure will also have separate areas for recycling and refuse. She asked how they determined they only needed 2 ADA spaces. J. Lang answered this was visitor driven. She asked that the engineer update the site plans to include the variances. He said they would.

Jack Szczepanski said the site was actually 5.7 acres not 5.2 acres as referenced in some areas of the application. He questioned what acreage they used for the stormwater calculations. Mr. Lang said they were putting together the Geo-Technical Report which will confirm their calculations. J. Szczepanski said there was a lot of pervious coverage on the site, did Sunrise consider any other types of surfaces since they are all connected. J. Lang said this project is a cluster development so they have left a lot of the site undisturbed. The site was designed to maintain the existing recharge. J. Szczepanski said the runoff all seem to be going to a single point. J. Lang disagreed since there were three discharge areas and they were maintaining the current drainage

patterns. Mr. Szczepanski did not agree with this assessment. He added there was no up to date LOI from the NJDEP. J. Lang answered, this was voluntary since there was a report from 2009. Jack Szczepanski said the Environmental Impact Statement (EIS) provided was minimal and did not go into the overall impact of the development. He asked for a more complete EIS. Jeremy Lang responded there was nothing special about this site and the permitted use would have impacted the site more. There was some impact but it was minimal and this was an appropriate use of the land. Jack Szczepanski said his role was not to discuss the proper use of the site. He did think the impact of the development on the site environmentally was more than the applicant thought it was. He did not think the EIS covered the impact in enough detail. The Board will need to determine if they want a more detailed report. Bill Ryden did not think the witness had addressed 16 of the 28 items in his report. Jeremy Lang said they would be willing to prepare a report to answer his concerns in a review letter.

Jeffrey Allen was a licensed landscape architect in NJ and would speak to the landscaping and lighting planned for the site on behalf of Sunrise. There will be street trees along the road as you enter. Forsythia, perennials and crabapple trees will be planted in the courtyard area. There will be foundation plantings along the walkways and more will be planted along Bloomfield Ave. The evergreen trees are 6ft to 10ft tall along the west side of the property. As to the note on sheet three, "Tree Management Plan" of the site plan. They had used the wrong tense when stating they "have worked" with the Shade Tree Committee. He thought they had and would check with his office to see who did. The northern buffer was 100ft of existing foliage plus an additional 25ft. of roadway. There was a landscape plan approved for the upper portion of the site when the property was subdivided in 2010. Some of those trees are in poor health and should be replaced. He was willing to walk the area with the Commission to review the buffer area and offer to plant some understory vegetation. The current landscape design includes 852 shrubs, 97 trees, 1500 perennials and groundcovers. They were in compliance with the landscape percentages for the parking area and the size requirements for the trees, shrubs and evergreens. The planted buffer and walls will reduce the headlights shining into the Pine Edge homes. The STC is asking for an inventory of trees on site. The Borough Ordinance is written for street trees. The rear driveway is not a street it is actually an easement. They did not see the need to do an inventory of the trees that would be remaining. They will identify what they can save along the line of disturbance. Sunrise does not want to lose the buffer they have. They will prepare a written response to the Borough Planner's letter. Sunrise was willing to make any plant substitutions that would be preferred. They wanted to state they didn't see the need to have an arborist on site 8hrs a day during the project. They were willing to do an existing species list for the Commission but not an inventory. There are ash trees on the site. It was requested they remove all the ash trees but they are only willing to remove those trees that present a danger. They don't want to reduce the plantings in the buffer. They were willing to add more trees in the two areas specified. Jeffery Allen moved on to the lighting for the site. He said the area lights were small LED bollard lights. The maximum allowed is a ½ft candle of light. They are concerned the level is low and they think they need more illumination. They have met the higher light level requirements in the parking area. They need higher light levels; usually 2ft candles are recommended on senior care facilities. If required they could provide documentation to support that recommendation. There will be no flashing lights on the site.

Mr. Kane asked if the Board had any questions. Corey Nachshen referenced the double retaining walls on the north side. The tree inventory along those walls are mature. He was concerned the trees would be damaged during construction. What was the monitoring plan for those trees and for how long? Jeffrey Allen said they would need to watch that. Usually towns require a two to three year tree replacement condition. Kelly Holliday asked what the layback on the 17ft high wall would be. She thought it could affect the trees behind the wall. Mr. Allen said they were determining what type of wall was best to install. Lauren Barnett asked what would prevent someone from falling off the wall. Jeffrey Allen said the chain link fence on top of the wall would keep people from falling off. Tom Menard said the applicant would need a variance for the ends of the fencing. He then asked if the elevation of the lights in the rear were below the wall and how the lighting would affect the residents behind Sunrise. Mr. Allen said the lights are 12ft tall and they shine down. Kelly Holliday asked if the wall was including in the stormwater calculations. J. Lang said they were looking at that now. They are doing the fieldwork right now and will be presenting it at the next hearing. Kelly Holliday asked the applicant to confirm there would be no trees left in the disturbed area. Mr. Kane asked if the professionals had any questions for Mr. Allen. Golda Speyer asked what type of wall they planned to use. The applicant was still deciding. He added a modular block wall can be used up to 17ft but a gravity wall might make more sense. Mr. Allen said Sunrise was willing to have an Arborist present for the excavation, tree planting and final inspection. Martin Kane said the Board wants to save the trees but we would not expect Sunrise to have an arborist present during the entire project. He asked if they were planning to screen around the transformer and the generator. Jeffrey Allen answered they would be doing that.

Chairmen Kane opened the meeting to the public. Marnie Vyff, of 10 Vale Drive, asked that the 4 trees along Bloomfield Ave. be kept. J. Allen answered they would want to keep them and can add them to the plan if they are missing. Ms. Vyff asked about adding trees along the buffer. Sunrise was willing to add additional trees to the Pine Edge buffer. Mr. Allen questioned the purpose of identifying the trees they were not disturbing. Ms. Vyff asked the arborist be present during the excavation, make weekly visits and during other important times when the trees can be affected.

Alex Yanovski, of 10 Littlewood Court asked if they would have lights on all the time. The lights would be on from dusk to dawn. They are all LED fixtures that will dim down when activity is not present since they are motion detected. Sandy Batty, of 15 Lockley Court, asked if animals would trip the LED lighting. Jeffrey Allen said the actual lights had not been selected they were currently looking at the different options. She asked if there were lights on the building. There are not. She asked about the sign lighting. Sunrise will have lights shining on the side of the sign not lit from the interior. S. Batty requested the arborist be present when they meet on site with the STC. Jim Hyson, of 2 Littlewood Court, asked the applicant to confirm they would be meeting with Shade Tree Commission before the next meeting. He asked if the fence on the retaining wall could be another wall. Jeffrey Allen said he didn't think it would work due to the weight. Mr. Hyson asked if they would add the 100ft buffer line on the landscape plan. Mr. Allen said they would be willing to add it. Mr. Hyson reminded Sunrise the 2010 resolution required the approved landscape plan be maintained. Kelly Holliday asked Mr. Allen to provide testimony about the rain gardens at the next meeting. Mr. Allen said they would

review them with the Shade Tree Commission.

The last professional to testify was the Architect for Sunrise, Mark Moeller. Mr. Moeller explained the back of the building has areas for mechanical, electrical and the kitchen. The resident units are single, twin and Denver. The kitchen is a single sink in a bar area. A shared room has 1 bath and 2 bedrooms. Not all Denver units will be double occupancy. Some will have a sitting room. The third floor is for memory care where the residents will have their own private terrace. The building will have lounges on all the floors and a hair salon will be in the building. Mr. Moeller referenced sheet P1.04, the "Roof Plan". They have pitched the roofs to make the building look more residential. The white area on the roof plan is a flat rubber roof 11.5ft below the roof line to hide the mechanicals and control the sound. Peter Henry asked how high the A/C units were. They were under 11ft tall. Mr. Moeller presented exhibit A-3, a color rendering of the building. He explained what the finishes on the building would be. There would be a wrap-around porch on the front. The building would be type 2-A construction.

Nick Coppola asked the applicant to confirm there would only be 120 beds. He asked what the "Wet Activity" room was for. It is an arts and craft space. Mark Moeller pointed out the natural gas generator would be located on the roof and would be tested monthly. Mr. Coppola asked they provide the decibel level of the unit. Golda Speyer said the building height requirement was three stories not to exceed 50ft but most three story buildings are only 42 ft. Moeller said the actual area for the mechanicals was 11.5ft above the ceiling. They could have a 36ft high building with a flat roof but the mechanicals would show. She asked what the average square footage of each units was. Mr. Moeller would provide that information. She also said there was no square footage on the architectural plan and asked they please add it.

Sandy Batty, of 15 Lockley Court, asked if the Medicaid bedrooms were different from the other rooms. No they were not. Mr. Moeller added the sunroom and porch are on the north side of the building. It is a misnomer to call this a sunroom. The residents really like to see the movement they can sit and watch the traffic from here. Jim Hyson, of 2 Littlewood Court, inquired if the 2 bed units were for people who didn't know each other. David Jung answered the two bed units are for married couples. Golda Speyer requested the architect provide a material board of the building materials. S. Batty asked if they could see the materials on a local Sunrise building. They will check for us. Marnie Vyff, of 10 Vale Road, asked the applicant to clarify the number of beds in the building could be 130 but they were limited it 120. Sunrise will limit the 4 Denver rooms on each floor to only one bed.

The application was carried to February 28th. The applicant agreed to re-notice to include the variances for the sign and fence in the front setback.

COMMITTEE REPORTS: none

Other Matters - none

Martin Kane adjourned the meeting at 10:55PM.

Respectfully submitted,

Cynthia Shaw, Secretary