

BOARD OF ADJUSTMENT
MINUTES OF THE MEETING

NOVEMBER 3, 2016

CALL TO ORDER: This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

ROLL CALL:

Present: Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Badenhausen, Mr. Frankel,
Mr. DeLorenzo, Mr. Hunter, Board Attorney Davies, Board Engineer Tiberi,
Borough Planner Kendra Lelie

Absent: Mr. Saracino

MINUTES

The Minutes of the meeting of October 6, 2016, were presented for approval. Mr. Badenhausen made a motion to approve the minutes as submitted, seconded by Mrs. Gerber.

Roll Call Vote

AYES: Mr. Bavagnoli, Mrs. Gerber, Mr. Badenhausen, Mr. Frankel, Mr. Hunter, Mr. DeLorenzo,

NAYS: None

OLD BUSINESS

Application for Burgio, 1031 Franklin Lake Road, Block 1208, Lot 4, Lot Coverage, which is in violation of the following Section of the Ordinance:

TYPE	REQUIRED	EXISTING	PROPOSED	CODE
Pool Patio	25%	26.62%*	30.13%	300-102
Driveway Coverage				
FRES-2592	DEEMED COMPLETE: 9-26-2016			DETERMINATION DATE: 1-24-17

*existing non-conforming condition

CARRIED FROM 10-6-16 MEETING

THIS APPLICATION IS CARRIED TO THE 12-1-16 MEETING. EXTENSION TO 12-2-16

Mrs. Gerber made a motion to carry this application to the meeting of December 1, 2016. Mr. Frankel seconded the motion, all ayes.

ORAL COMMUNICATIONS

No one came forward this evening.

NEW BUSINESS

Application for Sunrise Development, 724 Franklin Avenue, 730 Franklin Avenue, 511 Shirley Avenue, 515 Shirley Avenue, Block 1424.01, Lot 2, Block 1424.01, Lot 5, Block 1424.01, Lot 7, Block 1424.01, Lot 8, Use Variance, Application Bifurcated, which is in violation of the following Section of the Ordinance:

TYPE	REQUIRED	EXISTING	PROPOSED	CODE
Assisted Living Facility				

Assisted Living Facility is not permitted in this zone.

Mark Policastro, attorney for Sunrise Development, introduced himself on behalf of the applicant. Gerry Liang, Sunrise Senior Living, 7902 West Park Drive, McLean, VA, 22102, was sworn by Mr. Davies. Mr. Liang gave a history of Sunrise Senior Living, which was founded about 30 years ago by Paul and Terry Klaussen. The Klaussens had a vision of high quality, high care, residential senior living, which was a stark departure from the

ZONING BOARD OF ADJUSTMENT MEETING

11-3-16

PAGE 2

institutionalized services of 30 years ago. Today Sunrise manages 310 communities worldwide with about 23 communities located in New Jersey over the past 20 years. Mr. Liang showed a short video about Sunrise, which was marked as Exhibit A-1. Mr. Liang summarized the daily living services offered by Sunrise as well as the specialized area of Sunrise that is available for residents with dementia. Exhibit A-2: realistic rendering of the proposed Franklin Lakes facility consisting of a view taken along the frontage of Franklin Avenue. Mr. Liang stated that the structure is a two story building consistent with the character of the surrounding area. Exhibit A-3 is a view from the corner at the intersection of Franklin Avenue and Shirley Avenue.

Mr. Liang stated that the demographics show that there is a significant need for the services provided by Sunrise in this area. In Franklin Lakes, the population of 65 and older and 85 and older has increased by 64% and 40% respectively. There are not a lot of options for seniors and their families and the closest facility is 3 miles away in Mahwah. Sunrise facilities are only located in the top growing markets in the country in terms of wealth and Sunrise was recently approved for development in Summit.

Mr. Liang said that he is constantly asked why a commercial building is being put in a residential area. He said that Sunrise is a combination of both residential and commercial because it is in many cases the final residence for many of the residents. The proposed development is located catty-corner from a gas station, adjacent to a large garden center with frontage along Franklin Avenue.

Exhibit A-4 was marked by Mr. Davies and is an image from Google Earth showing the surrounding area including 2,000 ft. in various directions. The boundaries are highlighted in green and the proposed site plan is colored. When designing the structure, they looked at how best to incorporate the surrounding neighborhood without negatively impacting this neighborhood. No ingress or egress is planned for Shirley Avenue except in the case of an emergency. Mr. Liang pointed out that parking is by means of an unground parking area, which has never been done at any of their locations in New Jersey. It is expensive but beneficial and has a positive impact on the surrounding community. There are wetlands in the area which will remain undisturbed and all daytime activity is oriented towards the Twinbrook Nursery. Mr. Liang stated that Exhibit A-5 is a photo image from Shirley Avenue looking east towards the intersection. He pointed out that assisted living in New Jersey is overseen by the Department of Health and Sunrise will be applying for a certificate and a license. Mr. Liang stated that ten percent of the beds must be set aside for Medicaid patients. There are 88 units, some of which are two person units.

Mr. Liang took questions from several Board Members and Ms. Lelie, Borough Planner. Mr. Liang was asked if any preferential treatment would be given to Franklin Lakes' residents if this application were approved. Mr. Liang said that this is not generally done, but there may be some way that they could look favorably on residents of Franklin Lakes moving into the facility. Mr. Liang said that the facility is designed separately for every location. Ms. Tiberi said that the original design was for 88 units with approximately 45 parking spaces at grade. She asked for the rationale behind the amended design, which calls for underground parking and a two story building. Mr. Liang said they decided that a three story building would not blend into the surrounding area. Therefore, the building footprint for the two story building increased significantly. Mr. Liang described the staff as highly trained caregivers.

Mr. Bavagnoli opened the public portion of the meeting for questions of Mr. Liang only. Tom Rehan, 493 Cherry Street, asked if medical waste would be disposed of in a regular dumpster. Mr. Liang explained that a private contractor will handle the disposal of medical waste. Mr. Rehan was concerned about the noise associated with commercial dumpsters and he asked for the size. Mr. Liang said that the engineer could supply the exact measurements. Mr. Rehan questioned the number of ambulance calls per day. Mr. Liang said that there are a handful of ambulance visits per week.

Marilyn Keyes, 536 Shirley Avenue, asked if they had looked at other locations in Franklin Lakes and she questioned the number of employees. Mr. Liang said that they had looked for other locations but were not successful in finding another location. The number of employees will vary based on the shift and the number of people visiting vary throughout the week.

Robert Jaekel, 532 Shirley Avenue, asked what percentage of the residents is on Medicaid. Mr. Liang said that 10% of the beds are set aside for Medicaid residents by law. Mr. Jaekel asked for the percentage of Medicaid patients over the last year in Saddle River and Paramus. Mr. Liang said he didn't know but would find out.

ZONING BOARD OF ADJUSTMENT MEETING

11-3-16

PAGE 3

Pawel or Jolina Jazwinski of 553 Shirley Avenue, asked how the traffic in and out of the facility would affect children walking to and from school. Mr. Liang said this question would be addressed by the traffic engineer.

Michelle Milena, 523 Shirley Avenue, asked about the possibility of refurbishing an existing facility. Mr. Liang said that older facilities do not meet the high design and institutional standards of Sunrise Assisted Living including fire retardant standards.

Peter Koulikourdis, 525 Shirley Avenue, asked if Sunrise would abandon this project if they couldn't get 88 units. Mr. Laing said he didn't know,

Richard Brunke, 550 Shirley Avenue, questioned who would enforce access restrictions in and out of Shirley Avenue. Mr. Liang said that the engineer will address this question.

No one else from the public came forward and a motion to close the public portion of the meeting was made and seconded.

Jeremy Lange, a planner and engineer from Maser Consulting, 331 Neuman Springs Road, Red Bank, N.J., was sworn by Mr. Davies. Mr. Lange said that this is a bifurcated application and a full site plan has not been prepared. Exhibit A-6 Layout Plan was marked and is a plan prepared by Maser Consultants revised September 20, 2016 showing a footprint of the facility. Exhibit A-7 was marked and is a Color Rendering using an aerial photograph. Mr. Lange testified relative to Exhibit A-6. He described the property as 4.6 acres located in the A-22.5 zone district, which meets all of the setback requirements. He stated that if the main entrance was blocked in any way there is a grass area that would provide access to the building from a point on Shirley Avenue. It is possible to do a complete loop around the building; however, there is an acute angle existing between the main driveway and the emergency access drive. Mr. Lange stated that a decorative gate with a Knox box could be installed. This area would be exclusively for Fire Department access. He pointed out the covered drop off area, two handicapped parking spaces followed by the main parking facility located underground. He noted that this is not a medical facility and the main activity is people coming and going.

Mr. Lange described the location of the dumpsters and said that Sunrise has control over garbage pick-up. The masonry refuse enclosure is 10 ft. by 20 ft. Garbage pickups normally occur twice a week. He referred to a garbage truck circulation plan marked as Exhibit A-8 and Exhibit A-9 a Ladder Fire Truck circulation plan. The exhibits were marked by Mr. Davies. These plans show how the vehicles enter, back up, make "K" turns and other maneuvers in the space. Ms. Tiberi pointed out that this is a difficult area to turn around and they should think about how to add some extra space for an easier turn around. Mr. Lange said they do have some extra space that could be utilized and if this application moves forward they will revisit this issue in a revised site plan. Mr. Lange said that the mechanical equipment is hidden on the roof and not on the ground level.

Mr. Lange spoke about stormwater design, which has been divided into two parts with stormwater coming from the roof and the pavement including driveway and sidewalks. The roof runoff will be sent to two different areas one in the front and one in the back in underground chambers. The rainwater will eventually be sent back into the ground. Runoff from the asphalt areas will go to a separate underground system or chamber to be recharged into the ground and discharged to Shirley Avenue. The rate of flow to the Shirley Avenue system will not be increased and this is a State requirement. The applicant proposes extending from the recently completed sewer project on Bender Court to Franklin Avenue with a sanitary sewer line. The building will have a fire suppression system.

Mr. Lange referred to the lighting and landscaping plan, which proposes 175 trees, over 500 shrubs and 1000 ground cover type plants. Approximately 85 trees will be removed resulting in a net gain of 90 trees. The noise associated with parking is kept underground and excess lighting is restricted to the underground area. Mr. Lange stated that the driveway is long and narrow which means that substantially shorter light poles of about 11 feet in height with LED fixtures can be installed. Sidewalks are to be located around the site.

Mr. Lange stated that the building height reaches 43 feet, 10 inches in one specific location, which requires a variance. The roof ridge highest elevation is 439.16. The garage bottom is 395.33. He is confident that water would not seep through the floor due to the installation of a powerful pump system. Variances are needed for building coverage and impervious coverage. Building coverage is just over 20% where 15% is permitted. Mr. Lange said that having lower impervious thresholds in this zone is more important because there is no offset. This proposal is defined as a major project and must meet the State's Stormwater Management Code meaning that the

ZONING BOARD OF ADJUSTMENT MEETING

11-3-16

PAGE 4

applicant must have a comprehensive stormwater management system to attenuate or abate negative impact. Impervious coverage is being exceeded to achieve positive impacts such as the covered walkway, improved pedestrian circulation and other improvements to circulation as well as a robust stormwater management system. Mr. Lange concluded that the benefit of a two story building outweighs a 5% building coverage coverage. Ms. Tiberi pointed out that the prior plan showed coverage of 14.87% and a height variance request of 9.2 feet. She added that with the new reduced roof ridge elevations are less than 4 feet at 3.8 feet height variance.

Mr. Lange indicated that a variance for the sign is needed because the use is not permitted. A 16 square foot, double sided sign is proposed just south of Franklin Avenue to be lit externally. A variance is needed in connection with the two retaining walls, one on either side of the driveway going toward the building. The walls are over 4 feet in height and the faces of the walls are only visible when someone is in the driveway. A variance is required for excessive light cross the driveway at the main property line, which is intentional to ensure that the intersection is properly lit.

Ms. Lelie asked about the characteristics that make this location suitable for an assisted living facility. Mr. Lange said that the property has access on a county road as well as public water and sewer. It is close to the commercial area of the Borough and is a logical area for this type of use more than single family residential use. Several questions were raised about the height variance and other potential variances; however, Mr. Lange pointed out that another site plan will be developed for submission at a later date.

Mr. Bavagnoli opened the public portion of the meeting for questions of Mr. Lange. Pawel or Jolina Jazwinski, 553 Shirley Avenue questioned the height of the parapet walls and Mr. Lange said they are 10 ft. tall. Another resident asked about the 35 ft. setback. Mr. Lange explained that this will give the county space to widen Franklin Avenue at some point in the future if needed. In response to another question on drainage, Mr. Lange said that New Jersey State law requires the stormwater system to be designed to accommodate a 100 year storm, which is approximately 9 inches of rain. This resident from Lot 9 at 519 Shirley Avenue was concerned about the noise from trucks driving in and out of the facility. Mr. Lange said that a driver making a "K" turn will be quite a distance from this resident's property and they intend to look at other alternatives to reduce noise. The resident said he wants the gate to be locked. He was also concerned about excess water in the area of the emergency driveway. Mr. Lange stated that the area will be cleared out and properly graded with sand and new top soil.

Marilyn Keyes, 546 Shirley Avenue, said she experiences ponding water in her driveway during severe storms. She asked if the State regulations would take this situation into account. Ms. Tiberi said that the applicant cannot increase the flow. They can only match or reduce the amount of runoff. Another resident commented that he is concerned about the accuracy of the testimony being given tonight.

Peter Koulikourdis, 525 Shirley Avenue, said that water on Shirley Avenue is a serious problem and the backyards here are adjacent to a wetland area. He asked how this situation would be addressed. Mr. Lange stated that based on this project the water issues will not be exacerbated; however, he noted that in general flooding has been increasing recently, which could be attributed to global warming. Mr. Koulikourdis asked whether the separate residences contained kitchens and Mr. Lange replied that this is not the case and there is a commercial kitchen in the facility. When asked about the landscaping, Mr. Lange said that the structure will be visible through the trees and this is another reason why they thought a two story building was preferable to a three story building. He added that the landscaping is highly varied. The sidewalk will be located all around the building and there will be a couple of light fixtures on the Shirley Avenue side. No fencing is proposed at this time.

Another resident stated that he would be impacted by the lighting at the entrance. Mr. Davies asked whether an individual would be able to read a book under this light and Mr. Lange said it would be a little dimmer than the lighting in this room. An unidentified resident asked if Sunrise could use a private ambulance rather than relying on Borough service. Mr. Lange said this has been done in other municipalities and could be done here if requested by the Board. Another question was raised about flooding and Mr. Lange said he may design the site plan to have emergency overflow to the wetlands rather than Shirley Avenue. He reiterated that the water flow rate to Shirley Avenue will not increase and may actually decrease.

Ann Doenges, 542 Shirley Avenue, said that the applicant should appraise the water issue on each individual residence on Shirley Avenue. Mr. Lange stated that this wouldn't be necessary, and he pointed out that locating the parking underground, in addition to designing a stormwater management system in this particular area is very costly to Sunrise, but is doable from an engineering standpoint.

ZONING BOARD OF ADJUSTMENT MEETING

11-3-16

PAGE 5

Mr. Angiano, was concerned about excessive water flowing onto his property because he lives in the first house on Shirley Avenue and there is a trench between his home and his neighbor. Mr. Lange said that hydraulics calculations have been proven to be correct for some time and there is no guess work involved in creating these formulas. Everything will be fully checked by the Borough Engineer to ensure that the plan meets State stormwater management specifications.

Richard Brunke, 550 Shirley Avenue, asked if there was a location they could visit to see whether this system really works. Mr. Lange said he has designed a larger number of systems but declined to give specific locations.

Several residents were concerned about the water table and wondered where the excess water runoff would go. Mr. Lange explained that ground water tables are large regional bodies that travel quickly. He added that the water travels rapidly in a horizontal direction.

A motion was made to close the public portion of the meeting, all ayes. Mr. Bavagnoli announced that this matter will be carried to the December 1, 2016.

Mr. Davies asked that the review letter done by the Planner be forwarded to him so he can distribute it to Board Members before the next meeting.

Mr. Badenhausen made a motion to adjourn the meeting at 11:15 P.M. Mr. Frankel seconded the motion, all ayes.