

**READINGTON TOWNSHIP
BOARD OF ADJUSTMENT MEETING
November 20, 2014**

The Meeting was called to order by Chairman Denning at 7:35 p.m. stating that the requirements of the Open Public Meeting Law have been satisfied. The Meeting had been duly advertised.

Members present: Marygrace Flynn, Meredith Goodwin, Keith Hendrickson,
Joanne Sekella, Richard Thompson, Michael Denning

Also present: John Hansen, Engineer
Harold Maltz, Traffic
Dr. Stephen Souza, Environmental
Michael Sullivan, Planner
Roger Thomas, Attorney

Members Absent: Diana Hendry, Patrick Ryan, Britt Simon

MINUTES:

A Motion was made by Mr. Thompson, seconded by Chairman Denning, that the Minutes of October 16, 2014 be approved as amended. Motion was carried with a vote of ayes all, nays none recorded. Ms. Flynn, Ms. Goodwin, Mr. Hendrickson and Ms. Sekella abstained from the vote.

VOUCHERS:

A Motion was made by Ms. Flynn, seconded by Ms. Goodwin, to approve the vouchers as circulated. Motion was carried with a vote of ayes all, nays none recorded.

PUBLIC HEARINGS:

**Ryland Developers, LLC
B. 14, L. 29.02 & 29.03
Use Variance and Preliminary/Final Site Plan**

Present for Applicant: Robert L. Podvey, Attorney
David Minnow, Architect
Robert B. Heibell, Engineer
Michael F. Kauker, Planner

Roger Thomas reviewed the public notice, approved same and advised that the Board of Adjustment (the "Board") could take jurisdiction of the matter before it.

Attorney Podvey explained that the property to be developed is located within the Agricultural Residential¹ ("AR") zone and Village Hospitality² ("VH") zone. There is a prior approval for a three hundred thousand (300,000) square foot office complex to be constructed on the two (2) lots.

Attorney Thomas indicated that there is an historical nature to this property and Ryland Developers, LLC ("Applicant") is required to be heard before the Historical Preservation Committee (the "HPC"). It is known that Applicant is of the position that the property is not in the historic district.

Attorney Podvey indicated that Applicant is meeting with the HPC on December 9, 2014 to make their position heard. He pointed out that Applicant was provided a completeness determination, with no indication that Applicant is required to be heard before the HPC.

Exhibit A-1 was introduced: Approved General Site Plan and Minor Subdivision Ryland Office Complex dated September 7, 1987

Exhibit A-2 was introduced: Planning Board Resolution dated August 9, 1988

Attorney Podvey indicated that in 2009 the zone for the property was changed; impacting what could be built on the property. Comparing the prior zone to the new zoning 1) reduced the Floor Area Ratio³ (F.A.R.) from fifteen percent (15%) to five percent (5%); and 2) reduced impervious coverage from forty-five percent (45%) to twenty-five percent (25%). The current application calls for one hundred forty-four (144) units of senior congregate living encompassing three (3) buildings and one hundred one (101) units of assisted living in one (1) building. Applicant is requesting a use variance as neither zone permits assisted or congregate living; as well as a D6⁴ variance for the height of the buildings which currently stand at forty one and one half (41.5) feet, a deviance from the thirty-five (35) feet allowed by ordinance.

Attorney Thomas pointed out that Applicant is also requesting a D4⁵ variance with regard to the F.A.R. Summarizing, Applicant is requesting three (3) D variances.

Ms. Flynn and Ms. Goodwin expressed concern in reviewing architectural plans that were not first reviewed by the HPC. It is their understanding that the property to be developed is in an historic district.

Attorney Podvey reiterated that Applicant does not believe the property lies in an historic district, but the plans would be modified if required after Applicant meets with the HPC.

¹ See Readington Township Land Ordinance §148-15.

² See Readington Township Land Ordinance §148-22.2

³ Floor Area Ratio is defined as meaning "the sum of the area of all floors of buildings or structures compared to the total area of the site." N.J.S. 40:55D-4

⁴ A D6 variance is required if the height of the principal structure exceeds the maximum height permitted by Township ordinance by either ten (10) feet or ten percent (10%).

⁵ Any application to increase the permitted floor area ratio is recognized as a D variance and relief granted only upon showing of "special reasons."

Attorney Thomas swore in the following witnesses: Robert L. Podvey, David Minnow, Robert B. Heibell, Michael F. Kauker, John Hansen, Michael Sullivan, Stephen Souza and Harold Maltz.

EXHIBIT A-3 was introduced: CD of Architectural Plans for Ryland Senior Living Campus dated November 20, 2014

EXHIBIT A-4 Colored rendering of plans provided by VanCleeef Engineering overlaid with proposed landscaping

Mr. Minnow described the property to be developed, referring to the two (2) lots in whole as thirty-nine (39) acres. The property will be accessible via a loop road that continues around the Ryland Inn. There are three (3) buildings designed for senior congregate care: two (2) Buildings A are comprised of a meeting room, card room and library on the main floor as well as dwelling units among the three (3) floors; and Building B will house several common amenity rooms in addition to dwelling units (the "Congregate Campus"). Building C is assisted living, housing common amenity rooms in addition to dwelling units (the "Assisted Living"). Northeast of the buildings, in the AR zone, is a large area of parkland including a walking path. There is a pedestrian walkway between Buildings A and B, but no walkway connecting the Congregate Campus to Assisted Living.

Mr. Minnow described the residents of the Congregate Campus as ambulatory, living and functioning independently. Each dwelling unit has a kitchen, but residents may take one (1) meal a day a la cart in the dining room. The buildings have individual garages with openers, interior doors open on the main corridor. There are a total of ninety (90) one-bedroom and fifty-four (54) two-bedroom dwelling units within the Congregate Campus.

Chairman Denning inquired about the square footage of the dwelling units.

Mr. Minnow indicated that the one-bedroom units are approximately nine hundred (900) square feet; and the two-bedroom units ranged from twelve hundred (1,200) to thirteen hundred (1,300) square feet.

Ms. Flynn requested the definitions of senior congregate care and assisted living.

Mr. Minnow advised that assisted living is a higher level of care. Individuals who reside in an assisted living facility require three (3) types of assistance with everyday living; typically eating, dressing, and taking medication. Many times assisted living residents will be diagnosed with either dementia or Alzheimer. Residents in senior congregate care are fifty-five (55) and older, independent, and may continue to work.

Chairman Denning sought clarification regarding the pathways between the Congregate Campus buildings.

Mr. Minnow indicated that a covered pathway will connect the three (3) buildings, but there is no pathway from the Congregate Campus to Assisted Living. If a resident from the Congregate Campus would like to visit Assisted Living, they have to drive over via the loop road.

Ms. Goodwin inquired about the dwelling units and whether they would be purchased as condominiums or rented as apartments.

As it is the developer's decision on how the units are offered, Mr. Minnow was unable to provide an answer. He advised that the property, as a whole, provided many levels of care. Each dwelling unit is handicapped adaptable without making structural changes. Grab bars are standard in Assisted Living, and the Congregate Campus will be built with backer studs to allow for future installation of grab bars.

Mr. Thompson inquired about the garages.

Mr. Minnow advised that the garages will only be located in the Congregate Campus buildings.

EXHIBIT A-5 was introduced: Buildings A Concept Elevation, rendered sheet page A-11.

The buildings are elevation friendly and close to architecture of the Ryland Inn. The architecture includes garage doors along a portion of the building, turreted ends making the living rooms in some dwelling units partially octagonal, divided light windows, black shutters on white siding, historic windows, bracketed cornices and dormers on the roof. The ends of the roof are hipped to reduce the scale so as to seem it was an historic building that is added onto over time.

Administrative offices, a wellness center for medically related office hours, beauty/barber shop, card room, warming kitchen with serving bar, fitness center and a multi-purpose dining room are all located within the main floor of Building B. The main floor also consists of six (6) dwelling units.

Mr. Denning inquired about the occupancy of the dining room.

Mr. Minnow advised that it will seat sixty-four (64) residents, and is designed for two (2) seatings per meal.

EXHIBIT A-6 was introduced: Building C Plans, rendered sheet page A-5.

The main floor of Building C is comprised of a dining hall, visiting rooms, therapy rooms, and chair exercise facilities. Nursing stations are located on the second and third floor in the core of the building.

Ms. Flynn inquired about the occupancy of each dwelling unit.

Mr. Minnow advised that generally speaking, the dwelling units are single occupancy.

EXHIBIT A-7 was introduced: Building C Concept Elevation, rendered sheet page A-14.

The architecture of the building is meant to reflect the character of the Ryland Inn. The differences will include octagonal turrets, and stone around the base and up to the second floor of the building. In keeping with the Congregate Campus, Assisted Living will also have bracketed gables, black shutters on white siding and a decorated roof with dormers.

Mr. Sullivan inquired about the cupola and whether it let any natural light into the space.

Mr. Minnow advised that the building is L-shaped reflecting a distorted view, but the cupola does not provide natural light.

Mr. Denning inquired about the location of the dining room and kitchen.

Mr. Minnow pointed out the location of both and indicated that some residents eat meals in the dining room, but some eat in their rooms.

Several questions about the kitchen facility, dining room and elevators were asked.

Mr. Minnow advised that the kitchen in Assisted Living was a full-function kitchen where meals will be prepared. There is one centrally located elevator in the building. He was not aware of the capacity for the dining room, but advised that the number of tables did not relate to the population of the building.

EXHIBIT A-8 was introduced: Gazebo Plan & Elevations, rendered sheet A-8.

The Congregate Campus includes covered walkways, these walkways include a covered gazebo in the center, with columns that support the roof. To keep in character with the Congregate Campus, the columns will be constructed with stone bases, and similar architectural treatment in the roof.

Ms. Flynn inquired about the number of garages, parking and whether the site would include a pool.

Mr. Minnow advised that each of the Congregate Campus buildings had twenty-eight (28) garages. As the garages are not tied to the dwelling units, they can be sold separately. At this time there was no intention of including a pool on the property.

Chairman Denning wished to clarify the size of the garage and the number of dwelling units in each building.

Mr. Minnow advised that the garages were approximately 11x21. Buildings A consist of forty-nine (49) dwelling units each and Building B has forty-six (46) dwelling units.

Ms. Goodwin inquired about transportation for residents if they do not have their own vehicles.

Mr. Minnow advised that Applicant may offer local transportation, but no commitment had been made.

PUBLIC QUESTIONS:

Todd Terricone – 6 Lamington Road – inquired about visitation among residents between the Congregate Campus and Assisted Living.

Mr. Minnow advised that a direct connection between the two (2) campuses is not currently part of the plans, but Applicant may make accommodations during the site plan phase. He noted that there are grade issues between the campuses.

Thomas Pluhar – 13 Ryland Road South – asked about Applicant's intentions for the lot that attaches to Lamington Road.

Mr. Minnow advised that Applicant had no intention of developing the property.

Jan Perrottey – Clark Lane – questioned the validity of having one (1) elevator in Assisted Living. She also questioned the location of garbage disposal.

The plans show one (1) elevator in Assisted Living, but the plans are schematic, and Applicant may find that more are needed. Mr. Minnow reiterated that the plans were not fully developed, but there are two (2) locations on either end of the Congregate Campus buildings on the main floor that are trash receptacle rooms (see rendered page A-3). Maintenance will bring trash to the door which will be serviced by trucks via the loop road.

Ms. Goodwin inquired about staffing units.

Mr. Minnow advised that there are no dwelling units on-site for staff, but there are offices in Building B where most of the need would be centered. Building B is considered the main building of the Congregate Campus as it is where residents eat and participate in activities.

Mr. Denning inquired whether the office in Building B would be where both residents and customers go for assistance.

Mr. Minnow indicated that the office is secure as inquiries are heard through a window. Additionally, a small office may be located in the warming kitchen for the food staff.

Mr. Denning inquired about maintenance staff.

Mr. Minnow advised that no program had been arranged, but there will be one (1) staff member for maintenance. The Congregate Campus will have a cleaning staff that will be present until after the last served meal.

Todd Terricone – 6 Lamington Road – inquired about the width of the Congregate Campus' walkways and whether they would be wheelchair accessible.

Mr. Minnow indicated that the walkways are ten (10) feet wide and wider within the gazebo.

Crystal Rodriguez – 9 South Ryland Road – asked if Assisted Living dwelling units include kitchens. She also asked about the building heights; and if there will be on-site security.

Assisted Living's dwelling units have a counter kitchen that includes an under-counter refrigerator, small sink and microwave. Mr. Minnow advised that each of the buildings will be three (3) stories and have security. There may not be an individual on the Congregate Campus, but the residents will have key fob access and buildings will be monitored by cameras. Assisted Living will have twenty-four (24) hour security on staff.

Mr. Denning inquired about the size of the elevators and what residents do if they forget their key fob.

The elevators in each building are full size, large enough to hold a gurney. Mr. Minnow indicated that the Congregate Campus' buildings have a call unit by the front door. Dwelling units will be equipped with a call buzzer to allow access into the buildings.

Debbie McKenna – 81 Old Highway – inquired about the maximum number of individuals that could live within the four (4) buildings.

Mr. Minnow advised that he was providing her a rough estimate; and felt the estimate may be high. Approximately two hundred ten (210) residents within the Congregate Campus, if there is one (1) resident per one (1) bedroom dwelling unit and two (2) residents per two (2) bedroom dwelling. There would be approximately one hundred (100) residents in Assisted Living.

Craig Washington – 9 South Ryland Road – inquired at how many dwelling units it is not economically feasible to develop the property. He also wanted to know if the developer considered a two (2) story Assisted Living building.

Mr. Minnow indicated that he was not the developer, and was unable to provide a response to the economic feasibility of the property. He did advise that as long as Assisted Living comprised the same number of dwelling units, they may be able to build a two (2) story building.

Thomas Pluhar – 13 Ryland Road South – inquired about external fire escapes.

Mr. Minnow indicated that the buildings have interior fire corridors/stairwells. Each of the stairwells has an area of refuge wherein an individual has a place to stop safely to allow for rescue personnel to reach them and bring them to safety. Assisted Living will be built with non-combustible building materials.

Chairman Denning stated that there would be a five minute break

Meeting reconvened at 9:06 P.M.

Mr. Heibell advised the Board that the property to be developed consists of 22.75 acres in the AR zone and 15.85 acres in the VH zone. Applicant submitted an application on May 1, 2014, that was deemed incomplete. The application was resubmitted on July 31, 2014, and deemed complete on August 25, 2014. On August 2, 2013 the NJDEP provided Applicant with correspondence advising that there is a lack of fresh water on the property, but there is an active Letter of Interpretation for absence of wetlands. On February 27, 2014, American Water confirmed that they will provide water service to the property. On May 1, 2014 Active Disposal provided proof of arrangements for disposal of garbage/recycling.

On January 9, 2006 the Readington Township Committee signed a resolution reserving sewer capacity on the property. The sewer capacity as defined in the resolution is 30,120 gallons, and the proposed flow for this site meets the capacity. Readington Township and NJDEP removed the AR zone from the sewer service area, as such the four (4) proposed buildings will be located in the VH zone.

Mr. Heibell indicated that the proposal was submitted to the Hunterdon County Planning Board, and on May 15, 2014, conditional approval was received. Requests have been submitted to the servicing utility companies, Comcast, JCP&L and Elizabethtown Gas.

Mr. Heibell addressed the concerns of John Hansen and Harold Maltz regarding the ability of fire trucks to only traverse the loop road counter-clockwise, as the driveways to the buildings are not perpendicular to the road. Applicant will reconfigure the driveways so they are perpendicular to the loop road for improved access by fire trucks.

Mr. Heibell confirmed that Applicant will adhere to the stormwater banishment requirements set by the State of New Jersey. The plans show two (2) retention basins; a large one in the VH zone and a smaller one in the AR zone. The majority of the stormwater would run-off into the larger of the two (2) basins.

Attorney Thomas inquired about whether generators would be installed on the property to service the four (4) buildings.

Mr. Minnow indicated that Assisted Living would have a generator installed. He does not believe a generator is required for the Congregate Campus, as they are not above five (5) stories.

EXHIBIT A-8 was introduced: General Site Plan and Minor Site Plan dated September 7, 1987.

The exhibit shows the approved plans for two (2) office buildings totaling 301,250 square feet on the property. The plans include 1,213 parking spaces and impervious coverage totaling 34.63%. Applicant submitted the exhibit as a comparative analysis to provide the Board with what is still a valid plan, according to the Permit Extension Act⁶.

⁶ N.J.S.A. 40:55D-136.1 et seq. The Act was signed into law to revive and extend State, county, and local government approvals in recognition of the ongoing economic downturn.

Attorney Thomas explained that Applicant submitted the application as a unified plan, merging both lots. If Applicant requests to develop the land located in the AR zone at a future date, Applicant will have an extraordinary hard time doing so because they are relying on F.A.R. requirements that would not be possible without the entirety of the lots.

Ms. Flynn inquired about the “dog leg” included on the western side of the property that is approximately three quarters ($\frac{3}{4}$) of an acre and whether that was included in the Applicant’s calculations.

Mr. Heibell advised that the lot is included in Applicant’s calculations, but development of the property is not intended.

Mr. Hendrickson advised the Board that if approval is given, they can include a restriction on further development of the AR zoned property.

EXHIBIT A-9 was introduced: Impervious Areas Exhibit dated November 19, 2014

Impervious coverage is shown in yellow on the exhibit. Applicant took the entirety of both lots as one property and calculated the impervious total at 17.08%. There are 6.71 acres of disturbed land on the property; 5.39 acres (37.41%) in the VH zone and .78 acres (9.75%) in the AR zone. Included on the exhibit is the Ryland Inn proposal which encompasses a total of 10.34 acres, 48.07% of which is impervious coverage. The Board should note that the Ryland Inn property and this property was one piece of property, subdivided in 1988.

Mr. Hansen pointed out that the Ryland Inn has an expansive porous pavement component to their property. The impervious calculation provided for the Ryland Inn includes the porous pavement.

EXHIBIT A-10 was introduced: Existing vs. Proposed Grades dated November 19, 2014

Mr. Heibell described the exhibit and indicated that the darker red line encompasses the total land disturbed, 14.63 acres (37.25%), based on the totality of the property. According to Readington Township Land Ordinance §148-60.1 (Landform Protection), Applicant cannot change topography by more than two (2) feet. The darker green region, 4.21 acres, shows the portion within the disturbed area that has a greater than two (2) foot cut. The lighter green region, 5.30 acres, violates the same land ordinance in that it has more than two (2) feet of land fill.

Mr. Sullivan advised that the extent and acreage of disturbance is important, especially to the degree of Applicant’s violation. It is important to see the severity of the violation in a vertical sense; and he asked Applicant to provide a contour plan indicating plus/minus the current contour.

Mr. Hansen asked if the site was balanced.

Mr. Heibell advised that fill would need to be brought to the site.

EXHIBIT A-11 was introduced: Slope Analysis dated November 19, 2014

Mr. Heibell advised that Readington Township Ordinance §148-50 (Critical Areas) requires a slope analysis on plans that have greater than fifteen percent (15%) or less than twenty five percent (25%) slope and disturbs a maximum of ten percent (10%) of the property. The site has 18,437 square feet of slopes that are between fifteen percent (15%) and twenty five percent (25%). The buildings require equal elevation for handicapped accessibility, and to build this facility, on this property, Applicant must cut/fill more than two (2) feet. Additionally, to maintain the elevation, it is essential to include a retaining wall that, at its peak, rises sixteen (16) feet.

Ms. Flynn inquired about the linear feet of the retaining wall.

Mr. Heibell advised that at its peak the retaining wall would be ten (10) linear feet, and taper down.

Chairman Denning asked about the length of the building for scale.

Mr. Minnow advised that Buildings A are 320 feet; and Building B is 300 feet, approximately.

Mr. Heibell advised that the northern wall scales two hundred ten (210) feet and the western wall scales two hundred ninety (290) feet, approximately.

Mr. Souza pointed out that the location of the retaining wall was heavily vegetative.

Ms. Flynn asked how many residents would be looking out their windows at a retaining wall.

Chairman Denning advised that the residents of the Congregate Campus will not see a wall, rather they will view it similar to an infinity pool. The residents of Lamington Road and surrounding properties will see a wall and a building above it.

Ms. Goodwin asked if a fence will be located at the retaining wall.

Mr. Heibell advised that a six (6) foot high stockade fence will be installed along the retaining wall as requested. He went on to describe parking at the Congregate Campus, which totals two hundred eighteen (218) spaces. Of those spaces, eighty-four (84) are garages and one hundred thirty-four (134) are surface spaces. Assisted Living will have fifty-one (51) surface spaces. The surface spaces are 9x18 with a two (2) foot overhang.

There were several comments regarding the number of parking spaces, overflow parking and utilizing the garages for storage.

Mr. Sullivan advised that it would be beneficial to hear from the Applicant before more technical testimony is provided to the Board.

PUBLIC:

Peter McKenna – 18 Old Highway – on the original application from 1987, Old Highway was closed off and the complex serviced directly from Route 22. He wanted to know if this was considered for the current application.

Both Mr. Heibell and Applicant's traffic professional agreed that the current proposal provided safe access to the site.

Thomas Pluhar – 13 Ryland Road South – inquired about the location of the sewer and water lines.

Mr. Heibell advised that the property will connect to the existing sewer lines and will be gravity fed. Applicant intends to connect to an eight (8) inch water line as it intersects at Old Highway and bring it to the property using an eight (8) inch line.

Jan Perrottey – Clark Lane – inquired about how the proposed plans affect runoff onto Clark Lane which normally washes away during heavy rains.

Mr. Heibell advised that the stormwater detention basin in the AR zone will help address this issue. The building of the property will not add additional water to Clark Lane. The State of New Jersey regulates stormwater, and stormwater runoff will be reduced according to the standards.

Thomas Pluhar – 13 Ryland Road South – expressed concern about mature trees on the property. He wanted to know if Applicant intends to keep or remove these trees; and whether there would be any additional plantings.

Mr. Heibell advised that for all practical purposes the trees within the disturbed area will be removed. Beyond the limit of disturbance any trees that exist will remain, and the Landscape Plan indicates the supplement of trees.

Crystal Rodriguez – 9 South Ryland Road – asked if Applicant will provide a line of site from Ryland Road South.

Mr. Sullivan asked Applicant to provide a street line view from both Lamington Road and South Ryland Road.

Attorney Roger inquired about the disturbance line from the property line and further to the west.

Mr. Heibell indicated that it was approximately fifty (50) feet to the retaining wall. He will provide height measurements of the retaining wall at various intervals for the next meeting.

Chairman Denning scheduled a site walk for January 10, 2015 at 9:00 a.m.

ADJOURNMENT:

A Motion was made by Ms. Flynn, seconded by Ms. Sekella to adjourn the meeting. The motion was carried with a vote of all ayes, nays none recorded.

The meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Rebekah Harms
Board of Adjustment Secretary