

MARLBORO TOWNSHIP ZONING BOARD

April 24, 2018

THE MEETING OF THE MARLBORO TOWNSHIP ZONING BOARD WAS CALLED TO ORDER BY THE ZONING BOARD CHAIRMAN MICHAEL SHAPIRO AT THE MARLBORO TOWNSHIP TOWN HALL, 1979 TOWNSHIP DRIVE, MARLBORO AT 7:30 P.M.

SALUTE THE FLAG

CHAIRMAN MICHAEL SHAPIRO READ THE MEETING NOTICE, ADEQUATE NOTICE PURSUANT TO THE OPEN PUBLIC MEETING ACT OF 1977 HAS BEEN GIVEN OF THIS MEETING BY PUBLICATION IN THE ASBURY PARK PRESS, AND BY POSTING IN THE MUNICIPAL BUILDING IN THE TOWNSHIP OF MARLBORO, FILED IN THE TOWNSHIP CLERK'S OFFICE AND PLACED ON THE TOWNSHIP WEBSITE AND CHANNEL 77.

ROLL CALL

PRESENT ... {8} MR. SOLON, MR. VIRDI, MR. ZWERIN, MR. WEILHEIMER, CHAIRMAN SHAPIRO, MS. DiGRANDE, DR. ADLER, and MR. POWERS,

ABSENT... {1} MR. YOZZO

PROFESSIONALS PRESENT... MS. LAURA NEUMANN, P.E., & MR. CUCCHIARO, ESQ.

PUBLIC SESSION – *No one from the public signed up to speak.*

Z.B. 17-6608 Sunset Park, LLC. – Continued Public Hearing for a Bifurcated-Use Variance to permit an assisted living facility with associated bulk variances to construct a three story, 114,000 sq. ft. building with a total of 121 living units, located on Texas Road, Block 103, Lots 10 in the R-60 zone.

Salvatore Alfieri, Esq. (Counsel for the Applicant) explained that the Applicant was seeking bifurcated-use variance relief in order to develop an assisted living center where such use is not

permitted in the R-60 Zone District. Mr. Alfieri also stated that the Applicant was only seeking use variance relief at this time and would return at a later date for site plan approval in the event relief was granted.

William Kurtz, P.E. (Applicant's Engineer) was sworn in and gave testimony. Mr. Kurtz testified that the proposed plan included a 2-story, 95-unit assisted-living facility, with seventy-seven on-site parking spaces, on the seven acre property. Mr. Kurtz described the Property's existing wooded condition, and its primary frontage on Texas Road, with secondary frontage along Wicker Place. Given the bifurcation of the application, Mr. Kurtz confirmed that, assuming use variance approval were to be granted by the Board, the Applicant would need to come back with an application for preliminary and final major site plan approval. Mr. Kurtz further testified that the Applicant would need to add a planted buffer to provide screening for the conforming single family residential development that surrounds the property. The precise location, width and further details of such a planted buffer would be provided as part of the separate site plan application.

David Fowles, AIA, of KDA Architects (Applicant's Architect) was sworn in and gave testimony. Mr. Fowles testified that the revised facility design had eliminated the originally proposed third floor, such that the proposed facility would be limited to a maximum building height of thirty feet. He further testified that the revisions to the project added a memory garden, which is an open but access controlled space for Alzheimer's patients, as well as a more traditional central courtyard, for other residents and their visitors to use and enjoy. Given the reduced size of the proposed assisted living facility, Mr. Fowles confirmed that a total of ninety-two units were being proposed, of which eighteen units would be dedicated memory care units. The assisted living apartments would include a mix of studios, one bedroom and two bedroom units.

Laurie Locke of Roundtree Associates (Applicant's assisted living design and operations consultant) was sworn in and gave testimony. Ms. Locke provided testimony regarding the design, operation and regulations applicable to assisted living facilities. Ms. Locke confirmed that residential occupancy would be capped at 100 residents. Services to be provided for these residents include dining, housekeeping, maintenance, recreational activities and health care assistance. The assisted living facility would provide a commercial kitchen capable of serving breakfast, lunch and dinner to all of residents, although the individual apartments would include kitchens to allow residents to prepare their own meals if they chose. With respect to health care assistance, the assisted living facility would help the residents take prescribed medicines, but physicians would typically not be visiting the residents on-site, and a contract transportation provider vendor would assist residents with transportation to off-site medical appointments. Recreational transportation services would also be provided. Ms. Locke further testified that the average resident's age would be 85 and predominantly women who are unmarried at the time of their residency. The assisted-living facility would operate on three shifts: (1) from 7 am to 3 pm; (2) from 3 pm to 11 pm; and (3) from 11 pm to 7 am. Non-office staffing during these three periods was estimated to be 25, 13 and 4, respectively, not including seven administrative staff members. There would also be approximately two deliveries per week, not including deliveries of office and medical products. The facility would be licensed to collect and properly dispose of medical wastes such as sharps and bodily fluids. Ordinarily, assisted living facilities must ensure that at least 10% of its residents are Medicaid eligible within 36 months

of operation. Ms. Locke, however, confirmed that the Applicant will ensure that no less than 15% of its residents, or the equivalent of no less than fourteen apartment units, are Medicaid eligible within 12 months, which is a significant benefit to the municipality with respect to affordable housing compliance. Ms. Locke also confirmed that total facility staffing, at peak times of operation, would not exceed 35 persons. Ms. Locke also stated that hospice care would not be provided.

Questions were raised about the facility's security and a backup generator. Specifically, the Board asked whether the security guards would be present in and around the facility. Ms. Locke reported that the facility would not have any security guards. Rather, a surveillance system would be installed to monitor the Property. Ms. Locke also testified that a backup generator would be located inside the facility. While highlighting the above-referenced items, Ms. Locke also stated that a community space would be built inside the facility for residents' use and enjoyment, and a sprinkler system would be installed within the facility that met all applicable building codes. Income-eligibility for potential residents was also discussed. Ms. Locke stated that a resident would be required to show that they have less than \$2,000 dollars per month in income for a bed. Ms. Locke stipulated, however, that the facility would increase the number of Medicaid-eligible residents to 15% as a condition of approval from the Board.

Alexander Gavrilov (the managing member of the Applicant) was sworn in and gave testimony. Mr. Gavrilov testified that he would oversee operations, though he would hire experienced staff to operate day-to-day functioning of the facility. Mr. Gavrilov acknowledged having no prior experience operating an assisted living facility, but testified that he did operate several adult day care facilities, and is familiar with the regulatory requirements anticipated of this proposed facility.

The Board recommended that a Phase I Environmental Study be conducted on the Property to test for any contaminants that might exist on the premises. The Applicant agreed to initiate the study to satisfy the condition.

Justin Taylor, P.E., of Dynamic Traffic (Applicant's Traffic Engineer) was sworn in and gave testimony. Mr. Taylor testified that the proposed assisted living facility use would generate very little additional traffic in the area, especially during peak hours. Mr. Taylor opined that the amount of traffic to be generated by the proposed use would be nominal, especially in comparison to the much more intense traffic impacts associated with uses that are permitted in the zone. The proposed facility would require two trash pickups per week. Mr. Taylor also stated that the Applicant does not expect that these activities would create any noise disturbance for the surrounding properties. Mr. Taylor confirmed that there was adequate sight distance from the proposed driveway on Texas Road, and the facility's operations would not result in any degradation in current vehicular levels of service.

Christine Cofone, P.P, AJCP (The Applicant's Planner) was sworn in and gave testimony. Ms. Cofone testified that that the proposed use is inherently beneficial, citing to relevant New Jersey case law on point. As such, it was Ms. Cofone's position that the Board's consideration of the requested use variance should be based on the four part Sica balancing test. Ms. Cofone testified that the proposed facility satisfied the needs of an aging demographic in Marlboro. Moreover, the project would also generate affordable housing credits, with the Applicant stipulating to provide a minimum

of 15% Medicaid-eligible residents, which is greater than the 10% required by applicable regulations. Ms. Cofone also believed the proposed assisted-living use compared favorably against the local nursing home standards, found at Code §220-115, because the assisted living facility satisfied all of those standards. Ms. Cofone also explained that adequate buffering, consisting of the required solid dense screen, would be provided when the Applicant returned for site plan approval. Ms. Cofone concluded with her opinion that the proposed use did not generate any perceivable detriments, especially when considering the adequacy of parking, no discernable impact upon levels of traffic service, the consistency of the scale of the proposed development with Marlboro's Code, as well as that the Applicant will be required to obtain a Certificate of Need from the State of New Jersey, which is required for operation, but is not required to support a finding that the use inherently benefits the general welfare. As such, it was Ms. Cofone's opinion that, on balance, the Board should grant the use variance, since there was no substantial detriment to the public good, and no substantial impairment of the zone plan.

PUBLIC - *There were no members of the public expressing an interest in this application.*

A motion in the affirmative as requested

Offered:	Chairman Shapiro	Ayes: 7 (Mr. Solon, Mr. Verdi, Mr. Zwerin, Mr. Weilheimer, Chairman Shapiro, Dr. Adler, & Mr. Powers)
Second:	Dr. Adler	Nays: 1 (Ms. DiGrande) Absent: 1 (Mr. Yozzo)
		Recused: 0

Z.B. 17-6616 Goddard Estates, LLC - Public Hearing for a Density Use variance to create a five lot sub-division, located at 42 Vanderburg Road, Block 359.01, Lot 26 in the R-20AH-1 zone

Application to be carried to June 26, 2018 without further notice to property owners.

A motion to adjourn was offered by Chairman Shapiro, seconded by Mr. Zwerin.

Respectfully submitted
Jennifer Bajar