

Minutes of the Regular Meeting of the Morris Plains Board of Adjustment held on December 15, 2014 at 7:30 p.m. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Mrs. Rosemary Lopez
Mrs. Ruth Mills
Ms. Joan Scaccia
Mr. Roy Stewart
Mr. David Schulz, Vice Chairman
Mr. Robert Webster
Mr. Jack Cox
Mr. Michael Bozza, Chairman
Ms. Elizabeth Leheny, Borough Planner
Mr. Leon Hall, Borough Engineer
Mr. Michael Sullivan, Board Attorney

Absent: Mr. Mark Karr

PLEDGE OF ALLEGIANCE TO THE FLAG

The meeting was called to order by Mr. Bozza. Mr. Bozza made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

APPROVAL OF MINUTES

Mr. Bozza stated the next matter for action at this meeting is the approval of the Board minutes for the November 24, 2014 Regular Meeting.

Ms. Scaccia moved that the minutes of the November 24, 2014 Board meeting be approved as distributed, seconded by Mr. Stewart.

Roll Call

Yeas: Mrs. Lopez, Mrs. Mills, Ms. Scaccia, Mr. Stewart, Mr. Schulz,
Mr. Cox, Mr. Bozza

Nays: None

Abstain: Mr. Webster

Absent: Mr. Karr

Motion carried

COMMENTS FROM THE PUBLIC

Mr. Bozza opened the meeting to the public to speak on matters other than those on the agenda. Seeing no one, he closed the public portion of the meeting.

BA-2-14 CSH Morris Plains, LLC 361 Speedwell Avenue, Block: 23 Lots: 1, 1.07

Mr. Hall presented his December 11, 2014 report and reviewed the checklist items as appropriate, including the recommendation of several variance waivers being requested and indicating those checklist items where documentation is still due. He also provided commentary relating to soil disturbance and soil disturbance permit applications. At this stage of the application approval process, the Applicant generally would not know the source of the soil, the address of the soil and the current use of the soil. So it is not unusual that this information would be lacking now. He referenced certain fees. He discussed issues relating to the floor plans and room dimensions.

Mr. Sullivan commented on the issue of incomplete items, what will be the proper action to take at this point in time, and whether it will be possible to proceed to the public hearing at tonight's meeting.

Mr. Hall responded that from an engineering perspective, "these are items that could be provided immediately by the Applicant." He believes that all needed information would be provided quickly by the Applicant and in sufficient time prior to the Board's January meeting.

Mr. Robert Podney, an attorney from Podney, Meanor, Catenacci, Hildner, Cocozziello & Chattman, P.C., representing the Applicant, advised the Applicant will furnish whatever information he needed sufficiently prior to the Board's next meeting. The one exception is the soil information which cannot be provided until the Applicant is ready for construction.

Mr. Sullivan commented on variance waivers being recommended by Mr. Hall as far as completeness; the Board should act on these waivers. He confirmed with Mr. Podney that the needed information can be provided prior to the Board's January meeting.

Ms. Leheny stated she has no comments to add in connection with the completeness of this application.

Mr. Schulz moved that this application be deemed complete, and granting the waivers discussed by Mr. Hall contained in his December 11, 2014 report and as listed by Mr. Sullivan with the exception of the soil disturbance permit application materials. All outstanding and still due documentation will be provided by the Applicant at least 14 days before the next Board meeting. Seconded by Mrs. Lopez.

Roll Call

Yeas: Mrs. Lopez, Mrs. Mills, Ms. Scaccia, Mr. Stewart, Mr. Schulz, Mr. Webster, Mr. Bozza
Nays: None
Abstain: Mr. Cox
Absent: Mr. Karr

Motion carried

Mr. Bozza stated that now that the application is deemed complete and that the necessary information will be provided at next month's meeting, the Board is able to proceed with the public hearing and the swearing in of the Borough's Professionals. He advised that testimony will be taken up until 10:00 p.m.

Mr. Podney stated this is an application of CSH Morris Plains, LLC for a project to be known as Arbor Terrace. The site is 2.86 acres in size now occupied by the Mansion at Bretton Woods and a single-family house. The application is for an assisted-living facility which will contain 82 residential units along with the usual accessory uses associated with an assisted-living facility: dining room, kitchen, bistro, offices, club room, sun room, library, and a computer room. He referenced the surrounding residential and commercial businesses. He provided information about variances the Applicant is seeking (assisted-living facility not allowed in the D-2 Zone, floor area ratio (FAR), and a variety of bulk variances (building height, parking space width, and several other variances).

Mr. Sullivan stated that all documentation submitted is part of the record.

Mr. Podney provided the names and roles of the Applicant's witnesses. He called Mr. Joseph McElwee.

Mr. Sullivan swore in Mr. Joseph F. McElwee, who provided an address of 115 Carnoustie Way, Media, Pennsylvania 19063.

Mr. McElwee stated he is a principal of the Applicant (Capitol Seniors Housing, Washington DC) in charge of development. He provided information about the company he works for, about his career and the concept of assisted living and its services. Capitol Seniors Housing is a national seniors housing owner and development company founded in 2003 by former Sunrise Senior Living executive Scott Stewart, with whom Mr. McElwee worked with at Sunrise. The company has acquired and/or developed more than 45 senior housing communities over the last 11 years. The CHS team has a combined 100 years of experience in senior housing. The CHS development team has developed approximately 100 new communities in the past 20 years, including the various Sunrise communities.

Continuing, Mr. Elwee commented on why assisted living is a necessity in today's society. The fastest growing age demographic is 85 years old and older. The second fastest is 75 years old and older. The 65 years old plus group is now 13% of the country's current population. The 65 plus population is anticipated to be 20% by 2050. He also spoke about the need for care of Alzheimer's patients now and in the future. He advised that 10,000 people per day turn 65 in this country. There must be preparation for the times to come. He explained the process of how the company makes decisions as to where to locate their facilities and advised of the results of their study in connection with their decision to locate in Morris Plains.

Mr. McElwee advised that if approved, CHS Morris Plains would be the first assisted-living residence in the Borough since 1997 when Sunrise was constructed. There have been many changes in assisted living over the past 17 years. The proximity of the site to a downtown area is viewed as an asset to employees, family members, and to the residents as well as to the downtown businesses. Good transportation options are also an asset. The average age of entry into assisted living today is roughly 85 years old. It is a concept between independent living and skilled nursing services and is essentially for the frail elderly who need some help with their daily living activities, but who are not so sick that a nursing home is necessary.

Mr. McElwee stated that assisted living is popular because it is about one half to two thirds the cost of a private nursing bed. Residents are frail, but not bedridden nor sick. Residents generally do not have a car, but rather use the passenger van provided by the facility. He explained what is required of an assisted-living facility as well as being licensed as an assisted-living residence with a full-time nurse. The building will contain 82 units and is approximately 69,000 SF. Fifty-six of the units will be for assisted living, five units will be for the Medicaid Program in New Jersey (10% of the total beds). He referenced the Council of Affordable Housing (COAH) and COAH units. The units will be studio, one-bedroom and two-bedroom units ranging from 350 SF to about 850 SF. Each room will have a bath and a small kitchenette. There will be 26 units of memory care on the first floor to the rear of the building. There will be no two-bedroom units in the memory care section.

Mr. McElwee stated the building will be three stories, roughly 38.2' to the midpoint of the roof. The building has a very tight footprint. This will result in short hallways which will be good for the residents since there will be less need for walking. Amenities include common dining room, living rooms, café, library, courtyard, activity rooms, spa, theater, bistro, emergency call system in every room, and a fitness center. He provided information concerning the interior design, including furniture, art work, and accessories. Morris Plains will be able to be very proud of the community that is created. He again commented on the mixed use of the surrounding area of the site, stating that it is similar to the setting of the Sunrise located in Morris Plains. It will be managed by the Arbor Company, based in Atlanta, and they currently manage 21 communities. He provided additional information about the Arbor Company and its management roles for various communities throughout the country. He stated his reasons why he believes this assisted-living proposal is a good use for the Borough.

Mr. Podney asked Mr. McElwee to provide employee information.

In response to Mr. Podney's question about employees he advised there would be 28 employees on largest full-time shift (9:00 a.m. – 3:00 p.m. would be the core hours, with some coming in earlier and others leaving later. He referred to it as a "variable shift change"). He provided additional information on other shifts. Such shifts would be typical for a facility of this size. Mr. McElwee concluded his presentation and offered to answer any questions about his testimony or the proposal itself.

Ms. Leheny commented on the remark that was made about the 10 COAH equivalents since at this point in time a 2-for-1 situation may no longer exist.

Mr. McElwee agreed that it is correct to remember the rules may change. He also provided details concerning the license they will be applying for (a 100-bed Certificate of

Need), therefore, the maximum license will be for 100. The market dictates the occupancy.

Mr. Hall commented on the statistics available for emergency calls at the Sunrise facility advising the police record indicates there were 191 calls last year for the Sunrise facility.

Mr. McElwee commented on the emergency calls statistics stating that Sunrise may have more emergency calls because in general their residents are more frail in nature. It all depends on the policy at Sunrise with regard to making emergency calls. He stated a .6 ratio is a good ratio for any assisted-living community. He explained how this ratio figure is arrived at, although there was some discussion as to whether the best level actually was .5 or 6.

Mr. Schulz stated that for the record he is the President of the volunteer first aid squad that responds to Morris Plains and Morris Township. He stated the squad "responds when called". The squad "has to respond to the needs of the towns they serve". They determine how this is done.

Cross discussion about the prior Sunrise application and the size of the site.

Mr. McElwee explained that most memory-care and assisted-living facilities that are built are 80 to 100 units. He also discussed their plans for parking and how to address the matter of staff being parked there at the same time that visitors might be needing parking at the facility. Mr. McElwee stated that in his experience with assisted-living facilities is that the parking lots provided were never completely full with either visitors and/or staff. Mr. McElwee provided information on exactly what memory impaired means; he replied that it is generally defined as Alzheimer's disease or dementia.

Cross discussion about parking issues, including when, if any, the parking lot would be full, entry into the building at off hours, and back-up community/commercial business parking alternatives, especially for holidays, timeframes and special events using their van to shuttle visitors from one spot to another.

Mr. McElwee advised that the rooms at Sunrise are about 275 SF up to about 625 SF and those at the proposed facility will be about 350 SF to about 850 SF. Sunrise has no two-bedroom units; the proposed facility will have several such units.

Mr. Hall advised about the on-going Borough street enhancement program along Dayton Road down to East Hanover Avenue and asked about any proposed specialized street lighting improvements or a fair share cost toward the project.

Mr. McElwee stated the Applicant will be agreeable to considering this suggestion, but will most likely agree to the Borough suggestion.

Mr. Bozza opened this portion of the meeting to the public for questions of this witness. Hearing no questions, he closed this portion of the meeting to the public.

The next witness, Mr. Eric Keller, introduced himself to the Board and the public providing an address of 54 Horse Hill Road, Cedar Knolls, New Jersey. He provided information relating to his professional credentials/qualifications and advised he works with Omland Engineering Associates.

Mr. Keller displayed an existing exhibit, titled *Overall Aerial Plan*, and dated July 29, 2014. It was marked as Exhibit A-1. He stated the area outlined in red are the parcels for the proposed facility. The site is composed of two tax lots that comprise approximately 2.9 acres. This property is in the B-2 Zone. He advised of the nearby properties, both commercial and residential. As to parking, there are 50 paved/striped parking spaces in addition to a rear gravel overflow parking area for roughly 25 cars to park. He advised that the buildings, some of the trees, and other items will be demolished/taken down. The entrance only and exit only driveways off Speedwell Avenue will remain in the same configuration with the same curb cuts, with the entire driveway pavement being replaced as requested by Mr. Hall.

Mr. Keller advised that the single-family house on Lot 1.07 that is accessed from Buckley Way will be removed. He commented on existing drainage, including the recharge system. This application is for a preliminary and final site plan approval with variances; he provided commentary about the variances being sought. He will not be talking about trees and landscaping. He next displayed a second exhibit that was marked Exhibit A-2. The Applicant is planning 41 9' x 18' parking spaces, two of which are handicapped; this complies with RSIS requirements for assisted-living facilities. There will be a walkway system within the property along with two patios, one of which is fenced in (on the memory care side). The walkway allows access to Speedwell Avenue. The loading/refuse/recycling area is in the northeast corner of the property. Tractor trailers will not be coming to the site, but smaller trucks will. He discussed traffic circulation issues pertaining to the site.

There will be an emergency generator installed at the site. The front of this site will be untouched and the existing landscaped area will remain. The grading of the property in this area will be unchanged. There will be a significant reduction in the rainwater that now flows out to Buckley Way; Mr. Keller explained how this will be accomplished. He also discussed the sanitary sewers issues as well as providing information about various other utilities. Continuing, Mr. Keller provided information about lighting stating an LED light fixture was selected to avoid the need for light shielding while also providing a natural style light that is soothing and easy on the eyes. They are requesting a design waiver due to the lighting they will be using. He stated the Applicant will need approvals from Morris County Planning Board, the Soil Conservation District, possibly the New Jersey Department of Environmental Protection (NJDEP), possibly for water connections, possibly permits from the New Jersey Department of Transportation (NJDOT), and possibly for replacing the driveway within the State right-of-way.

Mr. Keller concluded his presentation.

A question was asked about garbage truck access and on-site circulation and a request was made to possibly condition garbage trucks not being at the site earlier than 7:00 a.m.

Mr. Keller advised how the truck would access the necessary area on the site and then leave the property.

Mr. Hall asked if the Applicant will grant an 8' x 30' easement in the northwest corner of the site for placement of certain items/equipment. The Applicant replied yes.

Mr. Hall provided an explanation of what E-5 means with regard to a Borough right-of-way. The Council does not believe it is warranted any longer. He believes it should be in a Developer's Agreement, subject to Borough Council approval. Mr. Hall provided commentary regarding a number of issues, including lighting and landscaping. He also requested certain tests be conducted and results submitted to him along with the submission of specific additional documentation.

The Applicant stated it has no problem with any of the requests.

Mr. Sullivan asked about an e-mail from the Fire Department about the fire department connection being placed in the grassy area in the front along with related information. Is this on the plan? The Fire Department is also requesting to use the buildings to be demolished for drill purposes.

Mr. Keller responded it is where the hydrant symbol appears, and the plans will be updated to indicate it will have a red light and to comply with the data contained in Fire Chief Geary's e-mail. Mr. Keller stated he is not the one to provide permission to use the buildings for drill purposes.

Mr. Hall asked about clearance that will be available at the area where they will be building columns. He included several suggestions for this area to ensure safety for emergency responders coming to the facility and exiting the site.

Mr. Keller deferred to the architect for the answer to this question.

Cross discussion about this entry area into the building as well as the process of emergency exit of the site.

The question was asked as to when the current owner plans to stop conducting business at Bretton Woods.

No one was absolutely certain of when this would occur, but Mr. Podney anticipates that if the Applicant is successful with receiving application approval, the timeframe necessary for the building process, and all other issues that must be addressed, he believes the facility would open in early part of 2016.

Cross discussion about possible asbestos in the existing building.

Mr. Bozza opened this portion of the meeting to the public for questions of this witness.

Mrs. Joanne Dugan, 31 Canfield Place, Morris Plains, New Jersey, asked about the proposed refuse and loading areas and the amount of traffic that will be coming in and out of this general area.

Mr. Keller stated this area is not located within the side yard setback, and he provided specific detailed information as to this location. He invited Mrs. Dugan to come closer so she could view the pertinent information contained on the exhibit (Exhibit A-1). From the front of her home to the proposed loading area the distance is 340'.

Mrs. Dugan continued to express her concerns about noise of the garbage, the time the garbage trucks come to the site, other trucks and traffic entering and exiting this area of the site throughout the day. She stated increased noise is her major concern.

Mr. Hall asked how many times garbage would be picked up at the site based on the disposal vendor they would select. Would a 7:00 a.m. pick-up be agreeable.

The Applicant responded they are planning on a twice-a-week garbage pick-up schedule. The Applicant is agreeable to a 7:00 a.m. or later pick-up.

Mrs. Patricia Martin, 33 Canfield Place, Morris Plains, New Jersey, asked whether the Canfield Place cul-de-sac format of the roadway will remain.

Mr. Keller responded that this cul-de-sac will not be altered in any way.

Mr. David Martin, 33 Canfield Place, Morris Plains, asked about the size of the facility – how many beds/units are planned. He commented on the current apartment building in this same area and the additional people who came into the area as a result. His concern is that he hopes there will not be people (residents of the facility) simply wandering the streets.

Mr. Keller replied there would be 82 units with a maximum of 100 beds. The facility residents (non memory-care residents) will be able to walk around the surrounding area. He stated that the applicant's traffic expert will be able to provide additional information.

The memory-care wing of the facility will have a 6' to 8' high fence that will be secured. The memory-care residents will not be wandering along Canfield Place, Buckley Way or any other Borough streets. The average resident age is anticipated to be 85 and older and the residents are typically frail. Most likely their outside time will be with family/friends assisting them and they may also be in a wheelchair; however, as residents they are free to walk about with the understanding that they are physically capable of doing so safely.

There was a five-minute break.

Mr. Podney called James Langenstein who provided an address of 1905 Millersville Pike, Lancaster, Pennsylvania. 17603. He gave his credentials as a landscape architect as well as his business experience, especially in connection with assisted-living projects. He appeared before New Jersey boards in Madison and Waldwick.

Mr. Langenstein stated the Applicant at the request of the Borough will maintain approximately 100' along the Speedwell Avenue frontage. The Applicant has also agreed to install paving details as discussed by Mr. Hall. In lieu of plantings to screen the parking in the front, they are proposing the installation of a 4' high picket fence. He provided details about signage that he stated complies with the Borough's signage ordinance(s). He described several proposed signs (20 SF in area, made of wood or composite material, spotlight sign). The Applicant is seeking a variance(s) as to the location of their signage. He provided details on plantings, including Evergreens for screening and American Holly, a native species (25' to 30' at maturity), and some of the existing plantings will remain. He commented on foundation plantings and stated he will try to have a 50/50 mix between deciduous flowering shrubs and Evergreen shrubs. The brightly-colored circle areas on the exhibit will be flowering accent trees. There will be shade trees installed in the parking area. Arborvitae trees will be planted along property lines as appropriate. He also spoke about the two proposed patios. The secured memory-care unit patio will have old-fashioned and fragrant plantings since both are thought to help trigger memories. A natural gas fireplace is proposed for the non-memory care patio and there will be additional sitting areas and a porch. He described other outdoor features being proposed. The existing line of trees at the rear property line will remain. An Evergreen hedge will be installed in this area. He concluded his presentation.

He was asked if the proposed plantings will be deer resistant.

Mr. Langenstein replied that many of the plantings can be considered deer resistant, but there are some others that deer may nibble on. There is very little that can be done to guarantee 100% deer resistant plantings.

Mrs. Leheny asked about the front seven parking spaces and screening.

Mr. Langenstein believes fencing and the Beech tree will provide adequate screening. As of right now, there is no absolute decision as to precisely what existing plantings in this area will remain and what ones will be removed; "there are a lot of nice perennials planted along the streetscape, but there are also a fair amount of weeds in there." He can attempt to salvage the streetscape if the Board desires.

Mrs. Leheny asked if color renderings of signage will be provided.

Mr. Langenstein replied that when the sign permit is submitted, color signage renderings will be submitted, too. The details are on the landscape detail sheet.

Mr. Podney advised that the facility will be managed by Arbor Terrace and they have a brand and consistent signage. However, the Applicant probably can obtain a color sample for the Board.

Mrs. Leheny asked if the landscape plan contains perennials plantings for the front.

Mr. Langenstein responded that currently the plan does not. This would be again considered during the construction phase; at this stage the concern is generally about trees and shrubs. He tends to use a significant amount of perennials in his designs, including ground covers and related plantings. He will submit an revised landscaping plan during the construction phase that would show perennials for the front. The site plan does indicate the fencing on the southerly property line will be removed.

Mr. Hall expressed concern that deer will strip the Arborvitae trees, perhaps a new fence should be installed at this property line. He also commented on the fencing along the northerly property line. He recommended/ required a new 6' high fence along the entire length of the southerly property line. There needs to be a buffer against deer damage.

Mr. Langenstein replied that he is certainly willing to reconsider using Arborvitae trees since deer are attracted to them. He will investigate an alternate species.

The fencing at the northerly property line is on another property owner's property and will not be touched by the Applicant.

Mr. Hall asked about the existing trees in the rear along Buckley Way. Would the proposed pavement area in this vicinity impact the root system for air and water of these large trees?

Mr. Langenstein replied this is a good-sized area – there should be roughly 20' between the sidewalk and the pavement. Some roots may be disturbed.

Mr. Hall commented with this being a gravel area now which allows more water into the soil, once pavement is installed less water will be able to reach this root system.

Mr. Langenstein stated he believes the gravel is quite compacted at this time and probably there is not much air space or ability for water to get in at present.

Mr. Hall asked about the southwest corner of the site and the existing trees. The area is quite shaded, and he wondered what kind of planting(s) might grow here.

Mr. Langenstein listed some types of plantings that he believes could grow successfully in this kind of area. He will further investigate shrub types. He referred to Bradford Pear trees and other trees. He believes that Evergreens will grow in certain shade areas based on the side receiving the sunlight. Pruning of certain plantings will help. He confirmed that the fencing in the Memory Garden (memory-care area) must be a minimum of 6' for safety and security of the residents. These residents will be supervised when outside.

Mr. Bozza opened this portion of the meeting to the public for questions of this witness.

Mrs. Joanne Dugan, 31 Canfield Place, Morris Plains, wanted to confirm there will be buffering at the area of the loading/garbage area.

She was shown the proposed buffering on one of the displayed exhibits.

Mr. Bozza closed this portion of the meeting to comments and questions from the public.

Mr. Podney called Mr. George Wilson who provided an address of 227 East Lancaster Avenue, Ardmore, Pennsylvania 19003. He provided information on his professional qualifications. He has appeared before New Jersey boards in Livingston, Mahwah, Haddonfield, Cherry Hill, and Voorhees.

Mr. Wilson displayed a new exhibit (Context Board). He is the Project Architect and a managing principal of the firm, Dan King is the Project Architect who has been working on this project. Having worked with Joe and his group for almost ten years, he has a good understanding of the type of buildings and facilities they like. He explained what is meant by and shown on the Context Board – a broad demographic look at the municipality and primarily including the house styles. The idea is to use this information as a guide to designing their buildings.

Exhibits were marked as Exhibit A-3 and Exhibit A-4. He provided a description for Exhibit A-4. All structures on exhibits are in the Borough.

Mr. Wilson provided design details for the proposed facility. There is a porch on the third floor. Assisted-living facility residents typically like the outdoors and like to be able to see what is happening on the main street. From the curb to the edge of the columns there is a 3' clearance. There will be gables, Dutch Colonial elements, a Jenkin gable (seen in the Borough), and bay windows.

New exhibits were displayed and marked as Exhibit A-5 and Exhibit A-6. He provided some information as to what was on these displays.

Mr. Wilson continued to describe the exterior of the proposed structure, including the overall facade, the one-story section where the memory unit is located, entrances, the roof, and the porch. Next, he provided information on the floor plans, displaying an exhibit marked as Exhibit A-7 (Ground Floor Plan), including the lobby, railings, public spaces, the bistro, sunroom and porch, dining room, outdoor patio, kitchen/service area, and memory-care units. The public areas are in blue and the service areas are in green, and orange is the memory-care unit.

Another exhibit was displayed and marked as Exhibit A-8 (Second Floor Plan). Mr. Wilson provided information about the second-floor floor plan. He pointed out the elevators and office areas. There is a dining/living area space with access to an outdoor roof terrace. In the mustard color, there are larger two-bedroom units.

Mr. Wilson displayed the next exhibit, marked Exhibit A-9 (Third floor Plan). He stated it is the same footprint as the second floor. There is a community space in the middle, and a theater, an art studio, a tower element, and a spa surrounding the elevator(s). There are "AL" units. The "AL" units typically are roughly 550 SF. He next discussed the actual building construction providing specific details as to the design and design elements and materials that will be included. The Applicant needs the height variance because typically they need 12' to 12-1/2' floor-to-floor which results in a height of 36' to 37'.

Mr. Hall asked about midpoint of the sloping roof stating that this height will need to be confirmed prior to the issuance of a Certificate of Occupancy.

Mr. Dan King, Architect, was sworn in by Mr. Sullivan. He provided information on his professional background. He works with Meyer Design located at 227 East Lancaster Avenue, Ardmore, Pennsylvania 19003. They need higher ceilings on the first floor (11' 8") since most of the common spaces are on the first floor. There are the sprinkler system, the mechanical, duct work, and other system equipment. The second floor is 10' 10") and then 9' from the third floor to the bottom of the rafter; a 9' ceiling is a good standard ceiling height for residential use. He continued to provide additional height issue information. They did look at possibly shrinking the roof, but there were issues relating to low pitches and it just did not look proper. Their end result is a combination of the need for space for the utilities and aesthetics. They believed being within 10% was acceptable. The higher roof also provides a screen for equipment, none of which will "stick above the top roof line.

A question was asked if the Applicant is assuring the Board the height will not exceed 38'.

Mr. King stated "to the midpoint of the roof, I am assuring the Board that, no, we will not."

Mr. Hall recommended this be a condition for any resolution, subject to a final survey.

Cross discussion about the design of the facility, including comparisons with the existing Sunrise facility and discussion about seating areas.

Mr. King referred to the plan as a "Block Plan".

Mrs. Mills asked how wide the hallways will be.

Mr. King replied they be will 7' wide at a minimum, but some will be 12'.

Mr. Hall asked to talk about the southerly elevation, asking why the brick drop down going left to right? He asked about possibly adding more detail to a portion of a long roof area.

Mr. King responded this is due to articulation. This is a typical design style they often follow. He stated additional detail probably can be added; he will consider this request further.

Cross discussion about design issues, including recommendations, materials, bump outs, and hips proposed.

Mr. King committed that a certain area would be cement board/hardy board.

Mr. King replied yes. He believes this is on the architectural plans and it should be specific in any resolution.

Continued cross discussion about design elements, possible additional design enhancements, and specific details about the elevators and call buttons.

Mr. Bozza opened this portion of the meeting to the public for questions of this witness. Hearing none, he closed this portion of the meeting to comments and questions from the public.

Mr. Podney stated he has one more witness present at this meeting.

Mr. David Shropshire was sworn in by Mr. Sullivan and provided an address of 277 White Horse Pike, Atco, New Jersey. Mr. Shropshire is a professional engineer and planner in the State of New Jersey. He gave information concerning his professional experience and credentials, including that traffic engineering and transportation planning are areas of expertise. He has appeared before many New Jersey municipalities.

Mr. Shropshire commented on the traffic study he prepared for this application. The proposed use is not a traffic intense use and explained why he is stating this. He provided peak hour information. There will be delivery trucks making deliveries once a day or once every other day. Garbage will be picked up twice a week. The activity will be nominal in terms of delivery activity. He believes there were no issues upon review by the Borough of the traffic study; everything complies with what was contained in the review letter. This facility will not significantly impact the area's traffic. He noted there are prevailing conditions at the existing intersection of Speedwell Avenue and Hanover Avenue. He believes it is a compatible use for a high-traffic area such as this. He discussed trip generation data. He commented that there will likely be a need to be in contact with the NJDOT because Speedwell Avenue is under their jurisdiction. They will be seeking a "No-Interest Letter" from NJDOT.

He commented on issues relating to air and noise, including conducting air quality assessments at the above intersection (results were well under the NJDEP required threshold limits) and there is no detriment to the public good, Master Plan nor the zoning ordinance with this use. He also discussed noise elements, referring to questions from Mr. Hall. The facility needs to comply with the State Noise Control Act and the regulations contained therein. He commented on the generator to be installed, when it is operating in an emergency and when it is being tested. He also commented on the traffic circulation on the site as well as parking. He stated that a total of 49 parking spaces could be provided.

Mr. Hall asked about the size of the emergency generator and testing procedures.

Mr. Shropshire replied he will need to obtain this precise information, but based on generators at other similar facilities, he does not believe there will be any issues. He can obtain this information and provide it to Mr. Hall.

Mr. Hall requested that this information and all related information be provided to him.

Mrs. Leheny asked about the time deliveries typically will be made.

Mr. Shropshire responded they will most likely occur between 7:00 a.m. and 7:00 p.m. timeframe.

The Applicant agreed to limiting all truck deliveries and garbage pick-up to this timeframe.

Mrs. Mills asked if the facility will be using municipal garbage collection.

The response was that it would be private.

Mr. Bozza opened this portion of the meeting to the public for questions of this witness. Hearing none, he opened this portion of the meeting to comments from the public.

Mrs. Joanne Dugan, 31 Canfield Place, Morris Plains, asked about air conditioning units, referring to the various air conditioning units on the various buildings in the vicinity of Canfield Place. She expressed concern about having all these units surrounding her neighborhood.

The Applicant provided a response to her concern stating that because of the placement of these units any noise will dissipate in the air before it reaches her house.

Mr. Bozza closed this portion of the meeting to the public. He stated additional testimony will continue at the Board's meeting on January 26, 2015, 7:30 p.m. There is no need to re-notice for this meeting.

Mrs. Mills moved to carry this application to the Board's January meeting, seconded by Mr. Schulz. Voice vote. All in favor. **Motion carried.**

Mr. Bozza thanked the Applicant team and wished all Happy Holidays.

CORRESPONDENCE AND BILLS

Mrs. Mills moved the payment of the voucher(s), seconded by Ms. Scaccia. Voice vote. All in favor. **Motion carried.**

NEW BUSINESS

2015 Board Meeting Dates

The Board Secretary commented on the proposed 2015 meeting dates, stating that it is exactly the same as last year as to the months where dates must be earlier than normal (May and December). The Commission members reviewed the dates.

2014 Annual Board Report

Mr. Bozza asked for a volunteer to prepare this report. Please let him know.????

OLD BUSINESS

Mr. Sullivan commented on the Yuliano matter which is being held in abeyance until the parties determine exactly what it is that they want to do. This determination process is still continuing.

ADJOURNMENT

There being no further business, Ms. Scaccia moved the meeting be adjourned, seconded by Mr. Stewart. Voice vote. All in favor. **Motion carried.**

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary