

**SPECIAL MEETING**

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Gelley, Mr. Mund, Mr. Naftali, Mr. Zaks, Mr. Ribiat,  
Mr. Gonzalez, Mr. Halberstam

Absent: Mr. Lankry, Mr. Schwartz

Also present: Attorney – Russ Cherkos  
Terry Vogt, Engineer/Planner  
Jackie Wahler, Court Stenographer  
Fran Siegel, Secretary

Salute to flag.

Executive session has been cancelled – issue has been resolved.

**Appeal # 3742- David Seebag, Lakewood Courtyard**, Madison Avenue & North Lake Drive, Block 76 Lots 5 & 8, R-OP Zone. Preliminary and final major site plan to construct an expansion of the existing assisted living facility.

Continued from the April 4<sup>th</sup> meeting.

Abraham Penzer represented applicant.

Brian Flannery, sworn, engineer/planner.

Mr. Flannery – the expansion 40 new dwelling units consisting of 7 studios, 28 - 1 bedroom apartments, 4- 2 bedroom apartments and 1- 2 bedroom superintendents apartment. Exhibits are as follows:

- A-1, 2 & 3 & 4 Architectural Plans
- A-5 aerial exhibit
- A-6 rendered version of site plan
- A-7 resolution of prior approval
- A-8 plan of original approved
- A-9 existing conditions
- A-10 & A-11 2 rendered version of previous site plans.

Brian Flannery – There is existing 91 units and they are asking for 40 more units for a total of 131 units. Applicant has an approval for 140 units with 54 parking spaces on only the one lot. They are now adding an extra ½ acre and 9 less units and also adding 12 more parking spaces. The approval was in 1996 for an assisted living facility and it is still an assisted living facility. 54 parking spaces were approved with the 140 units.

Mr. Flannery testified that he was at the site numerous time and the most cars he ever saw in the parking lot was 16 but on the average there was 12. There will be housekeeping will be provided in the new portion and the existing personal services are provided in existing and proposed. Congregate care includes meals, transportation, recreation, and nursing care. There are medical personal there if needed. The 40 new units will only be emergent nursing care.

Mr. Penzer - The applicant is restricting both to under 60 years of age.

Mr. Halberstam – what was approved in 1996 and what is currently there and the proposal is the exact same nature of the site.

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Mr. Flannery –that is correct. Meals are included in their rental. Asking for a “D” variance. The assisted living facility is a conditional use in this zone but they do not meet the all the conditions. In 1996 this Zoning Board determined that this is a non-conforming use and this would be an expansion of a non-conforming use. Asking for a height variance also. There were no changes in the UDO that would relate to this proposal. The existing approval is for 54 parking spaces, they are proposing 66 parking spaces. This is an inherently beneficial use. The issue to the neighbors is the traffic on First Street. The plan complies with RSIS. The applicant met with the neighbors to try and to work out a plan to eliminate access on First Street but because they are located on a State Highway they need DOT approval and they would not allow any access on Route 9.

Scott Kennel, traffic engineer, sworn.

Board accepted credentials.

Mr. Liston objected to Mr. Kennel’s credentials as a traffic expert.

Mr. Cherkos – his opinion can testify but the board could take into consideration the weight of the testimony.

Mr. Halberstam polled the board to see if they would accept Mr. Kennel’s credentials. All in favor of accepting credentials.

Mr. Kennel testified that he had meetings with the DOT and many phone conversations. His opinion is that the plan as prepared would be consistent with the State Highway access code. The only access that would be permitted would be a right turn access only.

Mr. Flannery –described access on A-6.

Applicant discussed making North Lake Drive a two way street. The apartment house on North Lake Drive sent a letter to the Township Committee objecting.

Mr. Liston said that if North Lake Drive becomes two way than their objections will go away.

Mr. Flannery – currently Route 9 has an egress and ingress. The addition of the adjacent property gives them access to First Street. The 2 buildings will be sharing facilities. In the existing facility there are units that have emergent nursing care and there are units that have full nursing care and there are units that are licensed by the Department of Health and units that are not licensed by the Department of Health. All the facilities will be shared by all the residents. It will be run as one facility. Reviewed Mr. Vogt’s report. The traffic impact on First Street is not substantial. The existing facility has 34% coverage. They are increasing the coverage to 40%. The building height is a “D” variance, it is 9 feet higher than the ordinance permits.

Recess.

Mr. Flannery – The refuse is private pick-up. There is a recharge trench along the westerly property line. They are proposing a fence along the property line. The parking lot will be lighted all the time. They will satisfy any comments from the engineer. They are providing a fence so that there will be no headlight glare on the other site. They will add landscaping along First Street. This is in the central area of the town and the population is aging and they need a place for the people in the community.

Mr. Liston cross examined Mr. Flannery.

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Mr. Flannery – 80 of the existing units are certified by the state. There are 7 studios, 28-1 bedroom, 4-2 bedroom and 1-2 bedroom superintendant's apartment. They would not qualify to be certified by the state. The dining facility would be shared by all the residents. One dining facility will be use for special events and one for the daily meals. Added kitchen facilities are proposed. Each of the units will have housekeeping services. There are storage areas proposed in the addition and there are storage areas in the existing facility. Transportation services are provided if the residents need a ride to doctors or anything they need. The existing vehicle looks like a small school bus.

Mr. Liston – in his view this application is not for assisted living it is for multi-family units. This is an apartment building.

Mr. Flannery - The lounge is about 660 square feet and the 2 dining areas is about triple that area. The approved site plan showed 54 parking for 140 units that were approved and there were 91 units built. Adding another 40 units and adding another 12 parking spaces. The facility meets the states standards for parking.

Scott Kennel – his firm was retained to do a traffic study and was submitted to the board dated 12/13/2010. They conducted existing traffic conditions on the Courtyard. He testified that within the last few weeks there have been significant improvements. Route 9 has been restriped to provide 2 through lanes in each direction. Left turn lanes were provided at critical intersections.

Mr. Halberstam - As of June 1<sup>st</sup> from 7 a.m. to 7 p.m. you will not be allowed to make a left turn onto Route 9.

Mr. Kennel - The improvements on Route 9 have significantly improved the conditions on First Street because it allows First Street traffic to be processed in a more efficient manner. There is more than adequate parking on site. He had a meeting with NJDOT to discuss the criteria and the design standards and they concurred with the access plan proposed. In December the existing facility was 70% occupied. They have as many as 45 employees, 17-20 on a maximum shift. As per the owner none of the residents owned a vehicle or has a vehicle on site. The current access plan is limited to making a right turn on First Street.

Mr. Penzer – that is his case, no further witnesses.

Mr. Liston asked to hear their architect and the administrator of the facility.

Mr. Penzer – that is his case.

Mr. Halberstam suggested that we set up another date to continue this meeting.

Open to Public.

Aaron Stefansky, affirmed. Owns the apartment building on First & Forest, and the property 2 doors away. Adding 40 units not at assisted living but as apartments and they will have at least one car. The traffic now is horrific on First Street. There are a lot of children on the block and more cars will make the block more dangerous. This is a residential neighborhood. This is not an assisted living this is apartments. The apartments are 800 – 1300 square feet. The block cannot handle it. The courtyard units are 200-500 feet. These are large apartments.

The Board reviewed the floor plans of the units.

Mr. Stefansky - The square footage for nursing home units are smaller. It is designed for people that are able to drive. Most of the people living in the courtyard are 80 years old.

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Mr. Stefansky – There is no room on the street for overflow parking. He does have a parking lot behind his building and there is parking for his tenants.

Mr. Naftali - The testimony is for an assisted living – the opponent is saying that this is not and is regular apartments and they will have cars.

Mr. Cherkos - This is a technical decision that the board will have to make.

Motion to carry until the June 6<sup>th</sup> meeting - Mr. Mund

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Mund, Mr. Naftali, Mr. Zaks, Mr. Ribiat,  
Mr. Gonzalez, Mr. Halberstam

No further notice and applicant agreed to waive time.

Motion to adjourn.

All in favor.

Meeting adjourned at 11:18 P.M.

Respectfully submitted,

Fran Siegel  
Zoning Secretary