

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

MEMBERS PRESENT:

Joseph Maguire
Mark Williams
Richard Koory
Vincent D `Antonio
Walter Fazler
Lynne Gallo
Doug Dillon
Lynne Schill, Alternate II
Georgette Castner, Alternate I

STAFF PRESENT

Anthony Zappasodi, Board Secretary
Peter Thorndike ESQ, Board Attorney
Danielle Gsell, Recording Secretary
Michelle Taylor, P.P, A.I.C.P Board Planner
William Long, P.E., C.M.E, Board Engineer

Absent: None

Mr. Maguire called the meeting to order in the Council Chambers at 7:32pm by reading the Open Public Meetings Act statement. A moment of silence was followed by the Pledge of Allegiance.

Roll call is as listed above.

Mr. Maguire addressed the public present at the meeting informing them the Board would need to go into closed session to discuss employment of the Board Professionals for 2019. A motion was made by Mr. Koory seconded by Mr. Dillon to enter into Closed Session 7:37pm.

- Resolution ZBA#2019-02 - CLOSED SESSION –
Discussion of Personnel and Professional Services for Zoning Board

A motion to adopt Resolution 2019-02 was made by Mr. Koory seconded by Mr. Dillon. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

- ZBA#2019-07 Appointment of Zoning Board Secretary and Alternate
 - RE-OPEN MEETING – And Call to Order
 - Appointment of Zoning Board Attorney-- Resolution 2019-3
A motion to approve Mr. Pete Thorndike as the Board Attorney was made by Mr. Fazler seconded by Mr. Koory. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.
 - Appointment of Zoning Board Engineer—Resolution 2019-4
A motion to approve Alaimo Group as the Board Engineer was made by Mr. Maguire seconded by Mr. Koory. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.
 - Appointment of Zoning Board Planner—Resolution 2019-5
A motion to approve Michelle Taylor from Taylor Design Group as the Board Planner was made by Mr. Koory seconded by Mr. D`Antonio. The roll call vote of eligible Board Members was unanimous in favor. Motion Carried.

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

- **ZBA#2018-32 Lutheran Home at Moorestown Block: 6102 Lots: 15, 16, 18, 19, & 20
255 East Main Street Zone: R-3 Decision Due: January 29, 2019**

Prelim & Final Site Plan, Conditional Use, Bulk Variance, Use Variance & Submission Waiver for additions to existing site

Continued from January 15, 2019 Meeting

Mr. Michael Vitiello, Attorney for the applicant Lutheran Homes, summarized the application for the Board so they had some background on the application and what approvals the applicant would be looking for since the original application was approved in 2013. The attorney also confirmed this application will not increase the current density onsite. There are currently 201 skilled nursing beds in the Lutheran Home that will be brought down to 73 skilled nursing beds. This application will add 42 independent living units in the 3 proposed new structures and 27 independent living units in the existing structure. Mr. Vitiello asked the Board to swear in all the professionals that would be testifying for this application. The following professionals were sworn in and accepted as experts in their field by the Board:

- Ms. Colleen Frankenfield- CEO of Lutheran Social Ministries of NJ
- Mr. Teal Jefferis- Civil Engineer
- Mr. David Danton- Project Architect
- Mr. Nathan Mosley- Traffic Engineer
- Mr. James Kyle- Professional Planner

Ms. Frankenfield provided some background on the currently facility, its charitable organization, and the way they currently operate. The Board asked Ms. Frankenfield why they had been removing some of the beds that are currently in the facility without having the approval to transform the facility into some independent living. She testified to the Board the applicant was looking into the future knowing there was going to be a larger need for some independent living rather than skilled nursing beds. She opined there is an industry trend toward supportive services. Most of the residents that currently occupy the current facility come from within a 10 mile radius as well as 20-65 of the employees are from the Moorestown Area. Having an independent living facility will help offset some of the loss the applicant takes from Medicaid regarding skilled nursing beds. If this plan is approved Ms. Frankenfield testified the only part of the building that would be disrupted during the renovations would be the part that is currently unoccupied. They want to ensure that no residents of the place would be affected by this. There was discussion regarding the 2013 expansion that did not get built. She confirmed currently they have 67 skilled nursing units occupied in the structure.

Mr. Jefferis provided exhibit A-1 (a colored version of overall site plan) to the Board and highlighted some of the key points of the location and layout of the proposed new independent living buildings. The landscaping surrounding the building would still contain the current mature trees as well as additional shrubs and plants to ensure the continued beauty of the area. The existing single family dwellings onsite will be demolished and the 3 new proposed independent living facilities would be built there 1 facing Main St. and 2 facing Zelle Ave. An additional 58 parking spaces will be added to provide enough parking for the new residents including 2 additional ADA parking spaces will be added to meet the parking requirements. The current

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

employee parking lot will be modified to accommodate the new handi-cap spots as well as the additional residential parking. The service area will be modified as well to accommodate the walkways and driveways being added for the residents. The walkways in front of each unit will be ADA accessible with ramps and railings he believed there is a network of new pedestrian connectivity. The exterior lighting will be LED and light the walkways to ensure the safety of the residents but will not be too bright so it will not be negatively affecting the neighbors around the facility. The lights will also be on timers so that they will not be on all night causing the lights to shine into the neighboring homes. He confirmed the density of 11.3 residential units per acre would remain the same.

Since there are 2 areas that require soil remediation the applicant will be removing about 6 inches of the "bad" soil and replacing it with new better soil to comply with the regulations. The current generators will remain untouched if this proposed project is approved since the new buildings will be running independently and do not require any backup generators. Mr. Jefferis also testified regarding the proposed driveways and storm basins and drainage mechanisms. He described the trash enclosures and generator. He discussed certain variances that are being requested. Light level height is needed for safety and front candle spill over only near the sidewalk; the lot coverage variance where 42.3% is proposed and 35% is limit. Front yard setback along both streets; side yard setback along Main St. (seeking to reduce a non-conformity). Parking setback near the railroad and landscaping planting too. He also described the waivers that were requested. He testified on the underground drainage facility in the northern section under the parking lot. He confirmed they were okay with lot consolidation as a potential condition of approval. Mr. Vitiello conformed they would agree to a 30 yr. restriction on the Medicaid beds to comply with the affordable housing requirements.

Mr. Danton provided exhibit A-2 (rendering of proposed building). The elevations and floor plan show the 1st and 2nd floor will have a total of 6 units per floor ranging from 800 sq. ft. to 1200 sq. ft. and 1 to 2 bedrooms and the 3rd floor will have 2 units each having 2 bedrooms for a total of 1300 to 1400 sq. ft. Mr. Danton testified each of the 3 buildings would have 14 units for a total of 42 units for the entire facility and that the trash for each building would be held in the building and then taken to the dumpster by one of the employees. Each unit will have a full kitchen since the applicant will only be offering a one a day meal program for the residents of the independent living. The interior of the units will be much like fine apartment living and will be accommodating to the needs of the residents. He then provided Exhibit A-3 (rendering of structure with view from Main St.) showed the outside of each of the building and the siding that would be used to complete the sleek look of the buildings. The porches in the buildings will be large so the residents will be able to sit out there with their families and enjoy the outdoors without worrying about not having enough room. Mr. Danton stated the new structure will have the appearance of 1 ½ to 2 ½ story single family dwelling. It's proposed to be in keeping with the neighborhood and there are amenities like a chapel, café, theatre, and auditorium in existing facility. He stated people need and want a more affordable option in the area. He confirmed the new structure would be 135' wide. He provided exhibit A-4 (rendering of structure from Zelle Ave) and discussed the architectural features. He stated that the applicant was open to any color that is supported by the ZBA, so they were flexible on color. He then provided A-5 (a "materials" board) that showed the

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

proposed fence style, siding, mounted lights, and railings. He confirmed the desire was warm lights.

Mr. Thorndike asked Mr. Vitiello if the applicant would comply with all the requirements in the letters from the professionals dated January 16, 2019. Mr. Vitiello testified his client would be willing to comply with all the recommendations and requirements brought forth in those letters if that would be what the Board wanted to approve the application.

Mr. Nathan Mosley compared the current traffic to the future traffic pattern showing there would be minimal impact upon the traffic since most of the residents that will be using the facility would either not be driving or would be utilizing the shuttle service the Lutheran Home would be providing. Also he opined that since the staff will not be increasing there will be no additional incoming or outgoing staff members impacting the numbers. The traffic patterns and timing all comply with the site plans and requirements from the Township. He believed there would be less traffic because of the overall reductions in skilled nursing beds. He commented on the trip generations and AM and PM peak flow times. He testified he doesn't anticipate spillover parking into the residential streets. He stated there were no sight line triangle issues except near the railroad. He opined it was safe for pedestrians after some Board questioning, he stated Zelley may see a slight increase in traffic. The Board considered a restriction for no employee parking on Zelley Ave.

Mr. James Kyle went over the positive and negative criteria associated with this application and how the new buildings would be impacting the surrounding area. Some of the positive criteria mentioned was Lutheran Homes is looking into the future and trying to build up for those increasing needs of independent living. This application if approved will provide options for those living in the area and that need a mid-market option for assistant living. The negative criteria Mr. Kyle provided was there needs to be a set-back buffer to accommodate the large porches they are asking to put on the new buildings to provide a nicer seating area for those occupying the homes. The memory garden currently in place cannot be touched or moved therefore the setbacks and other options are limited. Mr. Kyle also believes the LED lighting placed around the new areas will not have a substantial impact to the neighbors since the lights will be on timers as well as only bright enough to light the sidewalks and walkways for the residents. He stated generally that this application was basically a reorganization of the site to respond to the market and demands of the continuing care facilities. He stated that it is literally an inherently beneficial use like a hospital or child care facility. He again confirmed they were not eclipsing the previously approved density. He discussed the conditional use variance and standards to be applied along with how this site has continued suitability for the use. He opined it was in the interests of public welfare to care the 88 million people in the baby boomer generation. He discussed the Twp. population and demographics and how the proposed buildings breakdown the institutional feel of the site while blending in a more residential character in keeping with the neighborhood. He discussed the practical limitations of the site and opined in the lot coverage would have an insignificant impact. He highlighted the row of evergreen trees and the buffer mitigation. He opined there is no glare or noise out into the existing neighborhood. He believes the site has better scale now because of the smaller buildings. Mr. Long also discussed lining up the driveway near the railroad and the need to demonstrate mitigation for the expansion of existing basin and that is was an existing conditions if

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

any water piped out to Zelley Ave. He said it drains to existing basin then parking lot, then to a swale, but the new drainage is captured onsite.

BOARD COMMENTS/QUESTIONS:

Ms. Michelle Taylor from Taylor Design Group asked if the applicant would be willing to increase the size of the porches (10X20) to accommodate the large buildings being built. The applicant agreed to increase the porch size to meet the recommendation from Taylor Design Group. She stated that she worked longtime with applicant on the difference of beds vs. units.

Mr. William Long from Alaimo Group spoke to the recommendation to widen the driveway and redoing it to work with the offset of the driveway on Zelley due to the train tracks being in the way and the applicant not being able to move them out of the way. He confirmed the applicant did not use site specific traffic data rather they used data from national manuals. He thought it was no significant impact on traffic on 3rd St.

PUBLIC COMMENTS/QUESTIONS:

Mr. Maguire stated to the public present due to time restraints, there is a need to come back to the public comments/questions portion at the next scheduled meeting date of 2/19/19 no new notice required from the applicant. He confirmed no new notice was required and Attorney Vitiello agreed to an extension for time of decision from the Board.

- With no further business to discuss, Mr. Koory made a motion, seconded by Mr. Fazler to adjourn the meeting. The voice vote was unanimous in favor. The meeting was adjourned at 11:03pm

**MOORESTOWN TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING
January 29, 2019**

ZONING BOARD CLOSED SESSION
1/29/2019

Mr. Zappasodi informed the Board he had reviewed all RFP's presented to them from the Professionals and that he certified that all the proposals were compliant and none were disqualified he thinks all possible candidates were satisfactory to the Board's needs. The Board discussed the position of Board Secretary first. They discussed both Mr. Zappasodi and Mr. Peter Clifford and the logistics within Community Development Department.

The Board then discussed position of Board Solicitor. Mr. Zappasodi reviewed the proposed rates. There was group discussion and overwhelming support for Mr. Thorndike to be retained.

The Board deliberated on the Board Planner position and reviewed the proposals Mr. Zappasodi went over the rates. Group discussion ensued with the most support in favor of Michelle Taylor from Taylor Design Group.

The Board deliberated on the Landscape Architect proposals, Mr. Zappasodi reviewed the rates. There was group discussion and overwhelming support for Amy Cieslewicz from Taylor Design Group to be retained.

Lastly the Board deliberated on the Engineer. Mr. Zappasodi reviewed the rates. There was lengthy discussion with mixed feelings/ comments. Various members spoke for or against particular engineers. Ultimately consensus supported Mr. William Long from Alaimo Group to retain position for 2019.

A motion to end the closed session and return to open session was made by Mr. D'Antonio seconded by Mr. Fazler. The roll call of eligible Board members was unanimous in favor. Motion Carried.

Ended at 8:08pm